

ORDINANCE NO. 10177 (NEW SERIES)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION
OF CERTAIN PROPERTY IN THE
SPRING VALLEY COMMUNITY PLAN AREA (REF. R08-002)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The purpose of this ordinance is to change the Development Regulations – Setback Designator and add the “D” Special Area Designator on specified properties located within the Spring Valley Community Plan in order to facilitate development of the property with single family residences as was the intent of the Map that created the lots that would be affected by this rezone.

Section 2. For lots 2, 3, 4, 5, 32, and 33 in block 49 in the Colony of La Presa, Map No. 441 filed November 23, 1887, the zoning classification of the real property described below is hereby changed as follows:

The existing zoning classification is as follows:

OLD ZONE: Use Regulations RS, Animal Designator L, Density -, Lot Size 6,000 sq.ft., Building Type C, Maximum Floor Area -, Floor Area Ratio -, Height G, Lot Coverage -, Setbacks C, Open Space -, Special Area Regulations -.

The zoning classification is changed to read as follows:

NEW ZONE: Use Regulations RS, Animal Designator L, Density -, Lot Size 6,000 sq.ft., Building Type C, Maximum Floor Area -, Floor Area Ratio -, Height G, Lot Coverage -, Setbacks J, Open Space -, Special Area Regulations -.

Description of affected real property:

All of lots 2, 3, 4, 5, 32 and 33 in block 49 in the Colony of La Presa, Map No. 441 filed November 23, 1887, all in the County of San Diego, State of California.

Section 3. For lots 30 and 31 in block 49 in the Colony of La Presa, Map No. 441 filed November 23, 1887 and the single lot established by Certificate of Compliance Number 07-0038 per document 2007-0532783 recorded on 08/09/2007, the zoning classification of the real property described below is hereby changed as follows:

OLD ZONE: Use Regulations RS, Animal Designator L, Density -, Lot Size 6,000 sq.ft, Building Type C, Maximum Floor Area -, Floor Area Ratio -, Height G, Lot Coverage -, Setbacks C, Open Space -, Special Area Regulations -.

The zoning classification is changed to read as follows:

NEW ZONE: Use Regulations RS, Animal Designator L, Density -, Lot Size 6,000 sq.ft, Building Type C, Maximum Floor Area -, Floor Area Ratio -, Height G, Lot Coverage -, Setbacks J, Open Space -, Special Area Regulations D*.

Description of affected real property:

All of lots 30 and 31 in block 49 in the Colony of La Presa, Map No. 441 Filed November 23, 1887 and the single lot established by Certificate of Compliance Number 07-0038 per document 2007-0532783 recorded on 08/09/2007, all in the County of San Diego, State of California.

*A "D" Special Area Designator has been placed on the Special Area Regulations of the zoning box to measure setbacks, ensure breeding season avoidance measures for native songbirds and to require construction of the eight foot high fire suppression wall as shown on Site Plan (3500) 10-010. The following criteria apply:

Wall Criteria

1. The property owner of the first lot among lots 30 and 31 in block 49 in the Colony of La Presa, Map No. 441, for which a Building Permit application is issued shall be responsible for the construction of the section of the eight foot high fire suppression wall as shown on the approved plot plan for Site Plan (3500) 10-010 along the southern boundary of lot 30 (where this lot abuts the adjacent open space area).
2. The property owner of the single lot established by Certificate of Compliance Number 07-0038, shall be responsible for the construction of the section of the eight foot high fire suppression wall as shown on the approved plot plan for Site Plan (3500) 10-010 along the eastern and southern boundaries of this same lot (where this lot abuts the adjacent open space area).
3. The parties responsible for construction of the fire suppression wall shall construct the wall as described by Site Plan (3500) 10-010.

4. The entire length of the wall shall be a single material and earth tone color.
5. The wall material may be either slump stone or concrete masonry unit (CMU) and the top four feet of the wall may be tempered glass, provided the entire wall is solid and non-combustible.
6. The property owners of the lots on which the wall is located shall be subject to the conditions and restrictions of said Site Plan, including the on-going maintenance of the wall.
7. The lots encumbered by this Special Area Designator have been designated as a Resource Avoidance Area (RAA).
8. No brushing, clearing and/or grading within this RAA shall occur during the breeding season for songbirds and raptors (the breeding season is defined as February 14th to September 1st).
9. Prior to approval of any building plan or the issuance of any building permit, the permittee shall provide evidence that brushing, clearing and/or grading occurred outside of the songbird and raptor breeding season.
10. The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; no grading shall occur within the RAA until/unless concurrence is received from the County and the Wildlife Agencies.
11. Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies.

Breeding Season Avoidance Measures

1. Site brushing, grading and/or the removal of vegetation within 300 feet of any known migratory songbird nesting location shall not be permitted during the spring/summer songbird breeding season, defined as from 15 February to 31 August of each year for the following: lots 30 and 31 in block 49 in the Colony of La Presa, Map No. 441 and the single lot established by Certificate of Compliance Number 07-0038.
2. Should it be necessary to conduct brushing, grading, or other habitat removal activities during the songbird breeding season, a preconstruction nesting survey of all areas within 300 feet of the proposed activity will be required for the following: lots 30 and 31 in block 49 in the Colony of La

Presa, Map No. 441 and the single lot established by Certificate of Compliance Number 07-0038. The results of the survey will be provided in a report to the Director of Planning and Land Use and the Wildlife Agencies for concurrence with the conclusions and recommendations.

Setback Criteria

1. The front-yard setbacks for the southern-most property comprised of the single lot established by Certificate of Compliance No. 07-0038 shall be taken from the centerline of Maria Avenue and shall be located at least 10 feet away from the pavement of the hammer-head easement to ensure the property has adequate space to build an averaged sized single family residence. The exterior side-yard setback shall be 13 feet as detailed in the Fire Protection Plan for the Maria Avenue Development R08-002 dated 9/14/2010. The rear-yard setback shall be 25 feet and the interior side-yard setback shall be 5 feet.

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 12th day of October, 2011.