

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4402
(619) 444-2370



July 20, 2001

RECORD PACKET COPY**Tue 9b****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT No. 1-2001 Carmel Valley Neighborhood 6 and Public Rights of Way
(For Public Hearing and Possible Final Action at the Coastal Commission Hearing of
August 6-10, 2001)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The subject amendment is the first major LCP amendment request for 2001. It consists of changes to the North City Land Use Plan (LCP) in the Carmel Valley-Neighborhood 6 area to accommodate a proposed office headquarters development on a 1.1 acre site, currently designated for Visitor-Serving uses. The City proposes to change the LUP designation on that specific site to Office Commercial and also proposes to incorporate a few administrative corrections of minor errors in the plan. Also proposed is an Implementation Plan (IP) amendment to rezone the same 1.1 acre site from its current VC (visitor commercial) Zone to the SC (specialized commercial) Zone. Finally, a second amendment to the IP is proposed, which would incorporate a new ordinance into the code. This addresses encroachments in public rights-of-way by applicants other than the landowner and consists of new Sections 126.0901 through 126.0907 relating to development permits.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendments, as submitted by the City. Regarding the change to the VC land use and zoning designation, the LCP amendment is acceptable because there remains sufficient area designated for visitor commercial uses in the Carmel Valley Precise Plan, and in this specific neighborhood, to accommodate anticipated needs for visitor-serving uses. Regarding the second component of the LCP amendment request, the new code sections are intended to allow the City to grant encroachment permits in public rights-of-way to applicants who are not

the actual landowner. The code amendments are primarily to address permit requirements for utility and communication facilities where an entity needs to obtain permission to work within right-of-way it does not own. The incorporation of this new ordinance does not affect whether or not encroachments in rights-of-way would require a coastal development permit.

The appropriate resolutions and motions begin on page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on page 8.

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 (LUPs) submitted and certified, or certified with suggested modifications, for each segment. The Implementation Plan (IP) was certified with suggested modifications in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Some isolated areas of deferred certification remain and will be submitted for Commission certification once local planning is complete. There have been numerous amendments 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 1-2001 may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

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 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, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

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 on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included such things as land use revisions in several segments, rezoning of single properties, and modifications of citywide ordinances.

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.

- I. MOTION:** *I move that the Commission certify the Land Use Plan Amendment for the City of San Diego (North City segment) as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the *City of San Diego (North City segment)* as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

- II. MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the *City of San Diego* as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of the certified Land Use Plan, and certification of the Implementation Program amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO
(NORTH CITY SEGMENT) LAND USE PLAN AMENDMENT, AS
SUBMITTED****A. AMENDMENT DESCRIPTION**

The subject LUP amendment consists of changes to the North City Land Use Plan/Carmel Valley-Neighborhoods 4, 5, and 6 Precise Plan to accommodate a proposed office headquarters development on a 1.1 acre site, currently designated for Visitor-Serving uses. The City proposes to change the LUP designation on that specific site to Office Commercial. Another component of the LUP amendment is the incorporation of a few administrative corrections in the plan. The Precise Plan's land use charts and accompanying text include some incorrect acreage calculations, which the City has asked to amend herein as a clean-up measure to reflect accurate conditions as certified by the Coastal Commission through past actions.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2(b) 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 does conform with Chapter 3 of the Coastal Act and the goals of the state for the coastal zone with regards to Carmel Valley Neighborhood 6.

C. CONFORMITY OF THE CITY OF SAN DIEGO (NORTH CITY SEGMENT) LAND USE PLAN WITH CHAPTER 3

The provision of adequate visitor-serving facilities is a high priority under Chapter 3 of the Coastal Act, as applied in Section 30222, which states:

“The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.”

In this particular case, adequate lands for visitor-serving commercial uses will remain if the subject site is redesignated for office commercial uses. The subject property does not front directly on Carmel Valley Road, nor does it have any freeway frontage. There is an existing major hotel just south of the site, which includes dining facilities. Moreover, across El Camino Real to the west is another hotel, along with several eating establishments and a service station. Additional space for such uses is designated east of the site, at the northwest corner of Carmel Valley and Carmel Creek Roads beyond some previously approved office uses. Facilities north of the site consist primarily of offices.

As part of a significant visitor-serving complex, both the Commission and the City approved a 12,000 sq.ft. restaurant on the subject site. Although most of the surrounding

properties have built out under the old approvals, and the subject site was graded at that time, the restaurant was never constructed. Too much competition with similar nearby uses is surmised to be the reason the site has remained vacant, and current marketing trends still indicate that a restaurant would have a hard time being successful in this location because so many similar facilities already exist in the immediate area. Thus, the City proposes to redesignate the site to Office Commercial, which allows a greater mix of development with an emphasis on offices. The City is also reviewing a specific development proposal for the site and is processing a non-appealable coastal development permit to accommodate it.

However, the Commission must review this proposed LUP change in a more general way and determine if any potential development that might be proposed under the new designation would be acceptable from a Coastal Act perspective. The Commission finds that the proposed redesignation from Visitor Commercial to Office Commercial is consistent with Chapter 3 of the Act. Although visitor-serving uses are a high priority under Section 30222 of the Act, there is adequate nearby area to fulfill these needs. Many visitor-serving facilities, including two hotels, a service station and several restaurants, already exist in the immediate area to serve travelers on I-5 and SR 56. Moreover, the Office Commercial land use designation allows support uses in office structures, such as fitness centers, eating establishments and small retail outlets, such that additional uses that could serve visitors may still be built.

With respect to other Chapter 3 policies, Section 30251 of the Act addresses visual resources. Since the design criteria for visitor-serving and office commercial designations are virtually identical, changing from one designation to another will not change the types or locations of potential visual impacts. However, the LUP includes policies requiring protection of public views from throughout Carmel Valley's open space areas, so any future development must be analyzed for consistency with that standard. Since the specific property being reclassified has already been graded and cleared many years ago under prior approvals, there are no biological resources or steep slopes existing on the site. Thus, the proposed redesignation would be consistent with Sections 30240 and 30253, which address sensitive habitats and hazards respectively.

In summary, the Commission finds that redesignating a 1.1 acre site in Neighborhood 6 of the Carmel Valley Precise Plan will be fully consistent with all applicable Chapter 3 policies of the Coastal Act. Adequate area (6.8 acres) is allocated to visitor-serving uses fronting the major streets (i.e., Carmel Valley Road, El Camino Real and Carmel Creek Road) in Neighborhood. Moreover, there is a large area of Visitor Commercial land located just west across El Camino Real, in an adjoining neighborhood, which is already developed with a variety of visitor uses. Design criteria are the same for both designations, so there will be no change in visual impacts over what could occur under the current land use designation. The site contains no biological resources or topographical hazards. Therefore, the Commission finds that the Office Commercial designation is consistent with Chapter 3 of the Coastal Act and approves the City's LCP/LUP amendment request.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The proposed IP amendments consist of two separate items: the rezoning of a 1.1 acre property in Carmel Valley Neighborhood 6, a component of the Carmel Valley Planned District ordinance, and the addition of a new ordinance to the Land Development Code (LDC). The new ordinance addresses encroachments in public rights-of-way by applicants other than the landowner. The Commission finds both IP revisions consistent with, and able to carry out, the City's certified LUPs; they will be discussed separately below.

B. FINDINGS FOR APPROVAL

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.

Specialized Commercial (SC) Zone

a) Purpose and Intent of the Ordinance. The ordinance is intended to provide for a mix of commercial uses, including, but not limited to, shopping centers, professional offices and corporate headquarters. The zone is unique to the Carmel Valley Planned District Ordinance and relates most closely to the CC-1-3 Zone in the certified LDC.

b) Major Provisions of the Ordinance. The SC Zone references the old CA Zone (renamed the CC-1-3 Zone in the certified LDC) for permitted uses and development regulations. Including those, major provisions of the SC Zone are:

- Site design standards
- Lot area, dimensions and setback requirements
- Parking and signage requirements
- A list of prohibited uses

c) Adequacy of the Ordinance to Implement the Certified LUP Segment. As currently zoned VC, the 1.1 acre property in Carmel Valley Neighborhood 6 will not be consistent with the LUP as amended herein to redesignate the site to Office Commercial. Thus, the proposed rezoning of the site to SC, which implements the Office Commercial LUP designation, is necessary to conform the IP with the LUP, as amended. The actual development standards of the VC and SC Zones in Carmel Valley are virtually identical, so the proposed rezone to SC will not result in any impacts that would not already occur under the VC Zone. Therefore, the Commission finds that the SC Zone is consistent with, and adequate to carry out, the LUP policies, as amended herein.

Public Right-of-Way Use Permit Procedures

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to establish a process for approval of encroachments in the public right-of-way when the applicant is not the record owner of the property. The intent is to protect the public right-of-way for use and enjoyment by the public.

b) Major Provisions of the Ordinance. The ordinance includes several provisions – the most significant ones are listed below:

- Explanation of when permits are required and how to apply
- Decision process
- Required findings and conditions
- Violations

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. All of the various community plans that make up the City's total LCP include policies stressing the importance of public access to and along the coast and major public recreational resources, and require preservation of visual resources. It is the City's intent to maintain right-of-way areas open and available to the public for both physical and visual access, and encroachments into rights-of-way are generally discouraged.

However, situations may exist where encroachments into public rights-of-way are desirable, and may be beneficial to the public as a whole but are not currently addressed in the LDC. The City proposes applying this permitting requirement for any encroachments in the public right-of-way when the applicant is not the record owner of the property on which the proposed encroachment will be located. Some examples of this could be placement of utility extensions in the most direct routes to save taxpayer dollars or demarcating/separating communities within an area to address issues of membership or religious practices. In such situations, the encroachments into the right-of-way are typically either overhead or underground, such that there is no direct interference with the public's use of the right-of-way. The ordinance requires the decision maker to make certain findings to assure this; such findings provide that encroachments: do not interfere with the free and unobstructed use of the right-of-way for public travel; are not detrimental to public health, safety or welfare; do not interfere with the record owner's use of the property; do not adversely affect the land use plan; are not harmful to community aesthetics; and do not violate any other local, state or federal law. In addition, permit conditions are required to address maintenance of encroachments, indemnification of the City and removal of encroachments within 30 days of notice by the City. As designed to assure no adverse impacts on public access (physical or visual), the Commission finds that this ordinance is in conformance with, and able to carry out, the City's many certified land use plans.

PART V. 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. In this case, the Commission finds that all proposed amendments to the City of San Diego LCP conform with CEQA, and will not result in any significant environmental impacts.

2000/01 Fiscal Year Equipment

BUDGET

69,000 BASELINE
 245,000 FY 2000-01 BCP
 314,000 AVAILABLE
 312,122 Spent thru date of report
 1,878 Balance

Updated: 06/29/01

EQUIPMENT PURCHASES

Description	Location	Allocated	Cost	Date of Purchase	Order No.	Status	Notes
Network Server	SF	\$18,000	\$13,440	2/8/01	C7-00-191	Complete	Both servers to be kept in SF, one older
Network Server	SF		\$13,440	2/8/01	C7-00-191	Complete	server to be shipped to Santa Cruz
Separate Back Up Media Storage "Jukebox"	SF	\$19,000	\$11,158	2/8/01	C7-00-191	Complete	
GIS Computer	SF	\$11,000	\$12,005	10/24/00	C7-00-83	Complete	Mapping
Computer	SF		\$5,454	2/1/01	C7-00-166	Ordered	Computer for Kim B in Access Div.
Computer	Ven		\$5,178		C4-00-149	Ordered	Jon Allen
Scanner	SF	\$5,000	\$7,704	3/15/01	D7-00-54	complete	High function scanner for mapping unit
GPS Device		\$10,000					
High Volume Copier	SC	\$16,000	\$16,000	6/27/00	C7-99-255	Complete	Purchased 3 copiers (SC;Ven;SD) on same PO, the cost split between 99/00 and 00/01.
High Volume Copier	Ven	\$0	\$0				
Copier	SF/Exec	\$10,000	\$10,736	9/25/00	C7-00-65	Complete	Replacement copier for Exec/Energy copiers
Copier	SF/Legal	\$10,000	\$10,736	9/25/00	C7-00-65	Complete	Replacement copier for Legal
Copier	Ven	\$0	\$0				
Copier	LB	\$8,000	\$7,339	6/28/01	C5-00-283	Ordered	Replacement copier
Copier	SC	\$0	\$7,339	6/28/01	C3-00-284	Ordered	Additional copier
Copier	SD	\$8,000	\$7,339	6/28/01	C6-00-282	Ordered	Replacement copier
Vehicle	Ven	\$24,000	\$21,777	2/28/01	C4-00-184	Ordered	
Vehicle	North Central	\$22,000	\$21,338	2/28/01	C7-00-181	Complete	Replacement vehicle for Chevy Blazer
Vehicle	Santa Cruz	\$22,000	\$21,560	2/28/01	C3-00-183	Complete	
Vehicle	San Diego	\$22,000	\$17,773	2/28/01	C6-00-185	Ordered	
Mail Machine	SF	\$40,000	\$19,518	9/18/00	C7-00-56	Complete	
Scale	SF	\$0	\$0				
Folder/Inserter	SF	\$21,000	\$21,416	9/18/00	C7-00-57	Complete	
Auto Mail Machine	SC	\$7,000	\$6,340	9/18/00	C3-00-58	Complete	
Electronic Scale	SC	\$5,000	\$5,286	9/18/00	C3-00-58	Complete	
Auto Mail Machine	Ven	\$7,000	\$6,340	9/18/00	C4-00-59	Complete	
Electronic Scale	Ven	\$5,000	\$5,286	9/18/00	C4-00-59	Complete	
Auto Mail Machine	LB	\$7,000	\$6,340	9/18/00	C5-00-60	Complete	
Electronic Scale	LB	\$5,000	\$5,286	9/18/00	C5-00-60	Complete	
Auto Mail Machine	SD	\$7,000	\$6,340	9/18/00	C6-00-61	Complete	
Electronic Scale	SD	\$5,000	\$5,286	9/18/00	C6-00-61	Complete	

TOTAL \$314,000 \$312,122

RESOLUTION NO. 3111-2-PC
ADOPTED ON MARCH 22, 2001

WHEREAS, on March 22, 2001, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress Guide and General Plan, Carmel Valley Community Plan and Local Coastal Program; and

WHEREAS, Piazza Partners L.P., Owner and The Allen Group, LLC, Permittee, requested an amendment to the Progress guide and General Plan, Carmel Valley Community Plan and Local Coastal Program for the purpose of constructing a 2-story, 35,610 square-foot office building over one level of underground parking on a 1.1 acre site located on the southeast corner of El Camino Real and Valley Centre Drive within the VC (proposed SC) zone of Carmel Valley Planned District and Precise Plan 4,5 and 6, and


WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits and written documents contained in the file for this 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 Planning Commission of the City of San Diego that it hereby RECOMMENDS to the City Council, the Adoption of the amendment to the Carmel Valley Community Plan and the Local Coastal Program to become effective upon City Council adoption of the General Plan Amendment.

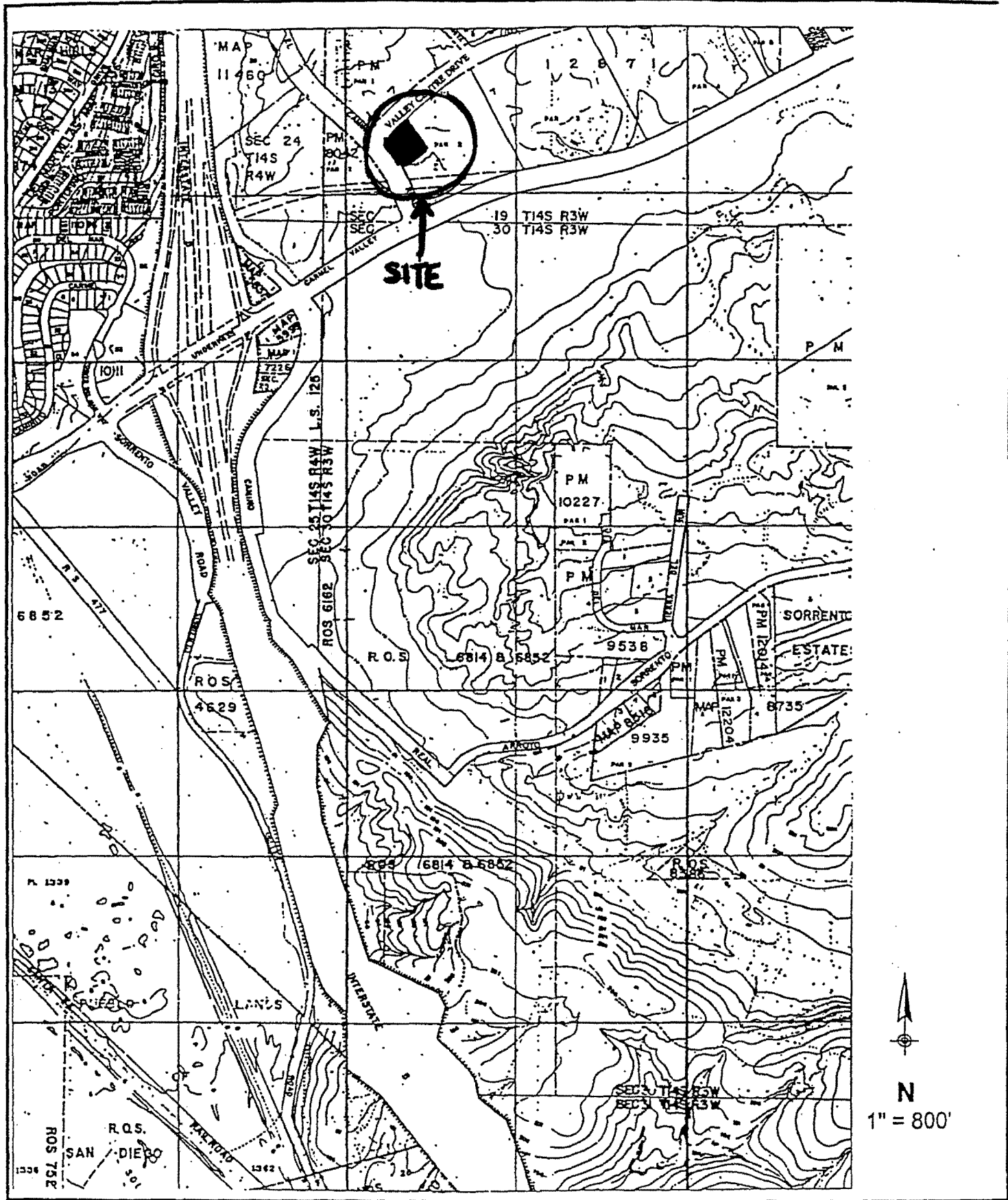
BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego hereby recommends the adoption of an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans. This amendment to the City's Local Coastal Program must be certified by the California Coastal Commission in accordance with Coastal Commission regulations.

APPROVED:

By 

Robert Korch
Project Manager

SD LCPA
1-2001

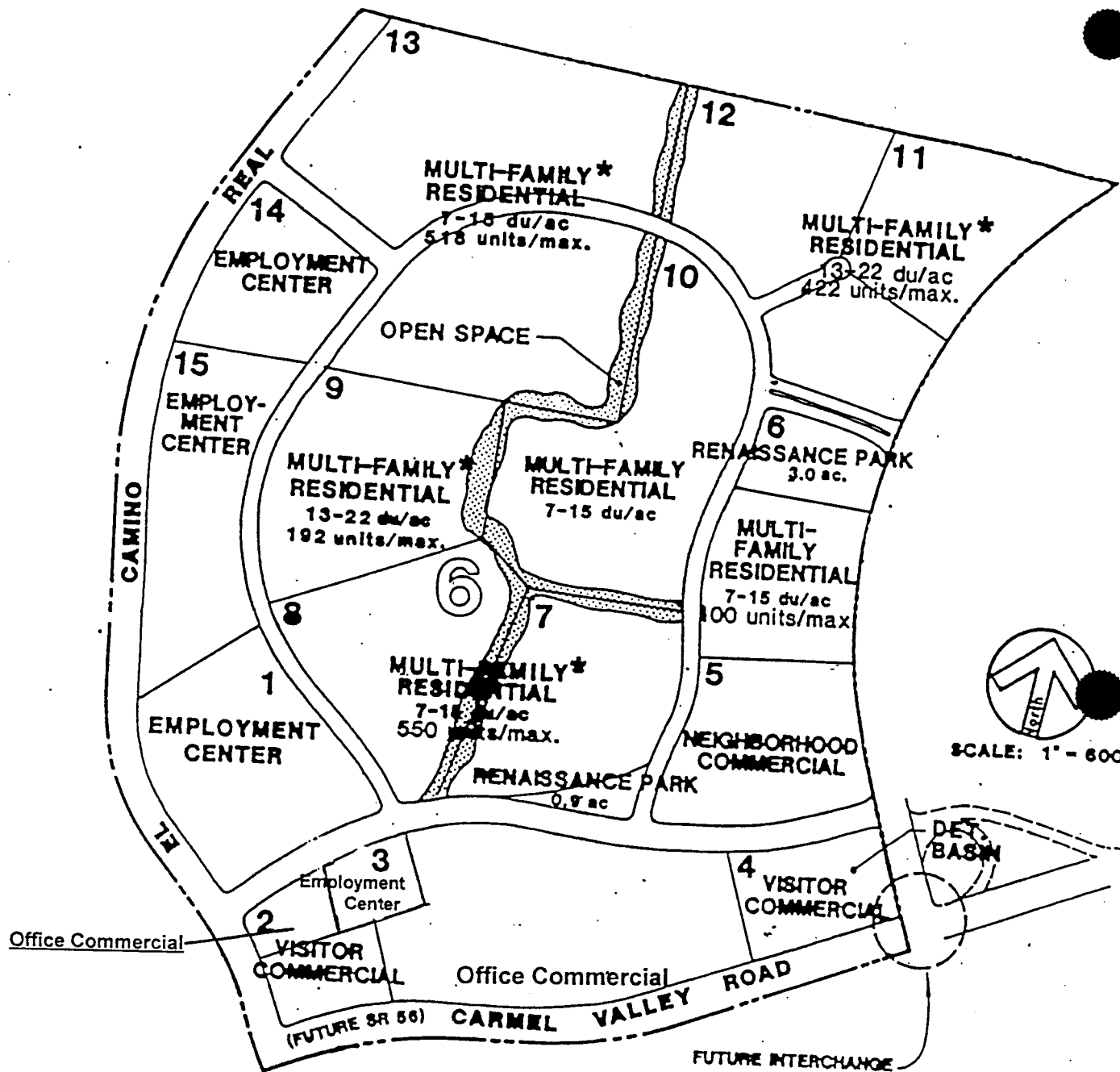


LOCATION MAP
 THE ALLEN GROUP
 CITY OF SAN DIEGO

PROJECT LOCATION MAP

SD LC PA 1-200





* NOTE: each NCW Development Plan must provide 1800 sq.ft. of open space per dwelling unit and may contain a private recreation facility (900 sq. ft. of open space per dwelling unit in lots 9, 11, 12)

Figure 9

Neighborhood 6 Land Use Plan

DRAFT COMMUNITY PLAN TEXT
AND DESIGN GUIDELINES

Table 3

Neighborhood 6 Land Use

Proposed Land Use	Number of Lots	Total Acres
Lot 9 (13-22 du/nra)	192	10.75
Lots 7,8,10 (7-15 du/nra)	550	52.66
Lots 6 (7-15 du/nra)	100	10.40
Lots 11,12 (13-22 du/nra)	422	25.98
*Renaissance Parks		(3.87)
Lot 13 (7-15 du/nra)	518	37.03
*Open Space		(60.97)
*Open Space		(1.90)
Employment Center		36.44 <u>38.14</u>
Visitor Commercial		9.59 <u>6.80</u>
Neighborhood Commercial		11.87 <u>13.10</u>
Major Collector Streets		29.41
Office Commercial		17.33 <u>18.42</u>
Totals	1,782	241.46 <u>242.69</u>

* Included within residential acreage.

Each superblock is designed to incorporate an average 10-foot grade differential between individual superblock products. This allows for views to extend over each development. Also, each superblock is large enough to allow for the construction of 75-200 units, thereby providing the economic justification for provisions of individual private recreation centers for each project. It is proposed that the recreational needs of future residents in Neighborhood 6 be met by the private recreational complexes; two separate Renaissance Parks offering an informal play space on 3.9 acres; the community park, located in the own center, which will double as a neighborhood park for this neighborhood and the nearby neighborhood park with neighborhood 5.

A minimum 20-foot wide open space spineway linkage is proposed within the interior of Neighborhood 6. This linkage will provide pedestrian an bicycle access to the town center, community park, and junior high school to be located immediately north of the neighborhood. A majority of this linkage is presently built.

D. COMMERCIAL COMPONENT

In accordance with the expanded concept of neighborhood identification, Neighborhoods 4-6 will contain both neighborhood commercial and visitors commercial land uses to serve the three neighborhood units, and adjacent service area to the south and travelers visiting the region.

1. Neighborhood Commercial

Two neighborhood commercial centers are proposed within the precise plan area. The western neighborhood commercial center (Neighborhood 6) will be approximately ~~44.87~~ 13.10 acres in size and will serve the needs of the residents of Neighborhoods 5 and 6 as well as the needs of residents in adjacent neighborhoods within the service area. Possible uses include a chain supermarket and drugstore, delicatessen, Laundromat, dry cleaners, beauty or barbershop, real estate office, card/gift shop, and other services or retail establishments.

The eastern neighborhood commercial center (Neighborhood 4) will total about 5.0 acres in size and is designed to serve Neighborhoods 1, 4 4A and 5, as well as development south of SR-56. Typical uses permitted could include a small supermarket or convenience food store, drugstore, small restaurant, hardware store, Laundromat and cleaners, beauty and barbershops and other miscellaneous service stores.

2. Visitor Commercial

A ~~9.59~~ 6.80 acre visitor commercial center (including detention basin) is proposed in the southern portion of Neighborhood 6. Its location adjacent to office uses and SR-56 will make it convenient for use by residents traveling to and from their places of employment as well as visitors to the area. The visitor commercial center will be developed with hotels motels, restaurants or other visitors-oriented uses identified in the VC Zone. The visitor commercial center will be oriented toward major streets, and will be compatible with adjacent development (see figure 10). The visitor commercial area has been split into two sections in order to take advantage of both the commercial center at Carmel Creek Road and the larger visitor center at El Camino Real.

The visitor commercial and neighborhood commercial areas are adjacent to achieve the benefits of mixed use, such as proximity to restaurants, parking and shopping. Shopping and service uses will be limited to ~~44.87~~ 13.10 acres, with visitor oriented uses occupying ~~9.59~~ 6.80 acres.

Due to the long-range development plans predicted for the town area, it is

SD LCPA
1-2001

expected that the Neighborhood 6 neighborhood commercial development will provide services for the entire precise plan area for many years to come without intruding into individual residential projects within the precise plan area. The separating collector street providing access to the commercial activities assures that intrusion into residential streets will not occur. The location of the commercial centers allows for self-containment of each individual neighborhood and permits integration between neighborhoods.

In addition, a small neighborhood commercial center is proposed within the southwestern corner of Neighborhood 4 adjacent to the Carmel Country Road ramps within SR-56. This location will serve the residents of Neighborhood 4, the eastern half of neighborhoods 5 and 1 as well as Neighborhood 8 to the south. All of these can be serviced without intrusion into the Neighborhood 4 residential areas.

Design Guidelines

The following general criteria should be used to evaluate future development plans to be submitted for the commercial components within Neighborhood 6.

* Future Development Plans Required

The commercial components of Neighborhood 6 shall be governed by development plans. Right-of-way needs for SR-56 (Carmel Valley Road) and the right-of way needs for the interchange with SR-56 and Carmel Creek Road shall be dedicated within the development plan or plans for the commercial component of Neighborhood 6 to the satisfaction of the City Engineer and Caltrans.

SD LCPA
1-2001

E.1 EMPLOYMENT CENTER

A ~~36.4~~ 38.14 acre employment center is shown on the precise plan in the western superblock of Neighborhood 6. The employment center will be vertically buffered from residential land uses to the north and east by ten to thirty foot slopes and landscaping. The employment center will be compatible with the employment and visitor commercial center on the west side of El Camino Real, will be limited to a 50' height regulation and conform to the Urban Design Guidelines of this plan.

Employment Center development will also be consistent with North City West Planned District Ordinance Employment Center (EC) zone, which requires that all lot areas not devoted to buildings, driveways, and similar areas shall be landscaped in accordance with plans, approved by the Planning Commission. Architectural site plans must also be approved by the commission.

E.2 OFFICE COMPONENT

~~A 17.33-acre site located adjacent to SR 56 is designated for Office Commercial use in Neighborhood 6. Visitor commercial sites are located to the west and to the east of the office site~~ In the southern portion of Neighborhood 6, 18.42 acres are designated for Office Commercial. The majority of this office area will buffer the homes north of the site from the freeway noise and create additional job opportunities within the community. The 1.09 acre site at the corner of the Valley Center Road and El Camino Real will relate to the visitor commercial and office in the vicinity.

The predominant uses in the Office Commercial designation will be general office and research and development uses, comprising at least 85 percent of the building area. Support uses typically associated with office use, such as fitness clubs, copy shops and restaurants are permitted but shall not exceed 15 percent of the total building square footage. Permitted uses will be those of the Specialized Commercial (SC) zone, except as restricted by this paragraph. Large retail centers and strip commercial development will not be permitted in the Office Commercial designation.

Permits for development in the Office Commercial designation will be processed in accordance with the Carmel Valley Planned District.

For the 17.33 acres parcel immediately adjacent to Freeway 56, permit review will ensure the following issues related to site design and parking are addressed.

SD LCPA
1-2001

- Site Design

The 17.33 acre Office Commercial parcel is unique because it is 20 feet lower than the adjacent Valley Center Drive and it faces both a freeway and residences. For that reason, site development must be sensitively designed to achieve its potential as a high image office complex and at the same time maintain a good-neighbor relationship with the homes to the north.

Therefore, site design and building location shall:

- 1) Maximize spacing between the proposed buildings to create view corridors; this building spacing is enabled by allowing building heights in excess of 50 feet. However, the buildings shall not exceed five stories.
- 2) Minimize and shield parking lot lighting without jeopardizing the safety of those parking there.
- 3) To the maximum extent possible, orient building wall signs, which are at heights higher than 25 feet, away from the homes to the north.

For the 1.09 acre office commercial parcel at the corner of El Camino Real and Valley Center Road, encourage project features that minimize pedestrian/vehicle conflicts and enhance pedestrian access to the building. In consideration of those within walking distance of the building, the project should encourage on-site support uses to the extent that a market and need for such support uses exist. As stated previously, these uses are not to exceed 15 percent of the total building square footage, and include those typically associated with office use, such as restaurant, dry cleaners, fitness club, and copy services.

Parking

Permits for development in the Employment Center and Office Commercial sites shall be conditioned to ensure that the maximum number of proposed employees is in balance with the available parking spaces and that the required number of off-street spaces as identified in the permit are free of charge to employees and visitors.

SD LCPA
1-2001

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING APPROXIMATELY 1.1 ACRES LOCATED ON THE SOUTHEAST CORNER OF EL CAMINO REAL AND VALLEY CENTRE DRIVE, WITHIN THE CARMEL VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE VC ZONE INTO THE SC ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 103.0610; AND REPEALING ORDINANCE NO. 17050 (NEW SERIES), ADOPTED APRIL 4, 1988, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

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

Section 1. That approximately 1.1 located on the southeast corner of El Camino Real and Valley Centre Drive and legally described as Parcel 2, Parcel Map No. 15957, in the Carmel Valley Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4163, filed in the office of the City Clerk as Document No. OO-_____, are rezoned from the VC (Visitor Commercial) zone into the SC (Specialized Commercial) zone, as the SC zone is described and defined by San Diego Municipal Code Section 103.0610.

Section 2. That Ordinance No. 17050 (New Series), adopted April 4, 1988, of the ordinances of The City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage,

DRAFT REZONE ORD.
AND 'B' SHEET 4163

SD LCPA
1-2001

a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: CASEY GWINN, City Attorney

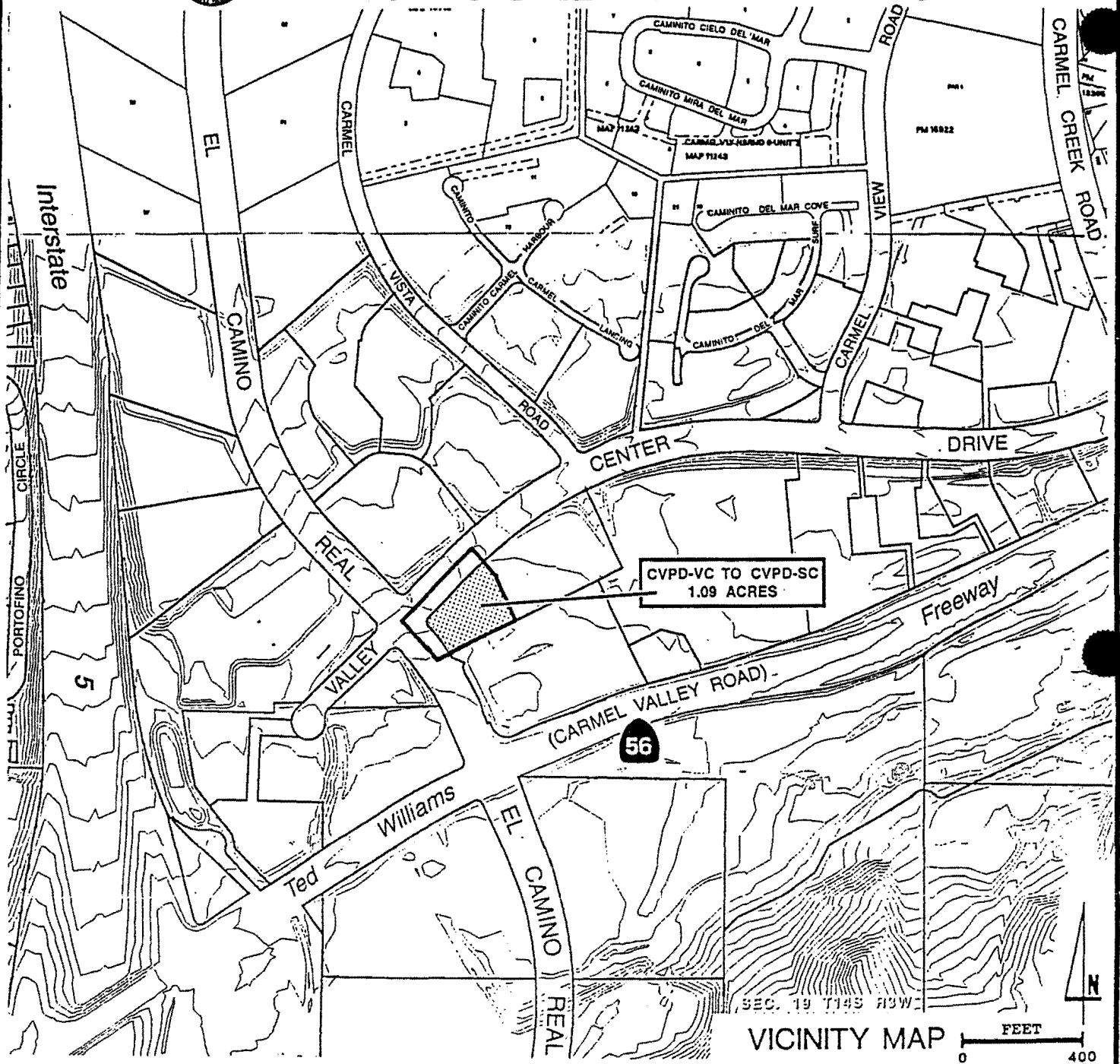
By _____
Mary Jo Lanzafame
Deputy City Attorney

KEYBOARD(Initials)
KEYBOARD(Date)
Or.Dept:KEYBOARD()
Case No.40-0180
O-KEYBOARD()
Form=inloto.frm

SD LCPA
1-2001



PROPOSED REZONING



Parcel 2, PARCEL MAP 15957		CASE NO. 40-0180
ORDINANCE NO. _____	REQUEST CVPD-SC	
EFF. DATE ORD. _____	PLAN. COMM. RECOMMENDATION	
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	B - 4163
BEFORE DATE _____		APN: 307-410-11
EFF. DATE ZONING _____		(281-1697) 2-21-2001 bf.
MAP NAME & NO. _____		

SD LCPA 1-2001

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ORDINANCE NUMBER O- 13923 (NEW SERIES)

ADOPTED ON FEB 27 2001

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 9 TITLED "PUBLIC RIGHT-OF-WAY USE PERMIT PROCEDURES" AND BY ADDING NEW SECTIONS 126.0901, 126.0902, 126.0903, 126.0904, 126.0905, 126.0906, AND 126.0907, ALL RELATING TO DEVELOPMENT PERMITS.

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

Section 1. That Chapter 12, Article 6, of the San Diego Municipal Code is amended by adding a new Division 9, and new Sections 126.0901, 126.0902, 126.0903, 126.0904, 126.0905, 126.0906, 126.0907 and 126.0908, to read as follows:

DIVISION 9

Public Right-of-Way Use Permit Procedures

SEC. 126.0901 Purpose of Public Right-of-Way Use Permit Procedures

The purpose of these procedures is to establish the process for approval of *encroachments* in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the proposed *encroachment* will be located. The intent of this division is to protect the *public right-of-way* for use and enjoyment by the public, to protect the public health, safety and welfare, and to maintain the aesthetic character of the community.

SEC. 126.0902 When Public Right-of-Way Use Permit Procedures Apply

SD LCPA
1-2001

A Public Right-of-Way Use Permit is required for any *encroachment* or object which is erected, placed, constructed, established, or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the proposed *encroachment* will be located, except when one or more of the following conditions is met:

- (a) The *encroachment* is permitted under Chapter VI, Article 2, Division 11.
- (b) The *encroachment* is permitted under Section 141.0619(b).
- (c) The *encroachment* is permitted under Chapter VI, Article 2, Division 10.
- (d) The *encroachment* is permitted under Section 141.0621.

SEC. 126.0903 How to Apply for a Public Right-of-Way Use Permit

An *applicant* shall submit an application for a Public Right-of-Way Use Permit in accordance with Section 112.0102.

SEC. 126.0904 Decision Process for a Public Right-of-Way Use Permit

A decision on an application for a Public Right-of-Way Use Permit shall be made in accordance with Process Four. A Process Four decision may be appealed to the City Council in accordance with Section 112.0508.

SEC. 126.0905 Findings for a Public Right-of-Way Use Permit

An application for a Public Right-of-Way Use Permit may be approved or conditionally approved if the decision maker makes all of the following findings:

- (a) the proposed *encroachment* is reasonably related to public travel, or benefits a public purpose, or all *record owners* have given the *applicant* permission to maintain the *encroachment* on their property;
- (b) the proposed *encroachment* does not interfere with the free and unobstructed use of the *public right-of-way* for public travel;
- (c) the proposed *encroachment* is not detrimental to the public health, safety or welfare;
- (d) the proposed *encroachment* does not interfere with the *record owners'* use or enjoyment of their property;
- (e) the proposed *encroachment* does not adversely affect the land use plan;
- (f) the proposed *encroachment* is not harmful to the aesthetic character of the community; and
- (g) the proposed *encroachment* does not violate any other Municipal Code provisions or other local, state or federal law.

SEC. 126.0906 Public Right-of-Way Use Permit Conditions

The Public Right-of-Way Use Permit shall contain the following provisions and any other provisions which, in the opinion of the decision maker, are necessary to afford protection to the *record owner*, the City, and *public utilities*.

- (a) The *applicant* shall install and maintain the *encroachment* in a safe and sanitary condition at the sole cost, risk and responsibility of the *applicant*.
- (b) The *applicant* shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney.
- (c) The *applicant* shall remove or relocate, at *applicant's* own expense, any *encroachment* within 30 days after notice by the City, or the City may cause such work to be done, and deduct or obtain costs from the *applicant's* permit bond, deposit or other security at the sole discretion of the City without further notice to the *applicant*. The *applicant* shall remove or relocate, at its own expense, any *encroachment* on shorter notice by the City in the case of an emergency or if determined necessary by the City. If the *applicant* fails to remove or relocate the *encroachment* in the required time and manner, or if deemed necessary by the City, the City may cause such work to be done, and deduct or obtain costs from the *applicant's* permit bond, deposit or other security, at the sole discretion of the City, without further notice to the *applicant*.
- (d) The City's rights with respect to the *public right-of-way* shall remain and continue in full force and effect and shall in no way be

affected by the City's grant of permission to construct and maintain the *encroachment*.

- (e) The *applicant* shall maintain liability insurance in the nature and amount satisfactory to the City Manager in order to protect the City from any potential claims which may arise from the *encroachment*.

The policy shall name the City as an additional insured.

- (f) The *applicant* shall furnish a surety bond, cash deposit or other security in an amount acceptable to the City Manager if required by the decision maker.

SEC. 126.0907 Violations of Public Right-of-Way Use Permit

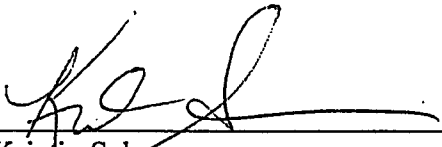
It is unlawful for any person to erect, place, construct, establish, or maintain any *encroachment* in the *public right-of-way* without a permit if such permit is required. Violation of any provision of this division shall be subject to the enforcement provisions contained in Chapter 12, Article 1. Violations of this division shall be treated as strict liability offenses regardless of intent.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

SD LCPA
1-2001

Section 3. This ordinance shall take effect and be in force on the date that it is effectively certified by the California Coastal Commission as a Local Coastal Program Amendment. If this ordinance is not certified or is certified subject to modifications, it shall be null and void.

APPROVED: CASEY GWINN, City Attorney

By 

Kristin Schenone
Deputy City Attorney

KS:amp:cdk
11/06/2000
Or.Dept:Plan. & Dev. Rev.
O-2001-20

SD LC PA
1-2001

Passed and adopted by the Council of The City of San Diego on FEB 27 2001
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<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"/>
Toni Atkins	<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"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 6 - VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 8 - VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

DICK MURPHY
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By [Signature], 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 FEB 13 2001, and on FEB 27 2001.

~~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 consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By [Signature], Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>18923</u>	Adopted <u>FEB 27 2001</u>

This information is available in alternative formats upon request.

SDLCPA 1-2001

