

PLEASE  
FRY

**COUNCILMEMBER DONNA FRYE**  
City of San Diego, Sixth District

**MEMORANDUM**

**DATE:** June 17, 2004  
**TO:** P. Lamont Ewell, City Manager  
**FROM:** Councilmember Donna Frye  
**SUBJECT:** Community Plan Versus Zoning



Please reference the attached letter dated February 26, 2004 from the Planning Director to the President of the Serra Mesa Planning Group. The letter states the following:

“...it has been the policy of the Planning Department that if the community plan does not specifically prohibit residential use in a commercial designation, and the zone allows for residential use, then a project containing a mix of residential and commercial use can be found to not adversely affect the community plan. There are other community plans, such as Clairemont Mesa, that do have language that specifically prohibits residential use in some commercial areas.”

The purpose of this memo is to correct issues raised in the referenced letter.

1. It is the Council that establishes land use and planning policy and not staff. No authority has been delegated to the Planning Department to make the policy cited above.
2. Zoning is a tool for implementing a community plan and should not be used to override the goals, objectives or recommendations of an adopted community plan.
3. The “policy” cited by the Planning Department would result in housing units in excess of the established community plan buildout in many communities without a cumulative analysis of the adequacy of public facilities and services. This directly contravenes the assurances given to the public by the Mayor and City Council during the City of Villages hearing on October 22, 2002.<sup>1</sup>
4. The reference to the Clairemont Mesa Community Plan having language that specifically prohibits residential use in some commercial areas presumably refers to the Community Core and to the Diane Center. However, as clearly established in Attachment 2, residential uses are contemplated only in neighborhood centers (minus Diane Center). Therefore, any project containing a mix of residential and commercial use on any commercially zoned property with the exception of the identified

<sup>1</sup> Mayor Murphy – “I do not support communities having a village unless they want them.” “...not an effort to accommodate growth.” “...strategy to revitalize older areas of the community while protecting every community’s right to self determination.”

Councilmember Atkins – “...no density above existing plans.”

Councilmember Madaffer – “Nothing forces any density on any community.”

neighborhood centers is not consistent with the adopted Clairemont Mesa Community Plan and would adversely affect the community plan.

In consideration of the above issues, it is the expectation of this office that the following procedures will be followed in District 6 for all future development projects involving commercially designated and/or zones sites:

- Any proposal for residential/mixed use development on a commercially zoned parcel that is subject to a discretionary review process and that is designated in the adopted community plan for commercial use but is not specifically designated for residential/mixed use either in the text or on a figure and has not been factored into the community plan buildout<sup>2</sup> as stated in the community plan shall be subject to the following:
  - a. A community plan amendment shall be required.
  - b. The community plan amendment shall provide for needed public services and facilities and infrastructure including streets, transit, libraries, parks and recreation, police/fire/paramedics, and water and sewer.
  - c. If the site is depicted on the City of Villages Opportunities Areas Map (Appendix A of the adopted Action Plan), the proposed project shall incorporate “public gathering places and/or civic uses” as discussed in the Strategic Framework Element. Recognizing that needs vary by community, applicants shall consult early in the process with the recognized community planning group regarding the proposed “public gathering places and/or civic uses.”

Please ensure that potential developers of commercially designated and/or zoned sites who consult with the Planning Department are clearly advised of the above expectations.

- Attachments: 1. Letter from Planning Director to President of Serra Mesa Planning Group
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2. Clairemont Mesa Community Plan Mixed Use Opportunities  
3. Draft Clairemont Mesa Community Plan - Excerpts (as approved by Planning Commission, April 27, 1989, Resolution No. 0526)

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<sup>2</sup>Buildout for communities in District 6: Clairemont Mesa – 33,200 dwelling units; Kearny Mesa – 2,184 dwelling units; Linda Vista – 11,020 dwelling units; Mission Valley - 15,159 dwelling units; and Serra Mesa – 9,616 dwelling units.