

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
(619) 767-2370



September 20, 2007

Th 6b**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO DISTRICT
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO DISTRICT****SUBJECT: CITY OF SAN DIEGO LCP AMENDMENT NO. 2-06A (Estates at Costa del Mar II) for Commission Meeting of October 10-12, 2007**

SYNOPSIS

City of San Diego LCP Amendment No. 2-06 included four components. Component A (Costa del Mar II) is the subject residential rezone. Component B (Creekside Villas) was first scheduled for July, 2007, but was postponed at that hearing, and is expected to be heard at the November, 2007 hearing. Component C (Condo Conversions), along with a time extension request for the LCPA as a whole, were acted upon by the Commission at the June, 2007 hearing. Component D (Wireless Communications) was certified by the Commission at the April, 2007 hearing. The LCPA as a whole, however, was only filed as complete on April 13, 2007, when the final information regarding Component A was received. The result of the one-year time extension granted in June is that the last date for Commission action on this item is July 12, 2008.

SUMMARY OF AMENDMENT REQUEST

The City is proposing to rezone an existing 10.22-acre property in the North City community of Carmel Valley from one agricultural residential zone to another. The site is currently zoned AR-1-1, which requires minimum ten-acre lots; the proposed zone is AR-1-2, which requires minimum one acre lots. If the proposed amendment is certified, the property owner can then subdivide and develop the site consistent with the surrounding neighborhood's typical one or two-acre lot design. The current land use plan (LUP) designation is split, with Open Space over part of the lot and Very Low Residential density (0-1 dua) over the remainder. The local approvals include the subject Local Coastal Program (LCP) Amendment, Rezone, Tentative Map, Planned Residential Development Permit, Site Development Permit, Coastal Development Permit, Neighborhood Use Permit, Multiple Habitat Planning Area (MHPA) Boundary Adjustment and certification of a Mitigated Negative Declaration. The associated City-issued coastal development permit is not appealable to the Coastal Commission.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed rezone, as submitted by the City of San Diego. The approximately 10-acre site has a large existing home (14,000 sq.ft.), as well as tennis courts, corrals, a vegetable garden and a large barn, all within the flat, disturbed, currently-developed portion of the property. All the area proposed for residential use (AR-1-2) is located within that part of the site, and all undisturbed portions of the site will be zoned as Open Space. The proposed Open Space consists of steep slopes with sensitive vegetation, primarily Southern Maritime Chaparral.

The potential issues with the proposed rezone would be potential future biological and visual impacts, and overall project density. Although the site is well inland from the coast, it is part of the overall viewshed of Carmel Valley, and impacts to views of the area from I-5, the Carmel Valley Resource Enhancement Plan (CVREP) area, SR56, and the areas north of SR56 were considered in review of this proposal. Although brush management impacts to Environmentally Sensitive Habitat Area (ESHA) is an issue often associated with new subdivisions, in this case, all fuel modification would occur within the proposed AR-1-2 (already disturbed/developed) part of the site, with no encroachments into ESHA. As for density, this is a semi-rural area developed primarily with executive or estate-type homes and a few older, more modest dwellings, primarily on lots that are one or two acres in size. The proposed Agricultural-Residential zoning that requires minimum one-acre lots is more typical of the surrounding uses than the current AR-1-1, which requires minimum 10-acre lots. The findings will demonstrate that these issues are fully resolved.

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Implementation Plan Amendment as submitted also begin on Page 4.

BACKGROUND

For purposes of developing an LCP, the City of San Diego's coastal zone was divided into twelve segments, each with their own land use plan. In the case of the North City LCP segment, the area included several distinct communities that were in various stages of planning and buildout. Carmel Valley (former called North City West), where this amendment would apply, is one of the "subareas" of the North City segment, along with Mira Mesa, Sorrento Hills, Torrey Pines, University, Via de la Valle, and the North City Future Urbanizing Area. The Carmel Valley subarea itself is divided into several neighborhoods, each with its own precise plan. The proposed amendment applies only to Neighborhood 8b of the North City Carmel Valley LCP segment, which does not yet have a precise plan and thus remains subject to the 1975 North City West Land Use Plan.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. 2-06A 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 original LCP implementation plan. The final segment, Mission Bay Park, was certified in November 1996. Since 1988, a number of community plans (LUP segments) have been updated and certified by the Commission.

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. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000.

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 LCP amendments processed by the Commission.

B. STANDARD OF REVIEW

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 reject Implementation Plan Amendment No. 2-0AB as submitted by the City of San Diego (Estates at Costa del Mar II).*

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 AMENDMENT AS SUBMITTED:

The Commission hereby certifies Implementation Program Amendment No. 2-06A as submitted by the City of San Diego (Estates at Costa del Mar II) as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions 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.

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

A. AMENDMENT DESCRIPTION

The City is proposing to rezone an existing 10.22-acre property in the North City community of Carmel Valley from one agricultural residential zone to another, to accommodate a five-lot subdivision and future residential buildout. The site is currently zoned AR-1-1, which requires minimum ten-acre lots; the proposed zone is AR-1-2, which requires minimum one acre lots. If the proposed amendment is certified, the property owner can then subdivide and develop the site consistent with the surrounding neighborhood's typical one or two-acre lot design. The current land use plan (LUP) designation is split, with Open Space over part of the lot and Very Low Residential density (0-1 dua) over the remainder.

The approximately 10-acre site is currently developed with a large (14,000 sq.ft.) single-family residence, tennis courts, corrals, a vegetable garden and a large barn. All of these amenities are located within the flat, previously-graded, central portion of the property, which is the area proposed for residential use (AR-1-2). The remainder of the site is proposed to be zoned as Open Space, and consists almost exclusively of steep slopes over 25% gradient, covered with sensitive vegetation, primarily Southern Maritime Chaparral.

The site is located in Carmel Valley Neighborhood 8b, along a mesa top south of Neighborhood 8. The property provides a 180° overview of much of Carmel Valley, and sits directly above, and south of, the Jewish Academy, which is located near the bottom of the slope. Adjacent to the east is the Pinnacle Carmel Creek multi-family apartment development, with over 300 units. However, both of these facilities are within Carmel Valley Neighborhood 8, not 8b. Immediately west of the site is a currently vacant piece of land, that the Commission approved an identical rezone on in 2002. The same entity owns that property as the subject site, and it is called the Estates at Costa del Mar. Like the subject site, it is partially within and partially outside the coastal zone. There are also scattered single-family homes south of the site, all out of the coastal zone, and the community generally consists of rural residential development on minimum one-acre lots.

The City approved the proposed rezone in conjunction with several other discretionary actions for future subdivision and development of the site. The additional local approvals include the Tentative Map, Planned Residential Development Permit, Site Development Permit, Coastal Development Permit, Neighborhood Use Permit, Multiple Habitat Planning Area (MHPA) Boundary Adjustment and certification of a Mitigated Negative Declaration. The associated City-issued coastal development permit is not appealable to the Coastal Commission. It authorizes a five-lot subdivision and includes design guidelines for future custom homes on four of those lots. The existing home will be retained on new Lot 1, but many of the existing accessory structures will be removed in the future. However, the Commission is reviewing only the proposed rezone, and must consider any possible development that could occur pursuant to the proposed rezoning.

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. The following land use plan policies are most applicable to the proposed rezone. All citations are from the 1975 North City West Community Plan. Following the citations is an analysis of each proposed zone's consistency with the cited policies.

On Page 6, the first paragraph under the heading Housing Development Principles states, in part:

... land displacement resulting in cutting, scarring or otherwise disrupting the natural environment justified only to produce greater lot yield, in favor of less dense use of land, should be strongly resisted.

On Page 50, two of the five goals for the plan area as a whole state:

1. To establish a physical, social, and economically balanced community.
3. To preserve the natural environment.

On Page 52, the first policy under the heading Housing Areas states:

Balanced residential density allocations will allow for the development of all projected housing types and price ranges necessary to serve the anticipated population.

On Page 63, the third item under the heading Objectives states, in part:

In order to promote preservation of the natural environment, all developments, particularly residential, must be carefully sited. The planned residential development concept offers the best possibility for accomplishment of the objective... Basically, the planned residential development ordinance encourages preservation of topography, slopes, trees and other natural features by allowing the buildings to be concentrated on the most developable portions of the site, ...

On Page 92, the third item under the heading Objectives states in part:

In order to promote preservation of the natural environment, development of either a public or private nature should not be allowed on lands designated for open space unless the proposed development is compatible with open space use.
...

On Page 96, the second item under the heading Open Space states, in part:

It is proposed that a secondary system of open space including lateral canyons and slopes exceeding 25 percent be designated. ...

AR-1-2 Zone

a) Purpose and Intent of the Ordinance. The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential development opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future development at urban intensities when and where appropriate.

b) Major Provisions of the Ordinance. The AR zones contain many provisions, including the following:

- where the zones may apply
- a table of allowed uses in each zone, including identification of required local approvals
- a development regulations table addressing lot area, lot dimensions, permitted density, setbacks, height, etc.
- text explaining the requirements of the development regulations

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The land use plan portion of the City of San Diego's LCP is divided into segments, since different areas of the City have different issues. One such segment is called North City, which itself has numerous "subareas," including Torrey Pines, University, Sorrento Hills, Mira Mesa, Carmel Valley (formerly called North City West), Via de la Valle, and the North City Future Urbanizing Area. Although there remains a certified land use plan that addresses four of the North City "subareas" (the North City Local Coastal Program Land Use Plan), it was written in general terms decades ago. Most "subareas" currently have their own certified, more detailed, land use plans that have superseded that plan. The Carmel Valley "subarea" has such a document, the North City West Community Plan, which dates to 1975, when Carmel Valley consisted mostly of vacant land, some in agricultural use. However, Carmel Valley is itself divided into neighborhoods, each with its own land use plan (precise plan), except for Neighborhoods 8a and 8b. The 1975 North City West Community Plan includes minimal land uses, locations, and a variety of potential future densities, along with many other projections for the entire LCP segment, but predates the creation and numbering of final "Neighborhood" boundaries. In order to achieve the suggested densities, and implement other plan elements, each neighborhood is required to prepare a precise plan.

For Neighborhood 8b, the City determined that preparation of a precise plan was unnecessary, since the community had no desire to increase densities beyond the existing rural residential level. Since no precise plan was certified for Neighborhood 8b, the 1975 North City West Community Plan remains in effect and is the standard of review for the subject implementation plan amendment.

The City's current implementation plan (the Land Development Code) has been in effect in the coastal zone since January 1, 2000. It includes only two Agricultural-Residential zones, AR-1-1 and AR-1-2. The existing AR-1-1 Zone currently applicable on the subject site only allows one unit per ten acres; since the site is 10.22 acres in size, the one existing house is all that would be allowed. The AR-1-2 Zone would allow one unit per acre, with minimum one-acre lots required. In every other way, except for minimum lot dimensions and maximum lot coverage, the AR-1-1 and AR-1-2 Zones are identical.

The 1975 land use plan designates portions of the subject site for Open Space and portions for Very Low Residential density, which allows 0-1 dwelling units per acre. The City is proposing to rezone the portion designated for residential use to the AR-1-2 Zone,

to allow additional development on the site. The minimum one-acre lot size is far more consistent with the surrounding development than the existing AR-1-1 Zone, and it is consistent with the land use designation for this portion of the site. Although it is conceivable that the property owner could propose ten lots on the site pursuant to the AR-1-2 Zone, the site is very constrained both topographically and biologically, such that any potential redevelopment of that density would still be limited to the flat, disturbed portion of the site proposed for the AR-1-2 Zone. This would result in small home, clustered development that would be out of character with the surrounding custom homes, many sited on greater than one-acre lots, though typically much less than ten acres. The associated five-lot subdivision approved by the City provides a more compatible development plan for the site and respects the steep slopes and habitat present along the northern and southern borders.

OC-1-1 Zone

a) Purpose and Intent of the Ordinance. The purpose of the OC zone is to protect natural and cultural resources and environmentally sensitive lands. It is intended that the uses permitted in this zone be limited to aid in the preservation of the natural character of the land, thereby implementing land use plans.

b) Major Provisions of the Ordinance. The open space zones, including the OC zone, contain many provisions, including the following:

- where the zones may apply
- a table of allowed uses in each open space zone, including identification of required local approvals
- a development regulations table, not applicable to the OC zone.
- text explaining the requirements of the development regulations, again not applicable to the OC zone

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The Open Space Conservation (OC) zone is very restrictive and does not allow any residential development at all. Thus, the OC zone is proposed to only apply to the Open Space designated portion of the property. The only structural facilities allowed in the OC zone are satellite antennas and nature centers, and these are not allowed by right, but require local discretionary permits. The stated purpose of the open space zones in general is that “these zones be applied to lands where the primary uses are parks or open space or to private land where development must be limited to implement open space policies of adopted land use plans.” No residential or residentially-associated uses are allowed within the OC Zone, including vegetation removal for brush management purposes.

On the subject site, the boundaries between developable area and open space are clearly demarcated on the ground. The developable area consists of the flat, previously graded

and developed central portion of the property. Both to the north and to the south, the land drops away at the edge of the flat area, and is all, or nearly all, comprised of steep slopes of greater than 25% gradient. Moreover, the majority of these slopes are covered with Southern Maritime Chaparral, one of the most sensitive native upland communities, including all the northern slopes that are entirely within the coastal zone. Most of the steep slopes on the southern part of the property are not in the coastal zone, the boundary of which trends southwest to northeast across the more southern portions of the site, including portions of the developable area as well.

The Commission thus finds the OC Zone an acceptable zone to implement the portions of the site designated for Open Space in the LUP. The Commission further finds that the AR-1-2 zone is appropriate for the disturbed areas on the site and is consistent with the zoning on most nearby properties in Neighborhood 8b. This zone requires minimum one-acre lots, but also allows clustering through the Planned Residential Development process. Although the zone could allow up to 10 lots/homes on the total 10.22-acre site, the flat mesa top can only accommodate so much development and still be compatible with the community as a whole. Moreover, pursuant to the new brush management regulations certified by the Commission in February, 2007, in most cases, all brush management activities (both Zones One and Two) must be confined to the developable area of a site. Those regulations would allow Zone Two brush management outside the developable area only if there would be no impacts on ESHA, which includes Southern Maritime Chaparral. Specifically, for the subject site, Zone Two brush management cannot occur outside the developable area in the coastal zone without impacting ESHA.

Moreover, the policy provisions of the certified LUP, including those cited above, would be applicable to any future development on the site. Section 126.0708 of the certified LCP (coastal permit regulations) requires the City to make the following findings on any coastal development permit for any proposed development: (a) ... and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; (b) The proposed coastal development will not adversely affect environmentally sensitive lands; and (c) The proposed coastal development is in conformity with the certified Local Coastal Program land use plan

The associated City-approved coastal development permit, although not before the Commission, provides an example of how development of the site fully consistent with the proposed zones and other City regulations can be achieved. The project will provide increased setbacks (minimum 60 feet) for the two proposed building sites overlooking Carmel Valley, assuring that future development will not adversely affect public views of the steep slopes and protected landforms on the south side of the valley significantly, if at all. Also, the project includes an expanded Zone One brush management area of sixty feet, contained entirely within the developable area, such that no Zone Two brush management is required, consistent with the City's certified brush management regulations. Moreover, 2.16 acres of the site are currently within the City's Multiple Habitat Preserve Area, which implements the City's Multiple Species Conservation Plan. Although that program is not part of the certified LCP, the project will add nearly two additional acres to the Preserve, since all 4.09 acres of Southern Maritime Chaparral will

be zoned OC-1-1, and protected by conservation easements, including the portions not in the coastal zone.

To summarize, the Commission finds the proposed zones appropriate for the subject site, with the AR-1-2 Zone being more reflective of the development patterns in the community than the AR-1-1 Zone. In addition, all Southern Maritime Chaparral is proposed to be protected by applying the OC-1-1 Zone to the open space areas of the site. The City's associated, currently- approved project for this site demonstrates that the site can be developed under the proposed zones in a manner fully consistent with all resource protection policies of the land use plan. Therefore, the Commission finds the proposed rezone consistent with the North City West Community Plan, as submitted by the City.

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


Section 21080.9 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, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

In this particular case, the environmental impacts have been reduced to the greatest extent feasible, and, as explained in the findings above, the proposed LCP Amendment is fully protective of significant coastal resources. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds the subject LCP, as amended, conforms with CEQA provisions.



EXHIBIT NO. 1
APPLICATION NO.
SDLCPA 2-06A
Location Map

 California Coastal Commission

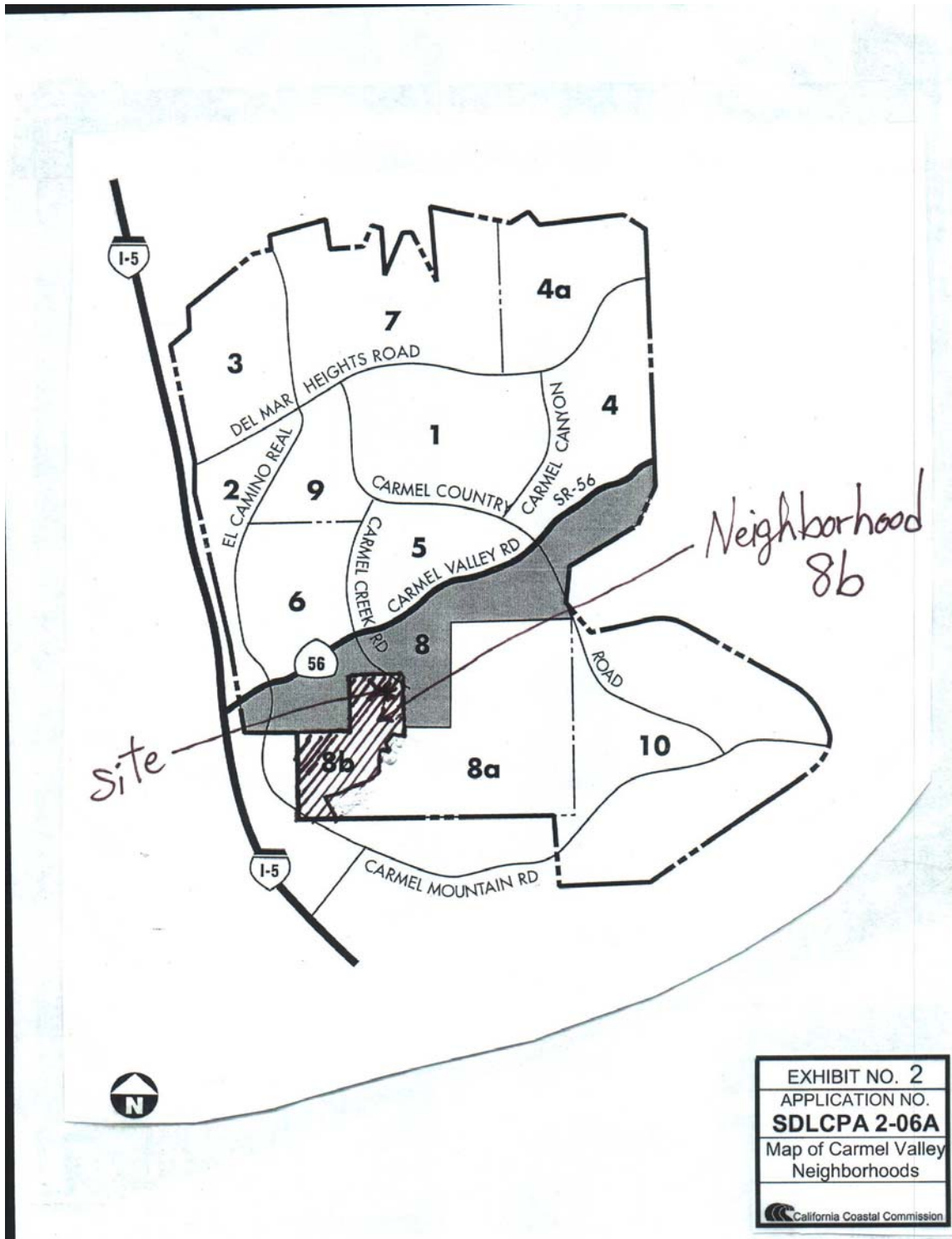


EXHIBIT NO. 2
APPLICATION NO.
SDLCPA 2-06A
Map of Carmel Valley
Neighborhoods
California Coastal Commission

(O-2007-31) ⁵⁰
11/13/06
Dennis Johnson
501

ORDINANCE NUMBER O- 19552 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 14 2006

Received
APR 13 2007

California Coastal Commission
San Diego Coast District

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 10.22 ACRES, LOCATED 11655 ARROYO SORRENTO PLACE, IN THE CARMEL VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 ZONE INTO THE AR-1-2 AND OC-1-1 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0303 AND 131.0203; AND REPEALING ORDINANCE NO. O-18451 (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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

Section 1. In the event that within three years of the effective date of this ordinance rezoning 10.22 acres, located at 11655 Arroyo Sorrento Road, and legally described as Parcel 2 and 3 of Parcel Map 11968, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance, Doc. #95-0522519, recorded November 16, 1995, Lot Line Adjustment Plat 95-150, in the Carmel Valley Community Plan area, in the City of San Diego, California, from the AR-1-1 zone to the AR-1-2 and OC-1-1 zones, as shown on Zone Map Drawing No. B-4240, the property is subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision

EXHIBIT NO. 3
APPLICATION NO.
SDLCPA 2-06A
Zoning Ordinance
3 Pages
California Coastal Commission

(O-2007-31)

subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] section 131.0303 and 131.0203 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the LDC zones, as described and defined by SDMC sections 131.0303 and 131.0203, the boundary of such zone to be as indicated on Zone Map Drawing No. B-4240, filed in the office of the City Clerk as Document No. OO- **19552**. The zoning shall attach only to those areas included in the map as provided in this section. This action amends the Official Zoning Map adopted by Resolution No. R-301263 on February 28, 2006.

Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance No. O-18451 (New Series), adopted December 9, 1997, is repealed insofar as it conflicts with the rezoned uses of the land.

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

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. However, this ordinance will not apply within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this

(O-2007-31)

ordinance as a local coastal program amendment. If this ordinance is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon Thomas
Shannon M. Thomas
Deputy City Attorney

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09/08/06
Or.Dept:DSD
O-2007-31
MMS#3750

ZONING Rezone With Map 11-01-04

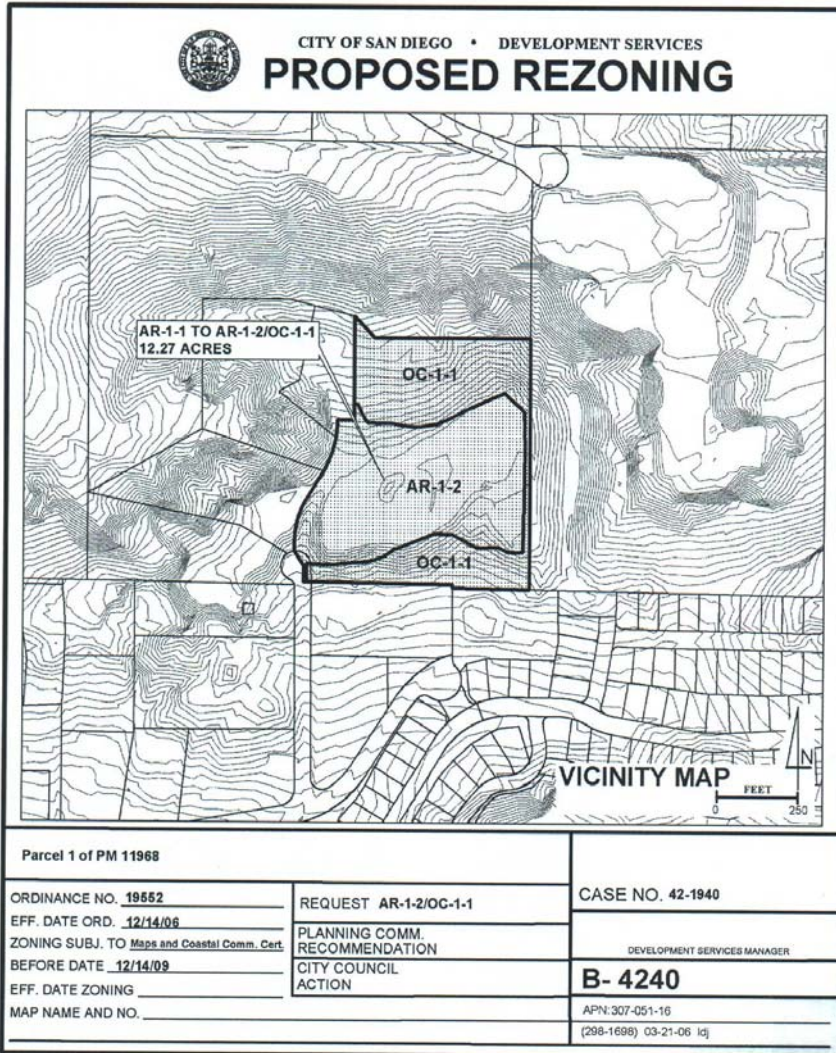


EXHIBIT NO. 4
 APPLICATION NO.
SDLCPA 2-06A
 Zoning Map

California Coastal Commission

DJ
(R-2007-271)

RESOLUTION NUMBER R- 301988
DATE OF FINAL PASSAGE OCT 16 2006


A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN AMENDMENT TO THE CARMEL VALLEY NEIGHBORHOOD 8B PRECISE PLAN, LOCAL COASTAL PROGRAM LAND USE PLAN AND PROGRESS GUIDE AND GENERAL PLAN FOR THE COSTA DEL MAR II PROJECT.

WHEREAS, the Leon Perl Family Trust, requested an amendment to the Carmel Valley Neighborhood 8B Precise Plan, Local Coastal Program Land Use Plan and Progress Guide and General Plan for the purpose of reconfiguring development and open space areas on a 10.22-acre site to allow the proposed "Costa Del Mar II" project; and

WHEREAS, 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 City Council has held such concurrent public hearings; and

WHEREAS, on May 11, 2006, the Planning Commission of the City of San Diego considered the Planning Commission of the City of San Diego found the proposed amendment consistent with the Progress Guide and General Plan; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

EXHIBIT NO. 5
APPLICATION NO.
SDLCPA 2-06A
LCP Resolution
2 Pages
 California Coastal Commission

(R-2007-271)

WHEREAS, on OCT 16 2006, the City Council of the City of San Diego held a public hearing to consider the amendments to the Carmel Valley Neighborhood 8B Precise Plan, Local Coastal Program Land Use Plan and Progress Guide and General Plan; and

WHEREAS, the Council 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 Council of The City of San Diego, that the Council adopts the amendments to the Carmel Valley Neighborhood 8B Precise Plan, a copy of which is on file in the office of the City Clerk as Document No. RR- 301988.

BE IT FURTHER RESOLVED, that the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

BE IT FURTHER RESOLVED that this amendment is not effective until unconditionally certified by the California Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
09/11/06
Or.Dept:DSD
R-2007-271
MMS#3750

R-301988