

ORDINANCE NO. 939

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, RESCINDING THE GARDEN DEL MAR SPECIFIC PLAN (SPECIFIC PLAN SP07-01) AND ADOPTING THE 941 CAMINO DEL MAR SPECIFIC PLAN (SPECIFIC PLAN SP16-001)

WHEREAS, DM Assets Recovery LP ("Applicant") is the owner of real property commonly referred to as 941 Camino Del Mar and 307 10th Street (APNS 300-221-32 and 300-221-33) (the "Property"); and

WHEREAS, the Property is located in the GDMSF (Garden Del Mar Specific Plan) Zone; and

WHEREAS, the Applicant is requesting a new zoning designation for the property through the preparation of a Specific Plan; and

WHEREAS, the Applicant has submitted the 941 Camino Del Mar Specific Plan (Specific Plan SP16-001) for review by the Del Mar Planning Commission and City Council; and

WHEREAS, a Supplemental Environmental Impact Report (SCH No. 2007091007) has been prepared consistent with requirements and procedures stipulated in Section 15163 of the California Environmental Quality Act (CEQA) as well as the City's adopted CEQA Supplemental Regulations, and which updates the findings and conclusions of the Certified Garden Del Mar Environmental Impact Report (SCH #2007091007) to make the document adequate for the project as proposed; and

WHEREAS, on May 8, 2018, in accordance with requirements of the City's adopted CEQA Supplemental Regulations, the Planning Commission conducted a duly-noticed non-action public hearing for the purpose of reviewing and providing feedback, as well as to receive public testimony, on the adequacy of the findings and conclusions of the draft Supplemental Environmental Impact Report; and

WHEREAS, on June 12, 2018, the Planning Commission conducted a duly-noticed public hearing on the 941 Camino Del Mar Specific Plan; and

WHEREAS, the PLANNING COMMISSION thoroughly reviewed and considered the Garden Del Mar Specific Plan, including all applicable text, maps, exhibits, and other materials submitted by the Applicant and contained on record in City files; and

WHEREAS, the Planning Commission did recommend that the 941 Camino Del Mar Specific Plan is consistent with the provisions of the Del Mar Community Plan, that the analysis, findings and conclusions of the Draft Final Supplemental Environmental Impact Report for the 941 Camino Del Mar Specific Plan are adequate, and recommended approval of the 941 Camino Del Mar Specific Plan by the City Council; and

- The analysis, findings and conclusions of the Draft Final Supplemental Environmental Impact Report for the 941 Camino Del Mar Specific Plan are adequate; and

WHEREAS, the City Council conducted a duly-noticed public hearing on the proposed 941 Camino Del Mar Specific Plan on June 18, 2018; and

WHEREAS, the City Council thoroughly reviewed and considered the Del Mar Municipal Code, Community Plan and the 941 Camino Del Mar Specific Plan, including all text, maps, exhibits, and other materials submitted by the Applicant and contained on record in city files; and

WHEREAS, additional evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information submitted by the Applicant.
- b. Oral testimony from Staff, the Applicant, and the public.
- c. A Staff report, dated June 18, 2018, which, along with the attachments, are incorporated herein by this reference as though fully set forth herein.
- d. Additional information submitted during the hearing; and

NOW THEREFORE, the City Council of the City of Del Mar, California, does ordain as follows:

SECTION ONE:

The adoption of this Ordinance is based on the entirety of the record, including all plans, staff reports, oral and written evidence in the administrative record and includes the following findings based on substantial evidence in the record:

1. The 941 Camino Del Mar Specific Plan, incorporated herein as Exhibit A, was prepared in accordance with Government Code Sections §65450 - §65457.
2. The 941 Camino Del Mar Specific Plan and its text and diagrams, specify all of the following elements at an appropriate level of detail for implementation of future development in accordance with the 941 Camino Del Mar Specific Plan:
 - a. The distribution, location and extent of the uses of the land within the area subject to the 941 Camino Del Mar Specific Plan;
 - b. The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities needed to support the land uses described in the 941 Camino Del Mar Specific Plan;
 - c. The standards and criteria by which development will proceed; and
 - d. A statement of consistency of the 941 Camino Del Mar Specific Plan with the Del Mar Community (General) Plan.

3. Adoption of the 941 Camino Del Mar Specific Plan would not affect the established character of the surrounding neighborhood in an adverse manner because the proposed uses contained in the 941 Camino Del Mar Specific Plan are consistent with existing uses in the vicinity. The 941 Camino Del Mar Specific Plan has been drafted to include neighborhood protection measures to address potential impacts on the community due to a new development on the Property. The 941 Camino Del Mar Specific Plan has also been subject to review by the Planning Commission and any future development proposed at the Property will be subject to Design Review by the Design Review Board in accordance with Chapter 23.08 of the Del Mar Municipal Code, thereby ensuring that final building and site design will be compatible with the surrounding neighborhood.
4. Adoption of the 941 Camino Del Mar Specific Plan would not change the intent of the goals and objectives of the Community Plan for the Village Center and would, in fact, contribute to the goals of creating a vibrant downtown while also preserving a village-like atmosphere and ensuring that commercial development is integrated into the residential fabric of the community.

SECTION TWO:

The 941 Camino Del Mar Specific Plan on file with the City Clerk is hereby adopted and shall be included as part of the zoning regulations of the City of Del Mar only upon approval of the Specific Plan by the City Council and subsequent certification by the California Coastal Commission.

The Director of Planning and Community Director is directed to amend the City's Zoning Map to comply with this Ordinance immediately upon adoption and certification of the Specific Plan by the California Coastal Commission.

SECTION THREE:

The 941 Camino Del Mar Specific Plan shall be of no force or effect and no permits or development shall issue or occur pursuant to the adopted Specific Plan until a Development Agreement has been approved by the City in accordance with Government Code section 65865. The Development Agreement required by this condition shall include, at a minimum, the following:

1. Conditions of Exceptional Public Benefits, including value, provision schedule, and management.
2. Responsibilities of provision of Exceptional Public Benefits

SECTION FOUR:

The Garden Del Mar Specific Plan is hereby rescinded and withdrawn in its entirety and replaced by the 941 Camino Del Mar Specific Plan.

SECTION FIVE:

This Ordinance was introduced and first read at a meeting of the City Council of the City of Del Mar, California on the 18th day of June, 2018.

SECTION SIX:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 2nd day of July, 2018.

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 939, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 2nd day of July, 2018, by the following vote:

AYES:	Mayor Worden, Deputy Mayor Druker, Council Members Haviland, Parks and Sinnott
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ashley Jones
City Clerk / Administrative Services Director