

CALIFORNIA COASTAL COMMISSION

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October 24, 1996

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHUCK DAMM, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO DISTRICT OFFICE
LEE MCEACHERN, COASTAL PLANNER, SAN DIEGO DISTRICT OFFICE
ELLEN LIRLEY, COASTAL PLANNER, SAN DIEGO DISTRICT OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 2-96 (Del Mar Mesa/Carmel Valley Neighborhood 10/Regulatory Relief) TO THE CITY OF SAN DIEGO LOCAL COASTAL PROGRAM (For public hearing and possible final action at the Coastal Commission Hearing of November 12-15, 1996)

SYNOPSISSUMMARY OF AMENDMENT REQUEST

The Commission is acting on a request to amend the certified City of San Diego Local Coastal Program (LCP) Land Use Plan to incorporate the Del Mar Mesa Specific Plan for North City Future Urbanizing Area - Subarea V, with associated amendments to the certified North City Future Urbanizing Area Framework Plan, and to revise the previously-certified Carmel Valley Neighborhood 10 Precise Plan. Both of these areas are within the North City LCP segment. Also, the proposal would amend the Implementing Ordinances relative to special permit procedures for grading in hillside review areas; determination of legal lots; non-conforming uses; changes to various ordinances relative to categorical exclusions for single-family development; and changes to the A1 Zones, the Planned Residential Ordinance and the Resource Protection Ordinance to incorporate criteria relative to the Del Mar Mesa Specific Plan.)

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval as submitted of the Carmel Valley Neighborhood 10 Precise Plan and the amendments to the North City Future Urbanizing Area Framework Plan. The Del Mar Mesa Specific Plan is recommended for denial as submitted, then approval with suggested modifications. The Implementation Plan amendments addressing the Subdivision Ordinance, Municipal Code Definitions, the General Regulations Ordinance, the A-1 Zones and the Planned Residential Development Ordinance are recommended for approval, as submitted. Those addressing the Grading Review Permits Ordinance, R-1 Zone

Regulations, the Resource Protections Ordinance and the Coastal Development Permits Ordinance are recommended to be rejected as submitted; suggested modifications are included for the R-1 Zone Regulations and the Coastal Development Permits Ordinance.

The appropriate resolutions and motions begin on page 4. The suggested modifications begin on page 8. The findings for denial of the Land Use Plan Amendment as submitted begin on page 13. The findings for approval of the plan, if modified, begin on page 19. The findings for denial of the Implementation Plan Amendment as submitted begin on page 1. The findings for approval of the plan, if modified, begin on page *.

BACKGROUND

The City of San Diego Local Coastal Program (LCP) was segmented into twelve geographic areas, corresponding to community plan boundaries, with separate land use plans submitted and certified (or certified with suggested modifications) for each segment except Mission Bay. The Implementing Ordinances were submitted and certified with suggested modifications, first in March of 1984, and again in January of 1988. Subsequent to the 1988 action on the implementation plan, the City of San Diego incorporated the suggested modifications and assumed permit authority for the majority of its coastal zone on October 17, 1988. Isolated areas of deferred certification remain, and will be submitted for Commission certification once local planning is complete. There have been several amendments processed to the certified LCP; these are discussed further under LCP History in the report.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment #2-96 may be obtained from Lee McEachern (special permits, non-conforming uses, legal lots and categorical exclusions) and Ellen Lirley (Carmel Valley Neighborhood 10 Precise Plan and Del Mar Mesa Specific Plan), Coastal Planners at (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments; all of the segments are presently certified, in whole or part, with the exception of Mission Bay. The earliest land use plan (LUP) approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority in October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remain; these are completing planning at a local level and will be acted upon by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been seventeen major amendments and seven minor amendments processed for it. These have included everything from land use revisions in several segments and the rezoning of single properties, to modifications of city-wide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed, at least 35 land use plan revisions and 89 ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on specific amendment requests.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- A. RESOLUTION I (Resolution to approve certification of the Carmel Valley Neighborhood 10 Precise Plan Land Use Plan Amendment and the North City Future Urbanizing Area Framework Plan, as submitted)

MOTION I

I move that the Commission certify the Carmel Valley Neighborhood 10 Precise Plan and the North City Future Urbanizing Area Framework Plan amendments, as submitted.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby approves certification of the amendment request to the Carmel Valley Neighborhood 10 Precise Plan and the North City Future Urbanizing Area Framework Plan, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent

necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan as amended will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment meets the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II (Resolution to deny certification of the Del Mar Mesa Specific Plan Land Use Plan Amendment, as submitted)

MOTION II

I move that the Commission certify the Del Mar Mesa Specific Plan, as submitted.

Staff Recommendation

Staff recommends a NO vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution II

The Commission hereby denies certification of the amendment request to the Del Mar Mesa Specific Plan, and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will not be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act; as there would be feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- C. RESOLUTION III (Resolution to approve certification of the Del Mar Mesa Specific Plan Land Use Plan Amendment, if modified)

MOTION III

I move that the Commission certify the Del Mar Mesa Specific Plan, if it is modified in conformance with the suggestions set forth in this staff report.

Staff Recommendation

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution III

The Commission hereby certifies the amendment request to the Del Mar Mesa Specific Plan, if modified, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act; as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- D. RESOLUTION IV (Resolution to approve certification of portions of the City of San Diego Implementation Plan Amendment #2-96, as submitted)

MOTION IV

I move that the Commission reject the proposed revisions to the Subdivision Ordinance, Municipal Code Definitions, the General Regulations Ordinance, the A-1 Zones and the Planned Residential Development Ordinance.

Staff Recommendation

Staff recommends a **NO** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution IV

The Commission hereby approves certification of the amendment to the Implementation Plan of the City of San Diego LCP on the grounds that the amendment conforms with, and is adequate to carry out, the provisions of the

certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- E. RESOLUTION V (Resolution to reject certification of portions of the City of San Diego Implementation Plan Amendment #2-96, as submitted)

MOTION V

I move that the Commission reject the proposed revisions to the City of San Diego Implementation Plan relative to the Grading Review Permits Ordinance, R-1 Zone Regulations, Resource Protection Ordinance and Coastal Development Permits Ordinance.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution V

The Commission hereby rejects the amendment to the Implementation Plan of the City of San Diego LCP on the grounds that it does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- F. RESOLUTION VI (Resolution to approve certification of portions of the City of San Diego Implementation Plan Amendment #2-96 pertaining to the R-1 Zone Regulations, and Coastal Development Permits Ordinance, if modified).

MOTION VI

I move that the Commission approve the proposed revisions to the City of San Diego Implementation Plan, if modified in conformity with the suggested modifications set forth in this report.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution VI

The Commission hereby approves certification of the amendment request to the Implementation Plan of the City of San Diego LCP, based on the modifications and findings set forth below, on the grounds that it conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of the Implementation Plan would have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

A. Land Use Plan Modifications (Del Mar Mesa Specific Plan).

1. On Page 23 of the Specific Plan, the first paragraph of 5. MSCP Preserve Boundary and Criteria for Adjustment shall be modified as follows:

For more specific definition of the Subarea V open space boundary and proposed MSCP Preserve boundary, refer to the 400-scale map adopted as Exhibit A. It is anticipated that federal and state authorities will authorize the City to make minor adjustments to the proposed MSCP Preserve Boundary with subsequent tentative map approvals or other discretionary permit approvals without the need to amend the Del Mar Mesa Specific Plan. The criteria for making these adjustments is proposed to be based on whether the resulting change maintains a preserve area that is equivalent in biological value to the original configuration or is of higher biological value. Within the Coastal Zone, any such boundary adjustments will require an amendment to the certified Local Coastal Program, as a modification to the boundaries delineated on Figure 7 of the Del Mar Mesa Specific Plan.

2. On Page 38 of the Specific Plan, the first full paragraph (under 10. Drainage, beginning on the preceding page) shall be modified as follows:

Portions of the project fall within the Coastal Commission jurisdiction boundaries, and as such, proposed drainage solutions would need to meet the criteria identified by the Coastal Commission to prevent siltation and increased run-off from impacting the Penasquitos Lagoon. The North City Local Coastal Program - Land Use Plan, as amended, remains in full force and effect. Should any policies in the Del Mar Mesa Specific Plan conflict with the previously adopted LCP Land Use Plan, the North City LCP Land Use Plan shall take precedence.

3. On Page 57 of the Specific Plan, the second and third paragraphs under E. Coastal Element shall be modified as follows:

The Del Mar Mesa Specific Plan, in addition to the Framework Plan, constitutes the land use plan segment for Subarea V within the City's LCP. This plan is intended to implement the Framework Plan and the North City LCP. However, within the coastal zone, the North City Local Coastal Program - Land Use Plan, as amended, remains in full force and effect. Should any policies in the Del Mar Mesa Specific Plan conflict with the previously adopted LCP Land Use Plan, the North City LCP Land Use Plan shall take precedence. Individual properties within the plan area shall develop through the Planned Residential Development (PRD) process. Appropriate individual site densities will be calculated at the time of PRD review, under the parameters of the PRD Ordinance, such that all streets shall be deleted before density is calculated under the applicable land use densities as shown on Figure 5 of the plan. Thus, the site-specific density calculations may result in fewer than 685 dwelling units being approved in the area governed by the Del Mar Mesa Specific Plan.

Both the Del Mar Mesa Specific Plan, and plan amendments and ordinances necessary to implement the specific plan require certification by the California Coastal Commission in order to become effective in the Coastal Zone areas. Upon certification of the Del Mar Mesa Specific Plan by the Coastal Commission, and after the City Council accepts any revisions to the plan requested by the Commission and formally requests a transfer of permit authority, the City shall may assume coastal permit authority for Coastal Zone areas within Subarea V.

4. On Page 61 of the plan, Figure 23 identified as Proposed Zoning, shall be modified by the addition of the following notation:

For properties within the coastal zone, the Proposed Zoning delineated is not effective until and unless said proposed zones and delineated boundaries have been approved by the Coastal Commission as an amendment to the City of San Diego Local Coastal Program.

5. Beginning on Page 66 of the plan, under 10. Site-Specific Development Regulations, the following bulleted item shall be added to subsections a., b., c., d. and f.:

- For properties, or portions of properties, within the coastal zone, the North City Local Coastal Program - Land Use Plan, as amended, remains in full force and effect. Should any policies in the Del Mar Mesa Specific Plan conflict with the previously adopted LCP Land Use Plan, the North City LCP Land Use Plan shall take precedence.

6. On Page 77 of the plan, and as previously modified on Page 23 of the Del Mar Mesa Specific Plan Final Draft - Errata Sheet, the first paragraph under F. SUPPLEMENTAL REGULATIONS FOR RESOURCE MANAGEMENT shall be modified as follows:

The Del Mar Mesa Specific Plan supersedes where inconsistent and otherwise supplements the existing Resource Protection Ordinance by providing the following Supplemental Regulations for Resource Management. These regulations are intended to be consistent with the negotiated draft MSCP Preserve boundaries and the ESL regulations currently being proposed to replace the Resource Protection Ordinance in furtherance of implementing the proposed MSCP Program. If the proposed ESL regulations are adopted by the City and the RPO Ordinance is repealed, the ESL Regulations shall be applicable, except that in any instance where the ESL Regulations directly conflict with the Del Mar Mesa Specific Plan or these Supplemental Regulations for Resource Management, the Del Mar Mesa Specific Plan and the Supplemental Regulations for Resource Management shall control. Environmental Impact Report No. 95-0353 prepared for the Del Mar Mesa Specific Plan analyzed those resource regulations specified in the specific plan. For properties, or portions of properties, within the coastal zone, the North City Local Coastal Program - Land Use Plan, as amended, remains in full force and effect and the Resource Protection Ordinance is not applicable. Should any policies in the Del Mar Mesa Specific Plan, including those of the Supplemental Regulations for Resource Management, conflict with the previously adopted LCP Land Use Plan, the North City LCP Land Use Plan shall take precedence.

B. IMPLEMENTATION PLAN MODIFICATIONS.

7. Section 62.0106 titled, Grading Review Permits, has not been incorporated into the City of San Diego's LCP and the entire ordinance is not presented to the Commission in this amendment. Therefore, it needs to be rejected in its entirety as follows:

~~(a) All grading work that requires a grading permit, shall require a grading review permit in addition to and before a grading permit may be approved or denied, except for the following types of work:~~

~~1. and 2.~~

~~3. All grading work that is listed in Section 62.0106 (a)(3) and is determined by the Permit Issuing Authority to be minor:~~

~~a) through e)~~

~~f) grading involving less than 1,000 cubic yards of grading unless located within the non-appealable area of the Coastal Zone;~~

~~g)~~

~~(b) and (e)~~

8. Subsection G of Section 101.0407 titled, R-1 Zones, shall be revised as follows:

G. COASTAL ZONE REGULATIONS

The following regulations shall be supplementary to, and if there is a conflict, shall supersede, the regulations set forth or referenced in Section 101.0407 (A) through (F). These regulations shall apply to those areas of the Coastal Zone identified as categorically excluded from the requirements of a coastal development permit in Sections 105.0204 (F) (1) (a) and 105.0204 (F) (2) (a) of the Municipal Code and not within a planned district.

[...]

~~5. Yard Encroachments:~~

~~No building feature may project into the required front or street side yards within view corridors designated by the adopted Community Plan.~~

9. Section 101.0462 titled, Resource Protection Ordinance, has not been incorporated into the City of San Diego's LCP and the entire ordinance is not presented to the Commission in this amendment. Therefore, it needs to be rejected in its entirety; please see attached Exhibit 13.

10. Under the Coastal Development Permits Ordinance, Section 105.0204 titled, Exemptions, shall be revised as follows:

For the following types of development, no coastal development permit shall be required:

A. Improvements to an existing structure or structures; provided, however, that such improvements do not involve any of the following:

1. Improvements to any structure which involves the removal and/or replacement of more than fifty percent (50%) (in linear feet) of the existing exterior walls of the principal habitable floor.

2. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within (50) feet of a coastal bluff edge.

[...]

F. Categorically Excluded Development pursuant to a Coastal Commission approved Categorical Exclusion Order.

~~1. The following types of development are categorically excluded from the requirements of a Coastal Development Permit provided the development is located within~~

~~the California Coastal Commission non-appealable jurisdiction, is not located within the Sensitive Coastal Resource Overlay Zone, and complies with all the beach impact regulations of the zone:~~

~~a. Single family residential development, and demolition of structures, on land zoned R1-6000 in the Torrey Pines Community Plan area as shown on Map No. C-866, on file in the office of the City Clerk as Document No. 001-18053; on land zoned R1-5000, R1-8000 and the La Jolla Shores Planned District Zones SF, Tracts A, D, E, F, as shown on Map No. C-867, on file in the office of the City Clerk as Document No. 00-18169-1.~~

~~b. Multi-family residential development, and demolition of structures, on land zoned RV, R-1000, R-1500 and R-3000 and in La Jolla Shores Planned District Zone MF2 as shown on Map Nos. C-859 and C-867.1, on file in the office of the City Clerk as Document Nos. 00-18056 and 00-18169-2.~~

~~c. Commercial development, and demolition of structures, on land zoned C-1, CA, CV, RV, CC, CO and CN and in La Jolla Shores Planned District Zone V and in La Jolla Planned District Zones 1 through 6, as shown on Map Nos. C-859 and C-867.1, on file in the office of the City Clerk as Document Nos. 00-18056 and 00-18169-2.~~

~~d. Industrial development, and demolition of structures on land zoned M-SI as shown on Map No. C-859, on file in the office of the City Clerk as Document No. 00-18056.~~

~~2. The following types of Coastal Development are categorically excluded from the requirements of a Coastal Development Permit except as otherwise provided in section 105.204 (f) (1):~~

~~a. Development of a single family residence in a single family zone in the non-appealable area of the Coastal Zone, except in the La Jolla and Torrey Pines Community Plan areas.~~

~~b. Demolition, in whole or in part, of a building or structure within the Coastal Zone, except in the La Jolla and Torrey Pines Community Plan areas.~~

~~3. For development in the Torrey Pines Community Plan area shown on Map No. C-866, applicants for single family residential development permits within the categorical exclusion area, which otherwise qualify for categorical exclusion, shall send, at the applicant's expense, a notice of proposed development to owners of properties within 300 feet of the proposed project and to the applicable community planning group. The notice shall be sent on or before an application is filed with the City for any permit.~~

4. ~~For development in the La Jolla Community Plan area exempted under Section 105.0204 (F) (1) (a), (b), or (c) the City shall send, at the applicant's expense, a notice of application to the owners of record of all parcels within 300 feet of the proposed project and to the Community Planning Association.~~

PART IV. FINDINGS FOR APPROVAL OF CERTIFICATION OF THE CARMEL VALLEY NEIGHBORHOOD 10 PRECISE PLAN AND NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN LAND USE PLAN AMENDMENTS, AS SUBMITTED

A. AMENDMENT DESCRIPTION

1. Carmel Valley Neighborhood 10 Precise Plan

The City of San Diego is proposing a number of modifications to its previously-certified land use plan for Neighborhood 10 of the Carmel Valley community, which is a subsection of the North City LCP segment. The Carmel Valley community is located about 20 miles north of downtown San Diego, but is within the overall city limits. It is east of Interstate 5 and south of State Route 56, and includes portions of the canyons and mesas between Los Penasquitos Canyon Preserve and Carmel Valley. The Neighborhood 10 Precise Plan includes approximately 806 acres of land, but only approximately 62 acres, located along the southern boundary, are within the coastal zone. The proposed amendment would redesignate some of the land uses in Area 9 of the community, add one new exhibit and change a number of existing tables and figures of the certified plan. The amendment would also make several changes in the text of the planning document as well. With only two exceptions, all of these changes, including the Area 9 land use redesignations, occur outside the coastal zone.

The Commission acknowledges all of these changes to the Precise Plan, which was incorporated into the certified LCP as a whole, but only analyzes those changes within the coastal zone for consistency with Coastal Act policies. One change proposes to replace the second sentence of the second paragraph on Page 100 of the certified Precise Plan. The existing, certified language states: "A RPO Permit shall be issued for all subsequent development proposals which demonstrate consistency with this Precise Plan." The proposed new sentence reads: "A RPO Permit or a permit pursuant to any ordinance which supersedes RPO shall be issued for all subsequent development proposals which demonstrate consistency with this Precise Plan." (emphasis added). The other coastal zone change is to Figure 16A (Alternative Transportation Facilities); it changes the written description of a trail (in the same alignment as certified) from "Equestrian/Pedestrian Trail" to "Existing Natural Trail."

2. North City Future Urbanizing Area (FUA) Framework Plan

The Commission certified the North City FUA Framework Plan in 1993, with a number of suggested modifications. The plan was intended to be conceptual only, with a requirement that subarea plans be drafted for each of the five subareas shown in the plan. The subarea plans were intended to contain the level of detail necessary to be certified by the Coastal Commission as the LCP land use plans for this part of the City of San Diego. The entire FUA is currently in agricultural "holding zones" until more detailed planning is completed. These A-1 Zones allow minimal residential development (such as one dwelling per 10 acres in the A-1-10 Zone) and other uses typically associated with agriculture or open space. It was expected that each subarea would propose to develop at increased densities, which under the requirements of Proposition A, a growth control measure approved by the voters in 1985, would require approval of the electorate prior to implementation.

The City ultimately decided to prepare a specific plan for Subarea V (Del Mar Mesa), retaining the existing zoning, such that voter approval is not required. However, the development is to be clustered in the western portions of the subarea, with the eastern area preserved in open space. The Del Mar Mesa Specific Plan has been submitted for Commission approval and is addressed in this report. The proposed amendments to the North City FUA Framework Plan just incorporate the concept of a specific plan at existing densities for this particular subarea. The amendments allow clustering options in this subarea only which result in densities exceeding those normally allowed and provide the parameters for such options. The Framework Plan amendments also provide that other subareas may also utilize this approach, but would need to amend the plan to do so. The subject requested Framework Plan amendments are intended to make the existing Framework Plan and proposed Del Mar Mesa Specific Plan consistent.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan conforms with Chapter 3 of the Coastal Act and the goals of the state for the coastal zone.

C. CONFORMITY WITH CHAPTER 3

1. Carmel Valley Neighborhood 10 Precise Plan

The Commission certified the Neighborhood 10 Precise Plan in February, 1995 with suggested modifications addressing public access and the protection of biological and visual resources. The City accepted the suggested modifications and the plan became effectively certified in June, 1995. In this particular amendment request, the changes within the coastal zone are narrative changes to the planning document only, and, because they do not modify the types or locations of land uses, or the development criteria applied thereto, they do not result in any impacts on coastal resources.

The amendment changing the designation of a delineated trail from an "Equestrian/Pedestrian Trail" to an "Existing Natural Trail" in Figure 16A of the plan does not change the trail's alignment or function. The one trail heading southeast through the community into Los Penasquitos Canyon Preserve, as shown in Figure 16A is the only trail with any portion of its alignment in the coastal zone. The original plan identified this as an equestrian trail only; through a suggested modification, the Commission required that the term "pedestrian" be added to the identification, to assure the trail provided the maximum public access into the Preserve, a public open space system. In the subject amendment, the City proposes to identify all trails as "existing natural trails" and not distinguish between equestrian and pedestrian uses, but allow both uses in the subject coastal zone trail location. Thus, with the proposed amendment, the Carmel Valley Neighborhood 10 Precise Plan remains consistent with Section 30210 of the Coastal Act, which requires the provision of maximum access and recreational opportunities.

The other proposed amendment that applies to the plan as a whole, and thus could apply in the coastal zone, addresses the Resource Protection Ordinance (RPO). The RPO provides development criteria for proposals in, or adjacent to, steep slopes, wetlands, environmentally sensitive habitats and floodplains; this ordinance is not part of the City's certified implementation plan. It had been the City's original intent to only apply the RPO to areas outside the coastal zone, as an added level of discretionary review in those locations, and to incorporate outside of the coastal zone a similar level of protections as are provided

within the coastal zone by the Hillside Review (HR) and Sensitive Coastal Resource (SCR) Overlays. Within the coastal zone, coastal development permits provided an equivalent level of review, and are described as alternative compliance within the RPO. Existing language in the certified Neighborhood 10 document provides that an RPO permit shall be issued for all future developments demonstrating consistency with the plan. The changed language would provide that not only an RPO permit, but a permit issued pursuant to any ordinance superseding the RPO, would be approved for developments consistent with the Neighborhood 10 plan.

When the Commission first reviewed the Neighborhood 10 Precise Plan, it found the plan, as submitted, inconsistent with Chapter 3 policies due to the plan's total reliance on the uncertified RPO to address steep slope issues. The concerns were (1) that the RPO is generally not applicable within the coastal zone, (2) the RPO is not part of the certified LCP implementation plan, and (3) the RPO does not include all the specific provisions of the Hillside Review (HR) Overlay, which is part of the certified LCP and protects biological, visual and geological resources on slopes of 25% or greater gradient. The HR Overlay is based on city-wide mapping and is applied both within and without the coastal zone, but was not included as an implementation tool for the Neighborhood 10 plan. Instead the City chose the RPO as an appropriate implementing mechanism. Ultimately, the Commission approved Neighborhood 10 with a suggested modification incorporating the provisions of HR into the plan. With that, and other, suggested modifications, the Commission found the Carmel Valley Neighborhood 10 Specific Plan consistent with Sections 30240, 30251 and 30253 of the Coastal Act, which address biological, visual and geological resources respectively.

The City is currently reviewing and updating its entire municipal code with respect to planning and zoning provisions, including a redrafting of the RPO. The proposed amendment is intended to allow any future successor ordinance to the RPO to be applicable in this community. Of late, the City has been applying the RPO within the coastal zone, along with any other applicable discretionary reviews (such as HR or SCR). However, since hillside development within the coastal zone must be consistent with the parameters of HR, in addition to, if not instead of, the RPO, the proposed language will not adversely impact coastal resources. This conclusion is based on the fact that HR, in conjunction with coastal development permit review, is what affords the most significant level of resource protection, and, because of the Commission's prior approval, is fully applicable within Neighborhood 10. Thus, it is irrelevant what other discretionary reviews the City may apply, now or in the future, since the required protections remain in place for all projects in the coastal zone. Therefore, the Commission finds the proposed LCP amendment allowing issuance of permits pursuant to either the RPO or a future ordinance superseding the RPO for future development in Neighborhood 10 consistent with the cited Chapter 3 policies of the Act.

2. North City Future Urbanizing Area (FUA) Framework Plan

The Framework Plan as a whole has been found consistent with Chapter 3 of the Coastal Act in prior Commissions actions, which included the adoption of several suggested

modifications. The currently-proposed amendments do not modify or remove any certified goals or policies, but only add new language addressing a specific plan for Subarea V. They provide criteria that must be followed in preparing such a plan, and an explanation of how said plan can be found consistent with the voter-approved Proposition A, which limited development in the FUA to the densities permitted under the zoning in place in August, 1984. Other proposed amendments address financing of school facilities in the Del Mar Mesa Specific Plan area (Subarea V) and incorporate the affordable housing policies of that plan. As amended in the proposed manner, the Commission finds that the Framework Plan remains fully consistent with Chapter 3 of the Coastal Act.

PART V. FINDINGS FOR DENIAL OF CERTIFICATION OF THE DEL MAR MESA SPECIFIC PLAN LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The City has submitted the Del Mar Mesa Specific Plan as its land use plan component for Subarea V of the North City FUA. The FUA identifies the City's northern urban reserve, and is intended to hold development at minimal levels (agricultural and open space uses primarily) until the planned urbanizing areas of the City were built out. The previously certified North City FUA Framework Plan was a conceptual outline of how development patterns in the FUA were expected to occur in the future. The Framework Plan required that a subarea plan be prepared for each of the five delineated subareas as the next step in the land use planning process. The subarea plans were expected to form the LCP Land Use Plan document for the FUA, and were required to be prepared prior to the anticipated "phase shift" from future urbanizing to planned urbanizing.

In 1985, the voters approved Proposition A, a growth management initiative, which provided that densities could not be increased over those existing in August, 1984 without a subsequent public vote. In 1985, the City withdrew an LCP amendment request to allow a phase shift to occur prior to the completion of subarea planning, after the measure was defeated at the polls. Since that time, the City has been developing a plan for Subarea V utilizing existing zoning/land use regulations, such that a phase shift, and corresponding voter approval, is not required. This subarea is perhaps the one most appropriate for this approach, since so much of the subarea is within the proposed Multiple Species Conservation Plan (MSCP) area, and is intended to be retained as open space for wildlife habitat. The MSCP is the program being developed by the City of San Diego in response the Natural Communities Conservation Plan legislation passed by the State, requiring habitat preservation to be addressed in a comprehensive manner. It is intended to establish a permanent preserve (or series of preserves) protecting the highest quality habitat and needed wildlife linkages; concurrently, individual properties outside the preserve boundaries would be able to develop with fewer restrictions.

The entire subarea consists of 2,042 acres, with 355 acres located within the coastal zone. The coastal zone acreage is divided between a 182.5 acre area along the northern portion of

the planning area and a 172.5 acre area in the southern portion. All of the southern coastal zone acreage is designated as "Resource-based Open Space," with the exception of approximately 1,525 linear feet of right-of-way for the future construction of Carmel Mountain Road. In the northern coastal zone strip, 39.6 acres are designated for "Estate Residential Development, with the remainder designated for "Open Space."

Planning for the Del Mar Mesa has been conducted in conjunction with planning for the MSCP as a whole, with significant portions of the planning area, both inside and outside the coastal zone, within the delineated boundaries of the conceptual MSCP preserve system. Thus, the plan is proposing to cluster nearly all development outside of the delineated preserve boundaries, primarily in the western portion of the planning area. Existing zoning in the Del Mar Mesa area is either A-1-1, which allows one dwelling unit per acre, or A-1-10, which allows one dwelling unit per ten acres by right, with an option to cluster development at up to one dwelling unit per four acres, under a discretionary approval from the City. This "clustering" option is regulated by the Planned Residential Development Ordinance and City Council policies; when this option is utilized, all future development rights on a property are forfeited.

In the subject land use plan, clustered development at the one dwelling unit per four acres is proposed, calculated over the entire planning area as a whole, with the exception of the A-1-1 areas, which will retain their existing density of one dwelling unit (du) per acre. Thus calculated, and including both A-1-1 and A-1-10 lands, the planning area can accommodate a maximum of 685 dwelling units. These are proposed to be clustered at a higher density than 1du/4 acres on some sites, while concurrently retaining only the underlying 1du/10 acres on sites in the designated open space areas, removing the option for future clustering on those properties. Thus, the Estate Residential areas zoned A-1-10 will be allocated 1 du/2.5 acres. This is necessary since the clustering includes sixty different property owners/properties, rather than a single site as is generally reviewed for clustered development. The properties will be developed by different persons at different times, but each development proposal will require a Planned Residential Development Permit and it is the City's intent to review development under the Resource Protection Ordinance as well. For this reason, the City is concurrently proposing revisions to the affected ordinances, to make them consistent with the proposed Del Mar Mesa Specific Plan.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act. Section 30001.5 of the Act is cited above in this report. The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to the Del Mar Mesa Specific Plan.

C. NONCONFORMITY OF THE DEL MAR MESA SPECIFIC PLAN WITH
CHAPTER 3

Chapter 3 policies most applicable to the proposed land use plan are Sections 30233, 30240, 30251 and 30253. These policies address development in and adjacent to wetlands, in and adjacent to environmentally sensitive lands, in areas of high scenic value and in hazardous areas. They place various restrictions on developments so located, and provide for the protection and enhancement of existing resources.

Because of the manner in which the Del Mar Mesa Specific Plan has been drafted, the plan assumes a significant amount of adverse impact on resources within the areas identified for development, with minimal disturbance in the areas designated for open space. Because this is a land use plan, rather than a development proposal, exact impacts of future development are unknown at this time. Moreover, the mapping included in the specific plan is at a much grosser scale than that which will be done on a site-by-site basis, contributing to the current uncertainty over potential future impacts. Thus, individual proposals will be required to undergo CEQA review prior to approval, and the City proposes to apply the provisions of the Resource Protection Ordinance (RPO) to future development as well. However, to promote the concept of relegating nearly all development to a relatively compact portion of the overall planning area, the specific plan does not anticipate limiting steep slope encroachments by applying the Hillside Review (HR) Overlay Zone, and has applied the sensitive vegetation restrictions of RPO on an area-wide, rather than site-by-site basis. The RPO includes many exemptions and lesser development standards than the HR Ordinance, and is thus less protective of coastal resources, and is not part of the certified LCP.

The Del Mar Mesa Specific Plan includes a Coastal Element, which briefly describes the Coastal Commission's role in certifying the plan and the correlating ordinance amendments necessary for implementation. The Coastal Element states that the coastal zone portions of Subarea V "are governed by the North City Local Coastal Program (LCP)" but does not explain what this means, or how/whether the specific development criteria of the certified plan will be applied. Furthermore, the North City LCP applies HR to all identified sensitive steep slopes. Of at least equal significance, the RPO, which the City relies upon as its main regulatory tool in this planning area, is not part of the certified LCP, although those portions of it addressing biologically sensitive lands, and historic and prehistoric structures have been incorporated as findings into the coastal development permit review process. Without the protections afforded in the Hillside Review process and the specific development criteria of the certified North City LUP, the Commission cannot find the Del Mar Mesa Specific Plan consistent with the cited Chapter 3 policies of the Coastal Act.

PART VI. FINDINGS FOR APPROVAL OF THE DEL MAR MESA SPECIFIC PLAN
LAND USE PLAN, IF MODIFIED

A. SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF THE
COASTAL ACT

The Commission finds the Del Mar Mesa Specific Plan is approvable, if modified to include the certified North City Land Use Plan policies to provide the required level of protection for biological, visual and geological resources. Also, modifications are required to clarify the appropriate procedures in the event of boundary adjustments, and for the City's future assumption of coastal development permit authority. The proposed suggested modifications to the land use plan have been drafted for this purpose. With these revisions, the Commission can find the proposed plan would be consistent with Chapter 3 policies to the extent necessary to achieve the basic State goals specified in Section 30001.5 of the Act, as previously cited.

B. SPECIFIC FINDINGS FOR APPROVAL

The proposed plan contains many worthy proposals, including the concept of developing almost entirely within a fairly small area of the plan, and leaving most of the eastern and southern portions in open space. Except for a few existing homes along Shaw Ridge Road, in the northwestern part of the plan designated for future residential development, the community is comprised entirely of vacant land. Most of this land contains high quality native vegetation communities, and Subarea V is home to several threatened and endangered plant and animal species. Portions of the community provide valuable wildlife linkages to and between Los Penasquitos Canyon Preserve and Carmel Valley. The undeveloped state of the subarea, along with these existing habitat areas, are why a large percentage of the subarea is within the proposed boundaries of the MSCP preserve, which represents the City of San Diego's Natural Communities Conservation Planning program efforts. Although the Commission endorses this planning approach in a general way, there were a number of issues raised in the previous findings with respect to the coastal zone portions of the specific plan area.

All of the concerns raised in the previous findings are associated primarily with environmentally sensitive habitat areas, although visual resources and geological hazards are present in the planning area as well. With respect to visual resources, the planning area is well removed from the coastline, although some future development in the northern part of the community may be visible from State Route 56, now under construction. However, due to topographical features, future development is unlikely to be visually prominent from coastal access routes or public recreational areas to any significant degree. All of these issues (biology, geology and scenic resources) have been adequately addressed in the certified North City LCP Land Use Plan, and are generally implemented by the provisions of the Hillside Review Ordinance. As proposed, the Del Mar Mesa Specific Plan appears to make only passing reference to the North City LCP, as the term "governs" is used in the Coastal Element of the plan seems open to a wide range of interpretation. Modifications of several specific plan policies are herein suggested to make it clear that the North City Land Use Plan policies are controlling and effective for all coastal zone portions of Subarea V. In particular, the steep slope policies and encroachment limitations certified in the Hillside Review Overlay Zone would be applicable to future development in the planning area. In addition, Suggested Modification #3 also addresses the application of the PRD process to all

future development proposals, and clarifies that densities will be calculated on a site-by-site basis, not including any proposed street system (either internal streets or circulation element road rights-of-way). The modifications are suggested for insertion in the Drainage, Coastal Element, and Site-Specific Development Regulations sections of the proposed specific plan. As modified, the Commission finds the Del Mar Mesa Specific Plan consistent with Sections 30233, 30240, 30251 and 30253 of the Coastal Act.

There are also three suggested modifications, or portions of modifications, that seek to clarify procedural matters. Although the plan as proposed indicates that no plan amendment is necessary for minor adjustments to the MSCP boundaries, Suggested Modification #1 provides that this is not the case within the coastal zone. Since any adjustments to the MSCP boundaries will modify the existing plan exhibits, an LCP amendment will be required for those within the coastal zone. It is possible that such an amendment may qualify as "de minimus" or "minor" depending on the merits of the proposed boundary change. Also, Suggested Modification #4 addresses Figure 23 of the proposed specific plan, which delineates proposed future rezonings. Its intent is merely to indicate that no rezonings can occur within the coastal zone until they are approved by the Coastal Commission. The identified Figure 23 raises a potential concern, since the suggested rezoning boundaries are very inconsistent with the land uses delineated on Figure 5; areas designated as open space are not recognized as such in the zoning program..

Finally, the specific plan maintains that coastal development permit authority will be assumed by the City once the Commission certifies the plan, and the City accepts any suggested modifications. The resolutions submitted with the subject LCP amendment request have not formally requested a transfer of permit authority, nor do they contain a commitment by the City to issue coastal development permits consistent with the certified plan. Suggested Modification #3 advises that a formal request must be made before this occurs. This could be done in conjunction with future Executive Director certification, if the City accepts all modifications certified by the Commission, and should be reflected in an appropriate resolution at that time.

In summary, six modifications have been suggested herein. With the inclusion of the suggested modifications, the Commission finds the proposed Del Mar Mesa Specific Plan fully consistent with the identified Chapter 3 policies of the Act, and further finds the modified plan appropriately identifies future procedures for amendments and the transfer of permit authority.

**PART VII. FINDINGS FOR APPROVAL, AS SUBMITTED, OF PORTIONS OF THE
CITY OF SAN DIEGO LCP IMPLEMENTATION PLAN AMENDMENT
#2- 96**

A. AMENDMENT DESCRIPTION

The amendment request addresses various elements of the City of San Diego's Implementing Ordinances. Included are:

- Revisions to the Subdivision Ordinance pertaining to special permit procedures for grading in hillside review areas;
- Revisions to the Municipal Code Definitions pertaining to the definition of a legal lots;
- Revisions to the General Regulations Ordinance pertaining to non-conforming use regulations;
- Revisions to the A-1 Zones pertaining to development in the Del Mar Mesa Specific Plan area;
- Revisions to the Planned Residential Development Ordinance pertaining to development in the Del Mar Mesa Specific Plan area;
- Revision to the Grading Review Permits Ordinance pertaining to exemptions for grading less than 1,000 cubic yards unless the property is located within the non-appealable areas of the Coastal Zone;
- Revisions to the R-1 Zone regulations to establish additional development regulations for those areas of the Coastal Zone identified as categorically excluded from coastal development permit requirements related to setbacks, floor area ratios, steep slope development and protection of view corridors;
- Revisions to the Resource Protection Ordinance to make this ordinance applicable to the alteration of historic structures within an identified categorical exclusion area; and
- Revisions to the Coastal Development Permits Ordinance to add specific Categorical Exclusion Requests as exemptions.

Rejection of the amendments to the Grading Review Permits Ordinance, R-1 Zone Regulations, Resource Protection Ordinance and Coastal Development Permits Ordinance will be addressed in separate findings, since different actions are proposed for them.

B. FINDINGS FOR CERTIFICATION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. Since there are several different ordinances affected by the subject LCP amendment, each ordinance will be addressed separately below, under applicable subheadings.

1. Municipal Code Definitions - Lots.

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance is to provide clear definitions of words and phrases commonly used in the City's zoning code to assist in their interpretation and ensure uniformity in their application.

b) Adequacy of the Ordinance to Implement the Certified LUP Segments. As stated, this ordinance provides definitions for commonly used words and phrases in the City's zoning ordinance. The revisions to this ordinance relate to the definition of a lot. Currently, a lot is defined as a parcel of land which meets any of the following requirements: 1) designated with a number or letter on a recorded subdivision or parcel map, record of survey map approved by the City Council, or an approved division plat; 2) officially proclaimed as a suitable building site by a zone variance, certificate of compliance or other San Diego Municipal Code procedure; 3) held as a separate parcel prior to December 5, 1954 and having at least 15 feet of street frontage or 4) held as a separate parcel upon annexation to the City of San Diego.

The proposed revision pertains to that portion of the definition which states that a lot is considered legal if it was created by a separate conveyance prior to December 5, 1954. Currently, if a property owner can provide documentation that his/her lot was created prior to this date, then it is considered a legal lot. Otherwise, the property owner would need to process a certificate of compliance or other means to determine the legal status of the lot. The proposed amendment to this definition will change the date to March 4, 1972 and allow legal access to a dedicated street to suffice when there is no street frontage.

The reason for the proposed revision is to make this provision consistent with the County of San Diego's Ordinance and the Subdivision Map Act (Section 66412.6) as well as to make it easier for a property owner to determine the legal status of his/her property. Because City parcel records are incomplete prior to 1970, it is sometimes difficult for a homeowner applying for a building permit or trying to sell his/her home to determine the legal status of their lot (which is a requirement for either of these processes).

Although some additional lots may be made "legal" with the new date, the proposed revision does not affect the need for new land divisions subsequent to this date to be reviewed under a coastal development permit in that the new effective date is still prior to enactment of the Coastal Act. As such, all policies and ordinances of the City's LCP would still be applicable to new land divisions. Therefore, the Commission finds the proposed revision to be consistent with and adequate to carry out the provisions of the City's various LUP segments.

2. General Regulations - Non-Conforming Uses.

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance amendment is to revise the General Regulations Ordinance pertaining to non-conforming uses.

b) Adequacy of the Ordinance to Implement the Certified LUP Segments. At present, an existing use is considered to be legally non-conforming if, because of a subsequent base zone revision, rezone or some other change, that particular use is no longer a permitted use within that zone. Instead of requiring such uses to be brought into compliance with the newly revised changes, the use is permitted to remain indefinitely as a legal non-conforming use. However, if the use changes or is enlarged, it is then required to comply with new standards and is no longer considered a legal non-conforming use. In addition, the current code provides the ability for a non-conforming use that has been discontinued for less than a year to resume (the same use) as a non-conforming use.

The proposed revision would change the time period from one year to two years in which a discontinued non-conforming use could resume. The reasons cited for this change is that because of economic and other such factors, once a non-conforming use is discontinued, it is often difficult for property owners to secure another use within the currently provided one year time frame. The proposed amendment will not change how non-conforming uses are determined and will not allow any additional uses to become non-conforming, but will only extend the time period that a discontinued legal, non-conforming use could resume the same use and still retain its non-conforming status. This provision does not apply to illegal or unpermitted uses and conversion of a discontinued non-conforming use to another use would still require review and compliance with existing policies and ordinances of the LCP. The proposed revision will not adversely affect public access or any other coastal resources. Therefore, the Commission finds that the proposed revision conforms with and is adequate to carry out the various LUP segments.

3. Subdivision Ordinance - Special Permits.

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance is to control and regulate the design and improvements of land divisions within the city and provide an expeditious processing of subdivisions to protect both the public and purchasers of land.

b) Major Provisions of the Ordinance. This ordinance has a several significant provisions, including:

- Definitions of various approval bodies and terms;
- Procedures and requirements for filing and processing subdivision maps;
- Requirements for lot design, dedication and easements, fees, soil and geologic reports requirements; and,
- Procedures for enforcement and judicial review.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed change to this ordinance relates to special permits for grading improvements in

advance of filing a final map. Currently, the City code permits the City Engineer to issue a special permit to complete grading improvements prior to filing a final map with the City. However, the current code does not permit such advanced permits to be issued by the City Engineer within hillside review areas. In these areas, such a permit can only be issued by the City Council.

The proposed change would allow issuance of the advanced permit by the City Engineer in hillside review areas as well. The impetus for the proposed change is because of concerns raised at the City that processing a special permit through the City Council is time consuming and costly and, as such, eliminates the reason for such a request in the first place, which is usually so that grading can occur prior to the rainy season. The need for City Council approval in hillside review area is really not necessary because any special permit issued by the City Engineer could only occur after all discretionary reviews have been completed and it has been documented that the proposed advanced work is in compliance with all discretionary actions. In addition, the permit for advanced work is only issued after approval of the final engineering documents which have been prepared in compliance with the approved coastal development permit and tentative map. Additionally, the final map must also be in the last stages of processing and applicants are required to post a bond which would be used to restore the site to its previous state if the final approval is not approved.

As such, any advanced grading would only occur consistent with all required discretionary actions, including a coastal development permit. The special permit will allow site grading to occur in advance of filing and recording the final map only and no impacts to any sensitive habitat areas or other coastal resources would result from the proposed change. Therefore, the Commission finds the amendment to this ordinance is consistent with and adequate to carry out the various certified LUP segments of the City's LCP.

4. A-1 Zones

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance is to provide appropriate zoning for areas that are presently in agricultural or open space use or otherwise undeveloped.

b) Major Provisions of the Ordinance. This ordinance has several significant provisions, including:

- Descriptions of permitted uses;
- Descriptions of permitted densities;
- Property development regulations; and
- Off-street parking requirements.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes to this ordinance relate to new language incorporating the specific provisions of the Del Mar Mesa Specific Plan. In particular, there are different densities and development criteria for this planning area than elsewhere in the City, since the Del Mar Mesa is being planned areawide as a clustered development. Inclusion of the new language makes the A-1 Zones consistent with and adequate to carry out the Del Mar Mesa Specific Plan, which is being certified with suggested modifications herein. Since the new language applies specifically to that planning area only, the ordinance also remains consistent with and adequate to carry out all other certified land use plans in the City of San Diego's LCP.

5. Planned Residential Development (PRD) Ordinance

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance is to facilitate development of residentially-designated properties, and is utilized both in urbanized areas and those with very low density. It provides mechanisms for clustered multi-unit developments in sensitive areas, to minimize steep slope and habitat disturbance and maintain larger areas of open space.

b) Major Provisions of the Ordinance. This ordinance has several significant provisions, including:

- Definitions of terms specific to the ordinance;
- Permit application requirements, process and limitations;
- Descriptions and tables of development standards; and
- Subdivision/tentative map provisions.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes to this ordinance are intended to facilitate the provisions of the Del Mar Mesa Specific Plan. Primarily, the new language specifies that the Del Mar Mesa area is exempt from certain development standards, including density limitations and open space and landscaping requirements. The Del Mar Mesa Specific Plan already includes criteria to address those issues. Of greatest concern would be the density limit modification, which will allow 1 du/2.5 acres in clustered development, rather than the 1 du/4 acres maximum currently allowed in the PRD Ordinance. However, this modification is necessary to accommodate the planning concept for the Del Mar Mesa, wherein the City has planned the entire community as a single clustered development, although sixty different property owners, some with multiple legal parcels, are included in the community. In order to shift the appropriate level of clustering to those parcels considered most developable, with the understanding that individual projects will be submitted on different timeframes, a higher density must be given to those parcels. At the same time, lands in the areas to remain as open space will not have a clustering option, and can only develop at a maximum of 1 du/10 acres.

The proposed PRD revisions are applicable only within the Del Mar Mesa Specific Plan area, and cannot be applied on a City-wide basis as proposed. Moreover, the existing PRD provisions, which are not being modified, describe how densities can be calculated and require that open space used to calculate density must be dedicated as open space in perpetuity. All properties within the Del Mar Mesa will be developed through the PRD process. Thus the PRD Ordinance, as modified herein, will be consistent with and adequate to carry out the Del Mar Mesa Specific Plan, which is being certified with suggested modifications. Since the new language applies specifically to that planning area only, the ordinance also remains consistent with and adequate to carry out all other certified land use plans in the City of San Diego's LCP.

PART VIII. FINDINGS FOR REJECTION OF THE AMENDMENTS TO THE GRADING REVIEW PERMITS ORDINANCE, R-1 ZONES REGULATIONS, RESOURCE PROTECTION ORDINANCE AND COASTAL DEVELOPMENT PERMITS ORDINANCE, AS SUBMITTED

As mentioned above, the Grading Review Permits Ordinance, R-1 Zones Regulations, Resource Protection Ordinance and Coastal Development Permits Ordinance would be discussed separately because different actions are proposed for them. These ordinances are recommended to be rejected based on the following findings.

1. Grading Review Permits.

This section of the City's Municipal Code was adopted by the City in 1992 to address additional grading review necessary for certain types of development. However, it was never brought forward for Commission review and incorporated into the City's LCP. As such, it is not effective in the City's Coastal Zone. Now, the City has proposed a revision to only a portion of this ordinance and it has not presented the entire ordinance to the Commission for review. Because this ordinance has never been approved by the Commission as part of the City's LCP Implementing Regulations, the present amendment is improperly before the Commission and it cannot review a change to the Ordinance. Therefore, this portion of the subject implementation plan amendment is rejected.

2. R-1 Zones - Coastal Zone Regulations.

a) Purpose and Intent of the Ordinance. This zone designation is intended to provide the appropriate zoning for areas of single-family residential development at varying levels of density. In addition, this zone is intended to promote and protect those special amenities associated with single-family developed areas.

b) Major Provisions of the Ordinance. The R-1 Zones contains a number of provisions, including:

- A list of permitted uses;
- Specification of appropriate densities for each of the listed zones; and,
- Property development, parking and outdoor storage regulations.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed changes to the R-1 Zone regulations are intended to provide additional development restrictions in areas of the Coastal Zone where single-family residential development may be excluded from the requirements of a coastal development permit (pursuant to a Commission approved Categorical Exclusion Order). The proposed changes include increasing minimum setbacks, decreasing floor area ratios on larger than standard lots, restricting floor area ratios on steeply sloping lots and providing for a reduced building envelope. All of these modifications are proposed to improve the siting and design of infill and redevelopment such that it could be approved ministerially. The purpose of these revisions would be to support the City's desire to gain Commission endorsement of future categorical exclusion requests.

While the Commission has not yet acted on or approved any categorical exclusion request for the City, the intent of the proposed revisions to this ordinance is to have in place restrictions that will allow the Commission to make the necessary findings in approval of a future categorical exclusion request. For the most part, the proposed amendment to this ordinance is acceptable as the added provisions are more restrictive than the currently approved standards.

However, one portion of the proposed change raises a concern. Specifically, the proposed language which states that no "building feature may project into the required front or street side yards within view corridors designated by the adopted Community Plan" is not acceptable. All of the City's certified community plans provide for potential reservation of vertical accessways for physical access to the shoreline and further identify restrictions to maintain view corridors to the bay and ocean in new development. However, at present, there is very little in the City's Municipal Code to implement those certified LUP provisions outside the discretionary review of obtaining a coastal development permit. Therefore, in this amendment, the City has attempted to provide some assurance that view corridors will be preserved and protected. However, the proposed amendment is insufficient in that it is not clear what constitutes a "building feature" and as such, it is possible that landscaping and/or accessory structures could be allowed to encroach into such view corridors, which would be inconsistent with policies of several LUP segments. Therefore, this ordinance must be rejected.

3. Resource Protection Ordinance.

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance is to protect, preserve and if necessary, restore environmentally sensitive lands that include

wetlands and their buffers, floodplains, hillsides, biologically sensitive lands and significant prehistoric and historic resources.

b) Major Provisions of the Ordinance. This ordinance includes a number of provisions, including:

- Guidelines on general provisions, exclusions and definitions;
- Specification of permitted uses and development regulations and permitting requirements; and,
- Violation and enforcement procedures.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The Resource Protection Ordinance was never adopted by the Commission as part of the City's LCP Implementing Ordinances. The proposed revisions would make portions of this ordinance applicable in any area identified as categorically excluded from coastal development permit requirements as it pertains to the alteration or demolition of designated historic structures. The proposed amendment lays out a process by which any proposed alteration to a structure older than 45 years would be reviewed by staff to determine if the structure is a potential historic resource. However, again, because this ordinance has never been approved by the Commission as a part of the City's LCP, to now review only a change to this ordinance without having the entire ordinance before the Commission, is improper. As such it must be rejected.

In addition, the proposed revised language, the intent of which is to assure that potential historic structures are not allowed to be demolished and redeveloped within areas that could be the subject of a categorical exclusion order, does not provide adequate assurance that such demolition or substantial alteration of historic structure will not occur. The revised language includes a review process by City staff for any structure identified as being older than 45 years. However, the proposed review process does not assure that a historic structure will even be properly identified, much less protected within the prescribed time frame in the ordinance. As proposed, the Development Services Director must make a written determination in ten (10) working days as to whether or not a site or structure should be designated potentially as historic. If the Director does not make a written determination within this time frame, the structure is automatically deemed not to be a potential historic structure. As such, if City staff does not act within the 10 days, an historic structure could be demolished and redeveloped or substantially altered, inconsistent with the policies of several of the City's LUP segments.

The other proposed revisions to the RPO Ordinance are specific to the Del Mar Mesa Specific Plan, which has also been submitted for Commission certification as part of this overall LCP amendment request. It represents the LCP land use plan for Subarea V of the North City Future Urbanizing Area. The proposed amendments would replace some of the RPO provisions with the provisions of the Supplemental Regulations for Resource

Management contained in the specific plan. In addition, the amendments provide a new exemption for any development in the Del Mar Mesa Specific Plan which meets a set list of criteria; this basically says if the development stays within the areas designated for development in the plan, observes all required setbacks and does not involve historic structures, no RPO permit is required. Finally, the proposed revisions would remove the single-family exemption for parcels located wholly or partially within the conceptual MSCP boundaries, within the Del Mar Mesa community.

Because the RPO Ordinance is not part of the City's certified LCP, these amendment requests are improperly before the Commission and must be rejected. In addition, the content of the amendment requests is not consistent with, or able to adequately carry out, the Del Mar Mesa Specific Plan, as recommended for certification herein. A number of issues were identified in review of the specific plan, which includes areas both inside and outside the coastal zone. The plan did not make adequately clear that the certified North City LCP Land Use Plan policies would be controlling for those areas within the coastal zone, and suggested modifications have been included to address that deficiency. The proposed RPO revisions are not consistent with the suggested modifications for the Del Mar Mesa Specific Plan.

The policies and goals of the North City LCP Land Use Plan and the provisions of the RPO Ordinance are not fully compatible, although they address many of the same issues. In the LCP Implementation Plan, the City has addressed environmentally sensitive lands, steep slopes and floodplain concerns through the HR, SCR and floodplain ordinances, not the RPO Ordinance. These certified zones have been reviewed and determined suitable to carry out the North City Land Use Plan. While some of the provisions of these zones are identical to those in the RPO, others are, at best, incompatible and, at worst, in direct conflict. Primarily, the RPO allows a number of exemptions that are not allowed in the other zones, which could result in significant cumulative adverse impacts on coastal resources. The RPO Ordinance itself identifies a coastal development permit as an alternative form of compliance, inferring that it was never the City's intent to apply the RPO in the coastal zone.

In summary, the City has proposed several revisions to the RPO Ordinance. Reviewing these individually, the proposed revisions are not consistent with, or adequate to carry out, the goals and policies of the City's certified LCP land use plans. That issue aside, however, the amendment requests must ultimately be rejected because they propose to modify an ordinance which is not part of the certified LCP.

4. Coastal Development Permits Ordinance - Exemptions.

a) Purpose and Intent of the Ordinance. The purpose and intent of this ordinance is to establish procedures for the processing of coastal development permits within the City's Coastal Zone, consistent with the certified Local Coastal Program (LCP). Because of the unique qualities of the Coastal Zone, its special communities and fragile natural resources, this ordinance is also intended to provide for maximum public participation in the review of all development which may have a potential to adversely affect such resources.

b) Major Provisions of the Ordinance. This ordinance has a number of significant provisions, including:

- A listing of pertinent definitions and exemptions;
- Specification of application, notice and hearing procedures; and,
- Provisions for amendments, emergency permits and time extensions.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. As stated, this ordinance is intended to establish the procedures for processing coastal development permits for development in the City's Coastal Zone. This ordinance also details what types/categories of development are exempt from such permit requirements. The proposed change does essentially two things. First, it deletes the provision that improvements to a structure which involve the removal of more than 50% of the exterior walls is not exempt from permit requirements. In addition, the amendment proposes to add a number of specific categories of development to be categorically excluded from the coastal development permit requirements.

Relative to the first revision, the Commission has found that, when more than 50% of the exterior walls of a structure are demolished, the development no longer can be considered a remodel, but becomes new construction. The problem is that, without such a provision, an entire structure could be demolished, leaving only one small exterior wall or the foundation, and the development would be exempt from permit requirements. This was the case for many years in the City of San Diego. As such, protection of view corridors, blufftop setbacks, buffers and other concerns may not be addressed and this proposal cannot be accepted.

The portion of the amendment pertaining to a categorical exclusion request must also be rejected. A categorical exclusion request cannot be processed or reviewed by the Commission as an LCP amendment. Categorical exclusion requests are distinct and separate matters of review. In addition, unlike other matters that come before the Commission, the Commission is independently responsible for performing environmental review in compliance with the California Environmental Quality Act (CEQA) for categorical exclusion requests. Specifically, Section 30610 (e) of the Coastal Act states:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development [...]:

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any

significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast....

This statute provides a more rigorous standard for adoption of a categorical exclusion request than the standard of review provided for adoption of the City's LCP land use plans. For approval of the land use plan, the standard of review requires conformity with Chapter 3 policies of the Coastal Act and only a majority vote of the appointed membership is required. The necessary findings to sustain an approval and the voting requirements for categorical exclusions are much stricter. Therefore, a local government cannot simply propose to list a category of development or categorical exclusion area as an exemption through an LCP amendment because of the different standards of review and the need for CEQA compliance. As such, because a categorical exclusion request cannot be reviewed as an LCP amendment, the amendment to this Ordinance must be rejected.

PART IX. FINDINGS FOR APPROVAL OF THE AMENDMENTS TO THE R-1 ZONES REGULATIONS AND COASTAL DEVELOPMENT PERMITS ORDINANCE, IF MODIFIED

1. R-1 Zone Regulations.

As noted in the findings for denial of this section, relative to the protection of public view corridors identified in the various LUP segments, the proposed amendment does not adequately provide for such protection, especially as the intent of the proposed language is to facilitate approval of a future categorical exclusion request to exclude single-family residential development in certain areas. To date, such a categorical exclusion request has not been reviewed or approved by the Commission. Therefore, Suggested Modification #86 has been proposed. This revision deletes the language pertaining to yard encroachments as it does not provide adequate assurance that defined view corridors would be protected. It is suggested that any proposed amendment request include more specific standards for such areas or those areas should not be proposed as an exclusion area. Therefore, with the proposed revision to delete the section on yard encroachments, the Commission finds the proposed amendment to the R-1 Zone regulations consistent with and adequate to carry out the certified LUP segments.

2. Coastal Development Permits Ordinance.

As stated in the findings for denial of this ordinance amendment, a categorical exclusion request cannot be reviewed or approved by the Commission as an LCP amendment. Therefore, Suggested Modification #10 has been proposed. This modification deletes all the proposed specific categories of excluded development and replaces it with language that simply identifies "categorically excluded development pursuant to a Commission approved Categorical Exclusion Order" is a legitimate exemption. This change recognizes the City's future option to separately seek Commission approval of a categorical exclusion request and establishes the administrative listing of a bonafide category of excluded development as an

exemption under the coastal development permit ordinance. With the proposed revisions, the Commission finds the amendment to the Coastal Development Permits Ordinance conforms with and is adequate to carry out the various LUP segments.

PART X. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions.

The subject amendment request includes three land use plan amendments pertaining to communities in the North City LCP segment. The proposed modifications to the Carmel Valley Neighborhood 10 Precise Plan primarily address non-coastal zone areas of the community. The two revisions that are applicable within the coastal zone have been found acceptable as submitted, and did not raise any issues under CEQA. The City has also proposed a new land use plan for Subarea V of the North City Future Urbanizing Area. The Del Mar Mesa Specific Plan is submitted as the land use plan for that subarea, and, in conjunction with that submittal, the City has proposed modifications to the North City Future Urbanizing Area Framework Plan, a conceptual planning document the Commission approved in 1993. The Framework Plan amendments did not raise any concerns, but a number of issues were identified in the Del Mar Mesa Specific Plan itself. Primary concerns addressed the plan's treatment of biological resources and errors/misunderstandings of some procedural matters. With the inclusion of suggested modifications, these concerns have been resolved. As modified, the Del Mar Mesa Specific Plan is consistent with the provisions of CEQA.

Relative to the Implementation Plan, several changes are proposed. The changes pertaining to special grading permits, non-conforming uses, the definition of legal lots, and modifications to the A-1 Zones and Planned Residential Development Ordinance are acceptable as submitted. However, the proposed changes to the Grading Review Permits Ordinance and the Resource Protection Ordinance are unacceptable as these ordinances have never been adopted by the Commission as part of the City's LCP Implementation Plan and are therefore, not applicable in the Coastal Zone. As such, to now propose changes to only portions of these ordinances, without having the entire ordinance before the Commission is unacceptable. In addition, the proposed revisions to the Coastal Development Permits Ordinance has been rejected because the Commission cannot review or approve a categorical exclusion request as part of an LCP amendment. Categorical

exclusion requests are reviewed by the Commission as a separate action requiring a more rigorous standard of review and Commission voting requirements. In addition, the Commission acts as the Lead Agency relative to CEQA compliance for such requests. A modification has been proposed which deletes the proposed categorical exclusions.

The proposed revision to the R-1 Zone regulations relative to protection of designated view corridors is not acceptable as it does not provide adequate assurance that designated view corridors will be afforded protection.

Given the proposed mitigation measures, the Commission finds the proposed local coastal program amendment, as modified, will not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Furthermore, future individual projects would require coastal development permits from the City of San Diego. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. In addition, any categorical exclusion request by the City will be reviewed for compliance with CEQA as well. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the LCP amendment, as modified, can be supported.

RESOLUTION NUMBER R- 287657

ADOPTED ON MAY 16 1996

Tu 26b

WHEREAS, The City of San Diego initiated amendments to the Progress Guide and General Plan, Carmel Valley Community Plan, Carmel Valley Neighborhood 10 Precise Plan, and the North City Local Coastal Program to adjust the boundary between the two neighborhood planning areas and two unrelated amendments in Neighborhood 10 to revise the development boundary along the south edge of Development Area 9 to create a wider open space entry to an adjacent canyon; and

WHEREAS, the Neighborhood 10 amendment also proposes to modify existing language to the Neighborhood 10 plan document which describes the procedure for considering future resource development permits, to read, "A RPO Permit or a permit pursuant to any ordinance which supersedes RPO shall be issued for all subsequent development proposals which demonstrate consistency with this Precise Plan"; and

WHEREAS, on October 31, 1995, the Council of The City of San Diego continued consideration of the Carmel Valley Neighborhood 8A Precise Plan application and related boundary adjustment with Carmel Valley Neighborhood 10 and directed that the two proposed amendments to the Carmel Valley Neighborhood 10 Precise Plan, unrelated to the Neighborhood 8A action, be separated from the Neighborhood 8A process and considered independently; and

EXHIBIT NO. 1
APPLICATION NO. SDLCPA 2-96
Carmel Valley Neighborhood 10 Precise Plan - Resolution
1 of 2
California Coastal Commission

WHEREAS, the Council has conducted a public hearing and has considered all maps, exhibits, and written documents contained in the file for the project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council hereby approves the amendments to the Progress Guide and General Plan, the Carmel Valley Community Plan, and the North City Local Coastal Program, as set forth in the amendment to the Carmel Valley Neighborhood 10 Precise Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-287657

BE IT FURTHER RESOLVED, that this resolution shall not be effective for those portions of the Carmel Valley Neighborhood 10 Precise Plan within the Coastal Zone until such time as the California Coastal Commission has considered and approved the changes herein.

APPROVED: JOHN W. WITT, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

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05/28/96
08/01/96 COR.COPY
Or.Dept:Dev.Svcs.
R-96-1521
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CARMEL VALLEY

NEIGHBORHOOD 10 PRECISE PLAN

Applicant:

PARKVIEW DEVELOPMENT COMPANY
P.O. Box 17439
San Diego, California 92177-7439

Prepared by:


T&B PLANNING CONSULTANTS, INC.
5897 Oberlin Drive, Suite 208
San Diego, California 92121
(619) 546-8366

In Association with:

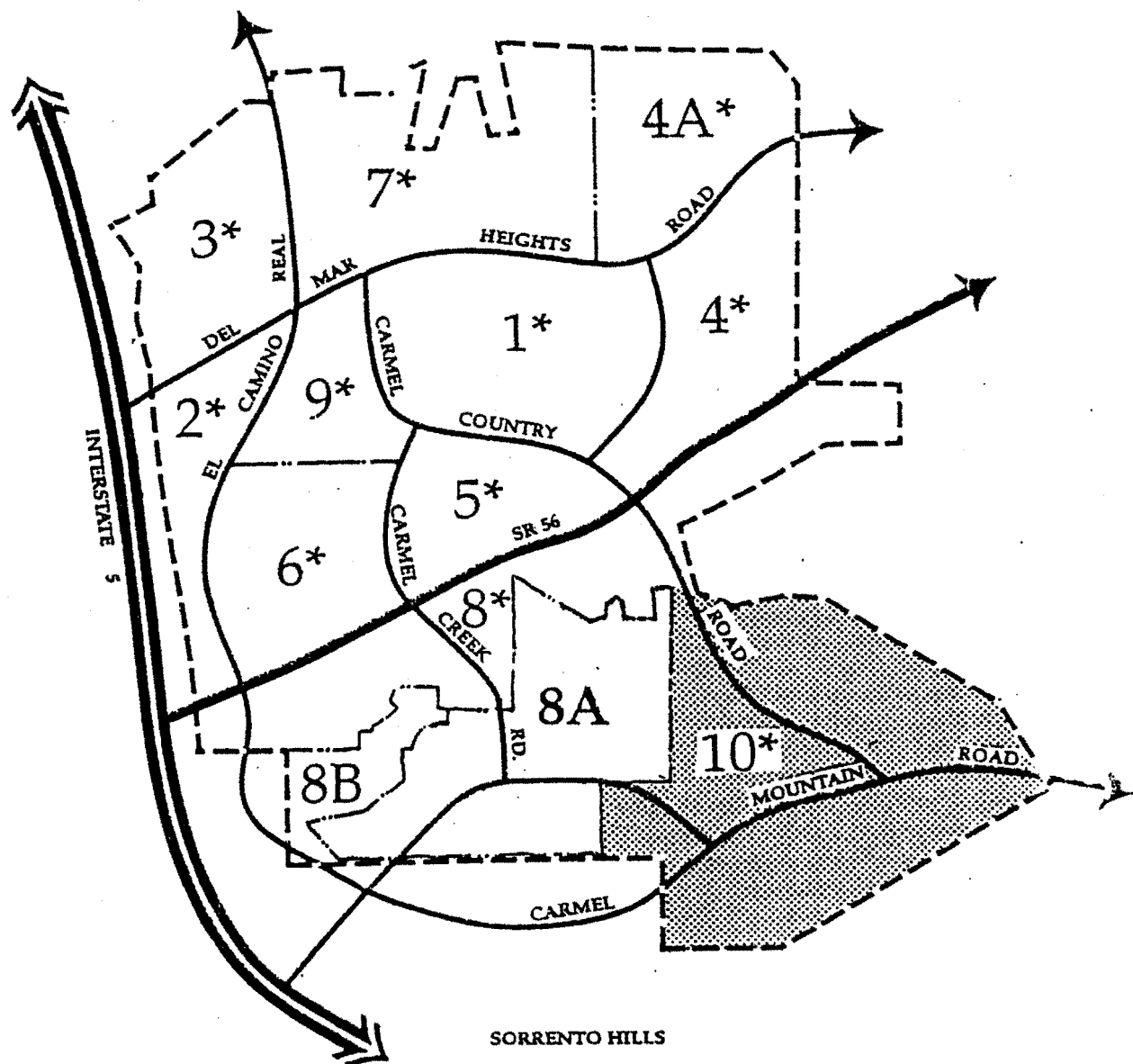
**PROJECT DESIGN CONSULTANTS
RECON
URBAN SYSTEMS & ASSOCIATES
LEIGHTON & ASSOCIATES**

*Originally Adopted on September 20, 1994
by City Council Resolution R-284659*

Revised Draft: July 1996

EXHIBIT NO. 2
APPLICATION NO. SDLCPA 2-96
Carmel Valley Neighborhood 10 Precise Plan - Proposed Changes
1 of 24
 California Coastal Commission





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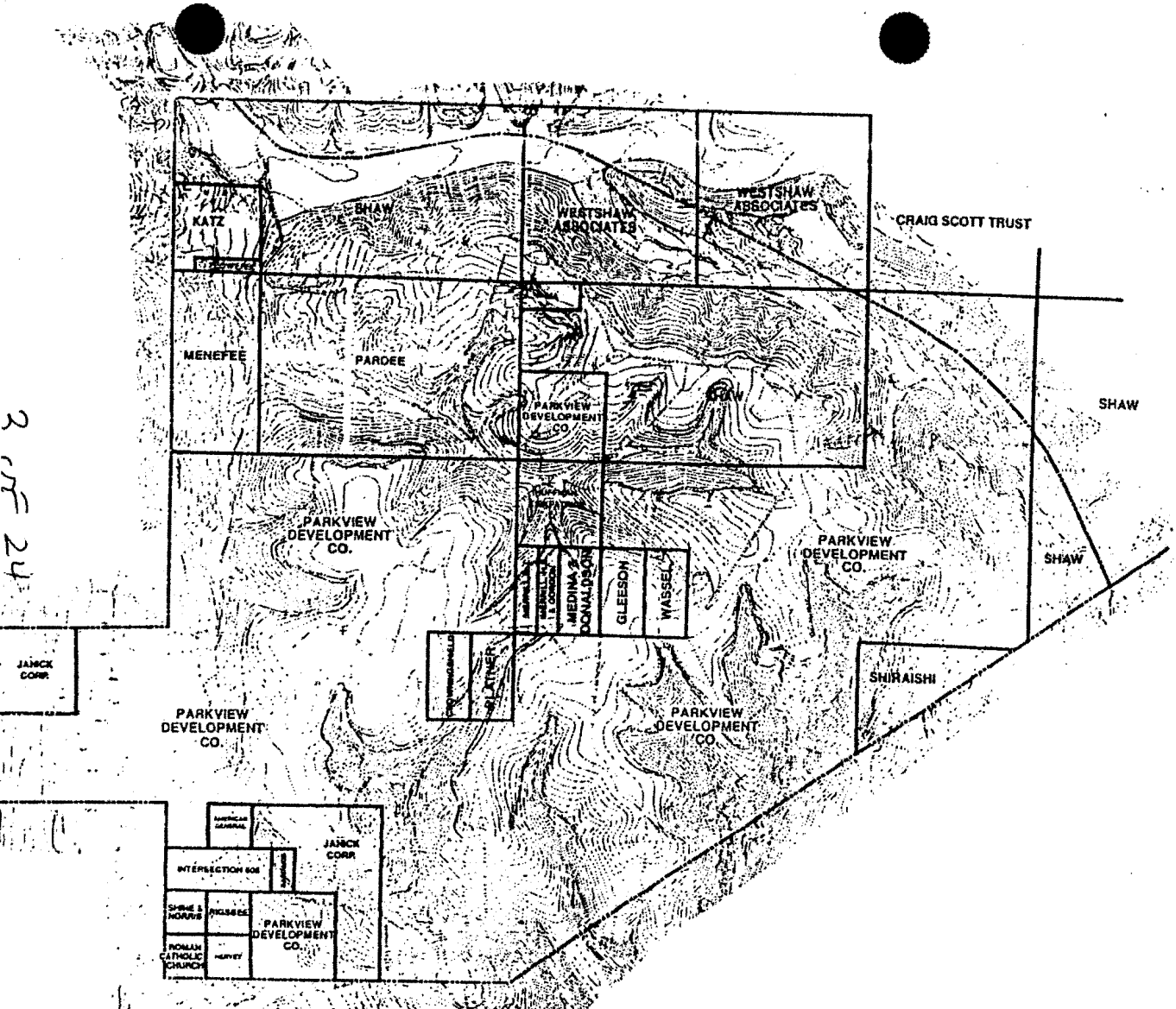


* PREVIOUSLY APPROVED
PRECISE PLANS

PRECISE PLAN NEIGHBORHOODS IN CARMEL VALLEY

OWNERSHIP PATTERNS

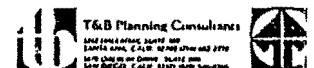
-  PROPERTY OWNERSHIP
-  BOUNDARY
-  NEIGHBORHOOD 10
-  BOUNDARY



PRECISE

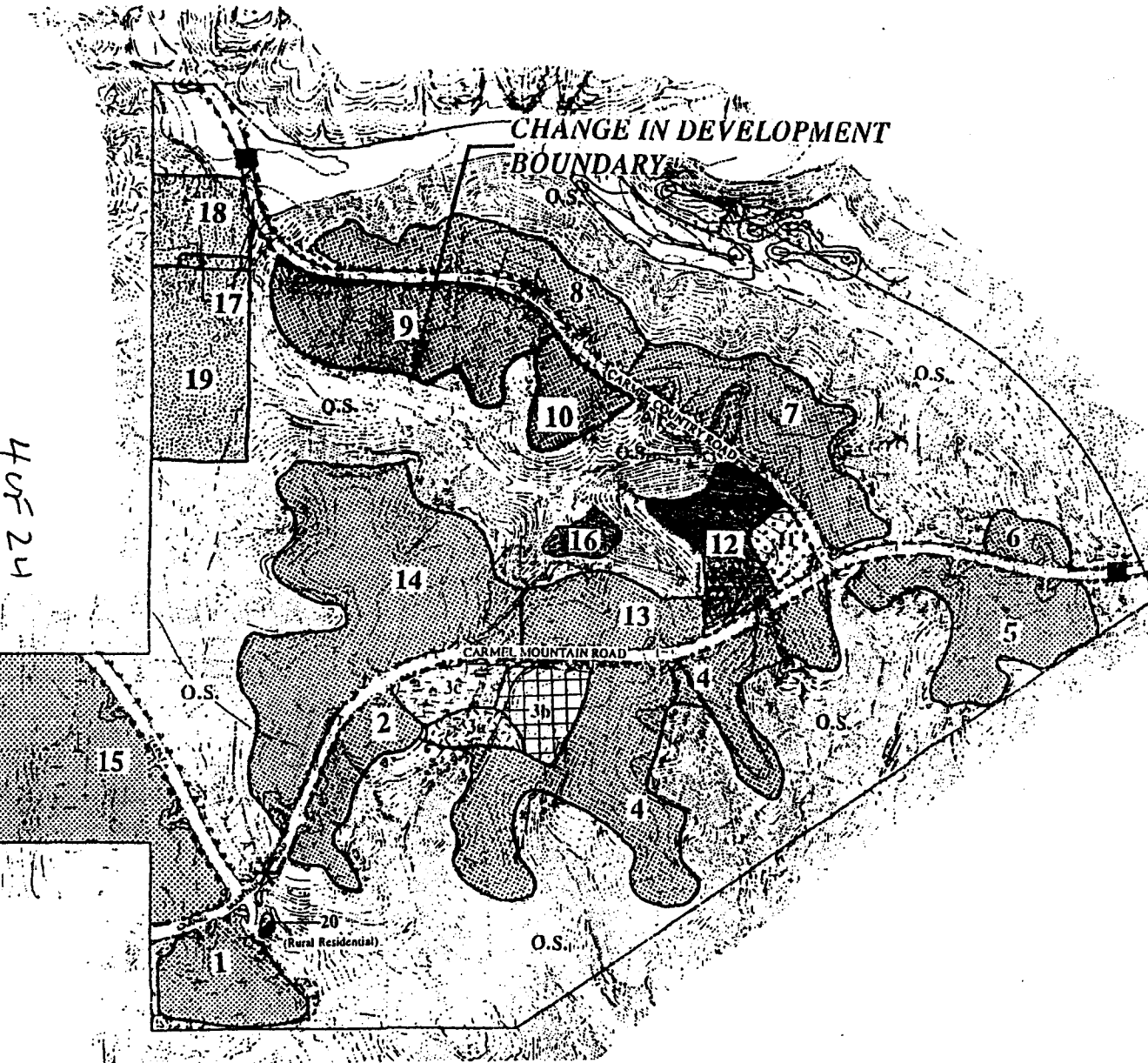
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








FIGURE 7



LAND USE PLAN

4 of 24



-  **VERY LOW DENSITY RESIDENTIAL (0-5 DU/AC)**
-  **LOW DENSITY (5-15 DU/AC)**
-  **RURAL RESIDENTIAL (UNDERLYING ZONING A-1-10)**
-  **NEIGHBORHOOD COMMERCIAL**
-  **ELEMENTARY SCHOOL**
-  **ACTIVE PLAYFIELD / JOINT USE**
-  **NEIGHBORHOOD PARK**
-  **O.S. OPEN SPACE**
-  **ROAD UNDERCROSSING**
-  **BRIDGE OR ROAD UNDERCROSSING**

PRECISE

• L • A • N ■ CARMEL VALLEY/NEIGHBORHOOD 10

FIGURE 8

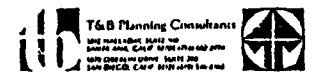


TABLE IV
COMMUNITY PLAN/PRECISE PLAN COMPARISON - LAND USE ACREAGE
AND DWELLING UNIT ALLOCATION BY OWNERSHIP

OWNERSHIP	TOTAL GROSS ACRES	RESIDENTIAL		COMMERCIAL		SCHOOL		PARK		ROADS**		DWELLING UNITS	
		COMMUNITY PLAN	PRECISE PLAN	COMMUNITY PLAN	PRECISE PLAN	COMMUNITY PLAN	PRECISE PLAN	COMMUNITY PLAN	PRECISE PLAN	COMMUNITY PLAN	PRECISE PLAN	COMMUNITY PLAN	PRECISE PLAN
KATZ	9.00	--	2.11	--	1.11	--	--	--	--	1.0	1.2	--	1(A-1-10)
FLOWERS	1.00	--	2.55	--	1.11	--	--	--	--	.1	--	--	1(A-1-10)
MENEFEE	20.21	--	--	--	--	--	--	--	--	.1	--	--	2(A-1-10)
PARDEE CONSTRUCTION COMPANY	59.73	23.2	22.60	--	--	--	--	--	--	4.3	1.87	101	119
WESTSHAW ASSOCIATES	33.56	1.4	2.18	--	--	--	--	--	--	--	--	6	11
MA	2.00	2.0	1.59	--	--	--	--	--	--	--	.41	9	8
SHAW	133.90	42.3	39.81	--	--	--	--	--	--	2.2	10.18	186	202
B.J. MERRILL	2.35	1.4	1.41	--	--	--	--	--	--	.1	.19	6	7
H.B. MERRILL/GORDON	2.35	2.0	1.65	--	--	--	--	--	--	.3	.18	9	8
MEDINA/DONALDSON	4.80	3.4	3.91	--	--	--	--	--	--	.5	.39	15	19
GLEESON	4.70	3.9	3.26	--	--	--	--	--	--	.6	.35	17	16
PARKVIEW DEVELOPMENT CO.	448.53	186.23	187.69	2.1	4.0	3.0	.18	6.8	6.78	17.36	17.64	874	881
WASELL	4.70	1.7	2.22	1.9	--	--	--	--	--	.8	.65	7	11
CROWNSHIELD	5.00	3.3	--	--	--	--	1.06	.9	2.68	.8	.53	14	14
PLATNER	5.00	.1	--	--	--	--	1.76	4.3	2.54	.6	.37	1	1
SHIRASHI	12.98	7.1	3.63	--	--	--	--	--	--	--	--	31	18
JANICK CORPORATION	27.50	9.74	12.24	--	--	--	--	--	--	.01	.97	41	51
BASDAKIS	1.25	.2	.2	--	--	--	--	--	--	--	--	1	1
INTERSECTION 606	5.88	4.74	3.40	--	--	--	--	--	--	1.5	1.78	28	17
RIOSBEE	2.28	2.1	2.28	--	--	--	--	--	--	.1	--	9	11
SHINE/NORRIS	2.34	2.1	1.90	--	--	--	--	--	--	.2	.11	9	9
HERVEY	2.13	2.1	2.05	--	--	--	--	--	--	--	--	9	10
ROMAN CATHOLIC CHURCH	2.50	2.5	1.76	--	--	--	--	--	--	--	--	11	9
HUFFMAN/KIRKPATRICK	10.00	.7	2.02	--	--	--	--	--	--	--	--	3	13
NEWLAND	2.48	1.3	0.86	--	--	--	--	--	--	1.18	.85	7	4
GRAND TOTAL	806.17	303.51	296.86	4.00	4.00	3.00	3.00	12.00	12.00	31.75	36.57	1,393	1,438

THE ACREAGE IN THIS TABLE, FOR BOTH THE COMMUNITY PLAN AND PRECISE PLAN, IS USABLE ACREAGE AND DOES NOT INCLUDE MANUFACTURED SLOPES.
ROAD ACREAGE CALCULATION INCLUDES ONLY CARMEL COUNTRY ROAD, CARMEL MOUNTAIN ROAD & STREET A.

NOTE: DUE TO VARIANCES WITH THE ENLARGEMENT PROCESS, PLANIMETER ERROR, ASSESSOR'S PARCEL MAPS AND BOUNDARY SHIFTS, INACCURACIES OF ACREAGES FOR INDIVIDUAL PROPERTY OWNERS MAY BE REVEALED DURING FINAL ENGINEERING AND METES & BOUNDS SURVEYS.

from the mesa tops, but is also visible from canyon basins, major roadways, and areas outside of Neighborhood 10.

The potential for views of development from Peñasquitos Canyon and Shaw Valley are limited due to the considerable distance and height of existing topography. A detailed cross-section analysis was performed which depicted view opportunities from the center-line of major canyons into proposed development areas and revealed that minimal development will be noticeable. In addition, several field surveys involving flagging of future development areas and site visits with City staff concluded that minimal intrusion of noticeable housing will take place from major canyon areas (see Figures 23, 24A, 24B, and 24C).

It is anticipated that preservation and maintenance of this open space area will be in the form of fee ownership by the City, open space easement to the City or some other similar option.

b. OPEN SPACE CORRIDOR/ROAD UNDERCROSSINGS

Two significant open space corridors are proposed in the Neighborhood 10 Precise Plan area. One of the open space corridors is located in the western portion of the project between development areas 1 & 2 and development areas 14 & 15 and runs through the canyon bordering Carmel Valley Neighborhood 8A to the mouth of Shaw Valley. The second corridor will be located on the far eastern portion of the property and will run along the borders between Neighborhood 10 and the adjacent Future Urbanizing Area to the east and north. Both corridors will serve to connect Los Peñasquitos Canyon Preserve to the south of the Precise Plan area with the Carmel Valley Restoration and Enhancement Project (CVREP) to the north, thereby allowing for uninterrupted wildlife movement in the region.

Several underpasses and, provided that adequate funding sources are available, one or more bridges are planned in Neighborhood 10 to allow wildlife to travel under the roads and between the on-site ravines easily and safely. A bridge will be constructed with a 90-foot-span and with a minimum height clearance of 20 feet at Carmel Mountain Road and the western open space corridor. Funding for the bridge is anticipated to be available via the Carmel Valley South FBA. If public funding for the bridge is not available, then three parallel arch pipe style culverts shall be constructed at this location under Carmel Mountain Road. The western open space corridor at Carmel Mountain Road shall be a minimum of 400 feet in width for a maximum length of 500 feet, before gradually widening to an optimum width of 1,000 feet. An equestrian trail also will cross under the planned bridge (or through one of the arch pipe culverts), allowing horses and their riders to move from Neighborhood 10 down into Los Peñasquitos Canyon Preserve.

An undercrossing shall be constructed under Carmel Mountain Road at the open space corridor, just east of Planning Areas 5 and 6. This undercrossing shall consist

III. NEIGHBORHOOD AND COMMUNITY FACILITIES
CARMEL VALLEY - NEIGHBORHOOD 10 PRECISE PLAN

V. CIRCULATION

A. REGIONAL ACCESS

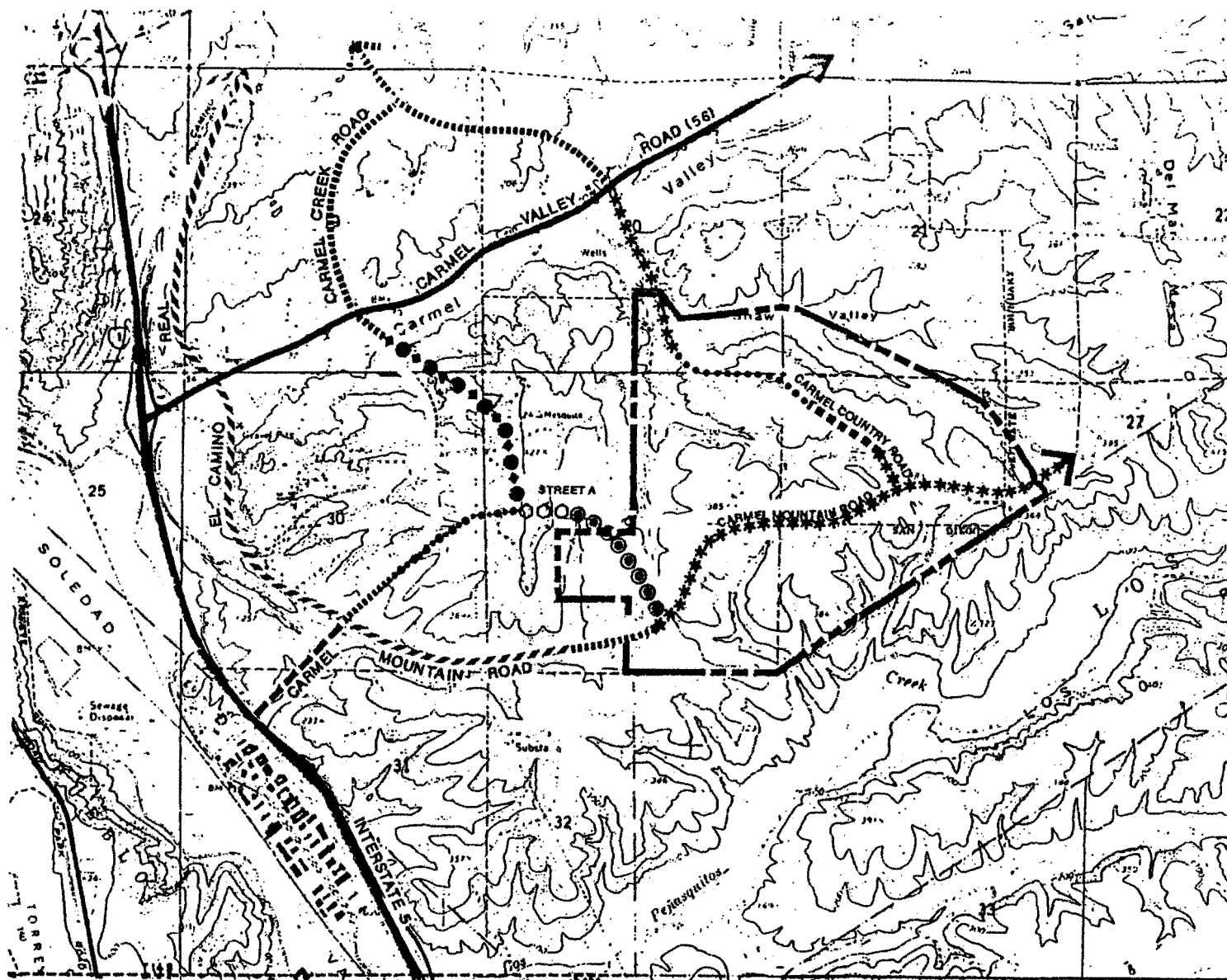
Regional access to the central and southern portions of the Carmel Valley Community Plan Area will be provided by the Interstate 5/Route 56 Freeway Interchange. The I-5/SR-56 Interchange is currently under construction and is scheduled for completion in April of 1998. Figure 12 indicates the regional circulation system serving Neighborhood 10 and the average daily traffic (ADT) at buildout of the Planning Area. Interstate 5 provides access from Carmel Valley to the San Diego Metropolitan Area. Carmel Valley Road, SR 56, provides access from within Carmel Valley to Interstate 5.

B. NEIGHBORHOOD STREET SYSTEM












1. STREET CLASSIFICATIONS

The street classifications proposed for the Neighborhood 10 Precise Plan area are depicted in Figure 12, Regional Circulation, and are described as follows:

- **Carmel Country Road:** As it crosses into the Precise Plan area from Carmel Valley, Carmel Country Road will transition from a modified four-lane collector to a modified two-lane/three-lane collector (see Figure 12). As Carmel Country Road approaches Carmel Mountain Road to the south, the street will widen once again to become a modified four-lane collector. The Precise Plan provides a 98-foot-wide right-of-way for Carmel Country Road along the entire length of the street within the Precise Plan area to allow for future expansion of Carmel Country Road to four lanes along the entire length of the street on-site. Four lanes may be required under certain development phasing scenarios to accommodate traffic volumes until regional transportation facilities are constructed. However, if the City Engineer concludes that: 1) a four-lane collector will not be needed to implement the various development phasing scenarios set forth in the Precise Plan, and 2) the street will function adequately as a modified two-lane and three-lane collector, then the City may elect to have the additional right-of-way not required to accommodate the street revert to the original property owner(s) without charge.
- **Carmel Mountain Road:** Planned as a modified four-lane collector with a right-of-way width of 98 feet and a minimum design speed of 45 mph.
- **Street A:** Planned as a modified two-lane collector with a right-of-way width of 72 feet and a minimum design speed of 35 mph.



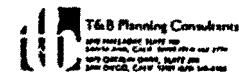
REGIONAL CIRCULATION

-  **FREEWAY**
-  **6 LANE PRIMARY ARTERIAL**
(122' R.O.W.)
-  **6 LANE MAJOR**
(122' R.O.W.)
-  **4 LANE MAJOR**
(98' R.O.W.)
-  **MODIFIED 4 LANE COLLECTOR**
(98' R.O.W.)
-  **MODIFIED 2 LANE COLLECTOR**
(72' R.O.W.)
-  **MODIFIED 3 LANE COLLECTOR**
(98' R.O.W.)
-  **MODIFIED 2 LANE COLLECTOR**
(98' R.O.W.)
-  **MODIFIED 2 LANE COLLECTOR**
(74' R.O.W.)
-  **MODIFIED 3 LANE COLLECTOR**
(86' R.O.W.)
-  **4 LANE COLLECTOR**
(98' R.O.W.)

PRECISE

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FIGURE 12



Plan area that are constructed to City standards will be dedicated to and maintained by the City of San Diego as public streets.

C. STREET DESIGN

All Neighborhood 10 proposed street designs shall conform to City document no. 169335, dated October 28, 1987 or subsequent updates, for standards for street rights-of-way and improvements installed therein.

Typical street sections for local streets, Carmel Country Road and Carmel Mountain Road, are shown in Figures 13, 14, and 15. The landscape design section discusses the proposed parkway plant palette.

Bicycle travel is accommodated in a marked lane next to the curb, while pedestrians are accommodated by sidewalks. Sidewalks on all streets in Neighborhood 10, including Carmel Mountain Road, Carmel Country Road, Street A and all residential local streets, shall be constructed directly adjacent to the curb.

D. ALTERNATIVE TRANSPORTATION FACILITIES

Practical alternatives to private automobile travel are stressed in the Carmel Valley Community Plan. Public transit, bicycle travel and pedestrian circulation systems are proposed for the community. Neighborhood 10 reflects these Community Plan objectives and provides for neighborhood transit, bicycle, equestrian and pedestrian alternatives related to the community circulation network. (Please see Figure 16A, *Alternative Transportation Facilities*.)

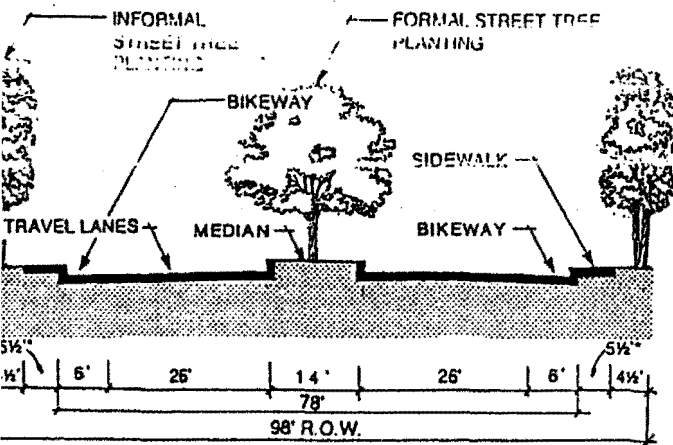
1. PUBLIC TRANSIT

Public transit will be provided by Metropolitan Transit Development Board (MTD B). The proposed Commuter Express Route 960 will be an express route linking Carmel Valley and North University City with Center City during the am/pm rush hours only. The internal road system within Neighborhood 10 will be designed to allow for bus stops if needed.

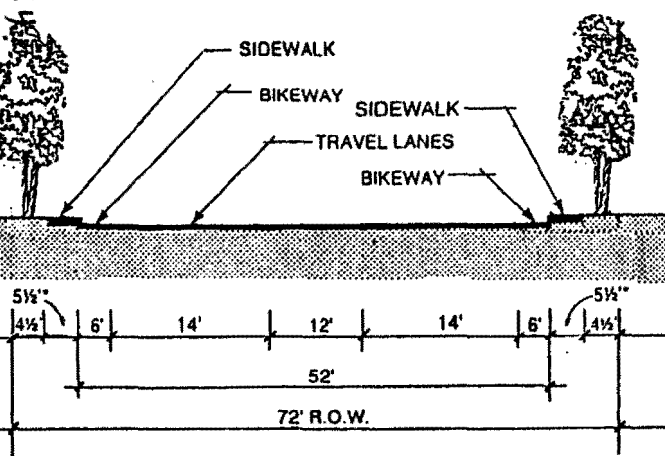
Currently, Caltrans has plans for two Park-N-Ride facilities within Carmel Valley. One facility is to be located at the corner of El Camino Real and Townsgate Drive as designated by Caltrans. The facility will be approximately one acre in size and provide approximately 110 parking spaces. This location provides direct proximity to bus service on El Camino Real and is away from conflicting facilities such as the shopping center's parking area. The other facility will be located at the Route 56 and I-5 Interchange or the I-5 and Carmel Valley Road Interchange.

V. CIRCULATION

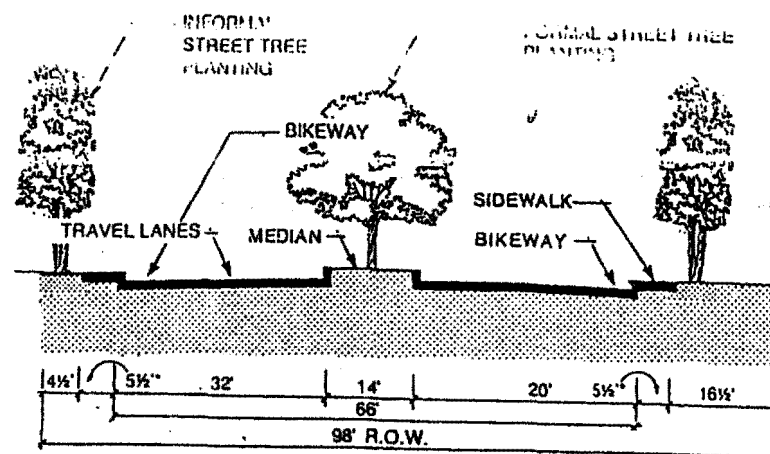
CARMEL VALLEY - NEIGHBORHOOD 10 PRECISE PLAN



MODIFIED 4 LANE COLLECTOR
PORTIONS OF CARMEL MOUNTAIN ROAD
AND CARMEL COUNTRY ROAD



MODIFIED 2 LANE COLLECTOR
STREET "A"



MODIFIED 3 LANE COLLECTOR
PORTIONS OF CARMEL COUNTRY ROAD

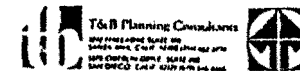
*AS MEASURED FROM FACE OF CURB

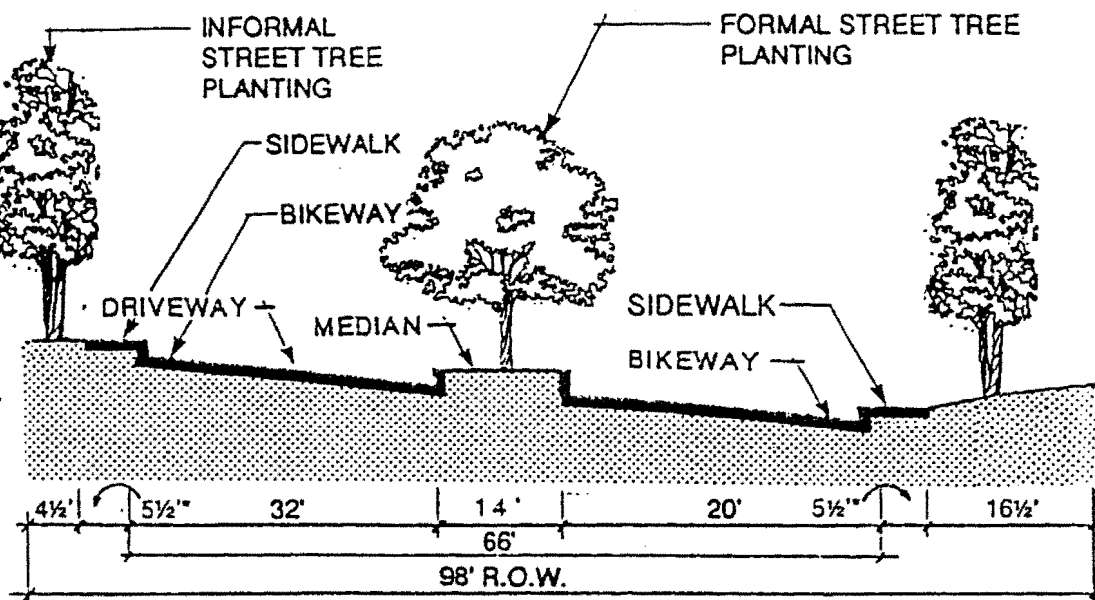
ROADWAY CROSS SECTIONS

PRECISE

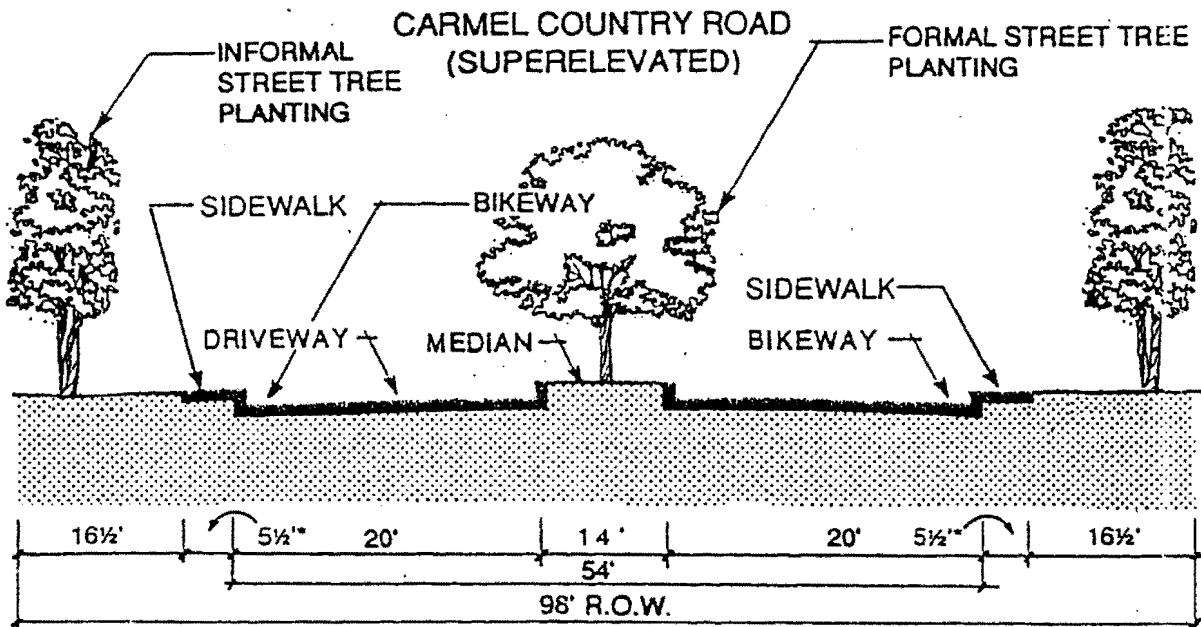
• L • A • N ■ CARMEL VALLEY/NEIGHBORHOOD 10

FIGURE 13





MODIFIED 3 LANE COLLECTOR



MODIFIED 2 LANE COLLECTOR

CARMEL COUNTRY ROAD

*AS MEASURED FROM FACE OF CURB

ROADWAY CROSS SECTIONS

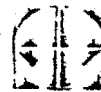
PRECISE

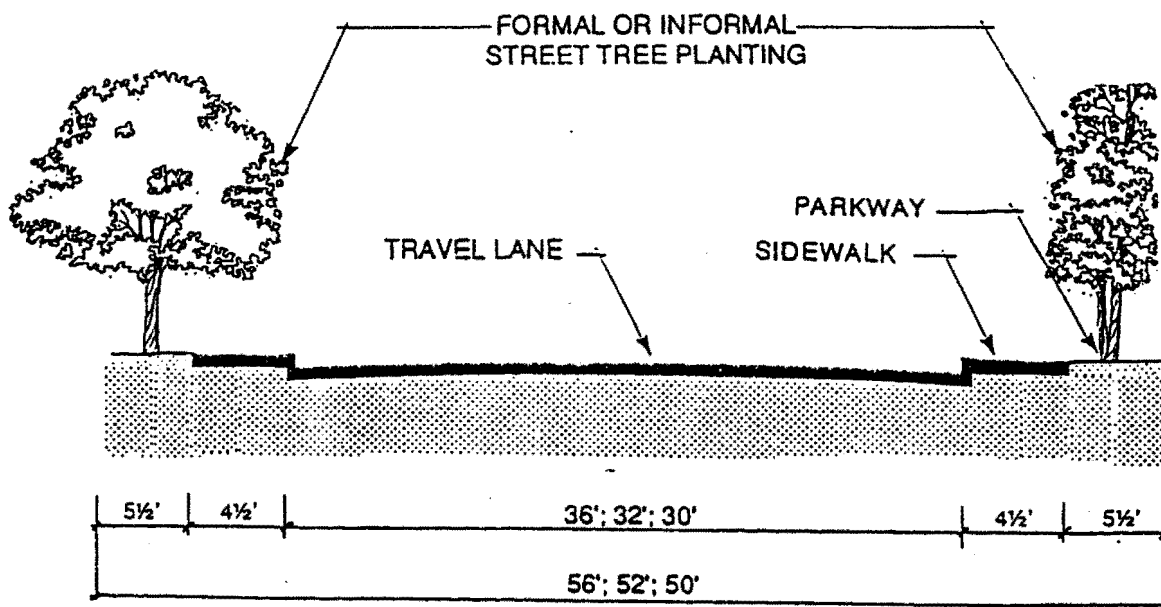
P • L • A • N ■ CARMEL VALLEY/NEIGHBORHOOD 10

FIGURE 14



T&B Planning Consultants
3242 HAWLADAY, SUITE 200
SAN ANTONIO, CA 78239 (714) 442-2724
10700 CARMEL VALLEY DRIVE, SUITE 200
SAN DIEGO, CA 92121 (619) 444-8744





RESIDENTIAL LOCAL STREET

ROADWAY CROSS SECTIONS **PRECISE**

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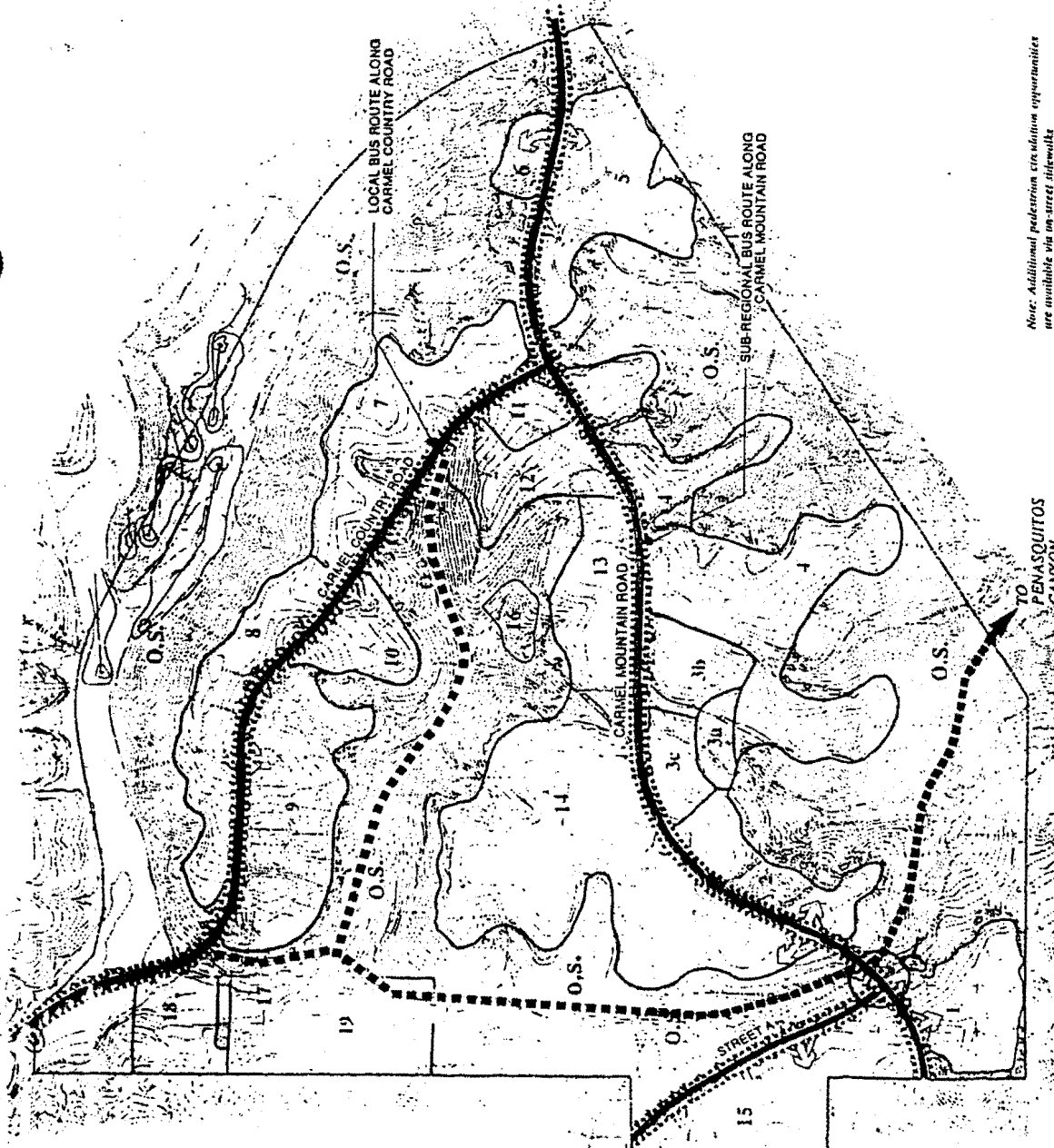
FIGURE 15

T&B Planning Consultants
3242 PALMADAY, SUITE 100
SAN ANTONIO, TEXAS 78249-1774
950 DUBLIN DRIVE, SUITE 200
SAN DIEGO, CALIF. 92108-1774



ALTERNATIVE TRANSPORTATION FACILITIES

- ON-STREET BIKE LANE &
CONTIGUOUS SIDEWALK
- ROAD UNDERCROSSING
- EXISTING NATURAL TRAILS



Note: Additional pedestrian circulation opportunities
are available via on-street sidewalks

FIGURE 16A
T&E Planning Consultants
10000 E. 1st Avenue, Suite 100
Denver, CO 80231
www.tandecompany.com

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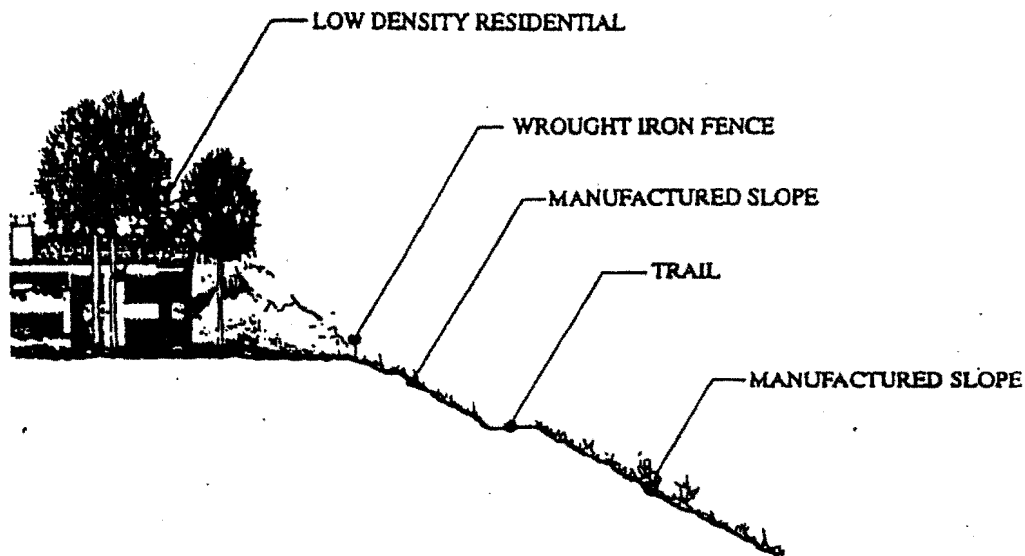
3. BICYCLE PARKING FACILITIES

Bicycle parking facilities consist of bicycle racks. Bicycle racks should not require the use of chains or cables to secure them as chains and cables are easily cut by thieves using bolt cutters. It is recommended that bicyclists use U-shaped high security locks to lock bicycles.

4. PEDESTRIAN TRAVEL

The pedestrian path system for Neighborhood 10 will include the following elements:

- Sidewalks along local residential streets, designed to City of San Diego requirements.
- Traffic signals along Carmel Country Road and Carmel Mountain Road at major entrances to Neighborhood 10 where neighborhood and community-wide pedestrian systems intersect.
- Existing natural trails that traverse through the central east-west canyon and run north-south parallel to the western project perimeter will accommodate pedestrians (see Figure 16A for trail locations). The illustration (below) depicts the relationship of an existing trail and the "low density" residential development planned in development area 12.



TYPICAL PEDESTRIAN TRAIL AT P.A. 12

5. EQUESTRIAN TRAVEL

An existing natural trail in the southwestern portion of the Precise Plan area and a roadway undercrossing to be constructed at Carmel Mountain Road will accommodate horses (Figure 16A). A plan view of the equestrian trail roadway undercrossing is illustrated in Figure 16B, *Equestrian Trail (Plan View)*.

E. PARKING

Standards for off-street parking are incorporated into the zoning regulations for each type of use in the Planned District Ordinance. Shared parking should be considered in the park/school complex. No parking will be permitted on Carmel Mountain Road, Carmel Country Road, and Street A, as the on-street areas next to the curbs are reserved for bicycle lanes.

1. RESIDENTIAL

Each residential project shall provide adequate off-street parking, as required by the Carmel Valley Planned District.

2. COMMERCIAL

- Parking areas shall be integrated into the overall design of the projects they serve
- Unobstructed and adequate maneuvering aisles or turn-around areas shall be provided to ensure that all vehicles shall enter the street or highway in a forward manner.
- Where parking areas are visible from a street, there shall be a landscaped area between the curb and parking area planted with trees, shrubs and ground cover that will significantly soften the view of such areas.
- Conflicts between automobiles, service vehicles, and pedestrians within the site shall be minimized.

V. CIRCULATION

CARMEL VALLEY - NEIGHBORHOOD 10 PRECISE PLAN

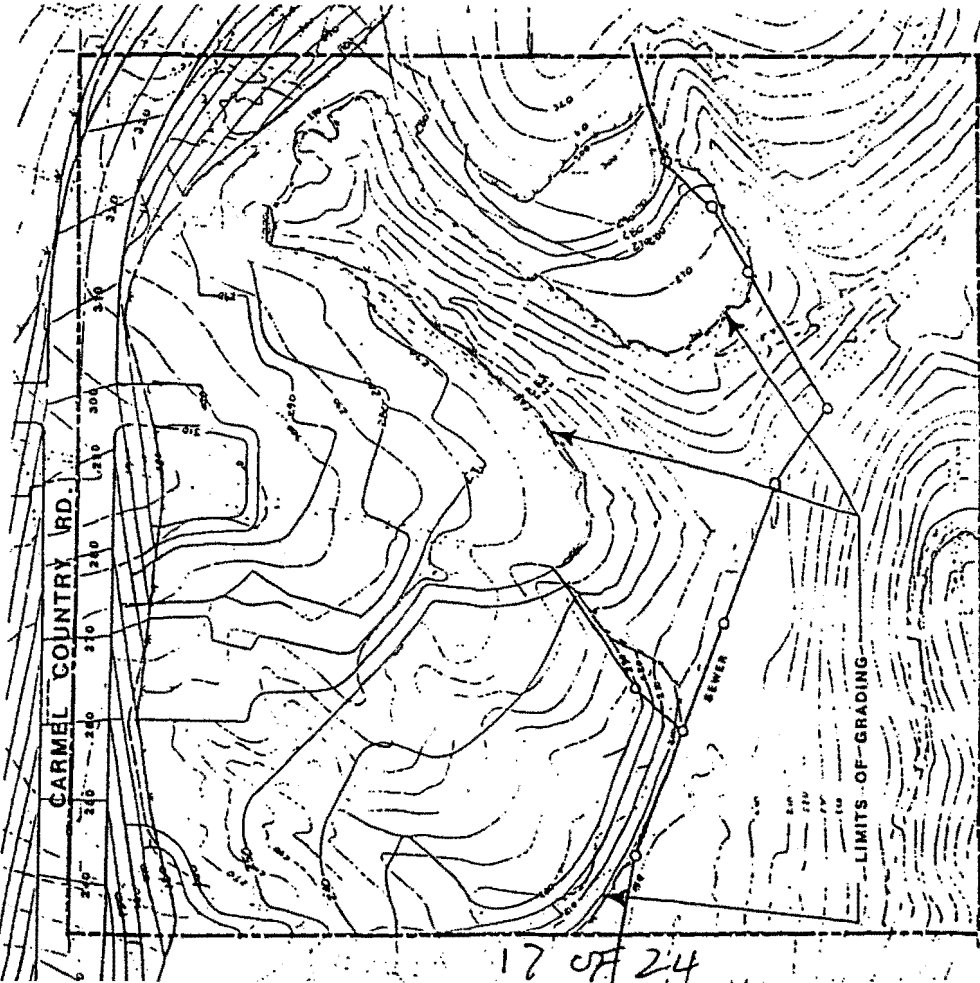
16 of 24



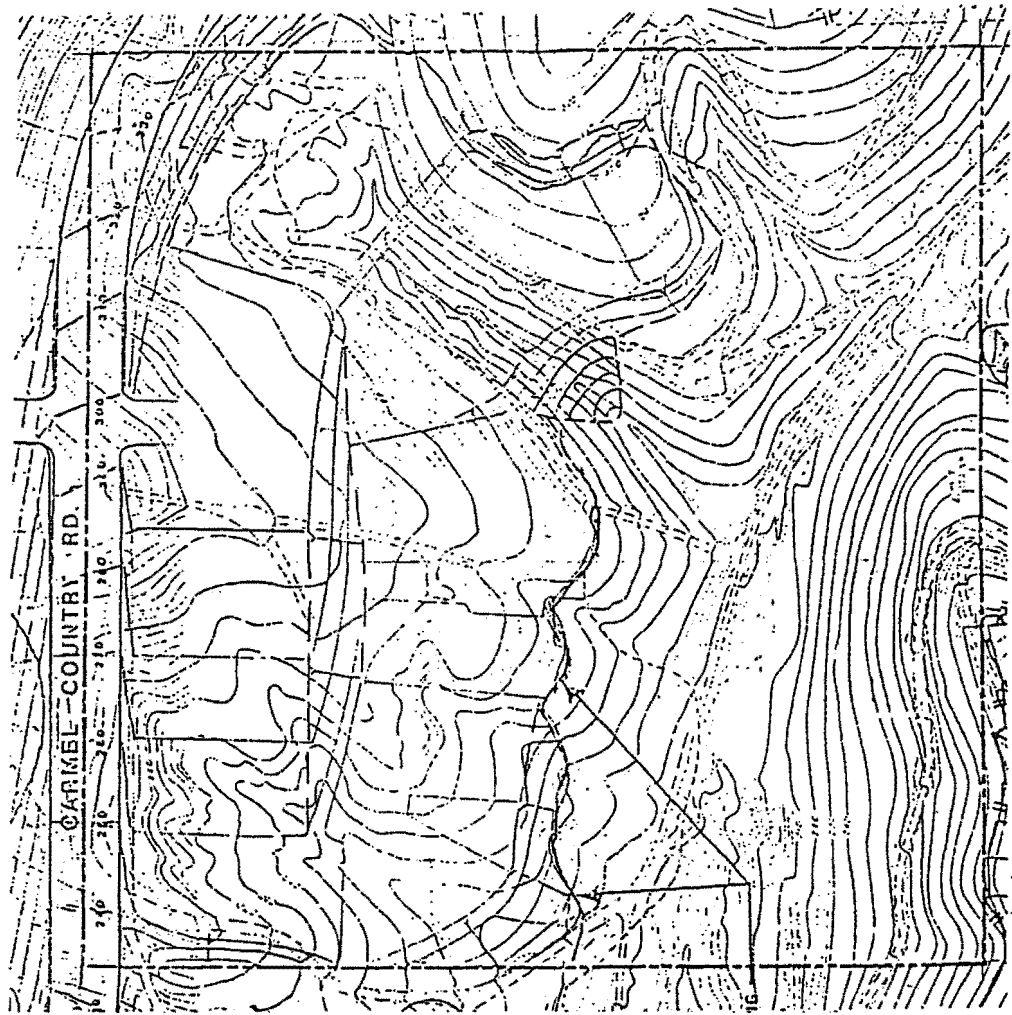
FIGURE 17

PRECISE

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ADOPTED PLAN



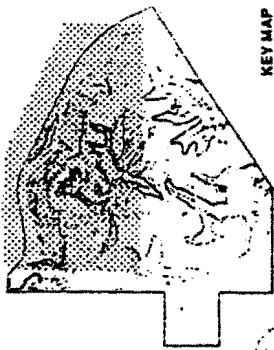
PROPOSED PLAN

FIGURE 18
 T&E Planning Consultants
 115

PRECISE

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SHAW VALLEY CROSS SECTION INDEX MAP



KEY MAP

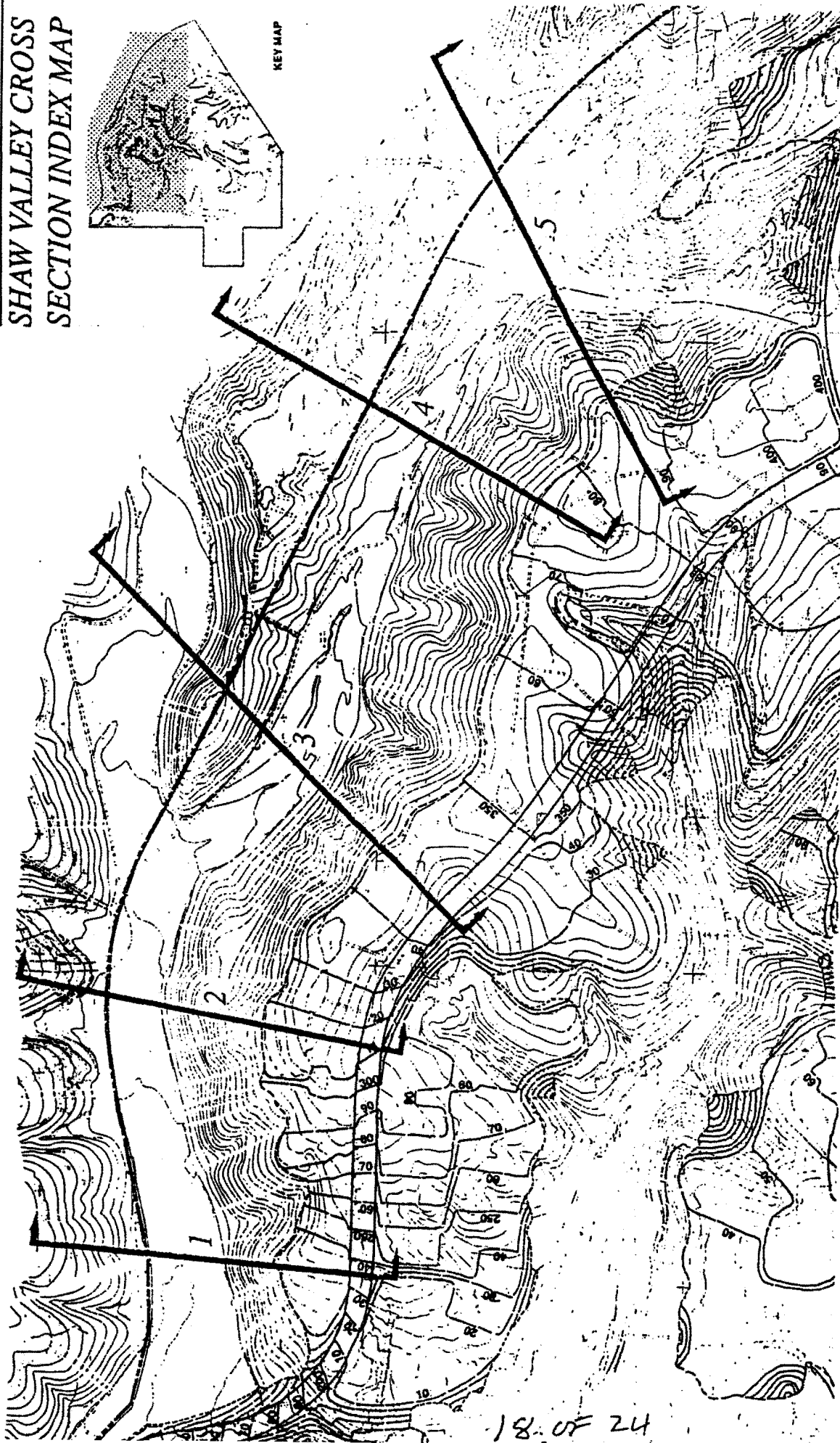
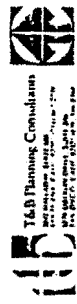


FIGURE 23



T&B Planning Consultants
INCORPORATED
1000 E. 10TH AVE., SUITE 100
DENVER, COLORADO 80202
(303) 733-1100

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All plant materials to be utilized in public areas and on graded slopes shall be subject to review and approval by the San Diego Parks and Recreation Department, Open Space Division.

In order to insure the proper integration of landscape treatment within Neighborhood 10, separate landscape standards are established for different landscape areas: (1) landscaping of streetscapes; (2) landscape treatment of manufactured slopes; and (3) Brush Management Program. The landscaped areas for streetscapes should be consistent with the Recommendations for Street and Parkway Improvements Manual prepared for Carmel Valley Neighborhoods 2, 3, 4a, 7, and 9. In addition, all landscaped areas should be consistent with the City of San Diego's Landscape Technical Manual.

1. ROADWAY LANDSCAPE DESIGN

The rights-of-way and adjacent slopes for Carmel Country Road and Carmel Mountain Road should be designed similar to that of other community-oriented streets. Design solutions should visually edit out traffic and mitigate traffic noise to the extent feasible. Trees allowed in street right-of-ways are discussed below under *Street Trees*. Figures 13, 14, and 15, *Roadway Cross-Sections*, illustrate typical roadway landscape sections for streets in the Precise Plan area.

Carmel Country Road will initially be constructed as a modified two and three lane collector within a 98-foot-wide right-of-way which will allow the road to eventually expand to four lanes should future traffic volumes warrant such improvement. The sidewalk along Carmel Country Road shall be constructed contiguous to the street pavement. All street trees shall be planted within the parkway of the ultimate four-lane alignment. Only shrubs, groundcovers and turf shall be planted within the potential curb-to-curb width of the ultimate four-lane alignment. In this manner, the street trees will not need to be replaced or uprooted should Carmel Country Road ultimately expand to four lanes within the street right-of-way.

The following streetscape guidelines shall be applied to future development plans for Neighborhood 10:

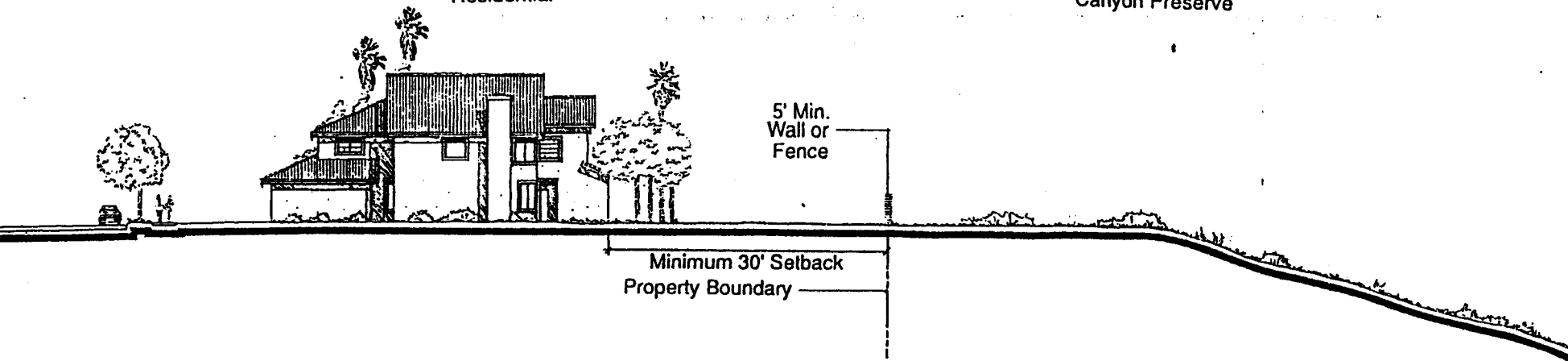
- Low maintenance, drought-tolerant plant material should be used within the public right-of-way.
- Reclaimed water shall be used for landscaping within public street rights-of-way if readily available and where feasible.
- Medians should consist of trees, low shrubs and ground cover. (Per City of San Diego Landscape Guidelines.)

VI. DESIGN GUIDELINES

CARMEL VALLEY - NEIGHBORHOOD 10 PRECISE PLAN

SECTION C

Los Penasquitos Canyon Preserve



SECTION D

Low Density Residential

Commercial Center

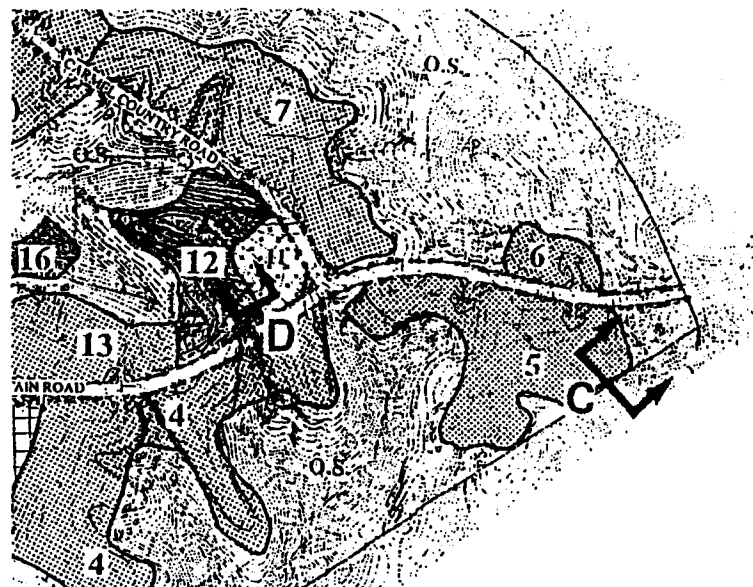
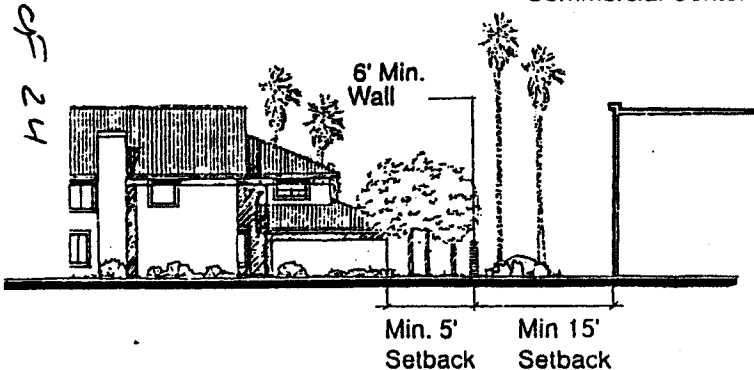


FIGURE 28

T&B Manning Consultants

1242 14451404X 11/17 100
 14474 1444 (1/17) 12/17 174 174
 14474 1444 (1/17) 12/17 174 174
 14474 1444 (1/17) 12/17 174 174






Not To Scale

PRECISE

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WALL & FENCING PLAN

LEGEND

	PILASTERS WITH WROUGHT IRON
	PILASTERS & STEM WALL WITH WROUGHT IRON
	SOLID WALL
	OFFSETTING SOLID WALL
	NO FENCING REQUIRED

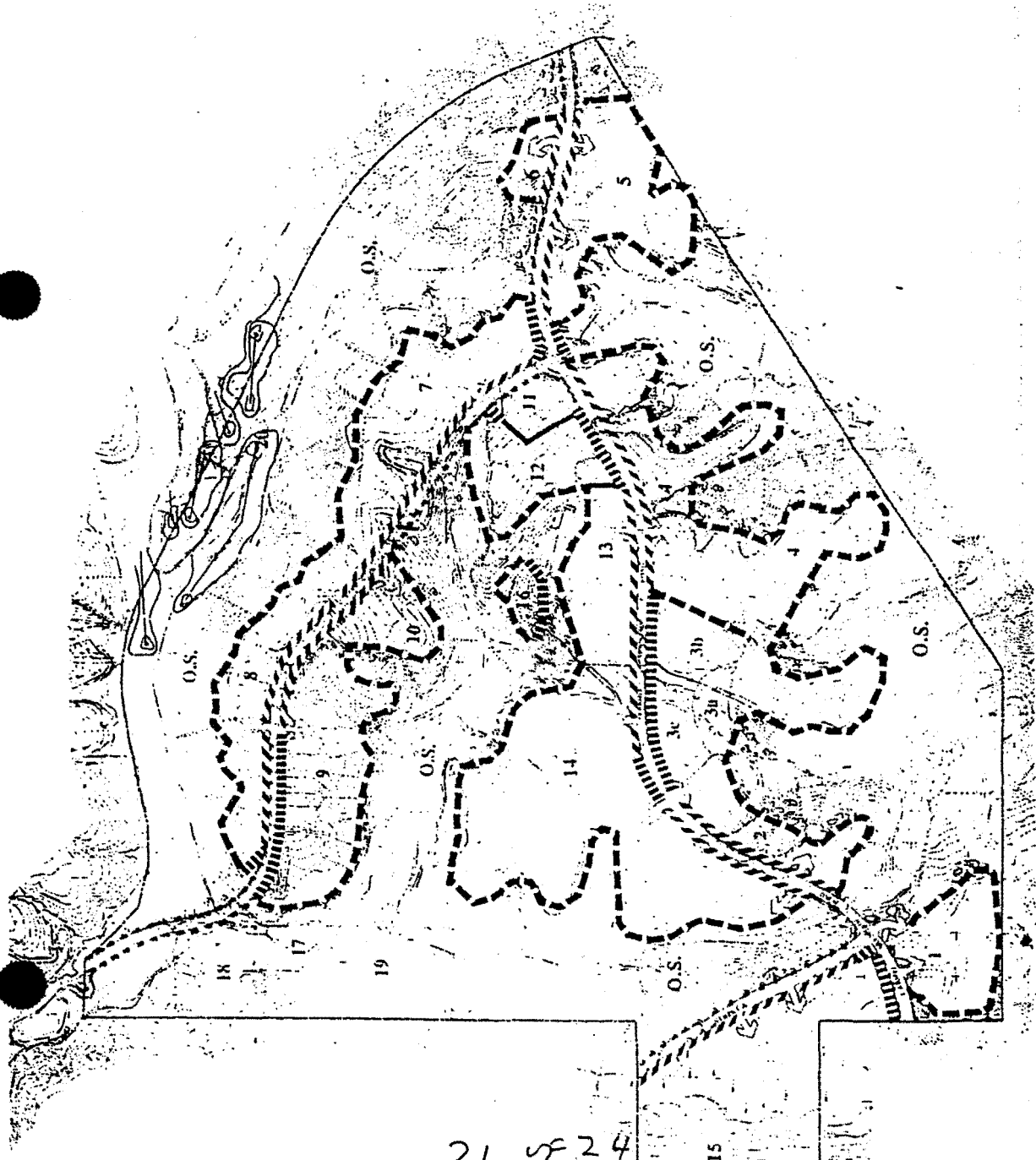
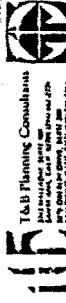


FIGURE 31



T&B Planning Consultants, Inc.
10000 Wilshire Blvd., Suite 200
Beverly Hills, CA 90210
(310) 274-1111

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4. HYDROLOGY/WATER QUALITY

a. RUNOFF AND EROSION

Several measures are included in the Precise Plan as conditions of approval of any subsequent Vesting Tentative Maps and Tentative Maps to reduce peak flow, runoff velocity, erosion, and downstream siltation during grading and construction phases:

- 1) Direct surface drainage to natural and manufactured slopes shall be minimized by: 1) grading away from slopes; 2) providing of drainage swales at tops or toes of manufactured slopes, where appropriate; and 3) installing an underground drainage system.
- 2) Direct and indirect grading and drainage impacts to Los Peñasquitos Canyon Preserve shall be minimized through the design provided in this Precise Plan. Specifically, the plans provide underground and surface drainage facilities for all the developed areas. All stormwater runoff from developed areas shall first be directed through desilting basins to a stable discharge point to minimize impacts to the Los Peñasquitos Canyon Preserve.
- 3) Grading shall be limited to the dry months (March 15 - October 15) and special construction methods shall be used to minimize erosion and siltation problems during construction. Grading may continue during the rainy season, provided adequate erosion control measures are employed to the satisfaction of the City Engineer. These measures may include use of sand and gravel bags, hay bales, silt fences, and temporary desilting basins.
- 4) All manufactured slopes shall be landscaped and irrigated to ensure slope stability, reduce erosion and enhance visual appearance within 90 days of their creation. Temporary slope erosion control measures, such as hydro-seeding and slope stability measures shall be taken.
- 5) Surface water crossing slope banks shall be reduced by providing drainage swales above the banks.
- 6) To reduce the loading of nutrients in urban runoff, landscape design shall incorporate the use of low-water requirement vegetation.
- 7) Slope planting species shall be chosen for low fertilization requirements, and fertilization shall be discontinued one year after planting for naturalized areas adjacent to open space.

VII. PLAN IMPLEMENTATION

CARMEL VALLEY - NEIGHBORHOOD 10 PRECISE PLAN

TABLE 1
R.P.O. ANALYSIS BY OWNERSHIP PARCEL-BY-PARCEL⁽¹⁾

SH

PARCEL	OWNERSHIP	TOTAL ACRES	SENSITIVE BIOLOGY/25% SLOPE ACRES	AREA WITH NO SENSITIVE RESOURCES	PERCENT OF PARCEL WITH SENSITIVE RESOURCES	MAXIMUM ENCROACHMENT		MAXIMUM ENCROACHMENT		MAXIMUM DEVELOPABLE AREA PER RPO ACREAGE	DEVELOPABLE AREA PER PARCEL
						DEVELOPABLE AREA	EXEMPT AREA	DEVELOPABLE AREA	EXEMPT AREA		
	KATZ	9.00	3.20	5.80	36%	4%	5%	0.13	0.16	6.09	0.71
	FLOWERS	1.00	0.56	0.44	56%	8%	10%	0.04	0.06	0.54	0.04
	MENEFEE	20.21	14.64	5.57	72%	10%	10%	1.46	1.46	8.49	0.41
	PARDEE	20.21	17.65	2.56	87%	16%	15%	2.82	2.65	8.03	8.34
	PARDEE	39.52	22.68	16.84	57%	8%	10%	1.81	2.27	20.92	22.75
	WESTSHAW ASSOC.	26.17	20.14	6.03	77%	12%	15%	2.42	3.02	11.47	2.18
	WESTSHAW ASSOC.	7.39	3.13	4.26	42%	4%	5%	0.13	0.16	4.55	0.00
	MA	2.00	0.52	1.48	26%	2%	5%	0.01	0.03	1.52	2.00
	SHAW	53.69	43.96	9.73	82%	14%	15%	6.15	6.59	22.47	19.71
	SHAW	68.07	37.74	30.33	55%	8%	10%	3.02	3.77	37.12	35.71
	SHAW	12.14	7.71	4.43	64%	8%	10%	0.62	0.77	5.82	5.90
	SHAW SUBTOTAL	133.90	89.41	44.49				9.79	11.13	65.41	61.32
	B.J. MERRILL	2.35	0.90	1.45	38%	4%	5%	0.04	0.05	1.54	2.25
	H.B. MERRILL & GORDON	2.35	0.16	2.19	7%	0%	0%	0.00	0.00	2.19	2.14
	MEDINA & GORDON	4.80	1.07	3.73	22%	0%	0%	0.00	0.00	3.73	4.80
	GLEESON	2.35	0.21	2.14	9%	0%	0%	0.00	0.00	2.14	2.35
	GLEESON	2.35	0.50	1.85	21%	0%	0%	0.00	0.00	1.85	2.06
	GLEESON SUBTOTAL	4.70	0.71	3.99				0.00	0.00	3.99	3.14
	PARKVIEW DEV. CO.	6.39	3.91	2.48	61%	8%	10%	0.31	0.39	3.18	0.00
	PARKVIEW DEV. CO.	18.64	15.76	2.88	85%	16%	15%	2.52	2.36	7.76	0.00
	PARKVIEW DEV. CO.	19.75	10.81	8.94	55%	8%	10%	0.86	1.08	10.88	9.73
	PARKVIEW DEV. CO.	19.01	5.71	13.30	30%	2%	5%	0.11	0.29	13.70	15.99
	PARKVIEW DEV. CO.	38.85	9.45	29.40	24%	0%	0%	0.00	0.00	29.40	34.49
	PARKVIEW DEV. CO.	10.00	6.93	3.07	69%	10%	10%	0.69	0.69	4.45	3.45
	PARKVIEW DEV. CO.	38.93	13.33	25.60	34%	2%	5%	0.27	0.68	26.54	34.34
	PARKVIEW DEV. CO.	39.86	31.33	8.53	79%	12%	15%	3.76	4.70	16.99	10.79
	PARKVIEW DEV. CO.	19.49	9.11	10.38	47%	6%	5%	0.55	0.46	11.39	14.58
	PARKVIEW DEV. CO.	10.00	5.58	4.42	56%	8%	10%	0.45	0.56	5.43	8.37
	PARKVIEW DEV. CO.	106.21	73.71	32.50	69%	10%	10%	7.37	7.37	47.24	48.95
	PARKVIEW DEV. CO.	30.00	28.75	1.25	96%	20%	15%	5.75	4.31	11.31	4.01
	PARKVIEW DEV. CO.	10.00	3.75	6.25	37%	4%	5%	0.15	0.19	6.59	6.13
	PARKVIEW DEV. CO.	10.00	4.01	5.99	40%	4%	5%	0.16	0.20	6.35	6.51
	PARKVIEW DEV. CO.	2.64	0.00	2.64	0%	0%	0%	0.00	0.00	2.64	2.64
	PARKVIEW DEV. CO.	68.76	32.76	36.00	48%	6%	5%	1.97	1.64	39.61	55.82
	PARKVIEW SUBTOTAL	448.53	254.90	193.63				24.92	24.92	243.46	255.80
	PAGE TOTAL	722.13	429.67	292.46				43.57	45.91	381.93	367.15

TABLE A-1
R.P.O. ANALYSIS BY OWNERSHIP PARCEL-BY-PARCEL⁽¹⁾

CEL D.	OWNERSHIP	TOTAL ACRES	SENSITIVE BIOLOGY/25% SLOPE ACRES	AREA WITH NO SENSITIVE RESOURCES	PERCENT OF PARCEL WITH SENSITIVE RESOURCES	MAXIMUM ENCROACHMENT PERCENTAGE FOR		MAXIMUM ENCROACHMENT IN ACRES FOR		MAXIMUM DEVELOPABLE AREA PER RPO ACREAGE	PERCENT OF PARCEL WITH SENSITIVE RESOURCES
						DEVELOPABLE AREA	EXEMPT AREA	DEVELOPABLE AREA	EXEMPT AREA		
3	WASSEL	4.70	1.12	3.58	24%	0%	0%	0.00	0.00	3.58	4.08
4	CROWNSHIELD	5.00	2.44	2.56	49%	6%	5%	0.15	0.12	2.83	5.00
5	PLATNER	5.00	3.76	1.24	75%	12%	15%	0.45	0.56	2.25	5.00
6	SHIRASHI	12.98	8.13	4.85	63%	8%	10%	0.65	0.80	6.31	6.46
a	JANICK CORPORATION	10.00	7.11	2.89	71%	10%	10%	0.71	0.71	4.31	2.44
b	JANICK CORPORATION	5.00	0.51	4.49	10%	0%	0%	0.00	0.00	4.49	3.57
8	JANICK CORPORATION	2.50	2.50	0.00	100%	20%	15%	0.50	0.38	0.88	0.00
8'	JANICK CORPORATION	10.00	10.00	0.00	100%	20%	15%	2.00	1.50	3.50	7.82
JANICK CORPORATION SUBTOTAL		27.50	20.12	7.38				3.21	2.59	13.18	12.13
9	BASDAKIS	1.25	1.25	0.00	100%	20%	15%	0.25	0.19	0.44	0.45
0	INTERSECTION 606	5.88	0.61	5.27	10%	0%	0%	0.00	0.00	5.27	5.93
1	RIGSBY	2.28	0.19	2.09	8%	0%	0%	0.00	0.00	2.09	2.28
2	SHINE/NORRIS	2.34	2.06	0.28	88%	16%	15%	0.33	0.31	0.92	2.34
3	HERVEY	2.13	0.50	1.63	24%	0%	0%	0.00	0.00	1.63	2.13
4	ROMAN CATHOLIC CHURCH	2.50	2.50	0.00	100%	20%	15%	0.50	0.38	0.88	2.50
6	HUFFMAN-KIRKPATRICK	10.00	9.71	0.29	97%	20%	15%	1.95	1.46	3.69	4.05
7	AMERICAN GENERAL	2.48	0.00	2.48	0%	0%	0%	0.00	0.00	2.48	2.48
PAGE TOTAL		84.04	52.39	31.65				7.49	6.41	45.55	56.53
PAGE 1 TOTALS		722.13	429.67	292.46	---	---	---	43.57	45.91	381.93	367.15
PAGE 2 TOTALS		84.04	52.39	31.65	---	---	---	7.49	6.41	45.55	56.53
GRAND TOTALS		806.17	482.06	324.11	---	---	---	51.06	52.32	427.48	423.68
ADDITIONAL SLOPE ENCROACHMENT INTO SENSITIVE LANDS ⁽¹⁾ - ALL PROPERTIES EXCEPT PARKVIEW											[4.49]
ADDITIONAL SLOPE ENCROACHMENT INTO SENSITIVE LANDS - PARKVIEW LANDS											[6.91]
OPEN SPACE LINKAGE (Non Sensitive) - ALL PROPERTIES EXCEPT PARKVIEW LANDS											[1.20]
OPEN SPACE LINKAGE (Non Sensitive) - PARKVIEW LANDS ONLY											[2.50]
NEIGHBORHOOD 10 CUMULATIVE RPO ANALYSIS		806.17	482.06	324.11	60%	8%	10%	58.56	59.22	410.99	409.50

- (1) ACREAGE AREAS ARE APPROXIMATE BASED ON ASSESSOR PARCEL MAP AND ARE SUBJECT TO REFINEMENT DURING DETAILED BOUNDARY SURVEY, DESIGN AND ENGINEERING.
(2) THIS ENCROACHMENT IS DUE TO THE CITY'S REQUEST OF 2-1/2 TO 3 SLOPES ADJACENT TO NATURAL OPEN SPACE.

RECEIVED
OCT 11 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

520
Cup
(O-97-5) COR. COPY
09/09/96

ORDINANCE NUMBER O-18337 (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

EXHIBIT NO. 3
APPLICATION NO.
SDLCPA 2-96
Del Mar Mesa Specific Plan - Ordinance Approving Plan

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.

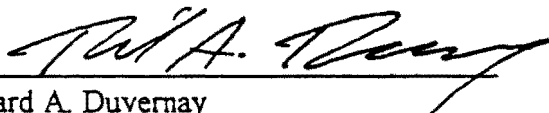
Section 4. The Council hereby approves and adopts "Exhibit A," a copy of which is on file in the office of the City Clerk as Document No. OO- 18337-2, defining in greater detail the information contained on the Open Space Map (Figure 6) contained in the Specific Plan. Where any conflict or inconsistency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

RAD:lc
07/15/96
07/26/96 COR.COPY
09/09/96 COR.COPY
Or.Dept.Comm.&Eco.Dev.
O-97-5
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SEP 09 1996

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Mary L. Cepeda 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 30 1996

SEP 09 1996

, and on

~~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 con-
sideration 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 Mary L. Cepeda Deputy.

Office of the City Clerk, San Diego, California

This information is available in alternative
formats upon request.

Ordinance
Number 0-18337

SEP 09 1996

Adopted

RECEIVED

(K-97-54)

OCT 11 1996

RESOLUTION NUMBER R-287715

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ADOPTED ON 111 23 1996

WHEREAS, the Planning Commission of The City of San Diego has held public hearings for the purpose of considering adoption of the Del Mar Mesa Specific Plan, together with amendments to the Progress Guide and General Plan, amendments to the North City Future Urbanizing Area Framework Plan, and amendments to the North City Local Coastal Program in order to retain consistency among such plans; and


WHEREAS, Council Policy No. 600-7 provides that public hearings to consider revisions of the PROGRESS GUIDE AND GENERAL PLAN FOR THE CITY OF SAN DIEGO may be scheduled concurrently with public hearings on proposed community plan amendments in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, concurrent with adoption of this resolution, the Council of The City of San Diego (the "Council") has introduced an ordinance for adoption of the Del Mar Mesa Specific Plan; and

WHEREAS, the Council has considered all maps, exhibits, written documents and materials in the file for this matter on file in The City of San Diego, and has heard all the oral presentations given at the public hearing; NOW, THEREFORE,

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

1. That the Council hereby approves and adopts the amendments to those plans entitled North City Future Urbanizing Area Framework Plan, North City Local Coastal Program by incorporating therein the specific changes to those plans as set forth in Attachment

EXHIBIT NO. 4
APPLICATION NO. SDLCPA 2-96
Del Mar Mesa Specific Plan - Resolution
1 of 2
 California Coastal Commission

incorporated by reference into this resolution, all of which are intended to retain consistency with the Del Mar Mesa Specific Plan and its implementation measures, a copy of which is on file in the office of the City Clerk as Document No. 00- 18337-

2. That it hereby adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the specific changes set forth in Attachment 1, hereby incorporated by reference into this resolution, all of which are intended to retain consistency with the Del Mar Mesa Specific Plan and its implementation measures.

3. That the City Manager is directed to submit the Del Mar Mesa Specific Plan and any necessary Local Coastal Program amendments to the California Coastal Commission for its approval and certification as an amendment to the City's Local Coastal Program.

4. That the aforementioned actions shall not become effective until such time that the Council has lawfully established a facilities benefit assessment district designating an area of benefit within area covered by the Del Mar Mesa Specific Plan, and confirming the description of public facilities projects and the amount of the facilities benefit assessments charged to each parcel.

APPROVED: JOHN W. WITT, City Attorney

By *Richard A. Duvernay*
Richard A. Duvernay
Deputy City Attorney

RAD:lc
07/15/96
Or.Dept:Comm.&Eco.Dev.
R-97-54
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DEL MAR MESA SPECIFIC PLAN
PROPOSED LAND USE PLAN AMENDMENTS

- 1) Progress Guide and General Plan - The Del Mar Mesa Specific Plan constitutes an amendment to the City's General Plan and the land use map will be amended to reflect the Subarea V land use designations.
- 2) North City Local Coastal Program - Amend to reflect the development and open space areas in the specific plan.
- 3) FRAMEWORK PLAN DIAGRAM (Figure 3-2)
 - a) Update subarea boundaries
 - b) Update open space/development area boundaries
 - c) Revise circulation element roadway alignments to reflect the Circulation Element of the Del Mar Mesa Specific Plan
- 4) Framework Plan REQUIREMENTS FOR PREPARATION OF SUBAREA PLANS (Implementing Principle 2.5a)

A single, unified Subarea Plan is to be prepared and adopted for each of the subareas delineated on the Framework Plan Diagram prior to a phase shift to the Planned Urbanizing designation or development approval of density greater than one dwelling unit per 10 acres, except if consistent with the requirements in Principle 2.5f below.

As an alternative to preparation of a subarea plan as described in section 2.5, planning and development in Subarea V of the NCFUA may occur pursuant to a specific plan as described in Government Code 65460 et seq., provided the development provisions of the specific plan are neutral or more restrictive in terms of permitting development than those development provisions in effect on August 1, 1984, consistent with the Managed Growth Initiative of 1984. This does not preclude future proposals to amend this Framework Plan to extend the option of processing specific plans for other subareas.

Such a specific plan must encompass all property located within a Subarea and address, as deemed appropriate and necessary, the issues identified in Section 2.5f of this plan.

A specific plan may, in the sole discretion of the City Council redesignate land use, replace existing zoning, and establish development regulations which (i) determine the location of land uses without regard to the boundaries or size of individual lots or parcels, (ii) permit clustering of dwelling units on any portion(s) of the land covered by such specific plan, (iii) provide for consolidation, modification or reduction in size of present lots and parcels in order to

EXHIBIT NO. 5

APPLICATION NO.

SDLCPA 2-96

Proposed Land Use
Plan Changes

1 of 5

realize the purpose of this alternative in accordance with applicable laws and (iv) establish the boundaries of and method of implementing the Multiple Species Conservation Program within the specific plan area. Implementation of a specific plan prepared in accordance with this section does not require a phase shift to redesignate the area from future to planned urbanizing area, and therefore, does not require approval of the electorate. The total number of units permitted without a phase shift in any subarea pursuant to a specific plan will in no event exceed the total number of units allowable by the regulations in effect on August 1, 1984.

Utilization of this alternative for residential purposes requires that the maximum number of permissible dwelling units for the land within the boundaries of the specific plan be calculated in the following manner to ensure consistency with the provisions of the Managed Growth Initiative of 1984:

- ▶ Determine the total number of acres and zoning (in effect on August 1, 1984) of the land within the boundaries of the specific plan.
- ▶ Calculate the maximum number of permissible dwelling units for land within the boundaries of the specific plan (if any) zoned A-1-1.
- ▶ Calculate the maximum number of permissible dwelling units for land within the boundaries of the specific plan zoned A-1-10 in accordance with the Planned Residential Development (PRD) regulations (in effect on August 1, 1984) at the rate of one dwelling unit per four acres.
- ▶ Determine, by adding the numbers calculated above, the total number of permissible dwelling units. In order to be consistent with the Managed Growth Initiative of 1984, such maximum number of permissible dwelling units cannot be exceeded by such specific plan.

The City shall have the absolute right and discretion in reviewing any proposed specific plan to take into consideration all applicable laws and policies relating to development and to limit the total number of units and to reject any specific plan which provides for a density in excess of the density allowed by right for any parcel as of August 1, 1984 or a density on one unit per four acres.

5) Framework Plan PUBLIC FACILITIES NEEDS AND FINANCING ELEMENT
(Implementing Principle 8.2c)

No Subarea Plan will be adopted by the City Council without concurrent adoption of a Purchase Agreement that commits owners of designated school, park, library and fire station sites to sell those sites to the relevant school district(s) or the City. The Purchase Agreement shall set the price so that it is equal to the market value of the site(s) based on uses allowed by zoning regulations in place prior to the time the Subarea Plan is adopted, plus interest paid at an agreed-upon rate from the date of the Agreement to the date of the actual purchase. The Purchase Agreement(s) shall specify that if the City or school district(s) purchases the land at the stated price, the owner(s) will be permitted to develop the remainder of their property as specified in the Subarea Plan, subject to relevant City, State and federal regulations.

An elementary school site is identified in Figure 5 of the Del Mar Mesa Specific Plan. An alternative site is also discussed in the specific plan. Until sufficient students have been generated from this and adjacent areas, and sufficient mitigation payments, special taxes, or other funds are collected to fund the property acquisition and development, the identified school/park site property shall retain development rights consistent with similarly zoned parcels in the Del Mar Mesa Specific Plan, or 1 dwelling unit per 2.5 gross acres, except in cases where the density is further defined in the specific plan. If, prior to acquisition by the DMUSD and/or City of San Diego, the property owner makes application for a subdivision of land or other discretionary action, the City and the DMUSD shall have the opportunity to negotiate purchase of the identified property. If the DMUSD and/or City of San Diego is unsuccessful in securing the school/park site, a similar process shall apply to the alternative location.

With respect to the provision of school facilities, where there is conflict between the Framework Plan and the Del Mar Mesa Specific Plan, the requirements of the specific plan shall supersede the requirements of this section, including those relating to the execution of Purchase Agreements.

DEL MAR MESA SPECIFIC PLAN
PROPOSED FRAMEWORK PLAN AMENDMENT

7.2 IMPLEMENTING PRINCIPLES: INCLUSIONARY HOUSING REQUIREMENTS

- 7.2a Apply to residential development projects the inclusionary requirements in effect for the NCFUA under the City's planned residential development provisions. These requirements specify that residential development projects must provide housing on-site, affordable to low-income families, as certified by the San Diego Housing Commission.

This requirement can be fulfilled by: 1) a set aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, families earning no more than 65 percent of median area income, adjusted for family size, or 2) a dedication of developable land of equivalent value. The affordable units must remain affordable for the life of the unit and should be phased proportionate to development of the market-rate units. The bedroom composition of the affordable units should be similar to that of the market-rate units. Developers of projects with 10 or fewer housing units and projects falling within the estate and very low-density residential category may, at the discretion of the City, satisfy the requirements of the inclusionary program by donating to the City an amount of money equivalent to the cost of achieving the level of affordability required by the inclusionary program.

- 7.2b-e No change

- 7.2f The affordable housing provisions contained in the Del Mar Mesa Specific Plan shall supersede those stated above for Subarea V.

Passed and adopted by the Council of The City of San Diego on Jul 30 1996
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By [Signature], Deputy.

5 OF 5

Office of the City Clerk, San Diego, California

ORDINANCE NUMBER O- 18277 (NEW SERIES)

ADOPTED ON APR 01 1996

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0303 RELATING TO
CONTINUANCE OF NONCONFORMING USES AND
STRUCTURES

WHEREAS, February 12, 1996, has been declared "Regulatory
Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to
streamline and consolidate where appropriate the City's land use
regulatory and environmental procedures; and


WHEREAS, the City Manager's office has reviewed San Diego
Municipal Code section 101.0303 having to do with the continuance
of nonconforming uses and structures and has suggested amending
the code section to streamline the regulatory process; NOW,
THEREFORE,

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

Section 1. That Chapter X, Article 1, Division 3, of the
San Diego Municipal Code be and the same is hereby amended by
amending Section 101.0303, to read as follows:

SEC. 101.0303 Continuance of Nonconforming Uses and
Structures

The lawful use of land existing at the time the Zone
Ordinance became effective, with which ordinance such use

EXHIBIT NO. 6
APPLICATION NO.
SDLCPA 2-96
Non-Conforming Use Ordinance Revisions
1 of 5
 California Coastal Commission

did not conform, may be continued provided no enlargement or addition to such use is made.

The lawful use of buildings existing at the time the Zone Ordinance became effective, with which ordinance such building did not conform with respect to the development regulations, may be continued provided any enlargements, additions or alterations to such building will not increase its degree of nonconformity and will conform in every respect with the development regulations of the zone in which the building is located, except as hereinafter provided by zone variance.

Any discontinuance of a nonconforming use for a continuous period of two years shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of the ordinance.

Any change from a nonconforming use of land or buildings to a more restrictive or conforming use shall constitute abandonment of such nonconforming rights.

Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure or improvement, nor increase the size or degree of nonconformity of a use, may be made provided that the aggregate value of such repairs or alterations shall not exceed 50 percent of its fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which the repairs and alterations occur. The

terms "repairs" and "alterations" do not include painting or replacement of exterior stucco siding, or shingles.

If any nonconforming building or use be destroyed by fire, explosion, act of God or act of the public enemy to the extent of fifty percent (50%) or more of the fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council, the said building or use and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by the Zone Ordinance for the district in which such building was located. The provisions of this paragraph shall not apply to any nonconforming building for which a Reconstruction Permit has been or is obtained pursuant to Municipal Code Section 101.0500(B).

If the use is a medical or counseling service and is prohibited pursuant to Sections 101.0410 (B) (9) (c), 101.0423(B) (1), 101.0426(B) (1), 101.0427(B) (1), or 101.0435.2(B) (11) (e), and if such use existed on August 13, 1984, it shall become a nonconforming use and shall be governed by the provisions of this section. Any such medical or counseling service existing on the effective date of the ordinance shall have ninety (90) days to cease operation, after which time the service shall be unlawful at

that site and shall constitute a violation of this Code unless a Conditional Use Permit is obtained in accordance with Section 101.0513.

If an investigation by the Development Services Department reveals that a particular property contains a legal, nonconforming use or structure, a "Notice of Nonconforming Rights," may be recorded in the County Recorder's office. This notice is designed to provide constructive notice to any successors in interest that nonconforming rights as to the property or structures existed at the time of the recordation of notice. Nothing in this notice shall permit the continuation of a nonconforming use or structure that was subsequently expanded, enlarged, abandoned or destroyed which extinguishes the previous nonconforming right.

If a subsequent investigation reveals that a previous nonconforming right as to the property's use or structure has been lost, a cancellation of the Notice of Nonconforming Rights shall be recorded.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, 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 a local coastal program amendment. If this ordinance is not certified, or is certified with suggested

modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PMD:ps
03/04/96
Or.Dept:Dev.Svcs.
O-96-122

ORDINANCE NUMBER O- 18276 (NEW SERIES)

ADOPTED ON APR 01 1996

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0101.34 RELATING TO
THE DEFINITION OF A LOT

WHEREAS, February 12, 1996, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate where appropriate the City's land use regulatory and environmental review procedures; and

WHEREAS, the City Manager's office has reviewed San Diego Municipal Code section 101.0101.34 relating to the definition of a lot and has suggested a change in the existing definition in order to streamline the regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, Division 1, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0101.34, to read as follows:

SEC. 101.0101.34 Lot

Lot means a parcel of land which meets any of the following requirements:

A. Individually designated with a number or letter on -

1. A subdivision or parcel map recorded with the County Recorder; or

EXHIBIT NO. 7
APPLICATION NO.
SDLCPA 2-96
Lot Definition
Ordinance Revisions
1 of 3

2. A record of survey map approved by resolution of the City Council and recorded with the County Recorder after December 5, 1954; or

3. A division plat approved by and filed with the Development Services Department.

B. Officially proclaimed as a suitable building site, or site for other particular use, by zone variance, Certificate of Compliance, or other San Diego Municipal Code procedure.

C. Held as a separate parcel prior to March 4, 1972, and having a minimum of 15 feet of frontage on a dedicated street or other legal access to a dedicated street as approved by the City Engineer.

D. Held as a separate parcel upon annexation to the City of San Diego.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, 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 a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the

provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PMD:ps
03/04/96
Or.Dept:Dev.Svcs.
O-96-121

ORDINANCE NUMBER O- 18275 (NEW SERIES)
ADOPTED ON APR 01 1996

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2,
DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 102.0318 RELATING TO
SPECIAL PERMITS REQUIRED TO DO WORK PRIOR TO
FILING FINAL MAP

WHEREAS, February 12, 1996, has been declared "Regulatory
Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to
streamline and consolidate where appropriate the City's land use
regulatory and environmental procedures; and

WHEREAS, the City Manager's office has reviewed San Diego
Municipal Code section 102.0318 having to do with the requirement
of special permits to do work prior to filing final maps and has
suggested an amendment to this code section to streamline the
regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 2, Division 3, of the
San Diego Municipal Code be and the same is hereby amended by
amending Section 102.0318, to read as follows:

SEC. 102.0318 Special Permits Required to do Work
Prior to Filing Final Map

Should the subdivider desire to do all or part of the
work required within the subdivision prior to filing the
final map and entering into the associated agreement,

EXHIBIT NO. 8
APPLICATION NO.
SDLCPA 2-96
Subdivision
Ordinance Revisions
1 of 2

application may be made to do such work under a special permit.


This application shall be accompanied by detailed plans describing the proposed work. The City Engineer may approve a special permit to accomplish this work, in accordance with "Process One", provided a bond has been posted in an amount which would assure the rehabilitation of the land, including grading and planting, in the event the subdivision map is not filed and all required improvements installed.

The performance bond and contractor's qualifications shall be as provided in Chapter VI, Article 2 of this Code.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, 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 a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By


Prescilla Dugard
Deputy City Attorney

PMD:ps
03/04/96
Or.Dept:Dev.Svcs.
0-96-119

ORDINANCE NUMBER O- 18322

(O-96-120) (REV. 1)
Corrected 08/28/96
(NEW SERIES)

ADOPTED ON JUL 29 1996

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,
DIVISION 1; CHAPTER X, ARTICLE 1, DIVISION 4;
AND CHAPTER X, ARTICLE 5, DIVISION 2, OF THE
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
62.0106, 101.0407, 101.0462 AND 105.0204
RELATING TO COASTAL DEVELOPMENT PERMIT
EXEMPTIONS

WHEREAS, February 12, 1996, has been declared "Regulatory
Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to
streamline and consolidate where appropriate the City's land use
regulatory and environmental procedures; and


WHEREAS, the City Manager's office has reviewed San Diego
Municipal Code section 105.0204 having to do with exemptions from
a Coastal Development Permit, and related regulations in sections
62.0106, 101.0407 and 101.0462, and has suggested several
amendments to these code sections to streamline the regulatory
process; NOW, THEREFORE,

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

Section 1. That Chapter VI, Article 2, Division 6, of the
San Diego Municipal Code be and the same is hereby amended by
amending Section 62.0106, to read as follows:

SEC. 62.0106 Grading Review Permits

(a) All grading work that requires a grading permit,
shall require a grading review permit in addition to and

EXHIBIT NO. 9
APPLICATION NO. SDLCPA 2-96
Grading Review Permits, RPO, R-1 Zones and CDP Ordinance Revisions
1 of 15
 California Coastal Commission

before a grading permit may be approved or denied, except for the following types of work:

1. and 2. [No changes]

3. All grading work that is listed in Section 62.0106(a)(3) and is determined by the Permit Issuing authority to be minor:

a) through e) [No changes]

f) grading involving less than 1,000 cubic yards of grading unless located within the non-appealable area of the Coastal Zone;

g) [No changes]

(b) and (c) [No changes]

Section 2. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending sections 101.0407 and 101.0462, to read as follows:

SEC. 101.0407 R-1 Zones

A. through F. [No changes]

G. COASTAL ZONE REGULATIONS

The following regulations shall be supplementary to, and if there is a conflict, shall supersede, the regulations set forth or referenced in section 101.0407 (A) through (F). These regulations shall apply to those areas of the Coastal Zone identified as categorically excluded from the requirements of a coastal development permit in Sections 105.0204(F)(1)(a) and 105.0204(F)(2)(a) of the Municipal Code and not within a planned district.

1. Minimum Yard Dimensions.

a. The minimum yard dimensions shown in Table IV shall apply in R-1 Zones, unless otherwise noted.

TABLE IV OF SECTION 101.0407

MINIMUM YARD DIMENSIONS IN COASTAL ZONE

Zone	Front yard (in feet)	Side Yard Interior (in feet)	Side yard Street (in feet)	Rear Yard (in feet)
R-1-5	15	4	10	15
R-1-6	15	5	10	15
R-1-8	20	6	10	20
R-1-10	20	6	10	20
R-1-15	20	6	10	20
R-1-20	25	10	10	25
R-1-40	25	10	10	25

b. Exceptions to yard dimensions:

(1) Exceptions to Interior Side Yard Dimensions.

(i) For lots exceeding 50 feet in width, each interior side yard shall be at least the dimension shown in Table IV or 10 percent of the width of the lot, whichever is greater; except that one interior side yard may observe the minimum dimension shown in Table IV as long as the combined total of both interior side yards equals at least 20 percent of the lot width;

(ii) For lots 40 to 50 feet in width, each interior side yard shall be a minimum of four feet;

(iii) For lots less than 40 feet in width, each interior side yard may be reduced to 10 percent of the lot width but shall not be reduced to less than three feet;

(iv) For irregularly shaped lots, such as a pie shaped lot, the yard dimensions shall be based on the average lot width for the first 50 feet of lot depth.

(2) Exception to street side yard dimensions.

The street side yard dimension shall be at least the dimension shown in Table IV or 10 percent of the lot width, whichever is greater.

(3) Exceptions to rear yard dimensions:

(i) For lots less than 100 feet in depth, the rear yard dimension shall be at least 10 percent of the lot depth, provided the rear yard dimension shall not be less than five feet;

(ii) For lots greater than 150 feet in depth, the rear yard dimension shall be at least 10 percent of the lot depth or the dimension shown in Table IV, whichever is greater.

2. Floor Area Ratios.

a. In all R-1 Zones, the maximum floor area ratios shall be based on the size of the lot, as shown in Table V.

TABLE V OF SECTION 101.0407
FLOOR AREA RATIOS IN COASTAL ZONE

Lot Size (square feet)	Floor Area Ratio
5,000 or less	0.60
5,001 - 6,000	0.59
6,001 - 7,000	0.58
7,001 - 8,000	0.57
8,001 - 9,000	0.56
9,001 - 10,000	0.55
10,001 - 11,000	0.54
11,001 - 12,000	0.53
12,001 - 13,000	0.52
13,001 - 14,000	0.51
14,001 - 15,000	0.50
15,001 - 16,000	0.49
16,001 - 17,000	0.48
17,001 - 18,000	0.47
18,001 - 19,000	0.46
19,001 or greater	0.45

b. For lots where more than 50 percent of the lot area contains steep hillsides in excess of 25 percent gradient, the lot area for purposes of calculating floor area ratio shall be based on the portion of the lot not containing steep hillsides or the minimum lot size requirement of the zone in which the lot is located, whichever is greater, plus 25 percent of the remaining lot area.

3. Maximum Building Height. Abutting the required front, side, and street side yards, the height of the

building envelope above 24 feet shall observe the angled building envelope planes shown in Table VI, up to the maximum 30-foot height limit, as shown in Illustration A. If the maximum height of the structure does not exceed 27 feet, the angle above 24 feet is required at the side yards only.

TABLE VI OF SECTION 101.0407
ANGLED BUILDING ENVELOPE PLANES* IN COASTAL ZONE

Lot Width	Angle of Plane
Less than 75 feet	45 degrees
75 feet - 150 feet	30 degrees
greater than 150 feet	0 degrees

* The angled building envelope planes are measured from the vertical axis inward.

ILLUSTRATION A

ANGLED BUILDING ENVELOPE PLANES IN COASTAL ZONE

4. Maximum Third Story Dimensions. When a three-story structure is proposed in the R-1-5, R-1-6, R-1-8, R-1-10, R-1-15, and R-1-20 Zones, the following regulations shall apply:

a. The maximum width of the third story shall be limited to 70 percent of the width of the building envelope, measured between the required side yards;

b. The maximum depth of the third story shall be limited to 50 percent of the depth of the building envelope, measured between the required front and rear

yards, or 100 percent of the maximum third story width dimension, whichever is greater.

5. Yard Encroachments.

No building feature may project into the required front or street side yards within view corridors designated by the adopted Community Plan.

SEC. 101.0462 Resource Protection Ordinance

This section is indexed as follows:

- A. PURPOSE, INTENT AND TITLE
- B. RESOURCE PROTECTION PERMIT REQUIRED
- C. PROTECTION OF ADDITIONAL RESOURCES
- D. GENERAL PROVISIONS
- E. EXCLUSIONS
- F. DEFINITIONS
- G. PERMITTED USES AND DEVELOPMENT REGULATIONS
- H. APPLICATION SUBMITTAL REQUIREMENTS
- I. PERMIT EXEMPTIONS
- J. EMERGENCY PERMIT
- K. ADMINISTRATION OF PERMIT
- L. ALTERNATIVE COMPLIANCE
- M. DENIED PERMITS
- N. CONDITIONAL USE PERMITS
- O. VIOLATIONS
- P. EXPIRATION OF PERMIT
- Q. APPLICABILITY OF AMENDMENTS TO EXISTING APPLICATIONS
- R. APPLICABILITY OF SECTION TO PUBLIC WORKS
CONSTRUCTION PROJECTS
- A. through C. [No changes]

D. GENERAL PROVISIONS

1. through 3. [No changes]

4. Within those areas of the Coastal Zone identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204(F) of the Municipal Code, no permits may be issued for the substantial alteration or demolition of any building or structure that is more than 45 years old, unless the application for the permit has been reviewed and approved by the Development Services Director or designee, hereafter "Director". The Director may approve substantial alteration or demolition if the Director determines that the structure is not a potential historical building or structure. The Director shall use the same criteria as those used by the City's Historical Site Board to determine whether a site or structure should be officially designated as historic, which criteria are maintained by and are on file with the Historical Site Board. The Director shall make a written determination within ten (10) working days of the receipt of the application for substantial alteration or demolition. If the Director does not make the determination within the specified period, the building or structure shall be deemed not to be a potential historical structure. If the Director determines that a building or structure is a potential historical structure, a substantial alteration or demolition permit application may not be

approved during the succeeding ninety (90) day period or until the date the Historical Site Board determines the site's historical significance, whichever date first occurs in accordance with San Diego Municipal Code sections 26.0201 through 26.0206. The provisions of Section 101.0462(D)(4) shall not apply to any building or structure found by the Director to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued. The Director's review of proposed substantial alteration or demolition for any building or structure that is more than 45 years old shall not be required for any portion of the Coastal Zone that has been inventoried, once that inventory has been accepted by the City's Historical Site Board and a decision on whether or not to designate all potential sites or structures as historic has been made by the Historical Site Board.

5. The Development Services Director is hereby authorized to promulgate administrative guidelines to implement the provisions of this section. The guidelines or any revisions thereto shall be effective without a hearing thirty (30) calendar days after their publication in a newspaper of general circulation by the Development Services Director, pursuant to San Diego Municipal Code section 22.0102, unless a timely protest is filed with the Director. In this event, the Director shall consider the objections of those affected by the proposed change. As soon thereafter as

practicable, the Development Services Director may then issue the guidelines with any revisions deemed necessary or appropriate, or decline to so issue them. This provision shall not be applicable to any emergency guideline issued by the Director to preclude an event that will be detrimental to the public health or safety, nor shall it apply to the initial promulgation of the guidelines authorized by R-277284 adopted January 29, 1991.

6. A Resource Protection Permit shall be required in conjunction with the processing of a long range plan, as defined in paragraph F.11., if a subdivision or parcel map or another discretionary permit approval is concurrently processed. In this event, the Resource Protection Permit shall only be required for that portion of the area that is covered by the concurrent discretionary map or permit. However, in any case a consistency determination shall be prepared when required by Council Policy 600-40.

E. EXCLUSIONS

1. through 5. [No changes]

6. Coastal Zone

The Resource Protection Ordinance shall apply in the Coastal Zone only as follows:

a. To demolition, in whole or in part, of any designated historical structure or building in any area identified as categorically excluded from the

requirements of a coastal development permit in Section 105.0204 of the Municipal Code; and

b. To substantial alternation of any designated historic structure or building in any area identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204 of the Municipal Code.

F. DEFINITIONS

The following definitions shall apply only for the purposes of this section.

1. through 12. [No changes]

13. Substantial Alteration means any change or modification, through public or private action, of any building or structure including, but not limited to: changes to historically designated interior architectural features, exterior architectural features including exterior changes to or modification of structural details, architectural details or visual characteristics such as doors, windows, surface materials and texture, grading, surface paving, addition of new structures, cutting or removal of trees, landscaping, and other natural features, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, and plantings and landscape accessories affecting the exterior visual qualities of

the property that would impair the historical significance of the building or structure.

14. Wetlands.

[No change to text.]

15. Wetland Buffers.

[No change to text.]

G. through R. [No changes]

Section 3. That Chapter X, Article 5, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 105.0204 to read as follows:

SEC. 105.0204 Exemptions

For the following types of development, no coastal development permit shall be required:

A. Improvements to an existing structure or structures; provided, however, that such improvements do not involve any of the following:

1. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.

2. Improvements to any structure that would result in an increase of ten percent (10%) or more of interior floor area or building height where such structure is located between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, or of the mean high tide line where there is no beach, whichever is the greater distance.

3. An intensification of use. For purposes of Section 105.0204 "intensification of use" means a change in the use of a lot or premises which, based upon the provisions of the underlying zone, requires more off-street parking than did the immediately preceding legal use of such lot or premises.

B. through E. [No changes]

F. Categorically Excluded Development.

1. The following types of development are categorically excluded from the requirements of a Coastal Development Permit provided the development is located within the California Coastal Commission non-appealable jurisdiction, is not located within the Sensitive Coastal Resource Overlay Zone, and complies with all the beach impact regulations of the zone:

a. Single family residential development, and demolition of structures, on land zoned R1-6000 in the Torrey Pines Community Plan area as shown on Map No. C-866, on file in the office of the City Clerk as Document No. 001-18053; on land zoned R1-5000, R1-8000 and the La Jolla Shores Planned District Zones SF, Tracts A, D, E, F, as shown on Map No. C-867, on file in the office City Clerk as Document No. 00-18169-1.

b. Multi-family residential development, and demolition of structures, on land zoned RV, R-1000, R-1500 and R-3000 and in La Jolla Shores Planned District Zone MF2 as shown on Map Nos. C-859 and .

C-867.1, on file in the office of the City Clerk as Document Nos. OO-18056 and OO-18169-2.

c. Commercial development, and demolition of structures, on land zoned C-1, CA, CV, RV, CC, CO and CN and in La Jolla Shores Planned District Zone V and in La Jolla Planned District Zones 1 through 6, as shown on Map Nos. C-859 and C-867.1, on file in the office of the City Clerk as Document Nos. OO-18056 and OO-18169-2.

d. Industrial development, and demolition of structures on land zoned M-SI as shown on Map No. C-859, on file in the office of the City Clerk as Document No. OO-18056.

2. The following types of Coastal Development are categorically excluded from the requirements of a Coastal Development Permit except as otherwise provided in section 105.0204(F)(1):

a. Development of a single-family residence in a single-family zone in the non-appealable area of the Coastal Zone, except in the La Jolla and Torrey Pines Community Plan areas.

b. Demolition, in whole or in part, of a building or structure within the Coastal Zone, except in the La Jolla and Torrey Pines Community Plan areas.

3. For development in the Torrey Pines Community Plan area shown on Map No. C-866, applicants for single family residential development permits within the categorical exclusion area, which otherwise qualify for categorical

exclusion, shall send, at the applicant's expense, a notice of proposed development to owners of properties within 300 feet of the proposed project and to the applicable community planning group. The notice shall be sent on or before an application is filed with the City for any permit.

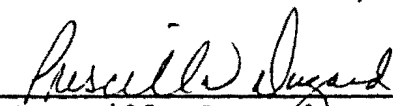
4. For development in the La Jolla Community Plan area exempted under Section 105.0204 (F)(1)(a), (b), or (c) the City shall send, at the applicant's expense, a notice of application to the owners of record of all parcels within 300 feet of the proposed project and to the Community Planning Association.

Section 4. This ordinance shall take effect and be in force on the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

Section 5. This ordinance supersedes Ordinance No. O-18169 adopted on March 20, 1995, Ordinance No. O-18156 adopted on January 31, 1995 and Ordinance No. O-18056 adopted on April 11, 1994.

APPROVED: JOHN W. WITT, City Attorney

By


Prescilla Dugard
Deputy City Attorney

PMD:ps:cdk
03/05/96
06/19/96REV.1
08/28/96 CORR.COPY
Or.Dept:Dev.Svcs.
O-96-120

DRAFT STRIKE-OUT/UNDERLINE OF A-1 ZONES
TO ACCOMMODATE PROVISIONS OF THE
DEL MAR MESA SPECIFIC PLAN

SEC. 101.0404 (4/12/96)

A-1 Zones -- (Agricultural)

A. PURPOSE AND INTENT

The purpose of the A-1 zones is to provide appropriate zoning for areas that are presently in agricultural or open space use, or which are undeveloped and are either awaiting development or premature for development at urban intensities. It is the intention of the City Council that the A-1 zones allow for reasonable present development opportunities through the use of Planned Residential Development or Rural Cluster Development regulations, while promoting the general maintenance of such areas in open and agricultural uses, but, without foreclosing future development at urban intensities where appropriate.

B. PERMITTED USES

In a zone, designated by the symbol "A1", followed by a number, the number shall determine in acres the minimum area of a lot in that zone, and on which no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Single-family dwellings
2. Churches
3. Private Stable
4. All agricultural uses, except the maintaining, raising, feeding or keeping of swine; provided that any dairy or the maintaining, raising, feeding, or keeping of ten (10) or more domestic animals (as defined in Municipal Code Section 44.0318) is located on premises containing five (5) or more acres.
5. Public utility substations, except in the Future Urbanizing area outside the Coastal Zone, unless no other location is practical and the facility is located as close as possible to existing Urbanized or Planned Urbanizing areas.
6. Killing and dressing of poultry, fowl, or rabbits raised on the premises, provided that any building so used shall be not less than fifty (50) feet from any property line.
7. Commercial riding, training, or boarding horse stables, provided that such stable shall be located on a lot containing not less than five (5) acres.
8. Harvesting, processing, or selling of crops produced on the same premises.
9. One stand exclusively of wood frame construction (except the floor), and not exceeding 300 square feet in gross floor area, for the display and sale of agricultural crops produced on the same

premises.

10. Accessory buildings and uses customarily incidental to any of the above uses, including:

a. The boarding and lodging of not more than four (4) farm employees:

b. Construction and maintenance of living quarters for five (5) or more farm employees with or without their immediate families, provided that not more than one such building shall be located on any parcel of land and further provided that said parcel shall contain a minimum of ten (10) acres;

c. Signs, single-faced or double-faced, unlighted, not over 12 square feet in area for each face, nor over 12 feet measured vertically from the base of the sign at ground level to the apex of the sign, shall be permitted on each lot as follows:

(1) One sign limited to the name, address and occupation of the occupant, and

(2) One sign pertaining only to the sale of products produced on the premises, and

(3) One sign offering the premises for sale or lease.

11. Any enterprise or business which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses enumerated in this section and consistent with the intent and purpose of this zone. For property located in the Future Urbanizing area outside the Coastal Zone, the City Council shall make this determination in accordance with "Process Five".

C. PERMITTED DENSITY

1. Lot Area per Dwelling Unit.

a. In Zone A-1-1, a minimum of one acre for each dwelling unit;

b. In Zone A-1-5, a minimum of five acres for each dwelling unit, except in the case of Planned Residential Developments a density of one (1) unit per four (4) acres shall be permitted, and, in the case of Rural Cluster Developments a density of one unit per five (5) acres shall be permitted.

~~c. In Zone A-1-10, a minimum of ten acres for each dwelling unit, except in the case of Planned Residential Developments, a density of one (1) unit per four (4) acres shall be permitted, and, in the case of Rural Cluster Developments a density of one unit per ten (10) acres shall be permitted.~~

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

EXHIBIT NO. 10

APPLICATION NO.

SDLCPA 2-96

A-1 Zone Revisions

(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 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 Municipal Code 101.0901.

d. In zone A-1-20, a minimum of twenty acres for each dwelling unit, except in the case of Planned Residential Developments and Rural Cluster Developments a density of one unit per twenty (20) acres shall be permitted. This zone is not applicable in the Coastal Zone.

e. In zone A-1-40, a minimum of forty acres for each dwelling unit, except in the case of Planned Residential Developments and Rural Cluster Developments a density of one unit per forty (40) acres shall be permitted. This is not applicable in the Coastal Zone.

2. Minimum Floor Area.

Each dwelling hereafter converted, constructed, erected, or moved in zones A-1 zones shall have a minimum living floor area, including walls, but excluding garage, of 650 square feet.

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, and; 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 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 as 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 Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot depth shall be 150 feet.

e. A lot existing upon the effective date of this zone which does not comply with these minimum lot dimensions may be used as permitted herein, subject to all other requirements of this section.

2. Minimum Yard Spaces.

a. Front -- 25 feet in depth.

b. Side -- each 20 feet in width, except that on any lot of record upon the effective date of this section, which lot is less than the required width, such side yards may be reduced to a minimum of ten percent of the lot width, or five feet, whichever is the greater.

c. Rear -- 25 feet in depth.

3. Height Limit.

The above front, side, and rear yard, including lots of record less than the required width, shall be increased by ten feet for each story that the building exceeds two stories or 30 feet in height.

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 area 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. Planned Residential Development and Rural Cluster Developments. In lieu of developing pursuant to the property development regulations and special provisions of this section, an owner or developer in the A-1 zones may develop pursuant to the Planned Residential or Rural Cluster Development regulations of Section 101.0900 of the Municipal Code and all applicable developmental standards and requirements contained therein.

E. OFF-STREET PARKING REQUIREMENTS

1. Church

For a church there shall be provided on the same premises one (1) automobile parking space for each five (5) seats, or for each thirty-five (35) square feet of floor area, where seats are not fixed, in the nave of said church. Twenty (20) inches of a bench or pew shall constitute one seat.

2. Size

Each required parking space shall be not less than nine (9) feet in width, and

twenty (20) feet in length, exclusive of aisles, driveways, ramps, columns, office or work areas. All aisles, driveways, and parking spaces shall have a clear vertical height of not less than seven (7) feet.

3. Access

Each required parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All required parking facilities shall have convenient access to a public street or alley.

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 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. Location

Off-street parking spaces which are open to the sky may be located in any yard except required front yards, and except areas lying between a public street and setback line.

6. Off-street parking shall not be required for permitted uses in the A-1-zones within the Future Urbanizing area outside the Coastal Zone.

F. SPECIAL PROVISIONS

1. Setbacks Adjacent to Partial Streets and Alleys

No building or structure shall be erected or maintained on a lot which abuts a street or alley having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the street or alley were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the street or alley width, plus the width or depth of the yards required on the lot by this article, if any. This section applies whether this article required yards or not. The Development Services Director, upon request, shall determine the required street or alley width, in accordance with subdivision standards set forth in Article 2, Chapter X of this Code.

2. Setbacks Adjacent to Major Streets

No building or structures, except fences, shall be erected, constructed, converted, established, altered, and/or enlarged on any premises closer than 76 feet from the centerline of a major street, as shown on the adopted plan for major streets and/or as such plan may be amended or adopted in the future.

G. COASTAL ZONE REGULATIONS

The Coastal Zone is a unique public resource of vital and enduring interest to all present and future residents of the City of San Diego. Existing developed uses, and future development consistent with the City's adopted Local Coastal Program, are essential to the economic and social well-being of the people of the City. To this end, the development of property within the Coastal Zone requires special regulations to protect the unique character of individual coastal communities and neighborhoods, while maintaining the public's right of access to the shoreline.

Within the Coastal Zone, the purpose of the A-1 Zone shall be to provide appropriate zoning for areas that are presently in agricultural or open space use. It is the intent of the City Council that the A-1 Zones allow for agriculturally related uses as an appropriate use for those areas designated as open space in an adopted local coastal program land use plan. In addition, the provisions of Ordinance No. O-17558, adopted December 10, 1990, are not effective in the Coastal Zone and, therefore, the A-1-20 and A-1-40 zones are not applicable within the Coastal Zone.

(Amended 7-25-94 July 25, 1994 by O-18088 N.S.)

DRAFT STRIKE-OUT/UNDERLINE OF THE
PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE
TO ACCOMMODATE PROVISIONS OF THE
DEL MAR MESA SPECIFIC PLAN

SEC. 101.0901

Planned Residential Developments

A. PURPOSE AND INTENT

The purposes of the Planned Residential Development regulations are to facilitate development of areas designated for residential use (including Mobile Home Parks as defined in Chapter X, Article 1, Division 10 of the San Diego Municipal Code) in adopted community plans with the exception of projects in the R-1 zones or projects combining areas containing R-1 and any other zone permitting residential uses, within the Urbanized Communities as defined in the General Plan; to encourage imaginative and innovative planning of residential neighborhoods offering a wide variety of dwelling unit types and site arrangements with well-integrated community facilities and services; to use for development in areas which include steep slopes, particularly HR zoned properties, in such a manner to achieve minimum disturbance of the natural terrain and vegetation; to permit utilization of this concept in low-density development in agricultural zones; and to permit greater flexibility in design of residential neighborhoods than is possible through strict application of conventional zoning and subdivision regulations.

B. DEFINITION

"Planned Residential Development" means a predominantly residential development improved in accordance with an overall project plan and is characterized by the following:

1. The density of a Planned Residential Development shall not exceed the density as prescribed in an adopted community plan (including criteria for residential density), any other adopted plan, or the underlying zone, whichever is less, and may be applied to the total area of the Planned Residential Development rather than separately to individual lots or building sites, and may include the rural cluster alternative. No streets shall be used in the calculation of density. Ownership may be of lots or condominiums or both. An exception may be granted by a "Hearing Officer" pursuant to Section 101.0307.5, Affordable Housing Density Bonus, in which case the density permitted shall be that provided for by that ordinance.

2. The right to use and enjoy any privately owned common open areas and recreational facilities provided on the site of the Planned Residential Development shall be coupled with the

severalty interests of the owners of the dwelling units; provided, however, that in the Planned Residential Development includes land which is shown as open space within any adopted community plan or the General Plan, such open space may be offered to The City of San Diego for public use. The offer shall be considered in conjunction with the application for the Planned Residential Development Permit. A recommendation to accept or reject the offer shall be made by the Development Services Director to the City Council. If the offer is made subsequent to the approval of the Planned Residential Development, the offer shall be considered as an amendment to the Planned Residential Development and processed accordingly. The Development Services Director shall recommend whether to accept or reject the offered open space and shall recommend whether an open space maintenance district should be established to provide maintenance services for the open space if accepted by the City.

3. A Planned Residential Development may include accessory commercial, office and recreational facilities limited in use, size, and capacity to serve the needs of the occupants of the development and their guests only. However, within the Future Urbanizing Area as defined in the General Plan, golf courses open to the public and their customary incidental, supportive, facilities (exclusive of lodging facilities) need not be restricted with respect to use, size and capacity provided that a permanent and irrevocable open space easement is established covering the area of golf course. A golf course area meeting these criteria may be utilized in the calculation of the total open space and usable open space requirements and the permitted residential density of the project.

"Public golf course" means a facility that lies on public land and/or is owned and/or operated by a government agency, and which is open to all members of the public.

"Private golf course" means a facility that lies on private land and is open to members and their guests, and which may also be open to members of the public.

"Golf course open to the public" means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or offers memberships to the public.

4. Within the Future Urbanizing area as defined in the General Plan, a Planned

EXHIBIT NO. 11

APPLICATION NO.

SDLCPA 2-96

PRD Ordinance
Revisions

Residential Development in underlying A-1 zoning districts may be by "Rural Cluster," which shall be accomplished pursuant to Planned Residential Development procedures as specified herein and pursuant to developmental standards and requirements as specified herein. "Rural Cluster" allows for development at densities specified in the A-1 zoning districts, with the permitted units clustered, while the remainder of the property is preserved in its undeveloped state until and if complete development at urban densities is appropriate. The "Rural Cluster" alternative promotes more efficient land utilization and land conservation; allows development in patterns more consistent with that occurring in adjacent areas; avoids fragmentation of land ownership patterns which would mitigate against future development opportunities; allows for reasonable present development without foreclosing future development choices; and makes annexation of unincorporated lands more attractive where such lands will be brought into the Future Urbanizing area. The retention of future development rights provided by Section 101.0101 shall not supersede the requirements of the Resource Protection Ordinance or other policies for preservation of sensitive lands. The "Rural Cluster" alternative will require the use of covenants, conditions and restrictions to insure that the undeveloped portion of the parcel remains undeveloped until the land is shifted to the Planned Urbanizing area. If such interim period will be for ten (10) years or longer, preferential property tax assessment via the Williamson Act may be available.

5. A Planned Residential Development may include child care facilities subject to the requirements of Section 101.0580, Child Care Facilities, of the San Diego Municipal Code.

C. PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A Planned Residential Development Permit is required for Planned Residential Development projects located in any zone in which residential uses are allowed. However, any project located on land zoned for single-family or combined single-family and multi-family development within any of the urbanized communities of the City, as defined and identified in the General Plan, may require an approved Planned Infill Residential Development Permit.

D. APPLICATION

An application for a permit for a Planned Residential Development shall be made in accordance with Section 111.0202 and with the following additional requirements:

1. An application shall be filed

with the Development Services Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as ground for the application and shall be accompanied by adequate plans and a legal description of the property involved and an explanation and description of the proposed use.

2. Under Section 101.0204.1 a deposit equal to that charged for a Conditional Use Permit shall be paid when application for a Planned Residential Development Permit is made.

3. The application shall be accompanied by a tentative map which shall be filed with the Development Services Department in accordance with procedures set forth in Article 2 of this Chapter.

4. The application shall be accompanied by a plot plan showing the following:

a. Location, name and width of existing and proposed streets, alleys, easements and interior pedestrian ways, including all abutting streets and streets proposed to provide primary access to the proposed development from a major street or freeway.

b. Location of existing and proposed buildings, signs, and structures if development is multi-family housing or mobile home;

c. Concept Plan for proposed landscaping.

d. Proposed off-street parking facilities including the location, number and dimensions of private and public parking spaces, aisles and driveways.

If development is to be detached single-family with no tandem parking it only needs statement as to how many 8.5 foot by 20 foot spaces will be furnished in garages and 8-foot by 23 foot spaces provided at curb.

e. Height, type and location of proposed walls and fences.

f. Grading plan showing existing topography and proposed tentative grading.

g. A tabulation of the various dwellings types proposed showing the average site area for each type of dwelling and the overall average dwelling site area if the project is multiple-family housing or mobile home.

h. A tabulation of all open spaces shown on the plot plan indicating the square footage and the various grades thereof.

5. The application shall be accompanied by drawings in sufficient detail to indicate the location and design of proposed buildings. If project is to be detached single-family only a statement indicating number of total units is required.

6. If the applicant contemplates the construction of a Planned Residential

Development in increments, the application shall so state and shall include a proposed construction schedule.

7. If the applicant proposes to provide open areas and recreational facilities to be used by the occupants of two or more dwelling units, the applicant shall so state in the application and the application shall include a plan, acceptable to the City, for the preservation and maintenance of the common elements of the property.

8. Temporary real estate sales offices and model homes shall display a copy of the current adopted Community Plan Land Use Designation Map and a current adopted Public Facilities Financing Plan as provided in Section 101.0407(B) (3) (d).

9. If the applicant proposes a child care facility, it shall be stated so in the application, and the application shall also include a plan, acceptable to the City, illustrating compliance with the requirements of Section 101.0580, Child Care Facilities, of the San Diego Municipal Code.

E. DECISION PROCESS

1. An application for a Planned Residential Development Permit may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three". The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with Section 111.0506.

2. A "Hearing Officer" may approve a Planned Residential Development Permit if it is found from the evidence presented that all of the following facts exist:

a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Community Plan.

b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and,

c. The proposed use will comply with the relevant regulations in the Municipal Code.

3. In granting a Planned Residential Development Permit, the "Hearing Officer" may impose such conditions as is necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, minimum yards, maximum building coverage and off-street parking may be increased or decreased. In the case of Planned Residential Development in the A-1

zoning districts, the "Hearing Officer" shall consider the density of development, the "rural" nature of such development and the permanent nature of such low-density development and shall, wherever possible, given the need to protect the public health, safety and general welfare and to conform with General and applicable community plans, impose regulations and standards that are consistent with the low-density, rural character of development and the needs created by such development. In the case of "rural cluster" development via PRD in the A-1 zoning districts, the "Hearing Officer" may impose conditions and requirements consistent with the density of development in the clustered portion of the parcel and shall require covenants, conditions and restrictions necessary to insure maintenance of the remainder of the parcel in an undeveloped state until the land is shifted to the Planned Urbanizing area or as necessary to ensure consistency with the General Plan, community plan, Council policies, and the Municipal Code.

4. In granting, conditionally granting or denying a Planned Residential Development Permit, the "Hearing Officer" shall make written findings which specify the facts relied upon by the "Hearing Officer" in rendering the decision and shall set forth the facts and circumstances in which the permit fulfills or fails to fulfill the requirements of Section 101.0901.

5. A copy of this written finding of facts shall be filed with the City Clerk and the Development Services Department and shall be mailed to the applicant and to the Community Planning Chairman.

6. Within the Future Urbanizing area, except areas within the Del Mar Mesa Specific Plan, Planned Residential Development Permits shall be granted, approved, conditionally approved or denied by the City Council in accordance with Process Five, instead of the Development Services Director, following the procedures specified herein. In considering a planned residential development permit application for development within the Future Urbanizing Area, with the exception of areas within the Del Mar Mesa Specific Plan, at 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. 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.

b. 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 traverse the property.

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

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

e. The proposed use will provide housing on-site, affordable to lower income families, as certified by the San Diego Housing Commission. This affordable housing obligation may be fulfilled by: (1) a set aside of no less than 20 percent of the units for occupancy by, and at rates affordable to, families earning no more than 65 percent of median area income, adjusted for family size, or (2) a dedication of developable land of equivalent value. Affordable housing shall be appropriately designed and integrated into the overall development plan. Affordable rates are those that do not exceed 30 percent of designated household income, including a utility allowance. Development incentives available through government programs, including a density bonus where appropriate, may be utilized to meet all, or a portion, of this obligation. Units restricted under this requirement shall remain affordable for the remaining life of the housing unit which is presumed to be a minimum of 55 years. The San Diego Housing Commission will monitor developments for compliance with affordable housing requirements over time. If the City of San Diego adopts a City-wide inclusionary housing program, the City-wide program shall take precedence over this section.

f. 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.

g. Within the North City Future Urbanizing Area, as defined by the Progress Guide and General Plan, a Subarea Plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the applicant must demonstrate that, at a minimum, all public facilities within the Subarea (as designated by the Progress Guide and

General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed use centers within the Subarea have been sited; the street system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, Subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the Environmental Tier boundaries shown in the General Plan.

Section 101.0901 (E) (6) (g) shall not apply to any project which has an application which has been deemed complete on or before December 10, 1990, which includes a golf course open to the public; provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the School Facilities Master Plan, and that a development agreement shall be executed for such project.

h. The applicant and property owner have agreed that in return for the present increase in density granted by the City Council, no future development rights shall remain on the property.

F. EXPIRATION OF PLANNED RESIDENTIAL DEVELOPMENT PERMITS

A Planned Residential Development Permit shall expire and become void thirty-six (36) months after the "Date of Final Action" of the permit if the permit is not utilized in the manner set forth in Section 111.1119; or unless otherwise provided within a phasing program contained in: 1) a development agreement entered into between the City and owners of land located within the PRD, 2) a specific plan applicable to the subject property, or 3) the terms of the permit.

G. EXTENSION OF TIME TO A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

The expiration date of a valid Planned Residential Development Permit may be extended in accordance with Section 111.1122. To initiate a request for an extension of time, a written application shall be filed with the Development Services Department.

H. CANCELLATION OF A PLANNED RESIDENTIAL DEVELOPMENT PERMIT

A valid Planned Residential Development Permit may be canceled at any time during the 36-month period referred to in Section 101.0901(F). Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Development Services Director in the office of the Development Services Department. The permit becomes void 120 calendar days after receipt of the communication in the office of the Development Services Department.

I. DESIGN CRITERIA

The Planned Residential Development

shall observe the following design criteria:

1. For all developments which are multiple-family housing or mobile home, the overall plan shall be comprehensive, embracing land, buildings, landscaping and their interrelationships and shall conform in all respects to all adopted plans of all governmental agencies for the area in which the proposed development is located.

2. The plan shall provide for adequate open space, circulation, off-street parking and pertinent amenities. Buildings, structures and facilities in the parcel should be well integrated, oriented and related to the topographic and natural landscape features of the site.

3. The proposed development shall be compatible with existing and planned land use and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the neighborhood and community.

4. The internal street system shall not be a dominant feature in the overall design; rather it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of any common areas and facilities.

5. Common areas and recreational facilities shall be located so as to be readily accessible to the occupants of the dwelling units and shall be well related to any common open spaces provided.

6. Architectural harmony within the development and within the neighborhood and community shall be obtained so far as practicable.

J. MINIMUM DEVELOPMENTAL STANDARDS

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

1. Density. The number of dwelling units to be built on the property shall not exceed that set forth in either the following table or the adopted community plan (including criteria for residential density), or any other adopted plan, whichever is less. No streets shall be used in the calculation of density. A deviation may be granted by a "Hearing Officer" pursuant to Section 101.0307.5, Affordable Housing Density Bonus. In the event the proposed Planned Residential Development includes property which is shown as part of an open space system on an adopted community plan or general plan, and is accepted by The City of San Diego as dedicated open space, this property may be included in the calculation of density consistent with underlying zone or community plan, whichever is less. Such property shall be contiguous to an existing open space system and shall be in a natural state and remain undisturbed. If such property is dedicated as open space, it shall remain such in perpetuity.

TABLE I OF SECTION 101.0901
ZONE MAXIMUM PERMITTED DWELLING UNITS

A-1-40	Sq. Ft. of Land Area	1,742,400 sq. ft.
A-1-20	Sq. Ft. of Land Area	871,200 sq. ft.
A-1-10	Sq. Ft. of Land Area	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 in 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)		
A-1-5	Sq. Ft. of Land Area	217,800 sq. ft.
(except that in the Future Urbanizing area, the number of permissible dwelling units shall not exceed one per 174,240 square feet provided that no future development rights shall remain on the property)		
A-1-1	Sq. Ft. of Land Area	43,560 sq. ft.
R1-40,000	Sq. Ft. of Land Area	40,000 sq. ft.
R1-20,000	Sq. Ft. of Land Area	20,000 sq. ft.
R1-15,000	Sq. Ft. of Land Area	15,000 sq. ft.
R1-10,000	Sq. Ft. of Land Area	10,000 sq. ft.
R1-8,000	Sq. Ft. of Land Area	8,000 sq. ft.
R1-6,000	Sq. Ft. of Land Area	6,000 sq. ft.
R1-5,000	Sq. Ft. of Land Area	5,000 sq. ft.
R-3,000	Sq. Ft. of Land Area	3,000 sq. ft.
R-2,500	Sq. Ft. of Land Area	2,500 sq. ft.
R-2,000	Sq. Ft. of Land Area	2,000 sq. ft.
R-1,750	Sq. Ft. of Land Area	1,750 sq. ft.
R-1,500	Sq. Ft. of Land Area	1,500 sq. ft.
RV (Coastal Zone)	Sq. Ft. of Land Area	1,500 sq. ft.
R-1,250	Sq. Ft. of Land Area	1,250 sq. ft.
R-1,000	Sq. Ft. of Land Area	1,000 sq. ft.
RV	Sq. Ft. of Land Area	1,000 sq. ft.
R-800	Sq. Ft. of Land Area	800 sq. ft.
R-600	Sq. Ft. of Land Area	600 sq. ft.
R-400	Sq. Ft. of Land Area	400 sq. ft.
R-200	Sq. Ft. of Land Area	200 sq. ft.

If the property involved is composed of land falling in two or more residential zones, the number of dwelling units permitted in the development shall be the sum of the dwelling units permitted in each of the residential zones. Within the Planned Residential Development, the permitted number of dwelling units may be

distributed without regard to the underlying zoning.

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

Zone	TOTAL REQUIRED OPEN SPACE PER D.U. (sq. ft.)	REQUIRED USABLE OPEN SPACE PER D.U. (sq. ft.)
A-1-1, A-1-5, A-1-10, A-1-20, A-1-40	28,000	14,000
A-1-40, A-1-20, A-1-10, A-1-5 Rural Cluster	3,000	1,500
R1-40000	28,000	14,000
R1-20000	12,000	6,000
R1-15000	9,000	4,500
R1-10000	6,000	3,000
R1-8000	4,800	2,400
R1-6000	3,600	1,800
R1-5000	3,000	1,500
R-3000	1,800	900
R-2500	1,500	750
R-2000	1,200	600
R-1750	1,050	525
R-1500	900	450
R-1250	700	350
R-1000	500	250
R-800	400	200
R-600	300	150
R-400	200	100
R-200	100	50
RV	500	250
RV (Coastal Zone)	900	450

If the property involved is composed of land falling in two or more residential zones, the amount of open space required in the development shall be the sum of the open space required in each of the residential zones. Within the Planned Residential Development, the required open space may be distributed without regard to the underlying zoning. The usable open space as determined from the above table shall be composed of moderately level land having an overall grade not exceeding ten percent and shall not include land occupied by buildings, structures, streets, driveways or parking areas or any land proposed to be dedicated to the City as open space. The land provided shall be determined by the Development Services Director to be functional usable open space which provides for reasonable use by the residents and, when applicable, the general public. Functional open space should include a minimum area of 100 square feet with a minimum dimension of six feet on one side. The usable open space may, however, be occupied by recreational facilities, excluding buildings, which, with the exception of golf courses open to the public within the Future Urbanizing Area as defined by the General Plan, are limited in use, size, and capacity to serve the needs and convenience of the occupants of the development and their guests only,

including the following: swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic and barbecue facilities and any other use which the Development Services Director may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0901. That portion of the required total open space may be occupied by any improvement, except buildings, which, with the exception of golf courses open to the public within the Future Urbanizing Area as defined by the General Plan, is limited in use, size, and capacity to serve the needs and convenience of the occupants of the development and their guests only, except buildings. Areas not occupied by improvements may be landscaped or left in their natural state. Areas left in a natural state shall be kept free of litter and debris and shall at no time constitute a health, safety or fire hazard.

All or any part of the required open space may be owned in common by the occupants of the development. If open space is to be owned in common, provisions acceptable to the City shall be made for its preservation and maintenance.

If an Affordable Housing Density Bonus

Agreement or a Density Bonus and Affordable Housing Deviation has been approved, the open space shall be the total of the following:

a. Open space based on the zone in which the property is located times the number of dwelling units permitted in that zone; plus

b. Open space based on the next less restrictive zone times the number of dwelling units in excess of the number permitted in the zones in which the property is located.

When the property is developed under the rural cluster concept, the total required open space and the required usable open space shall be contained in the area of the cluster development rather than the total site which is used for calculating density.

3. Utilities. Public utility systems and service facilities shall be located underground within the boundaries of the development as provided for in Sec. 102.0221 of this Code.

4. Antennas. Only television and radio antennas which are located indoors or which are designed to serve all the occupants of the development shall be permitted.

5. Landscaping. All usable open space not occupied by recreational facilities shall be landscaped and provided with a permanent underground watering system. All landscaping shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk.

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

6. Private Streets, Alleys, Walkways and Parking Areas. All streets, alleys, walkways and parking areas within the development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys, walkways and parking areas.

K. DEVIATIONS FROM MINIMUM STANDARDS

Deviations from the requirements of Section 101.0901 may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three" and as follows:

1. Deviations from any of the design criteria in Section 101.0901(I) and standards set forth in Section 101.0901(J), except the minimum standards regarding density and total required open space, may be approved upon a written finding of facts as set forth in Section 101.0901(K)(2). Deviations from the minimum standards for density and total

required open space may be granted for projects for which an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved.

2. A "Hearing Officer" may approve or conditionally approve a deviation only when it shall appear from the applicant's statement and the evidence presented at the hearing that all the following facts exist:

a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.

b. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.

c. That the granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted plan of any governmental agency.

3. No deviation from the requirements that utilities be located underground shall be granted except as provided in Section 102.0221 of this Code.

4. The "Hearing Officer's" decision on the deviation may be appealed to the Planning Commission, in accordance with Section 111.0506.

L. TENTATIVE MAP TO SHOW RESERVATION FOR OPEN SPACE

The tentative map submitted with the application for a Planned Residential Development Permit shall show land reserved as an open space easement if such open space is to be provided for the common use of the occupants of the Planned Residential Development.

M. SUBDIVISION--TENTATIVE MAP--CONDITIONS TO WAIVER OF SUBDIVISION REGULATIONS

The Planning Commission may approve a tentative map which provides for a division of the parcel into two or more lots though the map may not comply with the provisions of Chapter X, Article 2 of this Code pertaining to minimum requirements for streets, lots and block design and the provisions of this Code requiring that each lot be connected directly to the City sewer system. If common open spaces are reserved in accordance with the provisions of Section 101.0901(L), approval of the tentative map shall be conditioned upon The City of San Diego being granted an easement in a form acceptable to the City, limiting the

future use of common open spaces and preserving them as open spaces.

N. FINAL MAP

Building permits shall not be issued for any construction within the proposed Planned Residential Development unless a final approved map has been recorded or waiver of such recordation has been granted. A final map which deviates from the conditions imposed by the Permit issued for the Planned Residential Development shall not be approved.

A final map which provides for open space shall not be approved unless the special requirements of Section 101.0901(M) have been fulfilled and the provisions of Chapter X, Article 2 of this Code, which are consistent with the provisions of Section 101.0901, have been satisfied.

O. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued for any structure in a Planned Residential Development until all improvements required by the permit have been completed to the satisfaction of the City Engineer and the Department of Building Inspection and the Planning Department or a phasing plan has been approved by the Planning Director.

P. FAILURE TO MAINTAIN

1. All commonly owned land, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

2. In addition to any other remedy provided by law for the abatement, removal and enjoinder of such public nuisance, the City Engineer may, after giving notice, cause the necessary work of maintenance or repair to be done, and the costs thereof shall be assessed against the owner or owners of the project.

3. The notice shall be in writing and mailed to all persons whose names appear on the last equalized assessment roll as owners of real property within the project, at the address shown on said assessment roll. Notice shall also be sent to any person known to the City Engineer to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture or agreement. The City Engineer shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or mail or correctly address any notice.

4. The notice shall particularly specify the work required to be done and shall state that if said work is not

commenced within five days after receipt of such notice and diligently and without interruption prosecuted to completion, The City of San Diego shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the City, will be assessed against the property or against each separate lot and become a lien upon such property.

5. If upon the expiration of the five-day period provided for in Section 101.0901(P) (4), the work has not been done, or having been commenced, is not being prosecuted with diligence, the City Engineer shall proceed to do such work or cause such work to be done. Upon completion of such work, the City Engineer shall file a written report with the Council setting forth the fact that the work has been completed and the cost thereof, together with a legal description of the property against which the cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The City Engineer or the City Clerk, if so directed by the Council, shall thereafter give notice in writing to the owners of the project in the manner provided in Section 101.0901(P) (3), of the hour and place that the Council will pass upon said City Engineer's report and will hear protests against said assessments. Such notice shall also set forth the amount of the proposed assessment.

6. Upon the date and hour set for the hearing of protests the Council shall hear and consider the City Engineer's report and all protests, if there be any, and then proceed to affirm, modify or reject the assessments.

7. A list of assessments as finally confirmed by the Council shall be sent to the City Treasurer for collection. If any assessment is not paid within ten days after its confirmation by the Council, the City Clerk shall cause to be filed in the office of the County Recorder of the County of San Diego a Notice of Lien, substantially in the following form:

NOTICE OF LIEN

Pursuant to Chapter X, Article 1, Division 9, of the San Diego Municipal Code. (Ordinance No _____, New Series, as amended) The City of San Diego did on the _____ day of _____, 19____, cause maintenance and repair work to be done in the Planned Residential Development project known as _____, which was constructed under Planned Residential Development Permit No. _____, for the purpose of abating a public nuisance and enforcing compliance with the terms of said Permit and the Council of The City of San Diego,

did, on the day of __, 19__, by its Resolution No. _____ assess the cost or portion of the cost thereof upon the real property hereinafter described, and the same has not been paid nor any part thereof, and The City of San Diego does hereby claim a lien upon said real property until the said sum with interest thereon at the rate of six percent (6%) per annum from the date of the recordation of this instrument has been paid in full and discharged of record. The real property hereinbefore mentioned and upon which a lien is hereby claimed is that certain parcel of land in The City of San Diego, County of San Diego, State of California, particularly described as follows: (Description of property)

Dated this day of __, 19__.

City Clerk, The City of San Diego

8. From and after the date of the recordation of such Notice of Lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of six percent per annum until paid in full. Said lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment items previously imposed upon the same property, but shall have priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such Notice of Lien, all persons shall be deemed to have a notice of the contents thereof.

(Amended 7-25-94 by O- 18088 N.S.)

DRAFT STRIKE-OUT/UNDERLINE OF RPO
TO ACCOMMODATE PROVISIONS OF THE
DEL MAR MESA SPECIFIC PLAN

SEC. 101.0462
Resource Protection Ordinance

This section is indexed as follows:

- A. PURPOSE, INTENT AND TITLE
- B. RESOURCE PROTECTION PERMIT REQUIRED
- C. PROTECTION OF ADDITIONAL RESOURCES
- D. GENERAL PROVISIONS
- E. EXCLUSIONS
- F. DEFINITIONS
- G. PERMITTED USES AND DEVELOPMENT REGULATIONS
- H. APPLICATION SUBMITTAL REQUIREMENTS
- I. PERMIT EXEMPTIONS
- J. EMERGENCY PERMIT
- K. ADMINISTRATION OF PERMIT
- L. ALTERNATIVE COMPLIANCE
- M. DENIED PERMITS
- N. CONDITIONAL USE PERMITS
- O. VIOLATIONS
- P. EXPIRATION OF PERMIT
- Q. APPLICABILITY OF AMENDMENTS TO EXISTING APPLICATIONS
- R. APPLICABILITY OF SECTION TO PUBLIC WORKS CONSTRUCTION PROJECTS

A. PURPOSE, INTENT AND TITLE

This section shall be known as the Resource Protection Ordinance (RPO).

The purpose and intent of this section is to protect, preserve and, where damaged, restore the environmentally sensitive lands of San Diego, which include wetlands, wetland buffers, floodplains, hillsides, biologically sensitive lands and significant prehistoric and historic resources, as defined herein.

B. RESOURCE PROTECTION PERMIT REQUIRED

Within the areas regulated by the provisions of the Resource Protection Ordinance no building, improvement or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or demolished, nor shall any lot or premises be excavated or graded nor shall any vegetation be cleared or grubbed nor shall any property be subdivided or re-subdivided until a separate Resource Protection Permit is obtained in accordance with the procedures set forth in this section. Any person violating this section shall be guilty of a misdemeanor and shall be punishable pursuant to the provisions of Section 12.0201 of the San Diego Municipal Code.

C. PROTECTION OF RESOURCES

Within the City of San Diego, the provisions of the Resource Protection

Ordinance shall be applicable to the following enumerated resources:

1. All floodways and one hundred (100) year floodplain fringe areas as identified in the Federal Emergency Management Agency (FEMA) maps on file in the office of the City Clerk as Document No. OO-16939-1, all areas within the City's existing Floodway (FW) or Floodplain Fringe (FPF) Zones, and all floodways and one hundred (100) year floodplain fringe areas as identified in the County of San Diego FEMA map panel Nos. 1350, 1363, 1636, as modified, and No. 1650 on file in the office of the City Clerk as Document No. OO-17087, as amended by Document Nos. RR-277284-1 through -43 on file in the office of the City Clerk.

2. All hillside areas of twenty-five percent (25%) slope or grater as identified by the City's existing Hillside Review Overlay Zone (HROZ).

3. All wetland and wetland buffer areas indicated in Map Drawings C-713 and C-740 on file in the office of the City Clerk as Document Nos. OO-16939-2 and OO-16939-3.

4. All other unmapped hillsides, wetlands and wetland buffer areas which meet the definition contained herein.

5. All biologically sensitive lands which meet the definition contained herein.

6. All significant prehistoric and historic sites and resources which meet the definition contained herein.

D. GENERAL PROVISIONS

1. Where any portion of a parcel contains resources regulated by this section, the provisions of the Resource Protection Ordinance shall be applicable to the entire parcel.

2. The provisions of sections 101.0462 (F&G) shall not be applicable within the Del Mar Mesa Specific Plan area. 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 this ordinance shall apply.

2-3. Any person or persons may propose to the Transportation, Planning and Environment Committee revisions to the resource protection boundaries. These revisions may include deletion of areas of poor environmental quality, or addition of areas of significant environmental value. The Transportation Planning and Environment Committee may request a report from the Development Services Director on

EXHIBIT NO. 12

APPLICATION NO.

SDLCPA 2-96

Resource Protection
Ordinance With Del
Mar Mesa Specific
Plan Revisions

1 of 11

this matter and may direct that it be referred to the Planning Commission. The City Council shall consider the revisions, in accordance with "Process Five", following review by the Planning Commission and the appropriate community planning groups.

3-4. In the case of significant prehistoric and historic resources, biologically sensitive lands or unmapped wetlands, a map shall be prepared and maintained by the Development Services Department and considered by the City Council for adoption, in accordance with "Process Five", and shall be used to identify properties that will not require a prehistoric, historic, or biological resources survey for purposes of obtaining a Resource Protection Permit.

However, if it is demonstrated to the Development Services Director that prehistoric, historic or biological resources or unmapped wetlands do in fact exist upon these properties, the appropriate survey shall be required by the Development Services Director.

4-5. The Development Services Director is hereby authorized to promulgate administrative guidelines to implement the provisions of this section. The guidelines or any revisions thereto shall be effective without a hearing thirty (30) calendar days after their publication in a newspaper of general circulation by the Development Services Director, pursuant to San Diego Municipal Code section 22.0102, unless a timely protest is filed with the Director. In this event, the Director shall consider the objections of those affected by the proposed change. As soon thereafter as practicable, the Development Services Director may then issue the guidelines with any revisions deemed necessary or appropriate, or decline to so issue them. This provision shall not be applicable to any emergency guideline issued by the Director to preclude an event that will be detrimental to the public health or safety, nor shall it apply to the initial promulgation of the guidelines authorized by R-277284 adopted January 29, 1991.

5-6. A Resource Protection Permit shall be required in conjunction with the processing of a long range plan, as defined in paragraph F.11., if a subdivision or parcel map or another discretionary permit approval is concurrently processed. In this event, the Resource Protection Permit shall only be required for that portion of the area that is covered by the concurrent discretionary map or permit. However, in any case a consistency determination shall be prepared when required by Council Policy 600-40.

E. EXCLUSIONS

1. Mission Valley.

The Resource Protection Ordinance shall not be applicable to any area within the floor of Mission Valley, defined as that area located within the existing FW and FPF Zones, nor to any lawfully operating sand and gravel extraction facility located within the boundaries of the Mission Valley Community Plan.

2. Calle Cristobal Assessment District.

The construction of the Calle Cristobal Assessment District area in its entirety and the development necessary to fund and support the necessary improvements shall be exempt from the provisions of the Resource Protection Ordinance.

3. Miramar Ranch North.

The Resource Protection Ordinance shall not be applicable to any area within the Miramar Ranch North Community Plan and the seventy (70) acre high school project in Scripps Ranch.

4. Sorrento Hills

The Resource Protection Ordinance shall not be applicable to development of the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

5. Land Exchange Agreements

The provisions of this ordinance shall not be applicable to any property which the City is contractually obligated to zone for its highest and best use pursuant to the Land Exchange Agreement between the United States of America and the City of San Diego, filed with the City Clerk on December 8, 1986, as Document No. RR-267203-1.

F. DEFINITIONS

The following definitions shall apply only for the purposes of this section.

1. Aquaculture.

A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish and fresh water.

2. Biologically Sensitive Lands.

Land which supports sensitive vegetation, as defined herein, and/or the habitats of rare, endangered, or threatened species or subspecies of animals or plants as defined by the California Endangered Species Act, or the Federal Endangered Species Act, or as defined below. Biologically sensitive land also includes the area of native vegetation which is critical to maintaining a balanced natural ecosystem or wildlife corridor. Biologically sensitive lands may also include areas that support sensitive species of plants or animals listed in the administrative guidelines to this section.

A species shall be presumed to be rare, endangered or threatened if it is listed in SEC. 670.2 or 670.5, Title 14,

California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, SEC. 17.11 or 17.12. A species not included in any legislative listing may nevertheless be considered by the Development Services Director to be rare, endangered or threatened if the species meets the criteria for inclusion in state or federal lists.

Sensitive vegetation is defined as a vegetative community which typically includes, but is not limited to: habitats that are substantially depleted due to development; vegetative community types as identified by the California Department of Fish and Game listing of community associations in "Preliminary Descriptions of the Terrestrial Natural Communities of California," (DFG, Holland 1986 Ed., as updated); or habitats that support sensitive species of plants or animals.

Sensitive species of plants or animals are those species considered unusual or limited in that the species: 1) are only found in the San Diego region; or 2) are a local representative of a species or association of species not otherwise found in the region; or 3) are severely depleted within their ranges or within the region. Sensitive species of plants and animals are identified in the California Native Plant Society R-E-D List or are listed in the California Department of Fish and Game list of species of special concern and other publications listed in the administrative guidelines promulgated pursuant to this section.

3. "Clearing."

The cutting and removal of vegetation from the land without disturbance to the soil, surface or destruction of the root system.

4. "Grubbing."

The removal or destruction of vegetation by the removal of or disturbance to the root system and/or soil surface by any means including chemical.

5. Feasible.

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

6. Fill.

Any material or substance which is deposited, placed, pushed, dumped, pulled or transported, or moved to a new location and the conditions resulting therefrom. Fill also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

7. Floodplain.

The relatively flat areas of low lands

adjoining, and including, the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the flood waters of the one hundred (100) year frequency flood.

8. Floodway.

The river channel and the adjacent land areas, within the floodplain, needed to carry a one hundred (100) year frequency flood without increasing the water surface elevation more than one (1) foot at any point. The natural flood water profile is the water surface elevation of a nonconfined one hundred (100) year frequency flood in the natural undeveloped floodplain.

9. Floodplain Fringe.

All that land in a floodplain not lying within a delineated floodway. Land within a floodplain fringe is subject to inundation by relatively low velocity flows and shallow water depths.

10. Hillsides.

All lands mapped by the Hillside Review Overlay Zone (Sec. 101.0454) and all other lands having a slope with a natural gradient of twenty-five percent (25%) or greater, (twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance) and a minimum elevation differential of fifty (50) feet.

11. Long Range Plan.

A new community plan, or a general plan or community plan, plan amendment, precise plan, specific plan or other planning document, and amendments thereto, for long-term future planning.

12. Significant Prehistoric and Historic Sites and Resources.

Locations of prehistoric or historic resources that possess unique cultural, scientific, religious or ethnic value of local, regional, state or federal importance. The above shall be limited to prehistoric or historic districts, sites, buildings, structures, or objects included in 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; areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or permanent camps); and locations of past or current traditional religious or ceremonial observances as defined by Public Resources Code SEC. 5097.9 et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burials, pictographs, petroglyphs, solstice observation sites, and sacred shrines).

13. Wetlands.

Land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by

shallow water, and waters of the United States. Waters of the United States are accorded the same protection as wetlands. They include all waters subject to the ebb and flow of the tide, rivers, streams (including intermittent streams), mudflats, natural ponds and lakes, and man-made impoundments and drainages with biological value. To be considered a wetland within this definition, the area must have one or more of the following characteristics:

a. At least periodically, the land supports predominantly hydrophytes, as defined in the Unified Federal Method Manual (Federal Manual for Identifying and Delineating Jurisdictional Wetlands, January 19, 1989), on file in the City Clerk's Office as Document No. OO-17602.

b. The substrate meets the criteria for hydric soils, including aquatic soils, as described in the Unified Federal Method Manual.

c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year, or if the hydrologic conditions meet the criteria in the Unified Federal Method Manual.

Areas classifiable as wetlands include lagoons, marshes, estuaries, vernal pools, streams and rivers and associated riparian habitat areas.

14. Wetland Buffers

Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland.

G. PERMITTED USES AND DEVELOPMENT REGULATIONS

1. Wetlands

Permitted uses allowed in the wetlands shall be limited to the following:

a. Aquaculture, wetlands-related scientific research and wetlands-related educational uses.

b. Wetland restoration projects where the primary purpose is restoration of the habitat.

c. Essential public service projects including water reclamation, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

2. Wetland Buffer Areas.

A 100 foot-wide wetland buffer as mapped on Map Drawings C-713 and C-740 shall be maintained unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which also

achieve the purposes of the buffer.

Wetland buffers for unmapped wetlands shall satisfy the wetland buffer requirements contained in paragraph F.14. The buffer shall be measured landward from wetland. Maps and supplemental information submitted as part the application shall be used to determine the boundaries of the wetland and buffer. The California Department of Fish and Game and the United States Fish and Wildlife shall be consulted in such determinations.

All buildings or other improvements proposed to be placed or erected, and all grading activities proposed to undertaken adjacent to a wetland shall be located so as not contribute to increased sediment loading of the wetland, disturbance to its habitat values, or otherwise impair the functional capacity of the wetland.

Permitted uses in the wetland buffer areas, shall be limited to the following, provided that such uses are compatible with protecting wetlands, and do not harm the natural ecosystem:

a. All uses permitted in wetlands.

b. Passive recreational uses, access paths, and public viewpoints, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands.

c. Improvements necessary to protect adjacent wetlands.

3. Floodways.

Permitted uses in the floodway areas, as designated on the Federal Emergency Management Agency (FEMA) Maps on file in the office of the City Clerk or alternatively any area zoned FW, shall be those uses permitted by the zone, subject to the following regulations and the regulations and restrictions of the FW zone.

a. New roadways and roadway expansions, except local access roadways, shall be allowed only where indicated in an adopted community plan or identified in the Circulation Element of the General Plan.

b. Floodway encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of a one hundred (100) year frequency flood.

c. Channelization or other substantial alteration of rivers or streams shall be limited to:

1) Necessary water supply projects.

2) Flood control projects where no other feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development.

3) Developments where the primary function is the improvement of fish and wildlife habitat.

d. Any development permitted by

paragraphs C.1), C.2), and C.3) above which involves the channelization or other substantial alteration of rivers or streams shall do all of the following:

1) Incorporate into the project design and mitigation measures all relevant findings of hydrological studies for the watershed of the affected stream. Such findings shall include but shall not be limited to erosional characteristics, flow velocities, and sediment transport.

2) Incorporate mitigation measures designed to assure that there will be no increase in the peak runoff rate from the developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six (6) hour period once every ten (10) years.

3) Minimize stream scour, avoid increases in and reduce, where feasible, the transport of stream sediment to downstream wetlands and other biologically sensitive lands. Acceptable techniques to control stream sediment include but are not limited to the planting of riparian vegetation in and near the stream.

4) If channelization is determined to be necessary, the floodway of the stream shall accommodate a one hundred (100) year flood. To the extent feasible, all artificial channels shall consist of natural bottoms and sides and be designed and sized to accommodate existing riparian vegetation. Where maintenance is required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party or process shall be identified.

e. Except in wetlands and wetland buffer areas, sand and gravel extraction may be permitted, subject to an approved conditional use permit and reclamation plan. Use of the floodway area after reclamation shall be subject to all of the requirements of this section.

4. Floodplain Fringe.

Permitted uses in the Floodplain Fringe (property located between the floodway and the limits of the one hundred (100) year floodplain) as designated on the Federal Emergency Management Agency (FEMA) maps on file in the office of the City Clerk or alternatively any area zoned FPF, shall be those uses permitted by the underlying zone subject to the following regulations, the regulations and restrictions of the underlying zone, the Floodplain Fringe Overlay Zone (SEC. 101.0403.1), where applicable.

a. New roadways and roadway expansions, except local access roadways, shall be allowed only where indicated in adopted community plan or identified in Circulation Element of the General Plan.

b. Low-intensity recreational uses may

be permitted.

c. Except in wetlands wetland buffer areas, sand and gravel extraction may be permitted, subject to an approved conditional use permit and reclamation plan. Use of the floodplain fringe area after reclamation shall be subject to all of the requirements of this section.

d. Within the one hundred (100) year floodplain fringe, sand and gravel extraction, permanent structures and/or fill for permanent structures, roads and other public improvements will be allowed only if the applicant can demonstrate that:

1) The development is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works including but not limited to artificial flood channels, revetments and levees. Flood protection works may be permitted to protect new or existing roads which are identified in the Circulation Element of The City of San Diego's Progress Guide and General Plan, and applicable community plans.

2) Existing biologically sensitive lands and wetlands and wetland buffers will not be disturbed.

3) Grading and filling are minimized and harm to the environmental values of the floodplain fringe is minimized.

4) The design of the development incorporates the findings and recommendations of both a site-specific and watershed hydrologic study in order that: (a) there will be no increase in the peak runoff rate from the fully developed site as compared to the discharge that would be expected from the existing undeveloped site as a result of the most intense rainfall expected once every ten (10) years during a six (6) hour period; and (b) the development neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands or other biologically sensitive lands.

5) There will be no significant adverse water quality impacts to downstream wetlands and other biologically sensitive lands.

e. All development proposed in the floodplain fringe on property which borders the floodway or is otherwise linked physically or visually with the floodway shall:

1) Provide not less than a twenty-five (25) foot-wide open space strip bordering the floodway, revegetated as determined necessary per Section 7.1 of the City of San Diego Landscape Technical Manual, on file in the office of the City Clerk as Document No. RR-274506;

2) Provide for landscaping of all buildings and parking facilities; and

3) Retain and protect mature trees and other significant existing vegetation.

Trees introduced to the site shall be adequately protected from drowning during heavy rains. As a condition of the permit, any drainage or runoff system installed for this purpose shall be serviced regularly during the November 15 to March 31 rainy season so as to avoid the accumulation of standing water around the base of such trees.

f. All landscaping shall be in substantial conformance with the standards and specifications set forth in Chapter X, Division 7, of the San Diego Municipal Code (City-wide Landscaping Regulations) and the City of San Diego Landscape Technical Manual, on file in the office of the City Clerk.

5. Hillside and Biologically Sensitive Lands.

Permitted uses in the hillside areas or biologically sensitive lands, or both, shall be those uses permitted by the underlying zone subject to the following regulations and the regulations and restrictions of the underlying zone, and the Hillside Review Overlay Zone (Section 101.0454) when applicable to the hillside portion of a parcel, except that a separate Hillside Review Permit shall not be issued.

Where a development is proposed on hillsides or biologically sensitive lands, or both, the following regulations shall apply:

a. Hillsides and biologically sensitive lands shall be preserved in their natural state, provided a minimal encroachment into such lands may be permitted to the extent set forth in the following encroachment table. This encroachment must not adversely impact state or federally-listed rare, threatened or endangered species or wetlands.

All development or grading occurring in hillsides must comply with the regulations of the Hillside Review Overlay Zone ordinance and the Hillside Design and Development Guidelines (October, 1984). Development or grading occurring in biologically sensitive lands over and above the encroachment allowance in column 2 of the following table shall not be permitted unless all feasible mitigation to protect and preserve such lands is required as a condition of approval. Mitigation may include any of the following methods, as appropriate to the nature of the impact:

(1) In certain limited circumstances, replacement may be accomplished by creating new habitat or by enhancing existing degraded habitat.

(2) In other circumstances replacement may be accomplished on another site where the biological values of the mitigation site are threatened, provided the mitigation site supports the same

biological values. The biological values of the replacement mitigation site must be protected and preserved in a manner acceptable to the Development Services Director.

(3) In limited circumstances, where the affected habitat area is small and is isolated from other habitat areas, monetary compensation may be paid into a fund in lieu of other forms of mitigation. The fund shall be used to acquire, maintain and administer habitat areas pursuant to City Council Resolution No. R-275129, adopted February 12, 1990. Where appropriate, the City Development Services Director, with the concurrence of the City Manager, is authorized to enter into agreements with public or private non-profit conservancies, agencies, or foundations to administer the funds and maintain and acquire habitat preservation areas.

[ENCROACHMENT TABLE FOR HILLSIDES AND BIOLOGICALLY SENSITIVE LANDS]

(Note: Columns 2, 3 and 4 are expressed as a percentage of that portion which contains the hillside or biologically sensitive lands)

b. The maximum total encroachment allowance (Column 4) for parcels containing both hillsides and biologically sensitive lands shall be allocated proportionally according to the percent of the total area represented by each.

The Development Services Director may permit increased encroachment into that portion of a parcel containing hillsides provided that: the total encroachment for each parcel is within the maximum allowable set forth in the above table; there is a corresponding equal reduction of encroachment into the biologically sensitive lands portion; and, the hillsides do not occur in prime viewshed areas. Prime viewshed areas shall mean those areas which are visible from the center median and within one mile of Interstates 5, 8, 15, and 805, Freeways 905, 163, 52, 94 and all primary arterial roadways identified in the City of San Diego's Progress Guide and General Plan, and those areas visible from the midpoint of the streambed and within one mile of the following major canyon and floodplain systems: Tecolote Canyon, Penasquitos Canyon, Lopez Canyon, Carroll Canyon, Rose Canyon, Murphy Canyon, 34th Street Canyon, Maple Canyon, City Heights Southern Perimeter Canyon System, Chollas Creek Canyon System, Gonzales Canyon, Shaw Valley, Carmel Mountain Canyon, Crest Canyon, San Clemente Canyon, San Dieguito River Valley, Otay River Valley, Tijuana River Valley, and Mission Valley.

c. The following exemptions from the

encroachment allowance may be considered up to the maximum allowance in Column 3 of the "Encroachment Table for Hillside and Sensitive Lands" if the Development Services Director finds that all such exemptions are sited, designed and constructed to: minimize if not preclude adverse impacts to the biologically sensitive lands; comply with the regulations of the Hillside Review Overlay Zone where applicable, and Hillside Design and Development Guidelines (October, 1984); and not adversely impact state or federally-listed rare, threatened or endangered species or wetlands:

1) Major public roads and collector streets identified in the Circulation Element of an adopted community plan of the City of San Diego's Progress Guide and General Plan.

2) Local public streets.

3) Public utility systems.

4) The following public facilities, when they are determined by the Development Services Director to be of significant benefit to the public: publicly-owned parks and recreational facilities (excluding golf courses); fire and police facilities (excluding jails); publicly-owned libraries and public schools.

5) An "erosion control measure" which does not cause the removal or disturbance of any native vegetation located on any portion of the property and is not located within the delineated "viewshed" areas of Map Drawing No. C-720. The erosion control measure shall only be allowed if it is determined to be the only feasible means of erosion control necessary to protect the existing principal structure(s) or public improvement(s). For purposes of Section 101.0462, erosion control measures include, but are not limited to retaining walls, air placed concrete and other devices, structures or methods appropriate for controlling or minimizing erosion. Erosion control measures do not include those preventive measures required for soil stabilization or drainage. Air-placed concrete used as an erosion control measure, either by gunite or shotcrete, shall be designed and applied in accordance with generally accepted engineering standards and specifications and shall also incorporate existing adjacent landform characteristics, including but not limited to color coating, texturing, landscape and topographical features.

Where an erosion control measure is proposed, the permittee shall prior to the approval of the Resource Protection Ordinance ("RPO") permit, execute and record a waiver of public liability for the approved erosion control measure. Where such erosion control measure is

proposed to be located on any portion of property owned by The City of San Diego, the permittee shall provide written permission from the City Manager prior to the approval of the RPO permit. Documentation of this approval shall be recorded with the conditions of permit approval.

d. Areas with native vegetation which are cleared or thinned to protect existing or proposed structures in potential danger from fire may also be exempted provided that: the area cleared or thinned for such brush management is the minimum necessary to comply with existing City fire codes; native root stock is retained in biologically sensitive lands, and, in all areas where the root stock is removed, replanting is done with native or naturalized non-native fire retardant vegetation; no reconfiguration of the natural landform is required; no permanent irrigation is provided and no non-native plants are introduced in biologically sensitive lands; and, no sensitive species or vegetation would be significantly adversely impacted.

e. Except as otherwise provided for in existing conditional use permits, sand, gravel and rock extraction is exempt from the hillside encroachment allowance but not from the biologically sensitive lands encroachment allowance, provided that mitigation measures are required that maximize the use of native vegetation to revegetate and landscape cut or fill areas in order to substantially restore the original habitat value and produce final graded slopes with contours and soils which reflect the original landform conditions. Use of the hillsides after reclamation shall thereafter be subject to all requirements of this section.

f. All encroachment allowances shall be subject to a determination by the Development Services Director that such encroachment is supported by the findings of fact required under Paragraph L. of this section.

g. All hillsides and biologically sensitive lands which remain undisturbed or which are restored or enhanced as a result of a development approval shall be conserved as a condition of permit approval through a deed restriction, open space easement or other suitable restriction acceptable to the City Attorney and the Development Services Director and, when applicable, the City Manager, that will preclude any future development or grading of such lands.

6. Significant Prehistoric and Historic Sites and Resources

Permitted uses in lands containing significant prehistoric and historic sites and resources shall be those uses permitted by the underlying zone subject

to the following regulations and the regulations and restrictions of the underlying zone.

Development shall not be permitted in significant prehistoric or historic sites or resources unless all feasible measures to protect and preserve the significant prehistoric or historic site or resource are required as a condition of development approval. Alterations and improvements to prehistoric and historic sites and resources that enhance, restore, maintain or repair the site or resource and which do not adversely affect the special character, or special historical, architectural, archaeological or cultural value of the prehistoric and historic site or resource may be permitted. This paragraph is intended to supplement protection provided to significant prehistoric and historic sites and resources by existing local, state and federal law. The City Council shall establish procedures for designating historic sites, with time frames for determining whether eligible sites shall be so designated, and procedures for protecting such eligible sites during the designation process.

H. APPLICATION SUBMITTAL REQUIREMENTS

Every application for a Resource Protection Permit shall be accompanied by the following information (where applicable) prepared in accordance with the guidelines of Section 2 of the City of San Diego Landscape Technical Manual, on file in the office of the City Clerk:

1. A site plan showing the location of proposed buildings, accessory structures, recreational areas, access roads and driveways, parking areas, storage areas, and any other uses of the site.

2. A landscaping plan showing the location of all plant materials including trees, shrubs, and ground covers.

3. A grading plan for any development which requires the alteration of the existing land configuration.

4. A preliminary elevation plan (including sections) showing basic foundation and roof configurations.

5. A drainage plan showing proposed runoff control measures.

6. An analysis and map showing the precise boundary of wetlands and wetland buffers.

7. In floodway and floodplain fringe areas:

- a. A hydrological study of the site and affected watershed showing existing river channels, streambeds and proposed channelization alignments.

- b. A biological resource inventory and mitigation plan.

8. In hillsides:

- a. A slope analysis, based upon a

topographic map with contour intervals not exceeding five (5) feet. The slope analysis shall show the following slope categories for the entire property in acres:

- 1) Less than twenty-five percent (25%) slope.

- 2) Twenty-five percent (25%) and greater slopes.

- b. A geological reconnaissance report where development is proposed to be located in a "moderate" (C), "high" (D), or "variable" (BC or AC) Risk Zone as identified on the geo-technical land use capability maps referenced by the Seismic Safety Element of The City of San Diego's Progress Guide and General Plan, and on file in the office of the City Engineer. The geological reconnaissance report shall be prepared in accordance with the City's Engineering Department's Guidelines for Geo-technical Reports, and shall address potential geologic hazards. The report shall be considered and made available for public review as part of the standard environmental review process.

Where unstable conditions are indicated but, in the opinion of the City Engineer, are not sufficiently defined in the geological reconnaissance report, a preliminary engineering geology report shall also be required. Any exploratory work necessary to prepare such a report may be performed pursuant to the conditions set forth in the Land Development Ordinance (Chapter 6, Article 2, Division 4 of the Municipal Code). The preliminary engineering geology report shall include the results of subsurface investigations sufficient to identify the nature and magnitude of such unstable conditions, and shall identify alternative mitigation measures that may be needed.

- c. If erosion control measures are proposed, submittal of a geotechnical report documenting the need for the erosion control measure shall be required, unless it is demonstrated by the responsible department through submittal of appropriate investigative report, documentation or other evidence that unstable conditions on the site do not exist. The geotechnical report shall identify the type and design of the erosion control measure necessary, based upon site specific conditions.

- d. Repair and Maintenance of Erosion Control Measures. The responsible department shall determine if any repair or maintenance activity of an approved and permitted erosion control measure constitutes a minor modification or requires an amendment to the permit(s) or a new permit(s). The Responsible Department shall require submittal of necessary reports, documents or any other material necessary to make such determination. Repair or maintenance of an

erosion control measure which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained and reviewed.

9. A biological resources survey, as provided for by the administrative guidelines to this section.

10. A prehistoric and historic resources survey.

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. Legally permitted agricultural grading on land which has been legally cultivated within the previous five (5) year period or pursuant to an agricultural permit (SEC. 62.0405(h)). This exemption shall not apply when a significant historic or prehistoric resource exists on the site.

2. Any development for which a Building Permit, Grading Permit, Hillside Review Permit, Planned Development Permit, Conditional Use Permit, Development Agreement or Planned District Permit has been requested (application on file) prior to June 22, 1987.

3. Any development which has obtained Coastal Commission approval on or before July 10, 1987.

4. Those phases or elements of a development which have obtained a vested right prior to the effective date of the original adoption of this section, March 29, 1989.

5. Developments for which all final discretionary approvals have been granted prior to July 15, 1988.

6. Except in the case of designated historic sites or parcels located wholly or partially within the Multiple Species Conservation Program (MSCP) Preserve as shown in 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 Multiple Species Conservation Program (MSCP) Preserve as shown in the Del Mar Mesa Specific Plan, the construction of a single-family house on an individually-owned single-family lot as defined in Sec. 101.0101.34 of the

Municipal Code, 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. Except in the case of designated historic sites, building improvements, including paved areas, on other than single-family lots, which do not alter the ground coverage of an existing building or paved area by more than 10 percent and which do not increase the height of the building by more than 12 feet, or the height permitted in the underlying zone, whichever is less.

9. Sand, gravel and rock and related asphalt operations, and salt manufacturing operations, which have received valid approvals to conduct such operations prior to the effective date of this section and which continue to operate in compliance with the terms and conditions of those approvals, and redevelopment or reclamation as required by the California Surface Mining and Reclamation Act of 1975 of the area upon which the operations have occurred.

10. Activities to detect and remove ordnance from areas where such explosive devices may exist.

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 development 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.

J. EMERGENCY PERMIT

Whenever development is required by order of the City Manager or the Development Services Director to protect the public health or safety, the Development Services Director may issue an emergency Resource Protection Permit without a public hearing for the minimum amount of work necessary to protect the public health or safety. The emergency permit shall not relieve the permittee from compliance with all provisions of this section.

K. ADMINISTRATION OF PERMIT

The Planning Commission may approve, conditionally approve or deny an application for a Resource Protection

Permit in accordance with "Process Four". An application for a Resource Protection Permit may be approved or conditionally approved only if all of the following findings of fact are made:

1. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

2. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.

3. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.

4. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open-space areas and will provide adequate buffer areas to protect such resources.

5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

6. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value of the affected significant prehistoric or historic site or resource have been provided by of the applicant.

L. ALTERNATIVE COMPLIANCE

Development plans shall, to the maximum extent feasible, comply with the provisions of this section. In a case where a development plan does not comply with the provisions of this section, the Planning Commission may approve, conditionally approve or deny the plan in accordance with "Process Four". The Planning Commission may approve the plan through alternative compliance where it appears from the facts contained in the application, and from evidence presented in public hearings that the strict application of this section would either: 1) result in unnecessary hardship to the applicant; or 2) create results in conflict with City Council policy, the Progress Guide and General Plan or any adopted community plan; or 3) preclude provisions of extraordinary benefit to the general public.

1. The Planning Commission shall grant alternative compliance to prevent unnecessary hardship to the applicant if all of the following findings can be made:

- a. There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this

section would deprive the property owner of reasonable use of the land;

- b. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands;

- c. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego; and,

- d. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies and ordinances.

2. The Planning Commission may grant alternative compliance for any development plan to preclude a conflict between the application of this section with adopted City Council policy if all of the following findings can be made:

- a. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan;

- b. The proposed development conforms to the adopted community plan of the area; and,

- c. There are no other feasible measures that can be taken to further minimize the potential adverse effect on environmentally sensitive lands and still avoid conflict with the substantially applicable provisions of City Council policy.

3. The Planning Commission may grant alternative compliance to ensure the provisions of extraordinary benefit to the general public on making findings of overriding social and economic considerations in addition to the following findings:

- a. There are no feasible measures that further minimize the potential adverse effects on environmentally sensitive lands while still providing the extraordinary benefit.

- b. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.

- c. The proposed development conforms to the adopted community plan for the area.

For the purposes of this section, coastal development permit approval by the City for projects in the coastal zone and determinations of substantial conformity by the Planning Commission for development proposals pursuant to a precise or specific plan prepared and approved in accordance with Council Policy shall constitute alternative compliance.

For other than the approvals of coastal development permits, substantial conformity determinations and determinations of unnecessary hardship under this subsection, alternative compliance shall not be approved unless mitigation measures are adopted. These measures may include, but are not limited

to: purchase or exchange by the applicant of like-kind real property of similar or greater quality and quantity from the City's open space retention list or any areas shown as open space in a community plan and donation of that property by fee or easement, as may be determined by the City, for use by the City as open space; or, purchase or exchange of other like-kind real property of similar or greater quality and quantity identified in a sensitive resources management plan prepared by the Development Services Department and donation of that property by fee or easement, as may be determined by the City, for use by the City as open space. "Like-kind real property" shall mean real property containing substantially the same resources as those on the impacted property. Provision of properties in a greater ratio than one to one (1:1) may be required based upon the quality of the resource impacted by the development. The Development Services Director may promulgate guidelines for mitigation, and, with the concurrence of the City Manager, enter into agreements with public or private non-profit agencies and foundations to acquire property and to maintain and administer any funds or property interests donated in furtherance of or pursuant to this section.

M. DENIED PERMITS

Resource Protection permits which are denied shall not be resubmitted to the Planning Commission for one year following the denial.

N. CONDITIONAL USE PERMITS

Conditional Use Permits which would allow development in areas regulated by the provisions of the Resource Protection Ordinance shall be consistent with the use and development restrictions specified in the Resource Protection Ordinance and shall be subject to all other applicable regulations and restrictions.

O. VIOLATIONS

Any person not complying with the provisions of this ordinance shall be required to restore the land affected to a condition comparable to that existing prior to the violation. Until such restoration is completed and approved by the City, the violators shall be prohibited from doing any development on the land affected. Violators are also subject to civil or criminal penalties and remedies, or both.

P. FAILURE TO UTILIZE RESOURCE PROTECTION PERMIT

A Resource Protection Permit shall expire and become void thirty-six (36) months after the "Date of Final Action" of permit if the permit is not utilized in the manner set forth in Section 111.1119, or unless the Resource Protection Permit is approved in conjunction with another permit which

extends or is extended beyond thirty-six (36) months, in which case the Resource Protection Permit may be extended for an equivalent period provided there have been no intervening substantial changes in the affected resource or area requiring mitigation beyond that prescribed in the original permit.

Q. APPLICABILITY OF AMENDMENTS TO EXISTING APPLICATIONS

To the extent that the amendments made by Ordinance No. O-17602 (New Series), adopted on February 19, 1991, to this section shall differ from the provisions of this section, as originally adopted and previously amended, they shall not apply to any project for which a final permit approval has been issued or for which a completed application for a vesting tentative map, a discretionary permit for development, or a building, demolition or grading permit is on file prior to the date of introduction of the ordinance adopting this subsection, (February 5, 1991) provided, however, that if such permit shall ever expire without the work or development being undertaken, then any subsequent application for a new permit shall be subject to these amendments.

R. APPLICABILITY TO PUBLIC WORKS PROJECTS

Except as provided by Council resolution, the provisions of this section shall apply to City public works construction projects to be constructed commencing on and after July 1, 1991, provided, however, that any project for which plans and specifications have already been approved by the City Council or the City Manager, when appropriate, or for which Council authorization to issue debt financing has already been approved, or any project authorized and funded within the current (1991) or prior years Capital Improvement Projects (CIP) Program, shall be exempt. (Amended 7-25-94 July 25, 1994 by O- 18088 N.S.)

This section is indexed as follows:

- A. PURPOSE, INTENT AND TITLE
- B. RESOURCE PROTECTION PERMIT REQUIRED
- C. PROTECTION OF ADDITIONAL RESOURCES
- D. GENERAL PROVISIONS
- E. EXCLUSIONS
- F. DEFINITIONS
- G. PERMITTED USES AND DEVELOPMENT REGULATIONS
- H. APPLICATION SUBMITTAL REQUIREMENTS
- I. PERMIT EXEMPTIONS
- J. EMERGENCY PERMIT
- K. ADMINISTRATION OF PERMIT
- L. ALTERNATIVE COMPLIANCE
- M. DENIED PERMITS
- N. CONDITIONAL USE PERMITS
- O. VIOLATIONS
- P. EXPIRATION OF PERMIT
- Q. APPLICABILITY OF AMENDMENTS TO EXISTING APPLICATIONS
- R. APPLICABILITY OF SECTION TO PUBLIC WORKS
CONSTRUCTION PROJECTS
- A. through C. [No changes]
- D. GENERAL PROVISIONS

1. through 3. [No changes]

4. Within those areas of the Coastal Zone identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204(B) of the Municipal Code, no permits may be issued for the substantial alteration or demolition of any building or structure that is more than 45 years old, unless the application for the permit has been

EXHIBIT NO. 13

APPLICATION NO.

SDLCPA 2-96

Suggested Modification
for Resource Protection
Ordinance

1 of 5

reviewed and approved by the Development Services Director or designee, hereafter "Director". The Director may approve substantial alteration or demolition if the Director determines that the structure is not a potential historical building or structure. The Director shall use the same criteria as those used by the City's Historical Site Board to determine whether a site or structure should be officially designated as historic, which criteria are maintained by and are on file with the Historical Site Board. The Director shall make a written determination within ten (10) working days of the receipt of the application for substantial alteration or demolition. If the Director does not make the determination within the specified period, the building or structure shall be deemed not to be a potential historical structure. If the Director determines that a building or structure is a potential historical structure, substantial alteration or demolition permit application may not be approved during the succeeding ninety (90) day period or until the date the Historical Site Board determines the site's historical significance, whichever date first occurs in accordance with San Diego Municipal Code sections 26.0201 through 26.0206. The provisions of this Section 101.0462(D)(4) shall not apply to any building or structure found by the Director to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued. The

~~Director's review of proposed substantial alteration or demolition for any building or structure that is more than 45 years old shall not be required for any portion of the Coastal Zone that has been inventoried, once that inventory has been accepted by the City's Historical Site Board and a decision on whether or not to designate all potential sites or structures as historic has been made by the Historical Site Board.~~

~~45. The Development Services Director is hereby authorized to promulgate administrative guidelines to implement the provisions of this section. The guidelines or any revisions thereto shall be effective without a hearing thirty (30) calendar days after their publication in a newspaper of general circulation by the Development Services Director, pursuant to San Diego Municipal Code section 22.0702, unless a timely protest is filed with the Director. In this event, the Director shall consider the objections of those affected by the proposed change. As soon thereafter as practicable, the Development Services Director may then issue the guidelines with any revisions deemed necessary or appropriate, or decline to so issue them. This provision shall not be applicable to any emergency guideline issued by the Director to preclude an event that will be detrimental to the public health or safety, nor shall it apply to the initial promulgation of the guidelines authorized by R-277284 adopted January 29, 1991.~~

56. A Resource Protection Permit shall be required in conjunction with the processing of a long range plan, as defined in paragraph F.11., if a subdivision or parcel map or another discretionary permit approval is concurrently processed. In this event, the Resource Protection Permit shall only be required for that portion of the area that is covered by the concurrent discretionary map or permit. However, in any case a consistency determination shall be prepared when required by Council Policy 600-40.

E. EXCLUSIONS

1. through 5. [No changes]

6. Coastal Zone

The Resource Protection Ordinance shall apply in the Coastal Zone only as follows:

a. To demolition, in whole or in part, of any designated historical structure or building in any area identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204 of the Municipal Code; and

b. To substantial alternation of any designated historic structure or building in any area identified as categorically excluded from the requirements of a coastal development permit in Section 105.0204 of the Municipal Code.

F. DEFINITIONS

The following definitions shall apply only for the purposes of this section.

1. through 12. [No changes]

~~13. Substantial Alteration means any change or modification, through public or private action, of any building or structure including, but not limited to: changes to historically designated interior architectural features, exterior architectural features including exterior changes to or modification of structural details, architectural details or visual characteristics such as doors, windows, surface materials and texture, grading, surface paving, addition of new structures, cutting or removal of trees, landscaping, and other natural features, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, and plantings and landscape accessories affecting the exterior visual qualities of the property that would impair the historical significance of the building or structure.~~

~~14. Wetlands.~~

~~[No change to text.]~~

~~15. Wetland Buffers.~~

~~[No change to text.]~~


G. through R. [No changes]

City of San Diego
Memorandum

Tu26 b

DATE: September 3, 1996

TO: Honorable Mayor and Councilmembers

FROM: Michael Stepner, Urban Design Coordinator 

SUBJECT: DEL MAR MESA SPECIFIC PLAN

In the course of introducing an ordinance adopting the Del Mar Mesa Specific Plan (Item 340, July 30, 1996), the City Council directed staff to make text changes and clarifications in the draft Del Mar Mesa Specific Plan to better explain the plan's conformity with Council Policy 600-40, the Resource Protection Ordinance, Supplemental Regulations for Resource Management, and off-site mitigation. The City Council further directed that the aforementioned text changes be presented for consideration with the second reading of the Del Mar Mesa Specific Plan adoption ordinance on September 9, 1996.

Attached is a revised errata sheet which consolidates previous errata sheets (dated 7/1/96 and 7/22/96) and introduces text changes that address City Council direction.

**DEL MAR MESA SPECIFIC PLAN
FINAL DRAFT - MAY 22, 1996**

Errata Sheet

[The following consolidates the errata sheet dated 7/1/96, errata sheet supplement dated 7/22/96, and additional changes per Council action on 7/30/96.]

Section II.A.6 (page 8)

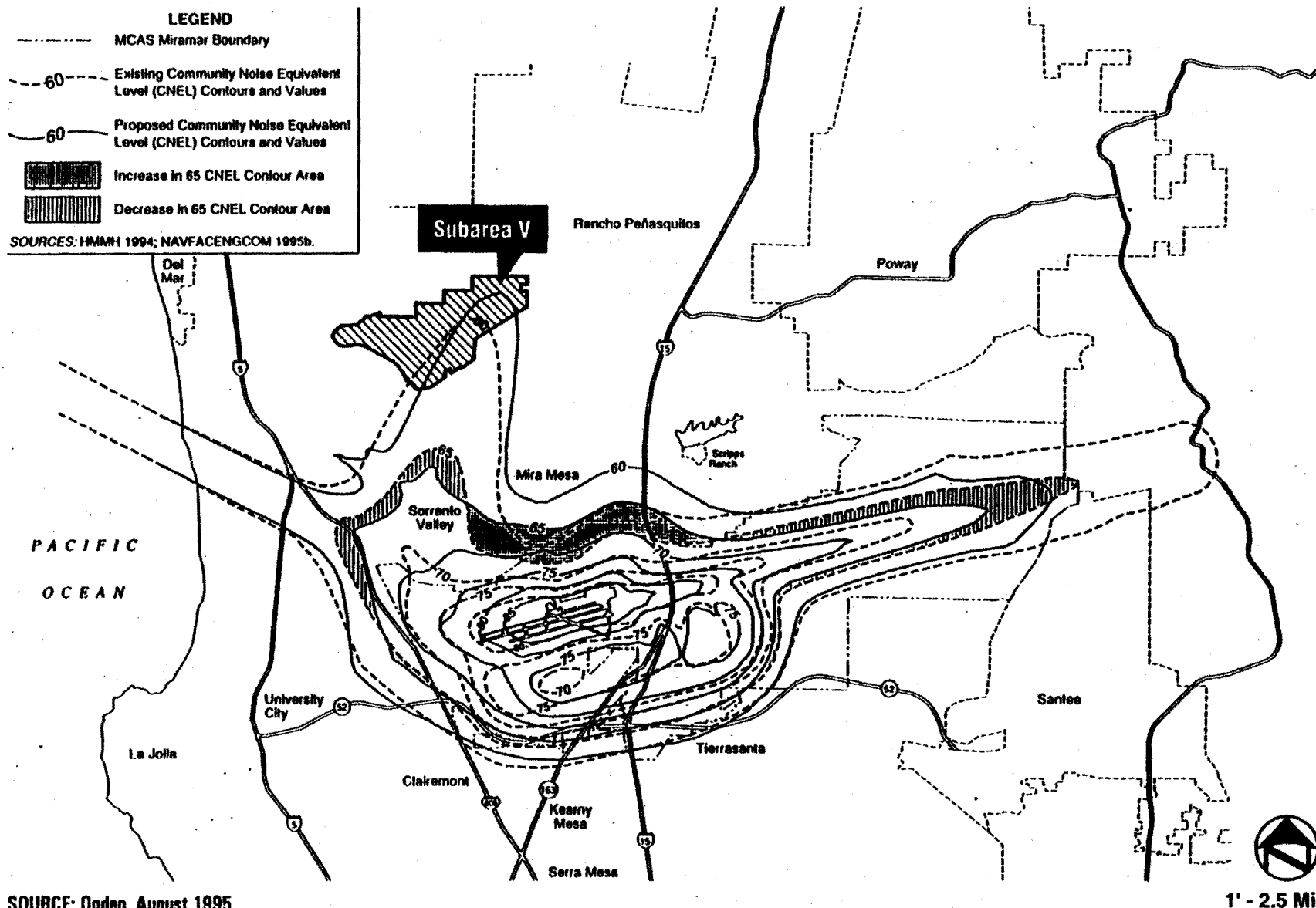
6. Naval Air Station (NAS) Miramar Noise

Subarea V is located directly under the Julian departure corridor for Naval Air Station (NAS) Miramar. While development in the subarea is considered compatible with flight operations, some residents may experience concern over aircraft noise and overflight. The existing and proposed Miramar aircraft noise contours are shown in Figure X. Occupants will be frequently overflown by military aircraft and will experience varying degrees of noise and vibration. These concerns can be partially mitigated through noise attenuation to applicable standards and full disclosure of flight operation impacts.

On occasion, NAS Miramar may operate 24 hours per day, seven days a week. In deference to local communities, however, operations are normally scheduled from 7:00 a.m. to midnight during the week and from 7:00 a.m. to 7:00 p.m. on weekends. The military reserves the right to fly prior to or past normal operating hours to fulfill mission requirements. Under the 1993 round of military Base Closure and Realignment, Miramar will realign to a Marine Corps Air Station no later than 1999. This realignment will affect flight operations and may increase operational tempo.

M.C.A.S. Miramar Noise Contour

4
figure



SOURCE: Ogden, August 1995

SUBAREA V
DEL MAR MESA

Section III.A. (pages 17-18)

5. Affordable Housing

The City of San Diego's "Consolidated Plan" documents the City's need for affordable housing. The Plan states that nearly 107,000 very-low and low-income households in San Diego would require assistance for their housing to be affordable. The lack of affordable housing is not only a social issue affecting communities, but also has a negative impact on the local economy. Providing housing opportunities affordable to those working in low wage jobs benefits the City as a whole.

To help address its need for affordable housing, the City encourages the provision of affordable housing opportunities throughout its many communities, in part, through Council Policy 600-19 concerning balanced communities and through the Future Urbanizing Area Affordable Housing Requirement contained in the City's PRD Ordinance and addressed further in the North City Future Urbanizing Area *Framework Plan*.

Although Subarea V is likely to include many small residential developments with residents relying on services located outside the area, development plans which primarily call for large homes on large lots suggest that household help may be desired to care for the house and grounds. Furthermore, plans for the Bougainvillea project call for development of a golf course and nearby resort hotel, both of which will provide relatively low wage employment opportunities. It is clear that affordable housing provided in Subarea V will help address the needs created in the community and contiguous areas.

Residential development in Subarea V must provide for affordable housing, as required of all such development in the FUA. However, property owners are permitted to meet the affordable housing requirement off-site, if desired, due to the rural character and the small size of developments proposed for the Del Mar Mesa. The requirement specifies that residential development projects must provide housing affordable to low-income families as certified by the San Diego Housing Commission. This requirement can be fulfilled by the following:

- a. The provision of units through new construction or acquisition, equivalent to 10-20 percent of units in the proposed Subarea V

project, for occupancy by, and at rates affordable to, families households earning no more than 65 percent of median area income, adjusted for family household size, located on-site or ~~in an area north of State Route 52 and off-site~~ within the City boundaries as certified by the San Diego Housing Commission. The affordable units must remain affordable for the life of the unit and should be phased proportionate to development of the market-rate units within the Subarea V project; or

- b. Dedication of land of equivalent value to a. above, located ~~in an area north of State Route 52 and~~ within the City boundaries as certified by the San Diego Housing Commission; or
- c. Developers may, at the discretion of the City, satisfy the requirements of the FUA affordable housing program by paying an in-lieu fee to the City's NCFUA Affordable Housing Trust Account an amount of money equivalent to the cost of achieving the level of affordability required by the Subarea V affordable housing program, as determined by the San Diego Housing Commission. The in-lieu fee requirement shall be included as a tentative map condition, where applicable, and collected at the time of issuance of building permits; or
- d. Developers of projects within Subarea V of ten or fewer units, or for larger projects subject to the restrictions specified below, seeking to fulfill the requirement on-site, may do so through the provision of ~~companion~~ accessory unit(s). Accessory units within Subarea V shall be subject to the CUP requirement and development standards in Municipal Code Section 101.0512 or subsequent amendments. However, the provisions that CUPs only be issued in R-1 zones, Section F. (Suspension of Companion Unit Regulations) and G. (Exclusion of Companion Units in the Coastal Zone) shall not be applicable to the Del Mar Mesa Specific Plan area. Restrictions on occupancy of these units in the above Code section may be deviated from subject to certification by the Housing Commission. It is the intent of this specific plan that occupancy of these units be limited to: 1) eligible low-income households earning no more than 65 percent of median area income at affordable rental rates or; 2) any adult family member of the owner's immediate family, including his or her parents.

~~grandparents, siblings, children or grandchildren; or 3) any person, or the household of a person who is employed on the premises by the occupants of the primary unit. For projects greater than ten units, the number of accessory units shall not exceed 30 percent of the above affordable housing requirement.~~

Section III.C.1. (pages 29-31)

a. Elementary Schools

In accordance with Del Mar Union School District standards, residential development within the Del Mar Mesa area will result in the need for a new elementary school when 300 students are projected to be unhoused in the succeeding school year. As projected development in the Del Mar Mesa area is anticipated to generate over 300 elementary students within the service area of the DMUSD, an elementary school site is designated on Figure 5. This site falls within areas 44 and 59 on Figure 29. Ownership area number 70 is identified as an alternative location for a joint school/park site.

Until sufficient students have been generated from this and adjacent areas, and sufficient mitigation payments, special taxes, or other funds are collected to fund the property acquisition and development, the identified school/park site property shall retain development rights consistent with similarly zoned parcels in the Del Mar Mesa Specific Plan, or 1 dwelling unit per 2.5 gross acres, except in cases where the density is further defined in the specific plan. If, prior to acquisition by the DMUSD and/or City of San Diego, the property owner makes application for a subdivision of land or other discretionary action, the City and the DMUSD shall have the opportunity to negotiate purchase of the identified property. If the DMUSD and/or City of San Diego is unsuccessful in securing the school/park site, a similar process shall apply to the alternative location. Dwelling units assigned to parcels identified as the primary or alternative locations for a joint school/park site may be transferred by use of a PRD to other parcels in the NCFUA owned by the same entity.

Section III.C. (page 33)

8. Water

Water service within Subarea V will be provided by the City of San Diego Water Utilities Department. Currently, existing water facilities in the area have ~~no inadequate~~ capacity to serve ~~any~~ new development. Existing water transmission facilities in the ~~area vicinity of Subarea V~~ include the Del Mar Heights Pipeline to the north, the Rancho Bernardo Pipeline to the east, and the Green Valley Pipeline to the west (see Figure 9). The only new transmission facility proposed at this time is the Carmel Mountain Road Pipeline. It will traverse Subarea V in Carmel Mountain Road and appropriate easements.

An analysis is underway (per the approved scope of work for the North City 610/712 Water Study) which will identify needed water transmission and storage facilities to provide adequate capacity to undeveloped portions of Carmel Valley, Sorrento Hills and the entire FUA.

Applicants for tentative maps will be required to provide water studies showing the proposed water distribution system necessary to serve their developments prior to the approval of final maps. Applicants may request the City to process a water reimbursement agreement(s) to recover the cost of facilities including the study in excess of their pro rata share. The proposed water system shall be designed and constructed to the Water Utilities Department's standards.

~~Prior to the issuance of final maps, the 610/712 study must be completed and all applicable water facilities constructed. In addition to that study, future applicants for tentative maps will be required to provide a water study showing the proposed water distribution system for Subarea V prior to the issuance of a final map. The applicant may negotiate a water reimbursement agreement with the City to recover the cost of the study, above his/her pro rata share. The proposed water system shall be designed and constructed to the Water Utilities Department's most current standards.~~

Section III.C. (pages 33 and 36)

9. Sewer

Sewer service will ~~also~~ be provided by the City of San Diego Metropolitan Wastewater Department ~~Water Utilities Department~~. Existing sewer facilities in the vicinity of Subarea V include the Carmel Valley Trunk Sewer to the north and the Peñasquitos Trunk Sewer to the south (see Figure 10). All flows generated from Subarea V will flow into one of these trunk sewers which flow into the Metropolitan Sewerage System.

Currently, the Peñasquitos Trunk Sewer is approaching its ultimate capacity. There are plans to alleviate the capacity problem by building the Peñasquitos Trunk Sewer Relief. ~~The sewer relief is scheduled to be constructed by 1998.~~ Construction of the relief sewer is scheduled for completion in mid-1998.

Applicants for tentative maps will be required to provide sewer studies showing the proposed sewer system necessary to serve their developments and the drainage basins in which they lie prior to the approval of final maps. Applicants may request the City to process sewer reimbursement agreement(s) to recover the cost of facilities including the sewer study in excess of their pro rata share. All public sewer facilities shall be designed and constructed to the Water Utilities Department's standards. If proposed facilities do not meet the required standards, then such facilities shall be private. The cost of operating and maintaining nonregional public sewer pump stations that serve a single development will be borne by the appropriate homeowners' association or other private entity. All septic systems must be approved and permitted by the County of San Diego Department of Health Services.

~~Prior to any development within Subarea V, future applicants for tentative maps will be required to provide a sewer study showing the proposed sewer system for Subarea V prior to issuance of final maps. The applicant may negotiate a reimbursement agreement with the City to recover the cost of the study, above his/her pro rata share. All public sewer facilities shall be designed and constructed to the Water Utilities Department's most current standards. If proposed facilities do not meet the required standards, then such facilities shall be private. The cost of operating and maintaining nonregional public sewer pump stations will~~

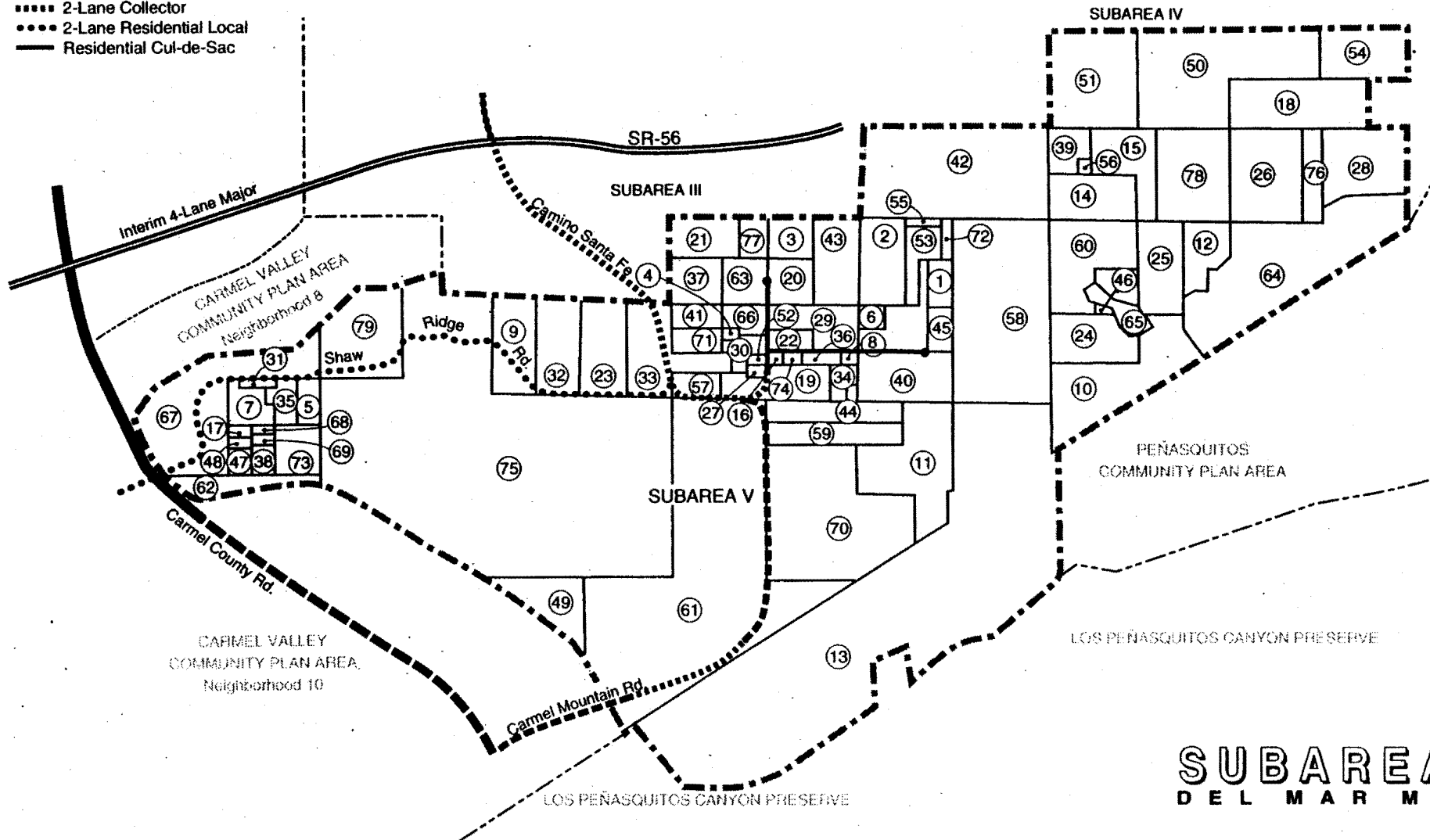
DEL MAR MESA SPECIFIC PLAN FINAL DRAFT - ERRATA SHEET

~~be borne by the appropriate homeowners' association or other private entity. All septic systems must be approved and permitted by the San Diego Department of Health Services.~~

- 4-Lane Major
- 4-Lane Modified Collector
- 2-Lane Modified Collector
- 2-Lane Collector
- 2-Lane Residential Local
- Residential Cul-de-Sac

Circulation

15
figure



SUBAREA V
DEL MAR MESA



- Legend
- Multi-Use Trails
 - Hiking/Equestrian Trails
 - Existing Natural Trails, off-site
 - Open Space
 - Proposed Development Area

SUBAREA V
DEL MAR MESA

Section III.D. (pages 52-53)

12. Equestrian/Hiking Trails

Due to the desire expressed by current Del Mar Mesa residents, a hiking/equestrian trail system is proposed. This system is intended to compliment the roadside multi-use trail system by providing public hiking and riding opportunities away from vehicular traffic (see Figure 19). This system includes a trail on the northwestern edge of the Del Mar Mesa connecting to Carmel Valley Neighborhood 8 and provides a link to existing and planned trails in Carmel Valley Neighborhood 10. In addition, trails are identified through the Lorenz Parcel (Area No. 70 on Figure 19) and farther to the east extending from Street Z, following the existing SDG&E easement, and linking to Peñasquitos Canyon. The far eastern trail is designated for multi-use and will accommodate mountain bikes.

In general, existing equestrian/hiking trails designated for inclusion in the non-vehicular circulation system will be left in their present condition. Limited improvements may be made to address any existing hazards to safe passage. Roadside multi-use trails and new equestrian/hiking trails shall be improved to achieve City trail standards. Where topographic conditions allow, new trails shall be eight feet in width, constructed of decomposed granite to a depth of six inches and should be no steeper than 10 percent grade. Within the MSCP core biological areas and wildlife corridors, trail widths should not exceed four feet in width. The width of the trail shall be 10 feet where the multi-use trail and equestrian/hiking trail share the same alignment. Clear signage should be provided to direct users to designated trail areas.

With review and approval of subsequent tentative maps within Subarea V, the precise alignment of the hiking/equestrian trails identified in Figure 19 shall be determined, and secured either through dedication or easement as a tentative map condition. Provisions for the maintenance of common trails shall be made either by defining maintenance as a responsibility of the appropriate homeowner's association in the area or through the formation of a Landscape Maintenance District.

~~As shown on Figure 19, the Del Mar Mesa Specific Plan proposes a trail from the southwestern edge of the Bougainvillea project, extending to the southeast and linking to Peñasquitos Canyon through Shaw Valley. This~~

DEL MAR MESA SPECIFIC PLAN FINAL DRAFT - ERRATA SHEET

~~trail link should be evaluated with subsequent amendments to the Carmel Valley Neighborhood 10 Precise Plan and is conditional on approval by the U.S. Fish and Wildlife Service.~~

Section III.D. (pages 55-57)

17. Street Lights

The low density development in Subarea V is intended to preserve the rural nature of the area. As such, and because of close proximity to the MSCP Preserve area, standard street lighting is not to be provided. ~~Pedestrian-scale~~ Street lights may be installed if deemed necessary for safety. This would only include intersections, sharp turns, and where there is a sudden change in horizontal or vertical alignment. The exact locations for the street lights can be determined when the designs for roadways are finalized. Lighting is also to be provided per the following MSCP guidelines:

Artificial lighting is generally not a compatible use in preserve areas as it can be detrimental to wildlife use, particularly to nocturnal species. Artificial lighting is not to be provided in preserve areas. Street lights are to be installed if essential for roadway, facility use, and safety. Low voltage outdoor or trail lights, spotlights, or bug lights are prohibited in the preserve.

Section IV.B. (pages 58-59)

B. FURTHER CEQA REVIEW

It has been determined that subsequently submitted project level detail, including tentative maps and development permits, will be considered new information which was not known and could not have been known at the time the Master EIR was certified as complete. As such, the exemption from the requirement of the California Environmental Quality Act provided for by Government Code Section 65457 will not be applicable. However, the City's intention is to streamline future environmental review by analyzing the potential impacts of the specific plan at a level that will be sufficient for future projects, where possible, and by providing a framework for future impact analysis and mitigation consistent with the Master EIR.

In lieu of the exemption for future projects within the specific plan and consistent with the Master EIR process provided for in CEQA, the City will prepare an Initial Study when a future project is submitted. The Initial Study will determine whether the project may cause any significant impact that was not examined in the Master EIR and whether the project was described as being within the scope of the specific plan. If it is determined that the subsequent project will have no additional significant impacts, and no new or additional mitigation measures or alternatives are required, then written findings can be made based on the Initial Study and no new environmental document will be required. If the Initial Study findings cannot be made, then either a Mitigated Negative Declaration or Focused EIR will be required.

Mitigation of significant impacts to sensitive species and important habitats that would occur with development of future projects can be achieved through a combination of purchase and dedication of the privately held designated open space areas within Subarea V, if feasible.

Section IV.D.10 (pages 66-68)

The following provides minimum standards for specific parcels within Subarea V to be applied when reviewing tentative maps and discretionary development permits. Where these standards conflict with other provisions of the Del Mar Mesa Specific Plan, the Site-specific Development Regulations shall apply. A PRD permit is necessary to implement these where there are conflicts with base zoning.

a. Shaw Texas (Area No. 61 on Figure 29)

- Minimum Lot Size: 10,000 square feet
- Within the approximately 70-acre area located within the southwest portion of the Shaw property, residential and accessory uses, including public streets and any other facilities, shall be limited to up to 25 percent of the area and clustered on the flatter portions, with no disturbance on slopes or the remainder of the lots. Development in this area may also be 10-acre lots. All brush management shall be accommodated within the defined development area.
- Two acre minimum lots shall be located adjacent to the approximate 70-acre area located within the southwest portion of the Shaw property. In this area, no development except Brush Management Zone 2 shall occur within 100 feet of the designated open space and fencing shall be located at the limits of the development area.
- A culvert to facilitate wildlife movement shall be provided where Carmel Mountain Road crosses the Urban Amenity Open Space area on the northern portion of the parcel. This project is a DIF funded improvement in the Facilities Financing Plan.
- Per a private agreement, Area No. 62 on Figure 29 may be conveyed to the Bougainvillea property owner. The density associated with Area No. 62 corresponding to the allocation for A-1-10 parcels designated for development will be transferred to the Shaw Texas site. This equates to 7 dwelling units corresponding to the 1

dwelling unit/2.5 acre allocation. This should be memorialized in the discretionary permit for each project.

- A conceptual layout of the Shaw Texas project is shown in Figure 25. This layout, developed in consultation with City staff, identifies steep slopes and biological impacts, provides an Urban Amenity Open Space corridor as designated in the specific plan and clusters development to maintain the viability of a critical wildlife corridor on the southwestern edge of the project. This conceptual site plan may be refined ~~figure is intended to show the approximate development envelope and may be revised based on further City review of the tentative map.~~

Section IV.D.10.e. (page 72)

e. Lorenz Parcel (Area No. 70 on Figure 29)

- According to the dwelling unit assignment for Subarea V, the Lorenz parcel could accommodate a approximately 31 units (78.4 acres at 1 dwelling unit/2.5 acres). In addition, per a proposed development agreement related to Carmel Valley Neighborhood 8A and other areas, an additional 9 dwelling units could be transferred from the Deer Canyon parcel (Area No. 50 on Figure 29) to the Lorenz Parcel resulting in a maximum of 40 units. The Deer Canyon parcel would be transferred to City ownership. This is consistent with the Del Mar Mesa Specific Plan.

In the event the proposed development agreement related to Carmel Valley Neighborhood 8A and other areas is not approved and/or the Deer Canyon Parcel is not otherwise used as a mitigation site, 15 dwelling units associated with this parcel may be transferred to the Lorenz Parcel or other areas within the NCFUA per a separate agreement with the City.

(No changes to the remaining three paragraphs of subparagraph e.)

Section IV.E. (pages 75-76)

E. RESOURCE PROTECTION ORDINANCE (COUNCIL POLICY 600-40)

The Resource Protection Ordinance (RPO) was adopted by the City in 1989. The purpose and intent of this ordinance is "to protect, preserve, and, where damaged, to restore the environmentally sensitive lands of San Diego". The provisions of the ordinance are applicable to floodways and 100-year floodplain fringe areas, all wetland and wetland buffer areas, all natural hillside areas of 25 percent or greater, biologically sensitive lands, and significant prehistoric and historic sites and resources. Permitted uses and development regulations relative to these environmentally sensitive lands are established in the ordinance and are described below for the specific plan area.

RPO acts to protect environmental resources on a parcel by parcel basis, as land is developed. Council Policy 600-40 which addresses the preparation of long range plans was adopted in 1991 to ensure that comprehensive analyses of larger planning areas be conducted consistent with RPO. The Council's objective was to ensure that long range plans, such as this specific plan, are prepared consistent with the purpose and intent of RPO so that conflicts between long range plans and future development permits which would be subject to RPO are reduced.

Specifically, the purpose of the policy is to provide guidelines for the preparation of long range plans that:

1. Ensure thorough analysis of site constraints and opportunities early in the planning process;
2. Aid in the review of permits and maps for projects in the planning areas;
3. Ensure the protection of environmental resources by preserving contiguous open space systems and providing mechanisms to acquire or protect those resources; and
4. Ensure that adopted land use policies and objectives are considered in the context of the suitability of the planning area for development.

An analysis, focused on biologically sensitive lands as described in the Draft Multiple Species Conservation Program and Draft MSCP Subarea Preserve Plan, was conducted by the City's MSCP staff for the Del Mar Mesa Specific Plan. The open space and MSCP Preserve boundaries were developed in cooperation with the U.S. Fish and Wildlife Service, the California Department of Fish and Game, property owners, developers, and environmental groups in an effort to achieve consolidation of larger habitat areas and preservation of ecosystem connections within the specific plan. ~~The Del Mar Mesa Specific Plan addresses the City's resource preservation goals by clustering development in the western portion of the plan area.~~

As of the adoption date of the Del Mar Mesa Specific Plan, city-wide regulations were being proposed to replace the Resource Protection Ordinance ("RPO") in furtherance of implementing the proposed MSCP Program. The Del Mar Mesa Specific Plan was developed to be consistent with these proposed "Environmental Sensitive Lands Regulations" or "ESL Regulations".

Development and open space boundaries developed as part of the MSCP planning effort were also analyzed to quantify impacts to steep slopes and evaluate consistency with RPO. The specific plan area contains a total of 712 acres of steep slopes. The worst case scenario assumes that 130 acres of steep slopes, or 18 percent, could be impacted based on the development areas shown. When this encroachment into hillsides is added to the assumed encroachment into biologically sensitive lands, the Del Mar Mesa Specific Plan development program is within the maximum encroachment limitations defined in RPO when looking at the plan area as a whole.

For other resources that RPO regulates, such as floodplains, wetlands and archeological resources, there was insufficient information available at the time of plan preparation to evaluate RPO conformance. As a result, subsequent discretionary review in the form of a RPO permit will be required for development in close proximity to these sensitive resource areas.

~~Because resource preservation is a fundamental consideration in the definition of development area boundaries, projects within the~~

~~development area are not subject to citywide limitations on impacts to steep hillsides or biologically sensitive lands.~~

Because the above analyses were conducted in conformance with City Council Policy 600-40, RPO, the Draft Multiple Species Conservation Program and the proposed ESL Regulations, they are deemed to be an adequate analysis of the constraints and opportunities of the Del Mar Mesa Specific Plan with respect to biological and hillside resources, as of the effective date of this Specific Plan. Therefore, for projects within the Estate Residential area, with respect to hillside and biological impacts, decision makers exercising discretion to issue a RPO or ESL permit shall utilize a standard of review of substantial conformity with the Del Mar Mesa Specific Plan.

Projects within the Del Mar Mesa Specific Plan area which impact biologically sensitive land shall comply with the Supplemental Regulations for Resource Management set forth in section IV.F.

Projects within the Del Mar Mesa Specific Plan area which impact steep slopes shall comply with the Supplemental Regulations Resource Management set forth in section IV.F. Individual projects within the Estate Residential area shall not be subject to steep hillside encroachment limitations contained in RPO or the proposed ESL Regulations because the analysis conducted in connection with adoption of the Del Mar Mesa Specific Plan has determined that RPO has been complied with comprehensively in this regard for the entire specific plan area.

For other resources that RPO regulates, such as flood plains, wetlands and archeological resources, there was insufficient information available at the time of plan preparation to conduct an adequate analysis pursuant to City Council Policy 600-40. Therefore, it is anticipated subsequent discretionary review will be required pursuant to applicable municipal code provisions regulating these resources.

~~As part of implementation~~ Concurrent with adoption of the Del Mar Mesa Specific Plan, the Resource Protection Ordinance shall be was amended to provide an exemption for projects where development activity is wholly located in the development area, and where development activity observes a one hundred foot setback from wetlands, designated floodplains and

identified archeological resources or when development would not demolish or substantially alter a designated historical resource. ~~Proposed development in Subarea V is subject to the following Supplemental Regulations for Resource Management. These regulations apply to resources where there is insufficient information available at this time. These regulations implement provisions of the Land Development/Zoning Code Update and supersede the corresponding regulations of the City's Resource Protection Ordinance. The Resource Protection Ordinance shall~~ was also be amended to delete the exemption for single family residences for parcels wholly or partially within the proposed MSCP Preserve area. This amendment is necessary to allow sufficient review of ministerial permits to minimize encroachment into the preserve and sensitive resource areas ensure that any development occurring within the proposed preserve area will be located upon the least sensitive portion of the site. These amendments are intended to be consistent with the proposed ESL Regulations.

If a project requires a RPO permit, it shall be subject to the Supplemental Regulations for Resource Management contained in this specific plan in place of the regulations and definitions in RPO. All other portions of the RPO Ordinance are applicable to Subarea V including the thresholds, findings and Alternative Compliance provision. The RPO Ordinance will also be amended to delete the exemption for single family residences that do not meet the criteria above. If the proposed ESL regulations are adopted by the City and the RPO repealed, the ESL regulations shall be applicable, except that in any instance where the ESL regulations directly conflict with the Del Mar Mesa Specific Plan or the Supplemental Regulations for Resource Management, the Del Mar Mesa Specific Plan and the Supplemental Regulations for Resource Management shall control.

All development in Subarea V is subject to requirements of the California Environmental Quality Act (CEQA). It is anticipated that environmental review of future projects within the defined development area will be facilitated by the adoption of a tiered environmental document addressing development within the North City Future Urbanizing Area generally, and Subarea V specifically.

Section IV.F. (page 77)

F. SUPPLEMENTAL REGULATIONS FOR RESOURCE MANAGEMENT

The Del Mar Mesa Specific Plan supersedes where inconsistent and otherwise supplements ~~addresses~~ the existing Resource Protection Ordinance by providing the following Supplemental Regulations for Resource Management. These regulations are intended to be consistent with the negotiated draft MSCP Preserve boundaries and the ~~proposed modifications to the adopted Municipal Code relative to environmentally sensitive lands and historical resources based on the level of resource information available at this time~~ ESL regulations currently being proposed to replace the Resource Protection Ordinance in furtherance of implementing the proposed MSCP Program. If the proposed ESL regulations are adopted by the City and the RPO Ordinance is repealed, the ESL Regulations shall be applicable, except that in any instance where the ESL regulations directly conflict with the Del Mar Mesa Specific Plan or these Supplemental regulations for Resource Management, the Del Mar Mesa Specific Plan and the Supplemental Regulations for Resource Management shall control. Environmental Impact Report No. 95-0353 prepared for the Del Mar Mesa Specific Plan analyzed those resource regulations specified in the specific plan.

1. Wetlands and Wetland Buffers

Wetlands are defined as land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by shallow water, and waters of the United States. Wetlands include all waters subject to the ebb and flow of the tide, including lagoons, estuaries, marshes, mudflats, rivers, streams (including intermittent streams) and associated riparian habitat, natural ponds and lakes, vernal pools, and man-made impoundments and drainages with biological value. Wetlands typically display hydrophytic vegetation, hydric soils and characteristic hydrology. Due to seasonal fluctuations and past disturbances by humans all three components may not be present. To be considered a wetland within this definition, the area must have one or more of the following characteristics:

- a. At least periodically, the land supports predominantly hydrophytes, as defined in the Unified Federal Method Manual (Federal Manual for Identifying and Delineating Jurisdictional Wetlands, January 19, 1989), on file in the City Clerk's Office as Document No. OO-17602;
- b. The substrate meets the criteria for hydric soils, including aquatic soils, as described in the Unified Federal Method Manual; or
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year, or if the hydrologic conditions meet the criteria in the Unified Federal Method Manual.

Wetland Buffers are defined as lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland.

Permitted uses within wetlands are limited to wetlands-related scientific research, wetland restoration projects where the primary purpose is restoration of the habitat, and essential public service projects where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided that assure there is not net loss of wetland habitat function or value. Permitted uses in wetland buffer areas are limited to the uses permitted in wetlands, passive recreational uses such as access paths, public viewpoints, and informational signs, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands, and improvements necessary to protect adjacent wetlands, provided that such uses are compatible with protecting wetlands.

A wetlands delineation has not been conducted for the specific plan area; however, based on the vegetation mapping provided in the accompanying EIR, it is anticipated that wetlands may occur on site within areas designated for development. A wetlands delineation shall be required with future discretionary actions to map the precise locations and analyze the potential impacts to

wetlands. Development, other than that described above as permitted uses, shall not be allowed within wetlands and wetland buffers. Additionally, numerous vernal pools (approximately 111 acres of habitat) are present in the eastern portion of the specific plan area which is not designated for development.

Amendments to City-wide regulations related to wetlands and wetland buffers are being considered in the context of MSCP implementation. The wetlands and wetland buffer regulations contained in the Del Mar Mesa Specific Plan shall be superseded in their entirety if and when revised City-wide wetland and wetland buffer regulations are adopted.

Section IV.F. (page 80)

3. Sensitive Biological Resources (other than Wetlands and Wetland Buffers)

Sensitive biological resources are defined as land which supports sensitive vegetation or the habitats of rare, endangered, or threatened species or subspecies of animals or plants as defined by the California Endangered Species Act, or the Federal Endangered Species Act, or as otherwise defined in the Municipal Code. Within the Del Mar Mesa Specific Plan area, all lands located within the City of San Diego Multiple Species Conservation Program Preserve are considered sensitive biological resources. Sensitive biological resources also include the area needed to link together regional preserves and areas which are critical to maintaining a balanced natural ecosystem. Sensitive biological resources may also include areas that support sensitive species of plants or animals.

Permitted uses in sensitive biological resources shall be those uses permitted by the underlying zone (including natural resource preservation, private stables, single family dwelling units of no more than one dwelling per lot, and small family day care homes and other limited and conditional uses as provided in the Municipal Code) subject to the following regulations and the regulations and restrictions of the underlying zone.

~~Development that proposes encroachment into sensitive biological resources shall be subject to the following regulations. This encroachment must not adversely impact the habitat of state or federally-listed rare, threatened or endangered species which are not covered by Take Authorizations issued to the City by the federal or state governments under the MSCP Plan or by individual Take Authorizations issued to a property owner prior to adoption of the MSCP Plan. Within the boundaries of the Del Mar Mesa Specific Plan, encroachment into sensitive biological resources is not limited within the development area, except as set forth above. For properties located wholly outside the development area, a maximum of 25 percent of the site may be developed with any necessary encroachment occurring in the least sensitive areas first. For properties located partially outside the development area, any development must occur on the portion~~

~~of the site within the development area first. If the portion of the site within the development area equals less than 25 percent of the site area, then encroachment into sensitive biological resources may be permitted to achieve a 25 percent development area.~~

Projects within the Estate Residential area which impact biologically sensitive land will not be required in subsequent RPO or ESL review to avoid those resources or comply with encroachments limitations provided that: the project conforms with the Estate Residential area established in the Del Mar Specific Plan and, appropriate mitigation is provided for biological impacts of the project in accordance with subsequent impact analysis conducted in accordance with CEQA and city standards related to mitigation for biological impacts in effect at the time of impact and, the taking of habitat or species within the Estate Residential area is not precluded by State or Federal law or any Take Authorizations or Permits issued to the City by the State or Federal governments pursuant to the proposed Multiple Species Conservation Program.

For properties located wholly within the Resource Based or Urban Amenity Open Space areas, a maximum of 25 percent of the site may be developed with the development area sited upon the least sensitive portion of the site. For properties located partially within the Resource Based or Urban Amenity Open Space areas and partially within the Estate Residential area, any development must occur on the portion of the site outside the Resource Based or Urban Amenity Open Space areas first. If the portion of the site within the Estate Residential area is less than 25 percent of the site area, then encroachment into the Resource Based or Urban Amenity Open Space areas may be permitted to achieve a 25 percent development.

Section IV.F. (page 81)

4. Steep Hillsides

Hillsides occur throughout the specific plan area with the majority of steep slopes located in the northeastern and southern portions of the site which are associated with Deer Canyon, Shaw Valley and Peñasquitos Canyon. The development area is concentrated in the western portion of

the plan and would result in the loss of approximately 51 acres of hillsides through future grading and development.

Steep hillsides are defined as all lands having a slope with a natural gradient of twenty-five percent (25%) or greater, (twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance) and a minimum elevation differential of fifty (50) feet.

Permitted uses in the hillside areas shall be those uses permitted by the underlying zone subject to the following regulations and the regulations and restrictions of the underlying zone, and the Hillside Review Overlay Zone when applicable to the hillside portion of a parcel.

All development occurring in steep hillsides must comply with the Hillside Guidelines and the City's Grading Regulations. The proposed development shall minimize the alteration of natural landforms and create only new slopes that topographically resemble natural landforms of the surrounding area. Structures proposed on steep hillsides shall be designed to fit the hillside by incorporating construction techniques that minimize alteration of the existing hillside conditions. Newly created slopes shall not exceed a gradient of 50 percent. Disturbed portions of the site in 25 percent or greater slopes shall be revegetated or restored in accordance with the City's Landscape Regulations. All future development proposals which encroach into steep hillsides will require a site specific analysis to determine ~~the allowable development area~~, the precise level of impacts to steep slopes and the corresponding mitigation requirements.

~~Encroachment into steep hillsides shall be limited as described above.~~

Section IV.G. (page 84-85)

G. FACILITIES FINANCING AND FEES

Public Facilities Financing Plan

In conjunction with development of the Del Mar Mesa Specific Plan, a public facilities financing plan for Subarea V that would replace the existing interim development impact fee is intended to be adopted concurrently with the Del Mar Mesa Specific Plan. The *Framework Plan* was adopted with the assumption that a phase shift would take place. The proposed Del Mar Mesa Specific Plan is predicated on no phase shift. Because any financing element needs to be inclusive, the revised fee analysis addresses financing of those facilities that are specific to Subarea V as well as a share of the facilities in other areas of the NCFUA assumed necessary that will serve Subarea V.

In addition to the facilities outlined above, the financing element includes an anticipated phasing schedule and estimated cost for the identified facilities. The revised Facilities Benefit Assessment (FBA) Development Impact Fee (DIF) for Subarea V is based on the facilities needs specific to Subarea V, and the fair share of the projects needed for the total Future Urbanizing Area. For the purpose of developing a DIF FBA, staff has made assumptions ~~as to the likely buildout in the remainder of the NCFUA on facilities needs based on the projected population of Subarea V at build-out.~~

The interim development impact fee currently in place for the Future Urbanizing Area was developed per Council direction in November 1992. The interim schedule includes all projects listed in the NCFUA *Framework Plan*, estimated costs, and projected year of need for the identified facilities. A fee schedule was then developed based upon the approval of a phase shift. These interim fees were to be in effect only until a comprehensive financing plan could be developed in the NCFUA after the phase shift occurred. Since a phase shift has not yet been approved by the voters, no NCFUA-wide financing plan was prepared, nor is one anticipated anytime soon.

School Financing

The impact of development within the Del Mar Mesa on regional school facilities shall be borne by property owners within the specific plan

area on a fair share basis. The effected school districts have developed financing plans which identify impacts attributable to projected development and revenue generation mechanisms necessary to mitigate these impacts. ~~The financing plans rely upon development fees, collected prior to building permit issuance or alternatively special taxes implemented on a per unit basis through Mello-Ross community facilities districts (CFD).~~

~~In conducting its review of any subdivision, planned development or other residential development application, the City shall require adherence to applicable school financing plans and consider the impacts of projects on regional school facilities. Prior to approval of any such application, the City shall require each applicant to submit a Certificate of Compliance demonstrating conformance with the financing plan of each effected school district.~~

With respect to the Poway Unified School District (PUSD), impacts are capable of being adequately mitigated by and the financing plan relies upon, the district levying school facilities fees ("Statutory School Fees") pursuant to Government Code Sections 53080 *et seq.* and 65995 *et seq.*

With respect to the Del Mar Union School District (DMUSD), Statutory School Fees are not adequate to fully mitigate for school facility impacts. Therefore, prior to City approval of any subdivision, planned development or other discretionary residential development application within the DMUSD, the City shall require each applicant to obtain a Certificate of Compliance or a Certificate of Exemption from the DMUSD. A Certificate of Compliance will be issued by the DMUSD only after the applicant has executed a School Facilities Funding and Mitigation Agreement (in a form substantially similar to the agreement set forth in Appendix C) agreeing to pay the specified Mitigation Payment or acquiescing to be annexed into Community Facilities District No. 95-1 of the DMUSD. A Certificate of Exemption shall be issued solely at the discretion of the DMUSD and only when, after analyzing the project, the DMUSD determines that the applicant should not be required to execute a School Facilities Funding and Mitigation Agreement. The DMUSD has agreed to defend, indemnify and hold the City of San Diego harmless from any claim, action, or proceeding against the City arising from or related to the City's requirement that each applicant obtain a Certificate of

Compliance or a Certificate of Exemption from the DMUSD prior to project approval to the extent provided in such Indemnification Agreement (See Appendix C for Copy of Agreement).

[Alternative A for San Dieguito Union School District to be incorporated into Specific Plan if SDUSD is willing to execute an indemnification agreement]

With respect to the San Dieguito Union School District (SDUSD), Statutory School Fees are not adequate to fully mitigate for school facility impacts. Therefore, prior to City approval of any subdivision, planned development or other residential development application within the SDUSD, the City shall require each applicant to obtain a Certificate of Compliance or a Certificate of Exemption from the SDUSD. A Certificate of Compliance will be issued by the SDUSD only after the applicant has executed a School Facilities Funding and Mitigation Agreement (in a form substantially similar to the agreement set forth in Appendix D) acquiescing to be annexed into a Community Facilities District No. ____ of the SDUSD or agreeing to participate in a newly formed Community Facilities District or agreeing to pay a mitigation fee in an amount to be determined by the SDUSD in accordance with its school facilities financing plan. A Certificate of Exemption shall be issued solely at the discretion of the SDUSD and only when, after analyzing the project, the SDUSD determines that the applicant should not be required to execute a mitigation agreement. The SDUSD has agreed to defend, indemnify and hold the City of San Diego harmless from any claim, action, or proceeding against the City arising from or related to the City's requirement that each applicant obtain a Certificate of Compliance or a Certificate of Exemption from the SDUSD prior to project approval to the extent provided in such Indemnification Agreement (See Appendix D for Copy of Agreement).

[Alternative B for San Dieguito Union School District to be incorporated into Specific Plan if SDUSD is not willing to execute an indemnification agreement]

With respect to the San Dieguito Union School District (SDUSD), Statutory School Fees are not adequate to fully mitigate for school facility impacts. Adequate mitigation can and should be achieved by SDUSD by forming a new Community Facilities District for landowners within the specific plan or annexing those landowners into an existing Community Facilities District in accordance with procedures set forth in state law. Implementation of this mitigation measure shall be solely within the responsibility and jurisdiction of the SDUSD.

DEL MAR MESA SPECIFIC PLAN FINAL DRAFT - ERRATA SHEET

Until sufficient students have been generated from this and adjacent areas, and sufficient ~~mitigation payments~~, special taxes or other funds are collected to fund the property acquisition and development, the identified school/park site property shall retain development rights consistent with A-1-10 parcels designated for development in the Del Mar Mesa Specific Plan, except where density is further defined in the specific plan. If, prior to acquisition by the DMUSD and/or City of San Diego, the property owner makes application for a subdivision of land or other discretionary action, the City and the DMUSD shall have the opportunity to negotiate purchase of the identified property.

Section IV.H. (pages 85-86)

H. OPEN SPACE ACQUISITION PROGRAM

Based upon the significant biological resources contained in the open space in Subarea V, and the importance of its inclusion in the MSCP as a preserved core area, a main goal of the Del Mar Mesa Specific Plan is, to the greatest extent practicable, the retention as open space the eastern portion of the Del Mar Mesa designated Open Space/Rural Residential. As stated earlier in the MSCP/Open Space Element, the Del Mar Mesa's proximity to the Los Peñasquitos Canyon Preserve results in an area that, if preserved, provides the single most important component of the open space system in the NCFUA.

Due to the overall low density zoning throughout Subarea V, density from the preserve area could be clustered onto the area designated for higher density development without impacts to the circulation system. To that end, development in the A-1-10 areas will partially fund acquisition of the Open Space/Rural Residential areas through the Facilities Benefit Assessment District (FBA) an Open Space Acquisition Fee, adopted by ordinance concurrently with the specific plan. The potential result is a semi-rural residential community adjacent to a permanently protected interconnected viable habitat area.

In addition to the FBA Open Space Acquisition Fee, other funds for open space acquisition will include the direction of mitigation funds associated with the construction of SR-56, and other development projects in or outside Subarea V. Other possible funding sources include the use of an open space acquisition fund, if established, from the potential six million dollars from the proposed Bougainvillea resort hotel, revenue bonds guaranteed by this future income stream, or possible federal funding.

Once funds become available, an approach to facilitate resource preservation could be the purchase of options on the open space area to remove properties from the market to allow for time to raise funds for the balance of the purchase price. It should be noted that property owners in the Open Space/Rural Residential areas can develop consistent with the

DEL MAR MESA SPECIFIC PLAN FINAL DRAFT - ERRATA SHEET

underlying zoning until such time as a determination is made, and funds are available, to acquire such properties.

Section IV.I. (page 86-92)

I. TRANSPORTATION PHASING

As shown on Table 7, page 42, the Subarea V Transportation Study assumes a total of 688 residential dwelling units (DUs), a 300-room resort hotel, and a golf course, that are expected to generate 9,880 daily trips. The Bougainvillea project includes the resort hotel, the golf course, and approximately 140 of the 688 dwelling units. The Transportation Study also assumes two public projects: a 9-acre neighborhood park that generates 450 daily trips and a 4-acre school that generates 240 daily trips for a grand total of 10,570 daily trips. Since the publication of the Subarea V Transportation Study, the number of dwelling units and distribution of park vs. school acreage have been revised slightly. This does not affect the recommendations below.

The phasing of transportation improvements assumes the Alternative 3 network of the Transportation Study that includes the central alignment for SR-56, the Camino Santa Fe connection with the western alignment, and Shaw Ridge Road as a 2-Lane Residential Local street.

Special effort has been made to reduce Subarea V's dependence on road improvements outside of the subarea with the exception of Carmel Country Road, between SR-56 and the northern boundary of Neighborhood 10. The segment of Carmel Country road between SR-56 and Neighborhood 8's southern boundary (including its interchange with the freeway) is already constructed and fully operational. The segment of Carmel Country Road south of Neighborhood 8 to the Neighborhood 10 northern boundary is to be a 4-Lane Major street. This roadway is currently being designed and is scheduled to be fully constructed in 1997. The segment south of the Neighborhood 10 northern boundary is also being designed and is expected to be fully constructed in 1998.

The following pages describe the two phases of the Transportation Phasing Plan.

Phase 1

Carmel Country Road is a vital road that serves Subarea V and developments in Carmel Valley. According to the City-approved traffic study for Neighborhoods 8A and 10 Combined Transportation Phasing Plan (8A/10 CTPP), June 26, 1995, Carmel Country Road is classified as a 4-Lane Major street from SR-56 to south of Neighborhood 10's northern boundary (see Figure 13).

The 4-Lane Major street segment of Carmel Country Road has a maximum desirable traffic volume of 30,000 daily trips. Of this 30,000 daily trips, about 14,994 are from Neighborhoods 8A, 10, and Sorrento Hills (see Table 9). The remaining maximum desirable volume is therefore approximately 15,000 daily trips, of which 5,000 daily trips would be utilized by the existing development in Carmel Valley Neighborhood 8 (Palacio Del Mar, located east of Carmel Country Road and north of Shaw Ridge Road).

(Insert Table 9, no changes)

This would result in a 10,006 (30,000 maximum desirable traffic - 19,994 trips from Sorrento Hills, Neighborhoods 8, 8A, and 10) traffic volume reserve on this segment of Carmel Country Road that could be utilized by Subarea V developments. Given the spatial distribution of Subarea V developable land ownership, substantial amount of property is on the east side of the subarea. Therefore, not all of the 10,006 daily trips may be utilized at this stage of development. It is expected that the equivalent of 6,600 daily trips will be generated in the first phase of Subarea V developments.

In addition to improvement of Carmel Country Road (north of Neighborhood 10's northern boundary) as a 4-Lane Major street, Shaw Ridge Road is also recommended to be improved as a 2-Lane Residential Local street (38 ft. c/c width) with a maximum desirable volume of 2,200 Average Daily Traffic (ADT).

At this phase, traffic signals need to be installed at Carmel Country Road at the entrance to the Bougainvillea project (to be paid for by the developer only) if this project is to proceed in this phase, and at the intersection of Carmel Country Road at the entrance to the Neighborhood 8 development (Palacio Del Mar). Cost for installation of this signal is

to be paid for by Carmel Valley FBA and the Subarea V ~~DF~~ on a fair share basis.

A list of Phase 1 improvements follows:

1. Carmel Country Road constructed as a 4-Lane Major street, from SR-56 to south of Neighborhood 10's northern boundary. This improvement is in Carmel Valley's Neighborhoods 8A/10 CTPP. Subarea V is to pay its fair share of this project through the formation of an reimbursement district.
2. Shaw Ridge Road constructed as a 2-Lane Residential Local street from Carmel Country Road to Camino Santa Fe. This improvement is considered internal and it is to be paid by subdividers.
3. Traffic signals to be installed at Carmel Country Road at the entrance to Neighborhood 8's development (Palacio Del Mar). This improvement is to be paid for by the Carmel Valley FBA and the Subarea V ~~DF~~ FBA on a fair share basis.
4. Traffic signals to be installed at Carmel Country Road/Bougainvillea entrance (if this project is to proceed at this phase). This improvement is to be paid for by the developer.

Phase 1 Development Threshold for Shaw Ridge Road

Existing and future developments utilizing Shaw Ridge Road to access Carmel Country Road, prior to the construction of Camino Santa Fe and its connection to SR-56, are subject to a collective maximum cap of 2,200 Average Daily Traffic (ADT), or 220 equivalent single family dwelling units (EDU), as shown on Table 10A below:

TABLE 10A (new)

PHASE 1 DEVELOPMENT THRESHOLD FOR SHAW RIDGE ROAD

DEVELOPMENT	ADT	EDU
Existing Residential Dwellings	250	25
Bougainvillea Hotel & Golf Course Employees & Deliveries	370	37
Future Single Family Dwellings	1,580	158
Total	2,200*	220

* The distribution of traffic generation shown are estimates. The estimated ADTs can be from any combination of existing, and future development, on a first-come, first-served basis, subject to the 2,200 ADT threshold.

Table 10A reflects an estimate of 330 daily trips for Bougainvillea's hotel and golf course employees and 40 daily trips for Bougainvillea's commercial deliveries, for a total of 370 daily trips. It should be noted that the steep grade of Shaw Ridge Road will not allow heavy trucks to negotiate the climb. Therefore, the area's topography may limit the use of Shaw Ridge Road by heavy commercial vehicles.

It should also be noted that the submitted Tentative Map for Bougainvillea indicates a service area south of Shaw Ridge Road. There is no "residential" access identified from Shaw Ridge Road to the project. Access from Shaw Ridge Road to the internal street in Bougainvillea can only be made by going through the service area.

Monitoring

Monitoring of the Phase 1 developments in Del Mar Mesa will be done by the Facilities Financing Section of the Comprehensive Planning Division through building permit issuance on a first-come, first-served basis. Permits will not be issued once the Phase 1 threshold of 2,200 daily trips is reached.

Phase 2

The remaining dwelling units and/or other developments may be constructed at the second phase of development in Subarea V. The required infrastructure to support the rest of developments in the subarea are shown in Figure 28 and described below:

5. A 4-lane arterial road (as an interim improvement prior to Caltrans' completion of SR-56), from the existing eastern terminus of SR-56 to Camino Santa Fe, and a grade separated interchange. Costs for the interchange bridge is to be paid for by the City. Costs for the interchange ramps at Camino Santa Fe are to be paid for by the FUA and Subarea V FBA DIF on a fair share basis.
6. Camino Santa Fe connection constructed as a 2-Lane Collector street from SR-56 to Shaw Ridge Road. This improvement is to be paid by Subarea V developments.
7. Once the improvements specified in Nos. 5. and 6. above are in place, the central portion of Shaw Ridge Road may be considered for closure either by gate or cul-de-sac.

Street improvements in Phase 2 conclude the required transportation phasing improvements for all of Subarea V.

Phasing Plan Summary:

For ease of reference, a phase-by-phase summary of land use thresholds and their associated transportation improvements are listed in Table 10. Figure 28 illustrates all the improvements referred to in Table 10. The details of Subarea V financing and its relation to adjacent neighborhoods are discussed in detail in the Subarea V Facilities Financing Plan.

**TABLE 10: TRANSPORTATION IMPROVEMENTS REQUIRED FOR PHASES 1 & 2
& BUILDING PERMITS NOT TO EXCEED ^{1, 2}**

PHASE	DAILY TRIPS	TRANSPORTATION IMPROVEMENTS
1	6,600	<p>1. Carmel Country Road constructed as a 4-Lane Major street from SR-56 to south of Neighborhood 10's northern boundary. ³</p> <p>2. Shaw Ridge Road constructed as a 2-Lane Residential Local street, from Carmel Country Mountain Road to Camino Santa Fe along its current alignment. Developer only. ⁴</p> <p>3. Traffic signal to be installed at Carmel Country Road/Neighborhood 8 development (Palacio Del Mar) entrance. fair share to be paid by the Carmel Valley FBA and the Subarea V DIF FBA on a fair share basis. A</p> <p>4. Traffic signal to be installed at Carmel Country Road/Bougainvillea entrance. Developer only. ⁴</p>
2	3,280	<p>5. A 4-lane arterial road (as an interim improvement prior to Caltrans' completion of SR-56), from the existing eastern terminus of SR-56 to Camino Santa Fe, including a grade separated interchange. Costs for the 4-lane arterial road and the interchange bridge are to be paid for by the City of San Diego. Costs for the interchange ramps are to be paid by the FBA DIF and Subarea V DIF FBA on a fair share basis.</p> <p>6. Camino Santa Fe connection constructed as a 2-Lane Collector street from SR-56 to the access road to Shaw Ridge Road. This improvement is to be paid by the Subarea V DIF FBA. ⁴</p>

1. This Transportation Phasing Plan is intended as a guideline to sequentially provide the roads that are required to support the developments in Subarea V. It must be updated on a regular basis to reflect the actual land development and trip distribution patterns in the area.
2. Building permits may not be obtained to construct any dwelling units beyond the daily trips threshold that is listed under column 2, unless the projects that are listed under the "Transportation Improvements" column are: completed; under contract; bonded; scheduled in the City's Capital Improvements Program for the same year building permits are requested; or programmed in the State Transportation Improvement Program (STIP) for the same year that building permits are requested.
3. Construction of Carmel Country Road is also a condition of development for any or all of the following developments: Carmel Valley Neighborhoods 8A and 10, and Sorrento Hills for which Subarea V must pay its fair share contribution through the formation of a reimbursement district.
4. "Developer only" means the improvement is to be constructed and be 100% paid for by the adjacent developer.

Recording Requested by)
and when recorded mail to:)
)
Del Mar Union School District)
225 Ninth Street)
Del Mar, CA 92014-2716)
)
Attention: Dr. Robert Harriman)

Exempt: Government Code § 6103

Space above this line for Recorder's use only

SCHOOL FACILITIES FUNDING AND MITIGATION AGREEMENT
FOR THE PROPERTY WITHIN THE SPECIFIC PLAN
FOR SUBAREA V OF THE CITY OF SAN DIEGO
BETWEEN DEL MAR UNION SCHOOL DISTRICT AND

THIS SCHOOL FACILITIES FUNDING AND MITIGATION AGREEMENT ("Agreement") is made as of _____, by and between DEL MAR UNION SCHOOL DISTRICT ("School District"), a school district organized and existing under the laws of the State of California, and _____, a _____ ("Developer").

WITNESSETH:

WHEREAS, Developer is the owner of the undeveloped property described in Exhibit "A" ("Property"), located within Subarea V of the City of San Diego ("City") and within the boundaries of the School District; and

WHEREAS, the General Plan and policies of City, the EIR for and conditions of approval of the Specific Plan for Subarea V require that Developer mitigate the impacts on the school facilities ("K-6 School Facilities") of School District which are defined in Section 2(g) of this Agreement; and

WHEREAS, Developer desires to enter into this Agreement with School District in order to mitigate fully the anticipated impacts caused by the residential development of the Property on the K-6 School Facilities of School District to a level of insignificance and assure the availability of K-6 School Facilities for the student population generated by the residential development of the Property as required by the General Plan and policies of the City as well as the EIR and conditions of approval of the Specific Plan for Subarea V.

NOW, THEREFORE, in consideration of the terms and conditions herein set forth, School District and Developer hereby agree as follows:

1. Recitals. The foregoing recitals are herein incorporated.
2. Definitions. Capitalized terms as used in this Agreement shall have the meanings set forth as follows:

- (a) "City" means the City of San Diego, California.
- (b) "County" means the County of San Diego, California.
- (c) "Credit Funds" means the fair share of the following, as reasonably determined by School District to be allocable to the Property:
 - (i) State Funds. Any and all funds, reductions in liabilities or consideration in lieu of funds, received by School District from the State after the date of this Agreement for funding of K-6 School Facilities which have been financed in whole or in part with the proceeds of a Bond Issue of CFD No. 95-1 for new development. This does not include, but not by way of limitation, funds received for technology, modernization or reconstruction of existing K-6 School Facilities of School District or K-6 School Facilities for existing development within School District. For the purpose of this Agreement, State Funds shall include only

that portion of the total as is proportional to the amount funded with proceeds of a Bond Issue of CFD No. 95-1.

(ii) Local Funds. The proceeds of any certificates of participation to be paid from general fund revenues received after the date of this Agreement for permanent financing of additional K-6 School Facilities for new development. Local Funds shall exclude the proceeds of any financing by the North City West Joint Powers Authority CFD No. 1.

(iii) Subsequent Government Mandates. If, notwithstanding the provisions of this Agreement to the contrary, School District, or any other subdivision of the State of California are mandated or permitted by future legislation to impose and collect any fee or charge, however denominated, for the financing of K-6 School Facilities for development of the Property, the amount of any such fee or charge so collected.

The fair share determination of Credit Funds applicable to the residential development of the Property shall be based on the relationship of the number and type of residential development approved by the City for the Property to the number and type of residential development provided for or reasonably probable to be provided for by the land use element of the General Plan for the area within School District and reasonably anticipated to be developed in thirty-five (35) years from the date of this Agreement.

(d) **"Annexation Proceedings of CFD No. 95-1"** shall be deemed to have occurred upon the occurrence of all of the following: (i) the annexation of the Property to CFD No. 95-1, including the authorization for the levy and collection by CFD No. 95-1 of

the Special Taxes; (ii) the approval by the qualified electors of the annexation to CFD No. 95-1 of the levy of the Special Taxes; (iii) the expiration of the statute of limitations provided in Section 53359 of the Government Code; (iv) the effective date of the first applicable validating legislation by the State of California; and (v) the entry of a final non-appealable judgment in a validating action in the Superior Court of County validating the formation, levy of Special Taxes and the authorization of a Bond Issue for CFD No. 95-1.

(e) **"General Obligation Bonds"** means any local ballot proposition presented to and approved by the electorate of School District after the date of this Agreement authorizing School District to issue general obligation bonds.

(f) **"Index"** means the Lee Saylor Class D Construction Index or 2%, whichever is greater. In the event the Lee Saylor Class D Construction Index ceases to be published, the index used by the State Allocation Board in place of the Lee Saylor Class D Construction Index shall be applied or any comparable index as reasonably determined by School District.

(g) **"K-6 School Facilities"** means the acquisition, construction and/or financing of land and capital school facilities consisting of interim and permanent elementary school facilities (grades kindergarten through 6), including central support, administration, busses and special education facilities, together with furniture, equipment and technology, to serve needs created by residential development of the Property and if such an option is chosen, reimbursement to Developer of the amount advanced to School District for formation of CFD No. 95-1 and to the School District of any such costs not funded by Developer as well as costs to the School District related to negotiation and execution of this Agreement.

(h) **"Mitigation Payment"** means a payment to be made as provided under Section 3 prior to the issuance of each residential building permit in the following amounts, which amounts shall increase by the Index commencing July 1, 1996, applicable each July 1st thereafter. The Mitigation Payments shall be paid in the initial following amounts or as adjusted annually by the Index:

Class	Amount	Density
Class No. 1	\$8,581	≤ eight (8) residential units per Gross Acre
Class No. 2	\$5,830	> eight (8) and ≤ fifteen (15) residential units per Gross Acre
Class No. 3	\$3,274	> fifteen (15) and ≤ eighteen (18) residential units per Gross Acre
Class No. 4	\$2,475	> eighteen (18) and ≤ twenty-five (25) residential units per Gross Acre
Class No. 5	\$1,877	> twenty-five (25) residential units per Gross Acre

(i) **"State"** means the State of California.

3. **Mitigation of K-6 School Facilities Impacts.**

3.1 **Mitigation Payment:** Developer shall pay to District the Mitigation Payment as defined in Section 2(h) of this Agreement prior to the issuance of each building permit.

3.2 **Election of Annexation of Subarea V to CFD No. 95-1.** If Developer so chooses, Developer may request that School District initiate and diligently pursue to completion the annexation proceedings of CFD No. 95-1, relative to the Property. School District may require an advance of funds to cover the reasonable cost of such proceedings. If Developer agrees to include the Property in such annexation proceedings of CFD No. 95-1, Developer shall execute all documents reasonably requested by School District and required for the annexation proceedings of CFD No. 95-1 relative to the Property in order to

accomplish the annexation proceedings prior to approval by the City of any tentative map, parcel map or other similar proceedings relative to the Property. The annexation proceedings of CFD No. 95-1 shall be accomplished on the basis of the provisions set forth in the rate and method of apportionment ("RMA") as set forth in Exhibit "B" to this Agreement.

3.3 CFD No. 95-1 Limitations. CFD No. 95-1 shall be authorized only to finance the K-6 School Facilities required by residential development of the Property. CFD No. 95-1 shall not levy or collect any special taxes exceeding the Special Taxes set forth in the RMA set forth in Exhibit "B" to this Agreement. The funds generated from Special Taxes on the Property shall be expended as reasonably determined by School District for interim and permanent K-6 School Facilities.

3.4 Prohibition of Additional Mitigation. Provided Developer is in compliance with the provisions of this Agreement, Developer, and its respective successors and assigns, shall be deemed to have fulfilled and mitigated their entire obligation to assist in financing K-6 School Facilities to serve the student population to be generated by the residential development of the Property, upon the occurrence of the annexation proceedings of CFD No. 95-1 or the payment of the payments described in Sections 2(h) and 3.1 of this Agreement. Execution and performance of this Agreement by Developer, as to the K-6 School Facilities needs of the residential development of the Property, shall be deemed to satisfy any and all present and future requirements and conditions of the entitlements for the residential development of the Property, including any requirements of the City. School District hereby covenants that it will not under any circumstances at any time:

- (a) exercise any power or authority (under Section 53080 of the California Government Code or any other provision of applicable law) to levy a fee,

charge, dedication, or other form of requirement against any residential development of the Property (including any Senior Citizen Housing as defined in Section 65995.1 of the Government Code but excluding any commercial or industrial property development) undertaken within the boundaries of the Property for the purpose of funding or financing any K-6 School Facilities. Commercial or industrial property shall not include any form of residential development including multi-family residential development. If a Senior Citizen Housing dwelling unit is converted to use other than as specified in Section 65995.1 of the Government Code, it shall be subject to the Special Taxes for a period of thirty-five (35) years from the date of such conversion.

(b) require the City or any other governmental entity to exercise, or cooperate with the City or any other governmental entity in the exercise of, the power under Title 7, Division 1, Chapter 4.7 of the California Government Code (commencing with Section 65970) or any other provision of applicable law, to require the dedication of land, the payment of fees in lieu thereof, or both for K-6 School Facilities as a condition to the approval of residential development of the Property (including any Senior Citizen Housing but excluding any commercial or industrial development). Commercial or industrial development shall not include any form of residential development including multi-family residential development and shall pay such school fees as are permitted by law prior to issuance of a building permit; or

(c) oppose any residential development of the Property on the basis of inadequate K-6 School Facilities or seek other forms of mitigation for any residential development of the Property (including Senior Citizen Housing) with respect to the adequacy of K-6 School Facilities, including, but not limited to, the establishment of developer fees, the payment of any money by Developer (regardless of how denominated or labeled), or the dedication of land permitted by present or future State law, rulings, regulations or court decisions if the proceeds of such fees, assessments or requirements will be used to finance or fund any K-6 School Facilities; or

(d) issue bonds, except a Bond Issue, or incur any other form of indebtedness, payable from taxes or assessments of any kind applicable to the Property (other than School District's portion of the existing ad valorem property taxes) levied on any property within the boundaries of CFD No. 95-1, the proceeds of which are to be used in whole or in part, directly or indirectly, for funding or financing the K-6 School Facilities. The limitations contained in this clause (d) shall not be applicable to any (i) General Obligation Bonds; (ii) bonds of a community facilities district formed under the Mello-Roos Community Facilities Act or other local financing, which may be approved by the registered voters within the boundaries of School District and including the entire School District; (iii) assessments pursuant to the Landscaping and Lighting Act of 1972, or other assessment proceedings available to School District, providing for an assessment district encompassing the entire School District; or (iv) any bonds or financing of the North City West Joint Powers Authority CFD No. 1.

3.5 Other Properties. In order to equalize treatment of landowners seeking to develop within School District's boundaries, School District agrees to use its best efforts to enter into agreements comparable to this Agreement ("Other Agreements") with the owners of other properties ("Other Owners") within School District in order to obtain financial commitments for K-6 School Facilities from them at least equal to the commitments made by the Developer in this Agreement. However, if, notwithstanding the use of such best efforts, School District is unable to enter into any such Other Agreements with the Other Owners, such inability shall not constitute a breach of this Agreement. Notwithstanding anything in this Agreement to the contrary, it is agreed that no Other Agreements, as reasonably determined by School District, shall be more favorable to any Other Owners than this Agreement is to Developer. Similarly, if Developer enters into a mitigation agreement with San Dieguito Union High School District that is more favorable than this Agreement, as reasonably determined by Developer, Developer shall amend this Agreement to be comparable with any such other agreement. In the event School District enters into any Other Agreement after the date of this Agreement, School District shall give notice to Developer of such Other Agreement by providing Developer with a copy of such Other Agreement in the manner provided in Section 6.6 herein concurrently when School District records such Other Agreement with the office of the County Recorder of the County. If any Other Agreement contains provisions of a financial or legal nature which are materially more favorable than those contained in this Agreement, School District shall promptly amend, upon request of Developer, this Agreement to incorporate, on a prospective basis, such more favorable provisions. The effective date of any such amendment to this Agreement shall be the effective date of the Other Agreement(s) containing such more favorable provisions.

3.6 Covenant to Construct K-6 School Facilities and Serve Students. At the time sufficient funds are received pursuant to this Agreement, and other agreements or from other sources, School District covenants for the benefit of Developer and any persons owning residential property within the Property that School District will use its best efforts to acquire or construct K-6 School Facilities sufficient to serve the students generated from development within the Property provided there will be a minimum of 300 K-6 students within the attendance area as determined by School District upon the estimated completion and occupancy of such K-6 School Facilities.

3.7 Disclosure of Special Taxes. If Developer elects to have the Property annexed into CFD 95-1 as described in Section 3.2 of this Agreement, Developer hereby covenants to School District that Developer shall provide, or by contract with any developer or merchant builder of any part of the Property require to be provided the "Notice of Special Tax" required by Section 53341.5 of the Government Code or any similar successor statute. Developer expressly acknowledges that School District and CFD No. 95-1 shall have no duty or obligation and shall incur no liability, jointly or severally, with respect to the foregoing covenant of the Developer.

3.8 Indemnification Regarding Disclosure. If Developer elects to have the Property annexed into CFD 95-1 as described in Section 3.2 of this Agreement, Developer shall assume the defense of, indemnify and hold harmless School District and CFD No. 95-1 and each of their officers, employees and agents from and against any and all actions, damages, claims, losses, expenses or liability arising from, or related to, Developer's covenant and obligation to disclose the Special Taxes as provided under Section 3.6 of this Agreement or arising from any information set forth in any official statement with respect

to a Bond Issue to the extent Developer has furnished such information and has expressly approved in writing the inclusion of such information in such official statement.

4. Credit Funds.

4.1 State Aid Application. School District, to the extent it determines that it is realistic and feasible, shall apply for and utilize its best efforts to obtain approval of any State funding for K-6 School Facilities that may become available to School District under the Leroy F. Greene State School Building Lease-Purchase Law, set forth at Title 1, Division 10, Chapter 22 of the California Education Code (commencing with Section 17700) and all standards and regulations adopted by appropriate State agencies in the implementation of such law or any other similar State law. Subject to School District's obligations contained herein, Developer acknowledges that the risk of denial of any such application by the State shall be borne by Developer and by other payers of the Special Taxes within CFD No. 95-1 and shall not be a basis to lodge a protest of any Special Taxes payable or to file a claim for the recovery of any Special Taxes paid. The reasonable fees and charges of any consultant retained by School District or other such expenses, including reasonable amounts of staff or Board of Trustee time, to pursue such State funding for the K-6 School Facilities may be included in the Administrative Expenses for which the Special Taxes of CFD No. 95-1 may be expended.

4.2 Application of Credit Funds. Developer and School District agree that, to the extent legally permissible, the Property's share of any Credit Funds received by School District shall be applied to pay or reduce the Special Taxes levied on the Property and remaining unpaid as reasonably determined by School District.

5. Binding on Community Facilities District. If Developer opts to complete the annexation of the Property to CFD No. 95-1, the Board of Trustees of the District ("Board") shall cause to be executed such documents as may reasonably be required to confirm that CFD No. 95-1 is bound by this Agreement, and copies of such documents shall be provided to Developer. The Board, acting as the legislative body of CFD No. 95-1, shall perform all parts of this Agreement which require performance on the part of CFD No. 95-1.

6. General Provisions.

6.1 Successors. All of the covenants, stipulations, promises and agreements contained in this Agreement by or on behalf of, or for the benefit of, any of the parties hereto, shall bind and inure to the benefit of the successors of the respective parties.

6.2 Assignment.

(a) No Separate Transfers. No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Notice and Assumption. Concurrent with any such sale, transfer or assignment, or within thirty (30) days thereafter, Developer shall notify School District, in writing, of such sale, transfer or assignment and shall provide School District with an executed agreement, by the purchaser, transfer or assignee by which the purchaser, transferee or assignee expressly and unconditionally assumes all duties and obligations of Developer in this Agreement with respect to the Property or part thereof conveyed.

(c) **Consequences of Non-Compliance.** Any sale, transfer or assignment not made in strict compliance with paragraph (b) of this Section 6.2 shall constitute a default by the seller, transferor or assignor under this Agreement; provided, however, such default may be cured at any time by the purchaser, transferee, or assignee executing an agreement pursuant to paragraph (b) of this Section 6.2 and no such default shall affect the rights under this Agreement of any owner of any other part of the Property. Notwithstanding the failure of any purchaser, transferee or assignee, to execute the agreement required by paragraph (b) of this Section 6.2, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed.

6.3 **Amendment and Waiver.** This Agreement shall be amended only by a written instrument executed by the parties hereto or their respective successors and assignees. All waivers of this Agreement must be in writing and signed by the appropriate authorities of the parties hereto.

6.4 **Severability.** If any provision of this Agreement shall be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality or enforceability of the remaining portions hereof shall not, in any way, be affected or impaired thereby.

6.5 **Integration.** This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter of this Agreement.

6.6 **Notices, Demands and Communication.** Formal notices, demands and communications between School District and Developer hereunder shall be sufficiently given if (i) personally delivered; (ii) mailed by registered or certified mail, postage prepaid, return

receipt requested; or (iii) delivered by Federal Express or other reliable private express delivery service to the principal offices of School District or Developer, as set forth below. Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate by mail as provided in this Section. Such notices, demands or communications shall be deemed received upon delivery if personally served, or upon the expiration of three (3) business days if given by other approved means as specified above.

If to School District: Del Mar Union School District
225 Ninth Street
Del Mar, CA 92014-2716

With a copy to: Alexander Bowie, Esq.
Bowie, Arneson, Kadi, Wiles & Giannone
4920 Campus Drive, Suite A
Newport Beach, CA 92660

If to the Developer: _____

With a copy to: _____

6.7 Arbitration. Any controversy or claim arising out of or relating to this Agreement, or breach thereof shall be settled by binding arbitration in County in accordance with the rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

6.8 Attorneys' Fees. In any litigation or arbitration arising out of the breach of this Agreement by any party, the prevailing party in such arbitration or litigation, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to

recover reasonable attorneys' fees and all other reasonable costs incurred in such arbitration or litigation and allowed by the arbitrator or court.

6.9 Interpretation. The terms of this Agreement, including all Exhibits hereto, shall not be construed for or against any party by reason of the authorship of this Agreement, but shall be construed in accordance with the meaning of the language used. The Section headings are for purposes of convenience only, and shall not be construed to limit or extend the meaning of this Agreement.

6.10 Force Majeure. The obligations of any party under this Agreement, and all deadlines by which any party's obligations hereunder must be performed, shall be excused or extended for a period of time equal to any prevention, delay or stoppage in performance which is attributable to any strike, lock-out or other labor or industrial disturbance, civil disturbance, act of a public enemy, war, riot, sabotage, blockade, embargo, lightning, earthquake, fire, storm, hurricane, tornado, flood, explosion, court injunction, moratorium on any necessary public utilities.

6.11 Recordation, Subordination and School District Certification.

(a) Recordation. This Agreement or a notice describing the existence of this Agreement and the Property may be recorded by Developer or by the School District. The parties hereby agree to execute such documents as may be needed to give such notice.

(b) Subordination. Any existing monetary encumbrances or options in favor of non-governmental agencies or entities shall be subordinated to this Agreement prior to School District certifying to City the availability of K-6 School

Facilities for the Property via Mitigation Payments, or annexation of the Property to CFD No. 95-1 whichever shall first occur.

(c) School District Certification. Promptly upon receipt of confirmation of such subordination, School District shall provide to Developer written certification, in a form acceptable to Developer and City, that all requirements of School District with respect to mitigation of all school impacts from the development of the Property will be satisfied upon performance of the terms of this Agreement. Provided Developer is in compliance with this Agreement, School District shall promptly provide to City the certification required pursuant to Section 53080(b) of Government Code, or similar successor law, with respect to the issuance of any building permit required for residential development of the Property.

6.12 Execution. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

6.13 Mutual Cooperation. Each party to this Agreement agrees to cooperate with the others, to act in good faith, to sign any other and further documents, and perform such other acts, as may be reasonably necessary or proper in order to accomplish the intent of this Agreement. The parties shall refrain from doing anything which would render their performance under this Agreement impossible or impractical.

6.14 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person or entity shall have any right of action based on any provision of this Agreement.

6.15 Exhibits. All Exhibits attached hereto are incorporated into this Agreement
by reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and
year first above written.

DEL MAR UNION SCHOOL DISTRICT

By: _____
Superintendent

APPROVED AS TO FORM:
BOWIE, ARNESON, KADI,
WILES & GIANNONE
Legal Counsel - Del Mar Union School District

By _____

Approved and Accepted:

a _____
By: _____

By: _____
Name: _____
Title: _____
Date: _____
Address: _____

STATE OF CALIFORNIA)

COUNTY OF)

On _____ before me, _____

(here insert name and title of the officer), personally appeared

_____, personally known to me (or proved to me on the basis

WITNESS my hand and official seal.

Signature _____ (SEAL)

STATE OF CALIFORNIA)

COUNTY OF)

On _____ before me, _____

(here insert name and title of the officer), personally appeared

_____, personally known to me (or proved to me on the basis

WITNESS my hand and official seal.

Signature _____ (SEAL)

EXHIBIT A

LEGAL

(TO BE FURNISHED BY _____)

EXHIBIT B

RATE & METHOD OF APPORTIONMENT

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT FOR DEL MAR UNION SCHOOL DISTRICT COMMUNITY FACILITIES DISTRICT NO. 95-1

The following sets forth the Rate and Method of Apportionment for the levy and collection of the special taxes of Del Mar Union School District Community Facilities District No. 95-1 ("CFD No. 95-1"). The special taxes include a One-Time Special Tax, an Initial Maximum Annual Special Tax, a Maximum Annual Special Tax and, if elected by a Property Owner, a One-Time Supplemental Prepayment Special Tax. The initial amounts and annual adjustment of the special taxes are as set forth herein.

A special tax shall be levied on and collected in CFD No. 95-1 each Fiscal Year by the Board of Trustees of the Del Mar Union School District (the "Board") through the application of the appropriate Maximum Annual Special Tax for "Developed Property" as described below. All of the Undeveloped and Developed Property in CFD No. 95-1, unless exempted by law or by the provisions hereof, shall be taxed for the purpose, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any ordinary and necessary expenses of CFD No. 95-1, including, not by way of limitation, all expenses incurred by the Board, including reasonable staff time and consultant expense, to carry out its duties as the legislative body of CFD No. 95-1.

"Assessor's Parcel" means a parcel of land designated on a map of the County of San Diego Assessor which has been assigned a discrete identifying number.

"Board" means the Board of Trustees of the Del Mar Union School District acting as the legislative body of CFD No. 95-1.

"Bond Issue" means a CFD Bond Issue, a Certificate of Participation issue, or any other type of financing selected by the Board to finance eligible costs of school facilities.

"Building Square Foot" means the square footage of internal living space of a Developed Property, exclusive of garages or other structures not used as living space.

"Developed Property" means any Assessor's Parcel in CFD No. 95-1 which is Taxable Property and for which a residential building permit was issued prior to March 1 of the previous Fiscal Year.

"Eligible Costs" means those costs which can be paid with Special Tax revenues, including: (1) debt service or payments on all Bond Issues or other financing or other periodic costs on the bonds or other indebtedness of CFD No. 95-1, which is expected to have authorization for \$100,000,000 in debt (2) the cost of acquisition of land or facilities, (3) the construction, furnishing or equipping of facilities and busses, (4) the reasonable and necessary Administrative Expenses of CFD No. 95-1, (5) the accumulation of funds reasonably required for future debt service, (6) costs associated with the release of funds from an escrow account, (7) any amounts required to establish or replenish any reserve fund established in association with Bond Issues or other indebtedness of CFD No. 95-1, (8) lease payments for existing or future facilities, and (9) any other payments permitted by law.

"Final Subdivision Map" means a final tract map, parcel map, lot line adjustment, or functionally equivalent map or instrument that creates building sites, exclusive of maps created strictly for planning, financing or conveyance purposes, recorded in the County of San Diego Office of the Recorder.

"Fiscal Year" means the period commencing on July 1 of any year and ending the following June 30.

"Gross Acreage" unless otherwise determined pursuant to Section F for a given Fiscal Year or Years means either (i) the acreage specified within a recorded Final Subdivision Map, exclusive of regional arterial streets and highways, if any, and parcels of open space, if any, within such recorded Final Subdivision Map, as determined by the Board or (ii) in the case where a Final Subdivision Map has not yet been recorded, the land area of an Assessor's Parcel as shown on an official map of the County of San Diego Assessor.

"Index" means the Lee Saylor Class D Construction Index published by the State Allocation Board. In the event the Lee Saylor Class D Construction Index ceases to be published, the index used by the State Allocation Board in place of the Lee Saylor Class D Construction Index shall be applied.

"Initial Maximum Annual Special Tax" for a specific Fiscal Year means the Maximum Annual Special Tax for an Assessor's Parcel which has been designated as Developed Property for the first time in that Fiscal Year.

"Land Use Class" means any of the five classes listed in Tables I and II.

"Maximum Annual Special Tax" means the highest special tax which shall be paid during a Fiscal Year by a Property Owner of Developed Property or Undeveloped Property as determined by the Board in accordance with Section C.

"One-Time Special Tax" means the special tax per Building Square Foot collected prior to building permit issuance for a lot or parcel which is Taxable Property as determined in accordance with Section C.

"One-Time Supplemental Prepayment Special Tax" for any lot or parcel of Taxable Property means the optional special tax established for that parcel, which may be paid prior to building permit issuance in order to prepay the entire Maximum Annual Special Tax, as determined in accordance with Section C.

"Proportionately" means that the ratio of the actual annual special tax levy to the applicable Maximum Annual Special Tax is equal for all Assessor's Parcels falling into the Land Use Classes. For example, for all Developed Property classified as belonging to the Land Use Classes in Tables I and II, Proportionately shall mean that the ratio of the annual special tax levy to the Maximum Annual Special Tax is equal for all Assessor's Parcels classified in any of the Land Use Classes in these tables.

"Taxable Property" means property within the boundaries of CFD No. 95-1 which is not exempt from the Maximum Annual Special Tax pursuant to the Act or pursuant to Section E below.

"Undeveloped Property" means any Assessor's Parcel of Taxable Property in CFD No. 95-1 zoned for residential development and for which no residential building permit was issued prior to March 1 of the prior Fiscal Year.

B. ASSIGNMENT TO LAND USE CATEGORIES

On July 1 of each Fiscal Year, beginning July 1, 1995, all Taxable Property within CFD No. 95-1 shall be classified as Developed Property or Undeveloped Property. At such time, Developed Property will be assigned to one of the five Land Use Classes as described below, and shall be subject to special taxes determined in accordance with Sections C and D of this rate and method of apportionment. Developed Property shall be assigned to a Land Use Class based on the number of residential units per Gross Acre within the Final Subdivision Map in which it is located, as indicated in Tables I and II. Undeveloped Property shall also be taxed in conformance with Sections C and D.

C. SPECIAL TAX RATES

Each Assessor's Parcel classified as Taxable Property shall pay the Maximum Annual Special Tax levied by the Board. Taxable Property for which a residential building permit has been issued also shall be subject to the One-Time Special Tax. However, a property owner of such residential Taxable Property may elect, as herein provided in Section C.1.c, to pay the One-Time Supplemental Prepayment Special Tax to prepay all of the future Maximum Annual Special Taxes. All of the special tax rates for each Land Use Class are listed below.

1. **Undeveloped Property**

a. **Maximum Annual Special Tax**

This Maximum Annual Special Tax, subject to any reimbursement as herein provided, may be levied only in cases where delinquencies or defaults of the Maximum Annual Special Taxes paid by Developed Property owners create a situation in which additional revenues are needed to make principal and interest payments, replenish the reserve fund, or pay Administrative Expenses as discussed in Section D (below). The 1995-96 Fiscal Year Maximum Annual Special Tax for a lot or parcel of Undeveloped Property shall not exceed the lesser of (1) \$500 per Gross Acre or (2) the aggregate amount of the actual delinquencies in the payment of the Maximum Annual Special Taxes for Developed Property for the prior Fiscal Year divided by the total number of Gross Acres of Undeveloped Property of CFD No. 95-1.

On each July 1, commencing July 1, 1995, the Maximum Annual Special Tax for all Undeveloped Property shall be increased from the previous Fiscal Year's Maximum Annual Special Tax for Undeveloped Property by an amount equal to the percentage change in the Index or two percent (2%), whichever is greater. The Index shall be measured for the twelve month period ending May 31 of the prior Fiscal Year.

b. **One-Time Special Tax**

Prior to the time a residential building permit is issued for a lot or parcel of Taxable Property, the property owner shall pay the One-Time Special Tax based on the square footage of floor space from the building permit to be issued for each lot or parcel. The One-Time Special Tax in the 1994-95 Fiscal Year for Undeveloped Property is \$0.79 per residential Building Square Foot. There shall be no One-Time Special Tax on property for which no residential building permit is being issued.

On each July 1, commencing July 1, 1995, the One-Time Special Tax for all residential Taxable Property will be increased from the previous Fiscal Year's One-Time Special Tax by an amount equal to the annual percentage change in the Index or two percent (2%), whichever is greater. The Index shall be measured for the twelve month period ending May 31 of the prior Fiscal Year.

c. **One-Time Supplemental Prepayment Special Tax**

At the time a residential Final Subdivision Map is recorded for any Taxable Property within CFD No. 95-1, the property owner filing said Final Subdivision Map for recordation concurrently may elect for all lots

or parcels created by said Final Subdivision Map to prepay the entire future Maximum Annual Special Taxes through the application of the One-Time Supplemental Prepayment Special Tax. In order to prepay the entire future Maximum Annual Special Taxes of CFD No. 95-1, the residential Final Subdivision Map must contain at least 25 single family detached units or 100 multi-family attached units. Table I below lists the One-Time Supplemental Prepayment Special Tax in the 1994-95 Fiscal Year for each Land Use Class. While the decision to apply the One-Time Supplemental Prepayment Special Tax to all of the Assessor's Parcels in a Final Subdivision Map shall be made at the time of map recordation, the actual payment of this One-Time Supplemental Prepayment Special Tax shall occur prior to building permit issuance.

<p>TABLE I</p> <p>One-Time Supplemental Prepayment Special Taxes Community Facilities District No. 95-1 (Fiscal Year 1994-95)</p>			
Land Use Class	Description	Designation	Supplemental Prepayment One-Time Special Tax
1	Developed Property	Density \leq eight (8) residential units per Gross Acre	\$6,510 per unit
2	Developed Property	Density $>$ eight (8) and \leq fifteen (15) residential units per Gross Acre	\$4,337 per unit
3	Developed Property	Density $>$ fifteen (15) and \leq eighteen (18) residential units per Gross Acre	\$2,021 per unit
4	Developed Property	Density $>$ eighteen (18) and \leq twenty-five (25) residential units per Gross Acre	\$1,516 per unit
5	Developed Property	Density $>$ twenty-five (25) residential units per Gross Acre	\$1,011 per unit

On each July 1, commencing July 1, 1995, the One-Time Supplemental Prepayment Special Tax rates will be increased from the previous Fiscal Year's One-Time Supplemental Prepayment Special Tax by an amount equal to the annual percentage change in the Index or two percent (2%), whichever is greater. The Index shall be measured for the twelve month period ending May 31 of the prior Fiscal Year.

2. **Developed Property**

a. **Maximum Annual Special Tax without One-Time Supplemental Prepayment Special Tax**

The 1995-96 Fiscal Year Initial Maximum Annual Special Tax for a lot or parcel of Developed Property is listed in Table II. This table applies only to those Assessor's Parcels of Developed Property for which the One-Time Supplemental Prepayment Special Tax was not paid at the time of building permit issuance. Developed Property for which this One-Time Supplemental Prepayment Special Tax has been paid is discussed in Section 2b, below.

<p align="center">TABLE II</p> <p align="center">Initial Maximum Annual Special Taxes for Developed Property</p> <p align="center">Community Facilities District No. 95-1</p> <p align="center">(Fiscal Year 1995-96)</p>			
Land Use Class	Description	Designation	Maximum Annual Special Tax
1	Developed Property	Density \leq eight (8) residential units per Gross Acre	\$788 per unit
2	Developed Property	Density $>$ eight (8) and \leq fifteen (15) per Gross Acre	\$533 per unit
3	Developed Property	Density $>$ fifteen (15) and \leq eighteen (18) residential units per Gross Acre	\$262 per unit
4	Developed Property	Density $>$ eighteen (18) and \leq twenty-five (25) residential units per Gross Acre	\$203 per unit
5	Developed Property	Density $>$ twenty-five (25) residential units per Gross Acre	\$ 144 per unit

On each July 1, commencing on July 1, 1996, the Initial Maximum Annual Special Tax for lots or parcels of Taxable Property being classified as Developed Property for the first time in that Fiscal Year and for which the One-Time Prepayment Special Tax has not been paid will be increased from the previous Fiscal Year's Initial Maximum Annual Special Tax by an amount equal to the annual percentage change in the Index or two

percent (2%), whichever is greater. The Index shall be measured for the twelve month period ending May 31 of the prior Fiscal Year.

The Maximum Annual Special Tax for all Developed Property which was classified as Developed Property in previous Fiscal Years will equal the Initial Maximum Annual Special Tax for the Fiscal Year in which the Assessor's Parcel was first classified as "Developed Property".

b. Maximum Annual Special Tax with One-Time Supplemental Prepayment Special Tax

There shall be no Maximum Annual Special Tax collected from Developed Property for which the One-Time Supplemental Prepayment Special Tax has been paid.

D. METHOD OF APPORTIONMENT OF THE MAXIMUM ANNUAL SPECIAL TAX TO PROPERTY IN CFD NO. 95-1

Commencing Fiscal Year 1995-96 and for each subsequent Fiscal Year, the Board shall levy the Maximum Annual Special Taxes as follows:

First: The Maximum Annual Special Tax shall be levied on each Assessor's Parcel of Developed Property, except for each Assessor's Parcel for which the property owner previously elected to pay and has paid the One-Time Supplemental Prepayment Special Tax as set forth in Section C.1.c. above, for which the Maximum Annual Special Tax shall be waived. The Maximum Annual Special Tax shall be based on the Initial Maximum Annual Special Tax listed in Table II, which shall be adjusted by the Index as explained in Section C. If the Board chooses to levy less than the Maximum Annual Special Tax or portion thereof, they shall do so Proportionately for all Land Use Classes listed in these tables.

Second: In the event of delinquency or default by any Developed Property within CFD No. 95-1 as to the Maximum Annual Special Tax in any Fiscal Year, the Maximum Annual Special Taxes levied under the first step may be insufficient to make all current principal and interest payments, replenish the reserve fund, or pay Administrative Expenses. In such cases, the annual special tax shall be levied Proportionately on all Assessor's Parcels of Undeveloped Property up to the Maximum Annual Special Tax for Undeveloped Property as listed in Section C.1.a., adjusted by the Index as explained in Section C.

In the event that said delinquency or default is satisfied by the Developed Property that was in delinquency or default, the Undeveloped Property owner(s) of record who paid Maximum Annual Special Taxes at the time of the delinquency or default shall be reimbursed to the extent possible under applicable law, subject to the review and approval of the Board. Reimbursements, if any, shall be made only after the obligations of CFD No. 95-1 for that Fiscal Year (i.e., principal and interest payments,

replenishment of the reserve fund, and Administrative Expenses) have been completely satisfied.

E. EXEMPTIONS

The Board shall not levy any special taxes on properties owned by the State of California, Federal or other local governments except as otherwise provided in Sections 53317.3 and 53317.5 of the Government Code. Furthermore, the Board shall not levy any special taxes on properties owned by a homeowners' association or properties with public or utility easements making impractical their utilization for other than the purposes set forth in the easement.

F. APPEALS

Any landowner or resident who contends that the amount of the Maximum Annual Special Tax levied is in error or pertains to property that the Board determines is reasonably probable to be zoned other than for development purposes may file a notice with the Board appealing the levy of the Maximum Annual Special Tax. A representative of CFD No. 95-1 will then review the appeal and, if necessary, meet with the appellant. If the findings of the representative verify that the amount of the Maximum Annual Special Tax should be modified or changed, then, as appropriate, the Maximum Annual Special Tax levy shall be corrected. If the appellant is in disagreement with the findings of the representative, he may appeal the representative's decision to the Board.

G. COLLECTION OF MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax will be collected in the same manner and at the same time as ordinary ad valorem property taxes.

H. TERM OF MAXIMUM ANNUAL SPECIAL TAX

Assessor's Parcels for which a building permit was issued prior to March 1 of a given Fiscal Year shall commence paying Maximum Annual Special Taxes in the following Fiscal Year. The Maximum Annual Special Tax shall be levied for a period of 35 years for each Assessor's Parcel of Taxable Property.

EXHIBIT C

MAP

Tu 26b



Del Mar Mesa Specific Plan

**North City Future Urbanizing Area
— Subarea V**



ACKNOWLEDGMENTS

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DEL MAR MESA SPECIFIC PLAN

TABLE OF CONTENTS

I.	INTRODUCTION	
A.	Purpose of the Plan	1
B.	Plan Organization	1
II.	PLANNING CONTEXT	
A.	Plan Area	3
B.	Planning History and Regulatory Framework	9
III.	ELEMENTS OF THE SPECIFIC PLAN	
A.	Land Use	12
B.	Multiple Species Conservation Program (MSCP)/Open Space	19
C.	Community Facilities	29
D.	Circulation	39
E.	Coastal Element	57
IV.	IMPLEMENTATION	
A.	Relationship with the Framework Plan and General Plan	58
B.	Further CEQA Review	58
C.	Zoning	59
D.	Supplemental Development Regulations	63
E.	Resource Protection Ordinance (Council Policy 600-40)	75
F.	Supplemental Regulations for Resource Management	77
G.	Facilities Financing and Fees	84
H.	Open Space Acquisition Program	85
I.	Transportation Phasing	86
	APPENDIX	
A.	Figure 29, Ownership Patterns	
B.	Amendments to Land Use Plans and Ordinances	

LIST OF FIGURES

Figure 1	Regional Vicinity	2
Figure 2	Surrounding Communities	5
Figure 3	Aerial Photograph	7
Figure 4	NCFUA Framework Plan	10
Figure 5	Land Use	13
Figure 6	Open Space	20
Figure 7	Proposed MSCP Preserve Boundaries	24
Figure 8	Elementary School District Boundaries	30
Figure 9	Backbone Water	34
Figure 10	Backbone Sewer	35
Figure 11	Conceptual Drainage	37
Figure 12	Existing Conditions	41
Figure 13	Traffic Forecast and Proposed Street Classifications	43
Figure 14	Lane Configurations at Signalized Intersections	45
Figure 15	Circulation	47
Figure 16	Residential Local Street	49
Figure 17	2-Lane Collector Street	50
Figure 18	2-Lane Modified Collector Street	51
Figure 19	Trails	53
Figure 20	Bikeways	55
Figure 21	Bikeway Standards	56
Figure 22	Existing and Proposed Zoning	60
Figure 23	Proposed Zoning Upon adoption of the Zoning Code Update	61
Figure 24	Shared Driveways	65
Figure 25	Shaw Texas - Conceptual Site Plan	67
Figure 26	Goodell Property - Development Area	69
Figure 27	Lorenz Parcel - Conceptual Land Use Areas	73
Figure 28	Transportation Phasing Improvements	90
Figure 29	Ownership Patterns	Appendix

LIST OF TABLES

Table 1	Land Use	14
Table 2	Subarea V - Maximum Dwelling Units	15
Table 3	Dwelling Unit Allocation	16
Table 4	Open Space Summary	22
Table 5	Publicly Owned Open Space Summary	22
Table 6	Projected Student Generation	29
Table 7	Land Use Assumptions and Trip Generation	42
Table 8	A-1 Zone Amendments	63
Table 9	Distribution of Daily Trips by Development on Carmel Country Road for Phase 1	89
Table 10	Transportation Phasing Plan for Subarea V	92

I. INTRODUCTION

A. PURPOSE OF THE PLAN

The Del Mar Mesa Specific Plan is the City of San Diego's adopted statement of policy for growth and regulations for development of the Subarea V planning area, one of five subareas designated by the North City Future Urbanizing Area (NCFUA) *Framework Plan*. The plan proposes new land use designations, establishes development regulations to permit the allocation of density to more developable portions of the subarea, and establishes open space boundaries consistent with the City's proposed Multiple Species Conservation Program. The plan also identifies necessary public services and facilities such as schools, parks, libraries, roads, water, sewer and drainage facilities, and public safety needs.

B. PLAN ORGANIZATION

The Del Mar Mesa Specific Plan consists of goals, policies and regulations for specific land use elements that are contained in the plan. Sections I through III are intended to provide policy for the area while Section IV Implementation, is intended to be regulatory. Land use maps and figures are also provided throughout the text of the document to further illustrate plan recommendations.

The Del Mar Mesa Specific Plan is organized as follows:

I. Introduction describes the purpose and organization of the plan.

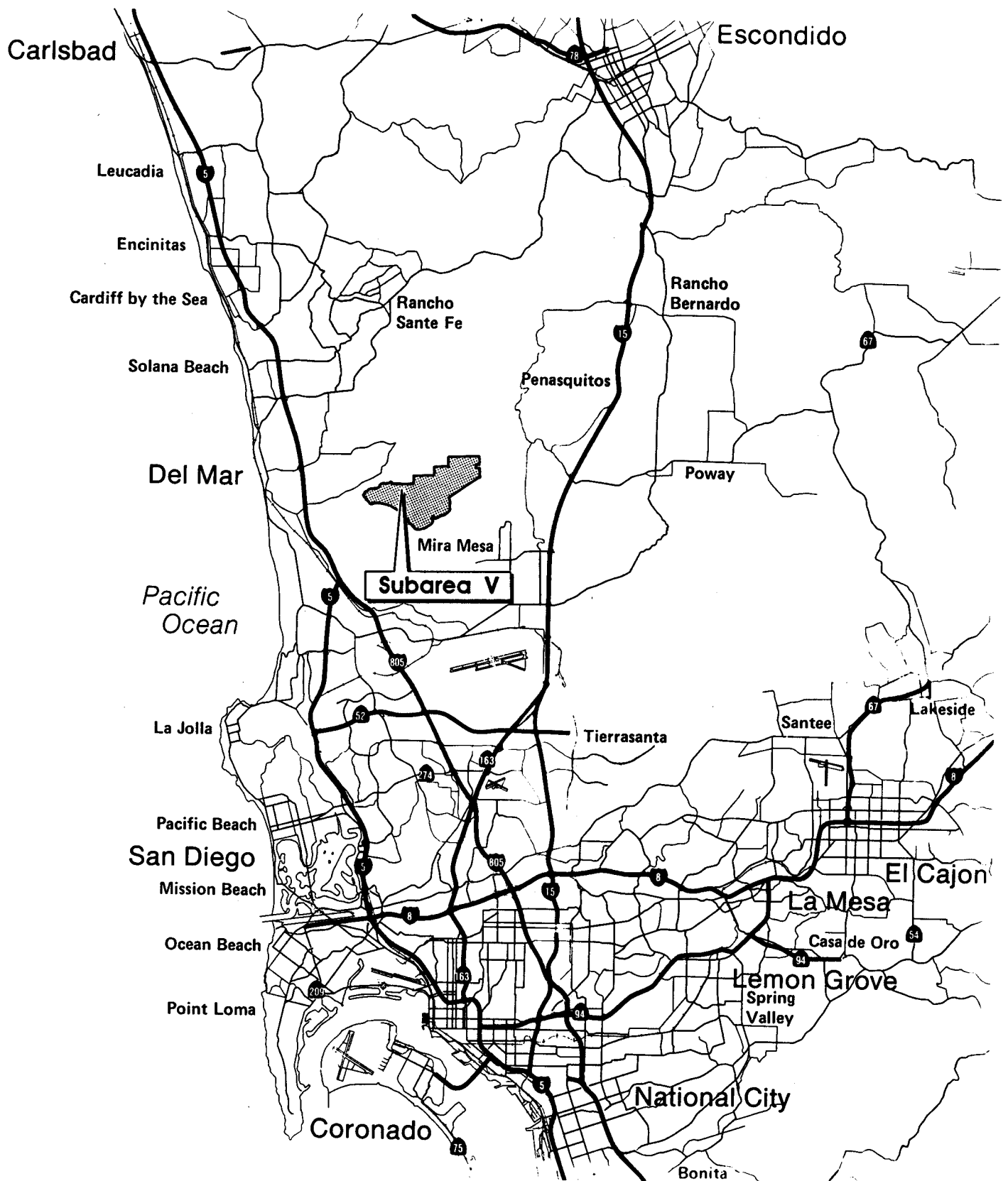
II. Planning Context is a discussion of the history of the Del Mar Mesa and the physical, legal, and planning framework within which the plan was prepared.

III. Elements of the Specific Plan serve as the framework for defining land use policies for future development and preservation of lands throughout the Del Mar Mesa, and they include:

A. Land Use - Discussion of development area, total number of units, and allocation of density. Also addresses the resort hotel, golf course and affordable housing program.

Regional Vicinity

1
figure



S U B A R E A V
D E L M A R M E S A

- B. Multiple Species Conservation Program (MSCP)/Open Space - Discussion of the MSCP Preserve system and Urban Amenity Open Space, criteria for adjustment of open space boundaries, and permitted uses and design guidelines for areas in and adjacent to the preserve.
 - C. Community Facilities - Discussion of schools, parks, libraries, police, fire, solid waste, power, and water, sewer and drainage facilities.
 - D. Circulation - Discussion of designated road alignments, classifications, standards, and alternative transportation modes such as bicycling, hiking and equestrian use.
 - E. Coastal Element - Describes Coastal Zone areas within Subarea V, and the relationship of the specific plan to the *North City Local Coastal Program*.
- IV. Implementation outlines the relationship of the Del Mar Mesa Specific Plan to the *Framework Plan* and General Plan; process for further CEQA review; ordinance changes to implement the specific plan, general and site specific development regulations; applicability of the RPO Ordinance; resource management regulations; facilities financing and fees; open space acquisition program; and transportation phasing.

II. PLANNING CONTEXT

A. PLAN AREA

1. Location, Physical Characteristics, and Current Uses

Subarea V, more commonly known as the Del Mar Mesa, consists of 2,042 acres located approximately 20 miles north of downtown San Diego, four miles inland from the Pacific Ocean, and approximately equidistant from Interstates 5 and 15.

The majority of the site is in a natural state, with several access trails and one main unimproved dirt road, Shaw Ridge Road, which extends from west to east across the subarea. No sewer or water easements exist in the subarea, although there are approximately 25 residences. Most zoning on the site is A-1-10, or one dwelling unit for every ten acres, although about 10 percent of the area is zoned A-1-1, or one dwelling unit for each one acre.

The western portion of the Del Mar Mesa is characterized by pockets of agriculture in Shaw Valley and custom single family homes located primarily in the north, along Shaw Ridge Road. The eastern portion of the Del Mar Mesa is characterized by relatively undisturbed stands of dense chaparral punctuated by sections of coastal sage scrub and scrub oak woodland. Several equestrian facilities are located along Shaw Ridge Road in this area, and a 200-foot-wide San Diego Gas and Electric (SDG&E) transmission line easement traverses the southern edge of Subarea V, turning northward, and crossing Deer Canyon.

Elevations on the site range from approximately 125 feet above mean sea level (AMSL) at the westernmost boundary, to approximately 440 feet AMSL in the southern portion of the Del Mar Mesa, overlooking the Los Peñasquitos Canyon Preserve. Regional access to the site is provided by I-5 via the partially built segment of State Route 56, with entry through the northwestern corner of the site on Carmel Country Road.

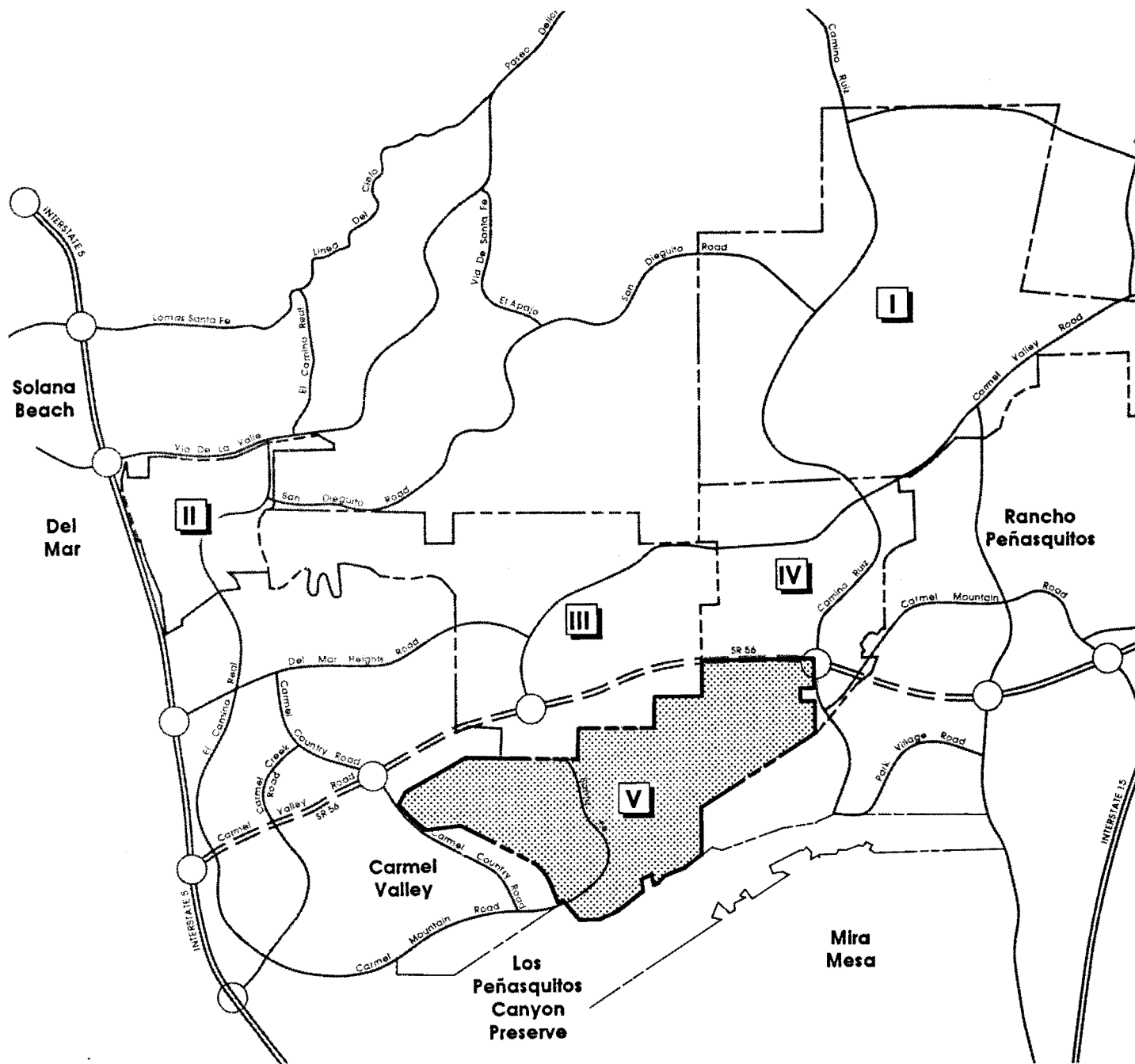
2. History

Historical sites within the Del Mar Mesa represent components of a farming settlement in the late 1800s and early 1900s. Visual reminders of the former agricultural settlement include remnants of eucalyptus groves and scatters of surface artifacts. Although farmsteads were widely spaced throughout this area, the early settlers shared community interests based on social and economic endeavors. Carmel Valley provided the main avenue of travel and transportation to Del Mar which was the nearest community. With completion of a railway passing through Del Mar in the early 1880s, the local farmers were provided with a means of transporting goods to a broader market than that offered by sea transport.

The 1884 U.S.G.S. map reveals that much of the land adjacent to and within the Del Mar Mesa was owned by members of the McGonigle family. Buildings and features associated with the McGonigles include a house, cabin, fence, field, and county road. Evidence of additional settlement by 1891 is provided by school records available for the years 1891 through 1910. Certain family names that appear consistently in the Soledad District records during the early years are Knecktel, Nieman (aka Neimann and Niemann), Barnhardt, Rimbach, Mecklenseck, Davies, and Ginter. With several exceptions, the location of dwellings associated with these families has not been determined.

Surrounding Communities

2
figure



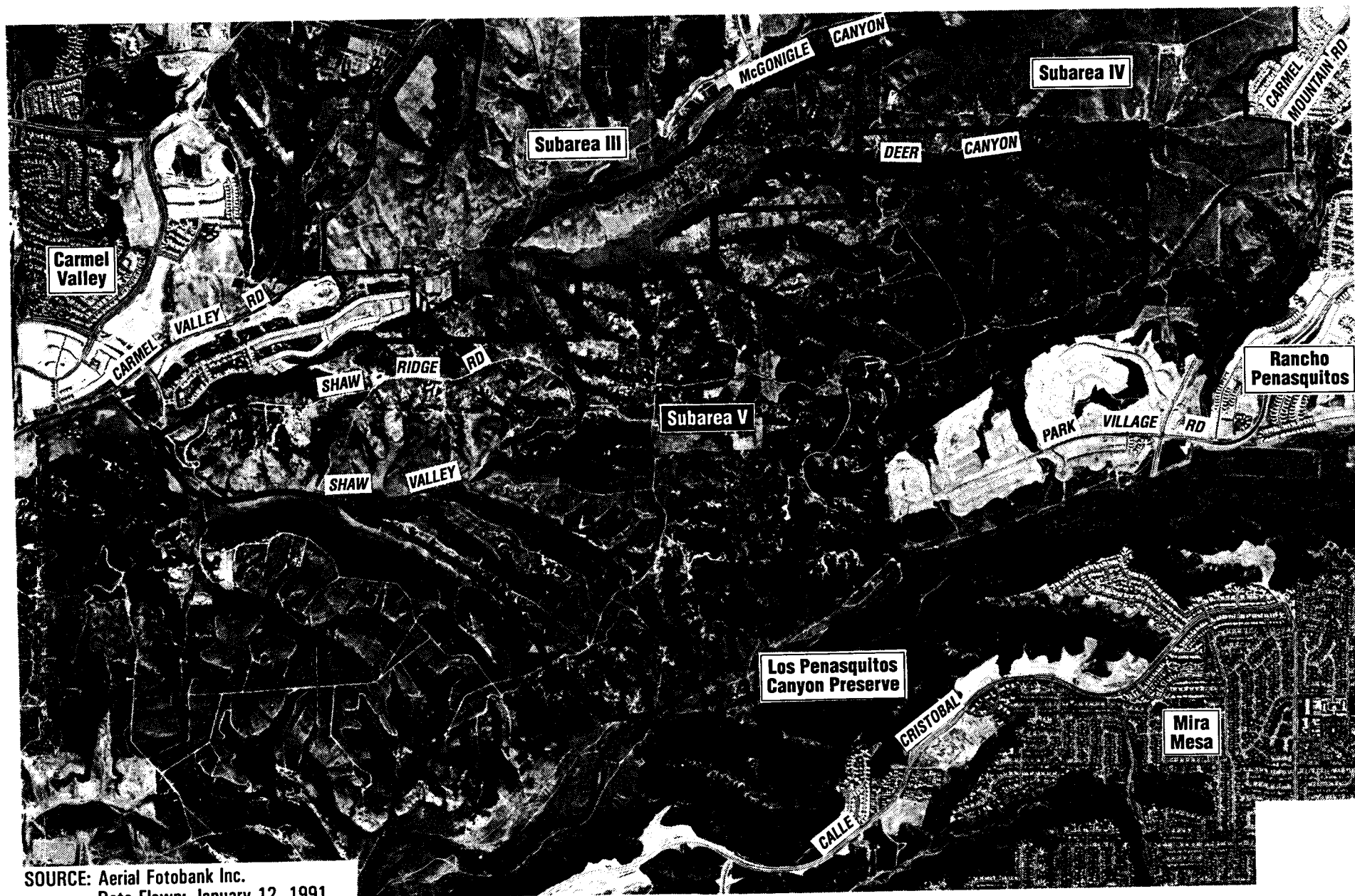
The Knechtel, Mecklenseck, and Neimann families proved to be long-term residents of the area. All were associated with farming activities in Shaw Valley and on the Del Mar Mesa. Three generations of Knechtels' have farmed Carmel Valley and Shaw Valley and several members of the family continue to live in the area. The Mecklensecks farmed land in Shaw Valley and on the mesa. As with other farmers in the area, they practiced dry farming and in later years had an egg business which remained in operation until 1984. The Neimanns built their home on Del Mar Mesa in 1895. They were among the first in this area to plant orchards on their farmstead. A 1928 aerial photograph depicts the orchards to the north and northwest of a complex of buildings. The Neimann home remains intact as a component of the Carmel Valley Ranch.

In the 1950s, there appears to have been a brief endeavor to establish communal living on the Del Mar Mesa. Also, during the 1950s, the City of San Diego developed a program in concert with landowners, to build dams to reduce flooding in Carmel Valley. Many of the dams have since been destroyed. In the 1960s and 1970s, the general area has attracted a number of horse farms which are now well-established.

3. Surrounding Land Use

Existing land uses to the west, northwest, east, and southeast of the Del Mar Mesa consist of planned residential areas in the communities of Carmel Valley, Sorrento Hills, and Rancho Peñasquitos. Development within these planned communities is primarily suburban in nature and largely comprised of single family homes on 5,000-square-foot lots, townhomes, condominium complexes, and apartments. These communities also include supportive land uses such as community centers, retail centers, commercial offices, schools, and other public facilities.

To the south is the Los Peñasquitos Canyon Preserve which runs in a west-to-east direction between Del Mar Mesa and Mira Mesa. To the north of the Del Mar Mesa, the land areas identified by the *Framework Plan* as Subareas III and IV are generally undeveloped with scattered custom single family homes and mobile homes on large acreages. A 29-unit estate residential development is currently under construction in Subarea III. Existing land uses within Subareas III and IV also include commercial nurseries, agriculture, equestrian facilities and salvage yards.



SOURCE: Aerial Fotobank Inc.
Date Flown: January 12, 1991

scale
1"=2,000'

SUBAREA V

DEL MAR MESA

The western portion of State Route 56 (SR-56) is partially built to the northwest. This major roadway is planned for extension in an east-west direction across the NCFUA, bordering the northeastern boundary of the Del Mar Mesa. Ultimately, it will connect with the community of Rancho Peñasquitos, and I-15.

4. Land Ownership

The Del Mar Mesa is broken into approximately 130 Assessor's Parcels comprising 2,042 acres held by over 60 separate owners (see Figure 29). Of these ownerships, the smallest area held is 1 acre and the largest is 358 acres. Median ownership is 15 acres. A total of 551 acres are held by public agencies (the City of San Diego owns 432 acres, the County of San Diego 29 acres and the State of California 89 acres), which represents more than 25 percent of the subarea (see Table 5). Included within City ownership is the 251 acres, known as the park-trade parcel, recently acquired by the City. Additionally, SDG&E holds an easement on ten acres of land located in the area zoned A-1-1. SDG&E purchased the easement as off-site mitigation.

5. Zoning

Approximately 240 acres in the central part of the Del Mar Mesa are zoned A-1-1 which permits a maximum density of 1 dwelling unit/acre (see Figure 22). The remainder of the subarea is zoned A-1-10 which permits a maximum of 1 dwelling unit/10 acres. In addition, the Municipal Code provides the potential for a maximum density of 1 dwelling unit/4 acres in the A-1-10 areas if a planned residential development permit is obtained and certain findings are met. These findings include comprehensively addressing framework planning issues in the subarea, the provision of affordable housing, and the forfeiture of all future development rights on the remainder portion of the property.

Part of the Del Mar Mesa is also within the Hillside Review Overlay Zone (HR) and areas in the north and south of the subarea are located within the Coastal Zone (Figure 22).

B. PLANNING HISTORY AND REGULATORY FRAMEWORK

1. City's Growth Management Program

In 1979, the *Progress Guide and General Plan* established a tiered growth management system to encourage the revitalization of the urban core while growth and development in outlying areas would be phased and sequenced in accordance with the availability of public facilities and services. This system classifies the entire City as Urbanized, Planned Urbanizing, or Future Urbanizing.

The Future Urbanizing Area consists primarily of land that is vacant and zoned A-1 (primarily for agricultural uses), and is intended to be released for urban development only when the Urbanized and Planned Urbanizing areas are sufficiently built out pursuant to the relevant guidelines and policies in the *Progress Guide and General Plan*. As part of the overall growth management program, the third tier - the Future Urbanizing Area or FUA - was established as an urban reserve, an area intended for future planning and possible development. The City's objectives in the urban reserve, therefore, are to avoid premature urbanization, to conserve open space and natural environmental features, and to protect the fiscal resources of the City by precluding costly sprawl. The *Progress Guide and General Plan* also recommends the permanent retention of rural, resource-based, and open space uses where appropriate.

In 1985, the citizens of San Diego voted to approve the "Managed Growth Initiative" (Proposition A), which applies to all lands designated as FUA on August 1, 1984. Proposition A requires voter approval to "phase shift" land from the Future Urbanizing Area designation and voter approval to ease development restrictions in the FUA. Proposition A does allow the City Council to amend regulations affecting land within the FUA, provided that the amendments are neutral or more restrictive in terms of permitting development.

2. Framework Plan

On October 1, 1992, the City Council adopted the *Framework Plan* for the North City Future Urbanizing Area as an amendment to the *Progress Guide and General Plan*. The *Framework Plan* designates a range of residential densities, mixed uses, public facility requirements, and substantial open space areas. Because of the residential densities and types of land uses designated, approval of a phase shift by the voters is necessary to implement much of the *Framework Plan*.



**SUBAREA V
DEL MAR MESA**

For Subarea V, the *Framework Plan* envisions low density residential development with densities ranging from .8 dwelling units/gross acre in the northwest quadrant of the subarea to .2 dwelling unit/gross acre in the southwest quadrant (see Figure 4). A small local mixed use center is also shown which includes multi-family development. The eastern half of the Del Mar Mesa is designated as open space. A total of 840 dwelling units (550 single family and 290 multi-family) are shown for Subarea V in the *Framework Plan*. An alternative recommendation of the FUA Citizen's Advisory Committee was also approved by the City Council which allocates 1,200 dwelling units to the subarea. The intent of the Council was to reconcile these two numbers in the subsequent subarea planning process.

The *Framework Plan* requires the preparation of detailed subarea plans for each of the five subareas before development can occur. The preparation of a specific plan is an alternative to a subarea plan. It does address the necessary requirements to achieve densities greater than 1 dwelling unit/10 acres as specified in Section 2.5f of the *Framework Plan*.

The *Framework Plan* is the overall policy document for the Del Mar Mesa while the specific plan is intended to provide further detail regarding implementation of this plan. Amendments to the *Framework Plan* will be required to achieve consistency with certain elements of the Del Mar Mesa Specific Plan. Wherever the policies, or development standards of the specific plan differ from the *Framework Plan*, the Del Mar Mesa Specific Plan shall take precedence.

3. Del Mar Mesa Specific Plan

In March 1994, the City Council approved the placement of a phase shift vote on the June 1994 general election ballot. The phase shift measure was eventually rejected by the voters. In response, City staff, Subarea V property owners, and citizen groups met in the Fall of 1994 to explore alternatives that would allow economically feasible development and maximize the retention of an interconnected open space system without the need for a phase shift prior to implementation.

Based upon the failure of the ballot measure, and property owner input, City staff recognized that comprehensive planning in the NCFUA faced a highly uncertain future, and proposed, therefore, the specific planning process as an alternative to subarea plan preparation required by the *Framework Plan*. Ultimately, the City Council directed City staff to assume the lead in the preparation of a specific plan.

III. ELEMENTS OF THE SPECIFIC PLAN

A. LAND USE

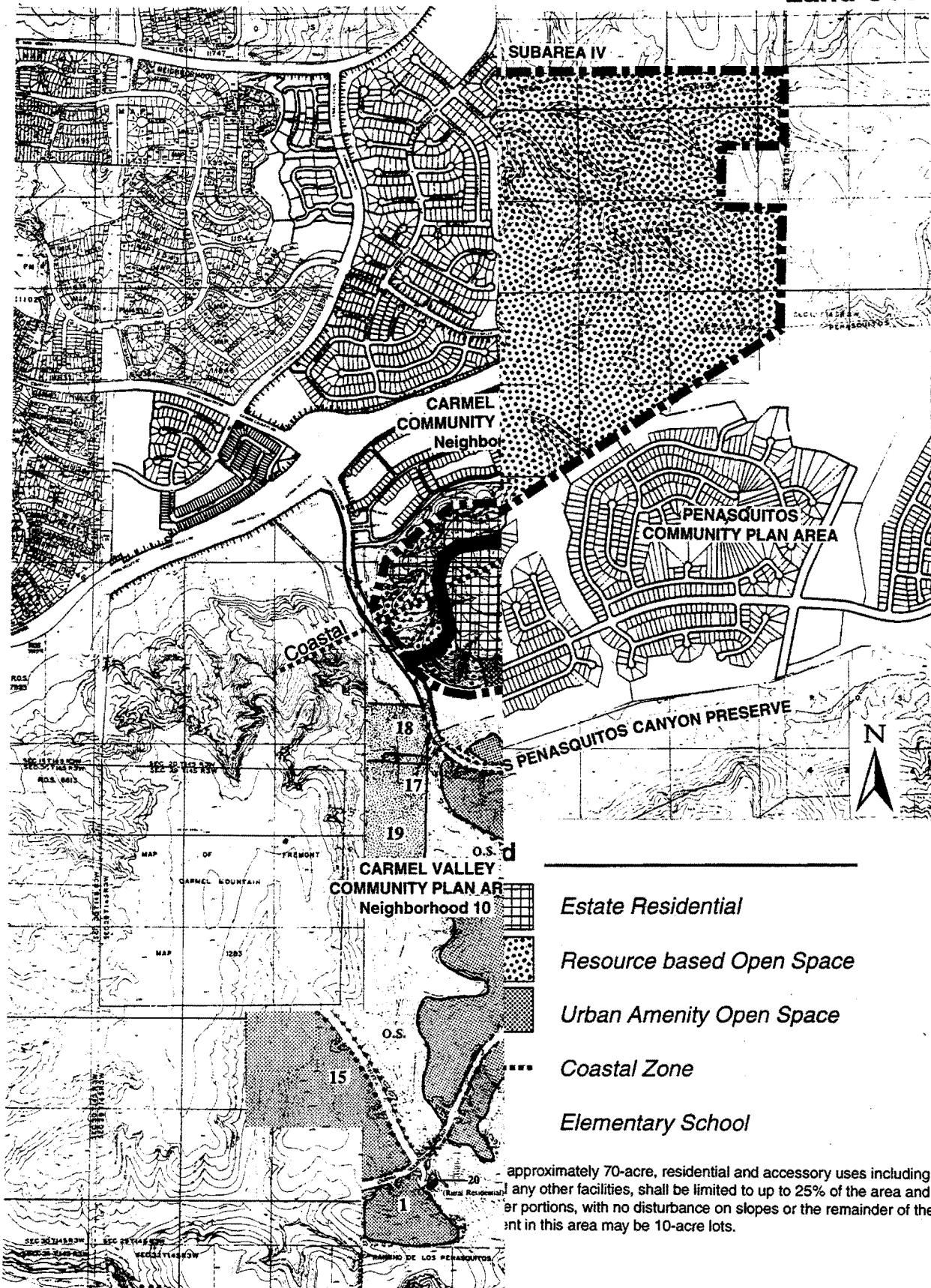
The policies of the *Progress Guide and General Plan* and the *Framework Plan* apply to the Del Mar Mesa, with the exception of those that require a phase shift to implement. In addition, Council Policy 600-29 provides guidelines for development within the FUA. The General Plan goals for the FUA are to "avoid premature urbanization, to conserve open space and natural environmental features, and to protect the fiscal resources of the City by precluding costly sprawl and/or leapfrog development." The overall goal for the Del Mar Mesa is as follows:

GOAL: TO PRESERVE THE RURAL CHARACTER OF THE DEL MAR MESA WHILE ACCOMMODATING CLUSTERED DEVELOPMENT AND THE PRESERVATION OF OPEN SPACE

Approximately 685 dwelling units are permitted within the Del Mar Mesa utilizing the planned residential development ordinance provision which allows a maximum of 1 dwelling unit/4 acres for the A-1-10 areas and 1 dwelling unit/acre in the A-1-1 areas (see Table 2). Additional units could be accommodated in the subarea using the Affordable Housing Density Bonus provision of the Municipal Code. The Del Mar Mesa Specific Plan proposes to concentrate this development on the western half of the Del Mar Mesa where use will be characterized by low density residential development. Virtually the entire eastern half of the Del Mar Mesa is intended for possible open space acquisition and accommodation of limited development consistent with the underlying zoning. Figure 5 shows the overall development program for the Del Mar Mesa.

Land Use

5
figure



Estate Residential

Resource based Open Space

Urban Amenity Open Space

Coastal Zone

Elementary School

approximately 70-acre, residential and accessory uses including public or other facilities, shall be limited to up to 25% of the area and clustered in portions, with no disturbance on slopes or the remainder of the lots. The minimum lot size in this area may be 10-acre lots.

1. Development Area

The Del Mar Mesa Specific Plan defines a development area in the western half of the Del Mar Mesa. Within this area, substantial structural development as well as major and minor roads are expected to occur. Almost all of the development in the Del Mar Mesa will consist of low density residential development falling into the Estate Residential category. In addition, a golf course and a visitor serving resort hotel is proposed in the western end of the subarea.

TABLE 1: LAND USE

LAND USE	ACREAGE
Estate Residential	563.0 ac.
Open Space	
Resource Based	1270.4 ac.
Urban Amenity	208.6 ac.
TOTAL	2042.0 ac.

2. Residential Land Use

While the principal use will be large-lot single family homes, other kinds of residential development (e.g. clustered single family dwellings or companion units) will be allowed pursuant to a planned residential development permit. The Implementation Section of the specific plan identifies both general and site-specific development regulations for parcels within the Del Mar Mesa.

Table 3 outlines the dwelling unit allocation for Subarea V. This is summarized below:

- a. Parcels designated for Open Space/Rural Residential development are assigned a maximum of 1 dwelling unit per 10 acres consistent with the underlying zoning and may be considered for open space acquisition.
- b. Areas zoned A-1-1 designated for development would retain the current density and could develop to a maximum of 1 dwelling unit/acre.

- c. Parcels in City ownership are designated as Resource Based Open Space and are not proposed for any development. Parcels in State and County ownership, and City enterprise fund departments that are zoned A-1-10, are assigned a maximum of 1 dwelling unit/10 acres.
- d. Approximately 415 dwelling units are assigned to parcels zoned A-1-10 that are all or partially designated as Estate Residential. This equates to a maximum of 1 dwelling unit/2.5 acres for these areas. This maximum density is calculated over the gross area of the parcel with development intended to be located on all or a portion of the site designated for development.

TABLE 2: SUBAREA V - MAXIMUM DWELLING UNITS

LAND USE AREAS	ACREAGE		TOTAL
	A-1-10	A-1-1	
Private parcels designated for Estate Residential	1041.9 ac.	190.2 ac.	
Private parcels designated for rural residential and possible open space acquisition	358.4 ac.	30.1 ac.	
Publicly owned open space	531.4 ac.	20.0 ac.	
Subtotal	1931.7 ac.	240.3 ac.	
Portions of ownerships that extend outside Subarea V	-130.0 ac.		
TOTAL	1801.7 ac.	240.3 ac.	2042 ac.

Total Dwelling Units Potentially Permitted Without a Phase Shift

1781.7 ac. @ 1du/4ac = 445 du's ¹

240.3 ac. @ 1du/ac = 240 du's

Total = 685 dwelling units ²

- One 20-acre parcel was purchased for mitigation prior to August 1, 1984, the effective date of Proposition A. Development rights associated with this parcel are ineligible for reallocation, reducing the total A-1-10 zoned acreage on which potential density reallocation is calculated from 1801.7 acres to 1781.7 acres.
- Additional units could be achieved in Subarea V under the Affordable Housing Density Bonus provision of the Municipal Code.

TABLE 3: DWELLING UNIT ALLOCATION

LAND USE AREAS	A-1-10 ZONE		A-1-1 ZONE		TOTAL
	ACREAGE	DU'S	ACREAGE	DU'S	
Private parcels designated for Estate Residential	1041.9 ac.	415 du's (1du/2.5ac) ¹	190.2 ac.	190 du's	605 du's
Private parcels designated for rural residential and possible open space acquisition	358.4 ac.	35 du's	30.1 ac.	30 du's	65 du's
City owned	412.8 ac.	4 du's ²	20.0 ac.	0 du's	4 du's
Publicly owned - other jurisdictions	118.7 ac.	11 du's	0 ac.	0 du's	11 du's
TOTAL		465 du's		220 du's	685 du's

1. Development rights equal to nine dwelling units are reallocated from ownership area 50 to area 70, contingent on Council approval of Carmel Valley Neighborhood 8A development agreement, or a similar agreement. Transfer of these units reduces the total number of dwelling units available for allocation to 406, yielding a density of 1 du per 2.5 gross acres in areas zoned A-1-10 with development shown.
2. Density is allocated to City enterprise fund departments according to the existing A-1-10 zoning. This includes one 17.5 acre parcel owned by the Environmental Services Department (APN 306-050-11) and two parcels totaling 30 acres owned by the Metropolitan Wastewater Department (APN 306-050-07, 21).

3. Resort Hotel

The Bougainvillea ownership, located in the southwest quadrant of Subarea V, has proposed locating a visitor serving resort hotel on their property to compliment a proposed golf course. Proposition C, adopted by the voters on March 26, 1996, amended the City's General Plan by allowing the City Council to consider a request for a conditional use permit (CUP) for a 300-room resort hotel in the Bougainvillea project. Approval of the CUP 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 which could support bonding for the acquisition of open space lands within or in the vicinity of the NCFUA. This is consistent with the Del Mar Mesa Specific Plan.

4. Golf Course

As stated above, the Bougainvillea has also proposed to locate an 18-hole championship golf course in the western portion of the subarea. This use is consistent with the Del Mar Mesa Specific Plan.

5. Affordable Housing

The City of San Diego's "Consolidated Plan" documents the City's need for affordable housing. The Plan states that nearly 107,000 very-low and low-income households in San Diego would require assistance for their housing to be affordable. The lack of affordable housing is not only a social issue affecting communities, but also has a negative impact on the local economy. Providing housing opportunities affordable to those working in low wage jobs benefits the City as a whole.

To help address its need for affordable housing, the City encourages the provision of affordable housing opportunities throughout its many communities, in part, through Council Policy 600-19 concerning balanced communities and through the Future Urbanizing Area Affordable Housing Requirement contained in the City's PRD Ordinance and addressed further in the North City Future Urbanizing Area *Framework Plan*.

Although Subarea V is likely to include many small residential developments with residents relying on services located outside the area, development plans which primarily call for large homes on large lots suggest that household help may be desired to care for the house and grounds. Furthermore, plans for the Bougainvillea project call for development of a golf course and nearby resort hotel, both of which will provide relatively low wage employment opportunities. It is clear that affordable housing provided in Subarea V will help address the needs created in the community and contiguous areas.

Residential development in Subarea V must provide for affordable housing, as required of all such development in the FUA. However, property owners are permitted to meet the affordable housing requirement off-site, if desired, due to the rural character and the small size of developments proposed for the Del Mar Mesa. The requirement specifies that residential development projects must provide housing affordable to low-income families as certified by the San Diego Housing Commission. This requirement can be fulfilled by the following:

- a. The provision of units, equivalent to 20 percent of units in the proposed Subarea V project, for occupancy by, and at rates affordable to, families earning no more than 65 percent of median area income, adjusted for family size, located on-site or in an area north of State Route 52 and within the City boundaries as certified by the San Diego Housing Commission. The affordable units must remain affordable for the life of the unit and should be phased proportionate to development of the market-rate units within the Subarea V project; or
- b. Dedication of land of equivalent value to a. above, located in an area north of State Route 52 and within the City boundaries as certified by the San Diego Housing Commission; or
- c. Developers may, at the discretion of the City, satisfy the requirements of the FUA affordable housing program by paying an in-lieu fee to the City's NCFUA Affordable Housing Trust Account an amount of money equivalent to the cost of achieving the level of affordability required by the Subarea V affordable housing program, as determined by the San Diego Housing Commission. The in-lieu fee requirement shall be included as a tentative map condition, where applicable, and collected at the time of issuance of building permits; or
- d. Developers of projects within Subarea V of ten or fewer units seeking to fulfill the requirement on-site, may do so through the provision of companion unit(s).

B. MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)/OPEN SPACE

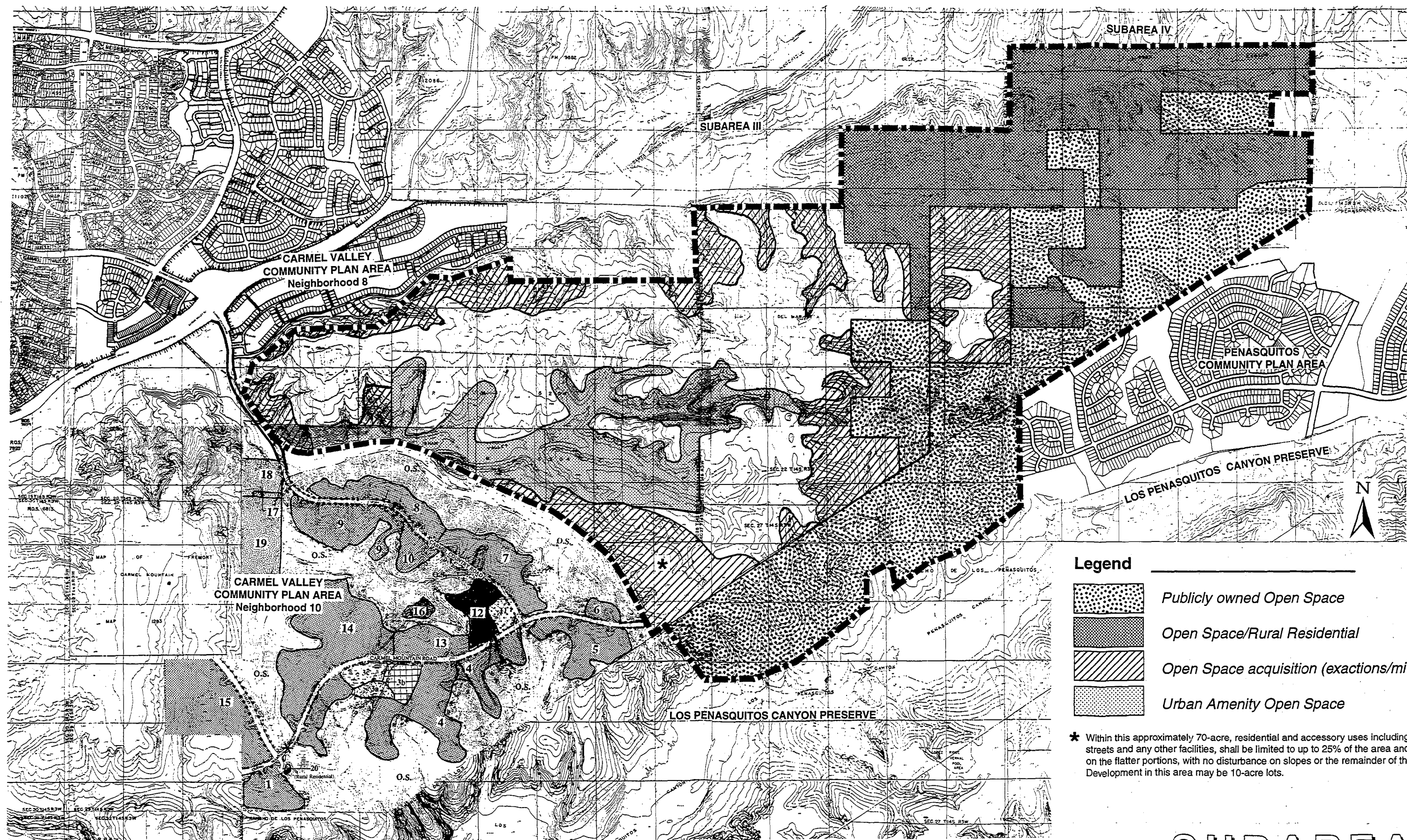
The *Progress Guide and General Plan*, Guidelines for Future Development, recommends the categorization and designation of environmentally sensitive lands in the Future Urbanizing Area. In response to this, the Environmental Tier mapping effort was initiated for the North City Future Urbanizing Area. This involved gathering data on numerous environmental and land use factors, transferring the data onto maps, and entering the data into a computerized Geographic Information System. A rating was assigned to each category of data and multiple overlays of assorted data led to analysis of environmental factors. Although it was not accomplished at a detailed scale, the analysis of these overlays led to the adoption of the Environmental Tier, as the Open Space Element for the *Framework Plan*. The Environmental Tier, as designated by the *Framework Plan*,

identified lands containing significant sensitive resources, including biologically and culturally sensitive areas, floodplains, unique landscape features, and significant topography; and identified corridors for wildlife movement, as well as other open space connections to link major parks, reserves, and significant resource areas.

The *Framework Plan* recommends that the Environmental Tier be protected through purchase, conveyance to a public agency or non-profit land trust, or via other restrictions that limit development and use.

Since the adoption of the *Framework Plan* in 1992, the City has developed draft Multiple Species Conservation Program (MSCP) Preserve maps. The MSCP study area addresses habitat needs for multiple species and includes the proposed preservation of natural communities for an 885-square-mile area in the jurisdictions of 11 cities and a sizeable portion of the unincorporated County of San Diego.

The MSCP is being proposed for federal and state approval as a comprehensive habitat conservation planning program. It includes a "hard line" preserve, in which the boundaries have been specifically determined. The MSCP is considered an urban preserve which is constrained by existing or approved development, and is comprised of linkages connecting several large areas of habitat. Implementation of the MSCP would maintain biodiversity throughout the San Diego area, minimize or avoid species extinction, and create a new, streamlined process for the issuance of federal and state permits. It would also mitigate impacts to



Legend

- Publicly owned Open Space
- Open Space/Rural Residential
- Open Space acquisition (exactions/mitigations)
- Urban Amenity Open Space

* Within this approximately 70-acre, residential and accessory uses including public streets and any other facilities, shall be limited to up to 25% of the area and clustered on the flatter portions, with no disturbance on slopes or the remainder of the lots. Development in this area may be 10-acre lots.

plants, wildlife and habitats associated with public and private land development and construction projects.

Subarea V is included in the Northern Area of the City's proposed MSCP Subarea Preserve Plan. It is part of the Los Peñasquitos Lagoon/Canyon/Del Mar Mesa core area. This core resource area encompasses one of the few intact natural open space areas in coastal San Diego County that is still linked to larger expanses of habitat to the east, hence, its tremendous significance. Subarea V contains core habitat area on the Del Mar Mesa north of the Los Peñasquitos Canyon Preserve in addition to linkages containing disturbed lands and habitat leading toward Carmel Valley and Carmel Creek.

The Del Mar Mesa Specific Plan is consistent with the draft MSCP Plan by recognizing proposed preserve boundaries (see Figure 7). The Subarea V open space system is shown on Figure 6, and Exhibit A, adopted concurrent to the specific plan.

1. Publicly Owned Open Space

A total of approximately 551 acres are owned by the City, County or Caltrans within Subarea V. This property is designated as Resource Based Open Space in the Del Mar Mesa Specific Plan.

The majority of this land is comprised of several large contiguous parcels which form the entire southeastern border of the subarea. Because this area is adjacent to the Los Peñasquitos Canyon preserve, it serves visually and biologically as an extension of this preserve and adds substantially to this regionally significant open space system.

2. Open Space/Rural Residential Area

A total of 358 acres are designated in the easternmost portion of Subarea V as Open Space/Rural Residential (See Figure 6). This area is contiguous to the previously acquired lands, and is proposed for acquisition, thereby further extending the major open space block which encompasses the entire eastern half of the Del Mar Mesa. When all lands are acquired, this area will represent the largest undisturbed native environment in the entire 12,000-acre NCFUA. The parcels mentioned above are specifically proposed for acquisition in the *Framework Plan* and, because of their combined size and undisturbed quality, may be the single most important component within the entire open space system within the NCFUA. More detail regarding the open space acquisition program is contained in the Implementation section of this plan.

TABLE 4: OPEN SPACE SUMMARY

OPEN SPACE AREAS	ACREAGE
Publicly Owned Land	551.4 ac.
Open Space/Rural Residential	388.5 ac.
Open Space Acquisition (Exactions/Mitigations)	330.5 ac.
Urban Amenity Open Space	208.6 ac.
TOTAL	1479.0 ac.

TABLE 5: PUBLICLY OWNED OPEN SPACE SUMMARY

PUBLICLY OWNED OPEN SPACE	ACREAGE		TOTAL
	A-1-10	A-1-1	
Other Jurisdictions			
County of San Diego	29.2 ac.	0 ac.	29.2 ac.
Caltrans	89.4 ac.	0 ac.	89.4 ac.
Subtotal	118.6 ac.	0 ac.	118.6 ac.
City of San Diego			
Acquired for Mitigation	311.3 ac.	0 ac.	311.3 ac.
Acquired with open space bonds	101.6 ac.	20 ac.	121.5 ac.
Subtotal	412.9 ac.	20 ac.	432.8 ac.
TOTAL	531.5 ac.	20 ac.	551.4 ac.

3. Open Space Acquisition Area - Exactions/Mitigations

As shown on Figure 6, there are some open space areas mainly on the western half of the Del Mar Mesa designated for proposed acquisition through the subdivision process. These areas are located on parcels that also have areas designated for development. It is intended that this open space be acquired, or set aside by dedication or easement, with approval of a tentative map for the property subject to the Supplemental Regulations for Resource Management in the specific plan.

4. Urban Amenity Open Space Areas

The designated Urban Amenity Open Space area through the Bougainvillea property and the Shaw property east of Shaw Valley provides a secondary, alternative east-west linkage intended for small wildlife and birds, as well as providing visual relief from adjacent development. A golf course, other recreational and visitor serving amenities, a pond, and remaining and restored native vegetation areas proposed on the Bougainvillea ownership are expected to provide for limited wildlife movement and some habitat for species.

Pedestrian paths may be located in the Urban Amenity Open Space on the Shaw property which extends across Carmel Mountain Road to the preserve on the eastern side. Such paths could serve to introduce and educate people to and about the significant native plant and animal species in the area.

5. MSCP Preserve Boundary and Criteria for Adjustment

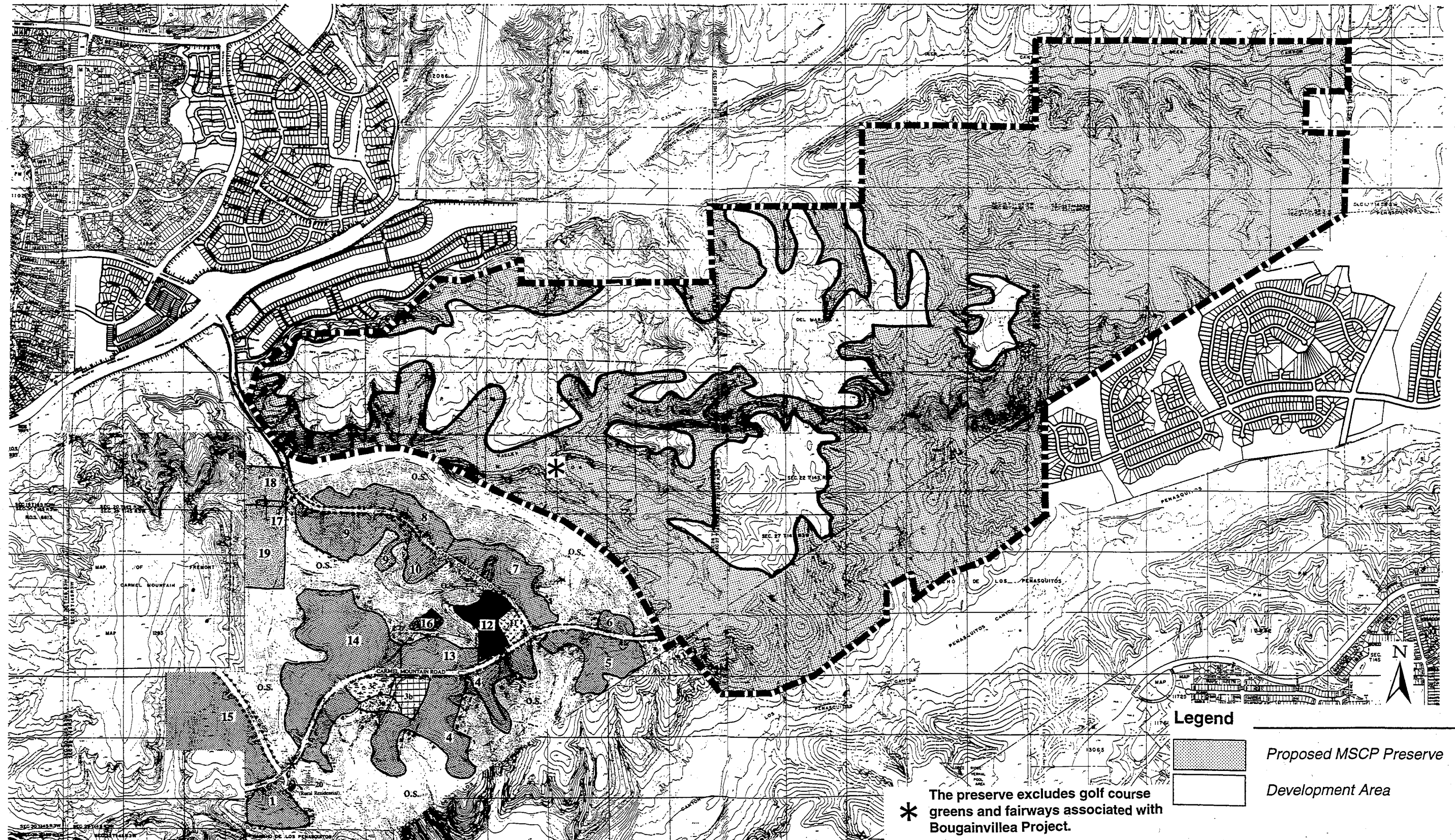
For more specific definition of the Subarea V open space boundary and proposed MSCP Preserve boundary, refer to the 400-scale map adopted as Exhibit A. It is anticipated that federal and state authorities will authorize the City to make minor adjustments to the proposed MSCP Preserve Boundary with subsequent tentative map approvals or other discretionary permit approvals without the need to amend the Del Mar Mesa Specific Plan. The criteria for making these adjustments is proposed to be based on whether the resulting change maintains a preserve area that is equivalent in biological value to the original configuration or is of higher biological value.

The comparison of the biological value of existing versus proposed amendments to the preserve may be analyzed by any of the following factors:

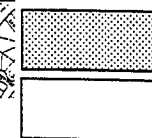
- a. The population size of sensitive species contained in the preserve area;
- b. The function of the preserve area as a wildlife corridor or connection between preserve areas;
- c. The configuration of the preserve that results in the best defensible space or greater viability of species;

Proposed MSCP Preserve Boundaries

7
figure



Legend



Proposed MSCP Preserve

Development Area

* The preserve excludes golf course greens and fairways associated with Bougainvillea Project.

SUBAREA V
DEL MAR MESA

- d. Topography, amount of ecotone, or other conditions that promote preservation of a greater diversity of species; and/or
- e. Increased preservation of a particular target species or habitat type of concern.

6. Guidelines for Development Areas in and Adjacent to the Preserve

The following are specific guidelines for development within Subarea V.

- a. The preserve excludes golf course greens and fairways, although these areas may provide for some wildlife movement. The precise layout and configuration of the Bougainvillea golf course greens and fairways shall be established when the proposed project is approved by the City of San Diego. Minor adjustments to the preserve in this location, which result in an equivalent or higher biological value, may be accommodated without an amendment of the Del Mar Mesa Specific Plan.
- b. Within the approximately 70-acre area located within the southwest portion of the Shaw property, residential and accessory uses, including public streets and any other facilities, shall be limited to up to 25 percent of the area and clustered on the flatter portions, with no disturbance on slopes or the remainder of the lots. Development in this area may be 10-acre lots.
- c. For the Shaw Texas property (Area No. 61 on Figure 29) and Areas 70, 59 and 44 abutting the MSCP Preserve to the east, and extending to the border of the A-1-1 zoned areas to the north, all brush management shall occur within the defined development area for lots contiguous to the MSCP Preserve. This requirement also applies to Area Nos. 9, 32, 23 and 33, abutting the A-1-1 zoned areas to the east and the MSCP Preserve to the north. Deviations from brush management standards shall be considered if they are consistent with the Alternative Compliance provision of the Landscape Technical Manual.
- d. Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the preserve.
- e. Where grading is necessary, daylight grading at the edges of the preserve is preferred. If grading is proposed adjacent to the

preserve it, and all fill and cut slopes must occur wholly within the development area except as specified in the Del Mar Mesa Specific Plan. Graded areas adjacent to open space shall be revegetated with native plant species.

- f. A 6-8 foot diameter culvert to facilitate wildlife movement shall be provided where Carmel Mountain Road crosses the Urban Amenity Open Space on the Shaw Texas property (Area No. 61 on Figure 29). This culvert is a Development Impact Fee funded improvement in the Public Facilities Financing Plan.
- g. The designated Urban Amenity Open Space area through the Bougainvillea property provides an alternative east-west corridor for wildlife movement. If fencing is proposed within the proposed golf course on the Bougainvillea property, it should not inhibit wildlife movement through this area. In areas where fencing is appropriate, split-rail type not to exceed four feet in height is recommended.

7. Guidelines for Resource Based Open Space Areas and Adjacent Areas

The City of San Diego MSCP Subarea Preserve Plan will, if adopted, apply to the Resource Based Open Space areas within Subarea V which are included in the proposed MSCP Preserve (see Figure 7). This document should be used in evaluating appropriate uses and development in these areas.

a. Compatible Land Uses

The following land uses are considered conditionally compatible with the biological objectives of the MSCP and thus will be allowed within the City's preserve/Resource Based Open Space areas:

- Passive recreation
- Utility lines and roads in compliance with the MSCP Subarea Preserve Plan
- Limited water facilities
- Limited low density residential uses

Development on private property designated Open Space/Rural Residential shall not exceed 25 percent of the parcel consistent with the Supplemental Regulations for Resource Management contained in the specific plan.

Development within these areas that is consistent with the existing zoning, such as single family residences on lots zoned A-1-10, is consistent with the Del Mar Mesa Specific Plan. Expansion of existing uses would need to be in compliance with the Del Mar Mesa Specific Plan and should provide measures to minimize impacts on the preserve including lighting, noise, or uncontrolled access.

b. Roads and Utilities

- All proposed utility lines (e.g. sewer, water, etc.) should be designed to avoid or minimize intrusion into the preserve system. These facilities should be routed through developed or developing areas rather than the preserve, where possible. If no other routing is feasible, then the lines should follow previously existing roads, easements, rights-of-way, and disturbed areas, minimizing habitat fragmentation.
- All new development for utilities and facilities within or crossing preserve areas shall be planned, designed, located and constructed to minimize environmental impacts. All such activities must avoid disturbing the habitat of MSCP covered species, and wetlands. If avoidance is infeasible, mitigation will be required.
- Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable. All such activities must occur on existing agricultural lands or in other disturbed areas rather than in habitat. If temporary habitat disturbance is unavoidable, then restoration of, and/or mitigation for, the disturbed area after project completion will be required.
- Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage. Environmental documents and Mitigation Monitoring and Reporting Programs pertaining to such development must clearly specify how this will be achieved, and construction plans must contain all the pertinent information and be readily available to crews in the field. Training of construction crews and field workers must be conducted to ensure that all conditions are met. A responsible party must be specified.

- Roads in the preserve will be limited to those identified in the Del Mar Mesa Specific Plan, roads necessary for maintenance and emergency access and local streets needed to access isolated development areas.

- Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the preserve is not feasible, then the road must be designed to cross the shortest length possible of the preserve in order to minimize impacts and fragmentation of sensitive species and habitat. If roads cross the preserve, they should provide for fully-functional wildlife movement capability. Bridges are the preferred method of providing for movement, although culverts in selected locations may be acceptable. Fencing, grading and plant cover should be provided where needed to protect and shield animals, and guide them away from roads to appropriate crossings.

- Where possible, roads within the preserve should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible.

c. Fencing and Lighting

- Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and in areas adjacent to land uses incompatible with the preserve. For example, chain link or cattle wire may be used to direct wildlife to appropriate corridor crossings, and natural rock/barrier or split-rail fencing to direct public access to appropriate locations and away from sensitive species or habitats (e.g. vernal pools).

- Lighting shall be designed to avoid intrusion into the preserve and to reduce negative effects on wildlife. Lighting in areas of wildlife crossings should be of low-sodium or similar lighting. Lighting of all developed areas adjacent to the preserve should be directed away from the preserve. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the preserve and sensitive species from night lighting.

C. COMMUNITY FACILITIES

1. Schools

With regard to elementary schools, the western portion of Subarea V is within the Del Mar Union Elementary School District (DMUSD) and the eastern portion of the subarea is within the Poway Unified School District (PUSD) (see Figure 8). Junior and Senior High School education is provided by the San Dieguito Union High School District (SDUHSD). Since this plan anticipates little or no residential development in the eastern portion of the subarea, most students will attend schools provided by the Del Mar and San Dieguito school districts.

Based on a projected build-out of 685 single-family dwelling units, Subarea V is expected to generate approximately 320 elementary school students, 77 junior high school students, and 152 high school students.

TABLE 6: PROJECTED STUDENT GENERATION

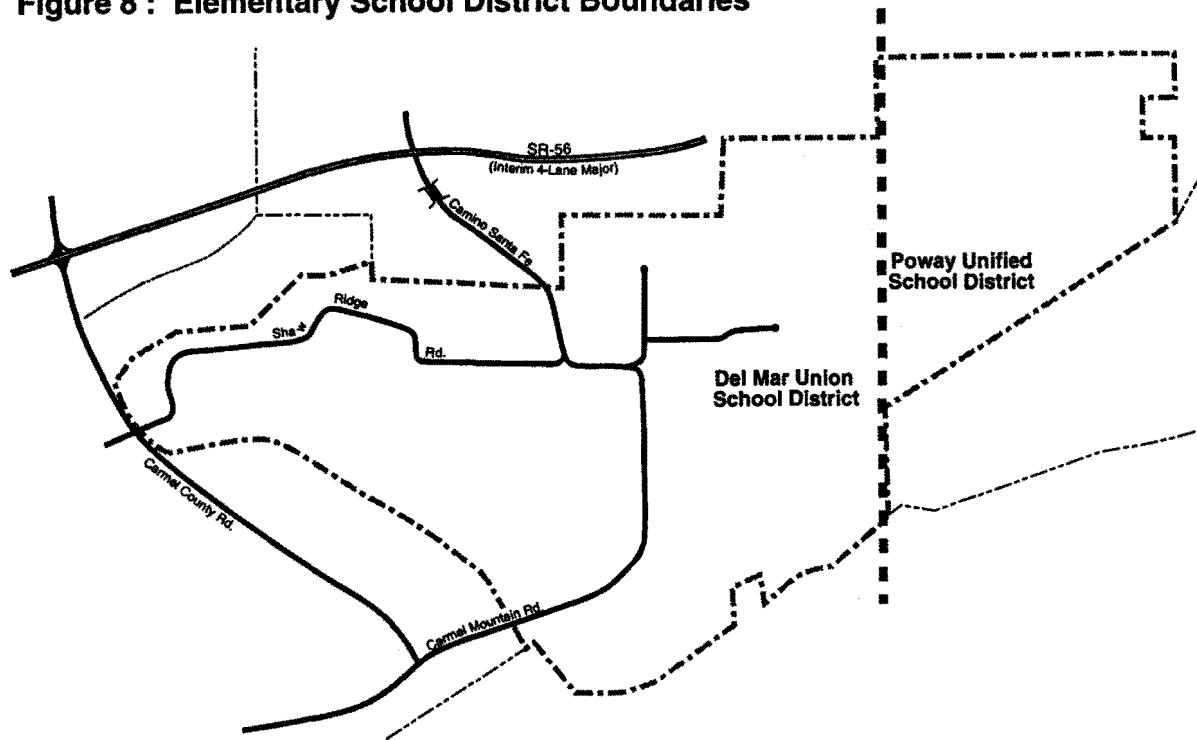
District	Elementary	Junior High	High School
Del Mar Union ¹	312	-	-
Poway Unified ²	8	4	6
San Dieguito Union ³	-	73	146

1. Based on an elementary student generation rate of 0.471 students per dwelling unit.
2. Based on elementary, junior and senior high school student generation rates of 0.34, 0.18 and 0.26 students per dwelling unit respectively.
3. Based on junior and senior high school student generation rates of 0.11 and 0.22 students per dwelling unit respectively.

a. Elementary Schools

In accordance with Del Mar Union School District standards, residential development within the Del Mar Mesa area will result in the need for a new elementary school when 300 students are projected to be unhoused in the succeeding school year. As projected development in the Del Mar Mesa area is anticipated to generate over 300

Figure 8 : Elementary School District Boundaries



elementary students within the service area of the DMUSD, an elementary school site is designated on Figure 5. This site falls within areas 44 and 59 on Figure 29. Ownership area number 70 is identified as an alternative location for a joint school/park site.

Until sufficient students have been generated from this and adjacent areas, and sufficient mitigation payments, special taxes, or other funds are collected to fund the property acquisition and development, the identified school/park site property shall retain development rights consistent with similarly zoned parcels in the Del Mar Mesa Specific Plan, or 1 dwelling unit per 2.5 gross acres, except in cases where the density is further defined in the specific plan. If, prior to acquisition by the DMUSD and/or City of San Diego, the property owner makes application for a subdivision of land or other discretionary action, the City and the DMUSD shall have the opportunity to negotiate purchase of the identified property. If the DMUSD and/or City of San Diego is unsuccessful in securing the school/park site, a similar process shall apply to the alternative location.

Developed in conjunction with a neighborhood park, a joint school/park facility will occupy a minimum of thirteen flat net usable acres, with

five acres used exclusively for the school, five acres of joint use playing fields and three acres operated separately by the City. Until sufficient students have been generated from this and adjacent areas, and sufficient mitigation payments, special taxes, or other funds are collected to fund the property acquisition and development, elementary students within the DMUSD service area will attend existing schools within DMUSD. The school facilities financing plans include provisions for the funding of temporary facilities to accommodate additional students prior to the construction of new permanent facilities.

The threshold for construction of a new elementary school within the Poway Unified School District is not met by anticipated development in the Del Mar Mesa area. Elementary students residing within the PUSD service area will attend Deer Canyon Elementary School in Rancho Peñasquitos.

Elementary school financing is addressed in Section VI.G. of this specific plan

b. Junior and Senior High Schools

The thresholds for new junior and senior high schools are not met by anticipated development in Subarea V. However, the cumulative impacts of projected development within the region will necessitate construction of a new junior and/or senior high school at a future date. Until additional facilities are constructed, most students residing in the Del Mar Mesa Specific Plan area will attend Earl Warren Junior High School in Solana Beach and Torrey Pines High School in San Diego. Students residing within the boundaries of the Poway Unified District will attend Mesa Verde Middle School in Subarea IV of the NCFUA and Mount Carmel High School in Rancho Peñasquitos.

Junior and senior high school financing is addressed in Section IV.G. of this specific plan.

2. Parks

The projected population of Subarea V will not, according to General Plan standards, require the construction of a complete ten-acre neighborhood park. However, the population will generate demand for recreational facilities. Therefore, a site of sufficient size to accommodate a joint facility combining a neighborhood park and an elementary school site has been identified. The facility will occupy a total of thirteen acres, with five acres used exclusively for the school, five acres of playing fields used

jointly and three acres operated separately by the City. Should the DMUSD determine that an elementary school site within the specific plan area is not feasible, a neighborhood park of at least six acres will be required.

In addition to providing for the neighborhood park, developers within Subarea V will be required to pay an impact fee for partial development of a community park. A community park is planned for Subarea III under a phase shift scenario. If a phase shift is not approved, the funds could be directed to the improvement of a community park in an adjacent community.

3. Library

The projected population of Subarea V is not sufficient to require a new library. A library would be required for development of the Future Urbanizing Area, to be located in Subarea III, assuming a phase shift is approved. Until that time, residents of Subarea V would likely use the Carmel Valley branch library in Neighborhood 9. Developers of Subarea V will be required to pay an impact fee for their fair share of construction of a branch library in the FUA.

4. Police

Police protection will be provided by the Northern Division of the San Diego Police Department. The nearest station is located in University City and a new station is planned in Carmel Valley. There is also a storefront site reserved at Black Mountain Ranch should it become needed at a future time. Under a phase shift scenario, a storefront would also likely be required in Subarea III.

5. Fire

Fire protection will be provided by the San Diego Fire Department. The nearest fire stations are in Mira Mesa and Carmel Valley Neighborhood 7. Construction of two fire stations would be required for development of the Future Urbanizing Area under a phase shift scenario. Developers of Subarea V will be required to pay an impact fee to partially fund construction of these fire stations. Until the new stations are built, Subarea V will be serviced by existing fire stations. In addition, all new development will be reviewed by the Fire Department for fire safety standards, as the subarea will contain flammable vegetation posing a moderate to high fire risk to future residents.

6. Solid Waste

Solid waste that would be generated by residents of Subarea V will be directed to the City's existing sanitary landfills. The City is currently examining alternative landfill sites to expand capacity.

7. Power

Power lines and service will be provided by San Diego Gas and Electric (SDG&E). Major power lines will run underground along Carmel Mountain Road.

8. Water

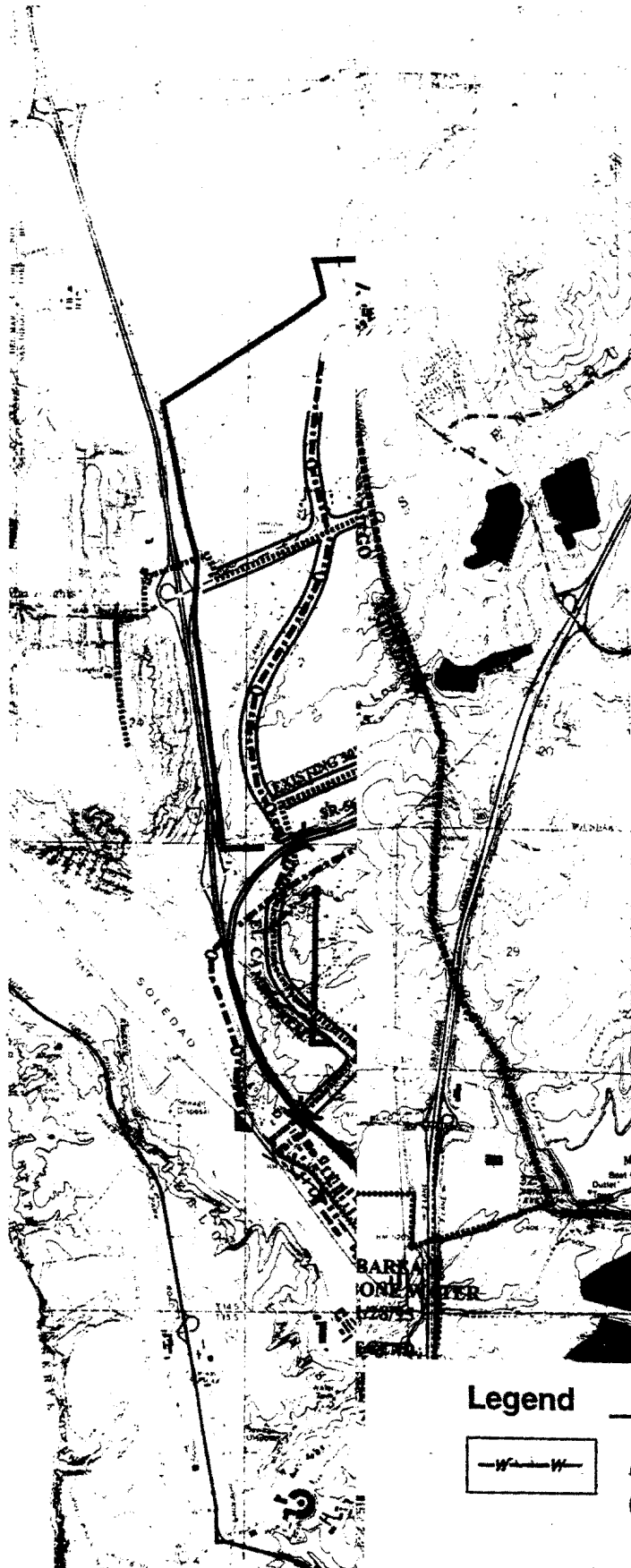
Water service within Subarea V will be provided by the City of San Diego Water Utilities Department. Currently, existing water facilities in the area have no capacity to serve any new development. Existing water transmission facilities in the vicinity of Subarea V include the Del Mar Heights Pipeline to the north, the Rancho Bernardo Pipeline to the east, and the Green Valley Pipeline to the west (see Figure 9). The only new transmission facility proposed at this time is the Carmel Mountain Road Pipeline. It will traverse Subarea V in Carmel Mountain Road and appropriate easements.

An analysis is underway (per the approved scope of work for the North City 610/712 Water Study) which will identify needed water transmission and storage facilities to provide adequate capacity to undeveloped portions of Carmel Valley, Sorrento Hills and the entire FUA.

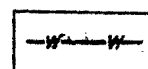
Prior to the issuance of final maps, the 610/712 study must be completed and all applicable water facilities constructed. In addition to that study, future applicants for tentative maps will be required to provide a water study showing the proposed water distribution system for Subarea V prior to the issuance of a final map. The applicant may negotiate a water reimbursement agreement with the City to recover the cost of the study, above his/her pro rata share. The proposed water system shall be designed and constructed to the Water Utilities Department's most current standards.

9. Sewer

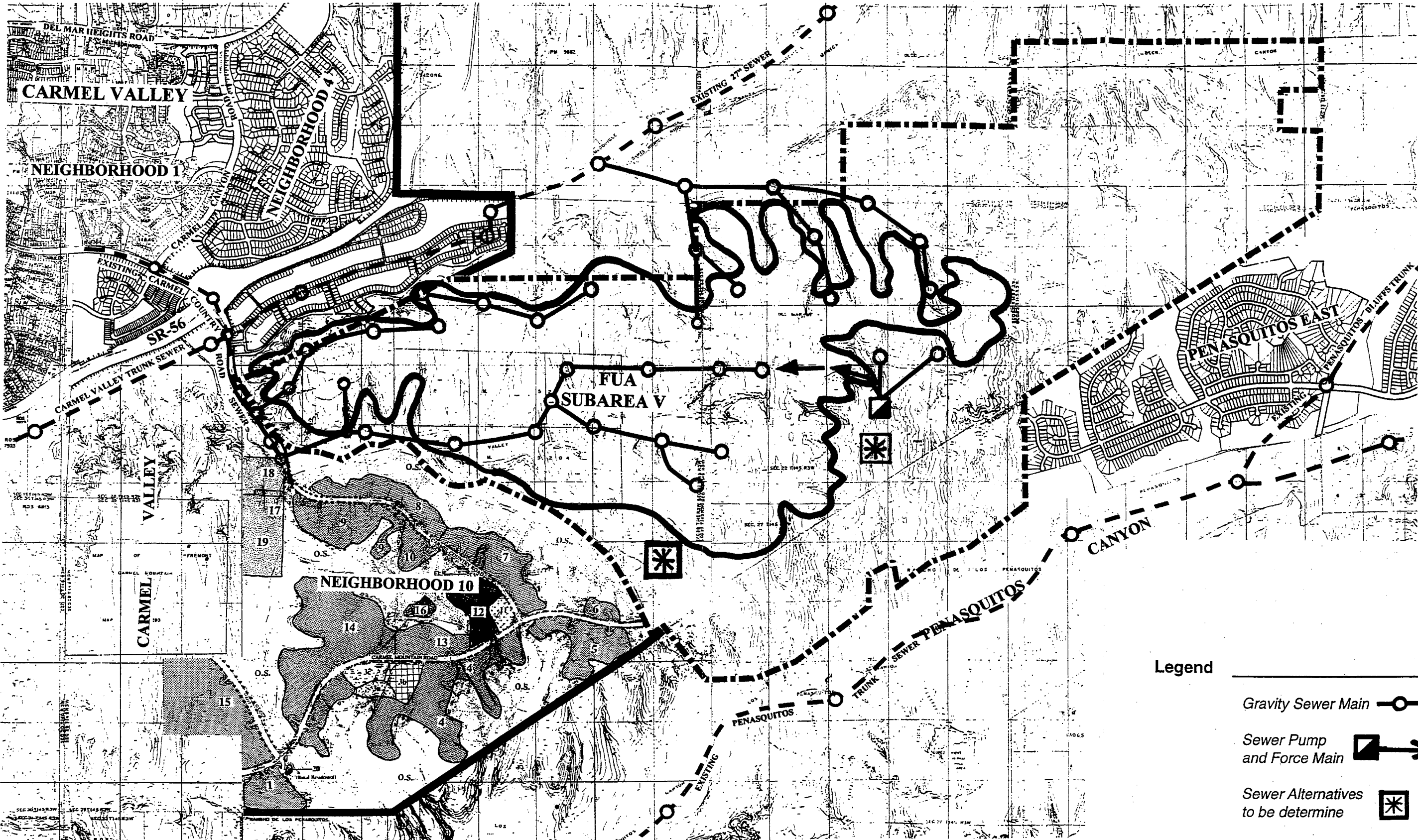
Sewer service will also be provided by the City of San Diego Water Utilities Department. Existing sewer facilities in the vicinity of Subarea V include the Carmel Valley Trunk Sewer to the north and the



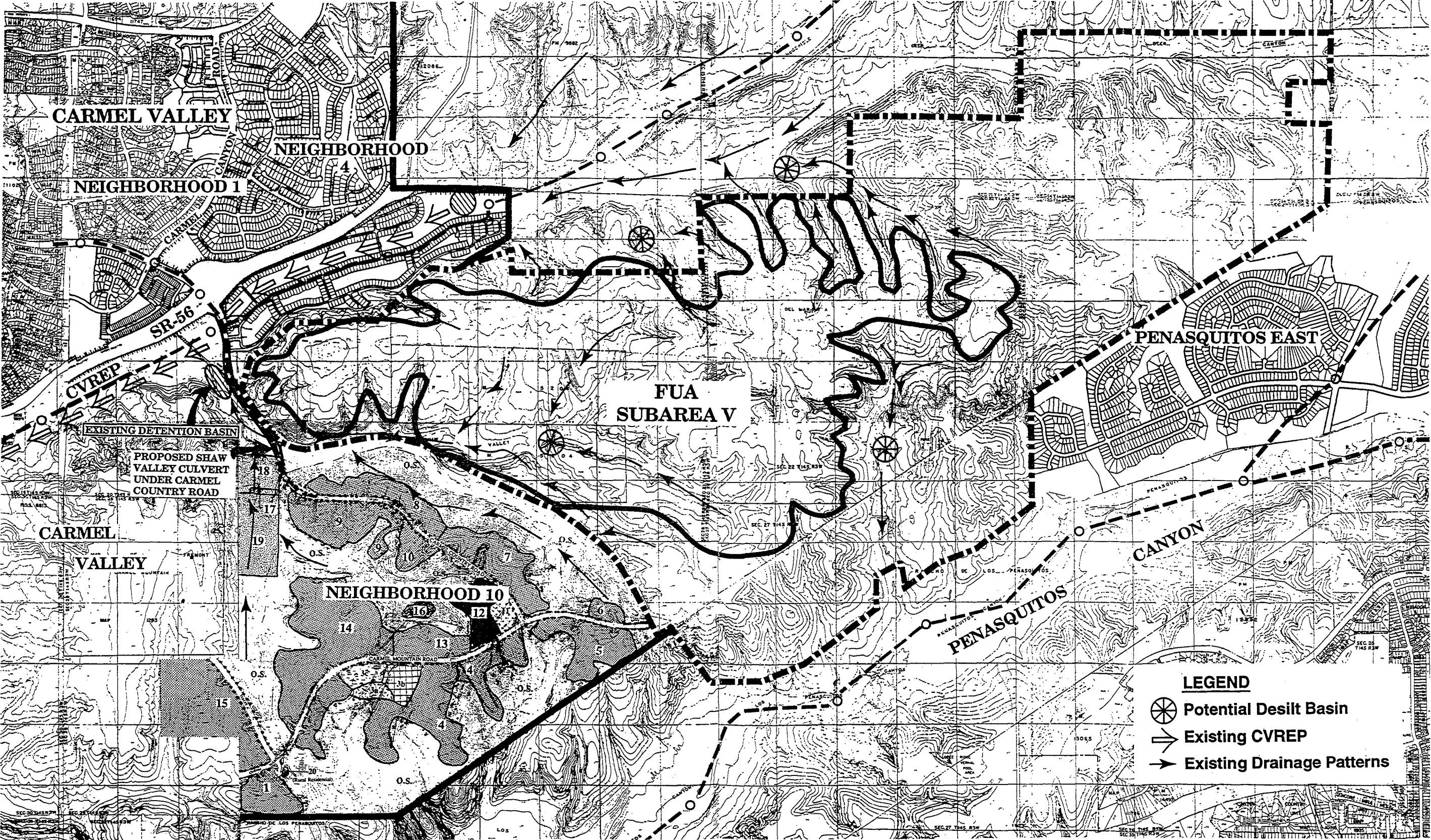
Legend



*Proposed Water
(size to be determine)*



- Legend
- Gravity Sewer Main —○—○—
 - Sewer Pump and Force Main —▶
 - Sewer Alternatives to be determine *



Peñasquitos Trunk Sewer to the south (see Figure 10). All flows generated from Subarea V will flow into one of these trunk sewers which flows into the Metropolitan Sewerage System.

Currently, the Peñasquitos Trunk Sewer is approaching its ultimate capacity. There are plans to alleviate the capacity problem by building the Peñasquitos Trunk Sewer Relief. The sewer relief is scheduled to be constructed by 1998.

Prior to any development within Subarea V, future applicants for tentative maps will be required to provide a sewer study showing the proposed sewer system for Subarea V prior to issuance of final maps. The applicant may negotiate a reimbursement agreement with the City to recover the cost of the study, above his/her pro rata share. All public sewer facilities shall be designed and constructed to the Water Utilities Department's most current standards. If proposed facilities do not meet the required standards, then such facilities shall be private. The cost of operating and maintaining nonregional public sewer pump stations will be borne by the appropriate homeowners' association or other private entity. All septic systems must be approved and permitted by the San Diego Department of Health Services.

10. Drainage

Existing drainage facilities adjacent to the Specific Plan area consist of the Carmel Valley Restoration and Enhancement Plan (CVREP) within the SR-56 corridor. These include a detention basin at the east end of Palacio Del Mar and a detention basin on the west side of Carmel Country Road at the Shaw Valley junction. The major drainage courses for the Specific Plan area are divided into three categories: first, is the area north of Shaw Ridge Road which drains down the canyon into the existing Carmel Valley and Deer Canyons; second, is a smaller drainage in the southeast corner of the specific plan area which drains to Peñasquitos Canyon south of Subarea V; and lastly, is the drainage characterized by those properties which drain to the west within the Shaw Valley.

The backbone drainage system for Subarea V will consist largely of overland flows in the existing natural drainage courses (see Figure 11). This is due to the very low density rural and estate lot character of the subdivision proposed within Subarea V. It is anticipated that subdivisions would be designed with no net diversion of drainage from one of the major basins to another. In addition, there would be potential internal lakes and water features within the Bougainvillea golf course which would

additionally function as detention basins, desilting basins and water quality basins.

Portions of the project fall within the Coastal Commission jurisdiction boundaries, and as such, proposed drainage solutions would need to meet the criteria identified by the Coastal Commission to prevent siltation and increased run-off from impacting the Peñasquitos Lagoon.

In compliance with the Clean Water Act, "best management practices" may be required to control pollutants and sediment from entering storm water run-off for the specific plan area. This includes source control BMP's that require landscaping of all manufactured slopes and street right-of-way to prevent erosion and by incorporation of a grading/drainage concept which directs water away from easily erodible areas and into a drainage system designed to safely handle the storm water run-off. Additionally, desilting/water quality basins will be provided at strategic locations within the specific plan area as shown on Figure 11.

Other applicable BMP's which may be implemented on a City-wide basis in conjunction with the City's Municipal National Pollutant Discharge Elimination System permit and State Regional Water Quality Control Board shall be incorporated into the tentative maps and final plans. The Development Services Department shall verify that the mitigation measures regarding storm water and drainage management and mitigation of urban run-off flows are conditions for the approval of all subsequent tentative maps within the Del Mar Mesa Specific Plan area.

Prior to, or concurrent with recordation of the first final subdivision map within Subarea V, a Master Drainage Plan shall be prepared and adopted. This plan shall address sizing and siting of facilities required to mitigate potential impacts to downstream facilities from increases in run-off and erosion, as a result of this specific plan. This Master Drainage Plan shall be comprehensive, covering the entire Subarea V to the satisfaction of the City Engineer, and shall meet the special requirements for coastal zone conformance.

D. CIRCULATION

1. Introduction

This element addresses the circulation system in Subarea V. It assumes for the Del Mar Mesa Specific Plan area 688 dwelling units, a 300-room resort hotel, and a golf course. The recommendations in this Circulation Element are drawn from the Subarea V Transportation Study, performed by the City of San Diego Transportation Planning Section in November of 1995 and updated in March 1996.

The major issues related to the street system are proposed improvements to Shaw Ridge Road and whether the Camino Santa Fe connection from SR-56 to Carmel Mountain Road should be constructed. Other subjects addressed in the Circulation Element are internal streets, driveways, public access, equestrian trails, hiking and pedestrian trails, bicycle circulation, public transit, park & ride, parking, street lights, and off-road vehicles. The phasing of the recommended transportation improvements is also included in the Implementation Element of the Del Mar Mesa Specific Plan.

2. Guiding Principles

The general guiding principles are those of the North City Future Urbanizing Area *Framework Plan*. Specific guiding principles are:

- A vehicular and non-vehicular circulation system that meets the needs of subarea residents and visitors at an acceptable level of service.
- An efficient and environmentally sensitive transportation system that maintains the subarea's rural character.
- Hiking and equestrian trails, with access to adjacent trails, that provide walking and horseback riding opportunities to the general public and subarea residents.

3. Implementing Principles

The general implementing principles are those of the *Framework Plan*. Specific implementing principles are:

- Street improvements shall be compatible with the rural character of the subarea. Consideration should be given to minimize impacts to the land form, where safety permits, and as determined by the City Engineer.
- Streets shall be designed with pedestrian and equestrian facilities and with rolled curbs (where appropriate), to maintain the rural character of the subarea.
- Transportation facilities shall be regarded as an integral part of the landscape in which they are located.

4. Existing Conditions

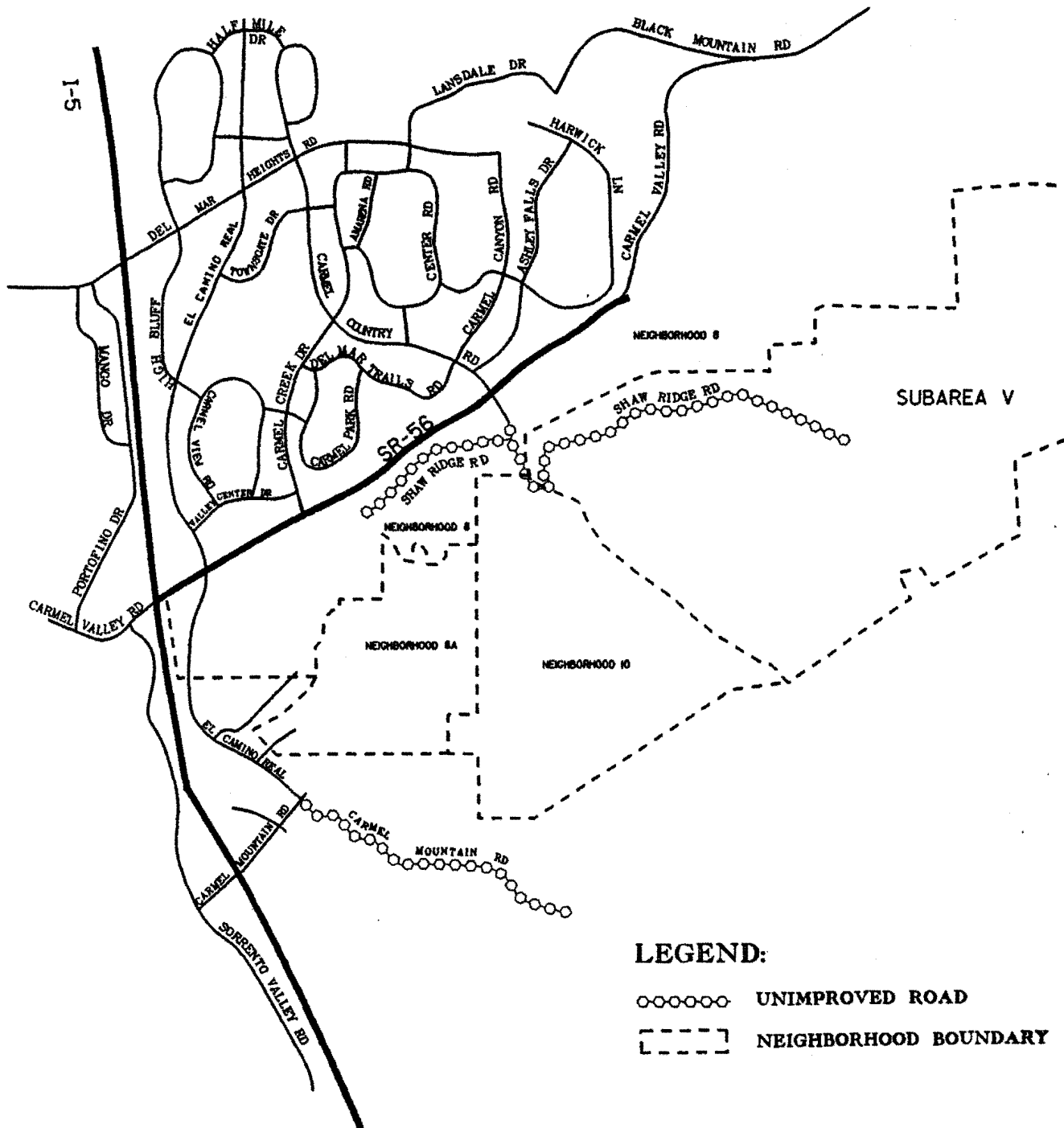
Subarea V is located in North City Future Urbanizing Area, east of Carmel Valley's Neighborhood 10, and south of State Route 56 and Carmel Valley Neighborhood 8. Since Subarea V is not yet developed, the area is without a paved street system. As shown on Figure 12, currently the only roadway that provides access to the existing residences is Shaw Ridge Road, which is an unpaved local road that connects Carmel Country Road to the eastern part of the study area.

Direct freeway access to the subarea is possible via SR-56 ramps at Carmel Country Road. State Route 56 in this area includes a two-mile stretch of a 4-lane freeway from a few hundred feet east of Carmel Country Road to Carmel Valley Road at El Camino Real. Carmel Valley Road has an existing diamond interchange which provides full access to I-5. Currently under construction are two south-facing direct freeway connections that will provide a link between I-5 and SR-56. Construction is scheduled for completion in 1997.

5. Relationships to Other Community Plans

The NCFUA *Framework Plan* provides the major guidelines for development of this and other FUA subareas. Carmel Valley Neighborhood 8 is located on the north side, and Neighborhood 10 is located on the west side of Subarea V. Neighborhood 8A is located west of Neighborhood 10.

The planned street system for neighborhoods 8A and 10 directly impacts Subarea V, as these neighborhoods and Subarea V would utilize Carmel Country Road for freeway access. The developments on the western side of Subarea V will access the freeway system from Carmel Country Road,



LEGEND:

- ○ ○ ○ ○ UNIMPROVED ROAD
 [- - -] NEIGHBORHOOD BOUNDARY

which is located in Neighborhood 10. Construction of this road is included in the Neighborhoods 8A and 10 Combined Transportation Phasing Plan. Therefore, the first phase of Subarea V developments are closely related to developments of this transportation improvement in Neighborhood 10.

6. Traffic Generation

As shown on Table 7, The Transportation Study for Subarea V assumed a total of 688 residential dwelling units (DUs), a 300-room resort hotel, and a golf course, that are expected to generate 9,880 daily trips. The Bougainvillea project includes the resort hotel, a golf course, and approximately 140 of the 688 dwelling units. The Transportation Study also assumed two public projects: a 9-acre neighborhood park that generates 450 daily trips and a 4-acre school that generates 240 daily trips for a grand total of 10,570 daily trips. Since the publication of the Subarea V Transportation Study, the number of dwelling units and distribution of park vs. school acreage have been revised slightly. This does not affect the recommendations presented below or the Transportation Phasing Plan presented in the Implementation Element of the specific plan.

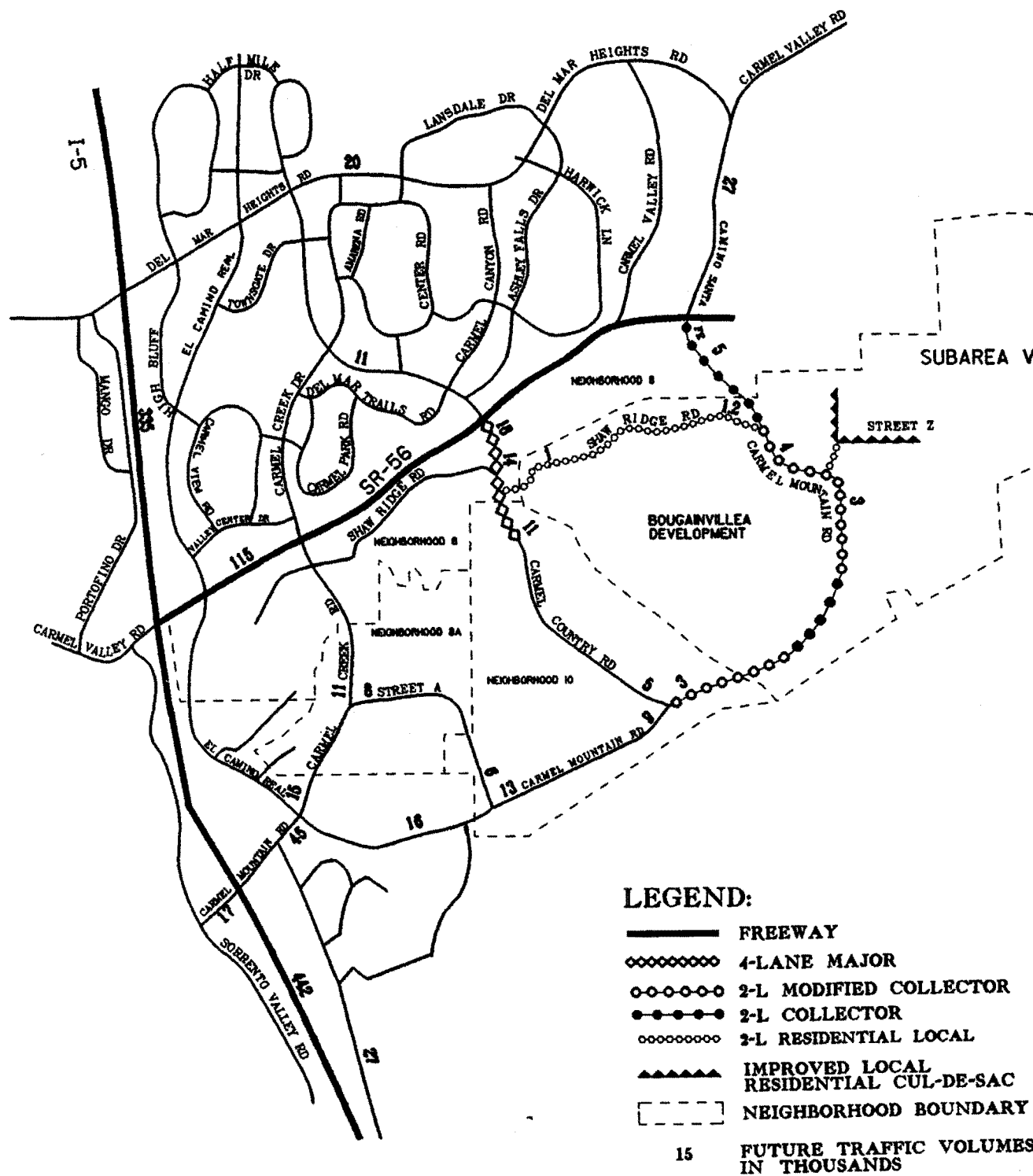
The phasing of transportation improvements assumes the proposed network (Alternative 3) that includes the Camino Santa Fe connection with the western alignment, and Shaw Ridge Road as a 2-Lane Residential Local street.

TABLE 7: LAND USE ASSUMPTIONS AND TRIP GENERATION

LAND USE ASSUMPTIONS	DAILY TRIPS
688 Dwelling Units	6,880
300-Room Resort Hotel	2,400
1 Golf Course	600
Neighborhood Park (9 acres)	450
Elementary School (4 acres)	240
TOTAL	10,570

Traffic Forecast and Proposed Street Classifications

13
figure



SUBAREA V
DELMAR MESA

The transportation network assumes Shaw Ridge Road as a 2-Lane Residential Local street; a Camino Santa Fe connection, between SR-56 and Carmel Mountain Road constructed as a 2-Lane Collector street; and a 4-Lane Major road (as an interim improvement prior to Caltrans' completion of SR-56), from the existing eastern terminus of SR-56 to Camino Santa Fe. Figure 13 shows the proposed street classifications and future traffic volumes.

7. Proposed Circulation System

With the proposed network, Carmel Mountain Road's traffic, east of Carmel Country Road is projected to be 3,000 daily trips. The projected traffic on Carmel Country Road, north of Carmel Mountain Road, is 5,000 daily trips. The Camino Santa Fe connection is projected to have a future traffic volume of 5,000 daily trips. Based on an ultimate future forecast of 1,200 daily trips, Shaw Ridge Road will be a 2-Lane Residential Local street. It should be noted that if the Camino Santa Fe connection is not constructed, the projected traffic volume on Shaw Ridge Road would be about 7,000 daily trips. This will result in Shaw Ridge Road becoming a defacto Collector street. Therefore, Shaw Ridge Road as a through road would have to be reevaluated if the Camino Santa Fe connection to SR-56 did not occur.

A summary of intersection levels of service and lane configuration for key intersections are shown on Figure 14. As can be seen in this figure, all the ramps would operate at Level of Service "C" and all the signalized intersections would operate at Level of Service "B".

8. Proposed Future Street Classifications

As noted earlier, the proposed street classifications and traffic forecast for Subarea V are shown on Figure 13, and are described below. The general alignments of the proposed street network and classifications are shown on Figure 15.

Camino Santa Fe: 2-Lane Collector street from SR-56 to Carmel Mountain Road.

Shaw Ridge Road: 2-Lane Residential Local street.

Carmel Mountain Road

- Segment 1: 2-Lane Modified Collector (one lane in each direction with a center left-turn lane where needed) from the Del Mar Mesa Specific Plan area boundary to the open space.
- Segment 2: 2-Lane Collector street through the open space.
- Segment 3: 2-Lane Modified Collector street north of the open space to Camino Santa Fe.

Carmel Country Road 4-Lane Major street from SR-56 to south of Neighborhood 10's northern boundary.

a. Shaw Ridge Road - As discussed earlier, to prevent Shaw Ridge Road from becoming a defacto 2-Lane Collector street (i.e., one that is constructed as a 2-Lane Residential Local street, however, due to excessive traffic demand would operate as a 2-Lane Collector street), it is recommended that both the Shaw Ridge Road and the Camino Santa Fe connection be constructed. With the Camino Santa Fe connection constructed, the ultimate future traffic volume on Shaw Ridge Road will be about 1,200 daily trips, which can easily be accommodated by a 2-Lane Residential Local street. Due to the proposed alignment of the Camino Santa Fe connection (Figure 15) the length of Shaw Ridge Road will be approximately 1.7 miles. Construction cost for Shaw Ridge Road is estimated at \$4.2 million, including an 8-foot multi-use trail. Figure 16 shows the cross section for Shaw Ridge Road as a 2-Lane Residential Local street.

b. Camino Santa Fe - Construction of a Camino Santa Fe connection, between SR-56 and Carmel Mountain Road, was examined as part of alternative analysis for the subarea. Figure 17 shows the cross section for Camino Santa Fe as a 2-Lane Collector street.

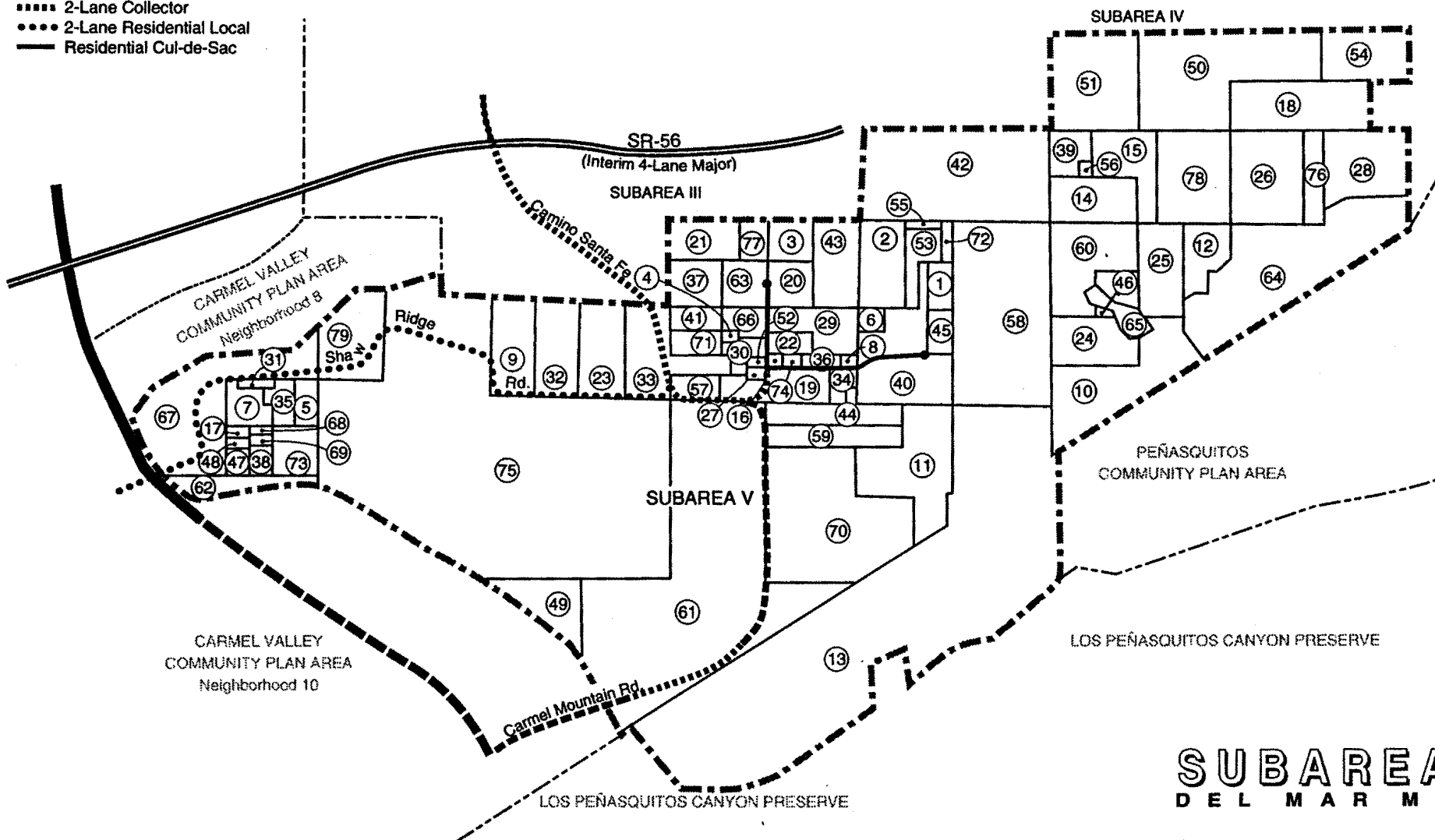
- The western alignment of Camino Santa Fe is the recommended alignment. This alignment is approximately 1,200 feet west of the eastern alignment. It avoids intrusion into the wildlife corridor and allows larger uninterrupted wildlife habitat. This connection allows another access point to Subarea V and therefore reduces the subarea's dependence on transportation improvements in Neighborhoods 8A and 10 which may allow development in Subarea V to proceed earlier. The cost of the Camino Santa Fe connection between SR-56 and Shaw Ridge Road is estimated at \$2.8 million.

- 4-Lane Major
- 4-Lane Modified Collector
- 2-Lane Modified Collector
- 2-Lane Collector
- 2-Lane Residential Local
- Residential Cul-de-Sac

Circulation

15

figure



SUBAREA V
DEL MAR MESA

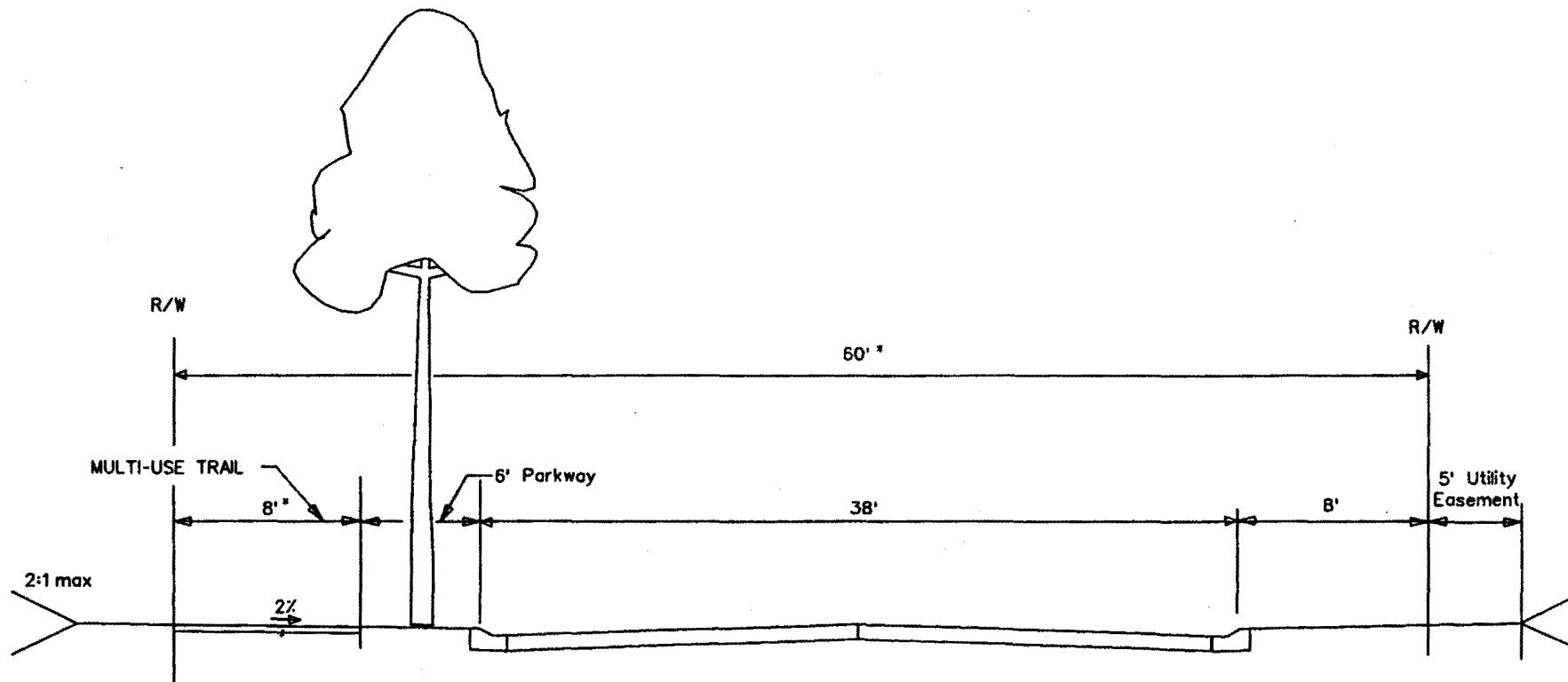
- Additional cost associated with the Camino Santa Fe connection includes the bridge over SR-56, estimated at \$1.5 million (to be paid for by the City as part of the SR-56 arterial road construction between Black Mountain Road and Carmel Country Road), and the associated ramps estimated at \$2.5 million to be paid for by the FUA/Subarea V on a fair share basis.

c. Carmel Mountain Road - As shown on Figure 15, the Carmel Mountain Road alignment would begin at the south end of Carmel Country Road and go through Subarea V. It consists of three segments estimated at a cost of \$5.7 million. All segments will be built with a 6-foot parkway and an 8-foot graded but unpaved multi-use trail on one side of the roadway. Figures 17 and 18 include cross sections for Carmel Mountain Road:

- Segment 1: Will proceed east from the Del Mar Mesa Specific Plan area boundary to the open space. This segment will be a 2-Lane Modified Collector street which has one lane in each direction and a center turn lane (50' curb-to-curb/72' right-of-way), as shown on Figure 18.
- Segment 2: Will proceed north-northeast through a primarily open space designated area. The roadway through this area is recommended to be a 2-Lane Collector street (40' curb-to-curb/62' right-of-way), as shown on Figure 17.
- Segment 3: Will proceed northerly from Segment 2 to the Camino Santa Fe connection. This segment is recommended to be a 2-Lane Modified Collector street (50' curb-to-curb/72' right-of-way) which will include one traffic lane in each direction with a center turn lane as shown on Figure 18.

9. Internal Streets Not Specified

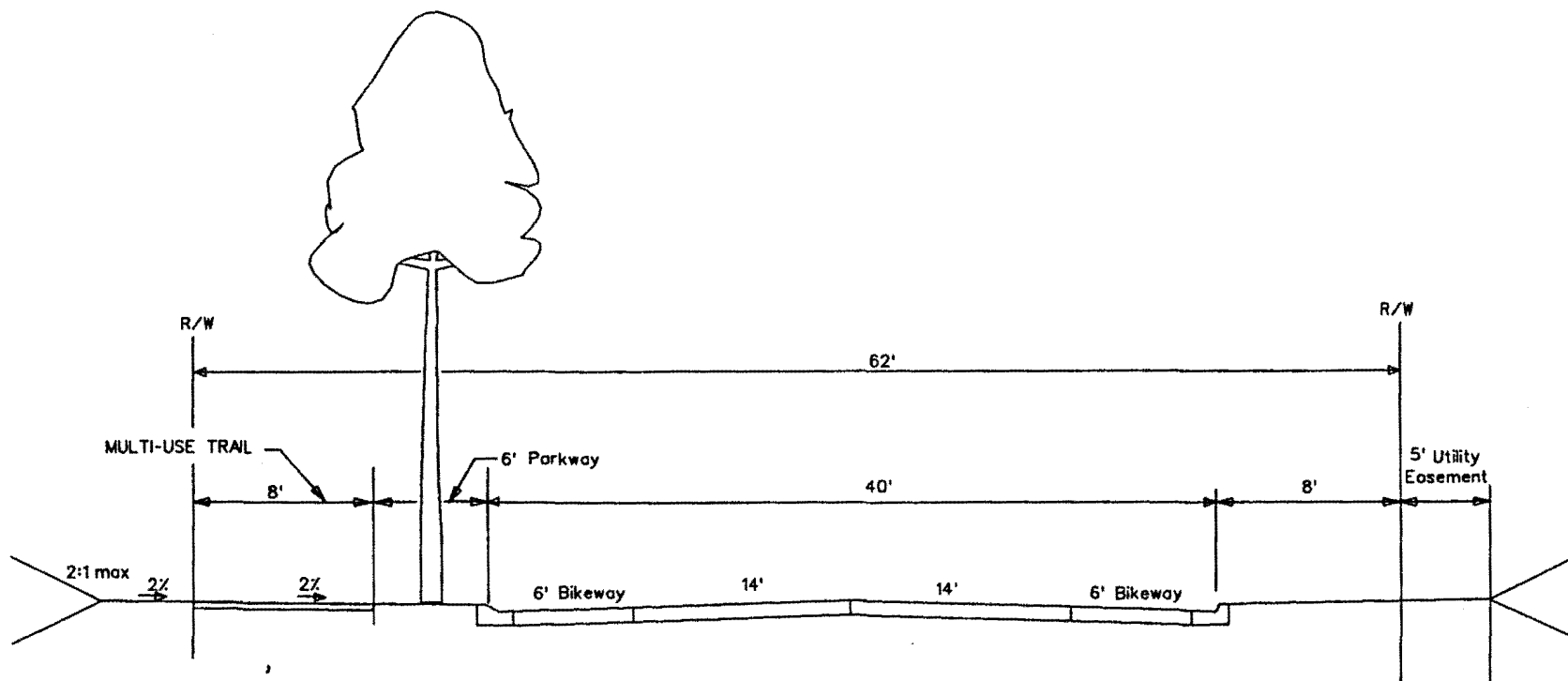
Additional internal circulation streets will be identified by individual developers of specific projects at the time of tentative map submittal and approval. Such internal circulation streets will be subject to the general provisions and guidelines of the Del Mar Mesa Specific Plan Circulation Element, provisions of the City's Street Design Manual, and approval of the City Engineer.



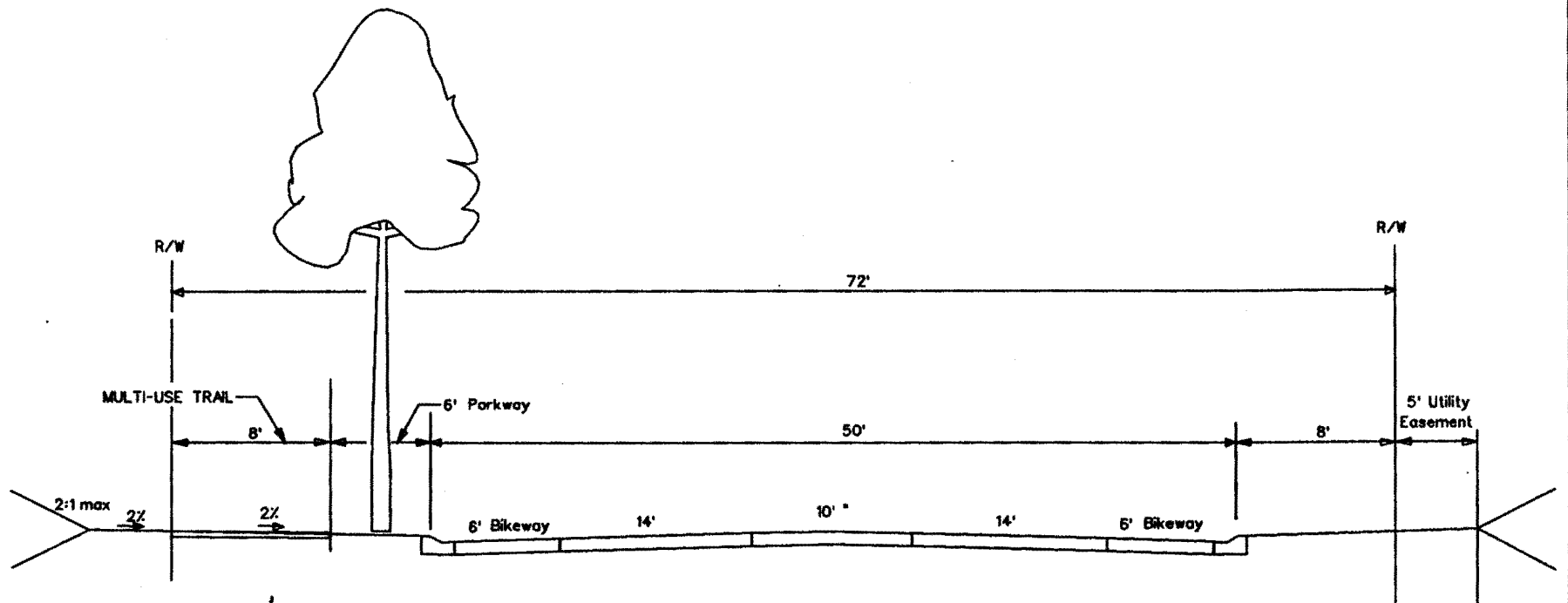
- WHERE MULTI-USE TRAIL AND EQUESTRIAN TRAIL SHARE THE SAME ALIGNMENT, THE JOINT TRAIL WILL BE 10 FEET WIDE WITH 62 FEET OF RIGHT-OF-WAY.

Shaw Ridge Road

SUBAREA V
DEL MAR MESA



(No Fronting Property)
Carmel Mountain Road (In Open Space Area)
and Camino Santa Fe Connection



• LEFT-TURN LANE WHERE NEEDED AT MAJOR DRIVEWAYS AND INTERSECTIONS

(With a Center Left-Turn Lane)
Carmel Mountain Road

10. General Standards

It is anticipated that the roads in Subarea V are to be designed and constructed in such a manner as to preserve the rural nature of the community. To that end, we recommend that the roads not have the typical curb, gutter, and paved sidewalks. Curbs are to be rolled (could be driven on). A combined 8-foot graded but unpaved multi-use sidewalk and equestrian trail is to be provided on one side of the streets. Roadway cross sections are provided earlier in this Circulation Element. Street lights are to be provided per the Del Mar Mesa Specific Plan. Lighting is addressed in the MSCP/Open Space Element and below.

11. Pedestrian Circulation

Multi-use unpaved trails are located adjacent to circulation element roadways to provide walking, bicycling, jogging and riding opportunities (see Figure 19).

12. Equestrian/Hiking Trails

Due to the desire expressed by current Del Mar Mesa residents, a hiking/equestrian trail system is proposed. This system is intended to compliment the roadside multi-use trail system by providing public hiking and riding opportunities away from vehicular traffic (see Figure 19). This system includes a trail on the northwestern edge of the Del Mar Mesa connecting to Carmel Valley Neighborhood 8 and provides a link to existing and planned trails in Carmel Valley Neighborhood 10. In addition, trails are identified through the Lorenz Parcel (Area No. 70 on Figure 19) and farther to the east extending from Street Z, following the existing SDG&E easement, and linking to Peñasquitos Canyon. The far eastern trail is designated for multi-use and will accommodate mountain bikes.

In general, existing equestrian/hiking trails designated for inclusion in the non-vehicular circulation system will be left in their present condition. Limited improvements may be made to address any existing hazards to safe passage. Roadside multi-use trails and new equestrian/hiking trails shall be improved to achieve City trail standards. Where topographic conditions allow, new trails shall be eight feet in width, constructed of decomposed granite to a depth of six inches and should be no steeper than 10 percent grade. Within the MSCP core biological areas and wildlife corridors, trail widths should not exceed four feet in width. The width of the trail shall be 10 feet where the multi-use trail and equestrian/hiking

trail share the same alignment. Clear signage should be provided to direct users to designated trail areas.

With review and approval of subsequent tentative maps within Subarea V, the precise alignment of the hiking/equestrian trails identified in Figure 19 shall be determined, and secured either through dedication or easement as a tentative map condition. Provisions for the maintenance of common trails shall be made either by defining maintenance as a responsibility of the appropriate homeowner's association in the area or through the formation of a Landscape Maintenance District.

As shown on Figure 19, the Del Mar Mesa Specific Plan proposes a trail from the southwestern edge of the Bougainvillea project, extending to the southeast and linking to Peñasquitos Canyon through Shaw Valley. This trail link should be evaluated with subsequent amendments to the Carmel Valley Neighborhood 10 Precise Plan and is conditional on approval by the U.S. Fish and Wildlife Service.

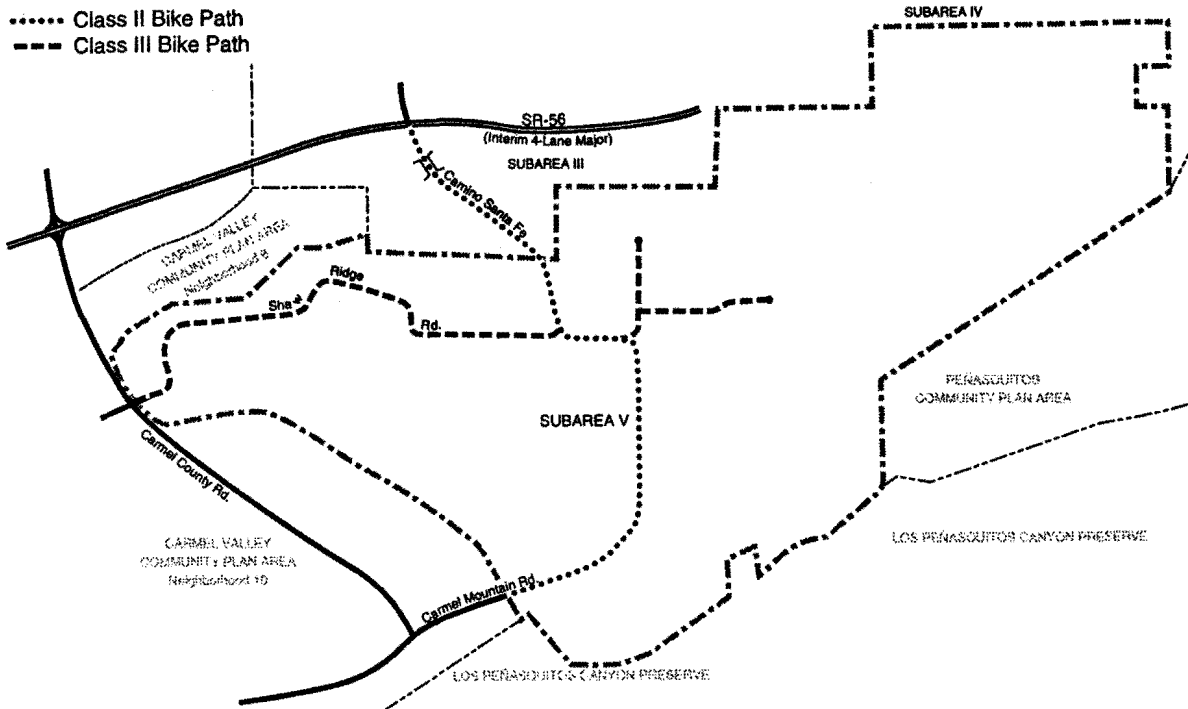
13. Public Transit

The 1994 Regional Transportation Plan (RTP) identifies the SR-56 corridor between I-5 and I-15 as a potential transit corridor. The RTP states that if development through the North City Future Urbanizing Area is "focused on the potential station areas at sufficient intensities, guideway transit would be cost-effective in this corridor." Given funding constraints and the proposed low density development, the Metropolitan Transit Development Board (MTDB) has no current plans to provide transit service in this area. However, the *Framework Plan* for the FUA identifies SR-56 as a "Transit/HOV (high-occupancy vehicle)" emphasis facility with right-of-way reserved for HOV and possible future transit use. Residents of Subarea V could access potential future transit services through Park & Ride lots planned in Carmel Valley and adjoining subareas.

14. Bicycle Circulation

A 6-foot-wide Class II bikeway is proposed along both sides of Carmel Mountain Road and Camino Santa Fe in accordance with the Street Design Manual. Bicycling opportunities would be also available along the remaining roadways of Subarea V in the form of a Class III bikeway. Figure 20 illustrates the bikeways. Typical cross sections for Class II and III bikeways are illustrated on Figure 21.

Figure 20: Bikeways



15. Park & Ride

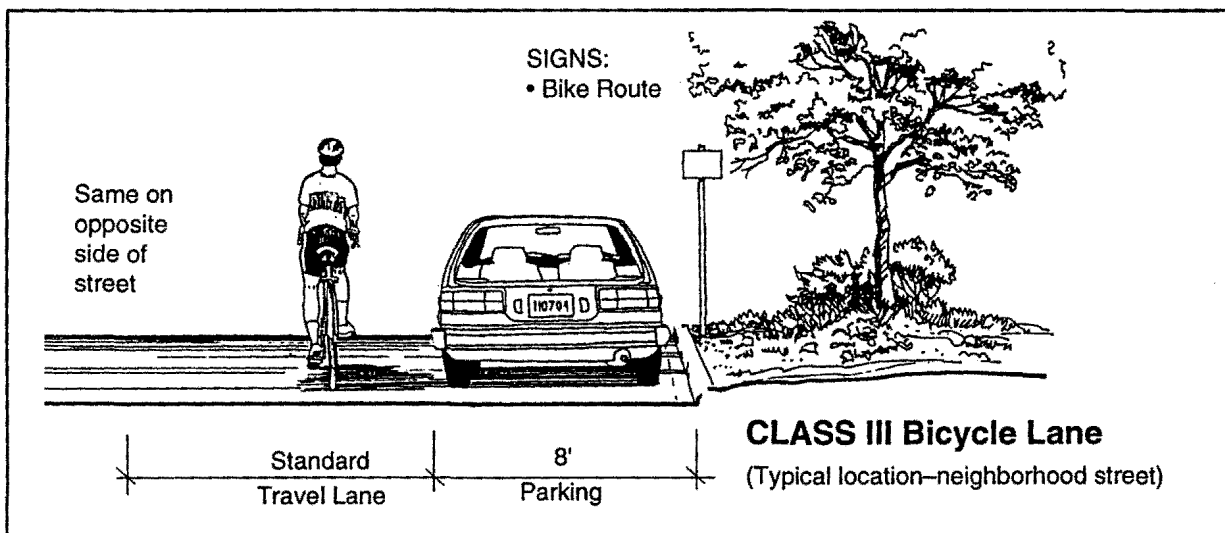
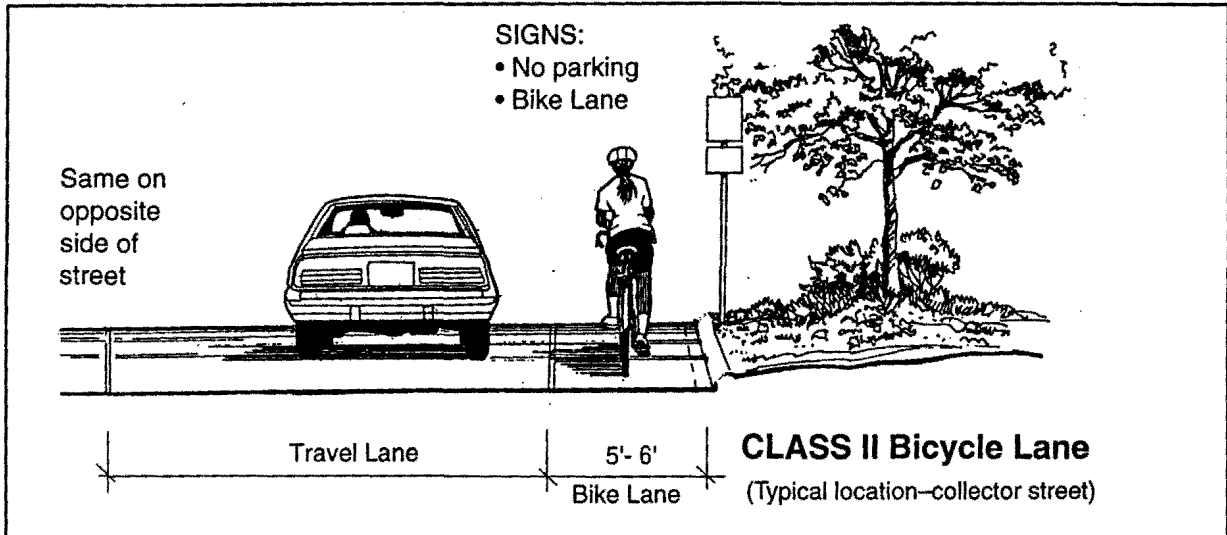
The California Department of Transportation (Caltrans) has a Park & Ride facility south of Carmel Valley Road and west of the I-5/SR-56 interchange. This facility has 68 spaces for commuter parking which are not fully utilized. Caltrans has identified the need for one or two Park & Ride sites as part of the development process for the middle segment of SR-56. However, the locations for these sites and funding sources are not yet determined.

16. Parking

Required parking facilities will be provided by the developers for their respective developments in accordance with zoning requirements.

17. Street Lights

The low density development in Subarea V is intended to preserve the rural nature of the area. As such, and because of close proximity to the



MSCP Preserve area, standard street lighting is not to be provided. Pedestrian-scale street lights may be installed only if deemed necessary for safety. Lighting is to be provided per the following MSCP guidelines:

Artificial lighting is generally not a compatible use in preserve areas as it can be detrimental to wildlife use, particularly to nocturnal species. Artificial lighting is not to be provided in preserve areas. Street lights are to be installed if essential for roadway, facility use, and safety. Low voltage outdoor or trail lights, spotlights, or bug lights are prohibited in the preserve.

18. Off-Road Vehicles

Off-road vehicle activity is an incompatible use in the open space area, except by public agencies for maintenance, management, or emergency purposes. Trail access points should include barriers to preclude off-road use.

E. COASTAL ELEMENT

Portions of Subarea V are located within the Coastal Zone and are governed by the *North City Local Coastal Program (LCP)*, adopted by the City Council and certified by the California Coastal Commission. These include areas designated Estate Residential and Resource Based Open Space in the northwest corner of the Del Mar Mesa and open space areas primarily in public ownership in the southern part of the subarea (see Figure 5).

The Del Mar Mesa Specific Plan, in addition to the *Framework Plan*, constitutes the land use plan segment for Subarea V within the City's LCP. This plan is intended to implement the *Framework Plan* and the *North City LCP*.

Both the Del Mar Mesa Specific Plan, and plan amendments and ordinances necessary to implement the specific plan require certification by the California Coastal Commission in order to become effective in the Coastal Zone areas. Upon certification of the Del Mar Mesa Specific Plan by the Coastal Commission, and after the City Council accepts any revisions to the plan requested by the Commission, the City shall assume coastal permit authority for Coastal Zone areas within Subarea V.

IV. IMPLEMENTATION

A. RELATIONSHIP WITH THE FRAMEWORK PLAN AND GENERAL PLAN

The NCFUA *Framework Plan* and *Progress Guide and General Plan* provide the basic policies and underlying standards for the Del Mar Mesa Specific Plan. The Del Mar Mesa Specific Plan, however, is a refinement of the NCFUA *Framework Plan* and General Plan, and as such, constitutes an amendment to these plans. Specific text and map amendments to the *Framework Plan* and General Plan, as summarized in Appendix B, will be adopted concurrently with the Del Mar Mesa Specific Plan in order to achieve consistency between the two plans. Wherever the policies, or development standards of the specific plan differ from the *Framework Plan*, the Del Mar Mesa Specific Plan shall take precedence.

The *Framework Plan* should also be used in evaluating discretionary development projects with the exception of recommendations that require a phase shift to implement. Specifically, Framework Plan Section 4.8 "Implementing Principles: Very Low-density and Estate Residential Neighborhoods" applies to residential development projects in Subarea V.

B. FURTHER CEQA REVIEW

It has been determined that subsequently submitted project level detail, including tentative maps and development permits, will be considered new information which was not known and could not have been known at the time the Master EIR was certified as complete. As such, the exemption from the requirement of the California Environmental Quality Act provided for by Government Code Section 65457 will not be applicable. However, the City's intention is to streamline future environmental review by analyzing the potential impacts of the specific plan at a level that will be sufficient for future projects, where possible, and by providing a framework for future impact analysis and mitigation consistent with the Master EIR.

In lieu of the exemption for future projects within the specific plan and consistent with the Master EIR process provided for in CEQA, the City will prepare an Initial Study when a future project is submitted. The Initial Study will determine whether the project may cause any significant impact that was not examined in the Master EIR and whether the project

was described as being within the scope of the specific plan. If it is determined that the subsequent project will have no additional significant impacts, and no new or additional mitigation measures or alternatives are required, then written findings can be made based on the Initial Study and no new environmental document will be required. If the Initial Study findings cannot be made, then either a Mitigated Negative Declaration or Focused EIR will be required.

C. ZONING

The Del Mar Mesa Specific Plan relies on City-wide base zoning to implement the specific plan. It also provides criteria for deviations from the minimum standards of the zone, if a discretionary planned residential development permit is obtained. This is consistent with the goal of the Land Development/Zoning Code Update (ZCU) to avoid "tailored zoning" for specific areas. Amendments will be required to the A-1 zones, planned residential development ordinance, and other ordinances to accommodate the development pattern in Subarea V (see Appendix B). Changes to these ordinances will be adopted concurrently with the Del Mar Mesa Specific Plan.

In addition, new zones and other ordinances have been developed in draft form as part of the ongoing Land Development/Zoning Code Update project. The intent of the Del Mar Mesa Specific Plan is to apply these new zones and ordinances consistent with Figure 23 when they are adopted by the City Council. If these new zones are not adopted, than the existing A-1 zones, as amended, shall remain applicable in Subarea V. The proposed new zones are outlined in the September 1995 draft and subsequent drafts of the Land Development/Zoning Code Update.

1. Parcels in City Ownership Designated for Open Space and Other Mitigation Land

City-owned parcels, with the exception of those owned by enterprise fund departments, are allocated no development in the specific plan. Parcels in State or County ownership are allocated 1 dwelling unit/10 acres consistent with the existing zoning.

Existing Zoning

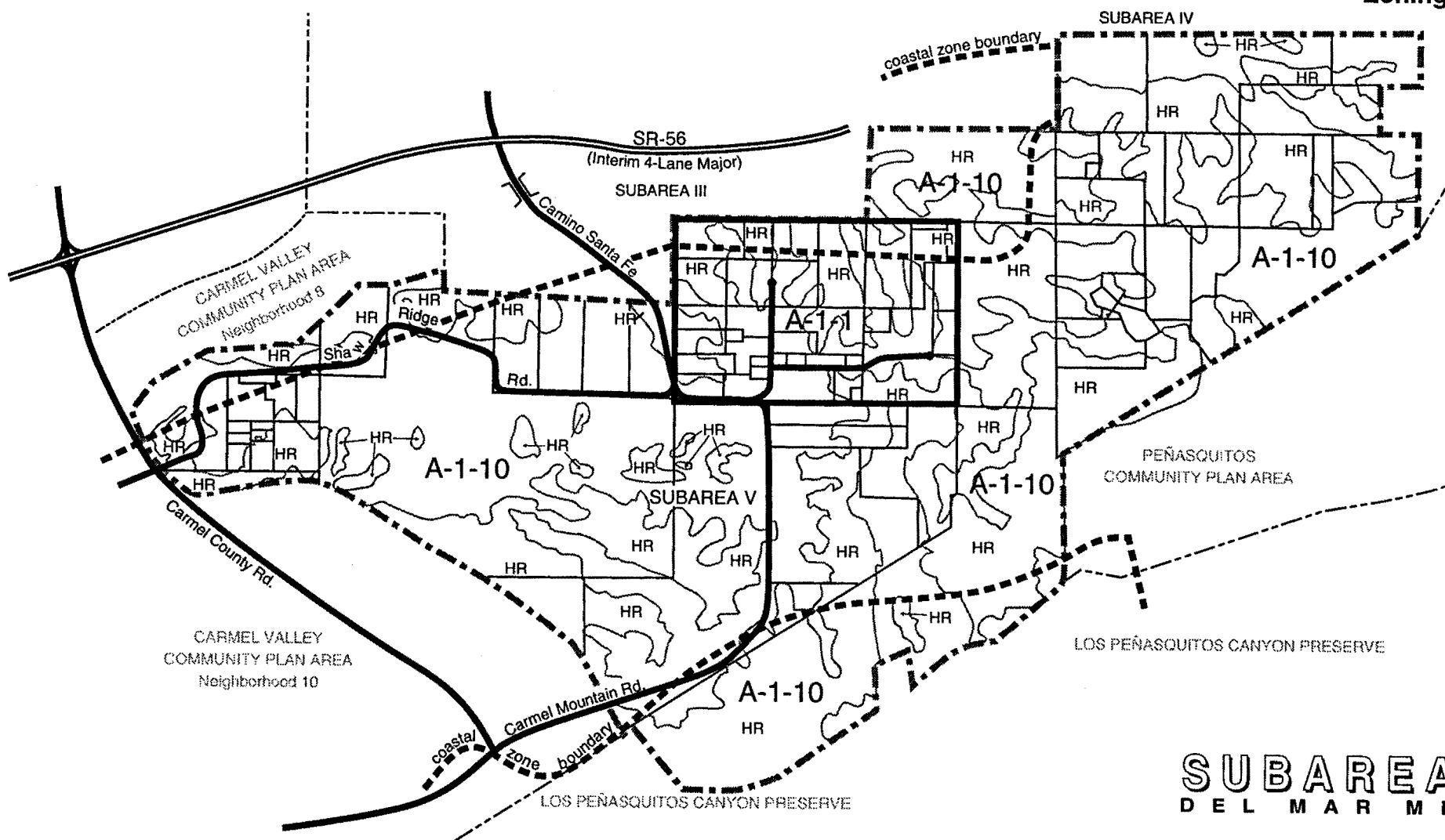
Retain the existing A-1-10 or A-1-1 zoning.

When ZCU adopted and implemented





The OC-1-1 zone will be applied.

Existing and Proposed Zoning

22
figure

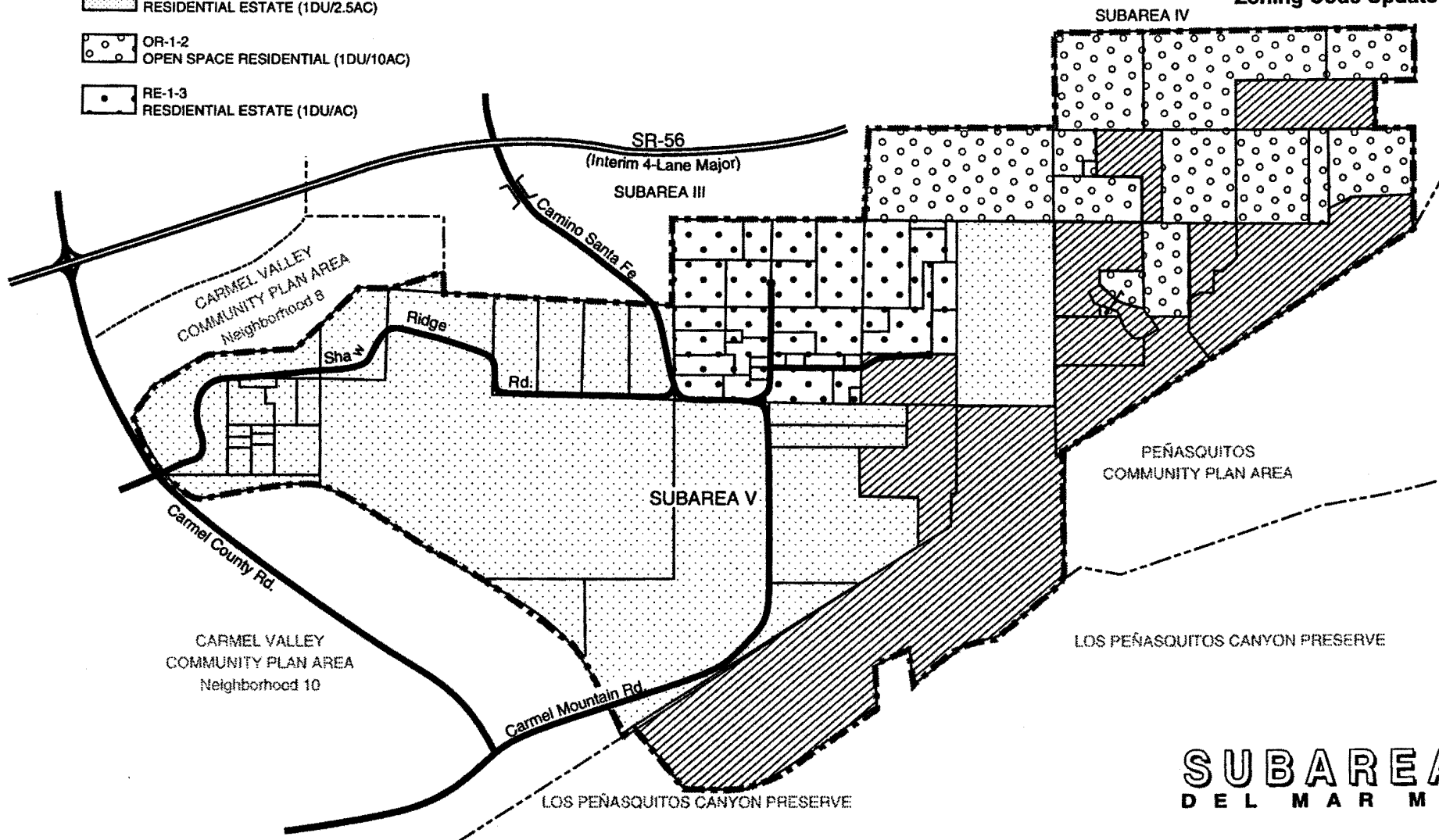


SUBAREA V
DEL MAR MESA

-  OC-1-1
OPEN SPACE CONSERVATION
-  RE-1-1
RESIDENTIAL ESTATE (1DU/2.5AC)
-  OR-1-2
OPEN SPACE RESIDENTIAL (1DU/10AC)
-  RE-1-3
RESIDENTIAL ESTATE (1DU/AC)

Proposed Zoning
Upon adoption of
Zoning Code Update

23
figure



SUBAREA V
DEL MAR MESA

2. Parcels designated Open Space/Rural Residential

Existing Zoning

For these parcels, as designated in Figure 6, the existing A-1-10 and A-1-1 zones will apply. Parcels within the A-1-10 areas are precluded from applying for the 1 dwelling/4 acre rural cluster option in the PRD Ordinance similarly to A-1-10 zoned property outside the FUA. The purpose of the Open Space/Rural Residential designation is to provide basic existing development rights while at the same time encouraging open space set aside or acquisition for habitat preservation prior to or when on-site development occurs.

When ZCU adopted and implemented

The OR-1-2 zone will be applied to A-1-10 zoned areas.

The RE-1-3 zone will be applied to A-1-1 zoned areas.

3. Parcels in the A-1-1 Zoned Areas with Areas Designated for Development

Existing Zoning

These parcels are permitted to develop consistent with the existing A-1-1 zone.

When ZCU adopted and implemented

The RE-1-3 zone will be applied.

4. Parcels in the A-1-10 Zoned Areas with Areas Designated for Development

Existing Zoning

The existing A-1-10 zone will be amended to permit the 1 dwelling unit/2.5 acre density designated in the Del Mar Mesa Specific Plan and will provide specific development regulations for these areas. These are as follows:

TABLE 8: A-1-10 ZONE AMENDMENTS

Development Regulations	Proposed A-1-10 Zone Amendments
Permitted Uses	Same
Permitted Density	1 du/2.5 ac
Minimum Lot Dimensions - Area - Street frontage - Width - Depth	1 acre 100 feet 100 feet 150 feet
Setbacks - Front - Side - Rear	25 feet 20 feet 25 feet
Height	30 feet (same)
Lot Coverage	20 percent
Off-Street Parking	Same with exception that improvement of driveways with asphaltic concrete is not required. If the above improvement is not proposed, four inches of decomposed granite or suitable alternate material may be approved by the City Engineer in lieu of more durable paving on residential driveways.

When ZCU adopted and implemented

A RE zone will be applied with similar regulations as stated above.

D. SUPPLEMENTAL DEVELOPMENT REGULATIONS

The following provides development regulations for use in reviewing deviations from the minimum standards of the zone permitted with a discretionary planned residential development permit. These apply to all areas within Subarea V unless more specific development requirements are provided below.

1. Minimum Lot Size - .5 acres unless a specific lot size is specified in the Del Mar Mesa Specific Plan.

2. Minimum Street Frontage - The requirement for minimum street frontage can be deviated from to implement a more rural development pattern.

3. Driveways -

a. The number of driveways accessing public streets shall be kept to a minimum. However, U-shaped driveways could be accommodated that have two access points to the public street.

b. The appropriate use of shared driveways is encouraged. Where lots will access a public street, shared driveways shall be used where appropriate to minimize the number of access points to adjacent roadways (see Figure 24).

c. The maximum number of units served by a shared driveway shall be four.

d. Minimum shared driveway width: 16 feet with two-foot graded and stoned shoulders on both sides.

e. Paving shall be required in areas where driveway grade is in excess of six percent.

f. Maximum length of shared driveway: 1,000 feet.

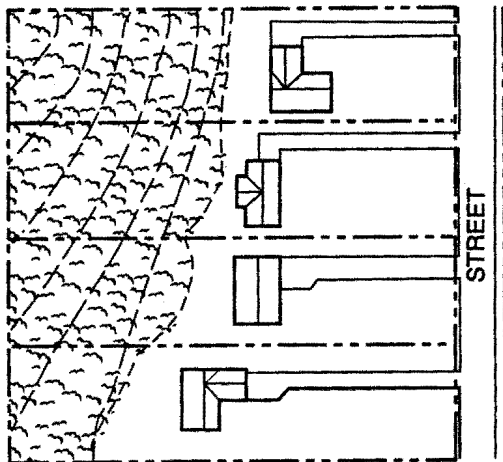
g. All driveways in excess of 500 feet shall provide a turnout approved by the Fire Department.

h. Improvement of driveways with asphaltic concrete is not required. If the above improvement is not proposed, four inches of decomposed granite or suitable alternate material may be approved by the City Engineer in lieu of more durable paving on residential driveways. Shared driveways shall conform to all other driveway standards for a single driveway other than property line location.

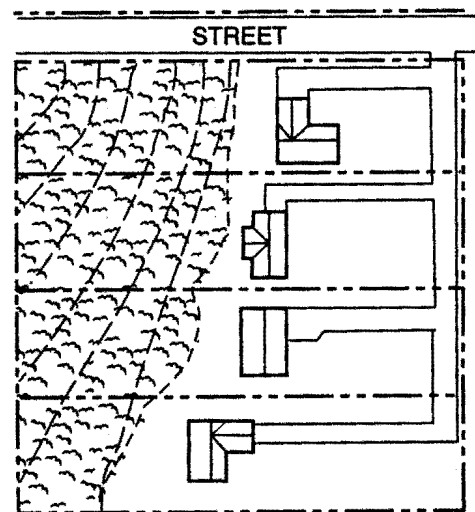
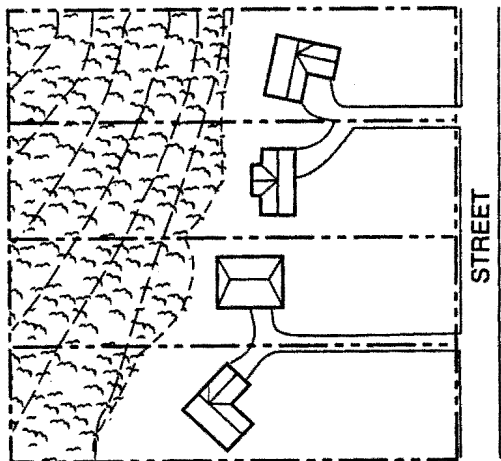
i. PRD permits that include shared driveways shall include a condition requiring a driveway maintenance agreement.

4. Landscaping -

a. Street trees should be clustered and set back various distances from the roadways, where possible, to avoid uniform design and permit a minimum 6-8 foot root zone for optimal growth of large trees. The multi-use trail can meander through the public right-of-way and a 0-10



Conventional development of frontage lots with individual drives.



Use of common drives for frontage lots is encouraged.

foot landscape easement to achieve this goal. Suggested street tree species include Pepper, Oak and Sycamore.

b. Where possible, native vegetation should be maintained. Landscape design should seek to incorporate the color palette of surrounding native vegetation. Manufactured slopes should be replanted with fire retardant native species, where possible, to control erosion.

5. Fencing - For residential development, if fencing is needed, 4-5 foot post and rail fencing is recommended in the front and street side yards to preserve the rural character of the Del Mar Mesa.
6. Gated access - The *Framework Plan* states that "gated neighborhoods restricting public access are prohibited" (page 70). If a Council Policy is adopted to address this issue on a City-wide basis, this Council Policy could be used to evaluate discretionary development proposals within Subarea V.
7. Lot configuration and site design should emphasize canyons, hillsides and ridges as the visual focal points of the neighborhood. The layout of the lots and streets with contour grading shall adapt to the existing topography and natural features, avoiding standard lot sizes and shapes and minimizing cut and fill. A grading plan shall be prepared for the Bougainvillea project.
8. Brush Management: Brush Management in Subarea V shall be consistent with City-wide regulations except in cases where more specific brush management measures are defined in the Del Mar Mesa Specific Plan.
9. Signage: For residential developments, signage will be limited to access, litter control and educational purposes. A Comprehensive Sign Plan shall be prepared for the Bougainvillea project.

10. Site-specific Development Regulations

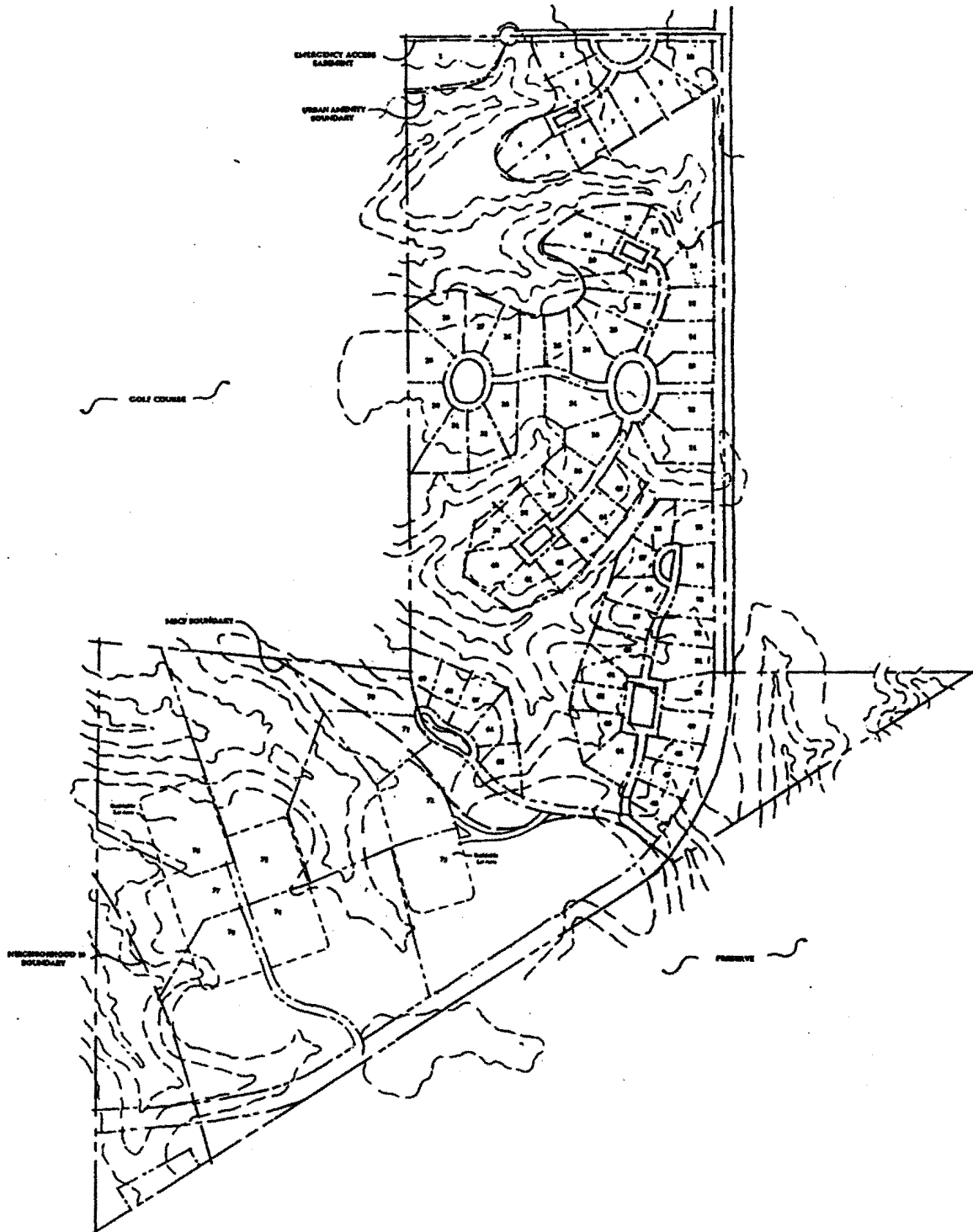
The following provides minimum standards for specific parcels within Subarea V to be applied when reviewing tentative maps and discretionary development permits. A PRD permit is necessary to implement these where there are conflicts with the base zoning.

a. Shaw Texas (Area No. 61 on Figure 29)

- Minimum Lot Size: 10,000 square feet

Shaw Texas- Conceptual Site Plan

25
figure



SUBAREA V
D E L M A R M E S A

- Within the approximately 70-acre area located within the southwest portion of the Shaw property, residential and accessory uses, including public streets and any other facilities, shall be limited to up to 25 percent of the area and clustered on the flatter portions, with no disturbance on slopes or the remainder of the lots. Development in this area may also be 10-acre lots. All brush management shall be accommodated within the defined development area.

- Two acre minimum lots shall be located adjacent to the approximate 70-acre area located within the southwest portion of the Shaw property. In this area, no development except Brush Management Zone 2 shall occur within 100 feet of the designated open space and fencing shall be located at the limits of the development area.

- A culvert to facilitate wildlife movement shall be provided where Carmel Mountain Road crosses the Urban Amenity Open Space area on the northern portion of the parcel. This project is a DIF funded improvement in the Facilities Financing Plan.

- Per a private agreement, Area No. 62 on Figure 29 may be conveyed to the Bougainvillea property owner. The density associated with Area No. 62 corresponding to the allocation for A-1-10 parcels designated for development will be transferred to the Shaw Texas site. This equates to 7 dwelling units corresponding to the 1 dwelling unit/2.5 acre allocation. This should be memorialized in the discretionary permit for each project.

- A conceptual layout of the Shaw Texas project is shown in Figure 25. This figure is intended to show the approximate development envelope and may be revised based on further City review of the tentative map.

b. Goodell Property (Area Nos. 19, 20, 22, 29 and 43 on Figure 29)

- Minimum Lot Size: 15,000 square feet

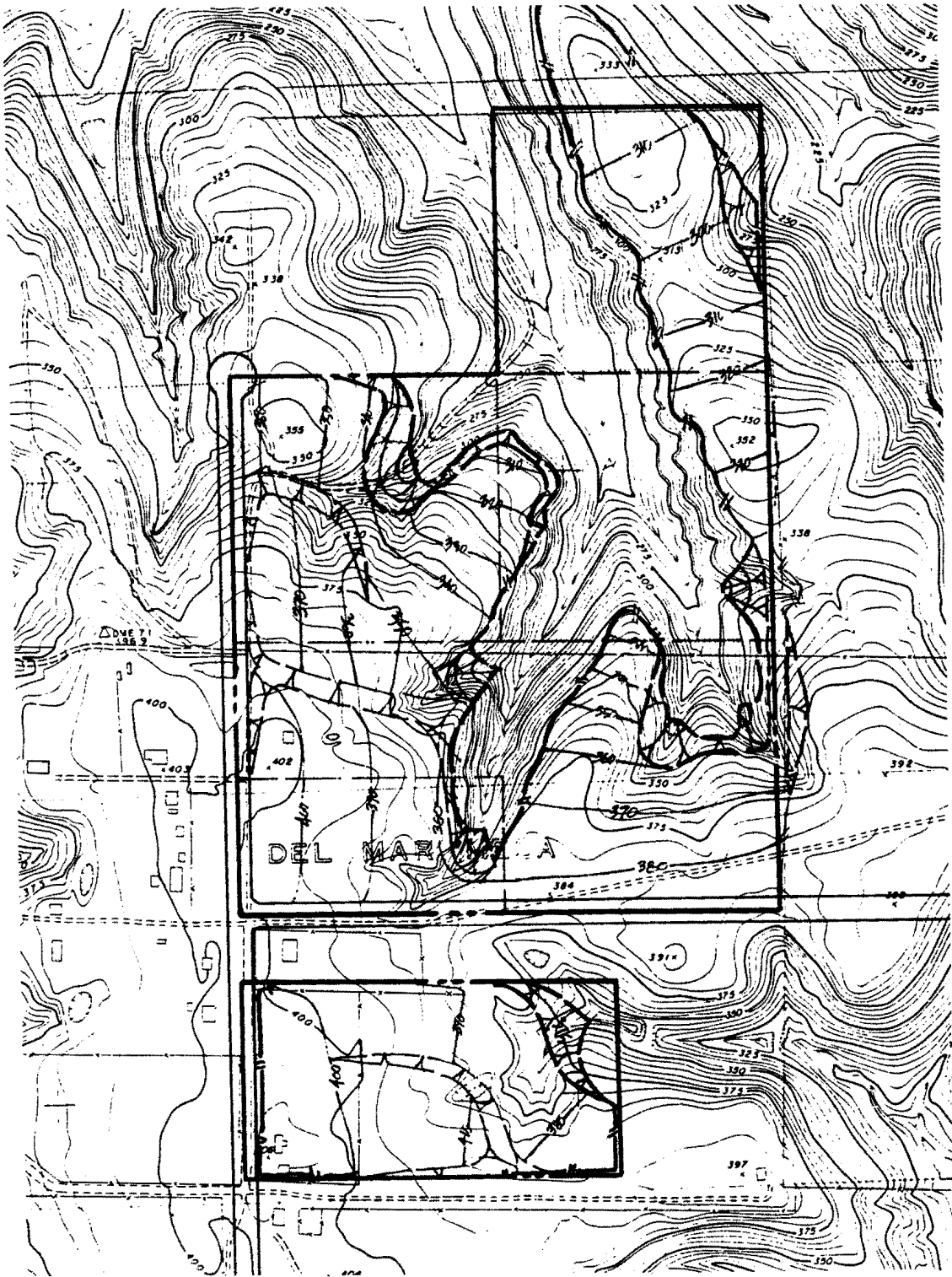
- Minimum Setbacks: 25 feet (front), 15 feet (side), 25 feet (rear)

- Brush Management: Consistent with City-wide regulations

- Defined development area is specified in Figure 26

Goodell Property -
Development Area*

26
figure



* Grading is conceptual
only and may be refined
with tentative map



SUBAREA V
DEL MAR MESA

c. Bougainvillea (Area No. 75 on Figure 29)

- Minimum Lot Size: 10,000 square feet
- Brush Management: For residential lots adjacent to the golf course, Brush Management Zone 1 shall be located within the defined development area with the remainder of brush management, per City-wide regulations, located in the designated open space.
- Permitted Uses: Uses adjacent to the open space and preserve areas can include recreation, golf courses and driving ranges, streets, parking lots, utility lines, essential public projects, agriculture, resort hotel and dwelling units.
- Road Standards: Rural road standards should be encouraged for the Bougainvillea project. This would discourage curbs, gutters, sidewalks and street lights. Private roads may be considered with approval of a PRD permit for the property.
- A 300-room resort hotel may be considered for the Bougainvillea project consistent with Section III.A.3. of the Del Mar Mesa Specific Plan.
- Per a private agreement, Area No. 62 on Figure 29 may be conveyed to the Bougainvillea property owner. The density associated with this parcel corresponding to the allocation for A-1-10 parcels designated for development will be transferred to the Shaw Texas site and shall not be included in the residential density calculation for the Bougainvillea project. This should be memorialized in the discretionary permit for each project.
- The designated Urban Amenity Open Space area through the Bougainvillea property provides an alternative east-west corridor for wildlife movement. If fencing is proposed within the proposed golf course on the Bougainvillea property, it should not inhibit wildlife movement through this area. In areas where fencing is appropriate, split-rail type not to exceed four feet in height is recommended. No night lighting of the golf course, driving range or other accessory facilities is permitted except low-sodium lights for safety purposes.
- Consistent with the agreements made with the California Department of Fish and Game and U.S. Fish and Wildlife Service, a two-lane access road from Carmel Country Road may be constructed to enter the project. The precise size and alignment of this road will be defined during review of the tentative map and associated discretionary permits.

d. Del Cumbre project (Stephens parcel, Area No. 67 and 79 on Figure 29)

- Approximately 18 acres within Area No. 67 is located within the Carmel Valley Neighborhood 8 Precise Plan, and is within the "Planned Urbanizing" area. The Neighborhood 8 Precise Plan designates this area as Open Space and it is zoned A-1-10. The density associated with this parcel corresponding to the 1 dwelling unit/10 acre density (rounded down to the lower whole number) may be clustered on the flatter portion of the site located within Subarea V.

- In addition, a portion of Area No. 79 is located within the Planned Urbanizing Area within Carmel Valley Neighborhood 8. Consistent with the above paragraph, the precise acreage designated Planned Urbanizing shall be determined and the density associated with this area corresponding to the zoning (1 dwelling unit/10 acres rounded down to the lower whole number) may be clustered on the flatter portions of the site.

- The density of the remainder of Area Nos. 67 and 29 within Subarea V shall correspond to the dwelling unit allocation shown for parcels in the A-1-10 zone with areas designated for development, or one dwelling units/2.5 acres. The total density for the project equals this number plus the dwelling units associated with land within the Planned Urbanizing Area. For Area No. 67, this equates to a maximum of 18 dwelling units.

- The MSCP Preserve boundary may be adjusted consistent with Section III.B.5 of the Del Mar Mesa Specific Plan. Consideration shall be given to increasing the development area shown on APN 308-010-021 in exchange for the preservation of APN 308-010-019 as open space.

- Lot configuration and site design should emphasize canyons, hillsides and ridges as the visual focal points of the neighborhood. The layout of the lots and streets with contour grading shall adapt to the existing topography and natural features, avoiding standard lot sizes and shapes and large amounts of cut and fill.

- The Del Cumbre project shall give special attention to the street edges and landscaping to enhance the rural character of homes, open space and views. The street edge should be designed to retain existing natural features and limit site improvements to landscape elements.

- An 8-foot-wide unpaved multi-use trail shall be provided adjacent to Shaw Ridge Road West. In addition, Figure 19 shows an equestrian trail to the north of Shaw Ridge Road along the ridge. This trail shall be located within the defined development area.

- Streets, drives, parking and emergency vehicle access shall be aligned to conform, as closely as possible, to existing grades to minimize the need for graded slopes. Contour grading should be used to minimize the amount of 2:1 slopes.

- Grading shall be limited to building areas and corridors essential to development of the dwelling units.

- Private streets may be considered for this project with a planned residential development permit.

e. Lorenz Parcel (Area No. 70 on Figure 29)

- According to the dwelling unit assignment for Subarea V, the Lorenz parcel could accommodate a approximately 31 units (78.4 acres at 1 dwelling unit/2.5 acres). In addition, per a proposed development agreement related to Carmel Valley Neighborhood 8A and other areas, an additional 9 dwelling units could be transferred from the Deer Canyon parcel (Area No. 50 on Figure 29) to the Lorenz Parcel resulting in a maximum of 40 units. The Deer Canyon parcel would be transferred to City ownership. This is consistent with the Del Mar Mesa Specific Plan.

- All brush management shall occur within the defined development area for lots contiguous to the MSCP Preserve. Deviations from brush management standards shall be considered if they are consistent with the Alternative Compliance provision of the Landscape Technical Manual. Fencing will be located at the limits of the development area.

- Minimum Lot Size: .4 acres. This can be adjusted to accommodate the dwelling unit allocation.

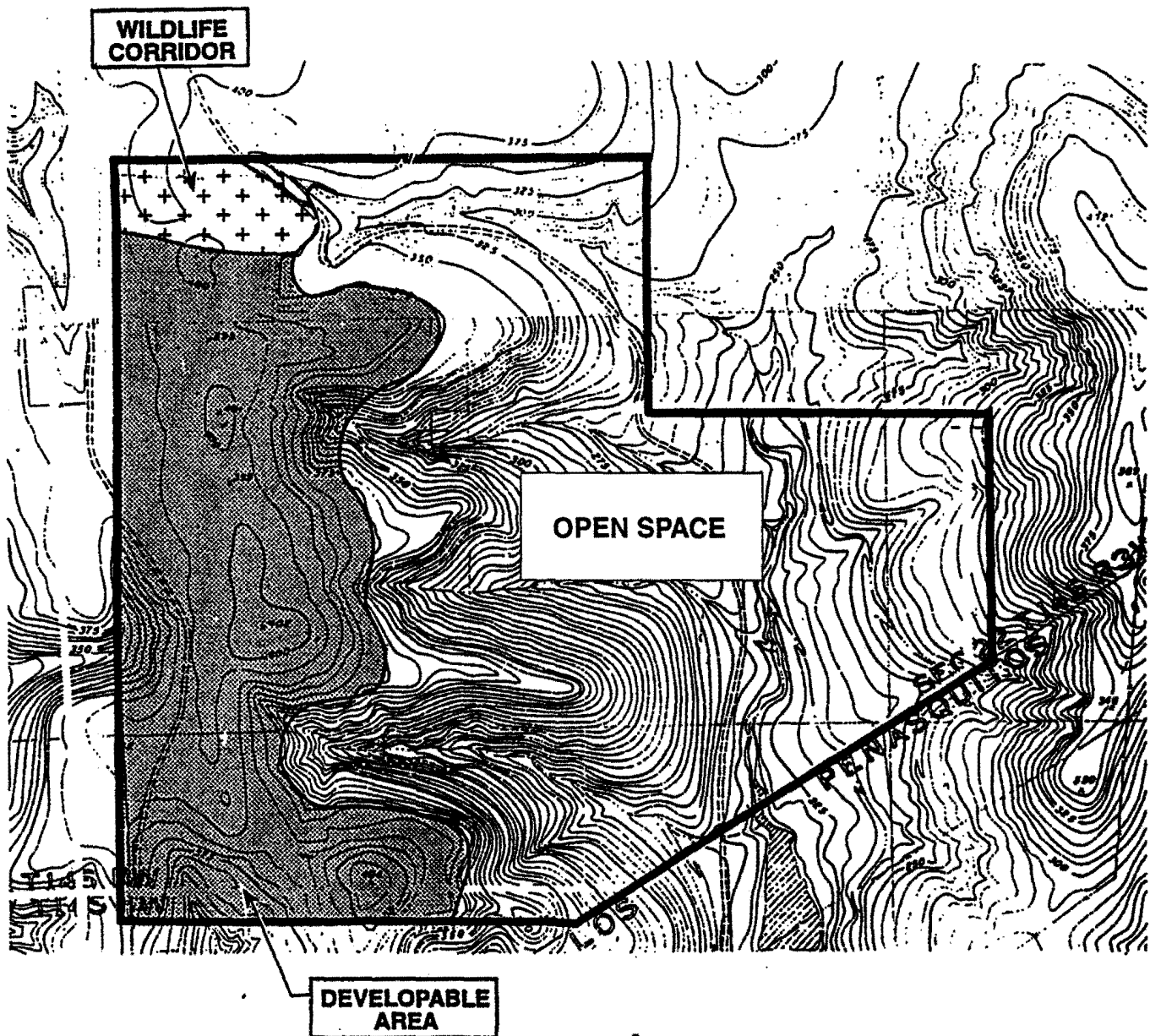
- Conceptual Land Use Areas for the Lorenz Parcel is shown on Figure 27.

f. Schlacter Parcel (Area No. 58 on Figure 29)

- The area of disturbance for residential development on this parcel and

Lorenz Parcel
Conceptual Land Use Areas

27
figure



scale
1"=1,000'

SUBAREA V
DEL MAR MESA

Brush Management Zone 1 shall be limited to 25 acres and be located in the defined development area as shown on Figure 5 and Exhibit A adopted concurrent to the specific plan.

- With a PRD permit, minimum lot size can be deviated from in order to achieve the dwelling unit allocation for this parcel.

- The project shall incorporate an 8-foot-wide trail connection as shown on Figure 19 to maintain a linkage to designated trail areas to the east.

- The area utilized for residential development and Brush Management Zone 1 on this parcel shall be limited to 25 acres. Areas located within the MSCP Preserve that are necessary for public trails, required Road Survey 65 right-of-way, other subarea-wide facilities, and Brush Management Zones 2 and 3 shall not be included within the area limitation.

- Grading and cut/fill slopes are generally prohibited outside the 25-acre development area boundary. "Daylight" cuts and fills are encouraged where grading is necessary adjacent to the MSCP Preserve. However, due to the presence of several ravines, avoiding grading outside the defined development area in accordance with the above policy would result in an irregular or inefficient lot or street pattern. Therefore, under limited circumstances, graded slopes may extend outside the 25-acre development area, but only within the limit of the Zone 2-3 brush management area. Where this occurs, the area of grading disturbance shall be revegetated in-kind with native plant species as a condition of the implementing tentative map and/or planned residential development permit. Variable slope gradients and contour grading shall be utilized where feasible to simulate adjacent natural slope conditions.

g. Schmid Parcel (Area No. 59 on Figure 29)

- Minimum Lot Size: 15,000

- Road access shall be located along the southwestern edge of the property adjacent to the Urban Amenity Open Space.

- The easternmost lot shall accommodate all brush management within the defined development area subject to the Alternative Compliance provision of the Landscape Technical Manual.

E. RESOURCE PROTECTION ORDINANCE (COUNCIL POLICY 600-40)

The Resource Protection Ordinance (RPO) was adopted by the City in 1989. The purpose and intent of this ordinance is "to protect, preserve, and, where damaged, to restore the environmentally sensitive lands of San Diego". The provisions of the ordinance are applicable to floodways and 100-year floodplain fringe areas, all wetland and wetland buffer areas, all natural hillside areas of 25 percent or greater, biologically sensitive lands, and significant prehistoric and historic sites and resources. Permitted uses and development regulations relative to these environmentally sensitive lands are established in the ordinance and are described below for the specific plan area.

RPO acts to protect environmental resources on a parcel by parcel basis, as land is developed. Council Policy 600-40 which addresses the preparation of long range plans was adopted in 1991 to ensure that comprehensive analyses of larger planning areas be conducted consistent with RPO. The Council's objective was to ensure that long range plans, such as this specific plan, are prepared consistent with the purpose and intent of RPO so that conflicts between long range plans and future development permits which would be subject to RPO are reduced.

Specifically, the purpose of the policy is to provide guidelines for the preparation of long range plans that:

1. Ensure thorough analysis of site constraints and opportunities early in the planning process;
2. Aid in the review of permits and maps for projects in the planning areas;
3. Ensure the protection of environmental resources by preserving contiguous open space systems and providing mechanisms to acquire or protect those resources; and
4. Ensure that adopted land use policies and objectives are considered in the context of the suitability of the planning area for development.

An analysis, focused on biologically sensitive lands as described in the Draft Multiple Species Conservation Program and Draft MSCP Subarea Preserve Plan, was conducted by the City's MSCP staff for the Del Mar Mesa Specific Plan. The open space and MSCP Preserve boundaries were

developed in cooperation with the U.S. Fish and Wildlife Service, the California Department of Fish and Game, property owners, developers, and environmental groups in an effort to achieve consolidation of larger habitat areas and preservation of ecosystem connections within the specific plan. The Del Mar Mesa Specific Plan addresses the City's resource preservation goals by clustering development in the western portion of the plan area.

Because resource preservation is a fundamental consideration in the definition of development area boundaries, projects within the development area are not subject to citywide limitations on impacts to steep hillsides or biologically sensitive lands. As part of implementation of the Del Mar Mesa Specific Plan, the Resource Protection Ordinance shall be amended to provide an exemption for projects where development is wholly located in the development area, and where development activity observes a one hundred foot setback from wetlands, designated floodplains and identified archeological resources or when development would not demolish or substantially alter a designated historical resource. The RPO Ordinance will also be amended to delete the exemption for single family residences that do not meet the criteria above.

Proposed development in Subarea V is subject to the following Supplemental Regulations for Resource Management. These regulations apply to resources where there is insufficient information available at this time. These regulations implement provisions of the Land Development/Zoning Code Update and supersede the corresponding regulations of the City's Resource Protection Ordinance. The Resource Protection Ordinance shall also be amended to delete the exemption for single family residences for parcels wholly or partially within the MSCP Preserve area. This is necessary to allow sufficient review of ministerial permits to minimize encroachment into the preserve and sensitive resource areas.

All development in Subarea V is subject to requirements of the California Environmental Quality Act (CEQA). It is anticipated that environmental review of future projects within the defined development area will be facilitated by the adoption of a tiered environmental document addressing development within the North City Future Urbanizing Area generally, and Subarea V specifically.

F. SUPPLEMENTAL REGULATIONS FOR RESOURCE MANAGEMENT

The Del Mar Mesa Specific Plan addresses the existing Resource Protection Ordinance by providing the following Supplemental Regulations for Resource Management. These regulations are consistent with the negotiated draft MSCP Preserve boundaries and the proposed modifications to the adopted Municipal Code relative to environmentally sensitive lands and historical resources based on the level of resource information available at this time.

1. Wetlands and Wetland Buffers

Wetlands are defined as land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by shallow water, and waters of the United States. Wetlands include all waters subject to the ebb and flow of the tide, including lagoons, estuaries, marshes, mudflats, rivers, streams (including intermittent streams) and associated riparian habitat, natural ponds and lakes, vernal pools, and man-made impoundments and drainages with biological value. Wetlands typically display hydrophytic vegetation, hydric soils and characteristic hydrology. Due to seasonal fluctuations and past disturbances by humans all three components may not be present. To be considered a wetland within this definition, the area must have one or more of the following characteristics:

- a. At least periodically, the land supports predominantly hydrophytes, as defined in the Unified Federal Method Manual (Federal Manual for Identifying and Delineating Jurisdictional Wetlands, January 19, 1989), on file in the City Clerk's Office as Document No. OO-17602;
- b. The substrate meets the criteria for hydric soils, including aquatic soils, as described in the Unified Federal Method Manual; or
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year, or if the hydrologic conditions meet the criteria in the Unified Federal Method Manual.

Wetland Buffers are defined as lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland.

Permitted uses within wetlands are limited to wetlands-related scientific research, wetland restoration projects where the primary purpose is restoration of the habitat, and essential public service projects where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided that assure there is not net loss of wetland habitat function or value. Permitted uses in wetland buffer areas are limited to the uses permitted in wetlands, passive recreational uses such as access paths, public viewpoints, and informational signs, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands, and improvements necessary to protect adjacent wetlands, provided that such uses are compatible with protecting wetlands.

A wetlands delineation has not been conducted for the specific plan area; however, based on the vegetation mapping provided in the accompanying EIR, it is anticipated that wetlands may occur on site within areas designated for development. A wetlands delineation shall be required with future discretionary actions to map the precise locations and analyze the potential impacts to wetlands. Development, other than that described above as permitted uses, shall not be allowed within wetlands and wetland buffers. Additionally, numerous vernal pools (approximately 111 acres of habitat) are present in the eastern portion of the specific plan area which is not designated for development.

2. Floodplain Fringe

The floodplain fringe is all that land in a 100-year floodplain not lying within a designated floodway. The floodway and 100-year floodplain are identified in the most currently available set of Federal Emergency Management Agency (FEMA) maps covering the City of San Diego, on file with the City's Floodplain Administrator. Permitted uses in the floodplain fringe shall be those uses permitted by the underlying zone subject to the following regulations and the regulations and restrictions of the underlying zone.

New roadways and roadway expansions, except local access roadways, shall be allowed only where indicated in an adopted community plan,

the Del Mar Mesa Specific Plan, or identified in the Circulation Element of the General Plan. Low-intensity recreational uses may be permitted.

Within the one hundred (100)-year floodplain fringe, permanent structures and/or fill for permanent structures, roads and other public improvements will be allowed only if the applicant can demonstrate that:

- a. The development is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works including but not limited to artificial flood channels, revetments and levees. Flood protection works may be permitted to protect new or existing roads which are identified in the Circulation Element of The City of San Diego's *Progress Guide and General Plan*, and applicable community plans;
- b. Existing biologically sensitive lands and wetlands and wetland buffers will not be disturbed;
- c. Grading and filling are minimized and harm to the environmental values of the floodplain fringe is minimized;
- d. The design of the development incorporates the findings and recommendations of both a site-specific and watershed hydrologic study in order that: (a) there will be no increase in the peak runoff rate from the fully developed site as compared to the discharge that would be expected from the existing undeveloped site as a result of the most intense rainfall expected once every ten (10) years during a six (6) hour period; and (b) the development neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands or other biologically sensitive lands; and
- e. There will be no significant adverse water quality impacts to downstream wetlands and other biologically sensitive lands.

Floodplains subject to the 100-year flood have been identified by FEMA for portions of the specific plan area. Specifically, Shaw Valley Creek, a tributary of Carmel Valley Creek, is located in the western portion, Deer Canyon Creek is located along the northern boundary and joins with McGonigle Canyon Creek to form Carmel Valley Creek and unnamed tributaries of Los Peñasquitos Creek are

along the southern boundary of the specific plan. Areas within the floodplain of Shaw Valley Creek are designated for development; however, a hydrologic study has not been prepared as part of the specific plan. Future development within the floodplain will be required to meet the above regulations if fill for permanent structures or roadways is proposed.

3. Sensitive Biological Resources (other than Wetlands and Wetland Buffers)

Sensitive biological resources are defined as land which supports sensitive vegetation or the habitats of rare, endangered, or threatened species or subspecies of animals or plants as defined by the California Endangered Species Act, or the Federal Endangered Species Act, or as otherwise defined in the Municipal Code. Within the Del Mar Mesa Specific Plan area, all lands located within the City of San Diego Multiple Species Conservation Program Preserve are considered sensitive biological resources. Sensitive biological resources also include the area needed to link together regional preserves and areas which are critical to maintaining a balanced natural ecosystem. Sensitive biological resources may also include areas that support sensitive species of plants or animals.

Permitted uses in sensitive biological resources shall be those uses permitted by the underlying zone (including natural resource preservation, private stables, single family dwelling units of no more than one dwelling per lot, and small family day care homes and other limited and conditional uses as provided in the Municipal Code) subject to the following regulations and the regulations and restrictions of the underlying zone.

Development that proposes encroachment into sensitive biological resources shall be subject to the following regulations. This encroachment must not adversely impact the habitat of state or federally-listed rare, threatened or endangered species which are not covered by Take Authorizations issued to the City by the federal or state governments under the MSCP Plan or by individual Take Authorizations issued to a property owner prior to adoption of the MSCP Plan. Within the boundaries of the Del Mar Mesa Specific Plan, encroachment into sensitive biological resources is not limited within the development area, except as set forth above. For properties located wholly outside the development area, a maximum of 25 percent of the site may be developed with any necessary encroachment

occurring in the least sensitive areas first. For properties located partially outside the development area, any development must occur on the portion of the site within the development area first. If the portion of the site within the development area equals less than 25 percent of the site area, then encroachment into sensitive biological resources may be permitted to achieve a 25 percent development area.

Detailed vegetation and sensitive species mapping has been completed for the specific plan area. The majority of the site, greater than 1,800 acres (approximately 90%), is comprised of native vegetation. It is anticipated that the loss of sensitive biological resources associated with development in Subarea V will total 242 acres. Approximately 300 additional acres of native vegetation will be lost as a result of development. The development area is largely confined to the western portion of the plan and was determined as part of the preparation of the Draft MSCP Preserve boundaries. The development scheme provides for large, connected open space areas in the eastern portion of the plan in order to preserve the most sensitive biological areas and provide wildlife connections between Peñasquitos Canyon to the south and Deer Canyon to the north.

Encroachment into sensitive biological resources shall be limited to the development area, as shown in the specific plan and as described above. All future development proposals will require a site specific analysis to determine the allowable development area, the precise level of impacts to sensitive biological resources and the corresponding mitigation requirements.

4. Steep Hillsides

Steep hillsides are defined as all lands having a slope with a natural gradient of twenty-five percent (25%) or greater, (twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance) and a minimum elevation differential of fifty (50) feet.

Permitted uses in the hillside areas shall be those uses permitted by the underlying zone subject to the following regulations and the regulations and restrictions of the underlying zone, and the Hillside Review Overlay Zone when applicable to the hillside portion of a parcel.

All development occurring in steep hillsides must comply with the Hillside Guidelines and the City's Grading Regulations. The proposed development shall minimize the alteration of natural landforms and

create only new slopes that topographically resemble natural landforms of the surrounding area. Structures proposed on steep hillsides shall be designed to fit the hillside by incorporating construction techniques that minimize alteration of the existing hillside conditions. Newly created slopes shall not exceed a gradient of 50 percent. Disturbed portions of the site in 25 percent or greater slopes shall be revegetated or restored in accordance with the City's Landscape Regulations.

Hillsides occur throughout the specific plan area with the majority of steep slopes located in the northeastern and southern portions of the site which are associated with Deer Canyon, Shaw Valley and Peñasquitos Canyon. The development area is concentrated in the western portion of the plan and would result in the loss of approximately 51 acres of hillsides through future grading and development. Encroachment into steep hillsides shall be limited as described above. All future development proposals will require a site specific analysis to determine the allowable development area, the precise level of impacts to steep slopes and the corresponding mitigation requirements.

5. Significant Prehistoric and Historic Sites and Resources

Significant prehistoric and historic sites and resources are defined as locations of prehistoric or historic resources that possess unique cultural, scientific, religious or ethnic value of local, regional, state or federal importance. These resources are limited to designated historical resources and historical districts (i.e., prehistoric or historic districts, sites, buildings, structures, or objects included in 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), important archaeological sites (i.e., areas of past human occupation where important prehistoric or historic activities or events occurred such as villages or permanent camps), and traditional cultural properties (i.e., locations of past or current traditional religious or ceremonial observances of importance to an identifiable ethnic group or which are central to a group's origins as a people such as burials, pictographs, petroglyphs, solstice observation sites, traditional gathering areas and sacred shrines).

Permitted uses in lands containing significant prehistoric and historic sites and resources shall be those uses permitted by the underlying zone subject to the following regulations and the regulations and restrictions of the underlying zone.

Substantial alteration, demolition, destruction, removal or relocation of any designated historical resource or any historical building or structure located within a historical district shall not be permitted. Minor alteration of any designated historical resource, or any historical building or historical structure located within a historical district, or any new construction within a historical district may be permitted if the minor alteration or new construction would not adversely affect the special character or special historical, architectural, archaeological or cultural value of the resource.

Important archaeological sites shall be preserved in their natural state, except that up to 25 percent encroachment into any important archaeological site may be permitted if necessary to achieve a reasonable development area. This 25 percent encroachment includes all grading and construction. An additional encroachment of up to 15 percent, for a total encroachment of 40 percent, into important archaeological sites may be permitted for publicly-owned parks and recreation facilities, public schools and major streets if the development is sited, designed and constructed to minimize adverse impacts to important archaeological sites and where it has been demonstrated that there is no feasible, less environmentally damaging location or alternative. Any encroachment into important archaeological sites shall include preservation through avoidance of the remaining portion of the important archaeological site and implementation of a research design and excavation program that recovers the scientific value of the portion of the important archaeological site that would be lost due to encroachment.

Development shall not be permitted in any traditional cultural property unless all feasible measures to protect and preserve the resource are required as a condition of development approval.

Alterations and improvements to prehistoric and historic sites and resources that enhance, restore, maintain or repair the site or resource and which do not adversely affect the special character, or special historical, architectural, archaeological or cultural value of the prehistoric and historic site or resource may be permitted.

A survey to identify prehistoric and historic sites and resources has been completed for the subarea plan. Only the resources located within the Bougainvillea property have been evaluated to determine their significance and no resources within this property have been deemed significant. The remaining portions of the specific plan contain

numerous (more than 30) sites or resources that have not been evaluated. Site specific evaluation shall be completed for any future subdivision or development plan to determine the allowable development area, the precise level of impacts to significant prehistoric or historic sites or resource and the corresponding mitigation requirements.

G. FACILITIES FINANCING AND FEES

Public Facilities Financing Plan

In conjunction with development of the Del Mar Mesa Specific Plan, a public facilities financing plan for Subarea V that would replace the existing interim development impact fee is intended to be adopted concurrently with the Del Mar Mesa Specific Plan. The *Framework Plan* was adopted with the assumption that a phase shift would take place. The proposed Del Mar Mesa Specific Plan is predicated on no phase shift. Because any financing element needs to be inclusive, the revised fee analysis addresses financing of those facilities that are specific to Subarea V as well as a share of the facilities in other areas of the NCFUA assumed necessary that will serve Subarea V.

In addition to the facilities outlined above, the financing element includes an anticipated phasing schedule and estimated cost for the identified facilities. The revised Development Impact Fee (DIF) for Subarea V is based on the facilities needs specific to Subarea V, and the fair share of the projects needed for the total Future Urbanizing Area. For the purpose of developing a DIF, staff has made assumptions as to the likely buildout in the remainder of the NCFUA.

The interim development impact fee currently in place for the Future Urbanizing Area was developed per Council direction in November 1992. The interim schedule includes all projects listed in the NCFUA *Framework Plan*, estimated costs, and projected year of need for the identified facilities. A fee schedule was then developed based upon the approval of a phase shift. These interim fees were to be in effect only until a comprehensive financing plan could be developed in the NCFUA after the phase shift occurred. Since a phase shift has not yet been approved by the voters, no NCFUA-wide financing plan was prepared, nor is one anticipated anytime soon.

Specific Plan Preparation Fee

In accordance with Government Code Section 65456, a Specific Plan Preparation Fee shall be assessed on a per unit basis prior to the issuance of building permits to partially recoup City costs in preparing the plan.

School Financing

The impact of development within the Del Mar Mesa on regional school facilities shall be borne by property owners within the specific plan area on a fair share basis. The effected school districts have developed financing plans which identify impacts attributable to projected development and revenue generation mechanisms necessary to mitigate these impacts. The financing plans rely upon development fees, collected prior to building permit issuance or alternatively special taxes implemented on a per unit basis through Mello-Roos community facilities districts (CFD).

In conducting its review of any subdivision, planned development or other residential development application, the City shall require adherence to applicable school financing plans and consider the impacts of projects on regional school facilities. Prior to approval of any such application, the City shall require each applicant to submit a Certificate of Compliance demonstrating conformance with the financing plan of each effected school district.

Until sufficient students have been generated from this and adjacent areas, and sufficient mitigation payments, special taxes or other funds are collected to fund the property acquisition and development, the identified school/park site property shall retain development rights consistent with A-1-10 parcels designated for development in the Del Mar Mesa Specific Plan, except where density is further defined in the specific plan. If, prior to acquisition by the DMUSD and/or City of San Diego, the property owner makes application for a subdivision of land or other discretionary action, the City and the DMUSD shall have the opportunity to negotiate purchase of the identified property.

H. OPEN SPACE ACQUISITION PROGRAM

Based upon the significant biological resources contained in the open space in Subarea V, and the importance of its inclusion in the MSCP as a preserved core area, a main goal of the Del Mar Mesa Specific Plan is, to the greatest extent practicable, the retention as open space the eastern portion of the Del Mar Mesa designated Open Space/Rural Residential.

As stated earlier in the MSCP/Open Space Element, the Del Mar Mesa's proximity to the Los Peñasquitos Canyon Preserve results in an area that, if preserved, provides the single most important component of the open space system in the NCFUA.

Due to the overall low density zoning throughout Subarea V, density from the preserve area could be clustered onto the area designated for higher density development without impacts to the circulation system. To that end, development in the A-1-10 areas will partially fund acquisition of the Open Space/Rural Residential areas through an Open Space Acquisition Fee, adopted by ordinance concurrent with the specific plan. The potential result is a semi-rural residential community adjacent to a permanently protected interconnected viable habitat area.

In addition to the Open Space Acquisition Fee, other funds for open space acquisition will include the direction of mitigation funds associated with the construction of SR-56, and other development projects in or outside Subarea V. Other possible funding sources include the use of an open space acquisition fund, if established, from the potential six million dollars from the proposed Bougainvillea resort hotel, revenue bonds guaranteed by this future income stream, or possible federal funding.

Once funds become available, an approach to facilitate resource preservation could be the purchase of options on the open space area to remove properties from the market to allow for time to raise funds for the balance of the purchase price. It should be noted that property owners in the Open Space/Rural Residential areas can develop consistent with the underlying zoning until such time as a determination is made, and funds are available, to acquire such properties.

I. TRANSPORTATION PHASING

As shown on Table 7, page 42, the Subarea V Transportation Study assumes a total of 688 residential dwelling units (DUs), a 300-room resort hotel, and a golf course, that are expected to generate 9,880 daily trips. The Bougainvillea project includes the resort hotel, the golf course, and approximately 140 of the 688 dwelling units. The Transportation Study also assumes two public projects: a 9-acre neighborhood park that generates 450 daily trips and a 4-acre school that generates 240 daily trips for a grand total of 10,570 daily trips. Since the publication of the Subarea V Transportation Study, the number of dwelling units and

distribution of park vs. school acreage have been revised slightly. This does not affect the recommendations below.

The phasing of transportation improvements assumes the Alternative 3 network of the Transportation Study that includes the central alignment for SR-56, the Camino Santa Fe connection with the western alignment, and Shaw Ridge Road as a 2-Lane Residential Local street.

Special effort has been made to reduce Subarea V's dependence on road improvements outside of the subarea with the exception of Carmel Country Road, between SR-56 and the northern boundary of Neighborhood 10. The segment of Carmel Country road between SR-56 and Neighborhood 8's southern boundary (including its interchange with the freeway) is already constructed and fully operational. The segment of Carmel Country Road south of Neighborhood 8 to the Neighborhood 10 northern boundary is to be a 4-Lane Major street. This roadway is currently being designed and is scheduled to be fully constructed in 1997. The segment south of the Neighborhood 10 northern boundary is also being designed and is expected to be fully constructed in 1998.

The following pages describe the two phases of the Transportation Phasing Plan.

Phase 1

Carmel Country Road is a vital road that serves Subarea V and developments in Carmel Valley. According to the City-approved traffic study for Neighborhoods 8A and 10 Combined Transportation Phasing Plan (8A/10 CTPP), June 26, 1995, Carmel Country Road is classified as a 4-Lane Major street from SR-56 to south of Neighborhood 10's northern boundary (see Figure 13).

The 4-Lane Major street segment of Carmel Country Road has a maximum desirable traffic volume of 30,000 daily trips. Of this 30,000 daily trips, about 14,994 are from Neighborhoods 8A, 10, and Sorrento Hills (see Table 9). The remaining maximum desirable volume is therefore approximately 15,000 daily trips, of which 5,000 daily trips would be utilized by the existing development in Carmel Valley Neighborhood 8 (Palacio Del Mar, located east of Carmel Country Road and north of Shaw Ridge Road).

This would result in a 10,006 (30,000 maximum desirable traffic - 19,994 trips from Sorrento Hills, Neighborhoods 8, 8A, and 10) traffic volume

reserve on this segment of Carmel Country Road that could be utilized by Subarea V developments. Given the special distribution of Subarea V developable land ownership, substantial amount of property is on the east side of the subarea. Therefore, not all of the 10,006 daily trips may be utilized at this stage of development. It is expected that the equivalent of 6,600 daily trips will be generated in the first phase of Subarea V developments.

In addition to improvement of Carmel Country Road (north of Neighborhood 10's northern boundary) as a 4-Lane Major street, Shaw Ridge Road is also recommended to be improved as a 2-Lane Residential Local street (38 ft. c/c width) with a maximum desirable volume of 2,200 Average Daily Traffic (ADT).

At this phase, traffic signals need to be installed at Carmel Country Road at the entrance to the Bougainvillea project (to be paid for by the developer only) if this project is to proceed in this phase, and at the intersection of Carmel Country Road at the entrance to the Neighborhood 8 development (Palacio Del Mar). Cost for installation of this signal is to be paid for by Carmel Valley FBA and the Subarea V DIF on a fair share basis.

A list of Phase 1 improvements follows:

1. Carmel Country Road constructed as a 4-Lane Major street, from SR-56 to south of Neighborhood 10's northern boundary. This improvement is in Carmel Valley's Neighborhoods 8A/10 CTPP. Subarea V is to pay its fare share of this project through the formation of an reimbursement district.
2. Shaw Ridge Road constructed as a 2-Lane Residential Local street from Carmel Country Road to Camino Santa Fe. This improvement is considered internal and it is to be paid by subdividers.
3. Traffic signals to be installed at Carmel Country Road at the entrance to Neighborhood 8's development (Palacio Del Mar). This improvement is to be paid for by the Carmel Valley FBA and the Subarea V DIF on a fair share basis.
4. Traffic signals to be installed at Carmel Country Road/Bougainvillea entrance (if this project is to proceed at this phase). This improvement is to be paid for by the developer.

TABLE 9: DISTRIBUTION OF DAILY TRIPS BY DEVELOPMENT ON CARMEL COUNTRY ROAD FOR PHASE 1

DEVELOPMENT	CARMEL COUNTRY ROAD DAILY TRIPS	
	SR-56 TO SOUTH OF NEIGHBORHOOD 10'S NORTHERN BOUNDARY (4-LANE MAJOR)	SOUTH OF NEIGHBORHOOD 10'S NORTHERN BOUNDARY TO CARMEL MOUNTAIN ROAD (4-LANE MODIFIED COLLECTOR)
Sorrento Hills ¹	1,440	1,440
Neighborhood 8	5,000	--
Neighborhood 8A	3,950	3,950
Neighborhood 10	9,604	9,604
Subarea V, with Maximum Potential Development ²	6,600	--
TOTAL	26,594	14,994

1. The source for Sorrento Hills and Neighborhood 8A & 10 trips is Table 13 of the Transportation Analysis for Carmel Valley/Neighborhood 8A, by Urban Systems Associates, June 26, 1995.
2. Potential development at this phase may be the Bougainvillea development with 4,400 daily trips and an additional 220 dwelling units, or any other combination of development totaling the equivalent of 6,600 ADT.

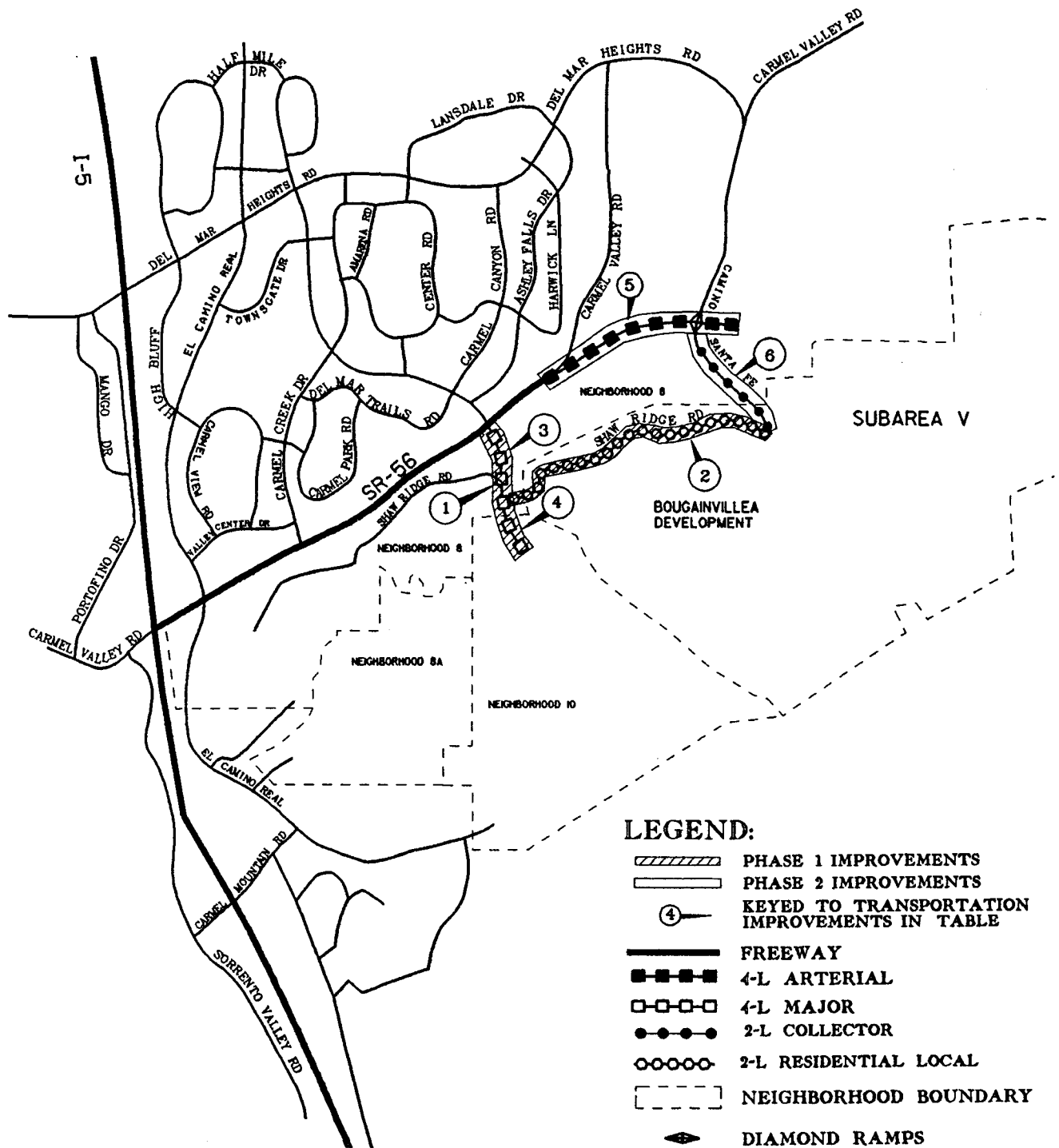
Phase 2

The remaining dwelling units and/or other developments may be constructed at the second phase of development in Subarea V. The required infrastructure to support the rest of developments in the subarea are shown in Figure 28 and described below:

5. A 4-lane arterial road (as an interim improvement prior to Caltrans' completion of SR-56), from the existing eastern terminus of SR-56 to Camino Santa Fe, and a grade separated interchange. Costs for the interchange bridge is to be paid for by the City. Costs for the interchange ramps at Camino Santa Fe are to be paid for by the FUA and Subarea V DIF on a fair share basis.
6. Camino Santa Fe connection constructed as a 2-Lane Collector street from SR-56 to Shaw Ridge Road. This improvement is to be paid by Subarea V developments.

Transportation Phasing Improvements

28
figure



SUBAREA V
DEL MAR MESA

Street improvements in Phase 2 conclude the required transportation phasing improvements for all of Subarea V.

Phasing Plan Summary:

For ease of reference, a phase-by-phase summary of land use thresholds and their associated transportation improvements are listed in Table 10. Figure 28 illustrates all the improvements referred to in Table 10. The details of Subarea V financing and its relation to adjacent neighborhoods are discussed in detail in the Subarea V Facilities Financing Plan.

**TABLE 10: TRANSPORTATION PHASING PLAN FOR SUBAREA V
REQUIRED IMPROVEMENTS & BUILDING PERMITS NOT
TO EXCEED ¹ ²**

PHASE	DAILY TRIPS	TRANSPORTATION IMPROVEMENTS
1	6,600	<p>1. Carmel Country Road constructed as a 4-Lane Major street from SR-56 to south of Neighborhood 10's northern boundary. ³</p> <p>2. Shaw Ridge Road constructed as a 2-Lane Residential Local street, from Carmel Mountain Road to Camino Santa Fe along its current alignment. Developer only. ⁴</p> <p>3. Traffic signal to be installed at Carmel Country Road/Neighborhood 8 development (Palacio Del Mar) entrance. A fair share to be paid by the Carmel Valley FBA and the Subarea V DIF on a fair share basis.</p> <p>4. Traffic signal to be installed at Carmel Country Road/Bougainvillea entrance. Developer only. ⁴</p>
2	3,280	<p>5. A 4-lane arterial road (as an interim improvement prior to Caltrans' completion of SR-56), from the existing eastern terminus of SR-56 to Camino Santa Fe, including a grade separated interchange. Costs for the 4-lane arterial road and the interchange bridge are to be paid for by the City of San Diego. Costs for the interchange ramps are to be paid by the FUA DIF and Subarea V DIF on a fair share basis.</p> <p>6. Camino Santa Fe connection constructed as a 2-Lane Collector street from SR-56 to the access road to Shaw Ridge Road. This improvement is to be paid by the Subarea V DIF. ⁴</p>

1. This Transportation Phasing Plan is intended as a guideline to sequentially provide the roads that are required to support the developments in Subarea V. It must be updated on a regular basis to reflect the actual land development and trip distribution patterns in the area.
2. Building permits may not be obtained to construct any dwelling units beyond the daily trips threshold that is listed under column 2, unless the projects that are listed under the "Transportation Improvements" column are: completed; under contract; bonded; scheduled in the City's Capital Improvements Program for the same year building permits are requested; or programmed in the State Transportation Improvement Program (STIP) for the same year that building permits are requested.
3. Construction of Carmel Country Road is also a condition of development for any or all of the following developments: Carmel Valley Neighborhoods 8A and 10, and Sorrento Hills for which Subarea V must pay its fair share contribution through the formation of a reimbursement district.
4. "Developer only" means the improvement is to be constructed and be 100% paid for by the adjacent developer.

APPENDIX

Appendix B

DEL MAR MESA SPECIFIC PLAN AMENDMENTS TO LAND USE PLANS AND ORDINANCES

Progress Guide and General Plan

1. The Del Mar Mesa Specific Plan constitutes an amendment to the City's General Plan and the land use map will be amended to reflect the Subarea V land use designations.

North City Local Coastal Program

1. Amend to reflect the development and open space areas in the specific plan.

Framework Plan

1. Amend the Land Use, Open Space, Transportation, Facilities and Implementation Elements to reflect the dwelling unit allocation, road system, facilities, and development and open space areas in the Del Mar Mesa Specific Plan.

2. Amend the Implementation Element to permit processing of a specific plan in place of a subarea plan.

3. Amend to reflect the revised Subarea V boundary.

A-1 Zones (Municipal Code Section 101.0404)

1. Amend to accommodate the approximately 1 dwelling unit/2.5 acres density and associated development standards outlined in the specific plan.

2. Amend to delete the 1 dwelling unit/4 acre rural cluster option for the specific plan area.

Planned Residential Development Ordinance (Municipal Code Section 101.0901)

E. DECISION PROCESS [PRD permits within the Del Mar Mesa Specific Plan area will be considered in accordance with "Process Three".]

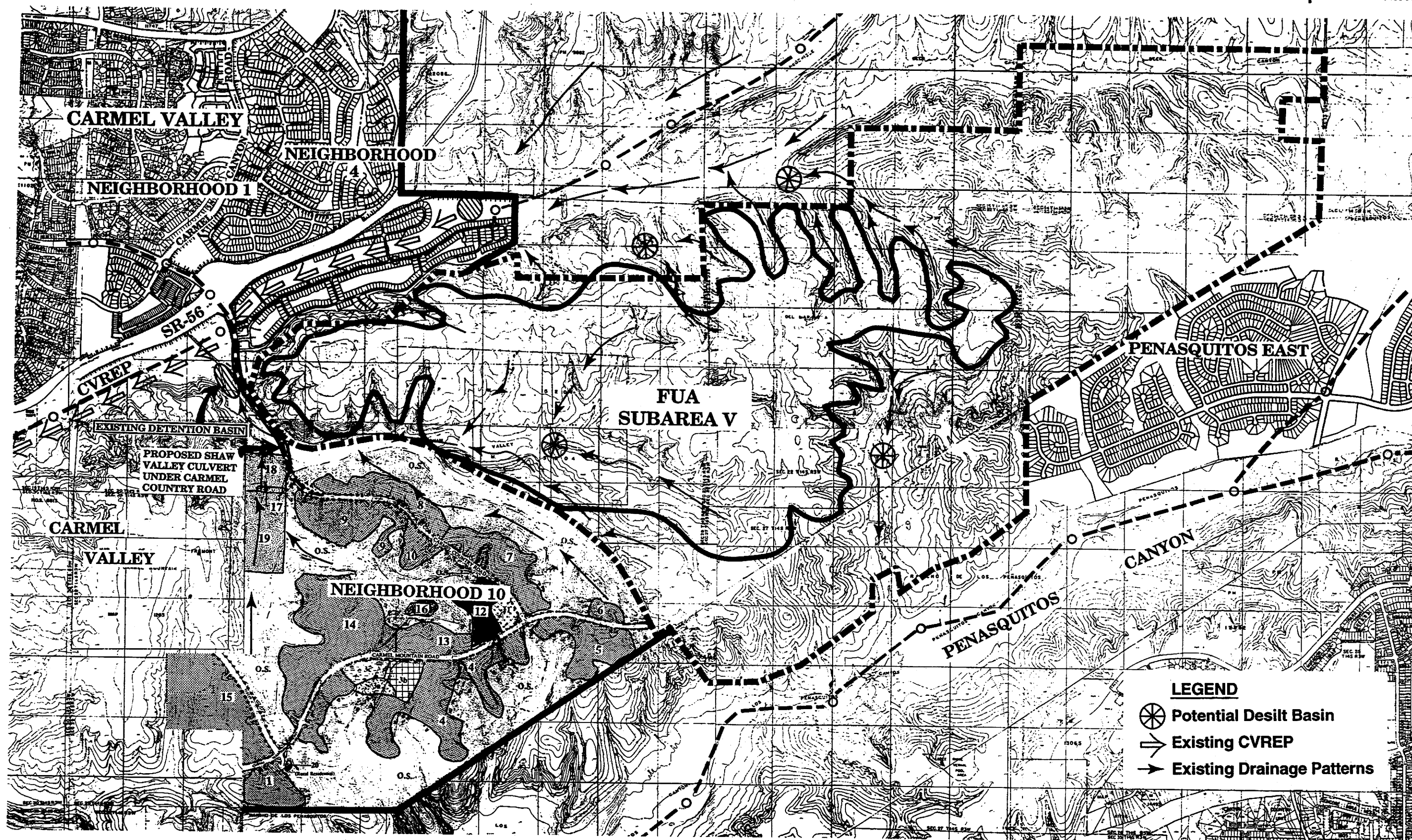
E.6. FUTURE URBANIZING AREA FINDINGS [Findings for PRD permits within Subarea V will be the same as those outlined in Paragraph E.3. Projects in conformance with the Del Mar Mesa Specific Plan are deemed consistent with the findings that apply to the Future Urbanizing Area as defined in this paragraph. Amend

to delete the 1 dwelling unit/4 acre rural cluster option for the specific plan area]




- J.1. DENSITY [The maximum density for parcels within Subarea V with areas designated for development shall be a maximum of 1 dwelling unit/2.5 acres. Amend to delete the 1 dwelling unit/4 acre rural cluster option for the specific plan area]
- J.2. OPEN SPACE [The required open space per dwelling unit as shown in Table II of Municipal Code Section 101.0901 shall not apply to Subarea V. This is because of the rural nature of the area and the substantial amount of designated open space.]
- J.6 LANDSCAPING [The Del Mar Mesa Specific Plan will contain landscaping regulations that promote the preservation of native vegetation within the development area, the installation of drought tolerant plant material, and other measures, where appropriate, to preserve the rural character of the Del Mar Mesa.]

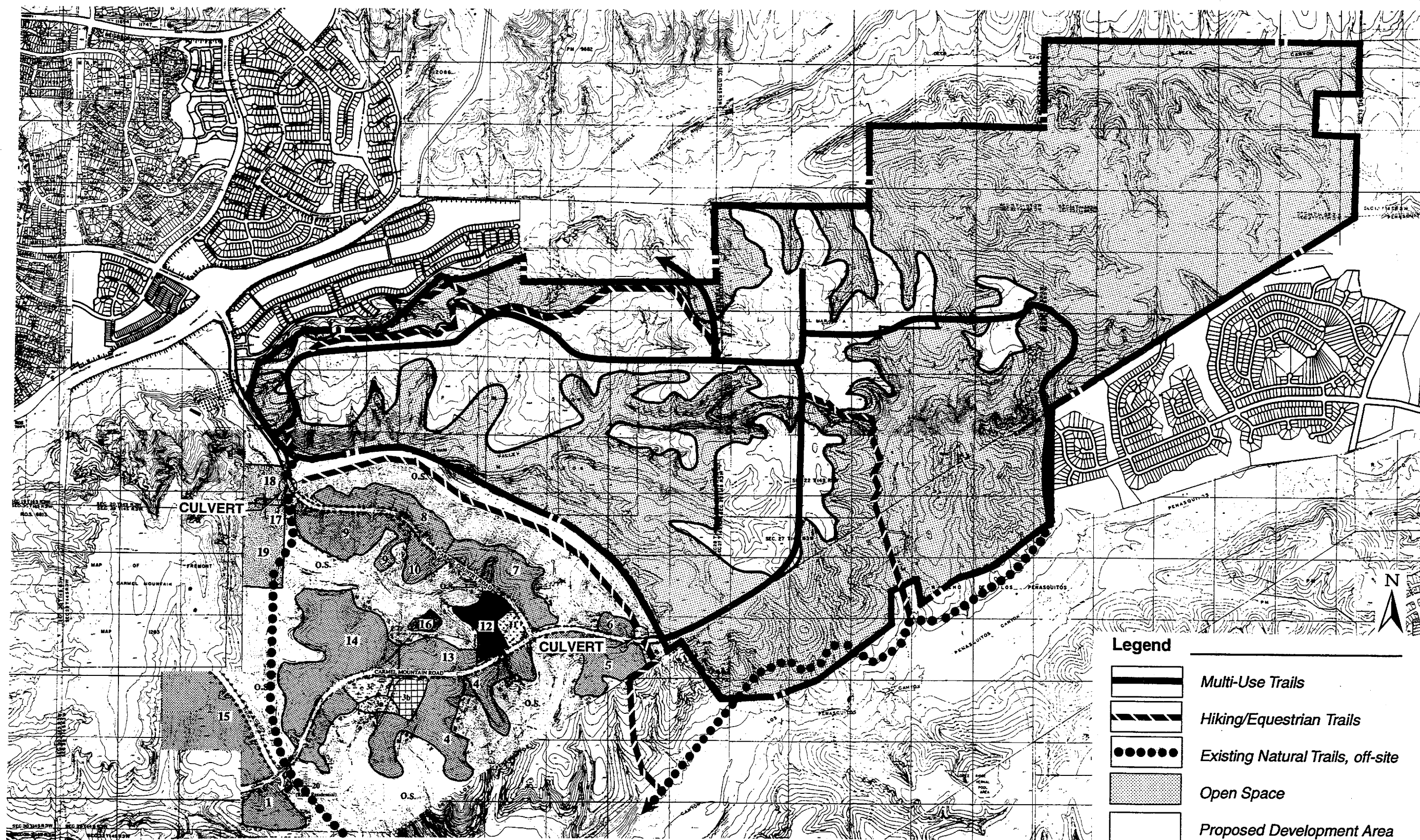
Resource Protection Ordinance (RPO) (Municipal Code Section 101.0462)

- 1. Amend to provide a limited exemption for projects within Subarea V where development is wholly within the defined development area and provides appropriate setbacks from designated floodplains, wetlands, identified archeological resources and designated historical resources. Supersedes RPO regulations with the Regulations for Resource Management contained in the specific plan.
- 2. Amend to delete the exemption of single family residences for parcels wholly or partially within the MSCP Preserve area.



LEGEND

-  Potential Desilt Basin
-  Existing CVREP
-  Existing Drainage Patterns

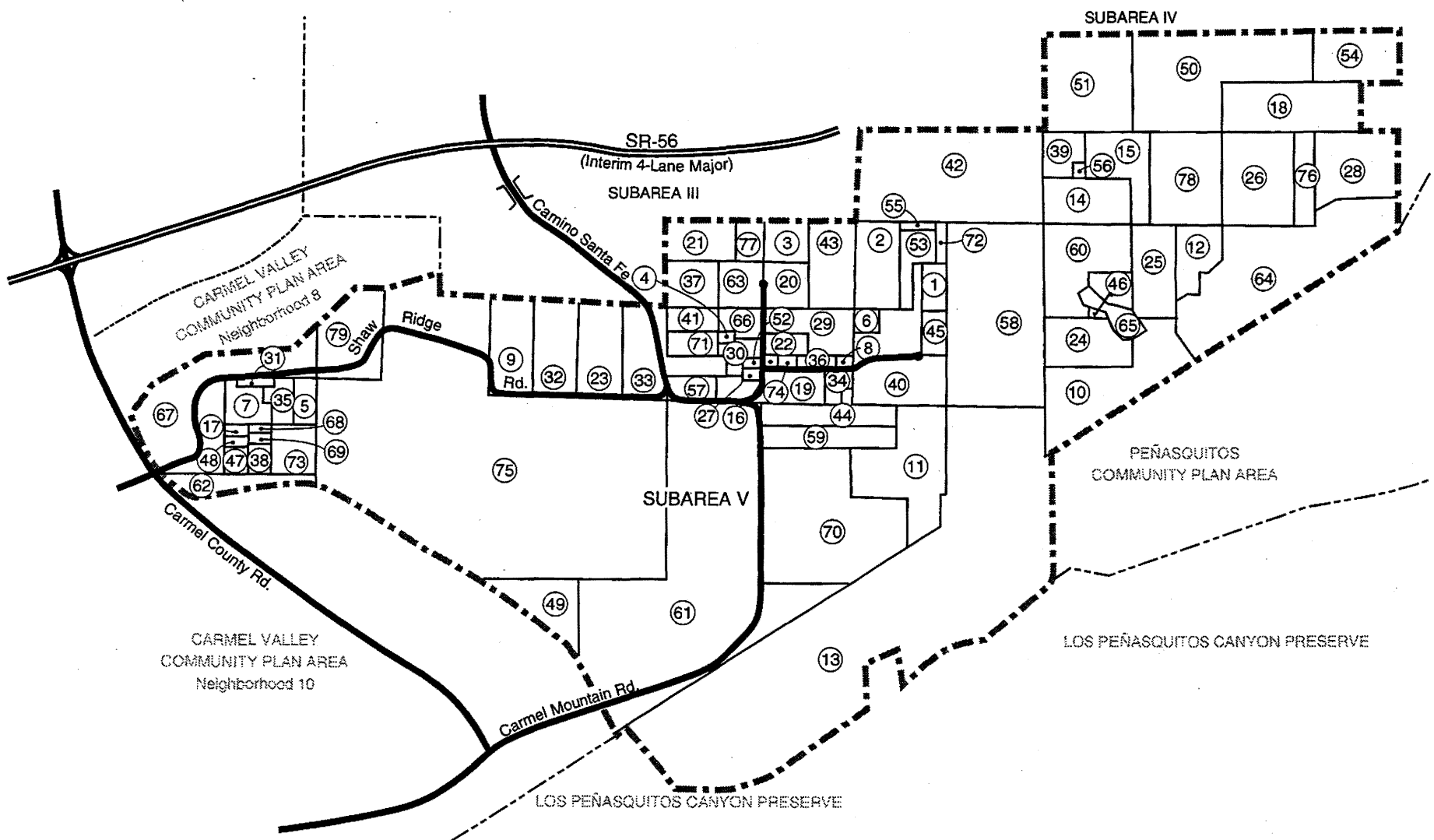


Summary

Area No.	APN	Approx. Plan Ac.	Area No.	APN	Approx. Plan Ac.	Area No.	APN	Approx. Plan Ac.
1	308-020-10	5.0	30	308-020-76	2.3	60	309-010-18	29.2
2	308-020-07	20.0	31	307-041-19	1.4	61	308-041-01	192.9
	308-020-06	10.0	32	308-010-14	19.5		308-030-05	
3	308-020-43	10.0	33	308-020-78	25.9		308-021-10	
4	308-020-64	1.0		308-020-77			308-021-01	
5	307-041-12	5.0		308-020-68		62	307-041-03	69.6
6	308-020-64	2.5		308-010-17		63	308-020-53	10.0
7	307-041-09	8.0	34	308-020-56	3.6	64	309-010-31	83.7
8	308-020-59	1.0	35	307-041-11	5.6		309-010-30	
9	308-010-15	19.5		307-041-20			309-010-29	
10	309-010-14	47.9	36	308-020-65	2.0		309-010-27	
	309-010-13		37	308-020-02	10.0		309-010-25	
	309-010-24		38	307-041-18	3.0		309-010-23	
11	308-021-05	34.9		307-041-17			309-010-20	
	308-021-04		39	306-050-22	9.0		309-010-10	
12	309-010-28	12.3	40	308-020-63	35.0		309-010-09	
	309-010-26			308-020-19			309-010-08	
13	308-021-08	251.5		308-020-17			309-010-07	
	308-021-06			308-020-09			309-010-05	
	308-021-07		41	308-020-49	5.0		309-010-04	
	308-041-05		42	306-041-03	80.0		306-050-31	
	308-031-06		43	308-020-42	20.0	65	309-010-22	5.7
14	306-050-12	20.0		308-020-05		66	308-020-62	6.0
15	306-050-11	17.5	44	308-021-11	15.6		308-020-25	
16	308-020-66	1.0		308-020-45			308-020-24	
17	307-041-08	1.2	45	308-020-16	5.1	67	307-040-58	62.9
18	306-050-21	30.0	46	309-010-19	7.5	68	307-041-14	1.0
	306-050-07		47	307-041-06	2.8	69	307-041-15	1.0
19	308-020-74	15.2	48	307-041-07	1.0	70	308-021-09	78.4
	308-020-57		49	308-030-19	20.0		308-021-03	
20	308-020-41	10.0	50	308-050-20	60.0	71	308-020-48	5.0
21	308-020-01	15.0	51	306-050-09	40.0	72	308-020-14	2.2
22	308-020-22	5.0	52	308-020-75	3.7	73	307-041-13	10.0
23	308-010-16	19.6	53	308-020-12	8.3	74	308-020-67	1.0
24	309-010-15	18.7		308-020-11		75	308-011-09	347.9
25	309-010-02	20.0		308-020-08			308-011-08	
26	306-050-29	32.3	54	306-050-05	20.0		308-011-07	
27	308-020-73	1.3	55	308-020-13	2.0		308-011-06	
28	306-050-30	29.4	56	306-050-23	1.0		308-011-05	
29	308-020-23	15.0	57	308-020-31	5.0		308-011-04	
			58	308-020-72	80.0		308-011-03	
				308-020-71			308-011-02	
			59	308-021-12	14.7		308-010-08	

Total 2,172.0
- 130.0
(Extend Outside Subarea)

2,042.0



SUBAREA V
DEL MAR MESA