

Public Comment Submittal

**Del Mar Union School District
7/11 District Advisory Committee**

Documentation of Land Use and Environmental Constraints
Associated with Proposals that include Closing Del Mar Hills,
Locating Administrative Office Uses and/or Maintenance and
Operations Facilities at Del Mar Hills and Transferring Del
Mar Hills Students to Del Mar Heights

December 10, 2009

PUBLIC COMMENT SUBMITTAL

Del Mar Union School District 7/11 District Advisory Committee

*Documentation of Land Use and Environmental Constraints
Associated with Proposals that include Closing Del Mar Hills,
Locating Administrative Office Uses and/or Maintenance and Operations Facilities at
Del Mar Hills and Transferring Del Mar Hills Students to Del Mar Heights*

December 10, 2009

EXHIBIT	DOCUMENT
A	City of San Diego Torrey Pines Community Plan
B	DMUSD 7-11 District Advisory Committee Meeting Minutes, July 2, 2009
C	City of San Diego Zoning for Del Mar Hills School
D	City of San Diego Zoning Code Residential Base Zones
E	City of San Diego Zoning Code Zoning and Rezoning Procedures
F	City of San Diego Zoning Code Required Steps in Processing
G	California Coastal Commission Local Coastal Program Post-Certification Guide for Coastal Cities and Counties
H	City of San Diego Zoning Code Implementation Procedures for the California Environmental Quality Act and the State CEQA Guidelines; City of San Diego CEQA Significance Determination Thresholds
I	City of San Diego Zoning for Del Mar Heights School
J	City of San Diego Seismic Safety Study: Geologic Hazards and Faults
K	City of San Diego Seismic Safety Study: Geologic Hazards and Faults Grid Map 38
L	City of San Diego Frequently Asked Questions Fire Hazard Severity Zones (FHSZ) and New Building Codes for California's Wildland Urban Interface
M	City of San Diego Official Very High Fire Hazard Severity Zone Map, Grid Map 35
N	City of San Diego Zoning Code Coastal Development Permits
O	California Code of Regulations, School Facilities Construction

Exhibit A

TORREY PINES COMMUNITY PLAN





Torrey Pines

COMMUNITY PLAN

City of San Diego Planning Department
202 C Street, MS 4A
San Diego, CA 92101



Printed on recycled paper.

This information, or this document (or portions thereof), will be made available in alternative formats upon request.

TORREY PINES COMMUNITY PLAN

The following information has been incorporated into this November 2005 posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Torrey Pines Community Plan Adopted			March 6, 1975	
Comprehensive Plan Update	September 8, 1994	2123-PC	January 10, 1995	R-285183
Certified by the California Coastal Commission February 8, 1996 by Certificate Number 2-95A				
Modifications to the Comprehensive Plan Update as required by the California Coastal Commission			April 16, 1996	R-287205



MAYOR

Susan Golding

CITY COUNCIL

Harry Mathis
Scott Harvey
Christine Kehoe
George Stevens
Barbara Warden
Valerie Stallings
Judy McCarty
Juan Vargas

CITY ATTORNEY

John W. Witt

CITY MANAGER

Jack McGrory

PLANNING COMMISSION

K Scott H. Bernet, Chairperson
Karen McElliott, Vice Chairperson
Lynn Benn
Andrea Skorepa
Christopher Neils
Frisco White
Verna Quinn

PLANNING DEPARTMENT

Ernest Freeman, AICP, Planning Director
Jeff Washington, Deputy Director Long Range and Facilities Planning
Mike Stang, Principal Planner
Mike Westlake, Senior Planner/Project Manager
Byron Frohn, Senior Drafting Aide
Theresa Newman, Word Processing Operator
Sam Riordan, Graphic Designer
Ronald St. Germain, Editor/Proofreader
Ron Shely, Press Operator



ACKNOWLEDGEMENTS

Special thanks is hereby extended to all of those members of the Torrey Pines Community Planning Group who have contributed extensive time and thought to the formulation and review of this Plan document. Their efforts as well as the efforts and contributions provided by the many residents and business persons of the Torrey Pines community planning area is greatly appreciated by the Planning Department, Planning Commission and the City Council Planning Group members who have contributed to this Plan include, but are not limited to the following:

TPCPG BOARD MEMBERS (*CHAIRPERSONS)

Louis Adamo	Tony Dobrin	Bill Phelps
Marlene Allen	Shelley Gilchrist	Roy Riblet
Howard Anderson	Robert Gilleskie	Anne Seifert
Chris Borst	Brice Griffith	Shirley Smith
Smart Bresnick	Bob Lewis*	Christine Springer
Marty Carter	Paula Lim	Therese Tanalski
Jim Ciancimino	Walter Lim	Opal Trueblood*
Penny Cox	Moiria McGrain	Mike Wall*
James Curl	Doug McKenzie	Irene Young
Nancy Cuthbert	Claude Organ*	Barbara Zumba
Ellen Diehl		

Table of Contents

EXECUTIVE SUMMARY

Land Use Plan.....	2
Plan Vision	3
Key Policies.....	3

INTRODUCTION

Purpose of the Plan	7
Issues.....	7

PLANNING CONTEXT

The Community Planning Area.....	13
Development and Planning History.....	13
Environmental Setting	15
Urban Setting.....	15
Local Coastal Program.....	17

PLAN ELEMENTS

Resource Management & Open Space Element.....	23
Transportation Element.....	39
Residential Element	59
Commercial Element	69
Industrial Element.....	77
Community Facilities Element.....	87

List of Appendices

A. Legislative Framework.....	99
B. Relationship to the General Plan.....	101
C. Plan Update and Amendment Process.....	105
D. NAS Miramar.....	107
E. Local Coastal Program Policies	113
Hillsides	113
Grading/Water Quality	115
Wetlands/Environmentally Sensitive Resources	116
Visual Resources	118
Los Peñasquitos Watershed Restoration/Enhancement Fee	119
F. Biologically Sensitive Habitats	123
G. Environmental Constraints	129
H. Open Space Rezonings	135
I. Categorical Exclusion Areas.....	141

List of Figures

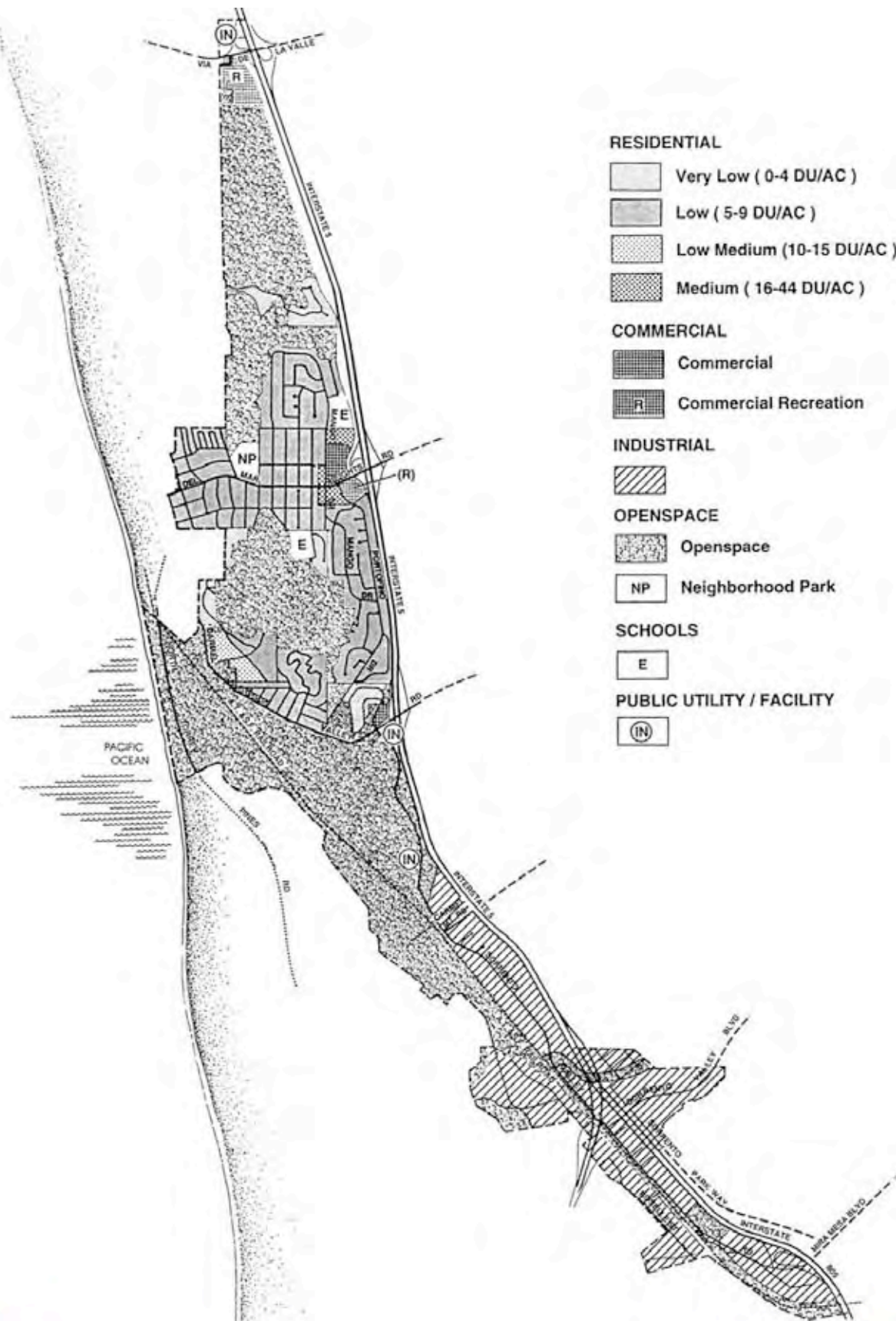
Figure 1. Land Use Plan	2
Figure 2. Vicinity Map	8
Figure 3. Study Area Map.....	14
Figure 4. Designated Open Space	24
Figure 5. Resource Zoning Areas.....	26
Figure 6. Wildlife Crossings/Linkages.....	28
Figure 7. Street Classifications	42
Figure 8. Existing (1990-1992) Average Daily Traffic.....	44
Figure 9. Horizon Year Average Daily Traffic.....	46
Figure 10. Bikeway	48
Figure 11. Recommended Mass Transit Facilities.....	50
Figure 12. Bicycle Facilities Classifications.....	52
Figure 13. Residential Land Use Plan	64
Figure 14. Commercial Land use Plan	74
Figure 15. Industrial Land Use Plan.....	80
Figure 16. Community Facilities Map	90
Figure 17. NAS Miramar Noise Contours.....	108
Figure 18. NAS Miramar Accident Potential Zones.....	110
Figure 19. Biologically Sensitive Habitats (North).....	125
Figure 20. Biologically Sensitive Habitats (Central)	126
Figure 21. Biologically Sensitive Habitats (South).....	127
Figure 22. Environmental Constraints (North)	131
Figure 23. Environmental Constraints (Central).....	132
Figure 24. Biologically Sensitive Habitats (South).....	133
Figure 25. Open Space Rezoning (North).....	137
Figure 26. Open Space Rezoning (Central)	138
Figure 27. Open Space Rezoning (South).....	139
Figure 28. Categorical Exclusion Areas.....	143

List of Tables

Table 1. Torrey Pines Community Plan Land Use Summary	16
Table 2. Proposed Residential Development	65



EXECUTIVE SUMMARY



Land Use Plan
Torrey Pines Community Plan

1
FIGURE

EXECUTIVE SUMMARY

PLAN VISION

The vision of the Torrey Pines Community Plan (Plan) is to provide, in a democratic manner, the highest possible quality of life for residents and businesses while preserving the community's unique natural environment.

The Torrey Pines planning area is a community rich in environmentally sensitive resources. The community contains large areas of Torrey Pine trees, lagoons, wetlands, sandstone bluffs and canyons that in turn provide habitat for several species of unique wildlife. In addition to environmental resources and wildlife, the Torrey Pines community also provides a unique living and working environment for its people. This Plan provides goals, policies and an action plan designed to protect the health, safety and welfare of both its residents and the natural environment.

KEY POLICIES

The following key policies reflect the underlying concern for the Torrey Pines community planning area. These policies reflect the Plan vision which is a theme interwoven throughout all the elements of this Plan.

1. All development adjacent to open space areas shall be designed to reduce visual and development impacts.
2. Provide safe roadways for pedestrians, bicyclists and vehicular traffic, including traffic control measures and pedestrian crossings where necessary.
3. Residential development shall reflect the diversity of existing homes in the community, and shall be in compliance with all development regulations. The community does not recommend or support, within single-family zoned areas, the construction of shared housing (also known as mini-dorms or Go-Homes).
4. Commercial development shall be designed to avoid impacts to adjacent residential areas.
5. The construction of public projects shall avoid impacts to residential neighborhoods.
6. Public projects (utilities, roads, railroad, etc.) that cross or encroach into open space areas shall eliminate or avoid loss to biological resources, shall result in no net loss to wetlands, and shall be required to contribute to the restoration and enhancement of those open space areas.

7. New industrial and commercial development proposed adjacent to identified open space corridors shall contribute to the preservation of these areas.
8. Public mass transit service, including bus, light rail, and commuter rail should be provided to and through the Torrey Pines community.
9. Emphasize the citywide importance of and encourage the location of scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas. Provide adequate mass transit and/or transportation facilities to the Sorrento Valley Area.
10. Useable public parks and active playing fields should be provided within the planning area for use by all age groups.
11. Affordable housing should be provided within the planning area.



INTRODUCTION

INTRODUCTION

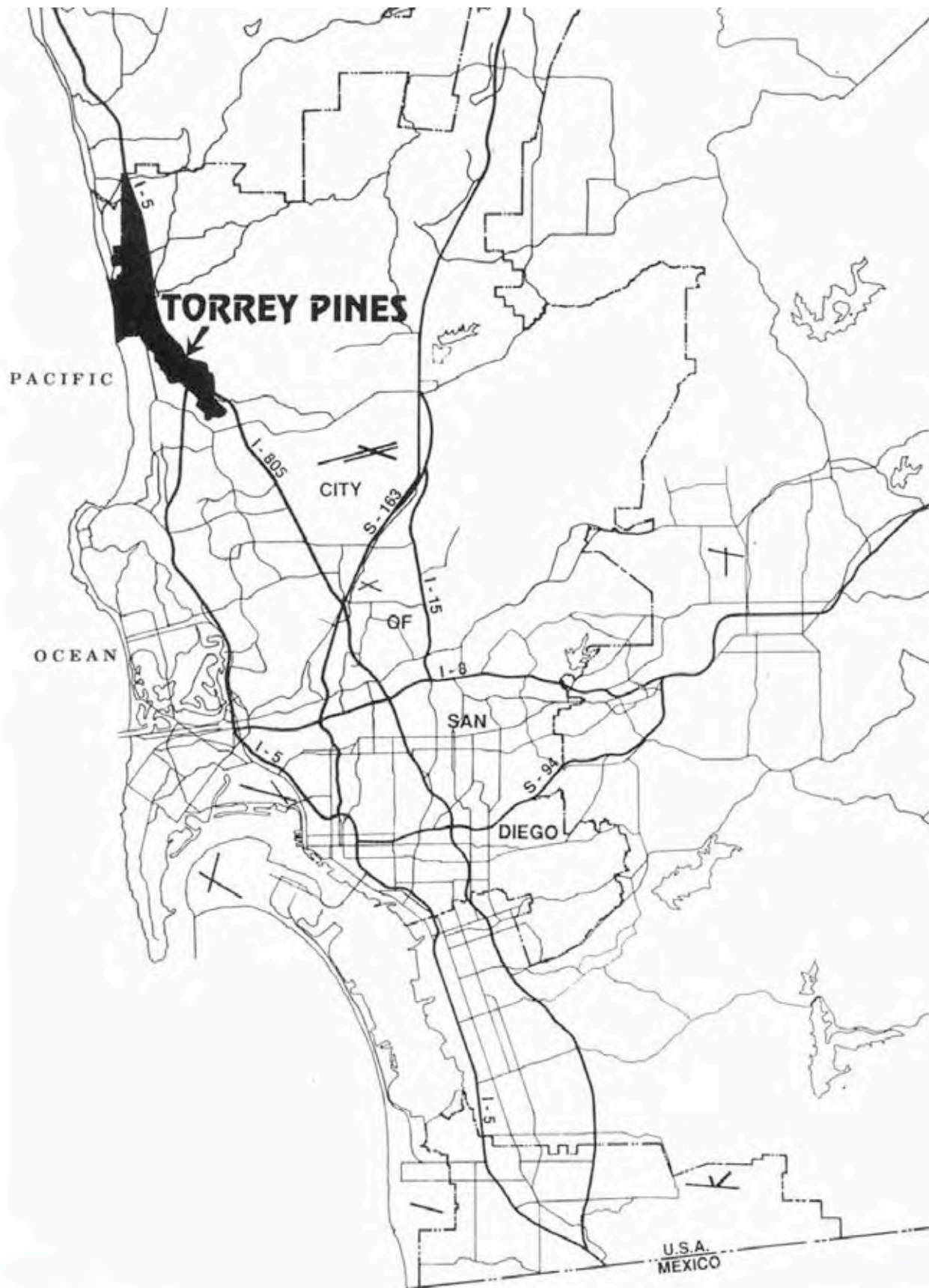
PURPOSE OF THE PLAN

The Torrey Pines Community Plan and Local Coastal Program is the City of San Diego's adopted statement of policy for the growth and improvement of the Torrey Pines community planning area. The Plan designates appropriate areas for residential uses, commercial services, and industrial and other employment generating uses, as well as areas that should remain free from development because of sensitive environmental resource characteristics. The Plan also recommends road improvements and designates appropriate locations for public facilities that are necessary to support the projected population of the Torrey Pines planning area.

ISSUES

The Plan update process included primarily the cooperation and efforts of the Torrey Pines Community Planning Group, the citizens, and the City of San Diego Planning Department. An update subcommittee of the planning group was established early in the process. This subcommittee held monthly public meetings, where planning group members, Planning Department staff, residents and property owners worked together to formulate various elements of the Plan. The subcommittee identified a number of issues that served as a general framework for the development of the goals, policies and proposals of the Plan. Among these issues were:

- The size, bulk, scale, height and compatibility of new residential development
- Street improvements, and their impacts on neighborhood character, pedestrians and environmentally sensitive areas
- Development and construction impacts to environmentally sensitive areas, including sedimentation, erosion, visual impacts and encroachment
- Expansion of commercial and multi-unit development in and adjacent to single-unit residential neighborhoods
- The lack of active and passive recreational park facilities
- The lack of protection of environmentally sensitive resources
- The environmental impacts associated with public utility and facility projects



Vicinity Map
Torrey Pines Community Plan

2
FIGURE

The Plan update process also included input and the identification of issues from other City departments and outside agencies. A number of additional issues were identified that were also used as a general framework for the development of this Plan including:

- The need to provide affordable housing within the Torrey Pines community planning area. The City's Housing Element includes a goal of providing assistance to very low- and low-income households, and that those households be distributed among the various community plan areas such that all communities meet their "fair share" goals
- The need to update the City's zoning code in order to provide a more effective and streamlined planning process
- The lack of a mass transportation system to the Torrey Pines community and the need for the extension of the light rail system, the commuter rail and bus service
- The need for a regional transportation system that provides safe and efficient travel throughout San Diego County
- The need to reduce auto trips and improve air quality regionally through the implementation of transportation demand management strategies, transit-oriented developments and other measures
- The need to provide land and opportunities for scientific research, light manufacturing and biotech industries for a balanced economy consistent with environmental considerations



PLANNING CONTEXT

PLANNING CONTEXT

THE COMMUNITY PLANNING AREA

The Torrey Pines community planning area comprises approximately 2,600 acres of land located in the northern coastal region of the City of San Diego. Plan boundaries are the northerly San Diego City limits, Interstate 5 (I-5), the southerly portion of the Sorrento Valley Industrial Park, the Pacific Ocean and the city of Del Mar. The city of Solana Beach lies immediately to the north, and the University community extends to the south. East of I-5 are the communities of Carmel Valley and Sorrento Hills.

DEVELOPMENT AND PLANNING HISTORY

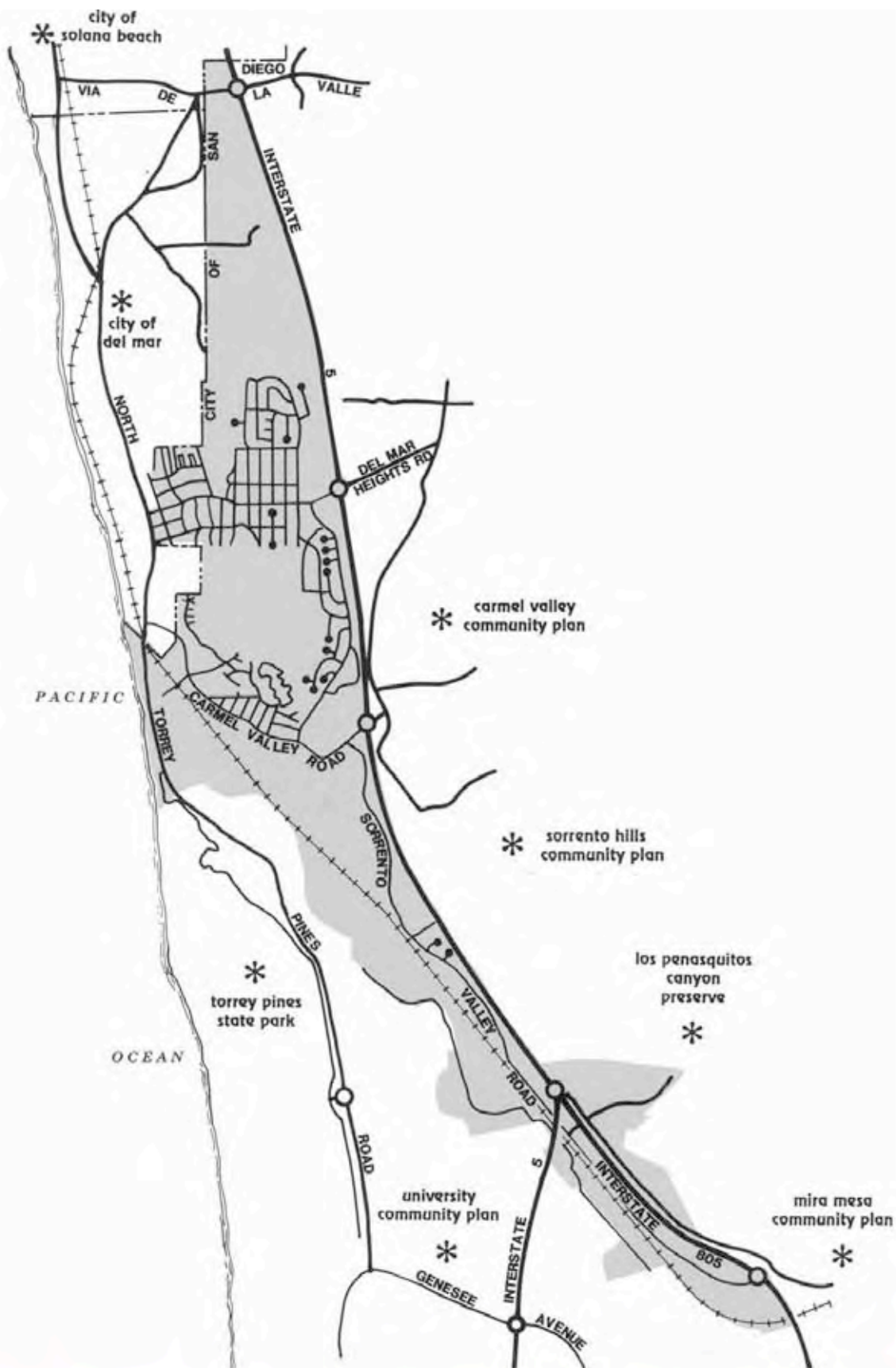
Planning efforts for the Torrey Pines community have taken place almost continually since the area was annexed in 1958. In 1963, the area contained only two large subdivisions: Del Mar Heights, a 760-lot subdivision, recorded in 1887, and the Del Mar Terrace subdivision, recorded in 1913, containing 547 lots of 30 feet in width. However, in 1963, the area contained only about 100 housing units with a population of 470 persons.

In 1963, the City Council adopted the original Del Mar-Torrey Pines Community Plan, which served to guide development in the area for over ten years.

During that time period, many changes occurred which necessitated the need for a restructuring of community goals and a plan revision. Those changes included:

- The purchase of the Torrey Pines State Park Extension
- A crystallization of the opinion that the San Dieguito and Los Peñasquitos Lagoons were a natural environmental asset and in need of protection
- Increased demand and pressure for urbanization of the area because of its very desirable location
- Substantial industrial development and freeway construction

These factors led the citizens of the community to form a group to strive toward revision of the 1963 community plan in the early part of 1970. During the two-year period between 1970 and the initiation of the update program, the Torrey Pines Community Planning Group remained active and diligently served to review development activity within the community and conduct research in matters of environmental concern. On March 6, 1975, the San Diego City Council adopted an update to the original 1963 plan, establishing it as the Torrey Pines Community Plan.



Study Area Map
Torrey Pines Community Plan

3
 FIGURE

Since 1975, the Torrey Pines area has continued to grow and develop under the guidelines of the 1975 plan. This growth and development more recently has become problematic. Numerous negative impacts from development, especially to environmentally sensitive areas, were identified by residents of the Torrey Pines Community Planning Group and Planning Department analysis indicated that the identification, prevention and resolution of these impacts were beyond the scope and control of the existing 1975 plan. As a result of this analysis, the Planning Group requested an update to the existing community plan.

ENVIRONMENTAL SETTING

The Torrey Pines community planning area is characterized by an abundance of sensitive environmental resources and contains a number of major local and regional open space systems, most of which are protected by this and other plans, and by various regulations. Most of these systems are associated with the watersheds of the Los Peñasquitos and San Dieguito Lagoons as well as Carmel, Soledad, and Los Peñasquitos Creeks, and include the San Dieguito Lagoon and River Valley, Crest Canyon, the Torrey Pines State Reserve and Extension, Torrey Pines State Beach, the Los Peñasquitos Lagoon and associated uplands, and the Carroll Canyon wetlands/wildlife corridor. These systems, and recommendations regarding them, are described in more detail in the **Resource Management and Open Space Element** of this Plan.

URBAN SETTING

The Torrey Pines community planning area is located in the northern coastal region of the City of San Diego, and is influenced by a number of activities occurring in adjacent jurisdictions, communities and regional parks.

The northern end of Torrey Pines is located adjacent to the cities of Del Mar and Solana Beach to the north and west, and to the San Dieguito River Regional Park to the east. Most of this portion of the Torrey Pines community is designated open space in an effort to preserve those sensitive resources within the San Dieguito River Valley. Commercially designated properties in this area are consistent with those commercial areas in Del Mar and Solana Beach that serve visitors whose destinations include the Del Mar Racetrack and/or Fairgrounds, or the City and state beaches located just blocks to the west.

The central portion of Torrey Pines is located adjacent to the city of Del Mar and the Pacific Ocean to the west, and the community of Carmel Valley to the east. This area consists primarily of very low and low-density residential development consistent with the same development pattern occurring in the city of Del Mar.

TABLE 1
TORREY PINES COMMUNITY PLAN LAND USE SUMMARY

Category	Acreage	% of Total
Residential	622	24%
Very-Low (0-4 Units/Acre)	60	
Low (5-9 Units/Acre)	520	
Low-Medium (10-15 Units/Acre)	20	
Medium (16-44 Units/Acre)	22	
Commercial	26	1%
Commercial Recreation	8	
Commercial	18	
Industrial	380	15%
Parks/Open Space	1,112	42%
San Dieguito Valley/Lagoon	194	
Crest Canyon Open Space Park	134	
Crest Canyon Neighborhood Park	10	
Torrey Pines Reserve Extension	184	
Los Peñasquitos Lagoon	452	
Carroll Canyon Corridor	37	
General Open Space	101	
Schools	20	1%
Elementary	20	
Utility	3	--
SDG&E Substation/Water Utilities	3	
Railroads	56	2%
Freeways/Streets	402	15%
Total:	2,621	100%

That portion of Torrey Pines located just south of Carmel Valley Road is heavily influenced by Torrey Pines State Reserve and Los Peñasquitos Canyon Preserve and Lagoon. Most of this portion of the community is designated open space to protect the lagoon and resources within Torrey Pines State Park Reserve Extension.

The southern portion of Torrey Pines, known as Sorrento Valley, is located adjacent to the scientific research and biotech industrial areas of the University and Mira Mesa communities. The Plan designates all of Sorrento Valley as industrial, which is consistent with the industrial nature of this region of the City of San Diego.

LOCAL COASTAL PROGRAM

The California Coastal Act of 1976 established a coastal zone boundary within which certain planning and development requirements must be met. These requirements have been designed to protect and enhance California's coastal resources. The North City Local Coastal Program Land Use Plan (LCP) was adopted by the San Diego City Council in March 1981, revised in May 1985, and revised again in March 1987. The LCP, as amended, remains in full force and effect. However, should any policies contained in this document conflict with the previously adopted LCP Land Use Plan, this document shall take precedence.

The LCP encompasses all of the Torrey Pines planning area, except for a small portion at the very southern tip of Sorrento Valley. The LCP also encompasses portions of the community planning areas of Mira Mesa, Carmel Valley, University, Sorrento Hills, and Via De La Valle, as well as open space and urban reserve areas identified in the City's Progress Guide and General Plan (General Plan). These areas were grouped because of considerations of drainage into the San Dieguito and Los Peñasquitos Lagoon, impacts on traffic volume and traffic circulation in the area, and the cumulative impacts of development.

The recommendations and development criteria of the LCP have been incorporated into the individual elements of this Plan. Due to the standard of review established in the Coastal Act of 1976, an LCP Land Use Plan must contain a great deal of specificity to direct the formulation of suitable implementing ordinances. Therefore, more specific and detailed supplemental coastal development policies not contained within the main body of this Plan can be found in **Appendix E**. These policies apply to all development with the coastal zone and take precedence over any policies contained elsewhere in the document that may conflict with the coastal development policies.



PLAN ELEMENTS



RESOURCE MANAGEMENT & OPEN SPACE ELEMENT

RESOURCE MANAGEMENT & OPEN SPACE ELEMENT

BACKGROUND AND ISSUES

The Torrey Pines community consists of over 1,000 acres of open space, located primarily within five separate but related open space systems, each containing numerous sensitive environmental resources. These open space systems include, from the north part of the community to the south, San Dieguito River Valley, Crest Canyon, Torrey Pines Reserve Extension, Los Peñasquitos Lagoon and associated uplands, and the Carroll Canyon Wetlands/Wildlife Corridor (see **Figure 4**).

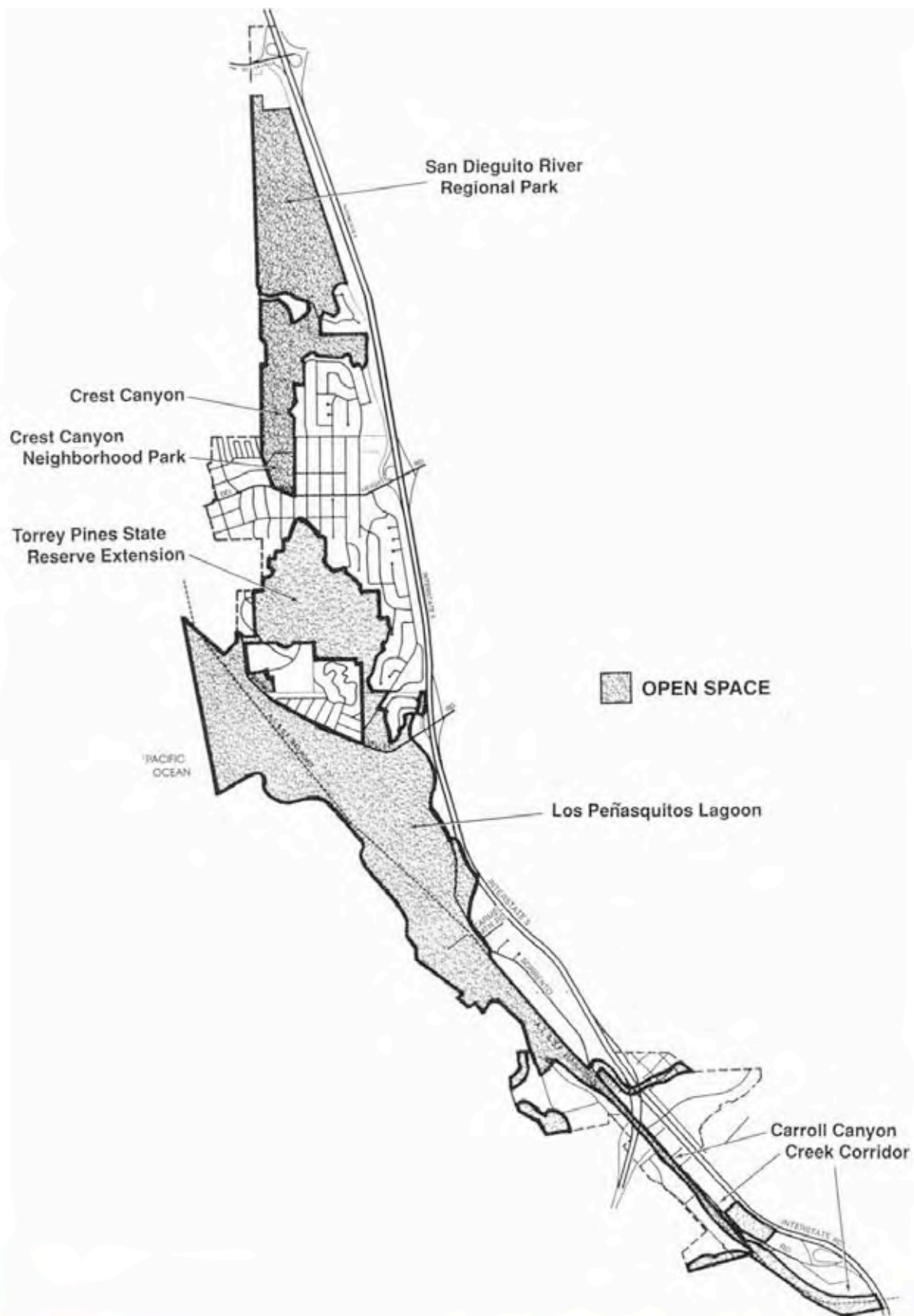
Except for a small portion at the south end of Sorrento Valley, all of the Torrey Pines community is in the Coastal Zone, and most of the wetlands, wetland buffers, shoreline coastal bluffs, and beaches are within the Sensitive Coastal Resource (SCR) Zone (see **Figure 5**).

The Torrey Pines community is rich in valuable biological resources. The most sensitive of these habitats include Coastal Marsh, Riparian, Coastal Mixed Chaparral, Chamise Chaparral, Coastal Sage Scrub, Grasslands, and Torrey Pine Woodland (please see Biologically Sensitive Habitats maps, **Figures 19-21**, within the **Appendix**). The Torrey Pines community is also rich in cultural resources, with over 25 prehistoric and historic archaeological sites recorded as of 1981.

The Sorrento Valley/Los Peñasquitos Lagoon area of the Torrey Pines community is the site of the prehistoric Indian village of Ystagua. Ystagua has archaeological remnants unique to the area, and is considered a Multiple Resource Area (MRA) by the National Register of Historic Places Guidelines. The site has extensive middens and artifacts, and has burial sites with cremation remains that are of special concern to local Native Americans. This area is believed to have been the center of a resource network in which prehistoric man visited the lagoon and surrounding area for food and raw materials for tools. The value of this area has been extensively documented in the ethnographic and archaeological record.

The California Environmental Quality Act (CEQA) directs agencies to inventory cultural resources under their jurisdiction, and requires projects to consider impacts to archaeological, historic, and Native American resources. The National Environmental Policy Act (NEPA) has made a national policy of preserving historic and cultural aspects of our national heritage. In addition, the General Plan discusses at length the “alarming rate of historical and archaeological site destruction” and the need for increased public efforts to slow the rate of destruction.

In addition to the sensitive coastal, biological and cultural resources found within the Torrey Pines community, several other environmental constraints exist including slopes of 25 percent or greater, floodplains, geologic hazards and wetlands (please see detailed Environmental Constraints maps, **Figures 22-24**, within the **Appendix**).



Designated Open Space
Torrey Pines Community Plan

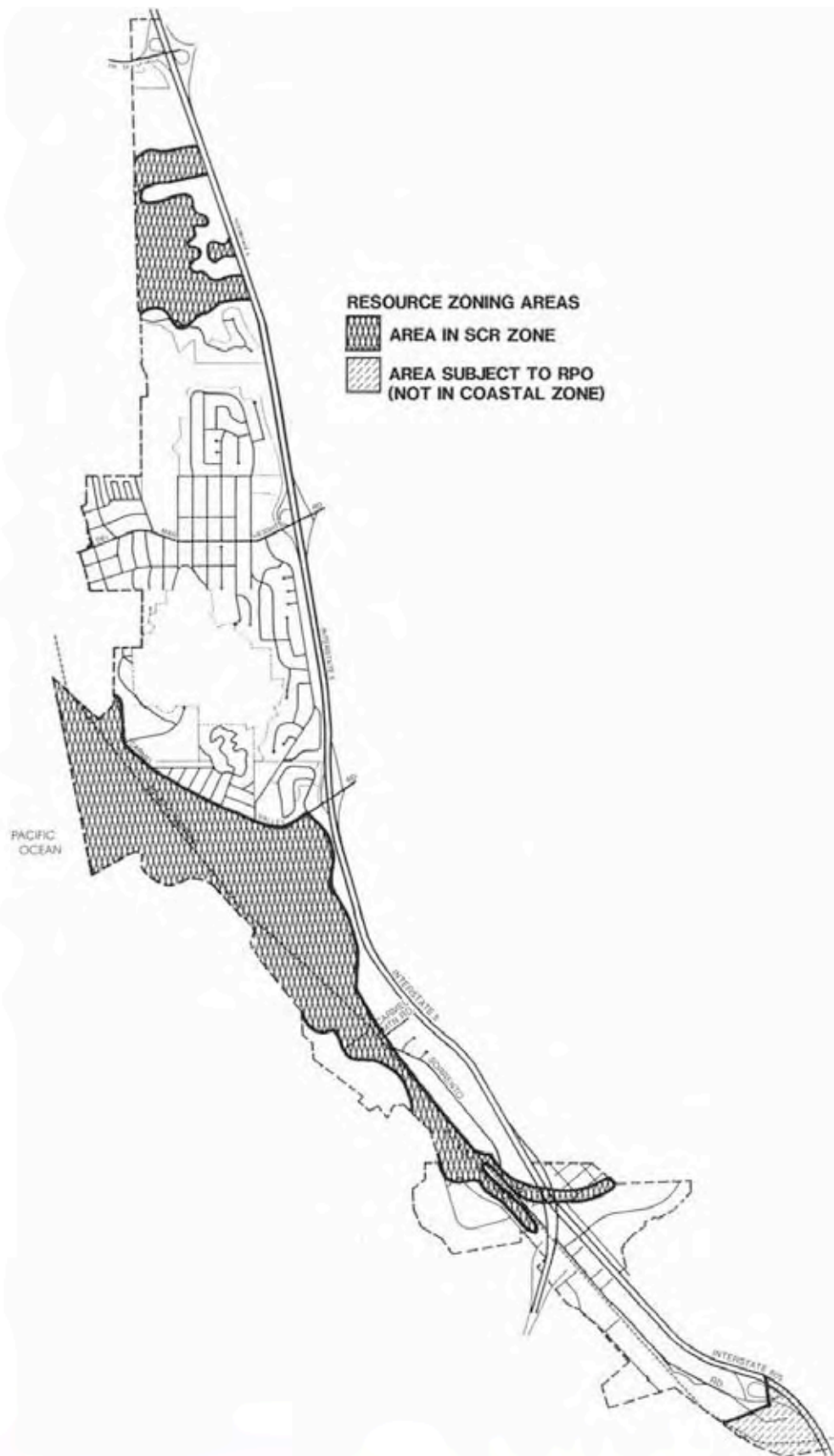
4

FIGURE

These biological and cultural resources continue to suffer degradation from a variety of sources. Los Peñasquitos Lagoon and the Carroll Canyon Creek corridor have been degraded by the development of adjacent residential and industrial properties, the construction of public utility and transportation projects, and increased sedimentation and decreased water quality from development in surrounding upstream communities. The Torrey Pines State Reserve Extension is impacted by residential encroachment from adjacent properties. Crest Canyon, because of its excellent access, is a heavily used area that suffers impacts from erosion. That portion of the San Dieguito River Valley Regional Open Space Park within Torrey Pines suffers from a history of sewage discharges, water diversions, sedimentation, human and pet intrusion, and extensive land filling for the Del Mar Racetrack and Fairgrounds.

GOALS

1. Ensure long term sustainability of the unique ecosystems in the Torrey Pines community, including all soil, water, air, and biological components that interact to form healthy functioning ecosystems.
2. Conserve, restore, and enhance plant communities and wildlife habitat, especially habitat for rare, threatened, and endangered species.
3. Retain viable, connected systems of wildlife habitat, and maintain these areas in their natural state.
4. Identify, inventory and preserve the unique paleontological, archaeological, Native American, and historic resources of Torrey Pines for their educational, cultural, and scientific values.
5. Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, and all selected corridors providing linkage between these areas.
6. Establish a pedestrian/bicycle pathway system that links all open space areas, from Carroll Canyon in the south to the San Dieguito River Valley in the north. This pathway system shall be provided concurrent with adjacent development, and shall be designed consistent with the design guidelines provided within this Plan.

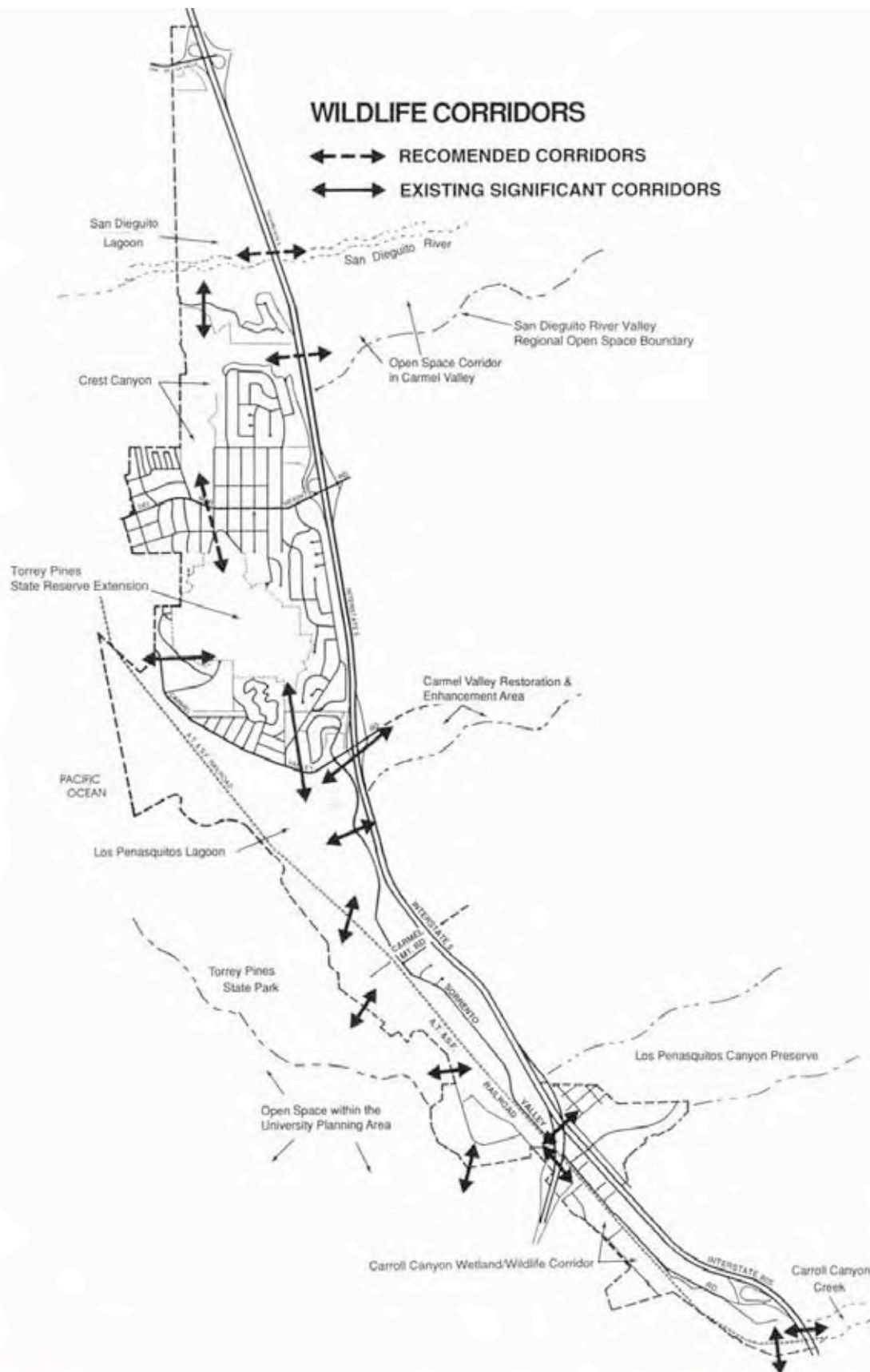


Resource Zoning Areas
Torrey Pines Community Plan

5
FIGURE

POLICIES

1. Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.
2. Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated.
3. No filling, clearing, grubbing, or other disturbance of biologically sensitive habitats shall be permitted without approved mitigation plans.
4. Coastal lagoons and estuaries that are designated and zoned open space shall remain undeveloped.
5. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational use. Access shall be controlled or confined to designated trails or paths, and no access shall be approved which results in disruption of habitat.
6. New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with Coastal Mixed Chaparral and Torrey Pines.
7. Riparian vegetation in channels through the Sorrento Valley industrial area shall be preserved in its natural state in order to maintain its vital wildlife habitat value. When vegetation removal is necessary for flood control, the required state and federal permits shall be obtained.
8. Preserve and enhance all open space and wildlife corridors (see **Figure 6**), especially those linking Los Peñasquitos Lagoon with Torrey Pines State Reserve Extension and the Carroll Canyon Creek Corridor.
9. Crest Canyon shall be left in its natural state in order to preserve those biologically sensitive habitats identified within this park. A small portion of the parkland located adjacent to Del Mar Heights Road and Durango Drive should accommodate some limited passive park development.
10. Construction or improvements of roadways adjacent to biologically sensitive areas or open space shall be designed to avoid impacts, especially in wetlands and wetland buffer areas. Protection of sensitive habitats through buffers, realignments and reduced development areas shall also be considered.
11. New development, both public and private, should incorporate site planning and design features that avoid or mitigate impacts to cultural resources. When sufficient plan flexibility does not permit avoiding construction on cultural resource sites, mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.



Wildlife Crossings/Linkages
Torrey Pines Community Plan

6
 FIGURE

12. Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas designated in this Plan.
13. Conditions of approval for all development that impacts adjacent open space areas should include restoration and enhancement measures for that particular area.
14. All Torrey Pine trees on public property should be preserved and protected.
15. Provide pedestrian/bicycle linkages so that all open space areas will be connected.

SPECIFIC PROPOSALS

Wildlife Crossings/Linkages

There are a number of existing and proposed wildlife crossings or linkages identified within the community planning area. These crossings are connections between open space systems that allow wildlife to pass unencumbered. As shown in **Figure 6**, there are presently 14 designated crossings throughout Torrey Pines. A majority of these crossings link Torrey Pines State Reserve with the reserve extension, Carroll Canyon Wetlands/Wildlife Corridor and the Los Peñasquitos Canyon Preserve. Those crossings, shown to link across I-5 and Interstate 805 (I-805), are coordinated with existing underpasses and bridges.

There are three additional crossings recommended within the Plan, located in the northern portion of the planning area. These linkages would allow wildlife passage between the Torrey Pines State Park Reserve Extension and Crest Canyon, between Crest Canyon and the San Dieguito River Valley, and between the San Dieguito Lagoon and San Dieguito River Valley.

San Dieguito Lagoon and River Valley

Approximately 200 acres of the San Dieguito River Valley Regional Open Space Park Focused Planning Area is encompassed within the northern portion of the Torrey Pines community planning area. This regional open space system extends for 55 miles from its source on Volcan Mountain, near Julian, to the ocean between Del Mar and Solana Beach.

The San Dieguito Lagoon is one of the few remaining coastal wetlands in California. It is a habitat for many threatened species, such as the endangered Least Tern. It is a critical site on the Pacific Flyway, which is rapidly being destroyed by development. Every effort should be made to protect and enhance this resource, including following the policies, some of which are contained within the San Dieguito Lagoon Enhancement Program.

1. New development or expansion of existing uses adjacent to the lagoon shall not encroach into or negatively impact this open space area.
2. The lagoon should be enlarged to enhance plant and animal habitats, and to create a sufficient tidal prism to ensure adequate water circulation and to keep the mouth of the river open.
3. The existing fairgrounds and parking shall be enhanced with landscaping and the sensitive habitat areas shall be buffered from fairgrounds activity. Activities of the 22nd Agricultural District shall not encroach into open space areas.
4. Development adjacent to the lagoon should be designed to avoid sedimentation, erosion or other potential impacts that degrade the quality of the water resources, and should preserve existing public views. The following measures to reduce grading impacts should be utilized where appropriate: minimize grading during the rainy season, install sediment basins and/or energy dissipating structures, and ensure revegetation and stabilization of slopes before the onset of the rainy season. To reduce visual impacts, development should be low-profile and screened from view by landscaped buffers.
5. Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of offsite flood protective works. The following requirements shall also be met:
 - Existing environmentally sensitive habitat areas will not be significantly affected, and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as enhanced wildlife corridors.
 - The design of the development incorporates the findings and recommendations of both a site-specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site, and neither significantly increase nor contributes to downstream bank erosion and sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.
 - There will be no significant adverse water quality impacts to downstream wetland, lagoon and other environmentally sensitive habitat areas.
6. Protect, preserve and enhance the variety of natural features within the San Dieguito River Valley including the floodplain, the open waters of the lagoon and river, wetlands, marshlands and uplands.
7. Maintain and enhance the experience of nature within the lagoon by screening present conflicting uses, prohibiting future conflicting uses, retaining natural areas and promoting an expanded water body within the lagoon.

Crest Canyon

Crest Canyon is composed of 134 acres of open space and ten acres of land dedicated by ordinance as a neighborhood park. It extends north from Del Mar Heights Road to San Dieguito Valley and includes native Coastal Sage Scrub, Torrey Pines Woodland, sandstone cliffs, and steep slopes.

1. The neighborhood park portion of Crest Canyon shall have limited development on the 1.5+ acres of semi-level land adjacent to view points, benches, trail heads, information signs and decomposed granite trails except where disabled access is viable.

The open space portion of the canyon shall be preserved. Limited public access shall be provided by defined trails under standards established for the preservation of biologically sensitive plants and wildlife.

2. Design of dwelling units adjacent to State Reserve Extension and Crest Canyon shall stress a blending of architecture with the natural terrain. Architectural shapes, bulk, materials, and landscaping should be carefully chosen to respect the physical constraints of the land.

Torrey Pines State Reserve Extension

The Torrey Pines Reserve Extension includes over 180 acres of undeveloped property containing high quality Torrey Pines woodland habitat. The Reserve is an extension of Torrey Pines State Park, and is owned by and under the jurisdiction of the State of California Park and Recreation Department.



Residential development along the rim of the Reserve Extension represents the most significant encroachment problem, creating both visual and erosion impacts.

1. New development, both public and private, shall not encroach into or negatively impact the Reserve Extension. Adequate buffer areas and appropriate landscaped screening shall be provided and maintained between development and the Reserve Extension to avoid significant visual and erosion impacts from construction.
2. Both wildlife corridors (Portofino and Via Mar Valle) shall be preserved and enhanced to provide appropriate wildlife linkage to Los Peñasquitos Lagoon.
3. Future development adjacent to the Torrey Pines Reserve Extension area shall provide for adequate buffer areas. Development proposals shall provide adequate setbacks to avoid significant erosion, visual, or sediment impacts from construction. Setbacks also shall be provided to prevent the necessity of firebreaks being constructed on reserve property.
4. Landscaping of properties adjacent to the Extension shall not use invasive plant species. Landscaping adjacent to this area should use plant species naturally occurring in that area.

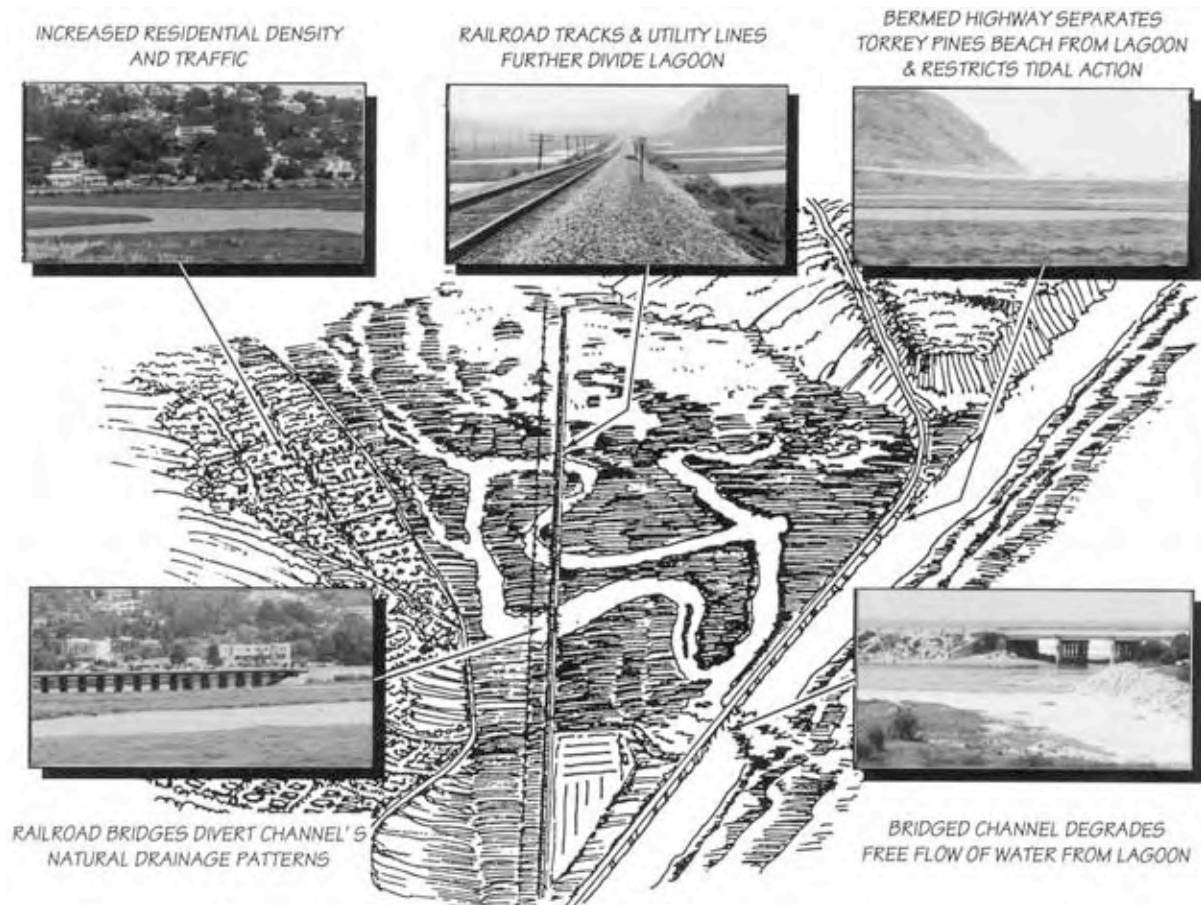
Los Peñasquitos Lagoon

Los Peñasquitos Lagoon is one of the few remaining tidal estuaries in Southern California and is particularly important among San Diego County's estuaries because of its proximity to the Torrey Pines State Reserve and Beach. The lagoon and associated upland serves as a major stopping point for migratory birds and also has a large residential bird population. Los Peñasquitos Lagoon is a good example of the unique biological community of plants associated with the transition zone between marine and fresh water environment.

The reserve extension is isolated from Torrey Pines State Park, is surrounded on all sides by residential development, and is linked inadequately to Los Peñasquitos Lagoon through two corridors. One corridor links the southeast portion of the reserve to the lagoon by traversing Portofino Drive and Carmel Valley Road, and the other is in the southwest portion of the reserve just south of Via Mar Valle.

In the past sixty years, Los Peñasquitos Lagoon has evolved from a tidal estuary to a lagoon that is closed to tidal action for long periods of time. The major factors degrading the lagoon have been: 1) The construction of a railroad embankment that cut off lagoon channels; 2) The construction of North Torrey Pines Road and bridge along the barrier beach that restricted the location of the lagoon mouth; 3) Construction of the north beach parking lot in historic tidal areas; 4) Increased sediment from changing land uses upstream, and; 5) Decreased water quality from urban runoff and sewage effluent.

Los Peñasquitos Lagoon Impacts



The Plan concurs with the Los Peñasquitos Lagoon Enhancement Plan and Program, which has been developed to provide the measures necessary for restoring and enhancing the environmental qualities of the lagoon, including:

1. Development of new public facility and utility projects that traverse or impact Los Peñasquitos Lagoon should either be rerouted out of the lagoon, or be designed to minimize or eliminate impacts to the lagoon. Mitigation for these projects should include restoration and enhancement to the lagoon.
2. Any future improvements to the railroad, roads or utilities traversing Los Peñasquitos Lagoon shall be designed to enhance the health and ecological value of the lagoon, as recommended in the Los Peñasquitos Lagoon Enhancement Plan and Program.
3. Any improvements to roadways adjacent to or bordering the lagoon (Carmel Valley Road, Sorrento Valley Road, North Torrey Pines Road) shall not encroach within the wetland area of the lagoon, unless specifically authorized herein.
4. All wetland/wildlife corridor links to the lagoon including the links from Los Peñasquitos Canyon Preserve, Carroll Canyon and the Torrey Pines Reserve Extension area shall be enhanced and protected.

5. Plans for future removal or rerouting of the electrical utility lines that transect Los Peñasquitos Lagoon shall be given high priority.
6. Public access and educational opportunities shall be provided consistent with resource protection.
7. The lagoon mouth shall be opened regularly (or as recommended in the Los Peñasquitos Lagoon Restoration and Enhancement Plan) to enhance the health and ecological value of the lagoon.
8. Erosion and siltation control measures shall be required for all developments proposed within the total watershed of Los Peñasquitos Lagoon.
9. Any future changes in the design of the North Torrey Pines Road and bridge shall be designed such that the ecosystem of the lagoon is maintained and, if possible, enhanced.
10. Applicants for coastal development permits for projects located in the watershed of Los Peñasquitos Lagoon shall, in addition to meeting all other requirements, enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund for restoration of the Los Peñasquitos Lagoon and watershed.

Carroll Canyon Wetland/Wildlife Corridor

This open space corridor runs the length of Sorrento Valley and provides an important linkage between Carroll Canyon and Los Peñasquitos Lagoon. The majority of this corridor is privately owned and consists primarily of wetlands containing riparian vegetation. Some portions of this corridor have been channelized and most of it has experienced urban encroachment. However, this area continues to support riparian habitat and provides a significant linkage for many plant and animal species between two significant open space resource areas.

1. All new development proposed adjacent to this open space corridor shall incorporate the urban design guidelines located within the **Industrial Element** as appropriate.
2. New development proposed adjacent to this open space corridor shall not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or otherwise impair the functional capacity of the wetland.
3. New development proposed adjacent to and impacting this open space corridor shall enhance and improve the habitat value of this system.
4. All mature trees and other significant existing vegetation in this system shall be protected, including the riparian habitat located in the existing concrete-lined channels.

5. All new development proposed adjacent to this corridor shall submit a pedestrian/bicycle pathway plan, indicating the construction of their portion of the pathway consistent with the community-wide pathway system and the industrial development design guidelines contained in the **Industrial Element**.
6. Within the 100-year floodplain fringe of Sorrento Valley, fill for roads, public improvements, or other permanent structures will only be allowed if it can be shown that all of the following will be met:
 - a. Existing environmentally sensitive habitat areas will not be significantly adversely affected.
 - b. Increased erodible flood flow velocities will not occur.
 - c. Areas to be filled do not create unplanned detention/siltation.
 - d. Any loss or degrading of existing wildlife habitat areas will be appropriately mitigated.
 - e. Increases in post-construction runoff and sediment above the ten-year storm frequency preconstruction condition, will be mitigated.
 - f. Appropriate upstream national pollution discharge elimination system criteria will be implemented to maintain the water quality of the downstream wetlands.
 - g. If existing sensitive environmental areas are affected, then suitable mitigation will be provided.

Brush Management

Because of the abundance of natural open space areas including canyons rich with native vegetation, special brush management consideration and enforcement should be provided within the Torrey Pines planning area.

Currently all development within Torrey Pines must comply with the Uniform Fire Code and Section 6 (Brush Management) of the City of San Diego's Landscape Technical Manual. In summary, these codes state that brush or native vegetative growth on steep slopes must be controlled to protect existing and proposed structures from fire hazards.

The Torrey Pines community includes numerous publicly-owned open space areas containing biologically sensitive wildlife and vegetation. In most cases, the vegetation provides the very basis for the biological community that exists within these public areas. Removal or disturbance of vegetation to reduce wildfire potential can be ecologically disruptive. In order to protect these sensitive areas, resource management policies of the City of San Diego and the State of California discourage the removal of vegetation for wildfire reduction within public parkland when it becomes ecologically disruptive.

Ecologically beneficial methods to reduce wildfire potential in public parklands do exist. Prescribed fire, which mimics a natural process, is an example of an ecological, efficient and effective means of reducing wildfire danger. Alternatives that balance the needs for resource management with public safety should continue to be explored through the cooperative efforts of the citizens and responsible public agencies.

IMPLEMENTATION

The specific proposals and design guidelines for development adjacent to environmentally sensitive areas currently can only be implemented through the discretionary review process. The update to the City's zoning code should establish new zones that provide adequate development regulations to protect the City's sensitive environmental resources.

Appendix E of this Plan contains additional land use policies developed by the City of San Diego and approved by the Coastal Commission that are incorporated into this Plan and which apply to all development located in the coastal zone.

In order to implement the open space recommendations of this plan, all properties designated open space and recommended to be preserved as open space shall be rezoned to the appropriate Open Space (OS) Zone (see **Figure 25** in the **Appendix**).

Several properties within the planning area are designated but not zoned open space. Most of these areas are privately owned, and contain some limited sensitive cultural or biologically sensitive resources. These areas and all areas covered by this Plan should be allowed to develop in compliance with the underlying zone as well as all applicable resource protection regulations such as the Sensitive Coastal Resource Zone, Hillside Review, Coastal Regulations, Archaeology/Paleontology Regulations, Flood Plain and Floodway Ordinances, etc.

ACTION PLAN

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Reduce or eliminate impacts to environmentally sensitive areas.	During review and analysis of project	Planning Department, Coastal Commission	Project Applicant
Create/implement restoration and enhancement plans for those areas impacted by new development.	Add as condition at time of project approval	Planning Department, Coastal Commission	Project Applicant
The design of transportation improvements shall minimize or eliminate impacts to Los Peñasquitos Lagoon.	During preliminary design stage	The Preliminary Engineering Section of the Engineering & Development Department	City of San Diego, CIP and/or FBA
Implement runoff and erosion control measures to reduce siltation in Los Peñasquitos Lagoon.	Erosion control plans to be submitted with project.	Planning Department, Coastal Commission	Project Applicant
Where feasible, remove or reroute public utilities from within Los Peñasquitos Lagoon.	At time of utility improvements or replacement	SDG&E, Water Utilities	SDG&E, City of San Diego
Preserve significant Torrey Pine trees on public property.	Immediately	City of San Diego, State of California	City of San Diego, State of California
Preserve those wildlife corridors that link Los Peñasquitos Lagoon with Torrey Pines State Reserve Extension and the Carroll Creek Canyon Corridor.	Adoption of this Plan which designates and rezones these areas as Open Space	Planning Department, City Council, Coastal Commission	State of California
Open mouth of Los Peñasquitos Lagoon to enhance the ecological value of the lagoon.	Regularly, as recommended in the Los Peñasquitos Restoration and Enhancement Plan	City of San Diego	State of California
Seek alternative funding sources to provide for the sensitive design of public utility and facility projects adjacent to sensitive environmental areas.	Immediately	The Preliminary Engineering Section of the Engineering & Development Department	City of San Diego
Enhance and protect San Dieguito Lagoon.	Immediately	Adjacent Public Jurisdiction	Public
Preserve those wildlife corridors that link Los Peñasquitos Lagoon with Torrey Pines State Reserve Extension and the Carroll Creek Corridor.	Adoption of this Plan which designates and rezones these areas as Open Space	Planning Department, City Council, Coastal Commission	City of San Diego
Open mouth of Los Peñasquitos Lagoon to enhance the ecological value of the lagoon.	Regularly, as recommended in the Los Peñasquitos Restoration and Enhancement Plan	City of San Diego	City of San Diego

ACTION PLAN (continued)

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Seek alternative funding sources to provide for the sensitive design of public utility and facility projects adjacent to sensitive environmental areas.	Immediately	The Preliminary Engineering Section of the Engineering & Development Department	City of San Diego
Enhance and protect San Dieguito Lagoon.	Immediately	Adjacent Public Jurisdiction	Public



TRANSPORTATION ELEMENT

TRANSPORTATION ELEMENT

BACKGROUND AND ISSUES

A majority of the most significant traffic issues identified by the community were related to safety. Del Mar Heights Road, because of its width, traffic volumes and speed, is perceived by many residents as a major barrier dividing the community in two. Many children are bused only a few blocks to school to avoid having to cross Del Mar Heights Road on foot. Residents have identified a variety of additional traffic concerns including the lack of efficient pedestrian circulation, illegal excessive speeds on Del Mar Heights Road and Carmel Valley Road, increasing traffic volumes and congestion overall, overflow beach parking during summer weekends, the substandard street conditions in the Del Mar Terrace neighborhood and traffic impacts from regional growth including the construction of State Route 56 (SR-56).

The Torrey Pines community faces the challenge of planning and developing a transportation system that accommodates future traffic volumes, emphasizing mass transit, without disrupting the community's unique environment and the lifestyle of its residents.

The traditional services provided by a community's traffic circulation system are internal circulation from one part of the community to another and a means of connecting the entire community to other communities. Because of its location at the northern extent of the City of San Diego and its long, thin shape, the Torrey Pines circulation system must also carry through traffic (i.e., traffic without an origin or destination within the community). The Torrey Pines community forms a long, narrow area along I-5 and I-805 through which all east-west traffic must pass. Among the areas to be served are the city of Del Mar, the beaches, the fairgrounds-race track area and other residential areas. The uses of some of these facilities (beaches and race track) vary considerably from winter to summer and thus cause a seasonal variation in traffic between these time periods.

In February 1992, a Transportation Study was completed in association with the Torrey Pines Community Plan Update. This study contained an analysis of existing transportation conditions, as well as documentation of the travel forecast used in the analysis of future transportation conditions. The Transportation Study indicated that existing daily traffic volumes on North Torrey Pines Road, Sorrento Valley Road, Via De La Valle and Carmel Valley Road exceeded their approximate maximum desirable average daily traffic. The study also found that three intersections operated with a level of service (LOS) below C including:

Carmel Valley Road/Sorrento Valley Road (LOS D)

Carmel Valley Road/North Torrey Pines Road (LOS F)

Sorrento Valley Road/Sorrento Valley Boulevard (LOS D)

Some of the potential problems associated with levels of service D or greater include congestion, delay and air quality impacts. Intersection Level of Service analyses were then performed using projected traffic at buildout of the Plan and surrounding communities and jurisdictions. Analyses assumed existing road geometrics. Six intersections had LOS greater than C:

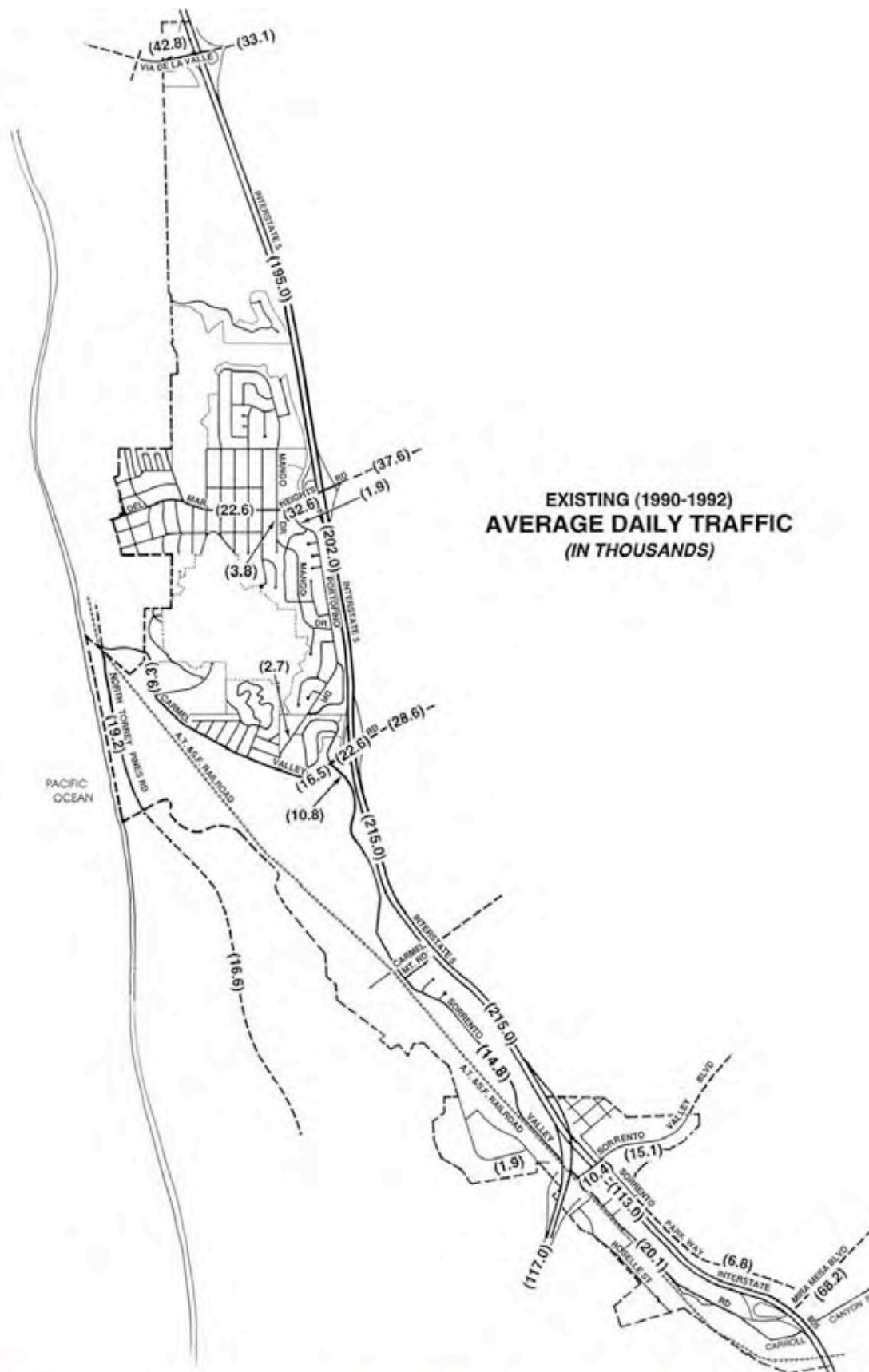
Carmel Valley Road/Sorrento Valley Road (LOS D/E)
Del Mar Heights Road/Mango Drive (LOS D)
Sorrento Valley Road/Sorrento Valley Boulevard (LOS D)
Sorrento Valley Boulevard/Vista Sorrento Parkway (LOS E)
Carmel Valley Road/North Torrey Pines Road (LOS F)
Del Mar Heights Road/Camino Del Mar (LOS D)

Because of the potential impacts associated with locations where LOS is greater than D, the intersection of Carmel Valley Road/North Torrey Pines Road, Carmel Valley Road/Sorrento Valley Road, and Sorrento Valley Road/Vista Sorrento Parkway were reanalyzed with transportation improvements. These recommended transportation improvements caused the Carmel Valley Road/North Torrey Pines Road intersection (located in the City of Del Mar) to improve from F to D/E, and the Carmel Valley Road/Sorrento Valley Road intersection to improve from D/E to C and the Sorrento Valley Road/Vista Sorrento Parkway intersection to improve from E to C.

These road improvements, as well as all other recommended improvements to the community's transportation system, can be found in the Specific Proposals section of this element.

GOALS

1. Provide an efficient, safe and environmentally sensitive transportation system.
2. Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines community.
3. Provide a transportation system that maximizes the opportunities for public transit use, especially in Sorrento Valley.
4. Provide a system of bikeways and pedestrian facilities that will encourage bicycling and walking as means of transportation.
5. Provide a transportation system that provides convenient linkages to the community's activity centers and to the rest of the metropolitan region.
6. Provide a safe and environmentally sensitive improvement of the Del Mar Terrace neighborhood streets.
7. Provide a transportation system that encourages the use of mass transit, rather than building and/or widening roads and freeway.
8. Investigate the feasibility of providing seasonal shuttle service.



Existing (1990-1992) Average Daily Traffic
Torrey Pines Community Plan

8
FIGURE

POLICIES

1. The construction of new roads or improvements to existing roads adjacent to open space areas shall mitigate impacts through the restoration and enhancement of that open space system to the maximum extent feasible.
2. When road improvements are proposed, those portions that traverse sensitive areas (water courses, wildlife corridors, sensitive biological areas, etc.) shall be designed to reduce or eliminate impacts to those areas.
3. Improved public transit service should be provided to the Torrey Pines community, especially to the employment area of Sorrento Valley and the North Torrey Pines mesa area. Regular bus service, light rail transit and commuter rail should link the Torrey Pines community with the regional transportation network.
4. Provide bikeway and pedestrian paths that link all areas within the community, as well as linking Torrey Pines with surrounding communities and jurisdictions.
5. Provide improvements to the road network that will facilitate traffic circulation without negatively impacting adjacent open space areas and residential neighborhoods.
6. Require that Transportation Demand Management strategies are implemented within the Sorrento Valley industrial area. Provide bicycle racks/lockers, showers, and locker room facilities for employees who bike or walk to work.
7. All available traffic measures that improve pedestrian safety on Del Mar Heights Road should be investigated, and where feasible, implemented.

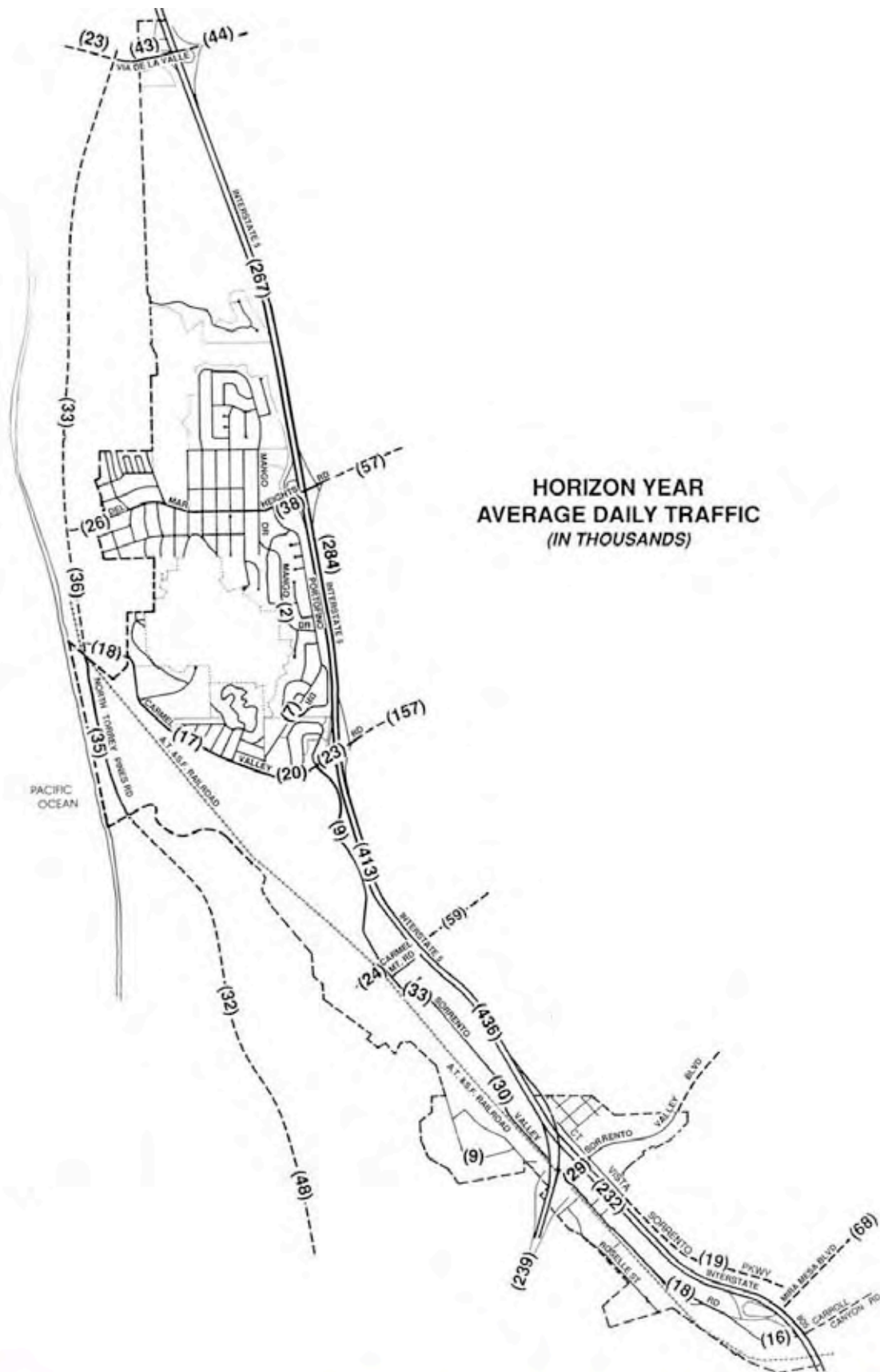
SPECIFIC PROPOSALS

Traffic Volume Trends

Torrey Pines existing traffic counts for 1990 are shown in **Figure 8**, and projected (Horizon Year) traffic volumes are shown in **Figure 9**. It should be noted that the projected traffic volumes were generated using an adjusted version of SANDAG's calibrated mid county model which assumed buildout of the Torrey Pines Community Plan, buildout of surrounding communities and jurisdictions, buildout of all surrounding planned circulation improvements, and a 40 percent drive alone rate (a regional goal).

Bikeways

The City of San Diego has actively pursued the establishment of a commuter-oriented bikeway system in the City. The purpose of the bikeway system is to encourage the use of bicycles as a transportation mode especially in place of single occupant motor vehicles. It is expected that the increased use of bicycles as a transportation mode will help reduce air pollution and traffic congestion. There are three classifications of bikeway facilities. Class I (bike paths), Class II (bike lanes) and Class III (bike routes). See **Figures 10 and 12** for details.



Horizon Year Average Daily Traffic
Torrey Pines Community Plan

9
FIGURE

The majority of the existing bikeways in the Torrey Pines community are Class II bike lanes. Bicyclists are allowed to use I-5 shoulders between the Genesee Avenue and the Sorrento Valley Road interchanges.

The following Class I bicycle path projects have been proposed within the Torrey Pines community. The Carmel Valley Road bicycle path is proposed to be constructed along the south side of Carmel Valley Road between McGonigle Road and Sorrento Valley Road. The San Dieguito River Valley bicycle path, a planned 55-mile regional bicycle path, will parallel the San Dieguito River. The Coastal bicycle path is proposed to be built within the A.T.&S.F. Railroad right-of-way between downtown San Diego and Oceanside.

Class II bicycle lanes are planned along the northern portion of Sorrento Valley Road between Carmel Valley Road and the Sorrento Valley Industrial Park.



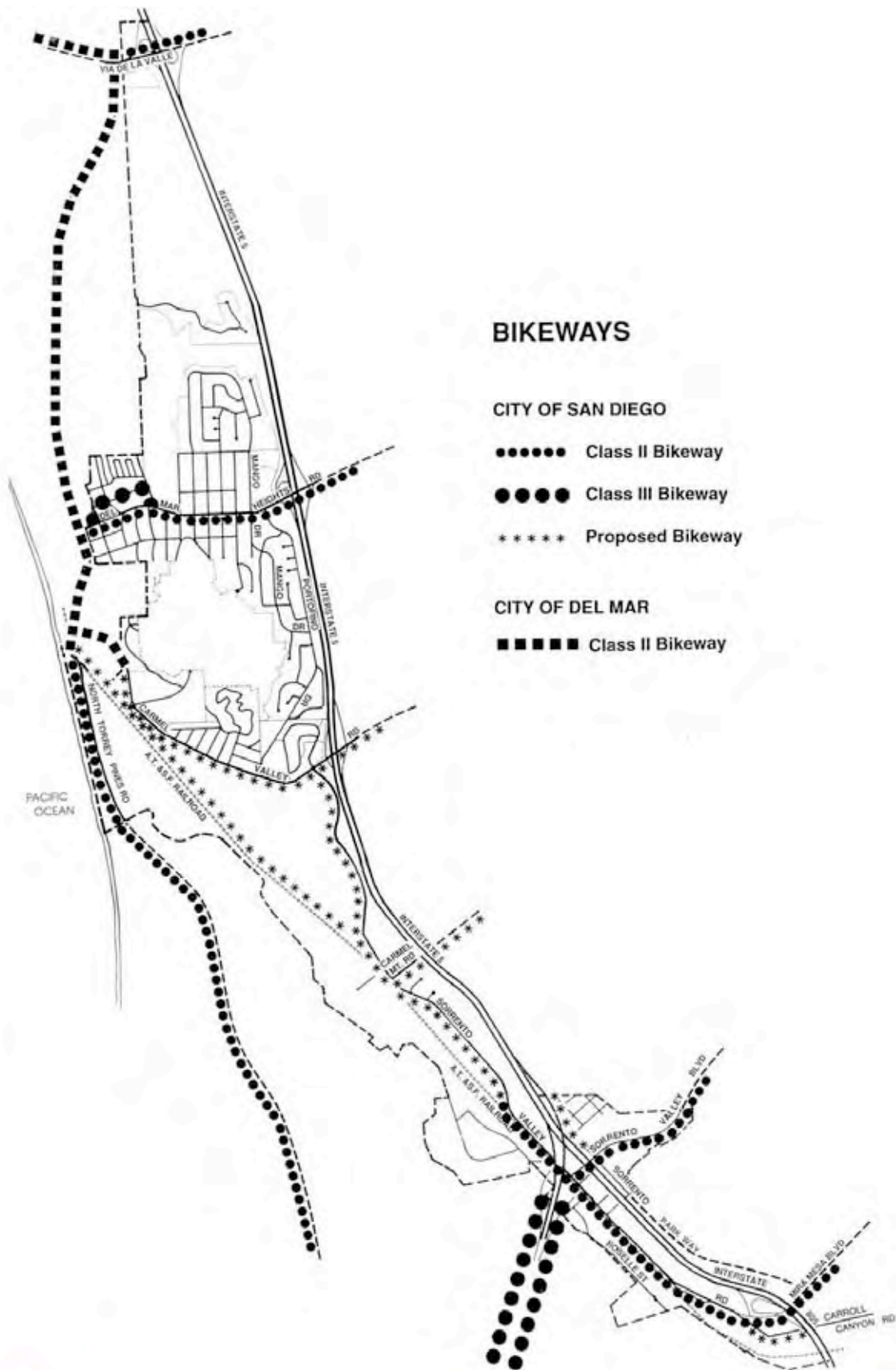
Bicycle/Pedestrian Path Concept Sketch

Pedestrian Paths

Primary pedestrian routes should be well lit and located along or visible from the street. Wherever possible, trees planted in parkways or tree wells should line the street to create shade and a buffer between pedestrians and the street.

Mass Transit

Currently, only one bus line provides service between downtown and the Torrey Pines community planning area. The San Diego County Transit System provides express service (Route 800) between Oceanside and downtown with one stop at the park-and-ride facility located on the southwest corner of I-5 and Carmel Valley Road. The North County Transit District, Route 301, operates along North Torrey Pines Road and provides shuttle service to the annual Fair and thoroughbred racing during the summer months. In addition, future mass transit plans by the Metropolitan Transit Development Board (MTDB) include a variety of mass transit service improvements.



Bikeways

Torrey Pines Community Plan

10
FIGURE

Light Rail Transit (LRT)

MTDB's long-range plans include extending the LRT line north along I-5 to Oceanside. The LRT alignment would extend north along the I-5 corridor with future potential LRT stations within Sorrento Valley near the I-5/I-805 intersection, and on the east side of I-5 both at Carmel Mountain Road and Carmel Valley Road (see **Figure 11**).

Commuter Rail

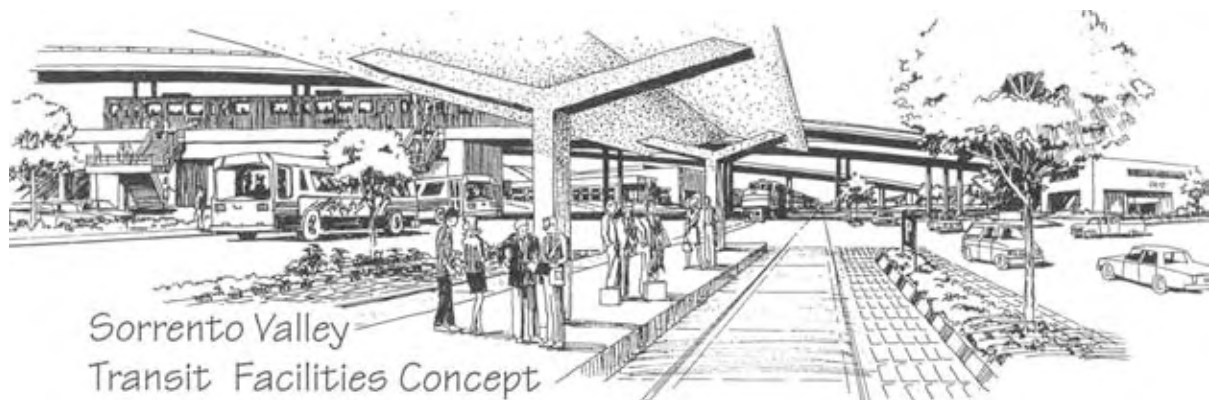
The North County transit district is in the process of implementing a plan for a commuter rail line that would provide mass transit service to those communities along I-5 between Oceanside and San Diego. The commuter rail line would use the existing Santa Fe Railroad right-of-way through Sorrento Valley (see **Figure 11**) with a station within Sorrento Valley near the I-5/I-805 interchange.

Bus Service

MTDB's short-range transit plan identifies a need for one new bus service line to serve the Torrey Pines area. Route 961, while currently unfunded, would operate from Carmel Valley to University Towne Centre, with service to Sorrento Valley and Sorrento Mesa (**Figure 11**).

Transit Stations

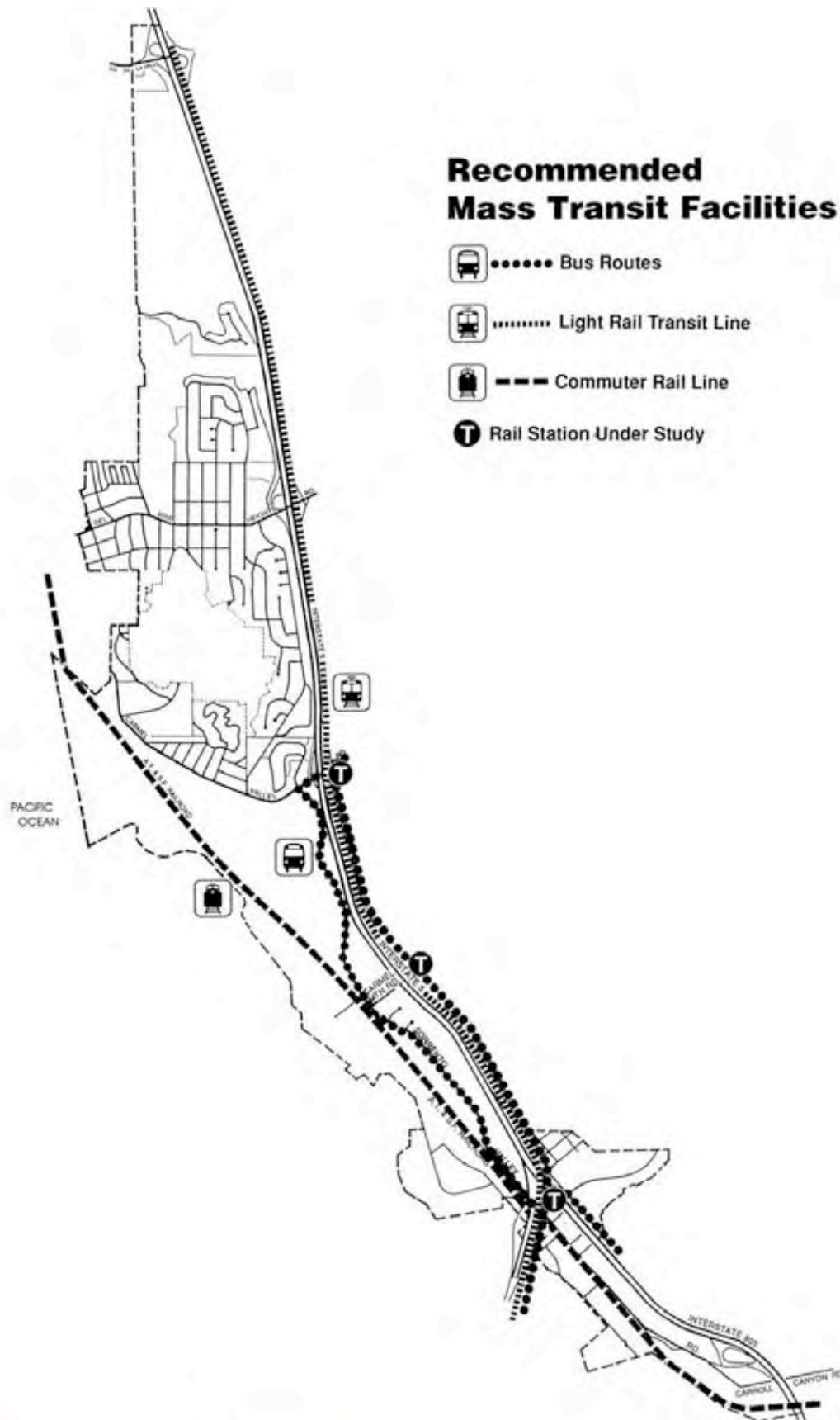
Transit stations should provide shelter for pedestrians, convenient passenger loading zones, telephones, adequate lighting and secure bike storage. Retail shops and services should also be integrated with transit stations. Pedestrians and feeder/shuttle bus users should not have to walk across parking lots in order to board the rail lines. The intent is to provide comfortable, safe, convenient stations. The commercial uses can help alleviate the need for before or after work auto trips to do errands.



Scenic Routes

Since 1964, the City has maintained a 52-mile scenic route extending from Mount Soledad on the north to Cabrillo National Monument on the south and traversing such in-between areas of attraction as Balboa Park and Mission Bay Park. This route was designed to provide scenic views of the San Diego community as well as to link points of visitor interest.

 Bus Routes
 Light Rail Transit Line
 --- Commuter Rail Line
 Rail Station Under Study



Recommended Mass Transit Facilities

11
FIGURE

In addition to the 52-mile scenic route, the Torrey Pines community has a number of road segments that have scenic qualities worthy of formal recognition and protection. Three road segments within the community are currently recommended for a scenic route designation including North Torrey Pines Road, Carmel Valley Road and Sorrento Valley Road.

Specific Road Improvements

The following specific road improvements are recommended primarily to: 1) protect the health and safety of pedestrians, bicyclists and motorists; 2) accommodate existing and future traffic with minimum disruption to residents and businesses; and 3) protect the sensitive environmental resources contained within the community planning area.

North Torrey Pines Road

North Torrey Pines Road is a five-lane primary arterial which narrows to two lanes as it passes about half-way through the Torrey Pines community planning area. In order to improve the level of service at the intersection of North Torrey Pines Road and Carmel Valley Road, an additional northbound lane will be provided from Torrey Pines Park Road to the boundary of the City's jurisdiction. Improvements north of the City of San Diego's boundary can only occur subsequent to approval by the city of Del Mar.

In addition, the bridge over the railroad tracks just south of this intersection should be improved to allow a second northbound lane as well as bike lanes and a sidewalk on the west side to the City's jurisdiction. Bridge improvements north of the City's boundary can only occur subsequent to approval by the city of Del Mar.

An alternative to extending the additional lane through the intersection includes extending the lane as a right turn only lane onto Carmel Valley Road.

North Torrey Pines Road Bridge over Peñasquitos Creek

The North Torrey Pines Road Bridge over Peñasquitos Creek will need to be reconstructed due to seismic and structural deficiencies. The reconstruction of this bridge includes the addition of a northbound lane, bike lanes on both sides, a sidewalk on the west side, and transition widening on both road approaches. Although the bridge should be widened in order to provide ultimately for three lanes, it should be striped for two lanes until the recommended northern road improvements are constructed.

This project includes a special bridge design that will contribute to the restoration and enhancement of Los Peñasquitos Lagoon. The ultimate design of this bridge creates a wider lagoon mouth by approximately 40 feet, in order to increase the tidal prism, restore tidal action and improve circulation of lagoon waters. Design consideration should include completely spanning the lagoon mouth by cutting back the road embankment and lengthening the bridge span, etc. The design of this bridge shall include input from a qualified biologist or other lagoon expert familiar with the complex ecosystem found within Los Peñasquitos Lagoon. No impacts to salt marsh habitat shall occur.

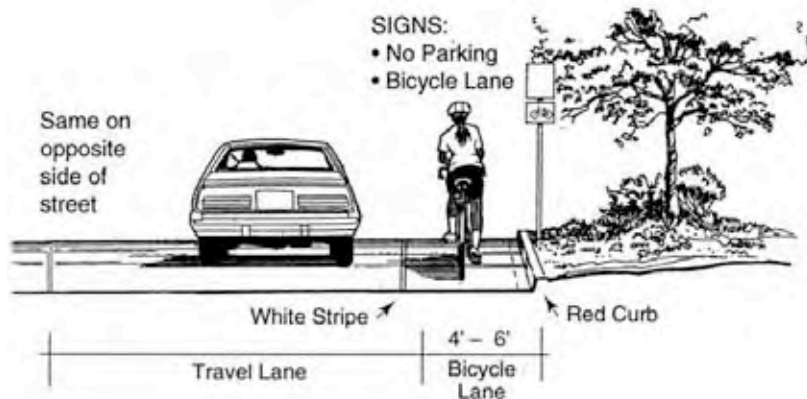


CLASS I

(Typical location - open space)

Bicycle Path

A completely separate right-of-way for the exclusive use of non-motorized vehicles.

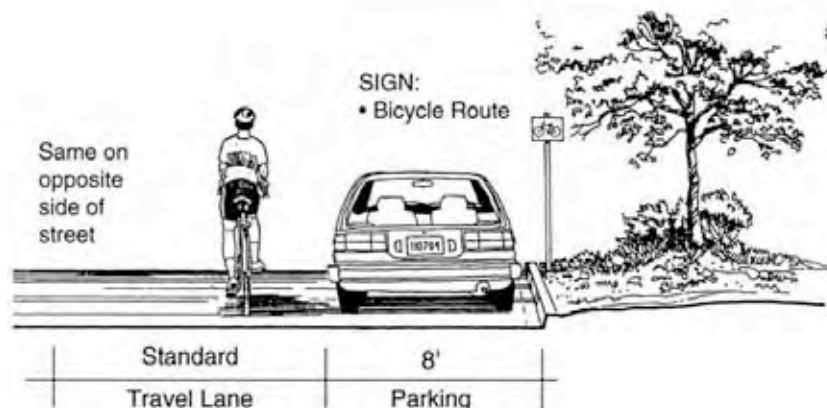


CLASS II

(Typical location - major street)

Bicycle Lane

A restricted right-of-way located on the paved road surface alongside the traffic lane nearest the curb, and identified by special signs, land striping, and other pavement markings.



CLASS III

(Typical location - neighborhood street)

Bicycle Route

A shared right-of-way designated by signs only, with bicycle traffic sharing the roadway with motor vehicles.

NOTE: The dimensions illustrated on this page are subject to change.



Bicycle Facilities Classifications

Torrey Pines Community Plan

12
FIGURE

One of the most scenic visual resources of the community includes those views of North Torrey Pines Road as it passes between the Pacific Ocean and Los Peñasquitos Lagoon. In order to protect the scenic and visual qualities of this coastal area, the reconstruction and/or replacement of the North Torrey Pines Road bridges should include a design that is visually and aesthetically compatible with the character of the area. The design of both bridges should restore and enhance the visual quality and public views of this area. It is suggested that a variety of aesthetic designs and architectural alternatives be explored. The Torrey Pines Community Planning Group and the community shall review and provide input during the design of the bridges.

Carmel Valley Road

A variety of improvements to Carmel Valley Road are anticipated in the future, and may include widening, intersection improvements, a parking lane, and a bicycle/pedestrian pathway. At the time specific design proposals are determined and environmental impacts assessed, coastal development permits will be required to implement the project. A preliminary plan for the improvements is described below; however, in no case shall any improvement result in wetland fill.

Improvements to Carmel Valley Road include retaining this road as a modified two-lane collector street with a center turn lane. Carmel Valley Road should remain a modified four-lane major between I-5 and just west of Sorrento Valley Road. A traffic signal will be provided at Portofino Drive and Carmel Valley Road, with intersection improvements as needed there and at Sorrento Valley Road.

Bicycle and pedestrian circulation should be provided along the south side of Carmel Valley Road within the Bicycle/Pedestrian Pathway (see **Bicycle/Pedestrian Pathway** discussion below). Parking for residents and businesses should be provided along the north side of Carmel Valley Road, and a sidewalk should also be provided along the north side with appropriate street lighting. The ultimate design of Carmel Valley Road should also include the following improvements provided that adequate right-of-way exists:

1. A parking lane should be provided along the south side of Carmel Valley Road between Via Donada and Via Aprilia.
2. The existing curb line, sidewalk, landscaping and patios along the north side of Carmel Valley Road between Via Donada and Del Mar Scenic Parkway should be preserved.

Future improvements to Carmel Valley Road should include all measures necessary to eliminate silt and/or pollutants from entering/draining into Los Peñasquitos Lagoon. The speed limit on Carmel Valley Road should be aggressively enforced.

Various types and levels of traffic control methods and devices (i.e., traffic signals, stop signs, etc.) shall be utilized in order to provide the greatest degree of safety and efficiency for pedestrians, bicyclists and motorists on Carmel Valley Road.

Bicycle/Pedestrian Pathway

A bicycle/pedestrian pathway should be provided in the existing disturbed, upland area along the south side of Carmel Valley Road. A variety of design options should be considered, however, in no case shall the bicycle/pedestrian pathway involve wetland fill. An appropriate buffer between the bicycle/pedestrian pathway and the lagoon shall be established after full consultation with the U.S. Fish and Wildlife Service, the State Department of Fish and Game and the State Department of Parks and Recreation. The pathway should be wide enough to be shared by bicyclists and pedestrians, and should be physically separated from Carmel Valley Road (see Bicycle/Pedestrian Path Concept Sketch). The pathway should be constructed with a combination of concrete and wood. The concrete portion would be used for those previously disturbed areas where the path is located immediately adjacent to the road; the wooden or boardwalk portions would be constructed where the path meandered closer to sensitive resource areas.

The path should meander along the lagoon, and in several places provide sitting areas and viewpoints into the lagoon. Interpretive displays describing the marsh and lagoon ecosystem should be included at these viewpoint areas. Safe access to the pathway from the north should be provided at regular intervals.

Del Mar Heights Road

Del Mar Heights Road shall remain a four-lane major street but shall include improvements to facilitate pedestrian safety and traffic flow. Improvements should include a raised center median, a traffic signal with pedestrian crossing indications at Crest Way, a protected left turn signal for north-southbound traffic on Mango, adequate storage for left turns at Mango Drive and sidewalks along the entire length of Del Mar Heights Road. The raised center median should be landscaped when funding becomes available. Funding sources include, but are not limited to, a landscape maintenance district.

Sorrento Valley Road

Sorrento Valley Road, from Industrial Court to Carmel Valley Road, is a two-lane major road that is scheduled for realignment improvements.

The existing road lies immediately adjacent to wetlands and other sensitive habitat areas at several points. Any improvements to Sorrento Valley Road shall require the issuance of coastal development permits, and shall be permitted only if consistent with the specific development standards in the Wetlands/Environmentally Sensitive Resources policies contained in **Appendix E**. Riparian impacts shall be mitigated at a ratio of 3:1 and salt marsh impacts shall be mitigated at a ratio of 4:1.

Mitigation for impacts to the lagoon must include restoration and enhancement of all areas previously disturbed by activities associated with the construction and operation of Sorrento Valley Road. The Torrey Pines Community Planning Group shall be provided the opportunity to review and provide input regarding the mitigation, restoration and enhancement efforts associated with this road improvement.

Carmel Mountain Road/I-5 Interchange

This project will construct a diamond interchange at I-5 and Carmel Mountain Road. Design and construction is to be completed by Caltrans. Although the cost of this improvement is being paid by the Carmel Valley Facilities Benefit Assessment District and Sorrento Hills Development Agreement, it is immediately adjacent to the Torrey Pines Community. A strong benefit of this improvement is the reduction of traffic using Sorrento Valley Road between Carmel Mountain and Carmel Valley Roads.

Vista Sorrento Parkway

The restriping of the northbound lanes of Vista Sorrento Parkway at Sorrento Valley Road is proposed to improve the poor Level of Service (LOS) projected at buildout. The restriping of the three northbound lanes from the existing left, through and right to two lefts and a through/right will improve the projected LOS from E to C. This minor modification should only be implemented when actual future traffic volumes warrant it. In conjunction with buildout of the Sorrento Hills community planning area, Vista Sorrento Parkway shall be extended from its existing terminus (Sorrento Valley Court) northerly through Sorrento Hills until it intersects with Carmel Mountain Road.

Construction of this extension, known as Street "A", will require some fill in existing wetlands at the western end of Los Peñasquitos Canyon Preserve. Various project alternatives have been examined to determine that the proposed project is the least environmentally damaging one. There are currently two options that may be implemented to mitigate the environmental impact of the proposed project.

OPTION A

Any unavoidable permanent wetland fill associated with Street "A" shall be mitigated at a ratio of 4:1 for alkali marsh/meadow impacts and 1:1 for freshwater marsh (i.e., cattails) impacts. Shading impacts to cattails shall be mitigated at a ratio of 1:1. Mitigation for freshwater marsh impacts shall be in kind and shall occur within the Los Peñasquitos Lagoon watershed. Mitigation for alkali marsh/meadow impacts shall be in kind and in the immediate area of the alkali marsh/meadow or, if no appropriate site can be found for creation of alkali marsh/meadow, mitigation shall consist of newly created willow scrub habitat within the Los Peñasquitos Lagoon watershed.

or OPTION B

Any unavoidable permanent wetland fill associated with Street "A" shall be mitigated at a ratio of 1:1. Mitigation for direct and shading impacts to freshwater marsh (i.e., cattails) shall be in kind and shall occur within the Los Peñasquitos Lagoon watershed. Mitigation for alkali marsh/meadow impacts shall be in kind and in the immediate area of the alkali marsh/meadow or, if no appropriate site can be found, mitigation shall consist of newly created willow scrub habitat within the Los Peñasquitos Lagoon watershed.

and

The balance of the alkali marsh/meadow shall be designated open space and permanently protected from development through dedication of an open space easement, recordation of a deed restriction, or some other appropriate mechanism.

Carroll Canyon Road

This project, financed through the Mira Mesa Public Facilities Financing Plan, will construct Carroll Canyon Road as a four-lane collector street from its westerly terminus at Scranton Road, beneath I-805, to Sorrento Valley Road. Design of this roadway extension should minimize impacts to the adjacent Carroll Canyon Creek Corridor. Mitigation for construction of this roadway should include implementation of the Guidelines for the preservation and enhancement of the Carroll Canyon Creek Corridor, which are located in the **Industrial Element** of this Plan.

Mitigation for impacts to the wetland area must include restoration and enhancement of all areas previously disturbed by activities associated with the construction and operation of Carroll Canyon Road. The Torrey Pines Community Planning Group shall be provided the opportunity to review and provide input regarding the mitigation, restoration and enhancement efforts associated with this road improvement.

Del Mar Terrace Neighborhood Streets

The streets of the Del Mar Terrace neighborhood, located immediately north of Carmel Valley Road, have never been improved and accepted for maintenance by the City of San Diego. As a consequence these streets are in a state of disrepair. Property owners in the Del Mar Terrace neighborhood have petitioned the City Council to form an assessment district to improve the streets. The City Council directed City staff to take the necessary steps to form a maintenance district and directed that the street design maintain the rural nature of the area.

State Route 56/I-5/I-805 Widening Projects

These CALTRANS projects are located immediately east of the Torrey Pines planning area, and will be constructed in order to alleviate the extremely congested regional traffic conditions projected to occur on I-5, I-805 and I-15.

Environmental reports have been completed for each of these projects. Potential exists for significant environmental impacts to the Torrey Pines area, including, but not limited to, air quality impacts, visual impacts, impacts to wetlands, noise impacts and erosion impacts.

Visual impacts include permanent landform change as a result of new cut slopes, fill slopes, bridge structures, traffic movement and retaining walls. Visual grading impacts will be reduced to levels below significance by erosion control measures including immediate plant cover on cut/fill slopes. Newly planted slopes will be compatible with surrounding landforms. Interchanges will be given a full planting scheme with Torrey Pines. The visual impact from retaining walls will be mitigated by incorporating crib walls where feasible, special wall treatment utilizing texture, color and design elements, and, new bridges with slender, aesthetically pleasing design.

Impacts to wetlands are attributable to bridge piers, temporary work areas and shading from bridge structures. It is considered biologically important to treat the creeks and lagoon as an ecosystem therefore, mitigation for impacts to wetlands are included in the Carmel Valley Restoration and Enhancement Project (CVREP).

Existing noise levels at some points within the Torrey Pines area along I-5 exceed federal guidelines. The proposed projects will increase noise from one to four additional decibels over today's level. It should be noted that a three-decibel change is hardly discernible to the human ear. Sound walls at several locations are proposed as mitigation measures.

There will be increased erosion caused by grading. A detailed erosion control plan has been prepared. This plan includes immediately seeding new slopes and other abatement measures. Due to the sensitivity of Los Peñasquitos Lagoon, every reasonable precaution will be taken to protect watershed flow into the lagoon to avoid or minimize muddying and silting, before, during, and after construction.

ACTION PLAN

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Restore and enhance those biologically sensitive areas impacted by circulation improvements.	Add as condition at time of project approval. Include in preliminary design.	Planning Department, Engineering & Development Department	City of San Diego,
Provide mass transit service, especially in the Sorrento Valley area.	Immediately	MTDB	MTDB through various funding sources including private sector
Provide bikeways and pedestrian paths that link all areas within the community.	Include in design of private development and transportation projects.	Planning Department, Engineering & Development Department	City of San Diego and Private
Adopt the Facilities Financing Plan to identify costs and potential funding sources.	Adopt with this Community Plan.	City Council, Planning Department	City of San Diego
Require projects to design for transit, bicycle and pedestrian use (i.e., submit TDM Programs, provide bike lockers, showers, etc.)	Add as condition at time of project approval.	Planning Department	Private
Reconstruction of North Torrey Pines Road bridge shall contribute to restoration and enhancement of Los Peñasquitos Lagoon.	At preliminary design stage	Engineering & Development Department	City of San Diego, and state bridge grant
Provide street improvements for the Del Mar Terrace neighborhood.	Immediately	Engineering & Development Department	Assessment District



RESIDENTIAL ELEMENT

RESIDENTIAL ELEMENT

BACKGROUND AND ISSUES

The Torrey Pines community planning area is almost completely built out with approximately 3,000 total housing units. Of this total, approximately 78 percent is single-family and 22 percent is multifamily. At buildout, the Torrey Pines community is expected to contain a population of approximately 7,000 residents.

Over the last decade, residential development in the Torrey Pines community has consisted of single-family homes constructed in a variety of architectural styles, colors and building materials. In most cases, new single-family homes have tended to be larger scale, utilizing the maximum building envelope allowed under the zone. In some neighborhoods where existing homes are of a smaller scale, development of larger scale homes has resulted in abrupt transitions in scale.



Another critical issue is the development and expansion of non single-family residential uses within single-family neighborhoods. Projects of this type include commercial development, child care centers and other non-residential uses which are allowed under the conditional use permit process, and the construction of single-family homes that are designed for the shared living arrangement of five or more unrelated persons. The Torrey Pines Community Planning Group has recommended that the development of mini-dorms within single-family neighborhoods be prohibited. Mini-dorms are single-family homes specifically designed, built and used to accommodate a group of unrelated adults who either share ownership or rent. Some of the impacts associated with mini-dorms include lack of adequate parking, insufficient landscaping, and unusual design. An additional issue includes the construction and occupancy of new homes without the provision of required landscaping.

GOALS

1. Single-family development incorporating a variety of architectural styles, colors and building materials.
2. Residential development designed to preserve the integrity of the community's unique system of canyons, parks, sandstone bluffs and lagoons.
3. New single-family homes that are similar in bulk and scale to existing homes within the immediate neighborhood.
4. Residential neighborhoods that are designed to protect the safety and security of its residents.

POLICIES

1. New residential development shall be consistent with the design guidelines of this element.
2. The construction of shared housing (also known as mini-dorms) within the Torrey Pines community planning area shall be discouraged.
3. Commercial development shall not be permitted within areas designated for residential development.
4. Residential neighborhoods should be preserved and protected from encroachment by adjacent uses including commercial development and the construction of public roads and utilities.

SPECIFIC PROPOSALS

Although the Torrey Pines community planning area maintains a predominantly low-density residential character, a wide range of residential densities and product types are recommended by this Plan. Descriptions, locations and recommendations regarding these density categories are as follows.

Density Categories

Very Low-Density (0-4 DUs/acre)

In the Torrey Pines area this density is characterized by both single-family detached and attached development with large portions of land area devoted to open space areas. This density is implemented in Torrey Pines by the existing R1-10000, R1-15000, R1-20000 and R1-40000 Zones.

Very low-density developments in Torrey Pines are located on the edges of environmentally sensitive areas. This provides for minimal disturbance by buffering these areas from higher density land uses. Very low-density areas in the Torrey Pines area include:

- The 27-lot residential subdivision of Del Mar Estates is located in the northern portion of the community along Racetrack View Drive. This development includes large single-family detached homes of 25 feet in height on large (average one acre) lots, and over 17 acres set aside in an open space easement. This development is located in an environmentally sensitive location, within the Focused Planning Area of the San Dieguito Regional Open Space Park Plan, situated south of the San Dieguito River and Lagoon and north of Crest Canyon. Because of the area's sensitivity, additional development (tennis courts, pools, decks, gardens, walls, lighting, etc.) shall minimize or eliminate impacts to these resource areas.
- Two low-density residential subdivisions exist near the northern portion of Torrey Pines Reserve Extension. One is located adjacent to the northwest corner of the reserve extension at the terminus of Mar Scenic Drive and Nogales Drive, and the other is located adjacent to the northeast corner of the reserve extension on Mira Montana. The Mira Montana project (approximately 19 residential lots and five acres of open space easements) is built out. All open space easement areas that are part of this project shall be preserved.
- Another very low-density project is located adjacent to the western boundary of the reserve extension, along Caminito Mar Villa and Via Mar Valle. This project is completely built out and consists of approximately 50 units, both attached and detached, and over six acres of open space easements. The open space easement located south of the homes along Via Mar Valle provides a crucial open space corridor linking the reserve extension to Los Peñasquitos Lagoon. This linkage shall be preserved and protected through the Open Space designation on the area.
- The Point Del Mar development is also a very low-density project, and is located on the bluffs northwest of Carmel Valley Road and I-5. This project includes approximately 99 single-family detached homes on large (half-acre) lots, and over 26 acres of open space easements. The open space easements located along the western portion of this project provide a critical wildlife corridor linking the reserve extension to the Los Peñasquitos Lagoon. This linkage has been preserved and protected by dedication and acceptance by the State Coastal Conservancy, and is managed by the Los Peñasquitos Lagoon Foundation. This area shall be preserved and protected through the Open Space designation on the area.

Low-Density (5-9 DUs/acre)

This density category is characterized by the conventional suburban subdivision, including single-family detached homes on 5,000- to 6,000-square-foot lots. Approximately 70 percent of the residential community is developed under this density category, which is implemented through the existing R1-5000 and R1-6000 Zones.

Low-density developments in Torrey Pines include the Del Mar Heights, Del Mar Terrace and Sea Village (170 units) areas, which are almost completely built out with single-family attached and detached homes. Infill development and redevelopment of homes occurs regularly in these areas. New home construction shall be sympathetic to and compatible with the existing neighborhood.

Low-Medium Density (10-15 DUs/acre)

This density category is characterized by higher density housing, usually consisting of attached housing such as condominiums or townhomes. This density category is implemented through the existing R-3000 Zone.

The Sea Point condominium project is the only low-medium density development within Torrey Pines. Sea Point consists of 237 housing units on 19 acres.

The triangular shaped parcel on the southwest corner of Via Aprilia and Via Borgia is zoned and designated for single-family residential development. This Plan permits the rezoning of this property to R-3000 without the requirement for a community plan amendment.

Medium Density (16-44 DUs/acre)

This density category is characterized by higher density condominium and apartment development, and is implemented through the existing R-1000 and RV Zone.

There are six medium density residential projects within the Torrey Pines planning area. Four of the projects are located in the Del Mar Heights Road/Mango Drive/I-5 area. A total of 495 units have been constructed in this area. Two smaller projects, totaling 23 units, are located along Via Aprilia and Via Cortina in the Del Mar Terrace area. Redevelopment of the medium density properties in the Torrey Pines community shall be compatible with the existing surrounding neighborhood and shall be processed through the Planned Infill Residential Development (PIRD) Permit process.

**TABLE 2
PROPOSED RESIDENTIAL DEVELOPMENT**

Designation	Acres	Units	% DUs	Population
Very-Low (0-4 DUs/acre)/	60	200	7	465
Low (5-9 DUs/acre)/	520	2,187	70	4,900
Low-Medium (10-15 DUs/acre)/	20	200	7	465
Medium	22	500	16	1,170
Total	622	3,087	100	7,000

Residential Development Design Guidelines

New residential development within the Torrey Pines community should continue to incorporate a wide variety of architectural styles, colors and building materials. New residential development should also be designed to encourage compatibility in bulk and scale between existing and new residential development. All new residential development shall conform to citywide underlying zoning and Coastal Zone requirements. The Torrey Pines Community Planning Group should review all development requiring discretionary approval by the City.

The following additional guidelines should also be incorporated into single-family residential development.

1. All required landscaping shall be installed prior to the issuance of an occupancy permit.
2. Natural runoff control measures should be implemented to direct runoff toward the street and not toward open space areas and to eliminate erosion and siltation of biologically sensitive areas (see **Coastal Development Regulations** in **Appendix**).

All new multifamily residential projects shall be developed through the Planned Infill Residential Development (PIRD) Permit Process. All new multifamily projects shall be considered compatible, and in conformance with the Plan if it meets the criteria of the PIRD, the Multifamily Design Regulations and all other citywide regulations including the underlying zone.

Balanced Community

It is the policy of the City of San Diego to promote economically and racially balanced communities: The Housing Element of the General Plan identifies four components of balanced communities: economic, ethnic, housing type (concentration of detached housing) and housing tenure (concentration of owner-occupied housing).

As of the 1990 Census, the Torrey Pines community was not considered a balanced community. In order to alleviate this situation and provide opportunities for affordable housing, the Housing Element of the General Plan recommends Plan revisions to higher densities and assistance programs, examples of which are provided below:

Multifamily Bond Program

Through the sale of bonds, this program provides low-interest loans to developers of multifamily housing. In exchange for the loans, developers must rent 20 percent of the units to low-income households for ten years.

Public Housing

Public housing units are managed by the San Diego Housing Commission and rented to very low-income households. Residents pay 30 percent of their gross monthly income for rent.

Section 8 Rental Assistance Program

This program offers certificates and vouchers to very low-income households who use them to rent privately owned apartments. These households pay 30 percent of their gross monthly income for rent and the Housing Commission pays the difference to the landlords.

Modular Housing

Modular housing offers an alternative to reduce housing costs and still meets the demand for single-family detached housing.

Categorical Exclusion

Single-family residential development within that area indicated in **Figure 28** may be considered for categorical exclusion and thus excluded from the requirement to process coastal development permits. Categorical exclusion would eliminate the requirement for single-family home construction to undergo discretionary review. However, all new development within this possible categorical exclusion area shall be responsible for providing, at the applicant's expense, a notice of application to all residents within 300 feet of the proposed project and to the Torrey Pines Community Planning Group.

ACTION PLAN

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Require all new residential development to be compatible with existing neighborhood.	Immediately with update to City's Zoning Code	City of San Diego	City of San Diego
Residential development adjacent to Open Space should blend into the natural area.	When buildings are being designed	Project Architect, Planning Department	Project Applicant
Commercial uses shall be prohibited in residentially designated areas.	With adoption of this Community Plan.	Planning Department	City of San Diego
Required landscaping should be in place prior to occupancy.	Immediately with update to City's Zoning Code	Planning Department	City of San Diego



COMMERCIAL ELEMENT

COMMERCIAL ELEMENT

BACKGROUND AND ISSUES

The Torrey Pines community planning area contains approximately 26 acres of land designated for commercial development. Although these figures appear to be very low, unmet needs within the community are provided by commercial centers in adjacent areas including Del Mar and Carmel Valley.

There are four areas within Torrey Pines that are designated for commercial development (see **Figure 14**) including: 1) a 12-acre shopping center at the north-west corner of I-5 and Del Mar Heights Road; 2) an approximately ten-acre area at the northern end of the community just south of Via De La Valle; 3) a 2.96-acre shopping center located at the northwest corner of I-5 and Carmel Valley Road, and; 4) a small commercial area located on lots fronting Carmel Valley Road, between Via Donada and just north of Via Aprilia.

Some of the issues associated with commercial development within the Torrey Pines community planning area, particularly within the Del Mar Terrace Neighborhood, include traffic, noise and visual impacts to adjacent residential development, encroachment into adjacent environmentally sensitive areas, lack of parking, and ingress and egress problems.

GOALS

1. Provide conveniently located and well-designed commercial development that adequately serves the needs of the community. Commercial development should be easily accessed by, and attractive to pedestrians.
2. Encourage commercial uses that operate without adversely impacting surrounding residential neighborhoods.
3. Prohibit the encroachment of commercial development into areas other than those designated commercial, especially into residential, open space and environmentally sensitive areas.
4. Mixed-use developments should be encouraged in commercial zones. Apartments over retail or office uses could help Torrey Pines meet its fair share of affordable housing goals.

POLICIES

1. Runoff and pollution control measures required by federal, state, county or City regulations should be installed and maintained by the property owner in all commercial developments.

2. Commercial development within predominantly residential neighborhoods shall be designed to minimize or eliminate traffic, noise, parking and visual impacts to residents.
3. All commercial development shall be processed through the Planned Commercial Development (PCD) Permit procedure and shall be consistent with the design guidelines contained in this element.
4. All required parking for commercial development shall be accommodated on site, no on-street parking shall be used to satisfy parking requirements.

SPECIFIC PROPOSALS

Commercial Areas

Shopping Center at I-5 and Del Mar Heights Road

Infill commercial development within this center shall not result in a reduction of parking below those levels adequate to provide ample parking for tenant businesses and shall not be allowed to impact vehicle access or on-street parking.

Ingress/egress to Del Mar Heights Road from this center, and from Mango Road, should be improved during improvement either to the center or Del Mar Heights Road. Current ingress/egress conditions include difficult and confusing pedestrian crossing, congestion, and elevation differences between the shopping center entrance, Mango Road and Del Mar Heights Road. These elevations differences have caused difficulties for larger delivery trucks, in some cases “bottoming out” or becoming “high centered.”

Commercial Area Southwest of Del Mar Heights Road/I-5 Intersection

This four-acre area should be maintained for visitor-serving commercial recreation facilities (long and short-term rental facilities, accessory uses) consistent with the site's proximity to single-family development, visibility from I-5 and location at the entrance of the community.

Commercial Area South of Via De La Valle

This ten-acre area, which includes a hotel, gas station and restaurant, should be maintained for commercial recreational development. Because most of this area is within the 100-year floodplain, and adjacent to the San Dieguito River Valley and Lagoon, new development in this area shall not be allowed unless it can be shown that:

1. Disturbance to environmentally sensitive areas will be minimized or eliminated.
2. Increase flood flow velocities will not occur.
3. Areas not in the floodplain to be filled will not function as significant silt deposition areas.

4. Any loss or degradation of existing wildlife habitat areas will be completely mitigated.
5. Increases in runoff and sediment will be mitigated.
6. There will be no adverse water quality impacts to adjacent or downstream wetland areas.
7. The development meets the specific development standards included in **Appendix E**.

In addition, there is a 14-acre parcel abutting this developed area to the south, which includes a small visitor-serving RV park and a recreational complex including tennis courts, miniature golf, a driving range pro-shop and clubhouse facilities and parking lots. This area should be maintained for these types of less intensive commercial recreation uses and designated Commercial Recreation up to the paved sidewalk north of the driving range. Because this entire area is within the 100-year floodplain and immediately adjacent to the San Dieguito River Valley and Lagoon, new development in this area shall be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works. Any development of this parcel shall be consistent with the requirements for the San Dieguito Lagoon and River Valley stated in the **Resource Management and Open Space Element** of this document.

Carmel Valley Commercial Center

This 2.96-acre area shall be developed with a mix of commercial uses under an existing approved Planned Commercial Development Permit. Development of this area, as required by the PCD, shall include mitigating measures including:

1. The landscaping program shall be of sufficient quality and quantity to completely screen the large crib wall from view in all directions.
2. Erosion control measures shall be implemented in order to mitigate potential urban runoff impacts.
3. Pollution control measures to prevent contaminated runoff from reaching the Los Peñasquitos Lagoon wetlands and Carmel Valley Creek shall be implemented.

Design Guidelines

Carmel Valley Road Neighborhood Commercial Design Guidelines

The development of commercial uses within this area, because of its location within the residential neighborhood of Del Mar Terrace, shall be designed to mitigate all potential impacts including traffic, parking, noise, pollution, runoff, etc.

Only those lots that front directly on Carmel Valley Road, between Via Donada and just north of Via Aprilia are designated for neighborhood commercial development. Expansion of commercial use on properties other than those designated shall be prohibited.

Those areas designated commercial along Carmel Valley Road may be redeveloped to neighborhood commercial uses through the Planned Commercial Development (PCD) permit process. The PCD process should address and implement the following commercial development design guidelines.

Commercial Development Design Guidelines

Although the design guidelines listed below apply particularly to the neighborhood commercial area located along Carmel Valley Road, most can also be applied to the other designated commercial areas within the Torrey Pines planning area. Specific design guidelines for the other commercial areas within Torrey Pines can be found under the individual commercial policy discussions.

1. Bulk and scale of new commercial development along Carmel Valley Road shall be low-scale and of similar height to buildings and homes in the existing area.
2. Activity areas (e.g., areas that generate noise, foot traffic, parking lots, etc.) of commercial projects shall be oriented away from residents, towards Carmel Valley Road.
3. Noise, light, odors or any other potential effects of or emissions from commercial development shall not emanate beyond the commercial property into residential areas.
4. New commercial development shall be designed to accommodate the worst case parking scenario unless well served by public transit. The use of on-street parking shall not be considered to calculate parking requirements.
5. Erosion/sedimentation control measures shall be implemented to prevent runoff into the Los Peñasquitos and San Dieguito Lagoon.
6. The rear portions of commercial development that face residential areas should be designed (use of heavy landscaping, design elements, etc.) to mimic the continuation of a residential neighborhood.
7. A neighborhood association composed of residents and business owners should be formed to resolve existing problems in the neighborhood including:
 - a. Coordination, timing, access and location of delivery trucks.
 - b. Provision of adequate off-street parking.
 - c. Litter, noise and traffic control.

ACTION PLAN

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Require Planned Commercial development Permits for new commercial development (until Zoning Code Update is complete).	Until update to the City's Zoning Code is complete	Planning Department	Application Fees
Prohibit commercial development or encroachment into residential neighborhoods.	With adoption of this Community Plan	Planning Department	Planning Department
Provide erosion control and prevent runoff from commercial development into adjacent lagoons and wetlands.	Add as condition at time of PCD approval	Planning Department, Engineering & Development Department	Applicant
Provide adequate off-street parking for new commercial development.	Require at time of project approval	Planning Department	Applicant
Eliminate impacts of new commercial development on existing adjacent residential neighborhoods.	Through project review and implementation of design guidelines	Planning Department	Planning Department, Applicant



INDUSTRIAL ELEMENT

INDUSTRIAL ELEMENT

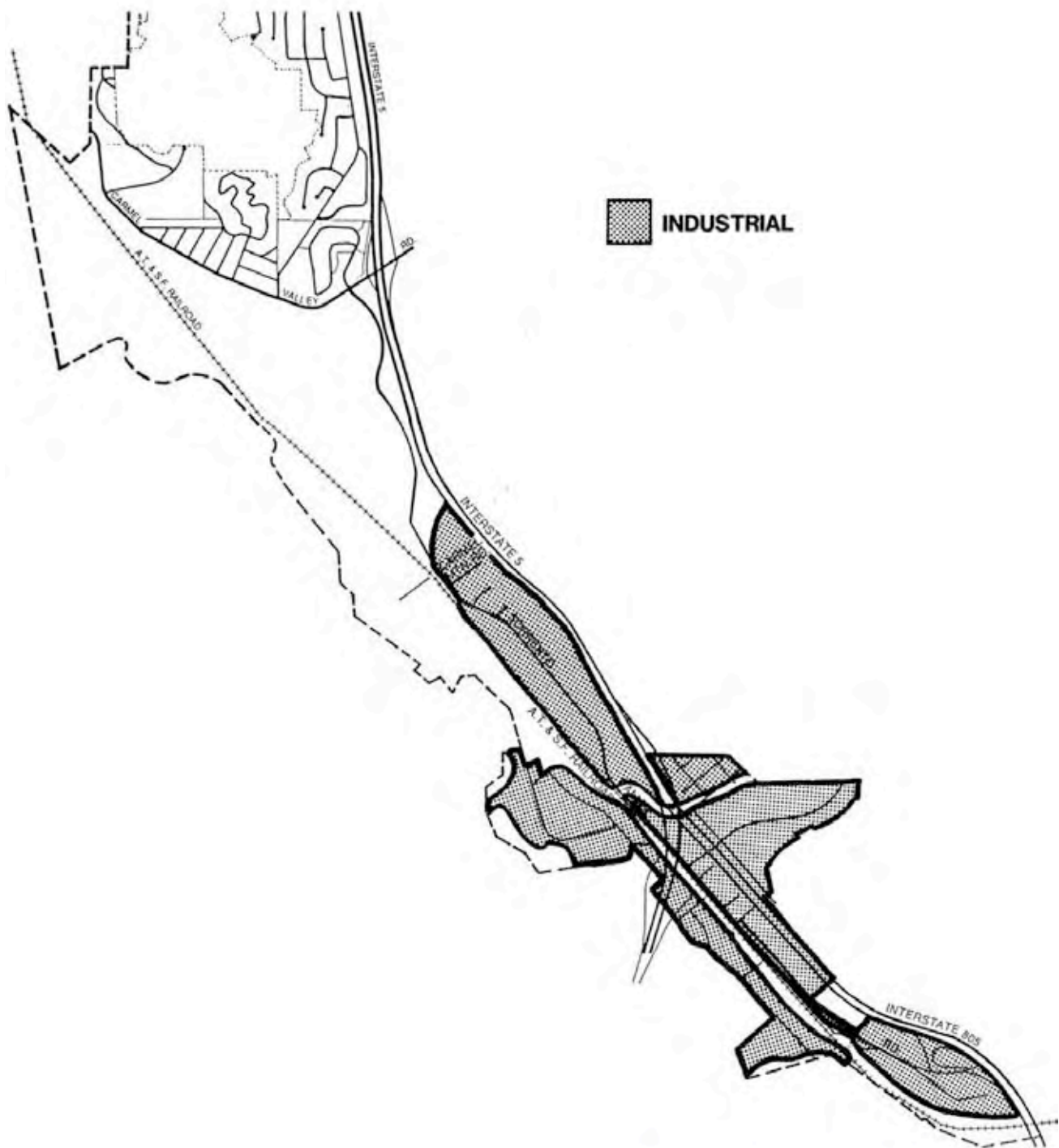
BACKGROUND AND ISSUES

Industrial development in the Torrey Pines planning area is located in Sorrento Valley, which contains approximately 380 acres of industrially-designated property. Industrial development in Sorrento Valley includes manufacturing firms, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses. Most of the industrially designated property in Sorrento Valley is zoned M-1A with the FPF (Floodplain Fringe) Overlay Zone. The primary effect of the FPF Zone in this area is to ensure that new development will not adversely impact existing riparian habitat areas.

The Sorrento Valley area contains an abundance of environmentally sensitive areas, including both cultural and biological resources (see **Resource Management Element**). The most significant resource areas are located within the floodplain, wetland and riparian habitat areas of the Los Peñasquitos Lagoon and Carroll Canyon Creek, which bisect the entire Sorrento Valley area. Issues associated with industrial development in Sorrento Valley include the impacts from industrial development on adjacent environmentally sensitive resources, lack of mass transit service, and lack of a usable, continuous open space system.

GOALS

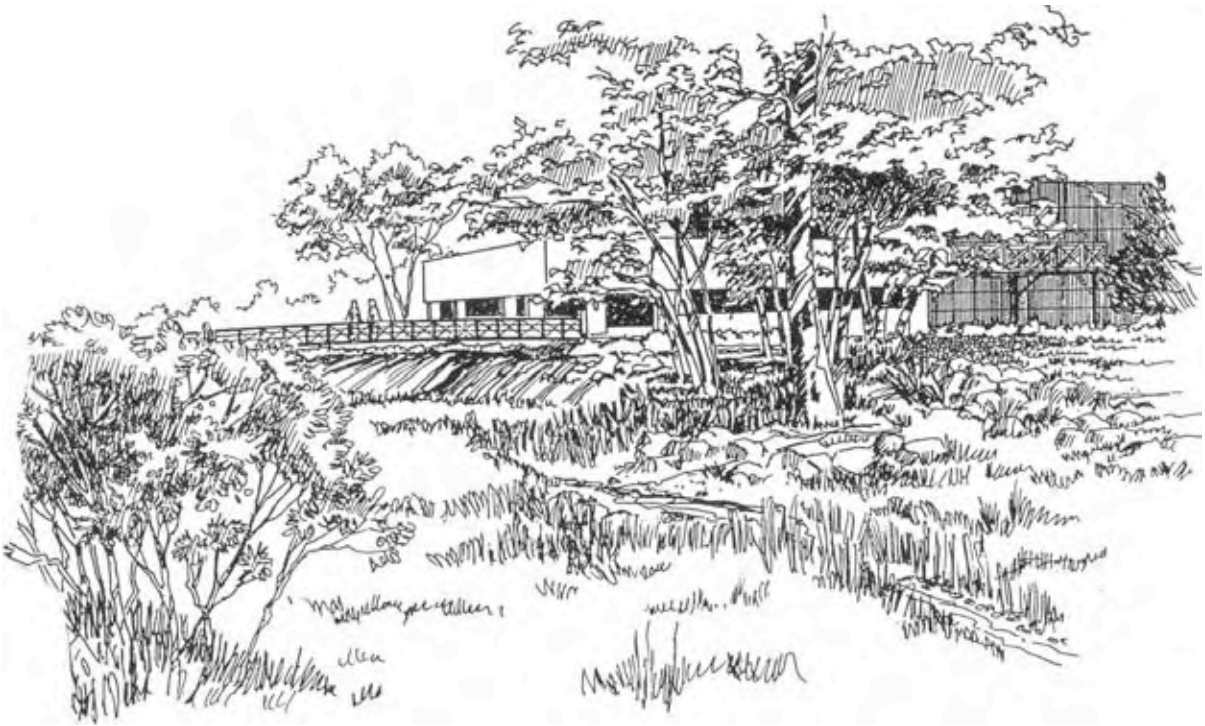
1. Emphasize the citywide importance of and encourage the location of scientific research, biotechnology, and light manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas. Ensure adequate transit/transportation facilities are provided.
2. Ensure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations.
3. Contain industrial development within areas specifically designated for industrial usage.
4. Restore and enhance the Carroll Canyon Creek Wildlife Corridor and the Los Peñasquitos Lagoon.
5. Encourage new industrial development to be well designed and aesthetically pleasing.
6. Provide easy access to the Sorrento Valley employment area through bicycling, mass transit, and transit-oriented development such as providing safe and direct pedestrian connections and a convenient mix of uses.



Industrial Land Use Plan
Torrey Pines Community Plan

15
FIGURE

7. Minimize traffic impacts from new industrial development through the implementation of Transportation Demand Management Programs. New industrial development should provide opportunities for staggered shifts, four-day work weeks, and other similar alternatives, and should incorporate services such as locker rooms, child care centers, restaurants, post offices, dry cleaners and gift shops to minimize the need for auto trips and to make car pooling a more attractive option.
8. Restrict industrial development on steep slopes, wetlands, riparian habitats, and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor, and design industrial projects to blend into adjacent open space areas.



POLICIES

1. Development of freestanding retail commercial uses in industrially designated areas shall be restricted to those uses that serve only the immediate Sorrento Valley industrial area.
2. As required by the Airport Environs Overlay Zone, development within Sorrento valley shall be consistent with the Comprehensive Land Use Plan for NAS Miramar (see Noise Contour and Accident Potential Zone information, **Figures 17 and 18**, in **Appendix**).
3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.
4. Redevelopment of industrial areas shall require a Planned Industrial Development permit, until such time as the Zoning Code Update is complete, in order to implement the policies and design guidelines in this element.
5. Continue to maintain the existing, and where feasible, provide additional landscaped islands within Sorrento Valley Road and Sorrento Valley Boulevard.
6. Provide an open space area and pathway system along the Carroll Canyon Creek corridor area.
7. Where feasible, power distribution lines along Sorrento valley Road shall be relocated underground, and those through Los Peñasquitos lagoon shall be relocated outside the floodplain area.
8. New industrial development projects should provide outdoor seating/eating areas for employees, as well as bicycle lockers/racks, and shower and locker room facilities.



SPECIFIC PROPOSALS

Industrial Development Design Guidelines

Preservation and Enhancement of the Carroll Canyon Creek Corridor

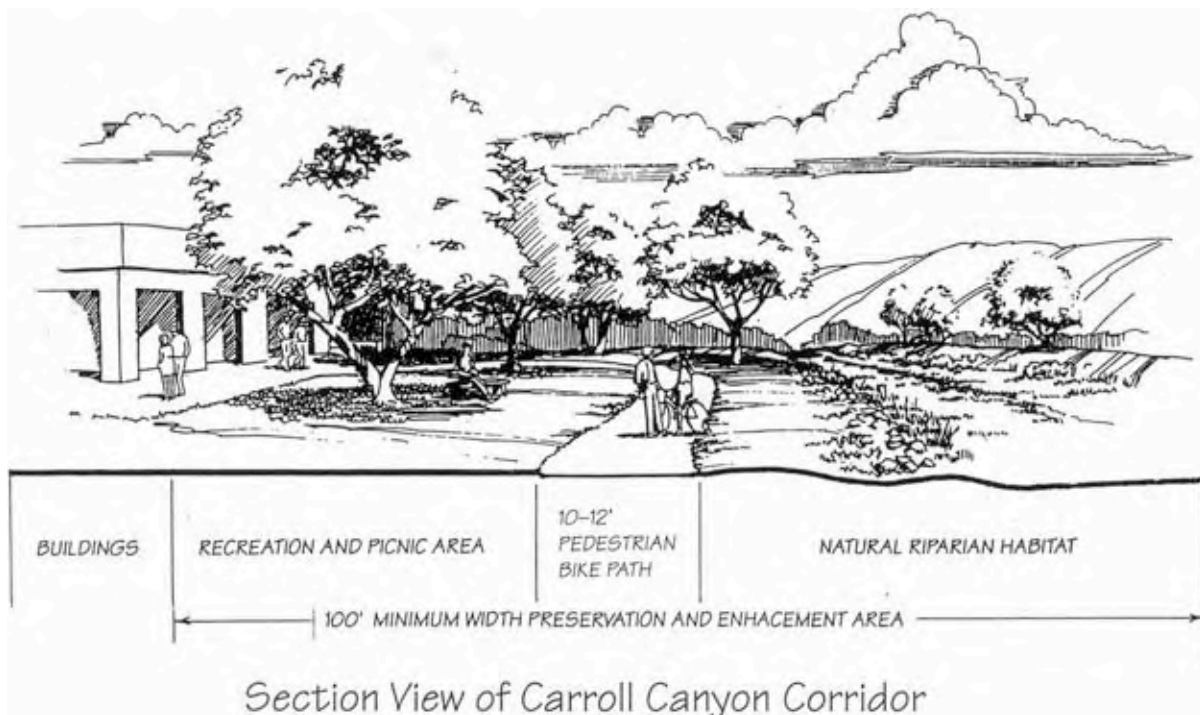
The Carroll Canyon Creek Corridor provides a vital wildlife corridor between Carroll Canyon and Los Peñasquitos Lagoon. The corridor is within the FEMA 100-year floodplain, and contains wetlands with riparian vegetation along its entire length. Future development and redevelopment of property adjacent to this corridor shall be required to preserve and enhance this sensitive resource by incorporating the following features into the project. The intent of these guidelines is to:

1. Provide a contiguous open space linkage between Carroll Canyon and Los Peñasquitos Lagoon.
2. Preserve and enhance the environmental quality and health of the corridor.
3. Provide a continuous pathway (consistent with “2” above) along the entire length of the corridor that will allow both pedestrian and bicycle access.
4. Provide a healthy park-like area where Sorrento Valley employees can jog, read, picnic, relax, etc.



In order to restore and enhance the Carroll Canyon Creek Corridor, all projects proposed immediately adjacent to the corridor shall be subject to the following guidelines:

1. The corridor and buffer area shall vary in width depending on the habitat area. However, no areas shall be narrower than 100 feet. Existing wider portions shall not be encroached upon or reduced.
2. Those disturbed areas of the corridor shall be revegetated and planted with a combination of native trees, primarily riparian woodlands species and native shrubs. The revegetation plan shall include a monitoring program to determine the success of the program and identify maintenance needs.
3. A pedestrian/bicycle path shall be constructed along the entire length of the corridor. The pedestrian path should be identified through special, natural appearing design materials.
4. Passive recreation facilities shall be provided along the corridor but away from the most sensitive habitat areas. Recreational facilities may include picnic areas, benches, viewing areas, etc.
5. The corridor should be designed as a natural appearing waterway with rehabilitation, revegetation and/or preservation of native wetland habitats. Natural environmental features should be preserved and recreated within the floodway proper and should be incorporated in areas beyond the floodway boundary to maintain and enhance the habitat and aesthetic values of the creek.



ACTION PLAN

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Establish a restoration and enhancement plan for the Carroll Canyon Creek Corridor.	Immediately	City of San Diego, Coastal Commission, State Coastal Conservancy	City of San Diego, State of California, Private
Provide a continuous usable open space linkage between Carroll Canyon and Los Peñasquitos lagoon, including a pedestrian/bicycle pathway.	Require as mitigation at time of project review and approval	Planning Department, Engineering & Development Department	City of San Diego, Applicant
Allow a mixed-use and intensification of industrial land uses adjacent to LRT stations.	Subsequent to determination of station sites	City Council, Planning Department, MTDB	City of San Diego, MTDB
Where feasible, underground power distribution lines along Sorrento valley Road, and remove or relocate those lines within Los Peñasquitos lagoon.	As soon as possible	SDG&E	SDG&E
Provide outdoor eating/seating areas for employees, as well as bike lockers/racks, shower and locker room facilities.	Require as condition of project review approval	Planning Department	Applicant
Require Planned Industrial Development permits for all new industrial projects proposed adjacent to any designated open space areas.	Until update to Zoning Code is complete	Planning Department	Reimbursable



COMMUNITY FACILITIES ELEMENT

COMMUNITY FACILITIES ELEMENT

BACKGROUND AND ISSUES

Community facilities within the Torrey Pines community planning area include park and recreation facilities, libraries, schools, water and sewer facilities, and police and fire protection. Issues associated with community facilities include lack of usable active park area, public utility and facility projects that traverse and impact Los Peñasquitos Lagoon and other sensitive environmental areas, and visual impacts associated with above ground power transmission lines.

Park and Recreation

The General Plan, Recreational Element, establishes population-based park, open space, resource/regional park, and other park requirements within the City. Population-based park requirements are based on 2.40 usable acres per 1,000 population. The Torrey Pines Community Plan identifies a potential buildout population of 7,000. This buildout population will require 16.80 usable acres. The existing Crest Canyon Neighborhood Park is ten acres in size total but only 1.5 more or less is usable. The Torrey Pines community planning area is short 15.30 acres of usable park property.

The possible joint use of the Del Mar Hills and Del Mar Heights Elementary Schools should be investigated. The acquisition of either school, should they be declared surplus, shall be initiated under existing state codes.

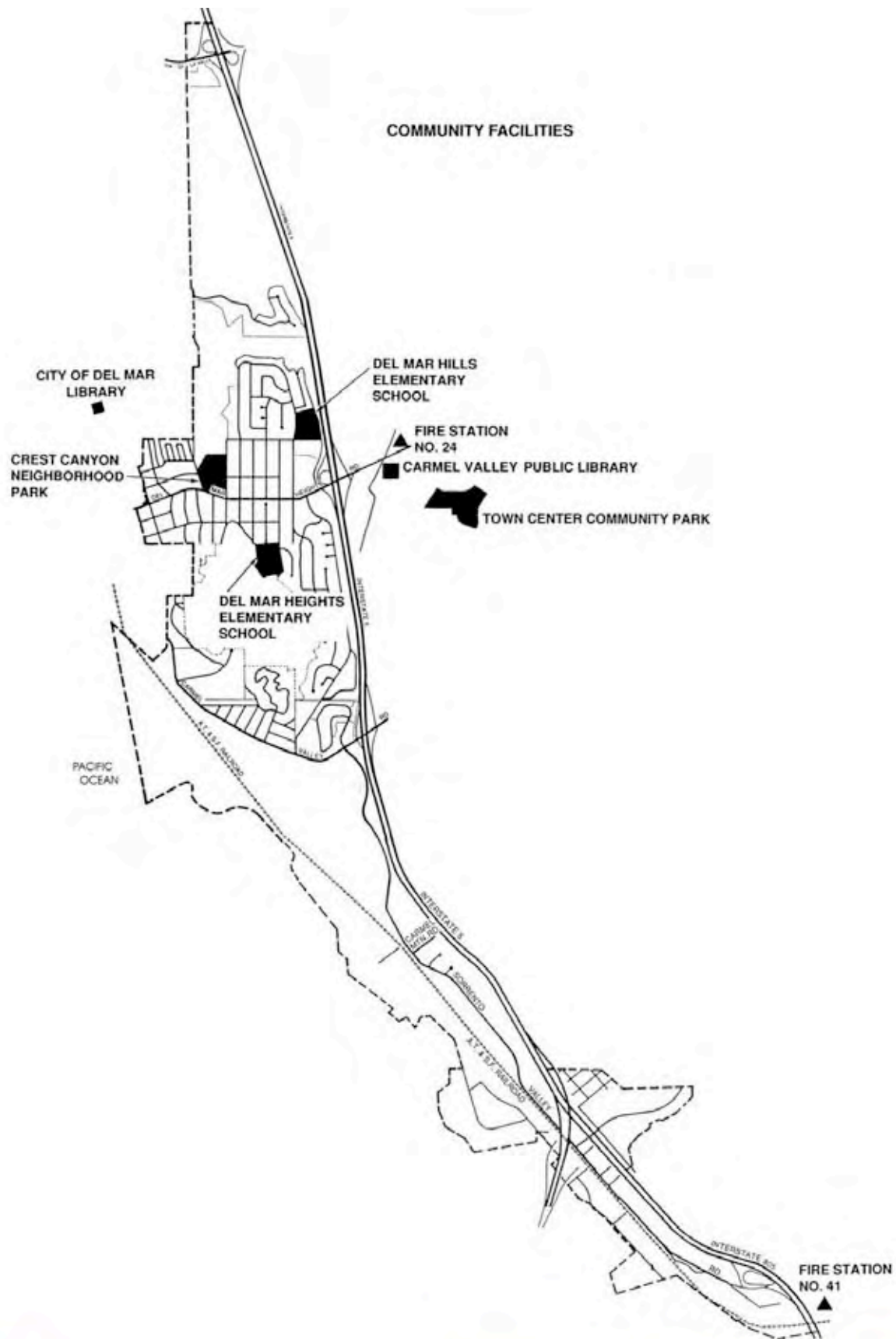
Library

Residents of the Torrey Pines community planning area are currently provided with library service both through the Carmel Valley and the City of Del Mar Library. The new 13,000-square-foot library facility in Carmel Valley includes a community meeting room and a myriad of informational and multimedia resources. The Carmel Valley Branch Library is located east of I-5, southwest of the intersection of Carmel Country Road and Townsgate Drive within the Carmel Valley community planning area (see **Figure 16**).

Schools

Elementary Schools

Elementary school students attend Del Mar Heights School and Del Mar Hills School (see **Figure 10**), both located in the City of San Diego, west of I-5. Both schools serve K-6 grade students from throughout the Del Mar Union School District. Students are bused to these schools based on the criteria of avoiding heavily traveled streets and roads and excessive walking distance. Bus routes are designed so that students who live south of Del Mar Heights



Community Facilities Map
Torrey Pines Community Plan

16
 FIGURE

Road and attend Del Mar Hills School (located north of Del Mar Heights Road) and students who live north of Del Mar Heights Road and attend Del Mar Heights School (located south of Del Mar Heights Road) are bused across this busy street. The new Carmel Del Mar School in the Carmel Valley portion of the school district opened in 1992.

In May 1994, the Board of Trustees of the Del Mar Union School District established school attendance boundaries. Del Mar Heights and Del Mar Hills share a contiguous boundary and children may attend either school depending upon the class size at the time the students enroll. Carmel Del Mar School, east of the planning area, has a separate attendance boundary for its students.

The Del Mar Shores School, located in the City of Del Mar, is still owned by the Del Mar Union School District, however, this facility was closed following passage of Proposition 13 and declining enrollment. The district operates a before and after school child care program on a portion of this campus, and other portions are leased to a private preschool and a school for children with special needs. In addition, the school district's administrative offices, warehousing facility, and staff infant care program are located at this campus.

High Schools

The community of Torrey Pines is served by the Torrey Pines High School for grades nine to 12 and Earl Warren Junior High School in Solana Beach for grades seven and eight. In addition, the San Dieguito Union High School District is currently negotiating with several owners of property in the Carmel Valley area to acquire land for purposes of constructing a junior high school.

The San Dieguito Union High School District has employed a variety of funding mechanisms to finance the construction of school facilities. In the Carmel Valley area, the San Dieguito Union High School District has joined with a number of other agencies in cooperation with the City of San Diego in a North City West Joint Powers Agency (JPA) for School Facilities Financing. This JPA utilizes a fee and a Mello Roos to support the construction of school facilities. The district anticipates continued cooperation from developers and other agencies to ensure that adequate facilities are planned and constructed in anticipation of student population.

Fire Protection/Paramedic Service

The Torrey Pines community planning area is served by two fire stations. Fire Station No. 41, located at Carroll Canyon and Scranton Road, has one engine and one truck company with a crew of eight personnel. Fire Station No. 24 is located at Del Mar Heights Road and Hartfield Avenue.

Paramedic services are provided to the Torrey Pines community planning area through County Service Area 17. This paramedic service is funded by property taxes collected from the Torrey Pines community.

Police

Police service is provided to the Torrey Pines community planning area by the Northern Substation located on Eastgate Mall in the University community. Police service will also be provided by the proposed Northwestern Substation to be constructed in the Carmel Valley community.

Water

A majority of the Torrey Pines community is served with potable water via the 30-inch Del Mar Heights Pipeline, the 24-inch Soledad Valley Pipeline and through the 16-inch/24-inch pipelines in Carmel Valley Road which is supplied by the 54-inch Miramar Pipeline reduced 712 Pressure Zone. A small portion on the north side of the community is served by the 20-inch pipeline that runs from the east and west directions along Via de la Valle in the 284 feet Hydraulic Grade Line (HGL) Rancho Santa Fe Pressure Zone. Pressure Zones within the community north of Carmel Valley Road are the 610 feet HGL North City West, 330 feet HGL Carmel Valley, 328 feet HGL Del Mar Terrace, 378 feet HGL Mar Villa, 420 feet HGL Arroyo Sorrento, 196 feet HGL Lower Del Mar Terrace and 435 feet HGL Del Mar Hills. Pressure zones within the community south of Carmel Valley Road are also the 610 feet HGL North City West, 330 feet HGL Torrey Pines, 420 feet HGL Arroyo Sorrento and 196 feet HGL Lower Del Mar Terrace.

South of Carmel Valley Road is a portion of the 30-inch Green Valley Pipeline which is in various stages of development. This pipeline is the main source of water for the 610, 470, and 330 feet HGL pressure zones serving the Sorrento Valley Road industrial area. The Green Valley Pipeline is a main hub for the water supply to this community and the adjacent communities. This pipeline runs in the north and south directions, which ties into the existing 30-inch Del Mar Heights Pipeline and the existing 54-inch Miramar Pipeline respectively.

Sewer

Sewer facilities serving the Torrey Pines community are considered adequate. Improvements in the sewer transmission network are planned or under construction along Carmel Valley Road, Sorrento Valley Boulevard and Sorrento Valley Road.

Existing major sewer facilities that run within the community include 12-inch/18-inch Del Mar Heights Trunk Sewer, 12-inch Del Mar force main and 33-inch Carmel Valley Trunk Sewer which all terminates at Pump Station 65 which is located in Los Peñasquitos Lagoon. From Pump Station 65, a 24-inch force main, the Sorrento Valley Trunk Sewer and the Campus Point Trunk Sewer carries the total flow of sewage from Torrey Pines and surrounding communities to Pump Station 64, which sends the effluent southward through the 42-inch force main towards the Point Loma Wastewater Treatment Plant. There is also an existing 84-inch sewer main along Sorrento Valley Boulevard and Sorrento Valley Road for the Sewer Pump Station 64 Emergency Storage.

Sewer improvements are planned or under construction in the portion of the Torrey Pines community south of Carmel Valley Road to accommodate growth in several adjacent communities and to solve technical problems. These improvement projects could affect road planning, environmental protection and land use.

The most critical project planned is the relocation of Pump Station 65 out of Los Peñasquitos Lagoon along with associated relocation and upgrading of major trunk sewers. This series of facilities must be coordinated with the realignment of Sorrento Valley Road, upgrading of protection for Los Peñasquitos Lagoon, and land use planning for northern Sorrento Valley. Sewer projects related directly to development of Carmel Valley and Sorrento Hills are planned or under construction along Carmel Valley Road and Sorrento Valley Boulevard.

Reclaimed Water

City Ordinance No. 0-17327, adopted in July 1989, mandates that no person or public agency shall use potable water for irrigation of greenbelt areas, or other uses where use of reclaimed water is suitable, when reclaimed water is available. Reclaimed water uses can include, but are not limited to, the irrigation of greenbelt and agricultural areas, filling of artificial uses, and appropriate industrial and commercial uses. The ordinance further requires that tentative maps, subdivision maps, land use permits, or other development projects, if falling within an existing or proposed reclaimed water service area based on the Water Reclamation Master Plan, be served with reclaimed water or include facilities designed to accommodate the reclaimed water in the future.

The Torrey Pines community planning area is located within the service area of the proposed North City Water Reclamation Plant. Therefore, facilities to accommodate future reclaimed water use will be a condition of approval of all developments in the area. The use of reclaimed water will include irrigation of greenbelt areas in commercial and industrial areas, schools, parks, multifamily residential and street medians and slopes.

Utilities

Major SDG&E land uses within the community plan area include the Del Mar substation and five overhead 69KV transmission lines. The Del Mar substation is an electric distribution substation that provides service to area customers within and outside the Torrey Pines community planning area.

Future expansion of the Del Mar substation will occur as customer growth occurs. Reconductoring of a portion of TL 666 and TL 662, enlarging the existing wire size, is planned in 1994. The underground reconductor of portions of TL 662 and TL 666 has been scheduled for 1994. No improvements are presently contemplated for the other identified transmission lines.

A route selection is underway for the installation of a new 69KV transmission line that will likely traverse the southern portion of Sorrento Valley. The line will originate within an existing 150-foot wide transmission line corridor in the Mira Mesa community planning area and terminate at the Genesee substation, which is located in the University community planning area.

GOALS

1. Provide adequate park and recreation facilities, libraries, schools, water and sewer service, and police and fire protection to the residents of Torrey Pines.
2. Maximize accessibility to community facilities for all members of the community.
3. Ensure that students have safe, direct access to their schools.
4. Ensure that new facilities are designed to minimize or preclude adverse impacts to environmentally sensitive resource areas.
5. Underground, where feasible, all above ground power lines, and relocate all power lines out of Los Peñasquitos Lagoon.

POLICIES

1. Permit only those recreational activities that do not negatively impact environmentally sensitive areas.
2. Crest Canyon Open Space Park, due to its topography and abundance of sensitive environmental resources, shall remain in its natural state, and shall not be developed for active recreational uses.
3. Passive recreational uses within the State Park and natural open space areas should continue to be provided to serve all age groups and interests.
4. Where feasible, remove or relocate public utility or facility projects from Los Peñasquitos Lagoon when improvements to these utilities are proposed.
5. When feasible, underground all above ground utility lines when major street improvements are proposed.
6. In order to provide a portion of needed active and passive recreational space, and to contribute towards meeting General Plan standards for active park area, the following actions should be pursued.
 - a. The neighborhood park portion of Crest Canyon should have limited park development on the 1.5+ acres of semi-level land adjacent to Del Mar Heights Road and Durango Drive. The development should be for passive recreational use and limited to view points, benches, trail heads, information signs and decomposed granite trails except where disabled access is viable. The open space portion of the canyon shall be preserved. Limited public access shall be provided by defined trails under standards established for the preservation of biologically sensitive plants and wildlife.

- b. Whenever possible, small vacant properties within residential neighborhoods should be purchased (by the City or through an assessment district) and developed as pocket parks. Development of pocket parks in residential areas should not generate noise or traffic impacts to adjacent residents.
 - c. Large, vacant, non-sensitive state-owned lands should be purchased (by the City or through an assessment district) and developed as neighborhood or community parks.
 - d. Joint use agreements with the elementary schools should be secured. If these schools should ever be declared surplus by the school district, they should be purchased by the City and developed as neighborhood or community parks.
7. Both the Del Mar Union and San Dieguito High School Districts should utilize every mechanism available to ensure that adequate school facilities are maintained. Future residential development east of I-5 should not negatively impact schools within the Torrey Pines planning area.
8. Adequate police protection should be maintained within the Torrey Pines planning area. All available police protection and law enforcement mechanisms should be provided to the Torrey Pines planning area.

ACTION PLAN

Implementation Measures	Timing	Responsibility for Implementation	Source of Funding
Where feasible, underground all power distribution lines and relocate existing utilities out of Los Peñasquitos Lagoon.	When funding becomes available, or concurrent with major street or utility improvement projects	City of San Diego, SDG&E	City of San Diego, SDG&E
Provide joint use of elementary schools' recreational facilities.	Continuous	Del Mar Union School District, City of San Diego	School District, City of San Diego
Maintain Crest Canyon open space park as an undeveloped, passive recreational park.	Continuous	Park and Recreation Department	City of San Diego
Adopt the Torrey Pines Public facilities Financing Plan.	Adopt with Plan	Planning Department	City of San Diego
Purchase and develop existing vacant property as pocket, neighborhood and/or community parks.	When funding becomes available	Park and Recreation Department	Assessment District, City of San Diego



APPENDICES

A. LEGISLATIVE FRAMEWORK

The Torrey Pines Community Plan was developed within the context of a legislative framework existing on federal, state, and local levels. Among the more important levels of influence are:

- Section 65450 of the Government Code of the State of California (State Planning and Zoning Act) which gives authority for the preparation of the community plan and specifies the elements which must appear in each plan. It also provides means for adopting and administering these plans.
- Government Code Chapter 4.3 requires that local governments and agencies provide incentives to developers to include affordable units in housing projects. The City has adopted an ordinance which establishes an Affordable Housing Density Bonus that provides for an increase in density in a given zone to be granted for projects in which a portion of the total housing units are for low or moderate-income persons.
- The California Environmental Quality Act of 1970 (CEQA), as amended, requires that environmental documents be prepared for all community plans. Separate, detailed environmental impact reports are also required for all projects which may adversely affect the environment, including actions related to implementing this Plan.
- The Regional Air Quality Strategy (RAQS) was developed in 1977 to achieve a level of air quality in the San Diego Air Basin that would meet federal air quality standards set forth in the National Clean Air Act. A major recommendation pertinent to this planning effort is to include air quality considerations in all land use and transportation plans.
- The California Coastal Act of 1976 mandates that all designated coastal areas develop a Local Coastal Plan that is consistent with state-wide goals and objectives. The North City Local Coastal Program Land Use Plan, with revisions, was adopted by the City Council in March, 1987. The plan provides specific guidelines for the development of that area of the community that lies within the coastal zone boundary.
- The Progress Guide and General Plan of the City of San Diego establishes citywide goals, guidelines, standards and recommendations which serve as the basis for the goals, objectives and recommendations of the community plan.
- The citywide zoning and subdivision ordinances that regulate the development and subdivision of land in the City.
- In addition to legislation and ordinances, the City Council has adopted a number of policies to serve as guidelines in the decision-making process. Many of the policies relate directly to planning issues and are used in implementing plan recommendations.

B. RELATIONSHIP TO THE GENERAL PLAN

This Plan provides specific recommendations for actions that will implement the goals and objectives of the General Plan. Recommendations, which implement the General Plan's goals and objectives, are outlined below:

RESIDENTIAL

This Plan recommends the retention of all existing residentially designated areas of the community, provides compatibility guidelines for new residential development, and encourages a balanced community character, and restricts commercial encroachment into residentially designated areas. These recommendations are consistent with the General Plan objectives of conserving, preserving and rehabilitating residential areas, promoting balanced communities and providing opportunities for new residential construction.

COMMERCIAL

This Plan recommends the elimination of a small amount of commercially-designated property within a residential neighborhood, requires that new commercial development occur only within designated areas, and provides specific design guidelines that require new commercial projects to be compatible with the existing neighborhood, including requirements for off-street parking, landscaping and design. These recommendations are consistent with the General Plan objectives of prohibiting the expansion of existing strip commercial development, encouraging consolidated off-street parking, and suggesting drought-resistant landscaping in all new commercial developments.

INDUSTRIAL

This Plan designates approximately 380 acres for industrial development within Sorrento Valley. The **Industrial Element** of this Plan contains recommendations and guidelines which limit commercial development within industrial property, encourage light manufacturing type uses, and promote Transportation Demand Management strategies for new industrial developments. In addition, a significant portion of industrial land that is environmentally sensitive, and has been purchased and included within Torrey Pines State Park, has been designated Open Space in this Plan. These recommendations are consistent with the General Plan recommendations to limit commercial uses in manufacturing zones, remove inappropriately designated industrial land from the citywide industrial inventory and conditionally reduce parking requirements for industrial establishments which provide transportation for their employees.

TRANSPORTATION

The Plan provides for vehicular circulation improvements and some street widening along with the inclusion of bikeways and improved pedestrian amenities. The Plan also provides recommendations for mass transit, provides recommendations for bicycle racks and locker facilities in industrial areas, and recommends that logical and convenient pedestrian paths and bikeways be linked to LRT stations. The community plan recommendations are consistent with the General Plan recommendations to place equal emphasis on the aesthetic, functional and noise design considerations of streets, the maintenance and increased efficiency of the existing street system, the development of an improved mass transit system, the maintenance of bicycle facilities at connection points with other transportation modes, and the provision of adequately sized pedestrian paths and bikeways.

PUBLIC FACILITIES, SERVICES AND SAFETY

This Plan meets the General Plan standards for fire, school, police, library, water and sewer service. This plan also recommends the joint use, for recreational purposes, of Del Mar Hill and Del Mar Heights Elementary Schools. This recommendation is consistent with the General Plan, which encourages joint use of school sites.

OPEN SPACE

This Plan designates over 1,000 acres for open space purposes. Most of this open space land contains sensitive environmental resources that are found within already established open space systems such as Los Peñasquitos Lagoon, Torrey Pines State Park Reserve Extension, Crest Canyon, and San Dieguito Lagoon and River Valley. This plan is consistent with the General Plan's goals, guidelines and standards for open space including: establish an open space system which provides for the preservation of natural resources.

RECREATION

Although over 1,000 acres within the community have been designated for open space, no public park space for active recreational type activities exist within the community. Based on the General Plan guidelines for park and recreational facility service areas, this community's needs are met by facilities located in surrounding areas, and through the use of schools within the community planning area. This Plan also recommends implementation of bikeways and pedestrian pathways that provide connections between open space and other areas within the community.

CONSERVATION OF RESOURCES AND CULTURAL RESOURCE MANAGEMENT

This Plan contains a **Resource Management Element** that identifies all biologically and culturally sensitive resources within the planning area, and provides guidelines on how these

resources should be protected and preserved. The Plan meets the General Plan recommendations to establish an open space and sensitive land element for each community plan with specific criteria on which to identify open space and sensitive land areas; identify and map all hillsides, canyons, water resources, bluffs, beaches, farm land, parks, open space areas, natural resources and special urban areas; minimize grading, control soil runoff, sedimentation, and erosion; and ensure that excavation of archaeological resources be done by qualified professionals who fully analyze and document all materials.

C. PLAN UPDATE AND AMENDMENT PROCESS

While the Plan sets forth many proposals for implementation, it does not establish new regulations or legislation, nor does it rezone property. Some rezonings are recommended to carry out the proposals of the Plan and public hearings for these will be held in conjunction with hearings for this Plan. Should the land use recommendations in the Plan necessitate future rezonings, subsequent public hearings would be held as necessary so that future development is consistent with Plan proposals.

This Plan is not a static document. While it is intended to provide long-range guidance for the orderly growth of the community, in order to respond to unanticipated changes in environmental, social, or economic conditions, the Plan must be continually monitored and updated as necessary to remain relevant to community and City needs.

Once the Plan is adopted, two additional steps will follow: implementation and review. Implementation refers to the process of putting Plan policies and recommendations into effect. Review is the process of monitoring the community and recommending changes to the Plan as conditions in the community change. Guidelines for implementation are provided in the Plan, but the process must be based on a cooperative effort of private citizens, city officials and other agencies. The Torrey Pines Planning Group, as well as other private citizen organizations, will provide the continuity needed for an effective implementation program.

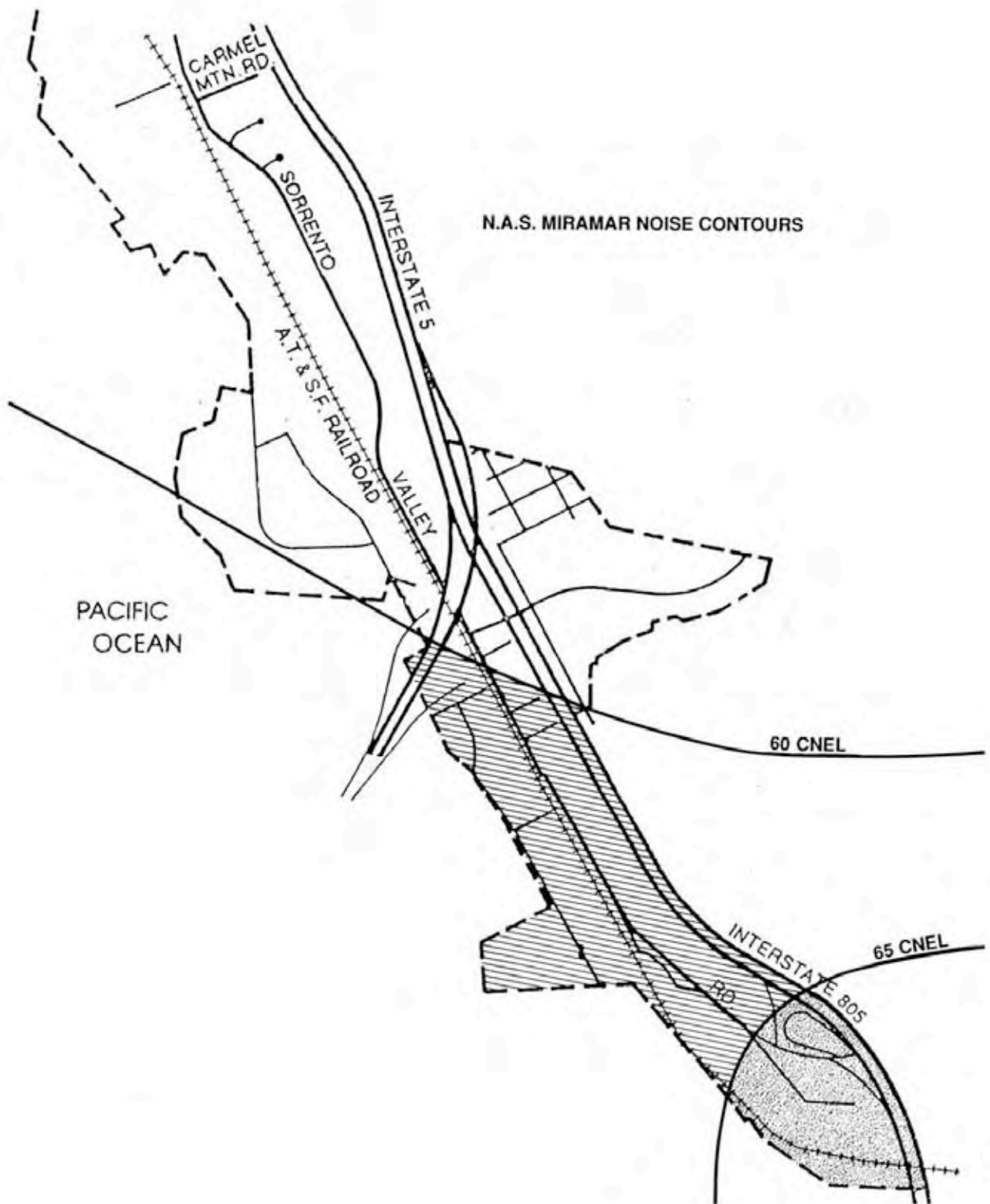
D. NAS MIRAMAR

The Naval Air Station (NAS) at Miramar, although located a couple of miles southeast of the Torrey Pines community planning area, represents some influence on land use within the southern portion of Sorrento Valley.

NAS Miramar accommodates approximately 225,000 flight operations per year. Air operations include departures to the west via the Seawolf corridor, departures to the north via the Julian departure corridor, arrivals from the east, Fleet Carrier Landing Practice conducted over a southern loop, and touch-and-go exercises conducted over a northern loop. The San Diego Association of Governments (SANDAG), in its authority as the region's Airport Land Use Commission, has adopted a Comprehensive Land Use Plan (CLUP) for NAS Miramar to protect the airport from incompatible land uses and provide the city with development criteria that will allow for the orderly growth of the area surrounding the airport.

The CLUP identifies the areas that are affected by noise resulting from air operations and the types of land uses that are compatible within these areas. The CLUP also identifies the areas that are most susceptible to an accident and should, therefore, be protected from high-intensity development. The types and intensities of land uses that are compatible in these areas are also provided.

The following pages indicate where the accident potential zones and noise contours affect the Sorrento Valley area, and how these restrict planning and development in the area.



N.A.S. MIRAMAR NOISE CONTOURS



NAS Miramar Noise Contours
Torrey Pines Community Plan

17
FIGURE

Airport Noise/Land Use Compatibility Matrix

LAND USE	ANNUAL DAY/NIGHT AVERAGE SOUND LEVEL IN DECIBELS				
	55	60	65	70	75
1. OUTDOOR AMPHITHEATERS					
2. NATURE PRESERVES, WILDLIFE PRESERVES, LIVESTOCK FARMING, NEIGHBORHOOD PARKS AND PLAYGROUNDS					
3. SCHOOLS, PRESCHOOLS, LIBRARIES		45			
4. RESIDENTIAL- SINGLE FAMILY, MULTIPLE FAMILY MOBILE HOMES, RESIDENTIAL HOTELS, RETIREMENT HOMES, INTERMEDIATE CARE FACILITIES, HOSPITALS, NURSING HOMES		45			
5. HOTELS AND MOTELS, OTHER TRANSIENT LODGING, AUDITORIUMS, CONCERT HALLS, INDOOR ARENAS, CHURCHES		45	45		
6. OFFICE BUILDINGS-BUSINESS, EDUCATIONAL, PROFESSIONAL AND PERSONAL SERVICES; R&D OFFICES AND LABORATORIES			50		
7. RIDING STABLES, WATER RECREATION FACILITIES, REGIONAL PARKS AND ATHLETIC FIELDS, CEMETERIES, OUTDOOR SPECTATOR SPORTS, GOLF COURSES					
8. COMMERCIAL-RETAIL; SHOPPING CENTERS, RESTAURANTS, MOVIE THEATERS			50	50	
9. COMMERCIAL-WHOLESALE; INDUSTRIAL; MANUFACTURING					
10. AGRICULTURE (EXCEPT RESIDENCES AND LIVESTOCK), EXTRACTIVE INDUSTRY, FISHING, UTILITIES, AND PUBLIC R-O-W					



COMPATIBLE

THE OUTDOOR DAY/NIGHT AVERAGE SOUND LEVEL IS SUFFICIENTLY ATTENUATED BY CONVENTIONAL CONSTRUCTION THAT THE INDOOR NOISE LEVEL IS ACCEPTABLE, AND BOTH INDOOR AND OUTDOOR ACTIVITIES ASSOCIATED WITH THE LAND USE MAY BE CARRIED OUT WITH ESSENTIALLY NO INTERFERENCE FROM AIRCRAFT NOISE.



CONDITIONALLY COMPATIBLE

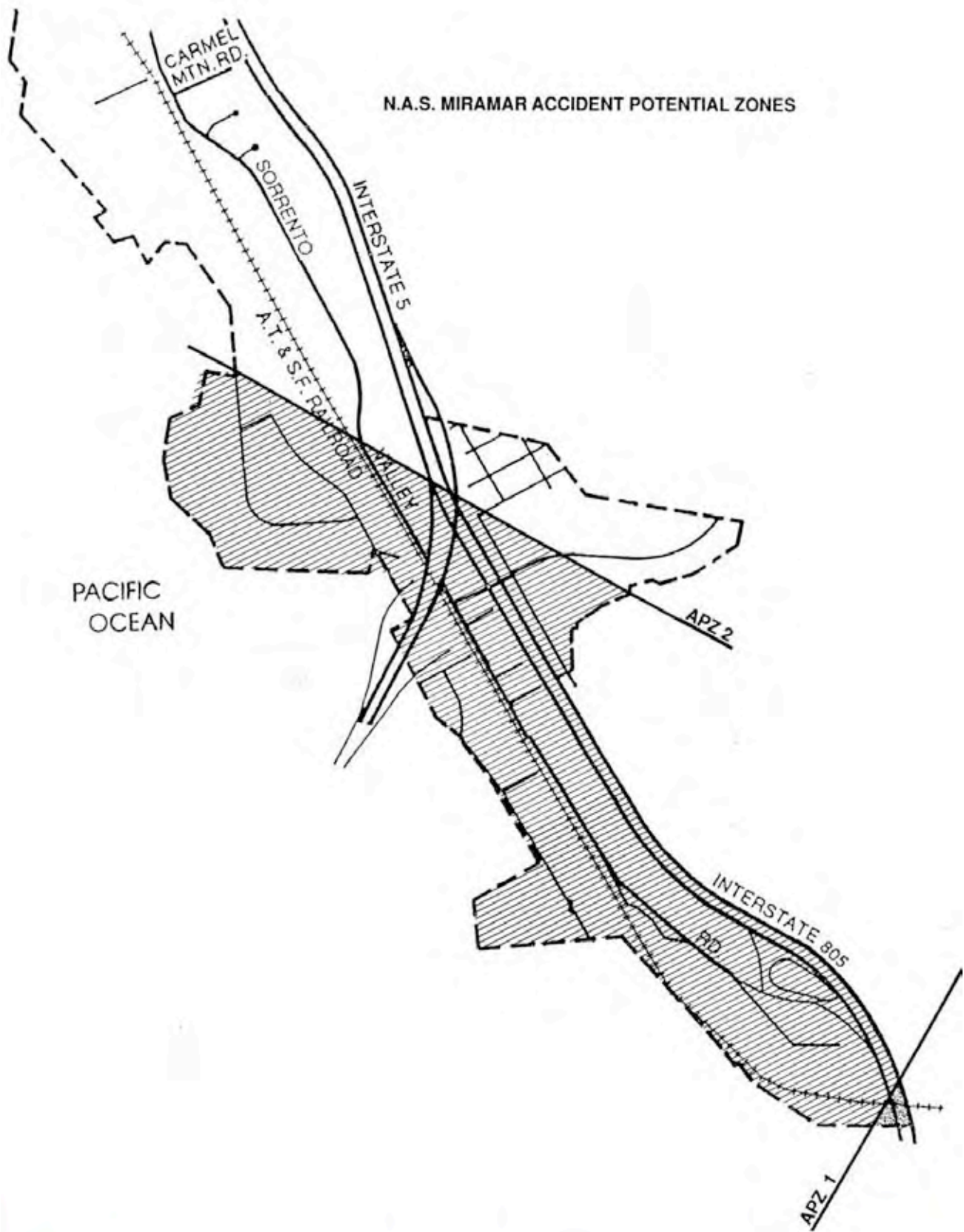
THE OUTDOOR DAY/NIGHT AVERAGE SOUND LEVEL WILL BE ATTENUATED TO THE INDOOR LEVEL SHOWN, AND THE OUTDOOR NOISE LEVEL IS ACCEPTABLE FOR ASSOCIATED OUTDOOR ACTIVITIES.



INCOMPATIBLE

THE DAY/NIGHT AVERAGE SOUND LEVEL IS SEVERE, ALTHOUGH EXTENSIVE MITIGATION TECHNIQUES COULD MAKE THE INDOOR ENVIRONMENT ACCEPTABLE FOR PERFORMANCE OF ACTIVITIES THE OUTDOOR ENVIRONMENT WOULD BE INTOLERABLE FOR OUTDOOR ACTIVITIES ASSOCIATED WITH THE LAND USE.

NOTE: This matrix should be used with reference to the Implementation Directives shown on the following page.

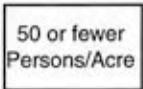


NAS Miramar Accident Potential Zones
Torrey Pines Community Plan

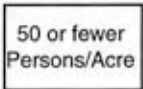
18
FIGURE



Land Use Compatibility in Accident Potential Zones

LAND USE	APZ 1	APZ 2
RESIDENTIAL ^a APARTMENTS, AND TRANSIENT LODGING		
ASSEMBLY AREA Schools, Churches, Libraries, Auditoriums, Sports Arenas, etc., Preschools, Nurseries, and Restaurants		
Hospitals, Sanitariums, and Nursing Homes		
OFFICE, RETAIL STORES ^c	50	
WHOLESALE STORES, MANUFACTURING ^{b, c}	50	
OUTDOOR USES: Playgrounds, Neighborhood Parks, Golf Courses, Riding Stables, Public Right-of-Way	50	

 COMPATIBLE

 CONDITIONALLY COMPATIBLE

 INCOMPATIBLE

- a. Residential land uses include single-family, duplex, mobile homes, multifamily and retirement homes.
- b. Prohibit the above ground storage of flammable, hazardous and toxic materials for those land uses within the accident potential zones; and storage of the material should be in accordance with the most stringent federal, state and local ordinances and regulations.
- c. It is suggested that lot coverage in APZ 1 should be less than 25%; and less than 40% in APZ 2.

E. LOCAL COASTAL PROGRAM POLICIES

The policies of this section shall apply to all development in the Torrey Pines community planning area within the Coastal Zone. In the event these policies conflict with goals, policies, or proposals contained elsewhere in the Plan, the Local Coastal Program Policies shall take precedence.

HILLSIDES

Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over that have not been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments, may be developed provided the applicant can demonstrate all of the following:

1. To protect the scenic and visual qualities of the site as seen from public vantage points, recreational areas, and roads or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms of the surrounding area.
2. The proposed development restores and enhances any previously manufactured slopes on the site to make them compatible with surrounding natural landforms and native vegetation.
3. The proposed development, including any fill or grading, does not create any significant new soil erosion, silting of lower slopes, slide damage or other geologic instability, flooding, or permanent scarring.
4. The proposed development contains a native vegetation restoration and enhancement program for those portions of the site in 25 percent or greater slopes that will provide as follows:
 - a. For every area or quantity of native vegetation located on slopes of 25 percent grade and over, in excess of the encroachment allowance provided in the table below that is disturbed by the development, an area equal to 120 percent of the disturbed area shall be restored in native vegetation. The restoration and enhancement program shall be performed prior to or concurrently with the development and may be incorporated into the design and implementation of the overall landscaping program for the site.
 - b. The native vegetation restoration and enhancement program required by Subsection (a) shall be located on the site of the permitted development. However, if the size, topography or biological characteristics of the site are determined by the Planning Director to be unsuitable for said restoration or enhancement program, then the native vegetation shall be provided at one or more off-site locations within the Coastal Zone, which may include publicly owned rights-of-way. If such locations within the Coastal

Zone are infeasible, then such native vegetation restoration or enhancement program shall be provided at other suitable locations within the City of San Diego outside the Coastal Zone.

- c. All native vegetation restoration and enhancement programs shall be prepared by a biologist, registered landscape architect, or other qualified professional in close consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service.

In the case of those landforms that consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:

1. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:

25 PERCENT SLOPE ENCROACHMENT ALLOWANCE

Percentage of Parcel in Slopes of 25 Percent and Over	Maximum Encroachment Allowance as Percentage of Area in Slopes of 25 Percent and Over
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures or paving, or is cleared of vegetation, other than allowed below.

The following uses shall be exempt from the encroachment limitations set forth above:

- a. Major public roads and collector streets identified in the Circulation Element of an adopted community plan or the General Plan.
- b. Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Planning Director based upon an analysis of the project site.
- c. Public utility systems.

2. On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Planning Director, if necessary to maintain a minimum development right (total disturbed area) equal to 20 percent of the entire parcel.
3. All encroachment allowances, including permissible deviations, shall be subject to a determination by the Planning Director that such encroachment supports the findings of fact set forth in the City's Hillside Review Zone.

GRADING/WATER QUALITY

A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of project development shall be prepared and submitted concurrently with subdivision improvement plans or planned development applications where such development is proposed to occur on lands that will be graded, filled, or have a slope of 25 percent or greater. Such a plan shall be prepared by a registered civil engineer and shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the rate of discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the "six-hour, ten year" design storm). Runoff control shall be accomplished by establishing on-site or at suitable nearby locations catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains, or other similar means of equal or greater effectiveness.

Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be suitably prepared to prevent soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15 by means of native vegetation, if feasible, or by other suitable means. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional. Erosion control utilizing mulching, fertilization and irrigation within sufficient time prior to November 15 to provide landscape coverage that is adequate to achieve the provisions of this policy. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness. From November 15 to March 31, grading may be permitted provided the applicant conforms to the requirements listed below and submits monthly documentation within two weeks following the end of the preceding month to the City Engineer on the condition of the erosion control procedures for graded pads, slopes and stockpiles whenever precipitation during the month exceeds two (2) inches.

From November 15 to March 31, grading may only occur:

1. In increments as determined by the City Engineer based on site-specific soil erodibility and slopes in order to minimize soil exposure.

2. The applicant has installed temporary erosion control measures that the City Engineer finds are designed to assure that there will be no increase in the peak runoff rate.
3. The applicant posts a bond which shall remain in force and effect for one year after acceptance by the City of the subdivision sufficient to cover the costs of any remedial grading and replanting of vegetation, including any grading and replanting of vegetation, including any restoration of lagoon, wetland, or other environmentally sensitive habitat areas adversely affected by the failure of the erosion control measures.
4. The applicant agrees to provide daily documentation to the City Engineer of the condition of the erosion control procedures for any 24-hour period in which precipitation exceeds 0.25 inches. Failure to provide such documentation or occurrence of any significant discharge of sediments or silts in violation of this policy shall constitute automatic grounds for suspension of the applicant's grading permit(s) during the period of November 15 to March 31.

Grading for properties within the Coastal Zone which drain into Los Peñasquitos Lagoon or San Dieguito Lagoon require compliance with erosion control measures specified in the document "Erosion Control Measures for North City Areas Draining to Los Peñasquitos or San Dieguito Lagoons," on file in the Office of the City Clerk as Document No. 00-17068.

WETLANDS/ENVIRONMENTALLY SENSITIVE RESOURCES

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible, less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:

1. Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
2. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
3. Restoration purposes.
4. Nature study, aquaculture or similar resource-dependent activities.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Buffer zones sufficient to protect wetlands shall generally be 100 feet in width, unless the applicant demonstrates that a smaller buffer will protect the resources of the wetland based on site-specific information including but not limited to the type and size of the development

and/or proposed mitigation which will also achieve the purposes of the buffer. The California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted in such buffer determinations and their comments shall be accorded great weight by the City of San Diego and by the California Coastal Commission. Developments permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and similar improvements necessary to protect the wetland, and such improvements shall be restricted to the upper/inland half of the buffer zone. Developments shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its fish and wildlife values, or otherwise impair the functional capacity of the wetland.

Development in Floodplain Areas

Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works. The following requirements shall also be met:

Existing environmentally sensitive habitat areas will not be significantly affected and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as enhanced wildlife corridors. Such revegetation program shall, to the maximum extent feasible, utilize native vegetation and shall be designed and implemented by a professional landscape architect, biologist, or other qualified professional in close consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service.

The design of the development incorporates the findings and recommendations of both a site-specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years, and neither significantly increases nor contributes to downstream bank erosion and sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.

Development in Areas of Sensitive Vegetation

In addition, to the extent applicable, all new development within the coastal zone shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Program, and shall comply with the City of San Diego MSCP Interim Habitat Loss Permit Process, or shall obtain an incidental take permit under Section 4d, Section 7 or Section 10a of the Endangered Species Act related to the California Gnatcatcher. Compliance with these goals and requirements shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.

VISUAL RESOURCES

The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines community planning area possesses many highly scenic open space areas and dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This Plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:

1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.
2. Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.
3. Power distribution lines and utilities along Sorrento Valley Road and within Los Peñasquitos Lagoon are recommended to be relocated underground.
4. Future development adjacent to the Torrey Pines Reserve Extension, San Dieguito Lagoon, and Crest Canyon areas shall provide for adequate buffer areas. Development proposals shall provide adequate setbacks to avoid significant erosion, visual or sediment impacts from construction. Setbacks also shall be required to prevent fire breaks from being constructed on reserve property or into off-site sensitive areas. No clear-cutting or removal of vegetation shall be allowed within the San Dieguito Lagoon Preserve, Crest Canyon or the Torrey Pines State Reserve Extension.
5. Landscaping of properties adjacent to open space areas shall not use invasive plant species. Landscaping adjacent to these areas should use plant species naturally occurring in that area.
6. New residential development shall be compatible with the existing neighborhood, and designed to blend into adjacent natural open space areas. Only low-profile dwellings designed to fit with the natural terrain and not be visually prominent from the canyon floor shall be allowed. For development located in visually prominent areas adjacent to space areas, building colors and materials shall be limited to earth tones and colors subordinate to the surrounding natural environment, which minimize the development's contrast with the surrounding hillsides and open space areas.
7. New commercial development within predominantly residential neighborhoods shall be designed to minimize or eliminate traffic, noise, parking and visual impacts to residents. Bulk and scale of new commercial development shall be low-scale and of similar height to buildings and homes in the existing area.
8. Continue to maintain the existing, and where feasible, provide additional landscaped islands within Sorrento Valley Road and Sorrento Valley Boulevard. A landscaped center median should be provided along Del Mar Heights Road.

9. Those disturbed areas of the Carroll Canyon Creek Corridor shall be revegetated and planted with a combination of native trees, primarily riparian woodlands species and native shrubs. The revegetation plan shall include a monitoring program to determine the success of the program and identify maintenance needs.
10. Mechanical equipment, outdoor storage and appurtenances shall be screened from view and designed as integral parts of the overall building design. Fences, walls, grillwork, etc. should be of similar material and color as the main building.
11. The Plan recommends the preservation of Torrey Pines trees in private as well as public areas, and encourages the planting of Torrey Pines trees in roadways and other landscaped areas. Should Torrey Pines trees require removal, relocation or replacement of the trees shall occur whenever feasible.
12. New residential, commercial, and industrial development shall provide landscape buffers to screen views of the buildings from designated scenic roadways.

Parking

All commercial, industrial and residential uses shall be designed and constructed with sufficient off-street parking and loading facilities to assure adequate parking is provided with new development such that no adverse impacts on coastal access are documented. Parking ratios shall be utilized as specified and detailed in the City's Zoning Code to provide sufficient parking spaces so as not to require patrons/employees/residents to utilize parking which is necessary/required for other approved uses, or street and other public parking that would otherwise be available for public use. In addition, existing public parking facilities used for public beach access shall be maintained and no reduction in existing public parking shall be permitted.

LOS PEÑASQUITOS WATERSHED RESTORATION/ENHANCEMENT FEE

Applicants for coastal development permits for projects located in the watershed of Los Peñasquitos Lagoon shall enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund for restoration of the Los Peñasquitos Lagoon and watershed. The Los Peñasquitos watershed restoration and enhancement fee shall be computed on the basis of the site surface affected by grading for urban development, agricultural, transportation, and other public service facility service facility improvements, but not including for habitat restoration or enhancement, at a rate of \$0.005/square foot and at an additional rate for impervious surface(s) created by the development at a rate of \$0.03/square foot. The applicant shall provide evidence satisfactory to the City that such payment has been made prior to issuance of the Coastal Development Permit. Mitigation measures for development or fill within the lagoon shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity, or opening equivalent areas to tidal action.



RESOURCE MANAGEMENT MAPS

F. Biologically Sensitive Habitats

G. Environmental Constraints

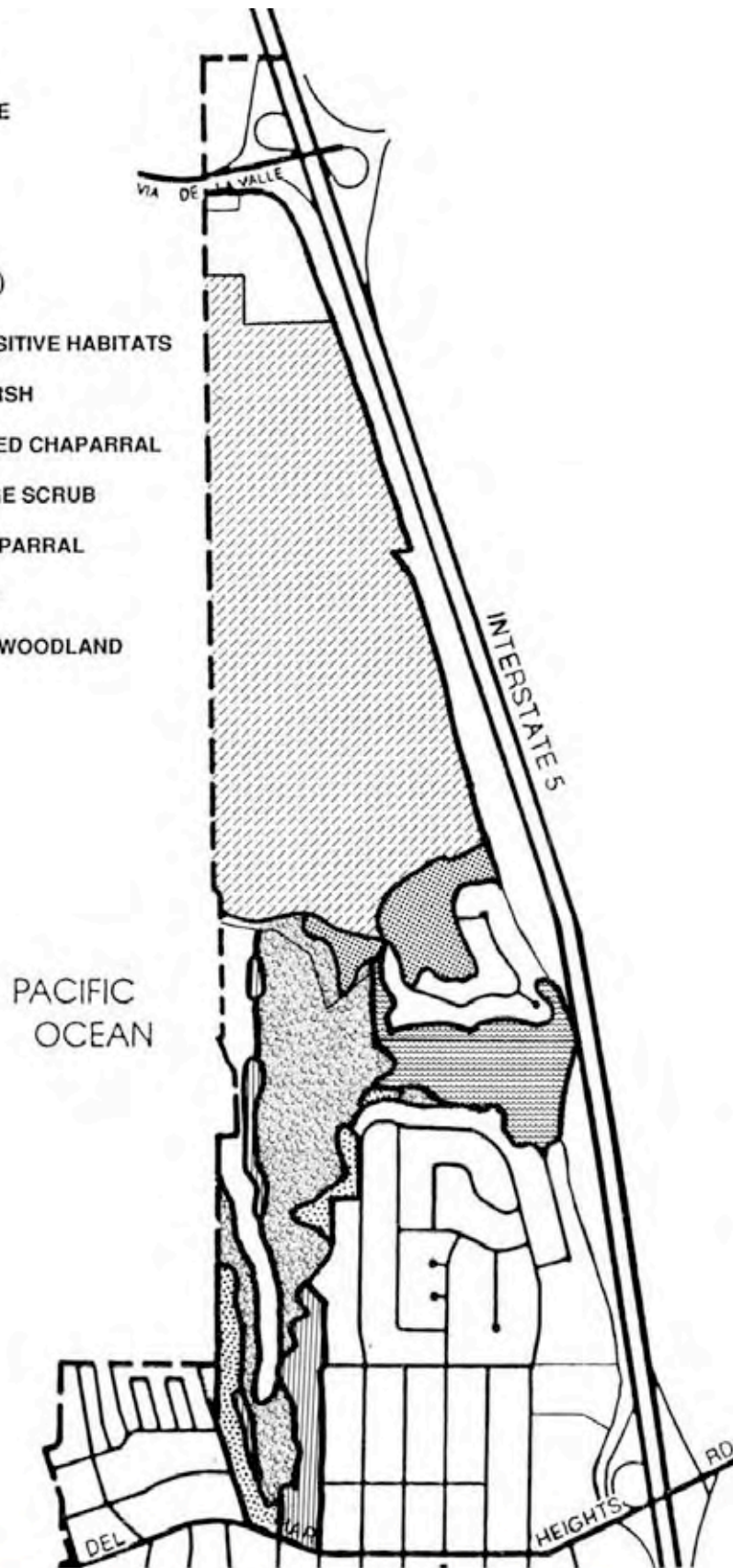
H. Open Space Rezonings



(NORTH AREA)

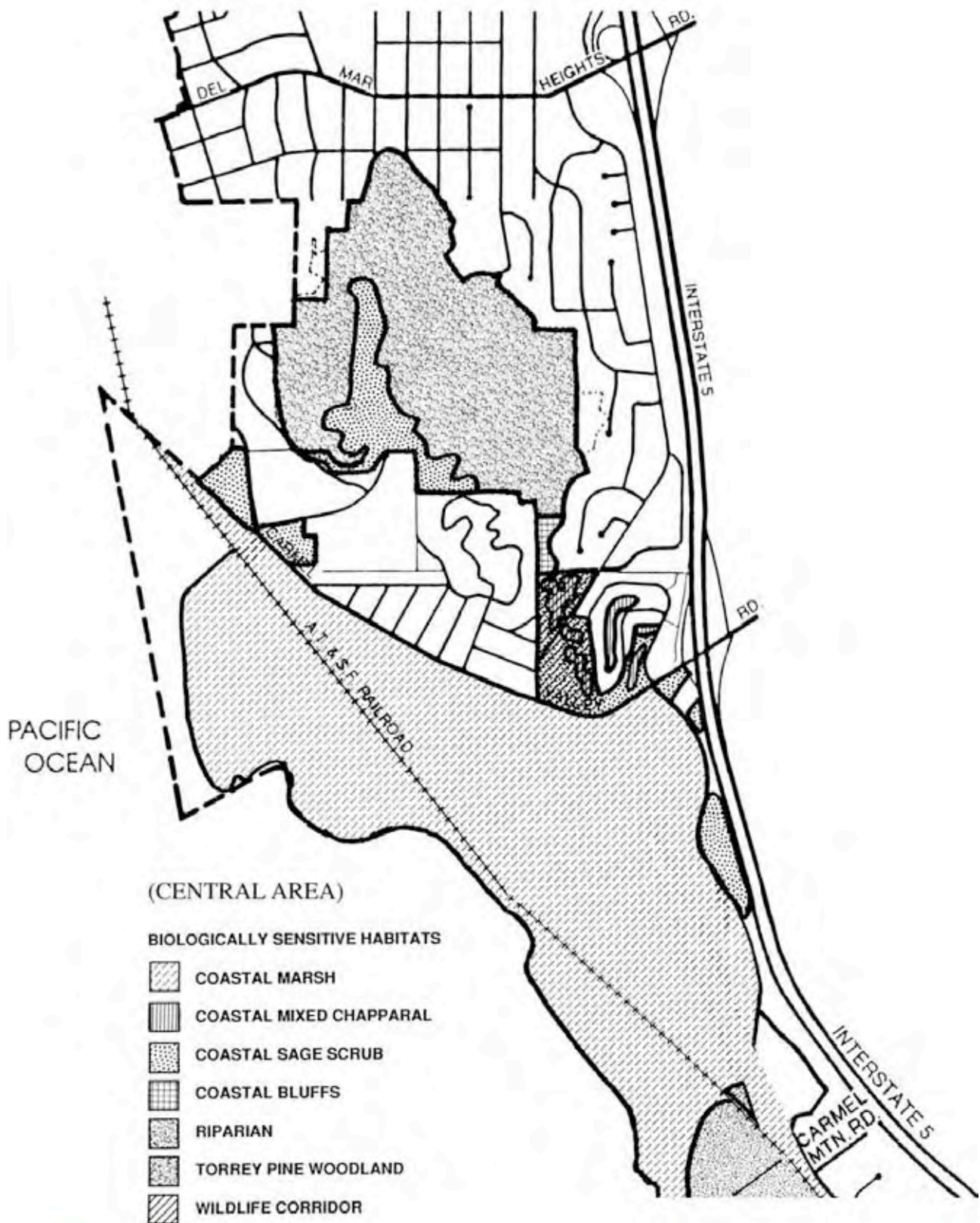
BIOLOGICALLY SENSITIVE HABITATS

-  COASTAL MARSH
-  COASTAL MIXED CHAPARRAL
-  COASTAL SAGE SCRUB
-  CHAMISE CHAPARRAL
-  GRASSLANDS
-  TORREY PINE WOODLAND



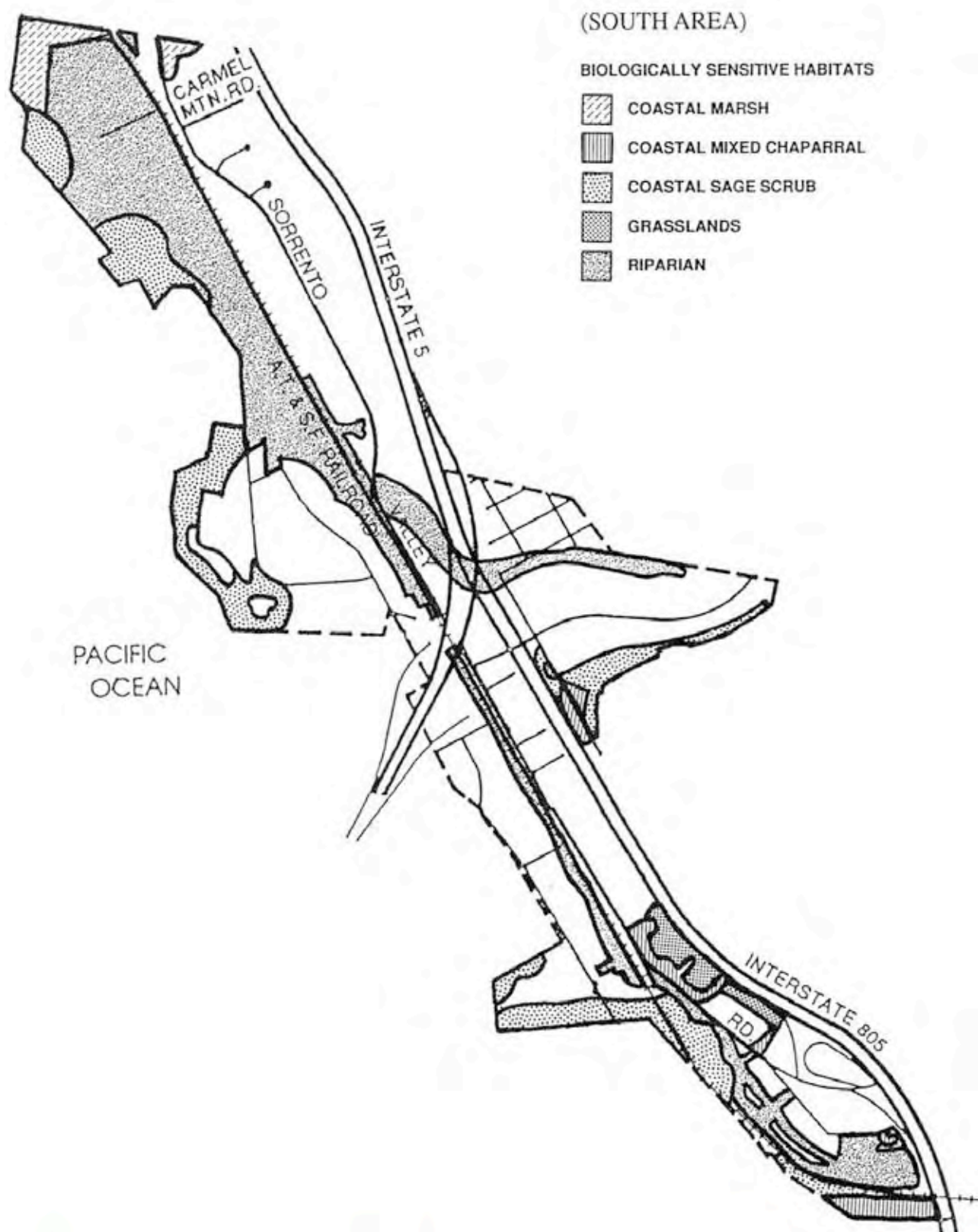
Biologically Sensitive Habitats (North)
Torrey Pines Community Plan – Appendix F

19
FIGURE



Biologically Sensitive Habitats (Central)
Torrey Pines Community Plan – Appendix F

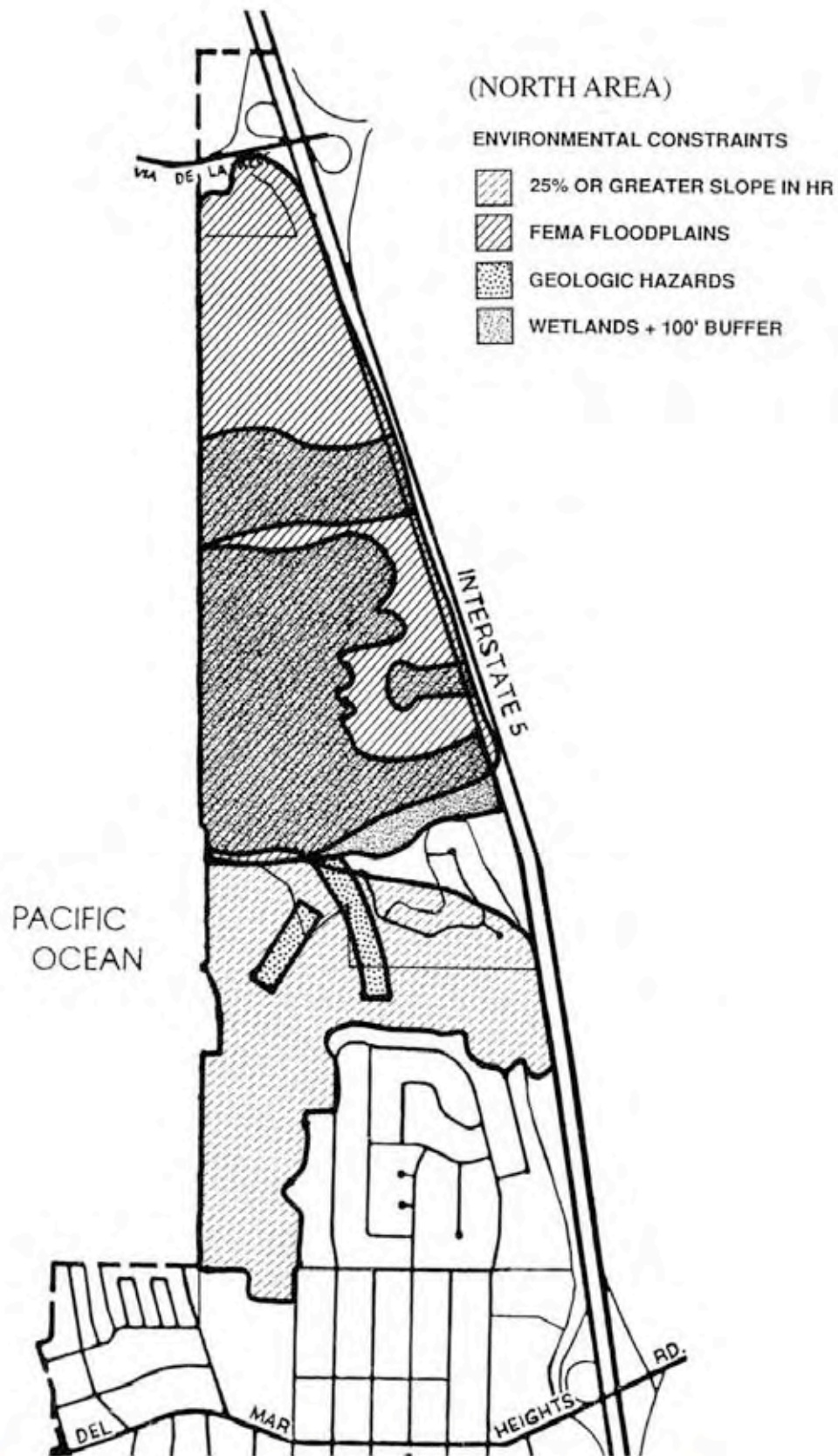
20
FIGURE



Biologically Sensitive Habitats (South)
Torrey Pines Community Plan – Appendix F

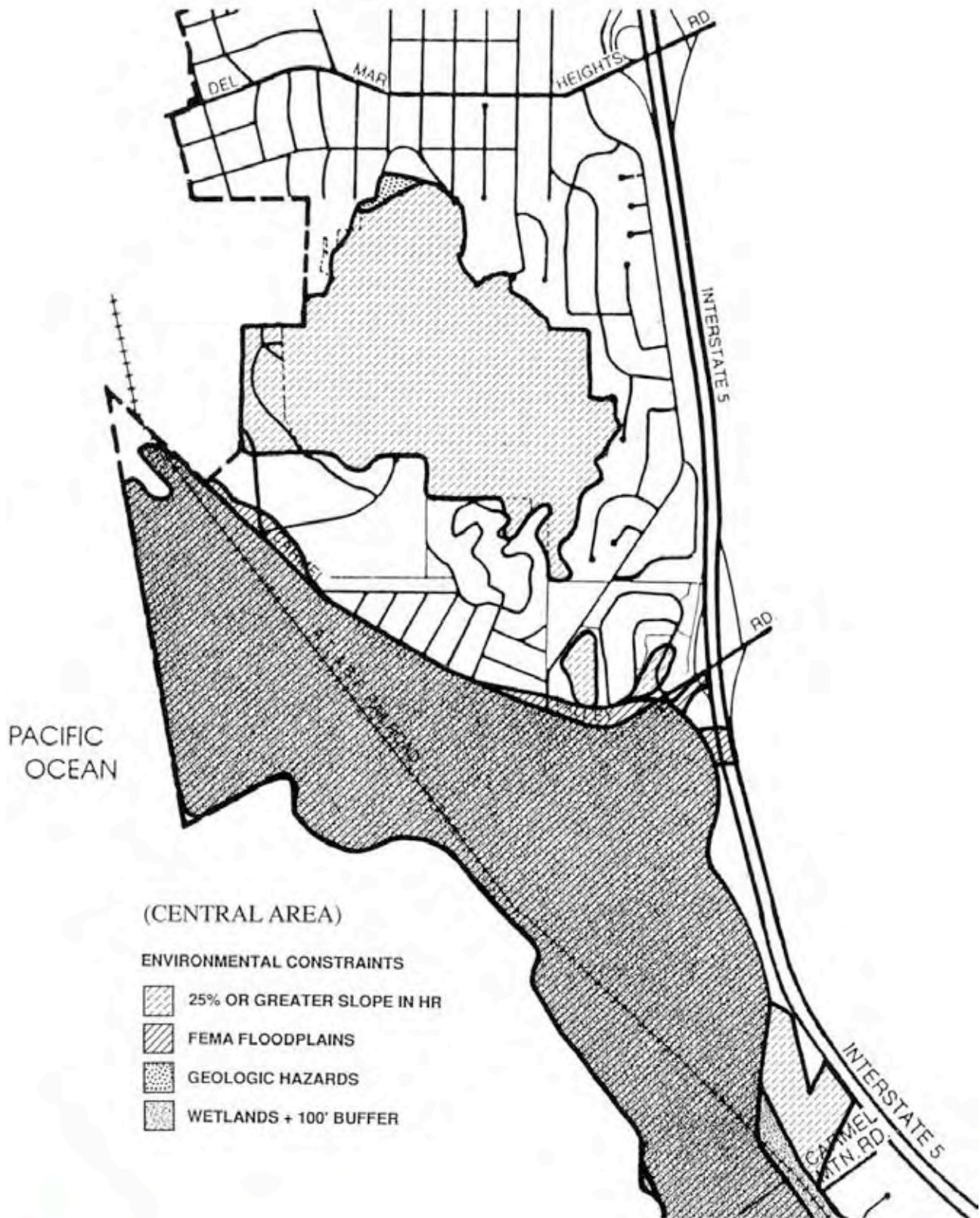
21
FIGURE

G. ENVIRONMENTAL CONSTRAINTS



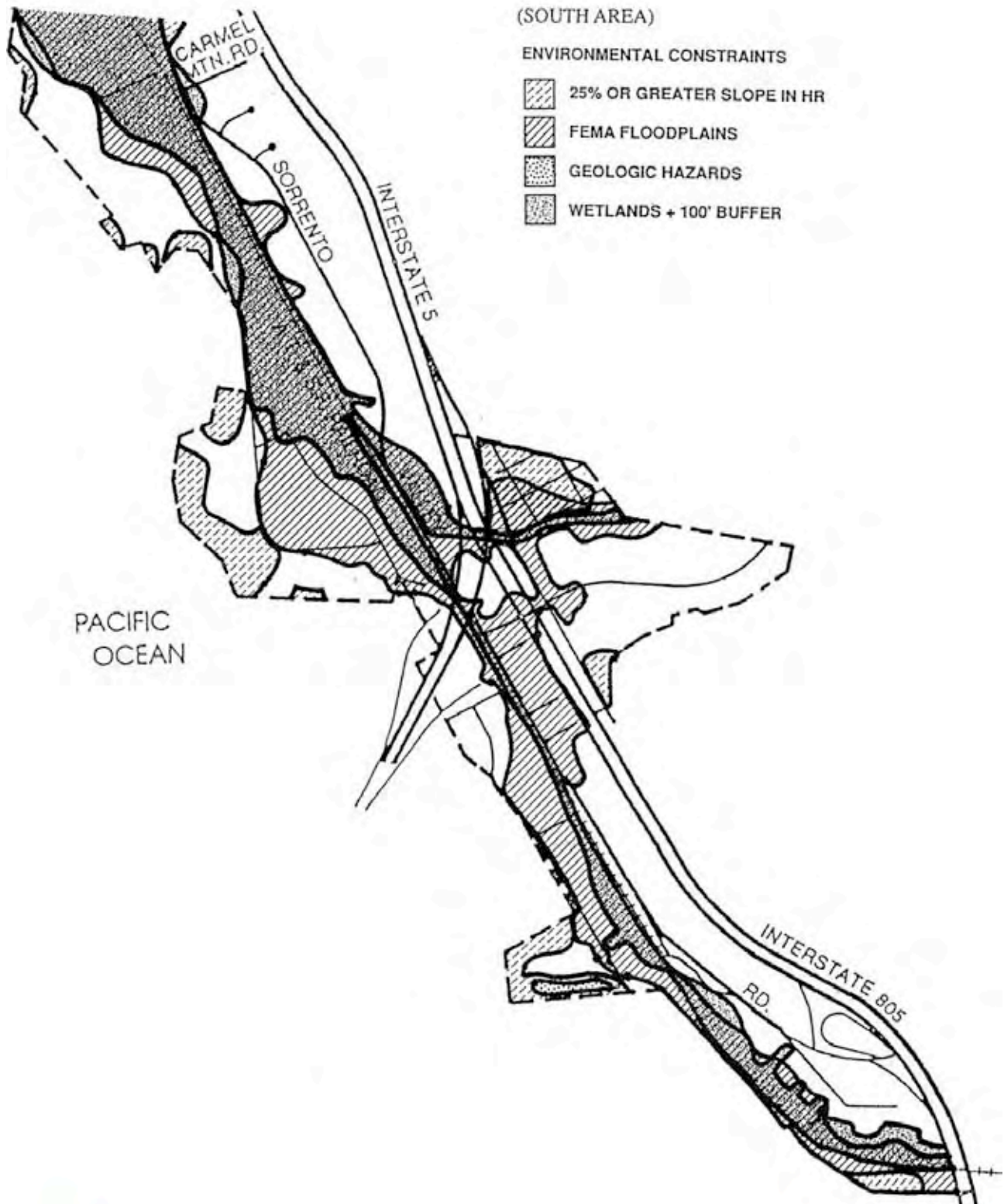
Environmental Constraints (North)
Torrey Pines Community Plan – Appendix G

22
FIGURE



Environmental Constraints (Central)
Torrey Pines Community Plan – Appendix G

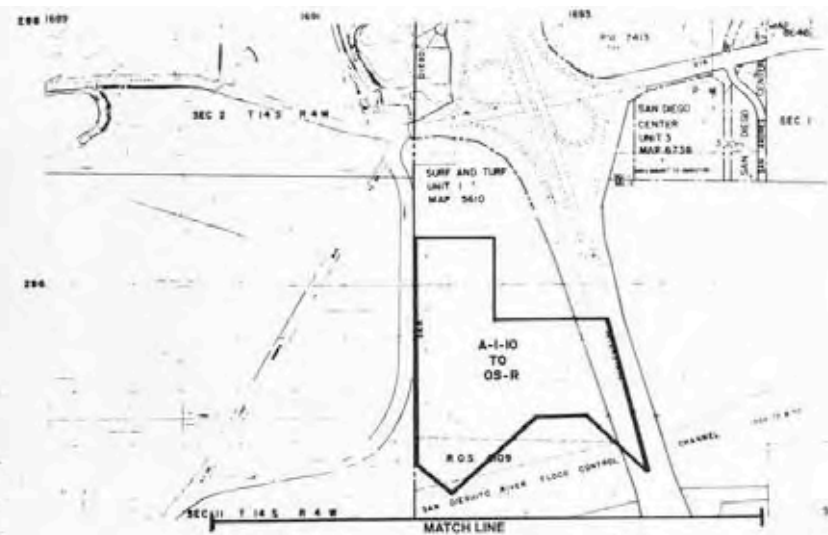
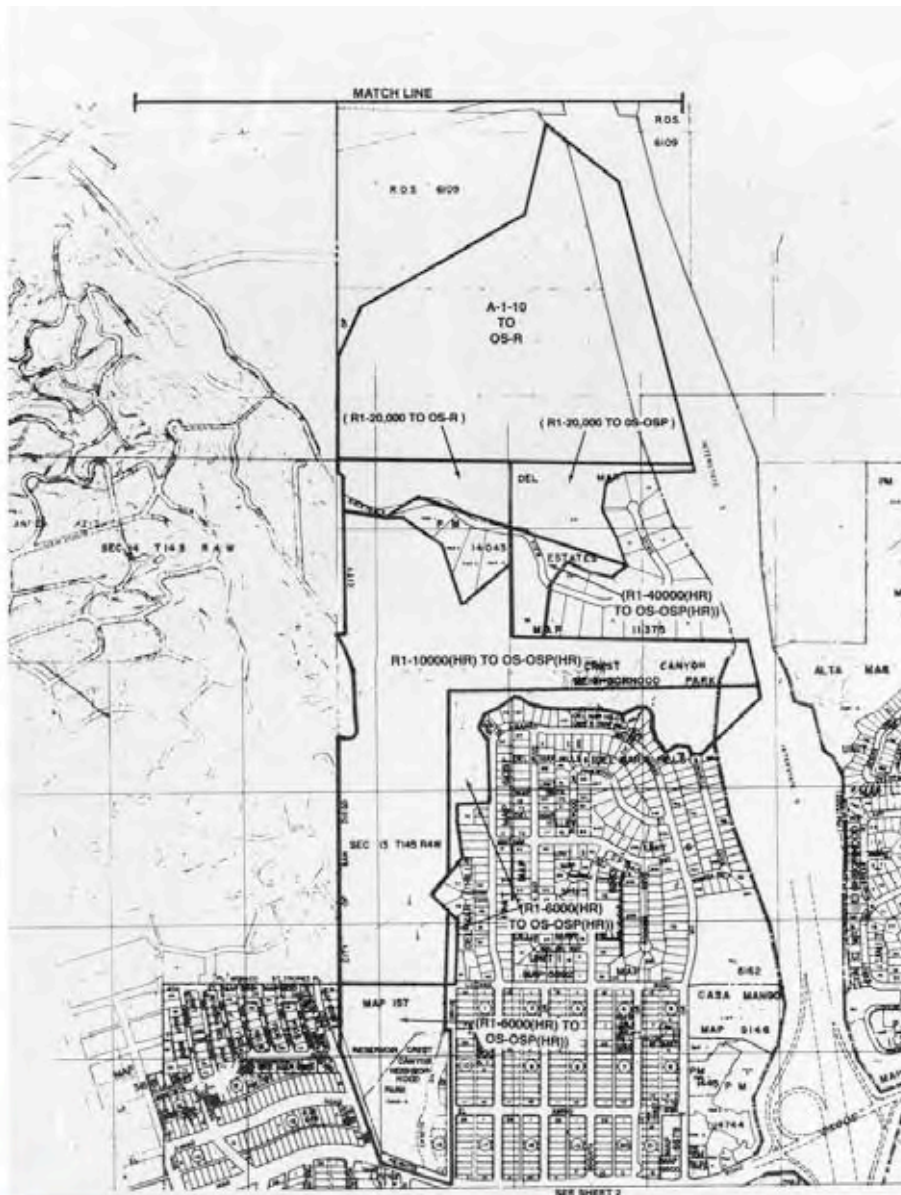
23
FIGURE



Environmental Constraints (South)
Torrey Pines Community Plan – Appendix G

24
FIGURE

H. OPEN SPACE REZONINGS

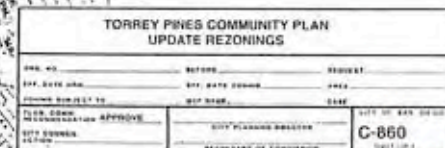


TORREY PINES COMMUNITY PLAN UPDATE REZONINGS			
PREP. BY	REVIEW	REVISOR	
DATE	DATE	DATE	DATE
COMING SUBJECT TO		DATE	
PLAN COMM. RECOMMENDATION	APPROVE	DATE	CITY OF SAN DIEGO
CITY SOURCE	SECRETARY OF COMMISSION	C-860	

Open Space Rezonings (North)
Torrey Pines Community Plan – Appendix H

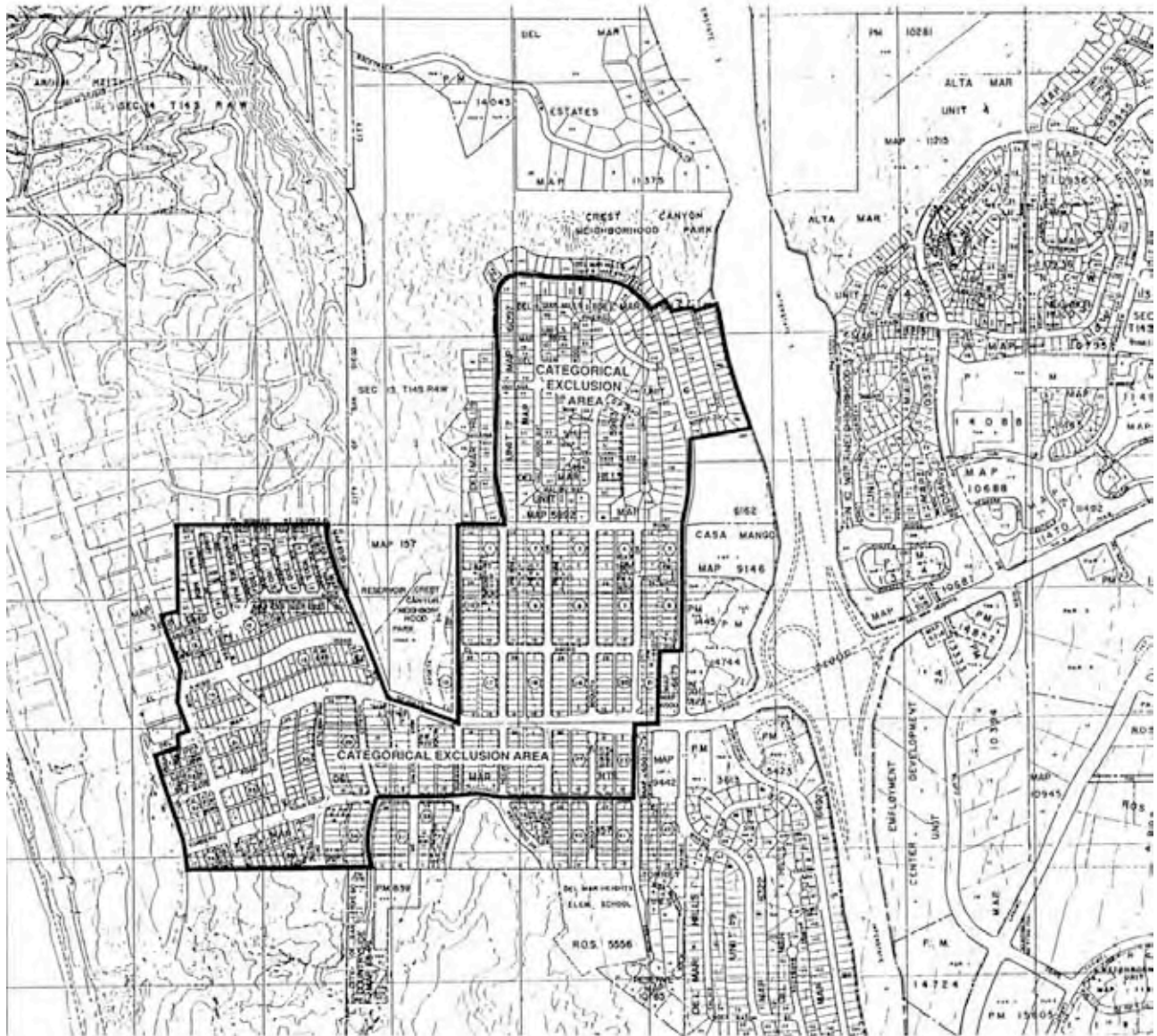
25
FIGURE





- 139 -

I. CATEGORICAL EXCLUSION AREAS



CATEGORICAL EXCLUSION AREAS			
DATE: 01/10/10	BY: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10
DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10	DATE: 01/10/10

Editor's Note: The categorical exclusion areas have not been certified by the Coastal Commission or adopted by City Council ordinance.



Categorical Exclusion Areas

Torrey Pines Community Plan – Appendix I

28
FIGURE

Exhibit B

**7/11 DISTRICT ADVISORY COMMITTEE
PURSUANT TO EDUCATION CODE SECTION 17387**



Minutes of Regular Meeting
Thursday, July 2, 2009
3:00 p.m.

Del Mar Hills Academy
14085 Mango Drive, Del Mar, CA 92014

Organizational Items

Call to Order – *Time: 3:04 p.m.*

Present: All members of the 7-11 committee were present, Gayle Wayne, Facilitator, Jennifer Emberger, Janet Handzel, Wayne Harris, Susan Paul, Cinda Peck, Bob Shopes, Randy Wheaton, and Shirley Bales, administrative assistant.

Dr. Sharon McClain, Superintendent, Charlene Komosinski, Director of Child Care, Todd Boteler, DMUSD Webmaster, Sherry Forte, Executive Assistant to the Superintendent, were present, attorney Ty Dorward, as well as community members Martha Cox, Mary Farrell, and Audrey Levine.

Flag Salute - led by Shirley Bales

Approval of the Agenda

Upon motion by Bob Shopes, seconded by Susan Paul, the Agenda was unanimously approved.

Approval of the Minutes

Regular Meeting June 18, 2009

Upon motion by Bob Shopes, seconded by Wayne Harris, the Minutes were unanimously approved, as amended.

Public Comment

Martha Cox, retired school district employee, spoke to encourage the 7/11 DAC to consider the merits of a Pre-K, K-1 or K-2 for all Hills/Heights resident students at Del Mar Hills plus the location of the entire district administration center and employee child care at Del Mar Hills; and then consider all resident Grades 2-6 or Grades 3-6 students be assigned to Del Mar Heights.

Public Communication

Comments for Consideration by the 7/11 Committee--handout from Martha Cox.

Old and New Business, Presentations

Clarification from Pupil Services and Child Care on special education/typical student preschool capacity needs—Presented by Dr. Sharon McClain, Superintendent, and Charlene Komosinski, Director of Child Care

Dr. Sharon McClain clarified to the 7/11 DAC the reasoning behind the preschool proposal. DMUSD currently has special ed preschool housed at Sycamore Ridge school. Sycamore Ridge does not have facilities available to integrate special needs preschool students into regular classrooms with typical peers.

For this integrated special needs/typical peer preschool, the District desires 22 classrooms:

- 16 preschool and 2 childcare classrooms,
- 1 Occupational Therapy/Adapted PE,
- 1 Speech Room,
- 1 Meeting Room, and
- 1 Assessment Room/Office

The 16 classrooms would each hold 15 typical students plus 3 special needs students, serving children age 3 and up. Two classrooms would be used for the infant/toddler employee childcare currently housed at Shores. Employee Childcare currently closes at 4 pm, but the proposed Preschool would stay open until 6 pm.

District preschool would serve children 3 and up.

Currently, special ed impacts the DMUSD general fund for over \$3M. Those are expenses DMUSD is mandated to pay. The federal government required to pay 40%, but they have never paid over 18%. Remaining funding comes from the general fund. If we have typical peers, those students would pay a fee, which would help support program.

Dr. McClain stated that with the capital improvement money from the sale of the Shores property, this is DMUSD's one opportunity to set up this program. The \$8M from the Shores sale cannot be spent on staff; it may only be spent on capital improvements with a 5-year or longer life. This money may be used to renovate facilities for a District Office and can also be used for preschool since it is also a capital expenditure.

Gayle Wayne asked about financial implications. Dr. McClain replied that Manhattan Beach School District had a similar preschool to the one proposed which nets about \$300K to its general fund. Manhattan Beach further has 400 students on a waiting list because of its credentialed teachers and specialists. Charlene Komosinski stated that she knows students in DMUSD who go to other districts because DMUSD does not have the facilities.

Bob Shopes wondered about a phase-in to the full program, since it may not open at full capacity. Dr. McClain stated the program would phase-in, but wishes to set aside enough room at start-up to avoid bringing in portables or displacing other students in the future.

Dr. McClain can return to the Committee with specific requirements, such square footage amount, bathrooms, changing areas, etc. Preschool, especially for special needs students need a lot of space. Further Dr. McClain would not entertain two sites, she believes the program is best managed at a single site.

Janet Handzel asked if teachers were happy about this program, and Charlene Komosinski replied that parents of ECC kids would be fine with this typical peer program.

Discussion on tour of district office, maintenance, employee childcare, Del Mar Heights, Del Mar Hills, Carmel Del Mar, Ashley Falls, and Sycamore Ridge Facilities

Committee members stated they are proud and lucky to be part of this district, and the site tours were informative.

Adoption of Charter

Upon motion by Cinda Peck, seconded by Susan Paul, the Charter was unanimously approved as amended. The amended charter as approved is attached.

Appointment/Election of Chair

Jennifer Emberger nominated Bob Shopes as Chair. Bob Shopes accepted the nomination and will serve as Chair of the 7/11 DAC.

Discussion Items

"What If" Scenario

Members can opt to use either the spreadsheet version of the worksheet (Excel), or the narrative version (Word) to fully develop various proposals that would address the criteria as set forth by the committee. Use of these tools should assist members to identify strengths and weaknesses of various scenarios. Mrs. Wayne provided a sample school for the committee's review. Mrs. Wayne stated that the scenario took six hours, it was not a simple task, and she has closed 9 schools using this process.

Committee members can use this as a process to analyze information and present to group and share a similar process. The committee will post the blank template for the working document, and project each scenario onto the screen in open session as it is explained.

Conference with DMUSD legal counsel

Ty Dorward with Best, Best & Kreiger, addressed the Committee. Mr. Dorward informed the committee that technically classroom facilities are not subject to local regulations and are preempted by state regulations and state over-site. However, administration uses and other non-educational purposes would not be subject to the same type of preemption by the state. A General CEQA checklist applies to any discretionary approval--the district and the district's board. An Environmental Impact consultant would help school going through all items--biological, agricultural, public services, traffic, infrastructure, water, and any other special

services the public agency. That type of study is always subject to public review. Any Environmental Impact Report or CEQA require a public agency to make findings in the report on any environment impact. Interplay with coastal commission is needed for any development in a defined coastal zone. Traffic and beach access are typical things the coastal commission looks at, and these also tie into an EIS. Certain projects are exempt from a CEQA if they not large enough.

Mr. Dorward was asked if a CEQA would likely be required if we significantly alter the current use. At the time the Board of Trustees makes a discretionary approval, they would need then a study. This is not a quick process, permitting and environment processes may be 1 to 1 ½ years, although there is a possibility of exemptions. Technically, this is not the committee's concern, but an issue for the school board. Committees make a recommendation but are not usually responsible for EIR, etc; the governing board would look into that. In the study of school closure, Mr. Dorward suggested that the committee move forward, understanding that a review based on a set of completed and accepted recommendations would be undertaken at the close of deliberations. Until then, the issue is unclear. A consultant to review the potential action would review the outcomes and assist in determining the appropriate legal steps following intent to act.

Mrs. Wayne mentioned it might be prudent to have a consultant waiting in the wings.

Dr. McClain asked Mr. Dorward if there was any advantage to keeping regular ed children on a site as a district renovates. Mr. Dorward would have to look into that issue but doesn't think a school district could say because it kept a school operating in one portion of the building the entire project is not subject to EPA, etc., regulations. Dr. McClain stated that it is very difficult to re-open a school after it was closed to regular ed students for a time.

Information Items

Report from the Surplus Property Committee August 2005

Cinda Peck was also on the Surplus Property Committee in 2005, and she stated that this committee has a different and more complex task.

Items for July 16 Meeting:

Additional detail from Business Services on potential cost savings of closing a school.

Any previous analysis or proposal to split upper and lower grades between Del Mar Hills and Del Mar Heights.

Request for meeting change from August 6 to August 3 to finish earlier than 3:00 p.m., and request to change August 20 to August 24, prior to noon (child care using PAC at noon).

Adjournment

Upon motion by Bob Shopes, seconded by Susan Paul, it was unanimously approved to adjourn at 5:30 p.m.

Exhibit C

**THE CITY OF SAN DIEGO**

[Home](#) [Contact the City](#)

[Business](#) [City Hall](#) [Community](#) [Departments](#) [Information](#) [Leisure](#) [Services A-Z](#) [Visiting](#)

[DEVELOPMENT SERVICES HOME](#) [CONSTRUCTION INDUSTRY PROFESSIONALS](#) [SMALL BUSINESS OWNERS](#) [HOME OWNERS](#) [NEWS & UPDATES](#) [CONTACT US](#)

Development Services

Official Zoning Map

Validation by Address

Results for: 14085 MANGO DR

Zone(s) per Official Zoning Map:

Name	Abbreviated Name	
RS-1-6	RS-1-6	More Info

Map Sheets:

Map Sheet Index Nbr	Map Image
35	View Map Image

Results as of December 08, 2009

[Lookup another location.](#)

[Development Services Home](#) | [Construction Industry Professionals](#) | [Top of Page](#) |
[Small Business Owners](#) | [Home Owners](#) | [News & Updates](#) | [Contact Us](#) |

[Site Map](#) [Privacy Notice](#) [Disclaimers](#)

| [Home](#) | [Business](#) | [City Hall](#) | [Community](#) | [Departments](#) | [Information](#) | [Leisure](#) | [Services A-Z](#) | [Visiting](#) |
| [Search](#) | [Site Map](#) | [Contact the City](#) | [Privacy Notice](#) | [Disclaimers](#) |

Exhibit D

Article 1: Base Zones

Division 4: Residential Base Zones

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0401 Purpose of Residential Zones

The purpose of the residential zones is to provide for areas of residential *development* at various specified densities throughout the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego. It is also intended that the residential zones reflect desired *development* patterns in existing neighborhoods while accommodating the need for future growth.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0402 Purpose of the RE (Residential--Estate) Zones

- (a) The purpose of the RE zones is to provide for *single dwelling units* on large *lots* with some accessory agricultural uses. It is intended that this zone be applied to areas that are rural in character, where the retention of low *density* residential *development* is desired.
- (b) The RE zones are differentiated based upon applicable development regulations as follows:
 - RE-1-1 requires *development* on minimum 10-acre *lots*
 - RE-1-2 requires *development* on minimum 5-acre *lots*
 - RE-1-3 requires *development* on minimum 1-acre *lots*

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0403 Purpose of the RS (Residential--Single Unit) Zones

- (a) The purpose of the RS zones is to provide appropriate regulations for the *development* of *single dwelling units* that accommodate a variety of *lot* sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.
- (b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an *Urbanized Community* or a *Planned Urbanized Community* or *Proposition A Lands*, as follows:

(1) *Urbanized Communities*

- RS-1-1 requires minimum 40,000-square-foot *lots*
- RS-1-2 requires minimum 20,000-square-foot *lots*
- RS-1-3 requires minimum 15,000-square-foot *lots*
- RS-1-4 requires minimum 10,000-square-foot *lots*
- RS-1-5 requires minimum 8,000-square-foot *lots*
- RS-1-6 requires minimum 6,000-square-foot *lots*
- RS-1-7 requires minimum 5,000-square-foot *lots*

(2) *Planned Urbanized Communities or Proposition A Lands*

- RS-1-8 requires minimum 40,000-square-foot *lots*
- RS-1-9 requires minimum 20,000-square-foot *lots*
- RS-1-10 requires minimum 15,000-square-foot *lots*
- RS-1-11 requires minimum 10,000-square-foot *lots*
- RS-1-12 requires minimum 8,000-square-foot *lots*
- RS-1-13 requires minimum 6,000-square-foot *lots*
- RS-1-14 requires minimum 5,000-square-foot *lots*

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

§131.0404 Purpose of the RX (Residential--Small Lot) Zones

- (a) The purpose of the RX zones is to provide for both attached and detached *single dwelling units* on smaller *lots* than are required in the RS zones. It is intended that these zones provide an alternative to *multiple dwelling unit developments* where *single dwelling unit developments* could be developed at similar densities. The RX zone provides for a wide variety of residential *development patterns*.
- (b) The RX zones are differentiated based on the minimum *lot* size as follows:
- RX-1-1 requires minimum 4,000-square-foot *lots*
 - RX-1-2 requires minimum 3,000-square-foot *lots*

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0405 Purpose of the RT (Residential--Townhouse) Zones

- (a) The purpose of the RT zones is to provide for attached, single-dwelling unit residential *development* on small *lots* with *alley* access. It is intended that these zones provide for more urbanized, single-unit living at densities that are historically more typical of multiple-unit zones. The RT zones provide transition opportunities between single-unit neighborhoods and higher *density* multiple-unit neighborhoods and in some instances may replace multiple-unit zones at similar densities. The RT zones are intended to be applied on subdivided blocks with *alleys* that are within or close to highly urbanized areas, *transit areas*, and redevelopment areas.
- (b) The RT zones are differentiated based on the minimum *lot* size as follows:
- RT-1-1 requires minimum 3,500-square-foot *lots*
 - RT-1-2 requires minimum 3,000-square-foot *lots*
 - RT-1-3 requires minimum 2,500-square-foot *lots*
 - RT-1-4 requires minimum 2,200-square-foot *lots*

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0406 Purpose of the RM (Residential--Multiple Unit) Zones

- (a) The purpose of the RM zones is to provide for *multiple dwelling unit development* at varying densities. The RM zones individually accommodate *developments* with similar densities and characteristics. Each of the RM zones is intended to establish *development* criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses.

- (b) The RM zones are differentiated based on the uses allowed and the permitted *density* as follows:
- (1) The following zones permit lower *density multiple dwelling units* with some characteristics of *single dwelling units*:
 - RM-1-1 permits a maximum *density* of 1 dwelling unit for each 3,000 square feet of *lot* area
 - RM-1-2 permits a maximum *density* of 1 dwelling unit for each 2,500 square feet of *lot* area
 - RM-1-3 permits a maximum *density* of 1 dwelling unit for each 2,000 square feet of *lot* area
 - (2) The following zones permit medium *density multiple dwelling units*:
 - RM-2-4 permits a maximum *density* of 1 dwelling unit for each 1,750 square feet of *lot* area
 - RM-2-5 permits a maximum *density* of 1 dwelling unit for each 1,500 square feet of *lot* area
 - RM-2-6 permits a maximum *density* of 1 dwelling unit for each 1,250 square feet of *lot* area
 - (3) The following zones permit medium *density multiple dwelling units* with limited commercial uses:
 - RM-3-7 permits a maximum *density* of 1 dwelling unit for each 1,000 square feet of *lot* area
 - RM-3-8 permits a maximum *density* of 1 dwelling unit for each 800 square feet of *lot* area
 - RM-3-9 permits a maximum *density* of 1 dwelling unit for each 600 square feet of *lot* area
 - (4) The following zones permit urbanized, high *density multiple dwelling units* with limited commercial uses:
 - RM-4-10 permits a maximum *density* of 1 dwelling unit for each 400 square feet of *lot* area
 - RM-4-11 permits a maximum *density* of 1 dwelling unit for each 200 square feet of *lot* area
 - (5) RM-5-12 permits visitor accommodations or medium *density multiple dwelling units* at a maximum *density* of 1 dwelling unit for each 1,000 square feet of *lot* area.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0415 Where Residential Zones Apply

On the effective date of Ordinance O-18691, all residential zones that were established in Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in this division.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0420 Use Regulations of Residential Zones

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

- (a) Within the residential zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0422.
- (b) All uses or activities permitted in the residential zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (c) *Accessory uses* in the residential zones may be permitted in accordance with Section 131.0125.
- (d) Temporary uses may be permitted in the residential zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.
- (e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

(Added 12-9-1997 by O-18451 N.S)

(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

Symbol In Table 131-04B	Description Of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1 st & 2nd >>	RE-	RS-														RX-		RT-								
	3rd >>	1-	1-														1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4			
Open Space																											
Active Recreation		P	P														P		P								
Passive Recreation		P	P														P		P								
Natural Resources Preservation		P	P														P		P								
Park Maintenance Facilities		-	-														-		-								
Agriculture																											
Agricultural Processing		-	-														-		-								
Aquaculture Facilities		-	-														-		-								
Dairies		-	-														-										
Horticulture Nurseries & Greenhouses		-	-														-		-								
Raising & Harvesting of Crops		P ⁽³⁾	-														-		-								
Raising, Maintaining & Keeping of Animals		P ⁽³⁾⁽⁹⁾	-														-		-								
Separately Regulated Agriculture Uses																											
Agricultural Equipment Repair Shops		-	-														-		-								
Commercial Stables		-	-														-		-								
Community Gardens		N	N														N		N								
Equestrian Show & Exhibition Facilities		-	-														-		-								
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-	-														-		-								
Residential																											
Mobilehome Parks		-	P ⁽¹⁾														P ⁽¹⁾		-								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1 st & 2nd >> 3rd >> 4th >>	RE-			RS-														RX-		RT-								
		1-			1-														1-		1-								
		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4					
Multiple Dwelling Units		-			-														-		-								
Rooming House [See Section 131.0112(a)(3)(A)]		-			-														-		-								
Single Dwelling Units		P			P														P		P								
Separately Regulated Residential Uses																													
<i>Boarder & Lodger Accommodations</i>		L			L														L		L								
Companion Units		L			L														L		L								
Employee Housing:																													
6 or Fewer Employees		-			-														-		-								
12 or Fewer Employees		-			-														-		-								
Greater than 12 Employees		-			-														-		-								
Fraternalities, Sororities and Student Dormitories		-			-														-		-								
Garage, Yard, & Estate Sales		L			L														L		L								
Guest Quarters		L			L														L		-								
Home Occupations		L			L														L		L								
Housing for Senior Citizens		C			C														C		C								
Live/Work Quarters		-			-														-		-								
Residential Care Facilities:																													
6 or Fewer Persons		P			P														P		P								
7 or More Persons		C			C														C		C								
Transitional Housing:																													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1 st & 2nd >> 3rd >> 4th >>	RE-	RS-														RX-		RT-								
		1-	1-														1-		1-								
		12312345678910111213141121234																									
6 or Fewer Persons		P	P														P		P								
7 or More Persons		C	C														C		C								
Watchkeeper Quarters		-	-														-		-								
Institutional																											
Separately Regulated Institutional Uses																											
Airports		-	-														-		-								
Botanical Gardens & Arboretums		C	C														C		C								
Cemeteries, Mausoleums, Crematories		-	-														-		-								
Churches & Places of Religious Assembly		C	C														C		C								
Correctional Placement Centers		-	-														-		-								
Educational Facilities:																											
Kindergarten through Grade 12		C	C														C		C								
Colleges / Universities		C	C														C		C								
Vocational / Trade School		-	-														-		-								
Energy Generation & Distribution Facilities		-	-														-		-								
Exhibit Halls & Convention Facilities		-	-														-		-								
Flood Control Facilities		L	L														L		L								
Historical Buildings Used for Purposes Not Otherwise Allowed		C	C														C		C								
Homeless Facilities:																											
Congregate Meal Facilities		-	-														-		-								
Emergency Shelters		-	-														-		-								
Homeless Day Centers		-	-														-		-								
Hospitals, Intermediate Care Facilities & Nursing Facilities		-	-														-		-								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																											
	1 st & 2nd >> 3rd >> 4th >>	RE-			RS-														RX-		RT-								
		1-			1-														1-		1-								
		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4					
Interpretive Centers		-	-														-	-											
Museums		C	C														C	C											
Major Transmission, Relay, or Communications Switching Stations		-	-														-	-											
Satellite Antennas		L	L														L	L											
Social Service Institutions		-	-														-	-											
Wireless communication facility:																													
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L	L														L	L											
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N	N														N	N											
Wireless communication facility in the public right-of-way with above ground equipment		C	C														C	C											
Wireless communication facility outside the public right-of-way		C	C														C	C											
Sales																													
Building Supplies & Equipment		-	-														-	-											
Food, Beverages and Groceries		-	-														-	-											
Consumer Goods, Furniture, Appliances, Equipment		-	-														-	-											
Pets & Pet Supplies		-	-														-	-											
Sundries, Pharmaceuticals, & Convenience Sales		-	-														-	-											
Wearing Apparel & Accessories		-	-														-	-											
Separately Regulated Sales Uses																													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1 st & 2nd >> 3rd >> 4th >>	RE-			RS-														RX-		RT-				
		1-			1-														1-		1-				
		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Agriculture Related Supplies & Equipment	-	-														-		-							
Alcoholic Beverage Outlets	-	-														-		-							
Plant Nurseries	-	-														-		-							
Swap Meets & Other Large Outdoor Retail Facilities	-	-														-		-							
Commercial Services																									
Building Services	-	-														-		-							
Business Support	-	-														-		-							
Eating & Drinking Establishments	-	-														-		-							
Financial Institutions	-	-														-		-							
Funeral & Mortuary Services	-	-														-		-							
Maintenance & Repair	-	-														-		-							
Off-Site Services	-	-														-		-							
Personal Services	-	-														-		-							
Radio & Television Studios	-	-														-		-							
Assembly & Entertainment	-	-														-		-							
Visitor Accommodations	-	-														-		-							
Separately Regulated Commercial Services Uses																									
Adult Entertainment Establishments:																									
Adult Book Store	-	-														-		-							
Adult Cabaret	-	-														-		-							
Adult Drive-In Theater	-	-														-		-							
Adult Mini-Motion Picture Theater	-	-														-		-							
Adult Model Studio	-	-														-		-							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1 st & 2nd >>	RE-	RS-														RX-		RT-						
	3rd >>	1-	1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Adult Motel		-	-														-		-						
Adult Motion Picture Theater		-	-														-		-						
Adult Peep Show Theater		-	-														-		-						
Adult Theater		-	-														-		-						
Body Painting Studio		-	-														-		-						
Massage Establishment		-	-														-		-						
Sexual Encounter Establishment		-	-														-		-						
Bed & Breakfast Establishments:																									
1-2 Guest Rooms		N	N														N		-						
3-5 Guest Rooms		N	C														C		-						
6+ Guest Rooms		C	C														-		-						
Boarding Kennels		-	-														-		-						
Camping Parks		-	-														-		-						
Child Care Facilities:																									
Child Care Centers		C	C														C		C						
Large Family Child Care Homes		L	L														L		L						
Small Family Child Care Homes		L	L														L		L						
Eating and Drinking Establishments Abutting Residentially Zoned Property		-	-														-		-						
Fairgrounds		-	-														-		-						
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C	C														C		C						
Helicopter Landing Facilities		-	-														-		-						
Instructional Studios		-	-														-		-						
Massage Establishments, Specialized Practice		-	-														-		-						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1 st & 2nd >>	RE-			RS-														RX-			RT-			
	3rd >>	1-			1-														1-			1-			
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Nightclubs & Bars over 5,000 square feet in size		-															-								
Parking Facilities as a <i>Primary Use</i> :																									
Permanent Parking Facilities		-															-								
Temporary Parking Facilities		-															-								
Private Clubs, Lodges and Fraternal Organizations		-															-								
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁴⁾		-															-								
Pushcarts:																									
Pushcarts on Private Property		-															-								
Pushcarts in <i>public right-of-way</i>		-															-								
Recycling Facilities:																									
Large Collection Facility		-															-								
Small Collection Facility		-															-								
Large Construction & Demolition Debris <i>Recycling Facility</i>		-															-								
Small Construction & Demolition Debris <i>Recycling Facility</i>		-															-								
Drop-off Facility		-															-								
Green Materials Composting Facility		-															-								
Mixed Organic Composting Facility		-															-								
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-															-								
Large Processing Facility Accepting All		-															-								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																											
	1 st & 2nd >>	RE-	RS-														RX-		RT-											
		3rd >>	1-	1-														1-		1-										
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4					
Types of Traffic																														
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic			-			-														-		-								
Small Processing Facility Accepting All Types of Traffic			-			-														-		-								
Reverse Vending Machines			-			-														-		-								
Tire Processing Facility			-			-														-		-								
Sidewalk Cafes			-			-														-		-								
Sports Arenas & Stadiums			-			-														-		-								
Theaters that are outdoor or over 5,000 square feet in size			-			-														-		-								
Urgent Care Facilities			-			-														-		-								
Veterinary Clinics & Animal Hospitals			-			-														-		-								
Zoological Parks			-			-														-		-								
Offices																														
Business & Professional			-			-														-		-								
Government			-			-														-		-								
Medical, Dental, & Health Practitioner			-			-														-		-								
Regional & Corporate Headquarters			-			-														-		-								
Separately Regulated Office Uses																														
Real Estate Sales Offices & Model Homes			L			L														L		L								
Sex Offender Treatment & Counseling			-			-														-		-								
Vehicle & Vehicular Equipment Sales & Service																														

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1 st & 2nd >>	RE-	RS-														RX-		RT-						
	3rd >>	1-	1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Commercial Vehicle Repair & Maintenance		-		-														-		-					
Commercial Vehicle Sales & Rentals		-		-														-		-					
Personal Vehicle Repair & Maintenance		-		-														-		-					
Personal Vehicle Sales & Rentals		-		-														-		-					
Vehicle Equipment & Supplies Sales & Rentals		-		-														-		-					
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																									
Automobile Service Stations		-		-														-		-					
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-		-														-		-					
Wholesale, Distribution, Storage																									
Equipment & Materials Storage Yards		-		-														-		-					
Moving & Storage Facilities		-		-														-		-					
Warehouses		-		-														-		-					
Wholesale Distribution		-		-														-		-					
Separately Regulated Wholesale, Distribution, and Storage Uses																									
Impound Storage Yards		-		-														-		-					
Junk Yards		-		-														-		-					
Temporary Construction Storage Yards Located off-site		N		N														N		N					
Industrial																									
Heavy Manufacturing		-		-														-		-					
Light Manufacturing		-		-														-		-					
Marine Industry		-		-														-		-					

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1 st & 2nd >>	RE-			RS-														RX-			RT-			
	3rd >>	1-			1-														1-			1-			
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Research & Development		-			-														-			-			
Trucking & Transportation Terminals		-			-														-			-			
Separately Regulated Industrial Uses																									
Hazardous Waste Research Facility		-			-														-			-			
Hazardous Waste Treatment Facility		-			-														-			-			
Marine Related Uses Within the Coastal Overlay Zone		-			-														-			-			
Mining and Extractive Industries		-			-														-			-			
Newspaper Publishing Plants		-			-														-			-			
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-														-			-			
Very Heavy Industrial Uses		-			-														-			-			
Wrecking & Dismantling of Motor Vehicles		-			-														-			-			
Signs																									
Allowable Signs		P			P														P			P			
Separately Regulated Signs Uses																									
Community Entry Signs		L			L														L			L			
Neighborhood Identification Signs		N			N														N			N			
Reallocation of Sign Area Allowance		-			-														-			-			
Revolving Projecting Signs		-			-														-			-			
Signs with Automatic Changing Copy		-			-														-			-			
Theater Marquees		-			-														-			-			

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space													
Active Recreation		P			P			P			P		P
Passive Recreation		P			P			P			P		P
Natural Resources Preservation		P			P			P			P		P
Park Maintenance Facilities		-			-			-			-		-
Agriculture													
Agricultural Processing		-			-			-			-		-
Aquaculture Facilities		-			-			-			-		-
Dairies		-			-			-			-		-
Horticulture Nurseries & Greenhouses		-			-			-			-		-
Raising & Harvesting of Crops		-			-			-			-		-
Raising, Maintaining & Keeping of Animals		-			-			-			-		-
Separately Regulated Agriculture Uses													
Agricultural Equipment Repair Shops		-			-			-			-		-
Commercial Stables		-			-			-			-		-
Community Gardens		N			N			N			N		-
Equestrian Show & Exhibition Facilities		-			-			-			-		-
Open Air Markets for the Sale of Agriculture- Related Products & Flowers		-			-			-			-		-
Residential													

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Mobilehome Parks		P ⁽²⁾			P ⁽²⁾			P ⁽²⁾			P ⁽²⁾		-
Multiple Dwelling Units		P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾			P ⁽⁵⁾		P
Rooming House [See Section 131.0112(a)(3)(A)]		-			-			-			-		-
Single Dwelling Units		P			P			P			P		-
Separately Regulated Residential Uses													
<i>Boarder & Lodger Accommodations</i>		L			L			L			L		L
Companion Units		L			L			L			L		L
Employee Housing:													
6 or Fewer Employees		-			-			-			-		-
12 or Fewer Employees		-			-			-			-		-
Greater than 12 Employees		-			-			-			-		-
Fraternities, Sororities and Student Dormitories		C			C			C			C		-
Garage, Yard, & Estate Sales		L			L			L			L		-
Guest Quarters		-			-			-			-		-
Home Occupations		L			L			L			L		-
Housing for Senior Citizens		C			C			C			C		-
Live/Work Quarters		-			-			-			-		-
Residential Care Facilities:													
6 or fewer persons		P			P			P			P		-
7 or more persons		C			C			C			C		-
Transitional Housing:													
6 or fewer persons		P			P			P			P		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
7 or more persons		C			C			C			C		-
Watchkeeper Quarters		-			-			-			-		-
Institutional													
Separately Regulated Institutional Uses													
Airports		-			-			-			-		-
Botanical Gardens & Arboretums		C			C			C			C		-
Cemeteries, Mausoleums, Crematories		-			-			-			-		-
Churches & Places of Religious Assembly		P			P			P			P		-
Correctional Placement Centers		-			-			-			-		-
Educational Facilities:													
Kindergarten through Grade 12		P			P			P			P		-
Colleges / Universities		C			C			C			C		
Vocational / Trade School		-			-			-			-		-
Energy Generation & Distribution Facilities		-			-			-			C		C
Exhibit Halls & Convention Facilities		-			-			-			-		-
Flood Control Facilities		L			L			L			L		-
Historical Buildings Used for Purposes Not Otherwise Allowed		C			C			C			C		C
Homeless Facilities:													
Congregate Meal Facilities		-			-			C			C		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Emergency Shelters		-			-			C			C		-
Homeless Day Centers		-			-			C			C		-
Hospitals, Intermediate Care Facilities & Nursing Facilities		C			C			C			C		-
Interpretive Centers		-			-			-			-		-
Museums		-			-			-			-		-
Major Transmission, Relay, or Communications Switching Stations		-			-			-			-		-
Satellite Antennas		L			L			L			L		L
Social Service Institutions		-			-			-			-		-
Wireless communication facility:													
Wireless communication facility in the public right-of- way with subterranean equipment adjacent to a non- residential use		L			L			L			L		L
Wireless communication facility in the public right-of- way with subterranean equipment adjacent to a residential use		N			N			N			N		N
Wireless communication facility in the public right-of- way with above ground equipment		C			C			C			C		C
Wireless communication facility outside the public		C			C			C			C		C

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
<i>right-of-way</i>													
Sales													
Building Supplies & Equipment		-			-			-			-		-
Food, Beverages and Groceries		-			-			p ⁽⁸⁾			p ⁽⁸⁾		p ⁽⁸⁾
Consumer Goods, Furniture, Appliances, Equipment		-			-			-			-		-
Pets & Pet Supplies		-			-			-			-		-
Sundries, Pharmaceuticals, & Convenience Sales		-			-			p ⁽⁸⁾			p ⁽⁸⁾		p ⁽⁸⁾
Wearing Apparel & Accessories		-			-			-			-		-
Separately Regulated Sales Uses													
Agriculture Related Supplies & Equipment		-			-			-			-		-
Alcoholic Beverage Outlets		-			-			-			-		-
Plant Nurseries		-			-			-			-		-
Swap Meets & Other Large Outdoor Retail Facilities		-			-			-			-		-
Commercial Services													
Building Services		-			-			-			-		-
Business Support		-			-			-			-		-
Eating & Drinking Establishments		-			-			-			-		-
Financial Institutions		-			-			-			-		-
Funeral & Mortuary Services		-			-			-			-		-
Maintenance & Repair		-			-			-			-		-
Off-Site Services		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Personal Services		-			-			p ⁽⁸⁾			p ⁽⁸⁾		p ⁽⁸⁾
Assembly & Entertainment		-			-			-			-		-
Radio & Television Studios		-			-			-			-		-
Visitor Accommodations		-			-			-			p ⁽⁶⁾		p ⁽⁶⁾
Separately Regulated Commercial Services Uses													
Adult Entertainment Establishments:													
Adult Book Store		-			-			-			-		-
Adult Cabaret		-			-			-			-		-
Adult Drive-In Theater		-			-			-			-		-
Adult Mini-Motion Picture Theater		-			-			-			-		-
Adult Model Studio		-			-			-			-		-
Adult Motel		-			-			-			-		-
Adult Motion Picture Theater		-			-			-			-		-
Adult Peep Show Theater		-			-			-			-		-
Adult Theater		-			-			-			-		-
Body Painting Studio		-			-			-			-		-
Massage Establishment		-			-			-			-		-
Sexual Encounter Establishment		-			-			-			-		-
Bed & Breakfast Establishments:													
1-2 Guest Rooms		L			L			L			P		P
3-5 Guest Rooms		N			N			L			P		P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
6+ Guest Rooms		C			N			N			P		P
Boarding Kennels		-			-			-			-		-
Camping Parks		-			-			-			-		-
Child Care Facilities:													
Child Care Centers		C			C			C			C		-
Large Family Child Care Homes		L			L			L			L		-
Small Family Child Care Homes		L			L			L			L		-
Eating and Drinking Establishments Abutting Residentially Zoned Property		-			-			-			-		-
Fairgrounds		-			-			-			-		-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C			C			C			C		-
Helicopter Landing Facilities		-			-			-			-		-
Instructional Studios		-			-			-			-		-
Massage Establishments, Specialized Practice		-			-			-			-		-
Nightclubs & Bars over 5,000 square feet in size		-			-			-			-		-
Parking Facilities as a <i>Primary Use</i> :													
Permanent Parking Facilities		-			-			-			-		-
Temporary Parking Facilities		-			-			-			-		-
Private Clubs, Lodges and Fraternal Organizations		-			-			-			-		P

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁴⁾		-			-			-			-		-
Pushcarts:													
Pushcarts on Private Property		-			-			-			-		-
Pushcarts in Public Right of Way		-			-			-			-		-
Recycling Facilities:													
Large Collection Facility		-			-			-			-		-
Small Collection Facility		-			-			-			-		-
Large Construction & Demolition Debris <i>Recycling</i> Facility		-			-			-			-		-
Small Construction & Demolition Debris <i>Recycling</i> Facility		-			-			-			-		-
Drop-off Facility		-			-			-			-		-
Green Materials Composting Facility		-			-			-			-		-
Mixed Organic Composting Facility		-			-			-			-		-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Large Processing Facility Accepting All Types of Traffic		-			-			-			-		-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-			-			-			-		-
Small Processing Facility Accepting All Types of Traffic		-			-			-			-		-
Reverse Vending Machines		-			-			-			-		-
Tire Processing Facility		-			-			-			-		-
Sidewalk Cafes		-			-			-			-		-
Sports Arenas & Stadiums		-			-			-			-		-
Theaters That Are Outdoor or over 5,000 Square Feet in Size		-			-			-			-		-
Urgent Care Facility		-			-			-			-		-
Veterinary Clinics & Animal Hospitals		-			-			-			-		-
Zoological Parks		-			-			-			-		-
Offices													
Business & Professional		-			-			-			-		-
Government		-			-			-			-		-
Medical, Dental, & Health Practitioner		-			-			p ⁽⁷⁾			p ⁽⁷⁾		-
Regional & Corporate Headquarters		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Separately Regulated Office Uses													
Real Estate Sales Offices & Model Homes		L			L			L			L		-
Sex Offender Treatment & Counseling		-			-			L			L		-
Vehicle & Vehicular Equipment Sales & Service													
Commercial Vehicle Repair & Maintenance		-			-			-			-		-
Commercial Vehicle Sales & Rentals		-			-			-			-		-
Personal Vehicle Repair & Maintenance		-			-			-			-		-
Personal Vehicle Sales & Rentals		-			-			-			-		-
Vehicle Equipment & Supplies Sales & Rentals		-			-			-			-		-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses													
Automobile Service Stations		-			-			-			-		-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-			-			-			-		-
Wholesale, Distribution, Storage													
Equipment & Materials Storage Yards		-			-			-			-		-
Moving & Storage Facilities		-			-			-			-		-
Warehouses		-			-			-			-		-
Wholesale Distribution		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Separately Regulated Wholesale, Distribution, and Storage Uses													
Impound Storage Yards		-			-			-			-		-
Junk Yards		-			-			-			-		-
Temporary Construction Storage Yards Located off-site		N			N			N			N		-
Industrial													
Heavy Manufacturing		-			-			-			-		-
Light Manufacturing		-			-			-			-		-
Marine Industry		-			-			-			-		-
Research & Development		-			-			-			-		-
Trucking & Transportation Terminals		-			-			-			-		-
Separately Regulated Industrial Uses													
<i>Hazardous Waste</i> Research Facility		-			-			-			-		-
<i>Hazardous Waste</i> Treatment Facility		-			-			-			-		-
Marine Related Uses Within the Coastal Overlay Zone		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Mining and Extractive Industries		-			-			-			-		-
Newspaper Publishing Plants		-			-			-			-		-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-			-			-			-		-
Very Heavy Industrial Uses		-			-			-			-		-
Wrecking & Dismantling of Motor Vehicles		-			-			-			-		-
Signs													
Allowable Signs		P			P			P			P		P
Separately Regulated Signs Uses													
Community Entry Signs		L			L			L			L		L
Neighborhood Identification Signs		N			N			N			N		N
Reallocation of Sign Area Allowance		-			-			-			-		-
Revolving Projecting Signs		-			-			-			-		-
Signs with Automatic Changing Copy		-			-			-			-		-
Theater Marquees		-											

Footnotes for Table 131-04B

- 1 Development of a *mobilehome park* in any RS or RX zone is subject to Section 143.0302.
- 2 Development of a *mobilehome park* in the RM zones is subject to Section 143.0302.
- 3 This use is permitted only if as an *accessory use*, but shall not be subject to the *accessory use* regulations in Section 131.0125.
- 4 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- 5 Non-owner occupants must reside on the *premises* for at least 7 consecutive calendar days.

- 6 Two *guest rooms* are permitted for visitor accommodations per the specified square footage of lot area required per dwelling unit (maximum permitted *density*), as indicated on Table 131-04G.
- 7 See Section 131.0423(a).
- 8 See Section 131.0423(b).
- 9 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres. Maintaining, raising, feeding, or keeping of swine is not permitted.
- 10 A Residential High Occupancy Permit is required in accordance with Section 123.0502 for a *single dwelling unit* when the occupancy of the *dwelling unit* would consist of six or more persons eighteen years of age and older residing in the *dwelling unit* for a period of 30 or more consecutive days.

(Amended 7-14-2003 by O-19197 N.S.)

(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)

(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 1-29-2008 by O-19704 N.S.; effective 2-28-2008.)

(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)

(Amended 11-13-08 by O-19799 N.S.; effective 12-13-2008.)

(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)

(Amended 11-13-08 by O-19804 N.S.; effective 12-13-2008.)

§131.0423 Additional Use Regulations of Residential Zones

The following uses are permitted in the residential zones indicated in Table 131-04B, subject to the additional use regulations in this Section.

- (a) Medical, dental, and health practitioner offices are permitted subject to the following:
- (1) No overnight patients are permitted; and
 - (2) Not more than two practitioners, and not more than three employees of each practitioner, shall work on the *premises*.
- (b) Sales and commercial service uses, where identified in the RM zones, are permitted subject to the following:
- (1) Identified retail and commercial services uses are permitted only as a mixed-use in *developments* with 25 or more residential dwelling units;
 - (2) Retail and commercial uses must be located on the ground *floor*; and
 - (3) Retail and commercial uses shall not occupy more than a total of 25 percent of the *gross floor area* of the ground *floor*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)

§131.0430 Development Regulations of Residential Zones

- (a) Within the residential zones, no *structure* or improvement shall be constructed, established, or altered, nor shall any *premises* be used unless the *premises* complies with the regulations and standards in this division and with any applicable development regulations in Chapter 13, Article 2 (Overlay Zones) and Chapter 14 (General and Supplemental Regulations).
- (b) A Neighborhood Development Permit or Site Development Permit is required for the types of *development* identified in Table 143-03A.
- (c) The regulations in this division apply to all *development* in the residential base zones whether or not a permit or other approval is required except where specifically identified.

(Added 12-9-1997 by O-18451 N.S)

(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§131.0431 Development Regulations Table of Residential Zones

The following development regulations apply in the residential zones as shown in the Table 131-04C, 131-04D, 131-04E, and 131-04F.

- (a) RE Zones

**Table 131-04C
Development Regulations of RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Max permitted <i>density</i> (DU per lot)		1	1	1
Min lot area (ac)		10	5	1
Min lot dimensions				
Lot width (ft)		200	200	100
<i>street frontage</i> (ft) [See Section 131.0442(a)]		200	200	100

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
Lot width (corner) (ft)		200	200	100
Lot depth (ft)		200	200	150
Setback requirements				
Min Front <i>setback</i> (ft) [See Section 131.0443(a)(1) and (2)]		25	25	25
Min Side <i>setback</i> (ft) [See Section 131.0443(a)(3)]		20	20	20
Min <i>Street side setback</i> (ft) [See Section 131.0443(a)(3)]		20	20	20
Min Rear <i>setback</i> (ft) [See Section 131.0443(a)(4)]		25	25	25
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies
Max structure height (ft) [See Section 131.0444(a)]		30	30	30
Lot coverage for sloping lots [See Section 131.0445(a)]		applies	applies	applies
Max floor area ratio		0.10	0.20	0.35
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies
Accessory uses and structures [See Section 131.0448 (a),(b)]		applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	Applies
Building spacing [See Section 131.0450]		applies	applies	applies
Max third story dimensions		--	--	--
Architectural projections and encroachments		--	--	--
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies
Diagonal plan dimension				
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	Applies

(b) RS Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
		1-	1-	1-	1-	1-	1-	1-
		1	2	3	4	5	6	7
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
Street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
Setback requirements								
Min Front setback (ft)		25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾	.08 ⁽²⁾
Min Street side setback (ft) [Multiply number in table by actual lot width to calculate setback]		.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾	.10 ⁽²⁾
Min Rear setback (ft)		25 ⁽³⁾	25 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	15 ⁽³⁾	13 ⁽³⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		24/30 ⁽⁴⁾	24/30 ⁽⁴⁾	24/30 ⁽⁴⁾	24/30 ⁽⁴⁾	24/30 ⁽⁴⁾	24/30 ⁽⁴⁾	24/30 ⁽⁴⁾

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Lot coverage for sloping lots [See Section 131.0445(a)]		applies	applies	applies	applies	applies	applies	applies
Max floor area ratio		0.45	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾	varies ⁽⁵⁾
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies	applies	applies	applies	applies
Max third story dimensions [See Section 131.0460]		--	applies	applies	applies	applies	applies	applies
Architectural projections and encroachments [See Section 131.0461(a)]		applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
Bedroom regulation		applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies	Applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1 st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot)		1	1	1	1	1	1	1
Min lot area (sf)		40,000	20,000	15,000	10,000	8,000	6,000	5,000
Min lot dimensions								
Lot width (ft)		100	80	75	65	60	60	50
street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
Setback requirements								
Min Front setback (ft)		25 ⁽¹⁾	25 ⁽¹⁾	25 ⁽¹⁾	20 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Min Side setback (ft)		10	8	7	6	5	5	4
Min Street side setback (ft)		20	15	15	10	10	10	10
Min Rear setback (ft)		10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾	10 ⁽⁶⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		35	35	35	35	35	35	35
Lot coverage for sloping lots [See Section 131.0445(a)]		-	-	-	-	-	-	-
Max floor area ratio [See Section 131.0446(b)]		0.45	0.60	0.60	0.60	0.60	0.60	0.60
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies	applies	applies	applies	applies
Max third story dimensions		-	-	-	-	-	-	-
Architectural projections and encroachments [See Section 131.0461(a)]		applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension								
Bedroom regulation		applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾	applies ⁽⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies	Applies

Footnotes for Table 131-04D

- For lots where at least one-half of the front 50 feet of the lot depth has a minimum slope gradient of 25 percent, the setback closest to the street frontage may be reduced to a minimum 6 feet.

- 2 The required side *setbacks* may be reallocated where the combined dimension of each side *setback* would meet or exceed the combined total required in Table 131-04D. In no case shall a side *setback* be reduced to less than 4 feet. Once a side *setback* is established, all additions to the primary *structure* thereafter shall maintain the established side *setback*.
- 3 See Section 131.0443(a)(2).
- 4 See Section 131.0444(b).
- 5 See Section 131.0446(a).
- 6 See Section 131.0443(a)(3).
- 7 On lots less than 10,000 square feet a single dwelling unit shall be limited to 6 bedrooms maximum

(c) RX Zones

Table 131-04E
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum permitted <i>density</i> (DU per lot)		1	1
Min lot area (sf) [See Section 131.0441]		4,000	3,000
Min lot dimensions			
Lot width (ft)		35	35 ⁽¹⁾
<i>street frontage</i> (ft) [See Section 131.0442(b)]		35	35 ⁽¹⁾
Lot width (corner) (ft)		35	35 ⁽¹⁾
Lot depth (ft)		50	50
Setback requirements			
Min Front <i>setback</i> (ft) [See Section 131.0443(b)(1)]		15	15
Min Side <i>setback</i> (ft) [See Section 131.0443(b)(2)]		3/0	3/0
Detached		0	0
Attached			
Min <i>Street Side Setback</i> (ft) [See Section 131.0443(b)(2)]		3	3
Min Rear <i>setback</i> (ft) [See Section 131.0443(b)(3)]		10	10
Max <i>structure height</i> (ft) [See Section 131.0444(c)]		30	30

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Max floor area ratio [See Section 131.0446(c)]		0.70	0.80
Accessory uses and structures [See Section 131.0448(a),(b)]		applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies
Building spacing [See Section 131.0450]		applies	applies
Architectural projections and encroachments [See Section 131.0461(a)]		applies	applies
Requirements for attached units [See Section 131.0462]		applies	applies
Roof design variation [See Section 131.0463]		applies	applies
Supplemental regulations [See Section 131.0464(b)]		applies	Applies
Diagonal plan dimension			
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies

Footnote for Table 131-04E

¹ If a lot abuts an alley, see Section 131.0442(c).

(d) RT Zones

Table 131-04F
Development Regulations of RT Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones			
	1st & 2nd >>	RT-			
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	3	4
Maximum permitted <i>density</i> (DU per <i>lot</i>)		1	1	1	1
Min lot area (sf) [See Section 131.0441]		3,500	3,000	2,500	2,200
Min lot dimensions					
Lot width (ft)		25	25	25	25
<i>street frontage</i> (ft)		25	25	25	25
Lot width (corner) (ft)		25	25	25	25
Lot depth (ft)		100	100	90	80
Setback requirements					
Min Front <i>setback</i> (ft) [See Section 131.0443(c)(1)]		5	5	5	5
Max Front <i>Setback</i> (ft) [See Section 131.0443(c)(1)]		15	15	15	15
Side <i>setback</i> (ft) [See Section 131.0443(c)(2)]		0	0	0	0

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones			
	1st & 2nd >>	RT-			
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	3	4
Min <i>Street side setback</i> (ft)		5	5	5	5
Min <i>Rear setback</i> (ft)		3	3	3	3
Max structure height [See 131.0444(d)]					
1 and 2 <i>story</i> buildings (ft)		21	21	21	21
<i>slab floor</i>		25	25	25	25
<i>raised floor</i>					
3 <i>story</i> buildings (ft)		31	31	31	31
<i>slab floor</i>		35	35	35	35
<i>raised floor</i>					
Max lot coverage (%) [See Section 131.0445(b)]		60	65	70	75
Max floor area ratio [See 131.0446(d)]					
1 and 2 <i>story</i> buildings		0.85	0.95	1.00	1.10
3 <i>story</i> buildings		1.20	1.30	1.40	1.50
Accessory uses and structures [See Section 131.0448(a)]		applies	applies	applies	applies
Garage regulations [See Section 131.0449(b)]		applies	applies	applies	applies
Min development [See Section 131.0451]		applies	applies	applies	applies
Parkway requirement [See Section 131.0452]		applies	applies	applies	applies
Architectural projections and encroachments [See Section 131.0461(b)]		applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(c)]		applies	applies	applies	applies
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies

Table 131-04G

(e) RM Zones

Development Regulations of RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density^{(1),(2)} (sf per DU)		3,000	2,500	2,000	1,750	1,500	1,250
Min lot area (sf)		6,000	6,000	6,000	6,000	6,000	6,000
Min lot dimensions							
Lot width (ft)		50	50	50	50	50	50
Street frontage (ft) [See Section 131.0442(a)]		50	50	50	50	50	50
Lot width (corner) (ft)		55	55	55	55	55	55
Lot depth (ft)		90	90	90	90	90	90
Setback requirements							
Min Front setback (ft)		15 ⁽³⁾	15 ⁽³⁾	15 ⁽³⁾	15 ⁽⁷⁾	15 ⁽⁷⁾	15 ⁽⁷⁾
Std Front Setback (ft)		20 ⁽³⁾	20 ⁽³⁾	20 ⁽³⁾	20 ⁽⁷⁾	20 ⁽⁷⁾	20 ⁽⁷⁾
Min Side setback (ft)		5 ⁽⁴⁾	5 ⁽⁴⁾	5 ⁽⁴⁾	5 ⁽⁸⁾	5 ⁽⁸⁾	5 ⁽⁸⁾
Std Side Setback (ft)		8 ⁽⁴⁾	8 ⁽⁴⁾	8 ⁽⁴⁾	-	-	-
Min Street side setback(ft)		10 ⁽⁵⁾	10 ⁽⁵⁾	10 ⁽⁵⁾	10 ⁽⁹⁾	10 ⁽⁹⁾	10 ⁽⁹⁾
Min Rear setback (ft)		15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽⁶⁾	15 ⁽¹⁰⁾	15 ⁽¹⁰⁾	15 ⁽¹⁰⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies
Max structure height (ft)		30 ⁽¹⁷⁾	30 ⁽¹⁷⁾	30 ⁽¹⁷⁾	40 ⁽¹⁸⁾	40 ⁽¹⁸⁾	40 ⁽¹⁸⁾
Max lot coverage		-	-	-	-	-	-
Max floor area ratio		0.75	0.90 ⁽¹⁹⁾	1.05 ⁽¹⁹⁾	1.20 ^(19,29)	1.35 ⁽¹⁹⁾	1.50 ⁽¹⁹⁾

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Accessory uses and structures [See Section 131.0448(a)]		applies	applies	applies	applies	applies	applies
Lot consolidation regulations [See Section 131.0453(a)]		applies	applies	-	-	-	-
Storage requirements [See Section 131.0454]		applies	applies	applies	applies	applies	applies
Private exterior open space		applies ⁽²²⁾	applies ⁽²²⁾	applies ⁽²²⁾	applies ⁽²³⁾	applies ⁽²³⁾	applies ⁽²³⁾
Common open space [See Section 131.0456]		applies	applies	applies	applies	applies	applies
Architectural projections and encroachments		Permitted ⁽¹⁵⁾	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁵⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾
Supplemental requirements		applies ⁽²⁶⁾	applies ⁽²⁶⁾	applies ⁽²⁶⁾	applies ⁽²⁷⁾	applies ⁽²⁷⁾	applies ⁽²⁷⁾
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density^{(1),(2)} (sf per DU)		1,000	800	600	400	200	1,000 ⁽³⁶⁾
Min lot area (sf)		7,000	7,000	7,000	7,000	7,000	10,000
Min lot dimensions							
Lot width (ft)		70	70	70	100	100	100
Street frontage (ft) [See Section 131.0442(a)]		70	70	70	100	100	100
Lot width (corner) (ft)		75	75	75	100	100	100
Lot depth (ft)		100	100	100	100	100	100
Setback requirements							
Min Front setback (ft) Std Front Setback (ft)		10 ⁽¹¹⁾ 20 ⁽¹¹⁾	10 ⁽¹¹⁾ 20 ⁽¹¹⁾	10 ⁽¹¹⁾ 20 ⁽¹¹⁾	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	15 ⁽³⁰⁾
Min Side setback (ft) Std Side Setback (ft)		5 ⁽¹²⁾ -	5 ⁽¹²⁾ -	5 ⁽¹²⁾ -	varies ⁽¹⁴⁾ -	varies ⁽¹⁴⁾ -	4 ⁽³¹⁾ -
Min Street side setback(ft)		10 ⁽¹³⁾	10 ⁽¹³⁾	10 ⁽¹³⁾	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	10 ⁽³²⁾
Min Rear setback (ft)		5	5	5	varies ⁽¹⁴⁾	varies ⁽¹⁴⁾	15 ⁽³³⁾
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	-
Max structure height (ft)		40	50	60	-	-	-
Max lot coverage		-	-	-	applies ⁽²¹⁾	applies ⁽²¹⁾	applies ⁽³⁴⁾
Max floor area ratio		1.80 ⁽²⁰⁾	2.25 ⁽²⁰⁾	2.70 ⁽²⁰⁾	3.60 ⁽²⁰⁾	7.20 ⁽²⁰⁾	1.80 ^{(20),(35)}
Accessory uses and structures [See Section 131.0448(a)]		applies	applies	applies	applies	applies	applies
Lot consolidation regulations		-	-	-	-	-	-
Storage requirements [See Section 131.0454]		applies	applies	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Private exterior open space		Applies ⁽²⁴⁾	applies ⁽²⁴⁾	applies ⁽²⁴⁾	applies ⁽²⁵⁾	applies ⁽²⁵⁾	applies ⁽²⁵⁾
Common open space [See Section 131.0456]		applies	applies	applies	applies	applies	applies
Architectural Projections and encroachments		Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾	Permitted ⁽¹⁶⁾
Supplemental requirements		Applies ⁽²⁸⁾	applies ⁽²⁸⁾	applies ⁽²⁸⁾	-	-	-
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	Applies	applies	applies	Applies

Footnotes for Table 131-04G

- ¹ One dwelling unit per specified square foot of lot area as determined in accordance with Section 113.0222.
- ² An exception to the maximum permitted *density* may be permitted in accordance with Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus).
- ³ See Section 131.0443(d)(1).
- ⁴ See Section 131.0443(d)(2).
- ⁵ See Section 131.0443(d)(3).
- ⁶ See Section 131.0443(d)(4).
- ⁷ See Section 131.0443(e)(1).
- ⁸ See Section 131.0443(e)(2).
- ⁹ See Section 131.0443(e)(3).
- ¹⁰ See Section 131.0443(e)(4).
- ¹¹ See Section 131.0443(f)(1).
- ¹² See Section 131.0443(f)(2).
- ¹³ See Section 131.0443(f)(3).
- ¹⁴ See Section 131.0443(g).
- ¹⁵ See Section 131.0461(a).
- ¹⁶ See Section 131.0461(c).
- ¹⁷ See Section 131.0444(f).
- ¹⁸ See Section 131.0444(g).
- ¹⁹ See Section 131.0446(e).
- ²⁰ See Section 131.0446(f).
- ²¹ See Section 131.0445(c).
- ²² See Section 131.0455(a).

- 23 See Section 131.0455(b).
- 24 See Section 131.0455(c).
- 25 See Section 131.0455(d).
- 26 See Section 131.0464(d).
- 27 See Section 131.0464(e).
- 28 See Section 131.0464(f).
- 29 With the Peninsula and Ocean Beach community plan areas, the maximum *floor area ratio* is 0.70.
- 30 See Section 131.0443(h)(1).
- 31 See Section 131.0443(h)(2).
- 32 See Section 131.0443(h)(3).
- 33 See Section 131.0443(h)(4).
- 34 See Section 131.0445(d).
- 35 See Section 131.0446(g).
- 36 Within the La Jolla, Pacific Beach, and Torrey Pines community plan areas, the maximum permitted *density* is one dwelling unit or two *guest rooms* for each 1,500 square feet of lot area.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000)

(Amended 6-19-2000 by O-18814 N.S.)

(Amended 8-1-2007 by O-19650 N.S.; effective 8-31-2007.)

(Amended 11-13-08 by O-19805 N.S; effective 12-13-2008.)

(Amended 11-13-08 by O-19799 N.S; effective 12-13-2008.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0441 Minimum Lot Area in Residential Zones

In the RX and RT zones, *lots* served by *alley* access may use a portion of the *alley* to meet the minimum lot area requirement. Up to one-half the width of the abutting *alley*, not to exceed 10 feet, may be applied toward the total lot area provided the *alley* area does not exceed 10 percent of the minimum lot area requirement.

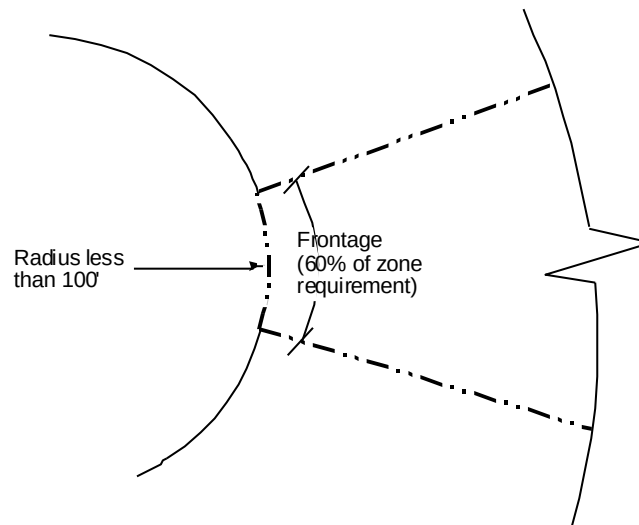
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0442 Minimum Lot Dimensions in Residential Zones

- (a) Exception to Minimum *Street Frontage* in the RE, RS, and RM Zones

The minimum *street frontage* for any *lot* in the RE, RS, and RM zones that fronts principally on a turnaround or curving *street* with a centerline radius of less than 100 feet, is 60 percent of the *street frontage* specified for the zone in which the *lot* is located as shown in Diagram 131-04A.

Diagram 131-04A
Lot Frontage on Curving Street



(b) Exception to Minimum *Street Frontage* in the RX Zones

The minimum *street frontage* is 28.5 feet for any *lot* in the RX zones that fronts principally on a turnaround or curving *street* with a centerline radius of less than 100 feet.

(c) Minimum Lot Dimensions in the RX-1-2 Zone

Where a *lot* in the RX-1-2 zone abuts an *alley* and access is taken from the *alley*, the indicated minimum lot dimensions are as follows:

Lot Width 25 feet
Street Frontage 25 feet
Lot Width (corner) 25 feet

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0443 Setback Requirements in Residential Zones

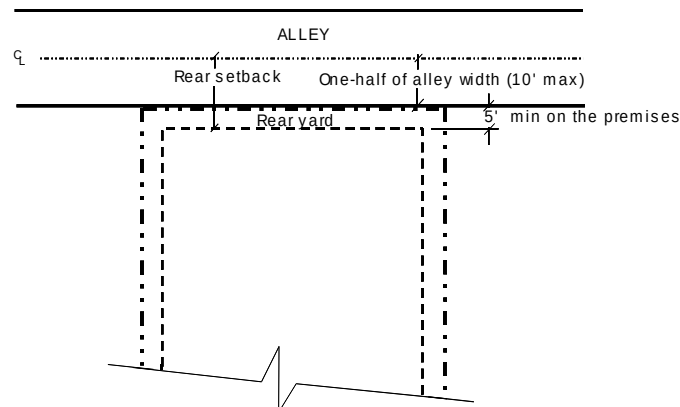
(a) *Setbacks* in RE and RS Zones

(1) Front *Setbacks* in RE and RS Zones

For that portion of a *lot* that fronts a cul-de-sac, the minimum front *setback* may be reduced 5 feet below the requirement specified in Tables 131-04C and 131-04D; however, in no case shall the *setback* be less than 5 feet.

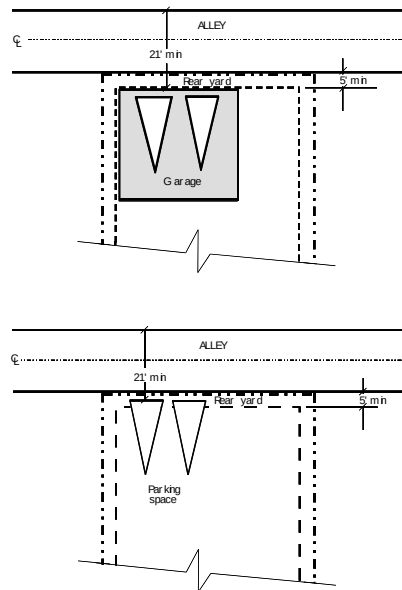
- (2) Rear *Setback* in all RE Zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones
- (A) The required rear *setback* is at least the dimension shown in Table 131-04D, except as follows:
- (i) For *lots* less than 100 feet in depth, the rear *setback* is at least 10 percent of the lot depth, but not less than 5 feet; and
 - (ii) For *lots* greater than 150 feet in depth, the rear *setback* is at least 10 percent of the lot depth or the dimension shown in Tables 131-04C and 131-04D, whichever is greater.
- (B) Where a rear *yard* abuts an *alley*, one-half of the *alley* width, but not more than 10 feet, may be counted toward the required rear *setback*. In no case shall a rear *setback* using this provision be less than 5 feet on the *premises*. See Diagram 131-04B.

Diagram 131-04B
Rear Yard Abutting Alley



- (C) Where access for parking is taken from the *alley* and the parking spaces are not parallel to the *alley*, a minimum distance of 21 feet shall be provided between the edge of the *alley public right-of-way* opposite the *lot* and the outside edge of the parking garage or parking stall closest to the *alley*. See Diagram 131-04C.

Diagram 131-04C
Parking Adjacent to Alley



- (3) Rear *Setback* in the RS-1-8, RS-1-9, RS-1-10, RS-1-11, RS-1-12, RS-1-13, and RS-1-14 Zones

For *lots* that are served by *alley* access, the rear *setback* may be reduced to 4 feet.

- (b) *Setbacks* in RX Zones

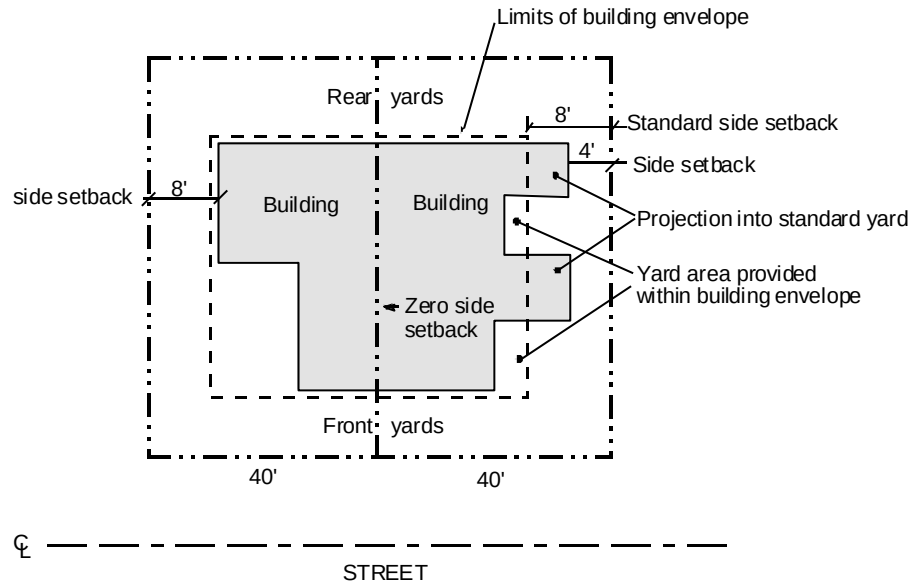
- (1) Front *Setback* in RX Zones

RX zone *developments* exceeding a total of four dwelling units are required to provide variable front *setbacks* as follows:

- (A) Front *setbacks* of 15 feet are required for at least 25 percent of the total dwelling units, 10-foot front *setbacks* are required for at least 25 percent of the total dwelling units, and 20-foot front *setbacks* are required for at least 25 percent of the total dwelling units;

- (B) No more than 40 percent of the total number of dwelling units are permitted to have front *setbacks* in any one category (i.e. 10 feet, 15 feet, or 20 feet) described in 131.0443(b)(1)(A); and
 - (C) Variable front *setbacks* described in this section shall be established by easement at the time of *tentative map* approval. The easements shall be established at the time of zone application if *lots* are existing and no map is proposed. If a Planned Development Permit is processed, the variable *setbacks* may be established with the permit in lieu of creating easements.
- (2) Side and *Street Side Setbacks* in RX Zones
- (A) For detached dwellings, the following shall apply:
 - (i) Minimum side and *street side setbacks* are at least 3 feet or 10 percent of the lot width, whichever is greater, but is not required to be more than 5 feet;
 - (ii) No side *setback* is required for one side only provided the side with no *setback* is adjacent to other property within an RX zone; and
 - (iii) A separation of at least 10 feet between buildings must be observed on at least one side of each building.
 - (B) For attached dwellings, the following shall apply:
 - (i) No side *setback* shall be observed on one side, excluding street side yard;
 - (ii) The opposite side *setback* is 6 feet or 20 percent of the lot width, whichever is greater, but is not required to be more than 10 feet. This side *setback* may be 4 feet if a vertical offset in the structure's side wall is provided so that a *yard* area within the *building envelope* is provided that is equal to or exceeds the area projecting into the required *yard*. See Diagram 131-04D.

Diagram 131-04D
Side Yard Offset in the RX Zones

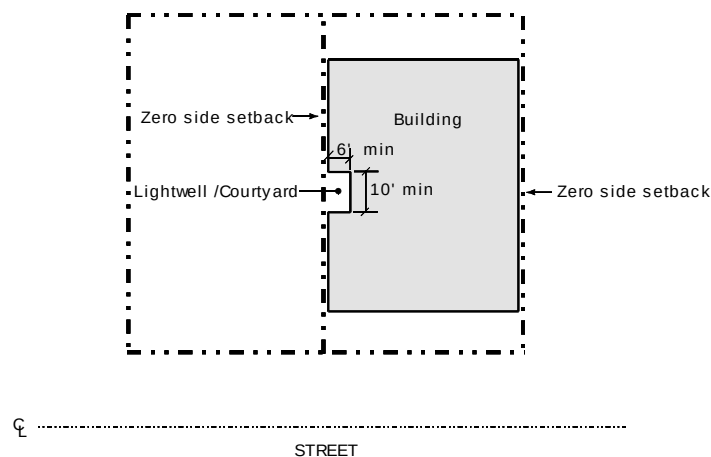


- (iii) Each separate dwelling unit shall have its own side yard wall construction that may abut another *dwelling unit* at the common property line. Common wall construction between two *dwelling units* is not permitted.
 - (3) Rear Setback in RX Zones

Rear setbacks shall be at least 10 feet or, if *alley* access exists, at least 4 feet.
 - (c) Setbacks in RT Zones
 - (1) Front Setback in RT Zones
 - (A) The minimum front setback is 10 percent of the depth of the *lot*, and in no case shall be less than 5 feet or more than 15 feet. At least some portion of the *building facade* shall be located within 1 foot of the *setback line*.
 - (B) 50 percent of the front *building facade* may encroach into the required front yard in accordance with Section 131.0461(b) provided that all supplemental requirements are met as set forth in Section 131.0464(c).

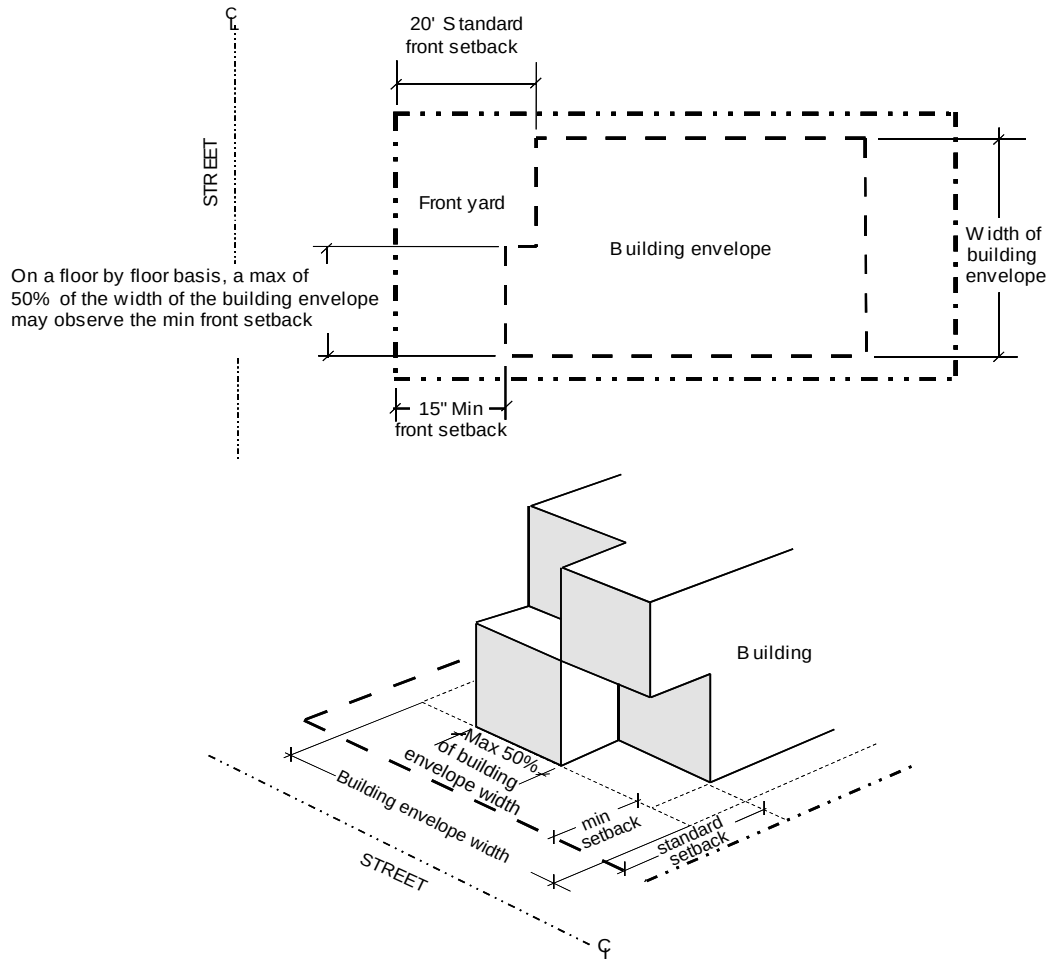
- (2) Side *Setbacks* in RT Zones
- (A) Side *yards* are not permitted except for lightwells and *court yards*, as shown in Diagram 131-04E, which shall be a minimum of 6 feet by 10 feet.

Diagram 131-04E
Lightwells and Courtyards in the RT Zones



- (B) Each separate dwelling unit shall have its own side yard wall construction that may abut another *dwelling unit* at the common property line. Common wall construction between two *dwelling units* is not permitted.
- (C) A minimum side *setback* of 3 feet is required adjacent to any *lot* that is not within an RT zone.
- (d) *Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones
- (1) Front *Setback* in RM-1-1, RM-1-2, RM-1-3 Zones
- (A) Up to 50 percent of the width of the *building envelope* may observe the minimum 15-foot front *setback*, provided the remaining percentage of the *building envelope* width observes the standard 20-foot *setback*. This may occur on a *floor-by-floor* basis. See Diagram 131-04F.

Diagram 131-04F
Standard/Minimum Front Setback



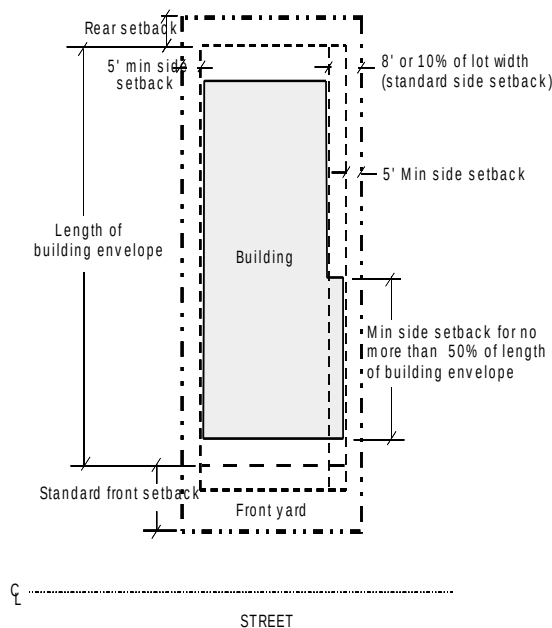
- (B) For any portion of a *lot* that fronts on a curving *street* with a centerline radius of less than 100 feet, the standard *setback* is 10 feet, and the minimum *setback* is 5 feet.

(2) Side Setbacks in RM-1-1, RM-1-2, RM-1-3 Zones

- (A) Up to 50 percent of the length of the *building envelope* on one side of the *premises* may observe the minimum 5-foot side *setback*, provided the remaining percentage of the *building envelope* length observes at least the standard side *setback* of 8 feet or 10 percent of the lot width, whichever is greater.

One hundred percent of the length of the *building envelope* on the opposite side may observe the minimum side *setback* of 5 feet. See Diagram 131-04G.

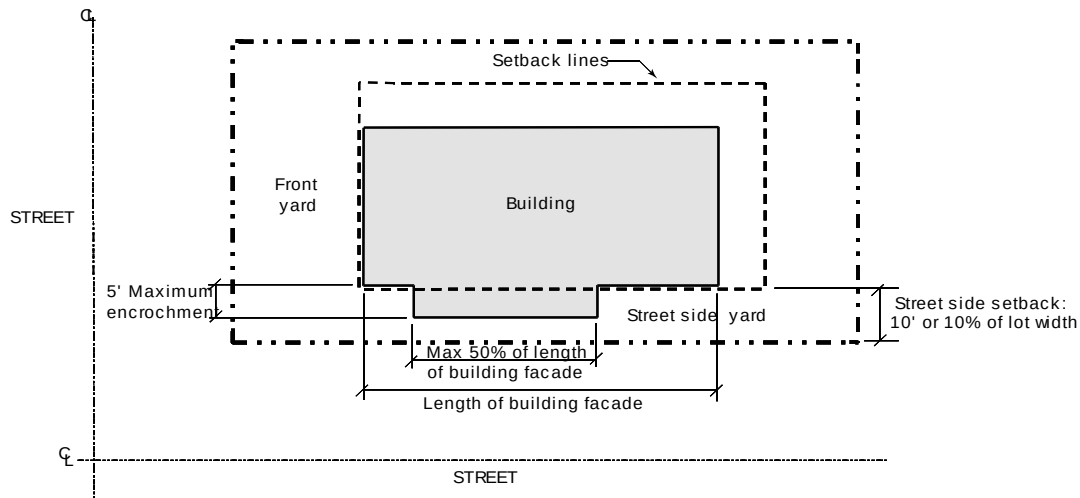
Diagram 131-04G
Standard/Minimum Side Setback



- (B) Exception: The minimum and standard side *setbacks* are at least 4 feet for a *premises* that is less than 50 feet but more than 25 feet wide. The minimum and standard side *setbacks* are at least 3 feet for a *premises* that is 25 feet wide or less.
- (C) Where there is an existing *development* on the *premises* with the side *setback* less than the current requirement and the building is to be maintained, new *development* may observe the existing side *setback* for 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.

- (3) *Street Side Setback* in RM-1-1, RM-1-2, RM-1-3 Zones
The minimum *street side setback* is at least 10 feet or 10 percent of the *premises* width, whichever is greater.
- (4) *Rear Setback* in RM-1-1, RM-1-2, RM-1-3 Zones
Where a rear *yard* abuts an *alley*, one-half of the *alley* width, but not more than 10 feet, may be counted toward the required rear *yard*. In no case shall a rear *setback* using this provision be less than 5 feet.
- (e) *Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones
 - (1) *Front Setback* in RM-2-4, RM-2-5, RM-2-6 Zones
 - (A) Up to 50 percent of the width of the *building envelope* may observe the minimum 15-foot front *setback*, provided the remaining percentage of the *building envelope* width observes the standard 20-foot *setback*. This may occur on a *floor-by-floor* basis.
 - (B) For any portion of a *lot* that fronts on a curving *street* with a centerline radius of less than 100 feet, the standard front *setback* is 10 feet and the minimum *setback* is 5 feet.
 - (2) *Side Setbacks* in RM-2-4, RM-2-5, RM-2-6 Zones
 - (A) The minimum side *setback* is 5 feet or 10 percent of the *premises* width, whichever is greater.
 - (B) Exception: The minimum side *setback* is 4 feet for a *premises* that is 40 to 50 feet in width.
 - (C) For *lots* with less than 40 feet in width, each side *setback* may be reduced to 10 percent of the *lot* width but shall not be reduced to less than 3 feet.
 - (3) *Street Side Setback* in RM-2-4, RM-2-5, RM-2-6 Zones
 - (A) The minimum *street side setback* is 10 feet or 10 percent of the *premises* width, whichever is greater.
 - (B) *Street Side Yard Encroachment Option*. Up to 50 percent of the *building facade* may encroach up to 5 feet into the required street side yard. The *encroachment* may occur on a floor-by-floor basis. See Diagram 131-04H.

Diagram 131-04H
Street Side Yard Encroachment Option



(4) Rear Setback in RM-2-4, RM-2-5, RM-2-6 Zones

Where a rear yard abuts an *alley*, one-half of the *alley* width, but not more than 10 feet, may be counted toward the required rear yard. In no case shall a rear setback using this provision be less than 5 feet.

(f) Setbacks in RM-3-7, RM-3-8, RM-3-9 Zones

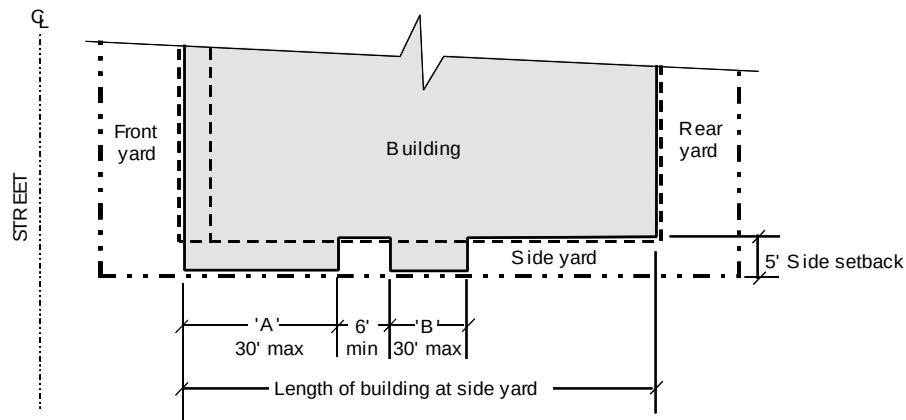
(1) Front Setback in RM-3-7, RM-3-8, RM-3-9 Zones

- (A) Up to 50 percent of the width of the *building envelope* may observe the minimum 10-foot front setback, provided the remaining percentage of the *building envelope* width observes the standard 20-foot setback. This may occur on a *floor-by-floor* basis.
- (B) For any portion of a *lot* that fronts on a curving *street* with a centerline radius of less than 100 feet, the standard front setback is 10 feet and the minimum setback is 5 feet.

(2) Side Setbacks in RM-3-7, RM-3-8, RM-3-9 Zones

- (A) The minimum side setback is 5 feet or 10 percent of the *premises* width, whichever is greater.
- (B) Up to 50 percent of the length of the building adjacent to the side yard may abut the side *property line*, provided that no encroaching element shall exceed 30 feet in length, that encroaching elements are separated by at least 6 feet, and that each dwelling unit has access to either the front or rear of the *lot*. See Diagram 131-04I.

Diagram 131-04I
Zero Side Setback Option



NOTE: The total length of 'A' plus 'B' shall not exceed 50% of the length of the building at side yard.

(3) *Street Side Setback* in RM-3-7, RM-3-8, RM-3-9 Zones

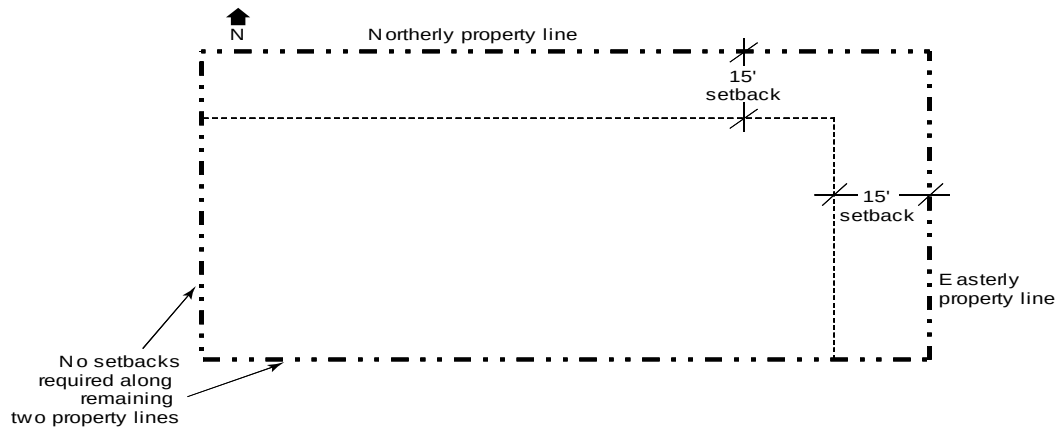
(A) The minimum *street side setback* is 10 feet or 10 percent of the *premises* width, whichever is greater.

(B) Up to 50 percent of the *building facade* may encroach up to 5 feet into the required street side yard.

(g) *Setbacks* in RM-4-10, RM-4-11 Zones

(1) Two contiguous *yards* must observe *setbacks* of at least 15 feet on the northerly and easterly elevations, as shown in Diagram 131-04J.

Diagram 131-04J
Contiguous Yard Requirement



- (2) The side *yard* and rear *yard* shall equal the requirements of the adjacent residential zone if that zone is more restrictive.
- (h) *Setback Requirements in the RM-5-12 Zone*
 - (1) *Front Setback in the RM-5-12 Zone*
The minimum front *setback* is 10 feet for any portion of a *lot* that fronts on a turnaround or on a curving *street* with a centerline radius of less than 100 feet.
 - (2) *Side Setback in the RM-5-12 Zone*
The minimum side *setback* specified in Table 131-04G shall be increased 3 feet for each 12 feet of *structure height* over 24 feet.
 - (3) *Street Side Setback in the RM-5-12 Zone*
The minimum *street side setback* is as indicated in Table 131-04G, except as follows:
 - (A) 9 feet for any *lot* that is at least 45 but less than 50 feet wide;
 - (B) 8 feet for any *lot* that is at least 40 but less than 45 feet wide;
 - (C) 7 feet for any *lot* that is at least 35 but less than 40 feet wide;
 - (D) 6 feet for any *lot* that is at least 30 but less than 35 feet wide; and
 - (E) 5 feet for any *lot* that is less than 30 feet wide.

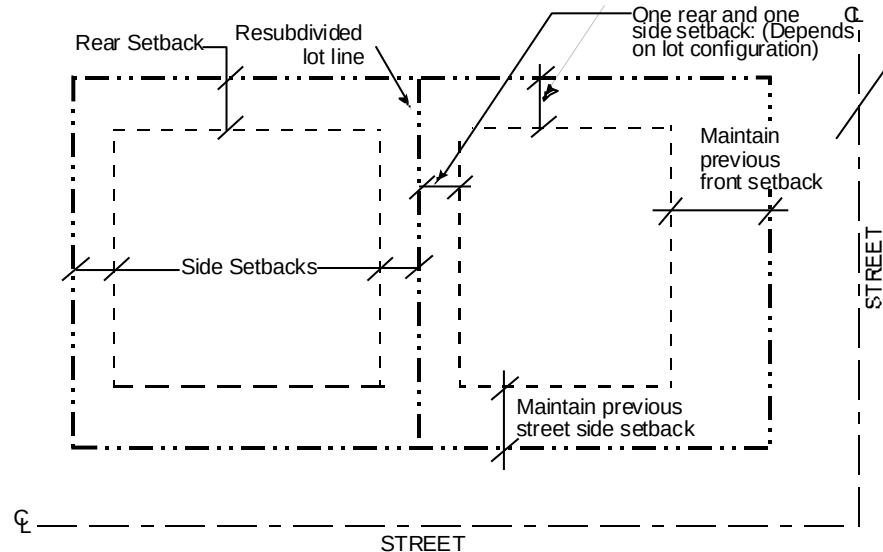
(4) Rear *Setback* in the RM-5-12 Zone

The rear *setback* specified in Table 131-04G shall be increased 3 feet for each 12 feet of *structure height* over 24 feet.

(i) *Setbacks* for Resubdivided Corner *Lots* in the RE, RS, and RM Zones

Corner *lots* that have been resubdivided shall maintain the front *setback* and *street side setback* in compliance with the requirements placed on the original *lot* configuration, as shown in Diagram 131-04K. The rear *yards* of the resubdivided *lots* shall be adjacent to the *property line* located opposite the front *property line* of the resubdivided *lots*.

Diagram 131-04K
Setbacks for Resubdivided Corner Lots



(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0444 Angled Building Envelope Plane / Maximum Structure Height in Residential Zones

- (a) Maximum *structure height* shall not exceed the height of the angled *building envelope* plane, which connects the maximum *structure height* adjacent to the setback and the overall maximum *structure height* as determined by the underlying base zone and the requirements below. Encroachments beyond the *building envelope* are subject to the requirements in Section 131.0461.
- (b) The angle of the *building envelope* plane is based on lot width as established in Table 131-04H.

**Table 131-04H
Required Angle Building Envelope Plane**

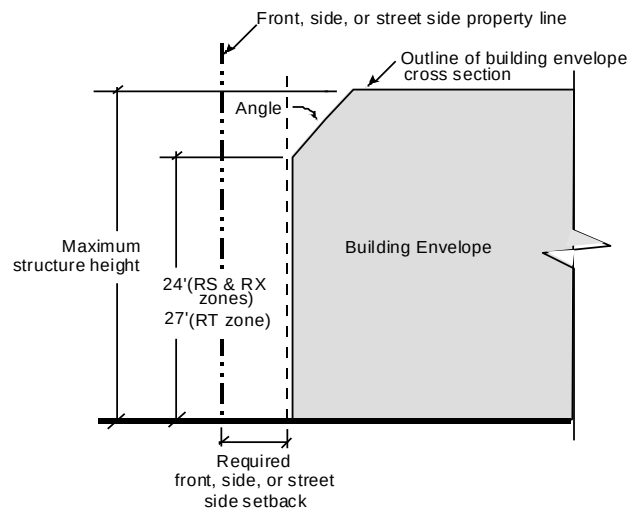
Lot Width:	Angle of Plane ¹
Less than 75 feet	45 degrees
75 feet to 150 feet	30 degrees
Greater than 150 feet	Not Applicable

Footnote for Table 131-04H

¹ The angled planes are measured from the vertical axis inward.

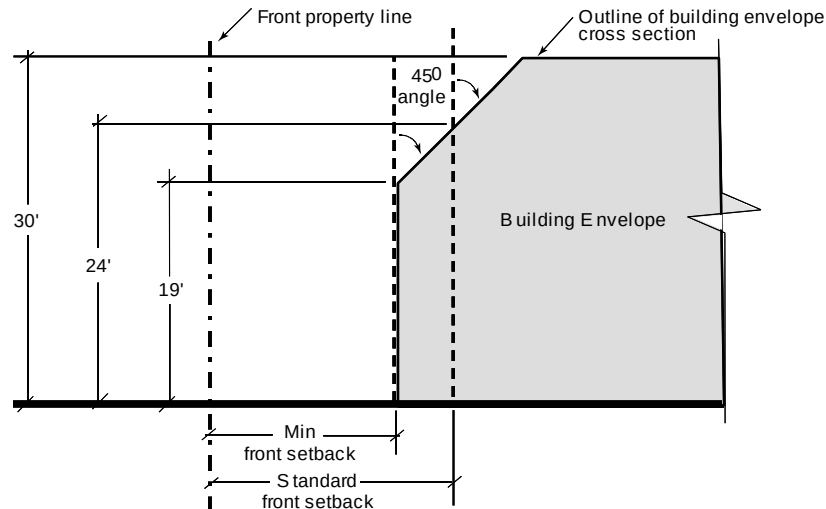
- (c) The maximum *structure height* requirements for the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7, and RX zones are stated in Tables 131-04D and 131-04E. The angled *building envelope* plane shall be required adjacent to required side *yards*. Angled *building envelope* planes are also required adjacent to front and street side *yards* in cases where the maximum *structure height* exceeds 27 feet. The angled *building envelope* plane shall be measured in accordance with Diagram 131-04L.

Diagram 131-04L
Angled Building Envelope Planes in RS, RX, and RT Zones



- (d) The maximum *structure height* requirements for RT zones are stated in Table 131-04F. For buildings with a slab foundation, the maximum permitted *structure height* is 21 feet for one- and two-story *structures* or 31 feet for three-story *structures*. For buildings with a conventional raised floor, the maximum permitted *structure height* is 25 feet for one- and two-story *structures* or 35 feet for three-story *structures*. For buildings with sloped roofs with at least a 3:12 pitch (3 vertical feet to 12 horizontal feet), the maximum permitted *structure height* is increased by 5 feet. In all cases, unless otherwise excepted, the height of the *building envelope* above 27 feet adjacent to the front *setback line* is established by a 30-degree angled *building envelope* plane slanting inward to the maximum permitted *structure height*. The angled *building envelope* planes shall be measured in accordance with Diagram 131-04L.
- (e) The maximum *structure height* requirements for the RM-1-1, RM-1-2, and RM-1-3 zones are stated in Table 131-04G. The angled *building envelope* plane requirements apply as follows:
- (1) At the front *setback line*, the height of the *building envelope* above 19 feet at the minimum *setback* and 24 feet at the standard setback, is established by a 45-degree angled *building envelope* plan sloping inward to the maximum permitted 30-foot *structure height* limit, as shown in Diagram 131-04M.

Diagram 131-04M
Angled Building Envelope at Front Setback



- (2) At the side *setback line*, the height of the *building envelope* above 24 feet in height is established by a 45-degree *building envelope* plane sloping inward to the maximum permitted 30-foot *structure height*.
- (f) The maximum *structure height* requirements for the RM-2-4, RM-2-5, and RM-2-6 zones are stated in Table 131-04G. At the side *setback lines*, the maximum height of the *building envelope* above 30 feet in height is established by a 60-degree angled *building envelope* plane sloping inward from the side *setback lines* to the maximum permitted 40-foot *structure height*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0445 Lot Coverage in Residential Zones

- (a) In all RE zones and the RS-1-1, RS-1-2, RS-1-3, RS-1-4, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, the maximum permitted *lot coverage* is 50 percent on any *premises* where more than 50 percent of the *premises* contains *steep hillsides*.
- (b) In the RT zones, garages of 525 square feet of *floor* area or less are not included in the calculation of *lot coverage*. Bay windows and turrets, when built at ground level, count as coverage. Roofed entryways (porches) and balconies with at least two elevations that are a minimum of 40 percent open do not count as coverage.
- (c) In the RM-4-10 and RM-4-11 zones, maximum *lot coverage* is 50 percent for interior *lots* and 60 percent for corner *lots*.
- (d) In the RM-5-12 zone, maximum *lot coverage* is 50 percent for interior *lots* and 60 percent for corner *lots*, except that maximum *lot coverage* for any *premises* that has a building exceeding 4 *stories* or 48 feet in *height* shall be reduced in accordance with Table 131-04I.

Table 131-04I

Lot Coverage in RM-5-12 Zone

<i>Stories or Structure Height</i>	<i>Maximum Lot Coverage</i>
1-4 stories or 48 feet	50/60%
5 stories or 60 feet	37%
6 stories or 72 feet	32%
7 stories or 84 feet	28%
8 stories or 96 feet	25%
9 stories or 108 feet	23%
More than 10 stories or 120 feet	21%

(Added 12-9-1997 by O-18451 N.S.)

(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§131.0446 Maximum Floor Area Ratio in Residential Zones

(a) *Floor Area Ratio* for the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(1) The maximum permitted *floor area ratio* is based on the lot area in accordance with Table 131-04J:

Table 131-04J

Maximum Floor Area Ratio in RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

<i>Lot Area (square feet)</i>	<i>Floor Area Ratio</i>
3,000 and less	0.70
3,001 - 4,000	0.65
4,001 - 5,000	0.60
5,001 - 6,000	0.59
6,001 - 7,000	0.58
7,001 - 8,000	0.57
8,001 - 9,000	0.56
9,001 - 10,000	0.55

Lot Area (square feet)	Floor Area Ratio
10,001 - 11,000	0.54
11,001 - 12,000	0.53
12,001 - 13,000	0.52
13,001 - 14,000	0.51
14,001 - 15,000	0.50
15,001 - 16,000	0.49
16,001 - 17,000	0.48
17,001 - 18,000	0.47
18,001 - 19,000	0.46
19,001 and greater	0.45

- (2) For *lots* that exceed the minimum *lot* area required by the applicable zone and where more than 50 percent of the *lot* area contains *steep hillsides*, the maximum permitted *floor area ratio* shall be based on the following:
- (A) The area of the site not containing *steep hillsides* or the minimum *lot* area required by the applicable zone, whichever is greater; plus
- (B) 25 percent of the remaining *lot* area not included in (A), above.
- (b) In the RS-1-8, RS-1-9, RS-1-10, RS-1-11, RS-1-12, RS-1-13, and RS-1-14 zones, up to 400 square feet of garage area shall be excluded from the calculation of *gross floor area*.
- (c) In the RX zone, the calculation of *floor area ratio* shall be based on the minimum *lot* area of the zone, or the area of the *lot* with a gradient less than 10 percent, whichever is greater.
- (d) In the RT zones, up to 525 square feet of garage area may be excluded from the calculation of *gross floor area*.

- (e) In the RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones, a minimum of one-fourth of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding *underground parking structures*, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.
- (f) In the RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, a minimum of one-third of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all *structures* on the *premises*, excluding *underground parking structures*, shall not exceed the maximum permitted *floor area ratio* for the zone as identified in Table 131-04G.
- (g) In the RM-5-12 zone, the maximum permitted *floor area ratio* for buildings exceeding 4 *stories* or 48 feet of *structure height* shall be increased in accordance with Table 131-04K.

Table 131-04K
Floor Area Ratio in the RM-5-12 Zone

<i>Stories or Structure Height</i>	<i>Maximum Floor Area Ratio</i>
1-4 <i>stories</i> or 48 feet	1.80
5 <i>stories</i> or 60 feet	1.85
6 <i>stories</i> or 72 feet	1.90
7 <i>stories</i> or 84 feet	1.95
8 <i>stories</i> or 96 feet	2.00
9 <i>stories</i> or 108 feet	2.05
More than 10 <i>stories</i> or 120 feet	2.10

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0447 Maximum Paving and Hardscape in Residential Zones

Paving and *hardscape* on *single dwelling unit* lots located in the RS zones shall be minimized as follows:

- (a) The required front *yard* shall be limited to a maximum of 60 percent paving and *hardscape*.
- (b) Within the required *street yard* paving and *hardscape* shall be limited to:
 - (1) A driveway with direct vehicular access to required *off-street parking spaces* located outside of the required *setback* in accordance with section 142.0521,
 - (2) A walkway to facilitate pedestrian access to the *dwelling unit*, and
 - (3) Any decorative paving or *hardscape* that is not designed for vehicular access.
- (c) In order to maintain the character of the RS zone, paving and *hardscape* for vehicular use on *lots* less than 10,000 square feet, shall be further limited to off-street, surface parking for a maximum of 4 vehicles. Additional paving and *hardscape* shall be permitted for non-vehicular use or where necessary to provide vehicular access to garage parking.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 08-1-2007 by O-19650 N.S.; effective 08-31-2007.)

§131.0448 Accessory Structures in Residential Zones

- (a) Multiple *accessory buildings* are permitted on a *premises*. However the square footage of all *accessory buildings* cannot exceed 25 percent of the allowable *gross floor area* of the *premises*.
- (b) No *accessory building* may be used for living or sleeping purposes. An *accessory building* may have electrical, gas, and water/sewer connections to provide the following activities:
 - (1) Lighting, washing machines, dryers, laundry tubs, and hot water heater;
 - (2) A one-half bathroom, limited to a water closet and a lavatory sink; and
 - (3) A shower, provided the property owner signs an agreement recorded with the County Recorder and processed through the City Manager stating that the building will not be used for living or sleeping purposes.

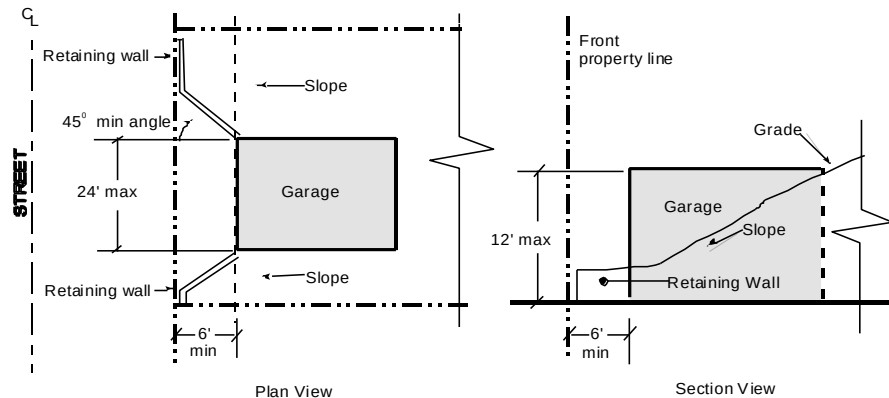
- (c) *Accessory buildings* may encroach into required *yards* subject to the requirements in Section 131.0461.
- (d) *Structures* containing uses regulated by Chapter 14, Article 1 (Separately Regulated Uses) are not subject to Section 131.0448.

(Retitled from "Accessory Uses and Structures in Residential Zones" and amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)
(Amended 3-01-2006 by O-19467 N.S.; effective 8-10-2006.)
(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0449 Garage Regulations in Residential Zones

- (a) Garages within an existing embankment in the RE, RS, and RX Zones Attached or detached garages, not exceeding 12 feet in height, including parapets and handrails, may encroach into the front and street side yards, as shown in Diagram 131-04N, subject to the following conditions:
 - (1) The building is used only for required parking and incidental storage related to residential use;
 - (2) The building is located entirely within a pre-existing embankment at least 6 feet high, which shall be maintained. The embankment must have an average height of at least 6 feet within the area where the building is proposed.
 - (3) The *building facade* is set back a minimum of 6 feet from the *property line*;
 - (4) The building elevation facing the *street* is no more than 24 feet wide;
 - (5) No garage door opens so that it projects into the *public right-of-way* at any time;
 - (6) In the RE and RS zones the building does not exceed 525 square feet in *gross floor area*;
 - (7) In the RX zone the building does not exceed 400 square feet in *gross floor area*; and
 - (8) If the building is constructed in conjunction with a *retaining wall* that will be located within the required front *yard*, the *retaining wall* must be flared outward from the corners of the building at a minimum 45-degree angle to provide a *visibility area*.

Diagram 131-04N Garage Within Existing Embankment

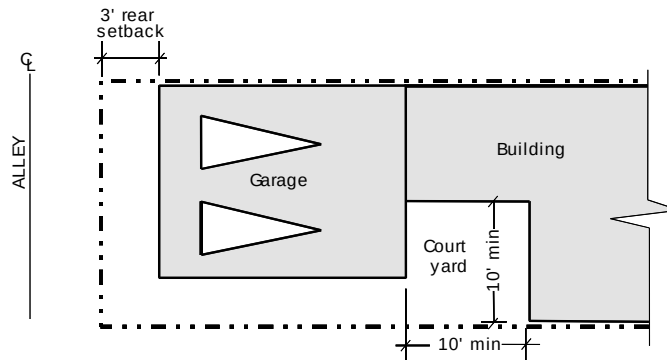


(b) Garages in RT Zones

- (1) An enclosed and detached two-car garage is required except as otherwise provided in this section.
- (2) Access to required parking shall be from an *alley* abutting the *premises*. In lieu of public *alleys* in new *subdivisions*, private easements may be used to provide access for abutting residents and authorized service vehicles only.
- (3) The garage shall provide at least two 9-foot by 20-foot parking spaces perpendicular to, and directly accessible from, the abutting *alley*.
- (4) The garage shall be located within the rear 30 feet of the *lot*, except to the extent that it is necessary to accommodate a 21-foot distance between the edge of the garage and the edge of the *alley* opposite the *lot*.
- (5) The detached garage may not exceed 12 feet in height.
- (6) The garage may have a *roof deck* with open or solid safety fencing not to exceed 42 inches in height.
- (7) The garage shall abut one interior *property line*.
- (8) The garage may be attached to the dwelling unit, subject to the following conditions:

- (A) A court yard with minimum dimensions of 10 feet by 10 feet must be provided within the rear 50 percent of the *lot*, as shown in Diagram 131-04O, or within the dwelling unit. The court yard shall extend the full height of the *structure* and must be at least 75 percent open to sunlight;

Diagram 131-04O
Courtyard Requirement with Attached Garage



- (B) The vehicle entry facade of the garage may not be more than 24 feet from the rear *property line*; and
- (C) The garage is subject to the same height limits as the dwelling unit.
- (9) Habitable space may be located above an attached garage.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)*
(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0450 Building Spacing in Residential Zones

Detached dwellings shall maintain a minimum distance of 6 feet between dwellings and 3 feet between any dwelling and any detached, nonhabitable accessory building located on the same *premises*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0451 Minimum Development in the RT Zones

Townhouse *development* is permitted only if there is concurrent *development* of at least 300 feet of *street frontage* or a contiguous 50 percent of the *lots* in a block, whichever provides the greatest *street frontage*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0452 Parkway Requirement in the RT Zones

Subdivisions within the RT zones shall include a landscaped *parkway* between the *street* and the parallel public sidewalk that is at least 4 feet, 6 inches wide.

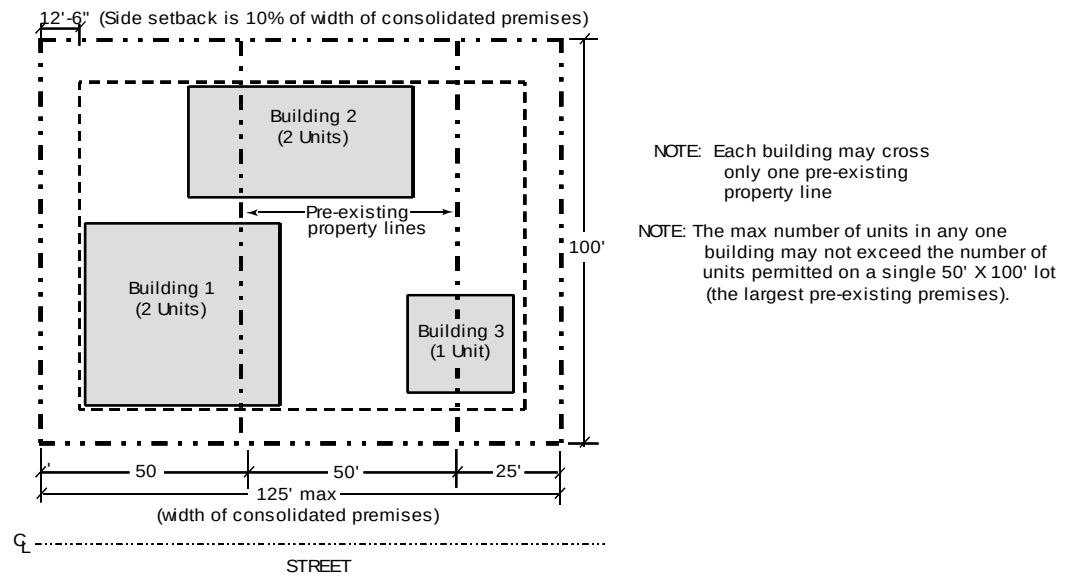
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0453 Lot Consolidation Regulations in the RM-1-1 and RM-1-2 Zones

In the RM-1-1 and RM-1-2 zones within urbanized communities, *lot* consolidation is subject to the following:

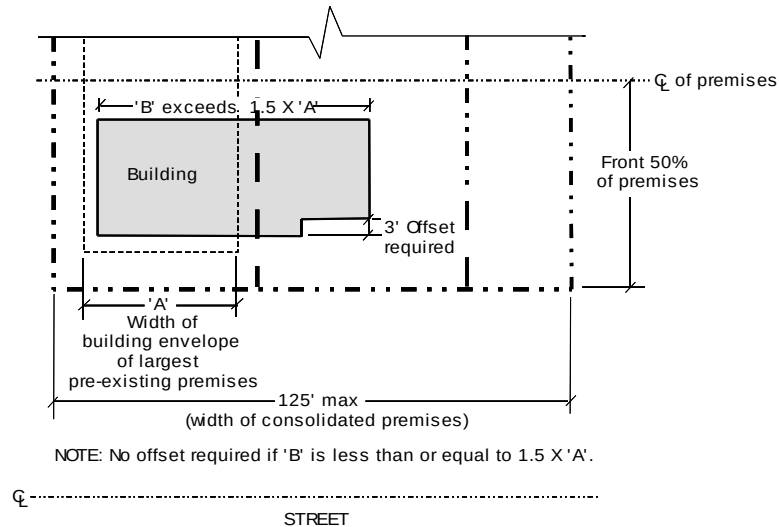
- (a) Any building on a consolidated *premises* may cross only one previous *property line*, as shown in Diagram 131-04P;
- (b) If the consolidation results in a total *street frontage* exceeding 60 feet, the number of dwelling units permitted within any single building shall not exceed the number of units that would have been permitted on the largest *premises* before the consolidation, as shown in Diagram 131-04P;

Diagram 131-04P
Buildings on Consolidated Lots



- (c) If the depth of the *lots* to be consolidated is greater than 139 feet, only 139 feet shall be used in the calculation to determine the number of units permitted without a Site Development Permit; and
- (d) Within the front 50 percent of the consolidated *premises*, a minimum 3-foot offset in the front facade shall be required for any building where the dimension most parallel to the *street* exceeds one-and-one-half times the width of the permitted *building envelope* of the largest *lot* existing before consolidation. See Diagram 131-04Q.

Diagram 131-04Q
Lot Consolidation Offset Requirement



(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0454 Storage Requirements in the RM Zones

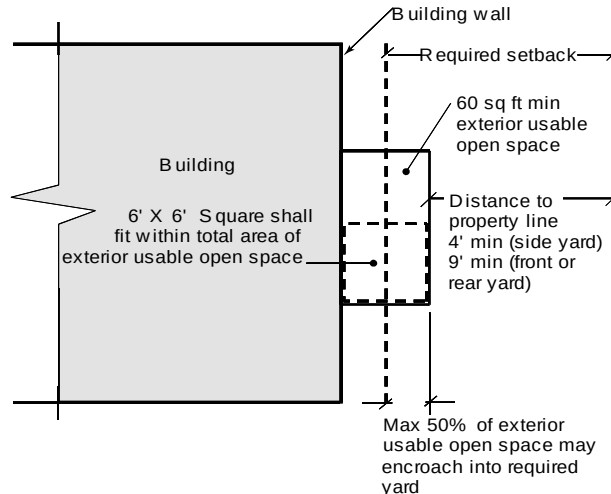
In all RM zones, each dwelling unit shall have a fully enclosed, personal storage area outside the unit that is at least 240 cubic feet with a minimum 7-foot horizontal dimension along one plane.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0455 Private Exterior Open Space in the RM Zones

- (a) In the RM-1-1, RM-1-2, and RM-1-3 zones, at least 60 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 6 feet in any direction. The open space may be located in required *yard* areas, but shall be no closer than 9 feet to the front or rear *property lines*, and no closer than 4 feet to the side *property lines*. See Diagram 131-04R.

Diagram 131-04R
Private Exterior Open Space



- (b) In the RM-2-4, RM-2-5, and RM-2-6 zones, at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet. The open space may be located in required front and rear yards, but shall be no closer than 9 feet to the front *property line*.
- (c) In the RM-3-7, RM-3-8, and RM-3-9 zones, at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet. The open space may be located in the required front yard, but shall be no closer than 9 feet to the front *property line*.
- (d) In the RM-4-10, RM-4-11, and RM-5-12 zones, at least 50 square feet of usable, private, exterior open space abutting each dwelling unit shall be provided with a minimum dimension of 4 feet.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0456 Common Open Space in the RM Zones

In all RM zones, *premises* with more than four dwelling units shall include common open space as follows:

- (a) The common open space area shall be at least 300 square feet, or 25 square feet per dwelling unit, whichever is greater.
- (b) At least one area of common open space shall be provided with minimum dimensions of 12 feet by 15 feet. This space shall be improved as a usable area with lawn or recreational facilities.
- (c) Roofed *structures* may occupy a maximum of 50 percent of the common open space area. No enclosed buildings are permitted in the common open space area.
- (d) Common open space may be provided in the required side and rear *yards*.
- (e) Common open space shall be landscaped or improved with outdoor recreational facilities available only to the residents and guests of the *development*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0460 Maximum Third Story Dimensions in the RS Zones

In the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, and RS-1-7 zones, the following shall apply:

- (a) The width of the third *story* is limited to 70 percent of the width of the *lot*.
- (b) The depth of the third *story* is limited to 50 percent of the depth of the *lot* or 100 percent of the maximum width dimension, whichever is greater.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0461 Architectural Projections and Encroachments in Residential Zones

- (a) The following are permitted *architectural projections* and *encroachments* into required *yards* and the angled *building envelope* plane for RS and RX zones and the RM-1-1, RM-1-2, and RM-1-3 zones. These projections and *encroachments* are not permitted in the required yards within view corridors that are designated by *land use plans* in the Coastal Overlay Zone and may not be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.

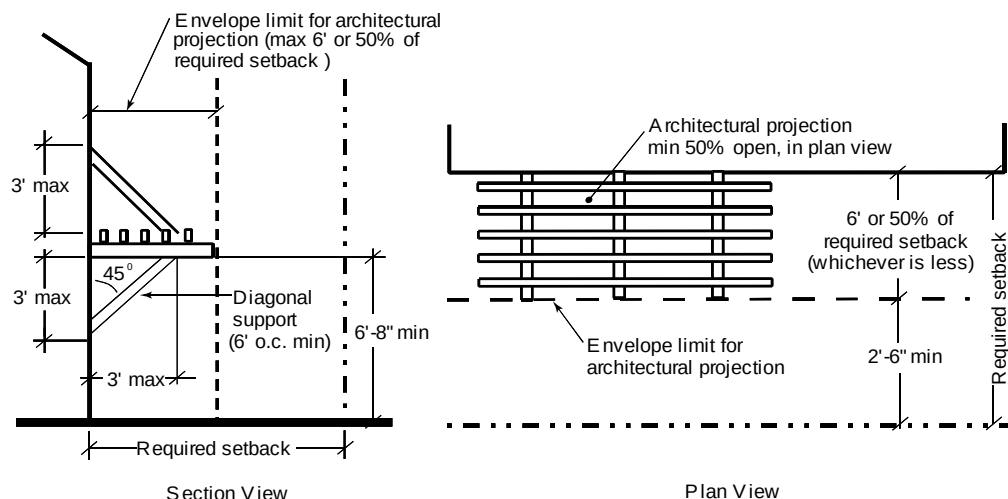
- (1) Eave, cornice, and eyebrow projections may extend into the required *yard* subject to the following:

- (A) The projection may extend a maximum of 6 feet into the required *yard* or 50 percent of the width of the required *yard*, whichever is less;

- (B) The projection shall not be closer than 2 feet, 6 inches to the *property line*; and
 - (C) There shall be a minimum 6-foot, 8-inch clearance between *proposed grade* and the projection.
- (2) Openly supported *architectural projections*, including trellises, may encroach into required yards, as shown in Diagram 131-04S, subject to the following:
- (A) The height shall not exceed the height of the *roof eave* or the sill plate of the second *floor*, whichever is lower;
 - (B) The projection shall be at least 50 percent open in plan view;
 - (C) The projection may extend a maximum of 6 feet into the required *yard* or 50 percent of the width of the required *yard*, whichever is less;
 - (D) The projection shall not be closer than 2 feet, 6 inches to the *property line*;
 - (E) There shall be a minimum 6-foot, 8-inch clearance between *proposed grade* and the lowest horizontal portion of the projection, not including the supports, as described in Section 131.0461(a)(2)(F), below; and
 - (F) Diagonal supports from the building wall, such as knee braces, extending within a 45-degree angle from the building wall to the horizontal portion of the projection are permitted, provided that the horizontal and vertical components of the supports do not exceed 3 feet. There shall be a minimum spacing of 6 feet between supports.

Diagram 131-04S

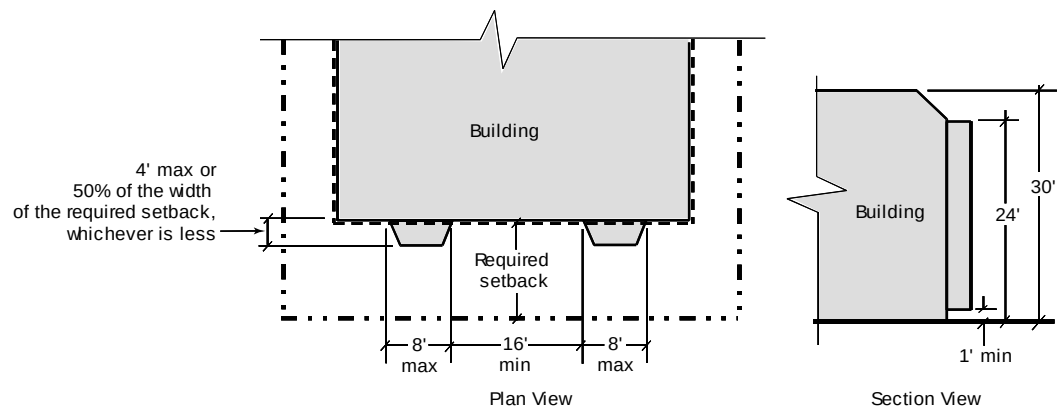
Openly Supported Architectural Projections



- (3) Bay windows may project into required *yards*, as shown in Diagram 131-04T, subject to the following requirements:
- (A) There shall be a minimum 1-foot clearance between the lowest point of the bay window *structure* and *proposed grade* directly below;
 - (B) The bay window shall not project into the required *yard* more than 4 feet or 50 percent of the width of the required *yard*, whichever is less. The bay window shall not be closer than 3 feet to the *property line*;
 - (C) The bay window shall not be more than 8 feet in width;
 - (D) The bay window may extend to the maximum permitted height of the *building envelope*; and
 - (E) There shall be a 16-foot or greater spacing between bay windows, and no more than two bay windows per elevation shall encroach into the required *yard*.

Diagram 131-04T

Bay Window Yard Projections



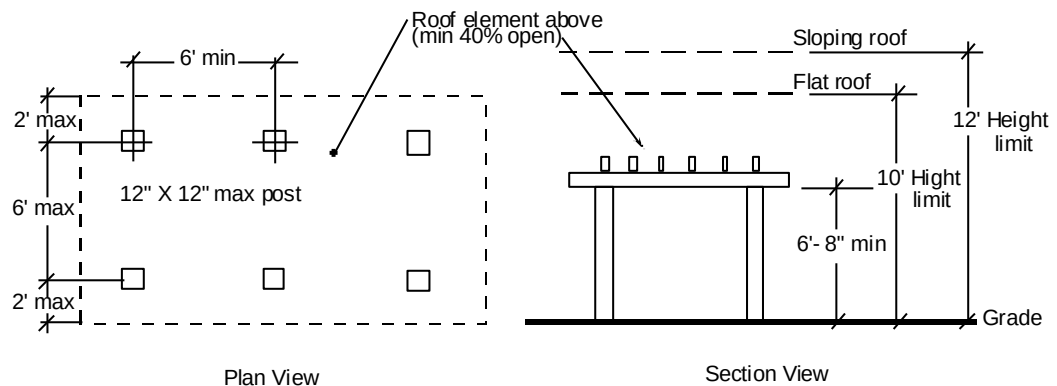
- (4) Fireplace enclosures may encroach into required *yards* and the angled *building envelope* plane subject to the following requirements:
- (A) The fireplace enclosure may not encroach into the required *yard* more than 2 feet, 6 inches or 50 percent of the width of the required *yard*, whichever is less. The fireplace shall not be closer than 2 feet, 6 inches to the *property line*;

- (B) The fireplace and chimney are not subject to the 45-degree sloped *building envelope* requirement and may extend to the maximum *structure height* at the required *setback*;
 - (C) The fireplace enclosure shall have a maximum width of 10 feet measured from *grade* to the *roof eave* or the sill plate of the second *floor*, whichever is lower, and a maximum width of 5 feet beyond that; and
 - (D) No more than two projecting fireplaces per building elevation are permitted.
- (5) Mechanical equipment such as air conditioner units, gas meters, electrical fuse boxes, or pool equipment and associated utility enclosures may encroach into required side and rear *yards* subject to the following requirements:
 - (A) At-grade equipment shall be located a minimum of 4 feet from the *property line*; and
 - (B) Equipment that is located completely below finished grade, with a permanent, durable, protective cover shall be permitted to encroach up to 2 feet, 6 inches from the *property line*;
- (6) Entry roofs and porches may encroach into the required front and street side *yards* subject to the following requirements:
 - (A) The *encroachment* shall not exceed 6 feet or 50 percent of the width of the required *yard*, whichever is less;
 - (B) The height of the entry roof shall not exceed 10 feet for flat roofs, 12 feet for pitched roofs, or 12 feet at the apex of an arched roof with 10 feet at the springline;
 - (C) The width of the *encroachment* shall not exceed 10 feet or 50 percent of the width of the habitable portion of the building elevation, whichever is greater; and
 - (D) Porches shall be maintained with at least two elevations that are at least 40 percent open.
- (7) Entry arbors may encroach into required front and street side *yards*, as shown in Diagram 131-04U, subject to the following requirements:
 - (A) The height of the arbor shall not exceed 10 feet for flat-topped *structures* or 12 feet for sloping *structures*;

- (B) The width of the arbor shall not exceed 6 feet, measured to the centerlines of the supports. A maximum 2-foot overhang is permitted on each side of the center of the supports, as long as the overhang does not project into the *public right-of-way*;
- (C) The horizontal surface of the arbor, including overhang, must provide a minimum 6-foot, 8-inch clearance above *proposed grade*;
- (D) Supports shall not exceed a maximum dimension of 12 inches by 12 inches;
- (E) There shall be at least 6 feet between supports along the length of the arbor;
- (F) In plan view, the arbor shall be at least 40 percent open. Fencing between posts is subject to Chapter 14, Article 2, Division 3 (Fence Regulations);
- (G) The arbor shall not be enclosed on any side other than the side attached to the building, if attached; and
- (H) Arbors may encroach the entire width of the required *yard* but may not project beyond the *property line*.

Diagram 131-04U

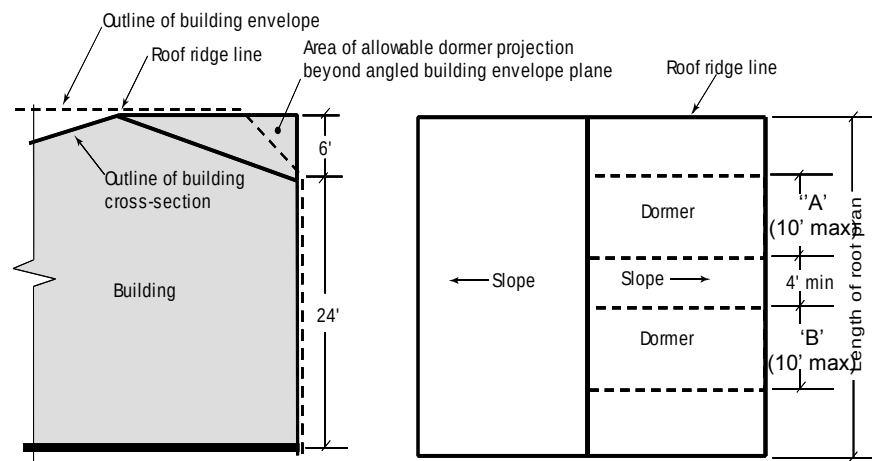
Entry Arbor Yard Projections



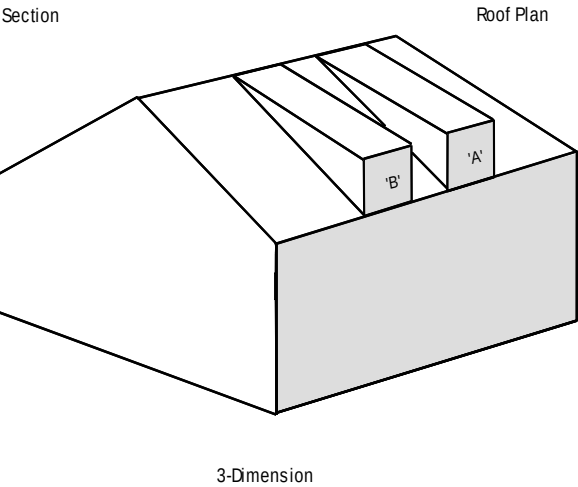
- (8) Patio *structures* may be located within a required side *yard* or rear *yard*, subject to the following requirements:
 - (A) The patio *structure* shall not be located closer than 5 feet to any *property line*;
 - (B) The patio shall be open on at least three sides except for support columns with maximum dimensions of 18 inches by 18 inches in plan view;
 - (C) The support columns shall have a minimum separation of 8 feet measured on center; and
 - (D) The height of the roof of the patio shall not exceed the *roof eave* or the sill plate of the second *floor*, whichever is lower.
- (9) *Dormers* are permitted to encroach into required *yards* and into the angled *building envelope* plane subject to the following:
 - (A) The total length of all *dormers* on a building wall may not exceed 30 percent of the total length of the building along that wall;
 - (B) A *dormer* may not exceed 10 feet in width, measured at the building wall;
 - (C) There shall be a minimum of 4 feet between each *dormer*, including eaves;
 - (D) Projecting *dormers* may project through the 30/45-degree sloped *building envelope* plane and may encroach 4 feet into the required *yard* or 50 percent of the width of the adjacent required *yard*, whichever is less; provided, however, that the *dormer* may not be closer than 3 feet to the *property line*; and
 - (E) A *dormer* may be a vertical extension of a bay window.

Diagram 131-04V

Dormer Projection into Angled Building Envelope Plane



NOTE: Total width of dormer projections ('A' + 'B') shall not exceed 30% of length of roof plan in RM -1-1, RM -1-2, RM -1-3 zones or 50% of length of roof plan in RM -2-4, RM -2-5, RM -2-6 zones.



- (10) Unroofed *structures*: An unroofed portion of a *structure* not in excess of 3 feet above *proposed grade*, with an open safety railing not exceeding 42 inches in height, is permitted within a required side or rear *yard*.
- (11) Swimming pools, spas, and hot tubs are permitted within a required *yard* subject to the following:
 - (A) Swimming pools that project 3 feet or less above grade may be located a minimum of 3 feet from the *property line*.
 - (B) Swimming pools that project greater than 3 feet above grade are not permitted to encroach within a required *street yard* or interior side *yard setback*, but may encroach into the rear *yard* setback if located a minimum of 4 feet from the rear *property line*.
- (12) Detached garages or *accessory buildings* may encroach into a required side or rear *yard* as follows:
 - (A) The *lot* size shall not exceed 10,000 square feet of area; and
 - (B) The *accessory building* shall be limited to one *story* and a maximum *structure* height of 15 feet; and
 - (C) The *accessory building* shall not exceed a maximum length of 30 feet within any given *setback*; and
 - (D) The cumulative area of all encroaching *accessory buildings* shall not exceed 525 square feet in *gross floor area*.
- (b) The following are permitted *architectural projections* and *encroachments* into the required front and street side *yard* for the RT zones. A maximum of 50 percent of the area of the required minimum front *yard* (the front 5 feet of the *lot*) may be used for *encroachments*. See Section 131.0464(c) for required building articulation features. No permitted projection or *encroachment* may be located in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.
 - (1) Projecting balconies may encroach into required minimum front and street side *yards* subject to the following requirements:
 - (A) One unenclosed projecting balcony is permitted for each *story* above the first *story*;

- (B) A projecting balcony may encroach up to 4 feet into required minimum *yards*;
 - (C) Support posts to the ground below are not permitted unless the area below the balcony serves as a projecting entry and provides shelter for an access door to the dwelling unit; and
 - (D) The maximum permitted width of projecting balconies is 8 feet.
- (2) Bay windows may encroach into required minimum front and street side *yards* subject to the following requirements:
 - (A) Bay windows are limited to two per *story*;
 - (B) The maximum permitted width of bay windows is 8 feet;
 - (C) Bay windows may encroach a up to 4 feet into required minimum *yards*; and
 - (D) Bay windows may extend to the height of the building or there may be a horizontal separation between the bay windows.
- (3) Turrets with or without cupola may encroach into the required minimum front and street side *yards* and may extend into the sloped *building envelope* area subject to the following requirements:
 - (A) Only one turret per *lot* may be used;
 - (B) A turret located at the corner of the building on a corner *lot* may encroach into both the front and street side *yards*;
 - (C) A turret may encroach up to 4 feet into required *yards*; and
 - (D) A turret (and cupola) may also extend above the building height limit and into the sloped *building envelope* area so that the highest point is up to 5 feet above the maximum *structure height* of the base zone. However, no *structure* or addition to a *structure* shall be permitted to exceed the established height limit of any overlay zone. (See Overlay Zones Chapter 13, Article 2, Division 1.)
- (4) Projecting entries, either at *grade* or elevated with accompanying stairs and cover, may encroach into required minimum front and street side *yards* subject to the following requirements:
 - (A) Only one entry per elevation is permitted;
 - (B) The height of the *floor* of an elevated entry shall not exceed 42 inches above *proposed grade*;
 - (C) The entry may not be closer than 4 feet to the front *property line*; and
 - (D) The width of a projecting entry shall not exceed 50 percent of the width of the *building facade*.

- (5) Trellis projections and eaves may project into required minimum front and street side yards subject to the following requirements:
 - (A) Trellises may project into required minimum *yards* up to the *property line*, but no portion of the trellis may extend beyond the *property line*;
 - (B) Eaves may project 2 feet, 6 inches into the required minimum *yards*; and
 - (C) There shall be at least 6 feet, 8 inches of clearance between *proposed grade* and the bottom of the projections.
- (6) *Dormers* may project into required minimum front and street side *yards* subject to the following requirements:
 - (A) A maximum of two *dormers* are permitted per elevation;
 - (B) The maximum width of *dormers* shall be 10 feet; and
 - (C) *Dormers* may extend into the sloped *building envelope* area.
- (7) A detached garage may encroach into the street side *yard* subject to the following requirements:
 - (A) The garage may not exceed 12 feet in height; and
 - (B) The garage must be located within the rear 30 feet of the *lot*.
- (c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM-4-11, and RM-5-12 zones, architectural *encroachments* listed in Section 131.0461(a) are permitted with the following limitations. No permitted projection or *encroachment* may be located in required *yards* within view corridors that are designated by *land use plans* in the Coastal Overlay Zone or in a required *visibility area* or a required turning radius or vehicle back-up area except where development regulations may allow.
 - (1) For front and rear *yards*, one *encroachment* is permitted per 50 feet of *building facade* length, with a minimum of 10 feet between *encroachments*.
 - (2) For side *yards*, two *encroachments* are permitted per 50 feet of *building facade* length, with a minimum of 10 feet between *encroachments*.

- (3) A minimum of 3 feet must be provided between the *encroachment* and the *property line*.
- (4) *Dormers* may project into the angled *building envelope* plane as follows:
 - (A) The aggregate width of *dormers* may not exceed 50 percent of the length of the roof plan to which the *dormers* will be attached; and
 - (B) *Dormers* may not extend beyond a height of 40 feet.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§131.0462 Requirements for Attached Units in the RX Zones

The street wall of an attached dwelling unit shall be horizontally offset a minimum of 4 feet from the street wall of the dwelling unit to which it is attached.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0463 Roof Design Variation Requirements in the RX Zones

In the RX zones, for *developments* exceeding 8 dwelling units, at least 30 percent of the units shall have roof designs that vary from the remainder of the dwelling units.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0464 Supplemental Requirements for Residential Zones

(a) Supplemental Requirements for RE and RS Zones

- (1) *Manufactured homes* are permitted as residential dwelling units subject to all regulations of the applicable zone in addition to the following supplemental regulations:
 - (A) Siding shall be of nonreflective material such as wood, vinyl, stucco, decorative stone, or masonry;
 - (B) Roofing materials shall be of nonreflective material such as concrete tiles, fiberglass shingles, or composition shingles, shakes, or tiles;
 - (C) Eaves shall be between 12 and 16 inches measured from the vertical side of the exterior wall; and

- (D) The foundation along the exterior perimeter shall conform to the Building Regulations and shall consist of poured concrete, masonry, or approved all-weather material. If the foundation material is not masonry or concrete, it shall match the siding material of the home.
- (b) Supplemental Requirements for RX Zones:
 - (1) For *lots* without *alley* access, a minimum of 25 percent of the length of the *building facade* on the ground *floor* must be utilized for habitable space.
 - (2) *Manufactured homes* are permitted as residential dwelling units provided they comply with the regulations in Section 131.0464(a)(1).
- (c) Supplemental Requirements for RT Zones:
 - (1) When an RT *development* exceeds 12 units and the *lots* are greater than 90 feet in depth, the front facade of one-third of the dwelling units must be offset 3 feet from the front facade of the remaining units.
 - (2) For all dwelling units, 20 percent of the area of the front facade shall be used for door and window areas.
 - (3) One building articulation feature from each category listed below shall be incorporated into each dwelling unit:
 - Category A:
 - Elevated first *floor*
 - Projecting balcony
 - Bay windows (2)
 - Category B:
 - Turret (with or without cupola)
 - Inset balcony
 - Angled side planes (2)
 - Projecting (or inset) elevated entry
 - Category C
 - Planter boxes
 - Trellises
 - Inset windows
 - Projecting covered entry
 - Dormers*
 - Inset entry

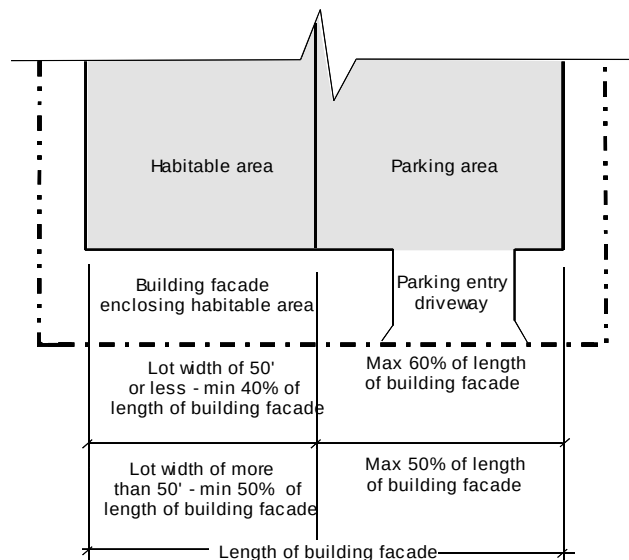
Building articulation features shall be provided in accordance with the following regulations. Those features that may project into the required front and street side yards are indicated and are subject to the requirements in Section 131.0461(c).

- (A) Elevated First *Floor*. The elevation of the ground *story* (first *floor*) shall be 42 inches above *proposed grade*.
- (B) Projecting Balcony. A maximum of one projecting balcony is permitted for each *story* above the first *story*. Each balcony may be roofed or unroofed. Open or solid safety railings not to exceed 42 inches in height are permitted. (See Section 131.0461(b)(1) for *yard encroachment* regulations).
- (C) Bay Windows. At least two bay windows per elevation are required. A minimum of 40 percent of each bay window elevation shall be glass. (See Section 131.0461(b)(2) for *yard encroachment* regulations).
- (D) Turret. The minimum size of a turret shall be 6 feet by 6 feet or shall have a 6-foot diameter in plan dimensions. Turrets shall extend from the ground (first *story*) level for the full height of the building or shall extend from the second *story* to the full height of the building. A turret may project into the space above the angled *building envelope* plane to 5 feet above the maximum permitted *structure height*. For each *story*, at least 40 percent of the turret elevation shall be glass. At the first *story*, an entry door may substitute for an equal square footage amount of glass area. Only one bay window per *story* may be used if a turret is provided. (See Section 141.0461(b)(3) for *yard encroachment* regulations).
- (E) Inset Balcony. A maximum of two inset balconies are permitted per elevation. Each balcony may be roofed or unroofed. Open or solid safety railings not to exceed 42 inches in height are permitted.
- (F) Angled Side Planes. At both side *setbacks*, the *structure* shall observe 60-degree planes sloping inward above 25 feet in height to the maximum permitted building height. At minimum, angled planes must be located on the front 50 percent of the *structure*. *Dormers* may project from the angled side planes to the side *property lines* but may not be closer than 3 feet to a *street side property line*.

- (G) Projecting Elevated Entry. One projecting entry is permitted per elevation. The entry must be unenclosed on three sides and may have a maximum 42-inch-high open safety railing. The entry shall be a minimum of 6 feet and a maximum of 8 feet wide. The entry may have an unenclosed balcony with the same horizontal dimensions above it. Stairs providing access to the entry for buildings with an elevated first *floor* shall not be included in the determination of width. (See Section 131.0461(b)(4) for *yard encroachment* regulations).
- (H) Planter Boxes. Planter boxes shall be of wood, brick, stone, or finished/patterned concrete construction. The minimum total area of the planter boxes shall be 40 square feet. The walls of the planter boxes shall be at least 24 inches and no more than 36 inches high. The planter boxes shall be located adjacent to the *structure*, entry, walkway, or *property line*. Wrought iron fencing (and gate), at least 50 percent open, may be placed in the required front *yard* either separately or in conjunction with the planter boxes, in accordance with the *fence* height regulations in Chapter 14, Article 2, Division 3 (*Fence Regulations*).
- (I) Trellises. Trellises shall be at least 50 percent open in plan view. Diagonal supports from the building wall extending within a 45-degree angle from the building wall to the horizontal portion of the projection are permitted. (See Section 131.0461(b)(5) for *yard encroachment* regulations).
- (J) Inset Windows. A maximum of two inset windows are permitted per *story*. The window surface must be set back at least 6 inches from the front facade.
- (K) Projecting Covered Entry. One projecting covered entry is permitted per elevation. The entry shall be at least 6 feet but no more than 8 feet wide. The required cover shall be no more than 50 percent open. The entry may have an unenclosed balcony with the same horizontal dimensions, above it. (See Section 131.0461(b)(4) for *yard encroachment* regulations).
- (L) *Dormers*. *Dormers* may project into the space above the angled *building envelope* plane. *Dormers* may have pitched or curved roofs. The maximum width for *dormers* is 5 feet. At the side and *street* side *setbacks* a minimum separation of 10 feet between *dormers* is required. (See Section 131.0461(b)(6) for *yard encroachment* regulations).

- (M) Inset Entry. One inset entry is permitted per elevation. Inset entries shall be either at *grade* or elevated. The entry must be set back at least 24 inches from the facade and may have a maximum 42-inch-high open safety railing.
- (d) Supplemental Requirements for RM-1-1, RM-1-2, RM-1-3 Zones
- (1) For *lots* with a width of 60 feet or less, not more than two 10-foot-wide garage doors or garage entries or a single 16-foot-wide garage door or entry on the *building facade* is permitted, except when that door accesses underground parking. For each additional 25 feet of *street frontage*, an additional 10 feet maximum width garage door or garage entry is permitted.
 - (2) For *lots* with a width of 50 feet or less, at least 40 percent of the length of the *building facade* on the ground *floor* must enclose habitable area (not garage or parking entrance); for *lots* greater than 50 feet in width, at least 50 percent of the length of the *building facade* on the ground *floor* must enclose habitable area. See Diagram 131-04X.

Diagram 131-04X
Ground Floor Habitable Space Requirement

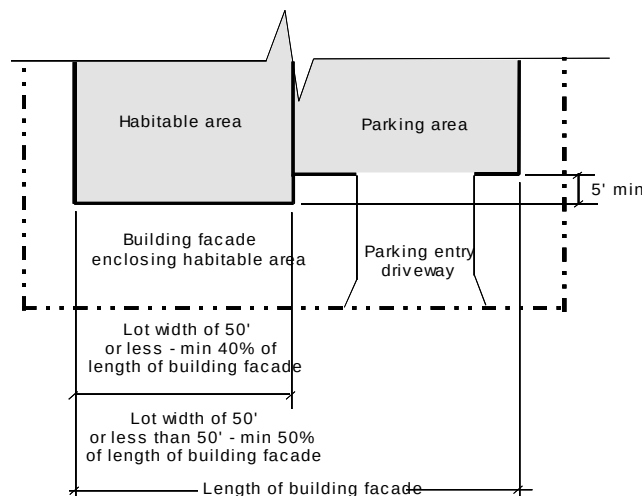


- (3) Within the front facade on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at least 20 square feet shall be provided for each dwelling unit that faces the *street*.

- (e) Supplemental Requirements for the RM-2-4, RM-2-5, RM-2-6 Zones
- (1) For *lots* with a width of 60 feet or less, not more than two 10-foot-wide garage doors or garage entries or a single 16-foot-wide garage door or entry on the *building facade* is permitted, except when that door accesses underground parking. For each additional 25 feet of *street frontage*, an additional 10 feet maximum width garage door or garage entry is permitted.
 - (2) Garages, carports, and other parking entries in the *building facade* shall be set back at least an additional 5 feet from the facade wall enclosing habitable space, as shown in Diagram 131-04Y.
 - (3) For *lots* with a width of 50 feet or less, at least 40 percent of the length of the *building facade* on the ground *floor* must enclose habitable area (not a garage or parking entrance); for *lots* greater than 50 feet in width, at least 50 percent of the length of the *building facade* on the ground *floor* must enclose habitable area. See Diagram 131-04Y.

Diagram 131-04Y

Parking Area/ Habitable Space Offset



- (4) Within the *building facade* on all *floors* above the first *floor*, a transparent glass window or windows with an aggregate area of at least 20 square feet shall be provided for each dwelling unit that faces the *street*.

(f) Supplemental Requirements for the RM-3-7, RM-3-8, RM-3-9 Zones

When the ground *floor* of a building is used for parking and the parking is adjacent to a required *yard*, the parking area must be *screened* by a minimum 6-foot-high *fence* or 6-foot-high landscaping. A pedestrian entry to the building from each *street* must be provided.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§131.0466 Deviations from Development Regulations for Reasonable Accommodations

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that jurisdictions make *reasonable accommodations* to afford *disabled persons* the equal opportunity to use and enjoy a dwelling. In consideration of the special need and the potential benefit that can be accomplished with a requested modification, deviations may be approved through Process One subject to the following:

- (a) The *development* will be used by a *disabled person*;
- (b) The deviation request is necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;
- (c) The deviation request will not impose an undue financial or administrative burden on the City;
- (d) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations.
- (e) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

(Added 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)

Exhibit E

Article 3: Zoning

(Added 12-9-1997 by O-18451 N.S.)

Division 1: Zoning and Rezoning Procedures

(Added 12-9-1997 by O-18451 N.S.)

§123.0101 Purpose of Zoning and Rezoning Procedures

The purpose of these procedures is to establish the process for the inclusion or placement of any property within the City of San Diego into any zone as established and defined in Chapter 13.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0102 When a Zoning or Rezoning Application Is Required

A proposal to apply a zone on any property that is not currently in a City of San Diego zone shall require an application for zoning. A proposal to change the zone on a piece of property shall require an application for rezoning.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0103 Commencement of a Zoning or Rezoning Action

A proposed action to designate a zone on a property or change an existing zone may be commenced in the following manner:

- (a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0104.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0105 Decision Process for Zoning or Rezoning

- (a) A decision on a proposed zoning or rezoning action shall be made in accordance with Process Five.
- (b) The City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0107 Failure of Planning Commission to Make a Recommendation on Zoning or Rezoning

If the Planning Commission fails to provide a recommendation on a proposed zoning or rezoning within 45 calendar days after the date of the public hearing before the Planning Commission, as may be extended by any continuance consented to by the *applicant*, the City Council shall direct that a public hearing be held before the Council without the Planning Commission recommendation if requested by the *applicant*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0108 Actions the City Council May Take on Zoning or Rezoning

The City Council may take any of the following actions at the conclusion of a public hearing to consider a proposed zoning or rezoning application:

- (a) Adopt the proposed zoning or rezoning as recommended by the Planning Commission;
- (b) Reject the recommendation of the Planning Commission;
- (c) Modify the recommendation of the Planning Commission and adopt any other zone that has been identified for consideration in the public notice; or
- (d) Adopt or reject the proposal or modify the proposal and adopt any other zone that has been identified for consideration in the public notice if the Planning Commission has not made a recommendation as described in Section 123.0107.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0109 Certification of Local Coastal Program Amendments to Zoning Ordinances

- (a) An amendment to a zoning ordinance as defined by California Government Code section 65850 that meets the requirements of, and implements the provisions of the California Public Resources Code, Division 20, California Coastal Act, constitutes an amendment to the City of San Diego *Local Coastal Program*.
- (b) The amendment of a *Local Coastal Program* zoning ordinance must be certified by the Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies a zoning ordinance with modifications, the City Council shall conduct a public hearing noticed to consider the modifications no later than 6 months after the Coastal Commission action. The hearing shall be noticed in accordance with Sections 112.0301(c) and 112.0302(b).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0110 Interim Emergency Zoning

After a rezone has been introduced, and before its adoption, the City Council may adopt an interim emergency zoning ordinance to delay *development* that would be inconsistent with the proposed rezone until a decision has been made by the City Council on the rezone. An interim emergency zoning action may be initiated only by the City Council or the Planning Commission.

- (a) Notice. No public notice is required for the initial adoption of an interim emergency zoning ordinance.
- (b) Decision Process. The City Council may approve or deny a proposed interim emergency zoning ordinance without a Planning Commission recommendation. Adoption of an interim emergency ordinance requires approval by a two-thirds vote of the elected members of the City Council.
- (c) *Findings*. An interim emergency zoning ordinance may be adopted only if the City Council makes all of the following *findings*:
 - (1) Proposed *development* would be inconsistent with the zoning initiated by the City or would preempt the City's ability to implement adopted *land use plans* and policies;

- (2) Proposed *development* would be detrimental to the public peace, property, health, or safety;
 - (3) The proposed *development* appears imminent; and
 - (4) The emergency is set forth and defined in the preamble to the proposed ordinance.
- (d) Effective Date. An interim emergency zoning ordinance is effective upon adoption and remains in effect for 180 calendar days.
- (e) Extensions. The City Council may extend an interim emergency zoning ordinance for two 180-day periods or until a *land use plan* is adopted or amended for the property that is the subject of the zoning ordinance, whichever occurs first. The City Council may extend an interim emergency zoning ordinance in accordance with Process Five, except that a two-thirds vote of the elected members of the City Council is required to approve the extension.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0111 Prezoning Ordinance

Pending incorporation of territory adjoining the City, the City Council may adopt a *prezoning ordinance* to delineate the zone that will apply to the property upon annexation to the City. A *prezoning ordinance* may be initiated only by the Planning Commission or the City Council. A *prezoning ordinance* shall become effective upon the annexation of the affected property. The City Council may approve or deny a *prezoning ordinance* in accordance with Process Five.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Article 3: Zoning

(Added 12-9-1997 by O-18451 N.S.)

Division 1: Zoning and Rezoning Procedures

(Added 12-9-1997 by O-18451 N.S.)

§123.0101 Purpose of Zoning and Rezoning Procedures

The purpose of these procedures is to establish the process for the inclusion or placement of any property within the City of San Diego into any zone as established and defined in Chapter 13.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0102 When a Zoning or Rezoning Application Is Required

A proposal to apply a zone on any property that is not currently in a City of San Diego zone shall require an application for zoning. A proposal to change the zone on a piece of property shall require an application for rezoning.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0103 Commencement of a Zoning or Rezoning Action

A proposed action to designate a zone on a property or change an existing zone may be commenced in the following manner:

- (a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0104.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0105 Decision Process for Zoning or Rezoning

- (a) A decision on a proposed zoning or rezoning action shall be made in accordance with Process Five.
- (b) The City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0107 Failure of Planning Commission to Make a Recommendation on Zoning or Rezoning

If the Planning Commission fails to provide a recommendation on a proposed zoning or rezoning within 45 calendar days after the date of the public hearing before the Planning Commission, as may be extended by any continuance consented to by the *applicant*, the City Council shall direct that a public hearing be held before the Council without the Planning Commission recommendation if requested by the *applicant*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0108 Actions the City Council May Take on Zoning or Rezoning

The City Council may take any of the following actions at the conclusion of a public hearing to consider a proposed zoning or rezoning application:

- (a) Adopt the proposed zoning or rezoning as recommended by the Planning Commission;
- (b) Reject the recommendation of the Planning Commission;
- (c) Modify the recommendation of the Planning Commission and adopt any other zone that has been identified for consideration in the public notice; or
- (d) Adopt or reject the proposal or modify the proposal and adopt any other zone that has been identified for consideration in the public notice if the Planning Commission has not made a recommendation as described in Section 123.0107.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0109 Certification of Local Coastal Program Amendments to Zoning Ordinances

- (a) An amendment to a zoning ordinance as defined by California Government Code section 65850 that meets the requirements of, and implements the provisions of the California Public Resources Code, Division 20, California Coastal Act, constitutes an amendment to the City of San Diego *Local Coastal Program*.
- (b) The amendment of a *Local Coastal Program* zoning ordinance must be certified by the Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies a zoning ordinance with modifications, the City Council shall conduct a public hearing noticed to consider the modifications no later than 6 months after the Coastal Commission action. The hearing shall be noticed in accordance with Sections 112.0301(c) and 112.0302(b).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0110 Interim Emergency Zoning

After a rezone has been introduced, and before its adoption, the City Council may adopt an interim emergency zoning ordinance to delay *development* that would be inconsistent with the proposed rezone until a decision has been made by the City Council on the rezone. An interim emergency zoning action may be initiated only by the City Council or the Planning Commission.

- (a) Notice. No public notice is required for the initial adoption of an interim emergency zoning ordinance.
- (b) Decision Process. The City Council may approve or deny a proposed interim emergency zoning ordinance without a Planning Commission recommendation. Adoption of an interim emergency ordinance requires approval by a two-thirds vote of the elected members of the City Council.
- (c) *Findings*. An interim emergency zoning ordinance may be adopted only if the City Council makes all of the following *findings*:
 - (1) Proposed *development* would be inconsistent with the zoning initiated by the City or would preempt the City's ability to implement adopted *land use plans* and policies;

Exhibit F

- (2) Proposed *development* would be detrimental to the public peace, property, health, or safety;
 - (3) The proposed *development* appears imminent; and
 - (4) The emergency is set forth and defined in the preamble to the proposed ordinance.
- (d) Effective Date. An interim emergency zoning ordinance is effective upon adoption and remains in effect for 180 calendar days.
- (e) Extensions. The City Council may extend an interim emergency zoning ordinance for two 180-day periods or until a *land use plan* is adopted or amended for the property that is the subject of the zoning ordinance, whichever occurs first. The City Council may extend an interim emergency zoning ordinance in accordance with Process Five, except that a two-thirds vote of the elected members of the City Council is required to approve the extension.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0111 Prezoning Ordinance

Pending incorporation of territory adjoining the City, the City Council may adopt a *prezoning ordinance* to delineate the zone that will apply to the property upon annexation to the City. A *prezoning ordinance* may be initiated only by the Planning Commission or the City Council. A *prezoning ordinance* shall become effective upon the annexation of the affected property. The City Council may approve or deny a *prezoning ordinance* in accordance with Process Five.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Article 2: Required Steps in Process

Division 4: Public Hearings

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§112.0401 Procedures for Public Hearings

- (a) Rules for Decision Makers. The City Manager shall establish rules and procedures to regulate the public hearing proceedings for Process Two, Process Three, Process Four, and Process Five consistent with the requirements set forth in this chapter.
- (b) Written Recommendation. Whenever feasible, the City Manager shall provide a written recommendation to the decision maker before each public hearing.
- (c) Record of Public Hearing. A brief written summary shall be prepared for each public hearing by a designated staff person. The public hearing shall be recorded. The written summary of the hearing shall constitute the record for any hearing for which an audio recording is not available. The audio recording, if available, the written summary, the written staff report, and any other documentary evidence submitted to the decision maker shall constitute the official record of the hearing. Any person is entitled to review the official record, including listening to or reviewing audio tapes, subject to the restrictions set forth in the City Charter, Section 215. The audio tapes shall be retained for a minimum of 6 months.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Exhibit G

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



LOCAL COASTAL PROGRAM POST-CERTIFICATION GUIDE FOR COASTAL CITIES AND COUNTIES

Revised May 6, 2002

You may request appendices not already included online at (415) 904-5280.



California Coastal Commission - 45 Fremont Street, Suite 2000 - San Francisco, CA 94105 - 415-904-5200

COASTAL COMMISSION OFFICES

Office	Address	Phone
Headquarters	45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219	(415) 904-5200
North Coast District	710 "E" Street Suite 200 Eureka, CA. 95501	(707) 445-7833
North Central Coast District	45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219	(415) 904-5260
Central Coast District	725 Front Street Suite 300 Santa Cruz, CA. 95060-4058	(831) 427-4863
South Central Coast District	89 S. California Street, Suite 200 Ventura, CA. 93001-2801	(805) 585-1800
South Coast District	P.O. Box 1450 200 Oceangate 10 th floor Long Beach, CA. 90802-4325	(562) 590-5071
San Diego Coast District	7575 Metropolitan Drive Ste. 103 San Diego, CA. 92108-4402	(619) 767-2370

Coastal Commission Local Assistance Website
<http://www.coastal.ca.gov/la/landx.html>

Table of Contents

INTRODUCTION	1
CHAPTER I. SUMMARY OF POST-CERTIFICATION PROCEDURES	3
A. LOCAL COASTAL PERMIT PROCESS	3
B. VIOLATIONS AND ENFORCEMENT	5
C. LCP AMENDMENTS.....	5
D. COASTAL COMMISSION'S REGULATORY ROLE	6
E. PORT, PUBLIC WORKS, AND UNIVERSITY/COLLEGE PLANS.....	7
CHAPTER II. COASTAL PERMIT APPLICATIONS.....	9
A. DETERMINING JURISDICTION TYPE.....	9
B. PROJECTS STRADDLING JURISDICTION BOUNDARIES	12
C. RESOLVING DETERMINATION DISPUTES	13
CHAPTER III. LOCAL COASTAL PERMIT REVIEW AND ACTION	15
A. NOTICE OF HEARING OR PENDING ACTION.....	15
B. NOTICE OF FINAL LOCAL ACTION.....	17
CHAPTER IV. APPEALS OF LOCAL DECISIONS	21
A. APPEAL LIMITATIONS	21
B. APPEAL PROCEDURES	22
C. APPEALS BY TWO COMMISSIONERS.....	25
CHAPTER V. COMPLIANCE WITH PUBLIC ACCESS AND OPEN SPACE CONDITIONS.....	27
CHAPTER VI. LCP AMENDMENTS	29
A. AMENDMENT TYPES.....	29
B. MINIMUM REQUIREMENTS	30
C. COMMISSION REVIEW	31
D. OTHER PROVISIONS.....	33
CHAPTER VIII. LOCAL REVIEW OF OTHER COASTAL MANAGEMENT ACTIVITIES.....	35
A. FEDERAL CONSISTENCY AUTHORITY: REVIEW OF ACTIVITIES APPROVED, FUNDED OR CARRIED OUT BY FEDERAL AGENCIES.....	35
B. COASTAL CONSERVANCY PROJECTS	36
C. PUBLIC WORKS PLANS AND PROJECTS.....	36
LIST OF APPENDICES	37
A. LETTER ON CDP JURISDICTION AND INTERPRETATION OF MAPS.....	37
B. TABLE OF NOTICE REQUIREMENTS.....	37
C. SAMPLE FORMS.....	37
D. LCP AMENDMENT CHECKLIST	37
E. FOCUS ON ENFORCEMENT PROGRAM	37

INTRODUCTION

Following LCP certification, the role of local governments and the Coastal Commission changes. Day-to-day management of the coastal zone becomes a shared responsibility, a partnership with the mutual goal of successful coastal protection. To achieve this post-certification partnership, local governments and the Commission take on new responsibilities.

This Post-Certification Guide is a handbook of these responsibilities as spelled-out in the Coastal Act and the Commission's Regulations. The Guide does not present any new requirements, but compiles and summarizes existing ones, and gives examples that can be adapted by local government. While this information is intended to serve as a convenient "how to" reference, the requirements of the Coastal Act and Code of Regulations are always determinative if questions arise. Specific post-certification questions can best be addressed by contacting the staff of the applicable District office.

Chapters in the Guide address post-certification activities to be conducted by coastal jurisdictions, including coastal permit processing, Commission appeals, permit monitoring and enforcement, and LCP amendments. With respect to coastal permit processing, the Guide discusses specific topics such as determining permit and appeal jurisdiction, providing notice, and compliance with public access and open space conditions.

The Post-Certification Guide can be modified and supplemented by additional materials as they become available. Suggestions of other matters that could be incorporated into the Guide are welcome, and should be directed to the Local Assistance staff of the Commission's San Francisco headquarters office.

CHAPTER I. SUMMARY OF POST-CERTIFICATION PROCEDURES

After LCP certification, a local government assumes responsibility for implementing its LCP. Implementation primarily is the processing of most coastal permit applications, but there are other implementation responsibilities such as enforcing permit requirements and responding to violations. This chapter *summarizes* procedures relating to these responsibilities that are discussed in detail in this guide. It also reviews the LCP amendment process and the Commission's limited permit role after LCP certification.

A. Local Coastal Permit Process

The coastal permit process is certified as part of the LCP implementing ordinances for each coastal jurisdiction. The process must be consistent with and adequate to carry out the minimum requirements of the Coastal Act and the Commission's Regulations.

There are four basic stages in the local coastal permit process following LCP Certification:

1. Permit Application,
2. Review and Action,
3. Appeals and Final Action, and
4. Follow-up.

Each of these four stages is summarized below.

1. At the **permit application** stage, an application for development is received and local staff must make several determinations. Is the development in the coastal zone? Does the applicant need a coastal permit? If a coastal permit is needed, does the local government or the Coastal Commission issue it? Is the local permit decision appealable to the Coastal Commission? The adopted "Post-LCP Certification Permit and Appeal Jurisdiction Map" can help make these determinations, but the controlling factor as to permit jurisdiction remains the Coastal Act language in Public Resources Code Sections 30519 and 30603. (See Appendix A for more information concerning use of these maps) If the

determination of a local government as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) is challenged, or if the local government wishes to have a Commission determination as to the appropriate designation, local staff should request a determination from the Coastal Commission's Executive Director (pursuant to Sec. 13569[b] of the Commission's Regulations, contained in Division 5.5 of Title 14 of the California Code of Regulations.

If a disagreement remains, the Commission itself will determine permit jurisdiction after a public hearing. The permit application stage is discussed in detail in Chapter II of this Guide.

Absent a permit application, questions concerning the boundary of the Commission's permit and appeal jurisdiction should be referred to the appropriate District Manager of the Commission for clarification and information.

2. At the **review and action** stage, local staff determines which local body will review and issue the coastal permit (e.g. planning Director, Board of Zoning Adjustment, Planning Commission, City Council, or Board of Supervisors). Local staff also provides notice of public hearing on the application or, if a hearing is not required, notice of the administrative review date. Notice must be provided to adjacent landowners and residents, persons who have expressed interest, and the Commission. The review and action stage is discussed in detail in Chapter III.

3. At the **appeals and final local action** stage, the initial action may be appealed to a local appellate body. A decision becomes a "final local action" when all required findings have been adopted and there is no further possibility of being appealed to a local appellate body. Local staff then transmits a notice of final local action (NOFA) to the Commission office and interested persons. The 10-day appeal period begins the day after receipt in the Commission office.

Certain local actions are appealable directly to the Commission. For these actions, the ten working day Commission appeal period is established from the date of receipt in the Commission office of the notice of final local action. Generally, the local and Commission appeal periods are not concurrent and all local appeals must be exhausted before the Commission will hear an appeal; exceptions are outlined in Chapter IV. When an appeal is made, the Commission will generally take one of the several actions: (i) for certain appeals, determine that the appeal is patently frivolous and

require a filing fee; (ii) dismiss the appeal on the basis of "no substantial issue" or (iii) accept the appeal and approve, deny, or conditionally approve the coastal permit application. The final action and appeals stages are discussed in detail in Chapters III and IV.

4. At the **follow-up** stage, for permits that have not been taken on appeal by the Commission, the local government staff determines if pre-issuance (i.e. prior to transmittal) permit conditions are met. When such conditions have been met, the coastal permit can be issued. Examples of other follow-up activities are: monitoring of coastal permit expiration; compliance monitoring; and processing extensions, revocation requests, and permit amendments. (Certified LCP ordinances should contain noticing and review procedures for processing coastal permit amendments.)

B. Violations and Enforcement

Although any person may maintain an action to enforce provisions of the Coastal Act (pursuant to Section 30804 of the Act), both local governments and the Commission have certain responsibilities in terms of enforcing certified LCPs. Once an LCP is certified, the Commission retains continuing authority to enforce provisions of the Coastal Act throughout the State's coastal zone. The local government also has authority to enforce the Coastal Act and LCP within its jurisdiction. Once the local governments assumes responsibility for issuing coastal development permits pursuant to a certified LCP, the Commission expects the local government to play a major role in enforcement within its jurisdiction. (Refer to Appendix E for more information).

Commission staff and the staff of the Attorney General's office are available to assist local government enforcement efforts. Please contact the Commission's Enforcement staff located in the applicable district office for information regarding enforcement assistance.

C. LCP Amendments

An LCP amendment is needed whenever any portion of a certified LCP is revised. The revision may affect the land use plan (LUP), the implementation program, or both. Substantial revisions will usually affect both LCP components (e.g. both revised land use and zoning designations).

There are five steps in processing LCP amendments: (i) the local government proposes an amendment and meets the minimum requirements for public participation during review; (ii) the local government adopts and submits the proposed amendment, along with necessary supporting materials; (iii) Commission staff reviews the submittal, filing it if complete and determining if it is a minor or de minimis amendment or requires a hearing; (iv) the Commission holds a hearing and votes to certify the amendment; and (v) the local government takes any necessary steps to implement the LCP amendment. An LCP amendment does not take effect until the Commission certifies it. Minor and de minimis amendments are approved administratively, unless the Commission objects to the Executive Director's determination of the nature of the amendment.

In any year a local government may make only three submittals of major amendments to its certified LCP taken as a whole, i.e., regardless of any segmentation which the Commission may have allowed in processing the LCP (upon final certification of a segmented LCP, reintegration of the segments into a single LCP occurs). Each separate submittal, however, may include many parts. LCP amendments are discussed in detail in Chapter VI.

D. Coastal Commission's Regulatory Role

Following LCP certification, the Commission's role in coastal development regulation is limited to a few well-defined responsibilities. The Commission:

- Retains permit jurisdiction in certain areas, such as state tidelands, submerged lands, public trust lands, and uncertified geographic areas (areas of deferred certification);
- Hears appeals from local actions on appealable developments;
- Determines jurisdiction in cases where a local determination is questioned or challenged (Regulations Section 13569);
- Enforces permits it issued before LCP certification or from an appeal (see above), or considers amendments or extensions of such permits; and
- Reviews certain federal activities or federally licensed or permitted projects for consistency with the state's coastal management program under provisions of the federal Coastal Zone Management Act.

The Commission also has an ongoing responsibility to monitor LCP implementation. Current post-certification monitoring activities include: reviewing notices of pending local hearings and pending non-hearing actions; reviewing notices of final local action; and providing notice of appealable development to the Commission. Additionally, Coastal Act Section 30519.5 requires the Commission to review each certified LCP at least once every five years after certification to determine if it is being implemented consistent with the policies of the Coastal Act.

E. Port, Public Works, and University/College Plans

In addition to LCPs, there are other mechanisms to implement provisions of the Coastal Act. These include port master plans, public works plans, and long-range development plans (LRDPs) for state university/college or private university development projects (Coastal Act Sections 30605-30606, 30700-30721).

The Post-Certification Guide, with its focus on the implementation of LCPs, does not discuss Coastal Act requirements regarding development and review of these types of plans. However, if such plans are included within a certified LCP, then coastal permitting may be affected in the area covered by these plans. Additional information on such plans is available from the Commission's offices.

CHAPTER II. COASTAL PERMIT APPLICATIONS

For each development application, an initial determination by local staff establishes if a coastal permit is needed, who issues the permit, and whether a locally-issued coastal permit is appealable to the Coastal Commission. Accurate determination of permit jurisdiction is crucial to the permit process. The type of jurisdiction determines what public notice must be provided prior to a local action, and may affect the type of information to be supplied by the applicant. This chapter is intended to assist local staffs in making these determinations. It also reviews the procedure to answer questions and resolve disputes over the initial determination process.

A. Determining Jurisdiction Type

The Coastal Act specifies which types of development (and development within certain geographic areas) remain within the Commission's permit jurisdiction after LCP certification (Coastal Act Section 30519). After LCP certification the Commission retains permit jurisdiction in tidelands, submerged lands, public trust lands (filled or unfilled), and areas of deferred certification (i.e. a geographic area where an LCP has not yet been certified by the Commission); however, Coastal Act Section 30613 provides that permit authority on submerged lands, public trust lands that are determined by the Commission to be filled and developed and located within an area committed to urban uses shall be delegated to local government.

CCC
Permit
Jurisdiction

Also, development proposed or undertaken in the Ports of Hueneme, Long Beach, Los Angeles or San Diego, within any state university or college in the coastal zone or any development covered by public works plans, remains subject to the Commission's jurisdiction either through coastal development permits or through certified port master plans, university long range development plans or certified public works plans, as applicable.

In addition, the Commission retains jurisdiction over permits that have been issued by the Commission prior to certification of the LCP and the transfer of permit authority for purposes of condition compliance, enforcement, amendment, reconsideration and revocation.

**CCC Appeal
Jurisdiction**

Where there is a certified LCP, the Commission has appeal jurisdiction over development approved in the following geographic areas: between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or the mean high tide line where there is no beach, whichever is the greater distance; in areas not included within the foregoing and located within 300 feet of the top of the seaward face of any coastal bluff, or within 100 feet of any wetland, estuary, or stream; or approved development not included within any of these areas but which is located within a sensitive coastal resource area. (Coastal Act Section 30603 [a]).

In addition, specific types of development are appealable to the Commission without regard to geographic location within the coastal zone: an approval or denial decision of a major public works project or major energy facility (defined as costing more than \$100,000; (see Commission Regulations Section 13012); and, in coastal counties, the approval of a development that is not designated as "the principal permitted use" in the LCP (Coastal Act Section 30603 [a][4, 5]). The grounds for appeals are described in Chapter IV of this Guide.

To avoid confusion over the location of the geographic boundaries of appealable areas and the Commission's permit jurisdiction, the Commission has adopted criteria for further defining and interpreting these features. These criteria are outlined in Section 13577 of the Commission's Regulations.

**Post-LCP
Jurisdiction
Map**

At the time of LCP certification, the Commission adopts a map, the "Post-LCP Certification Permit and Appeals Jurisdiction Map", which portrays the jurisdiction's geographic appeals area features. While the Commission adopts this map to assist in determining applicable jurisdiction, it is important to emphasize that the requirements of the Coastal Act and Commission Regulations take precedence over the map. The map, illustrating the appealable areas as defined by Coastal Act Section 30603(a)(1) and (2), is useful for initial determinations; however, site visits by local staff may be necessary to make more precise determinations in cases of uncertainty (for example, a proposed project sited on the map's line depicting the edge of an appeals area based on 100 feet from a stream). (See Appendix A for more information).

Below is a series of steps for making an initial determination of coastal permit jurisdiction:

**The
process to
determine
jurisdiction**

1. Does local government have permit jurisdiction? The Commission retains permit jurisdiction in specific areas, as identified above. Consult the LCP, and Post-Certification Map, make a site visit if necessary and check for any areas of deferred certification. For areas where there may be some question about jurisdiction, coordinate with Commission staff to assist in the determination. In cases where the Commission retains jurisdiction, local staff should refer the applicant to the appropriate Commission office.
2. Is a coastal permit required? A local coastal permit may not be required pursuant to provisions of an "exemptions and exclusions" section of a certified LCP ordinance. If no local coastal permit is needed for a proposed development, then the permit application would be subject only to the usual local permit process. If the proposed development needs a coastal permit, the next step is applicable. For coastal permits in the Commission's retained jurisdiction, the Commission determines if a coastal permit is required.
3. Can it be filed? When a local government has coastal permit jurisdiction, local staff should be sure the applicant has supplied sufficient project information to file the application and allow coastal permit review to commence. If local government is responsible for issuing the coastal permit, then the fourth step determinations are applicable.
4. Is the local action on the proposed development appealable to the Coastal Commission? Appealable development areas are defined by the Coastal Act and portrayed on the "Post-LCP Certification Permit and Appeals Jurisdiction Map," but some proposed development is appealable anywhere in the coastal zone (e.g. a major energy facility or, in the case of coastal counties, development which is not "the principal permitted use"). Other development may be appealable but not mapped on the Commission post-certification maps. In all cases the Coastal Act Section 30603 defines appealable development.
5. Is the project "in the pipeline" during LCP certification? During the time when an LCP is under review by the Commission, there may be projects that have received local approval, but that have not yet received a coastal permit from the Commission. Applications submitted to the Commission, but not yet complete and therefore not filed will be returned to the applicant and must be submitted to the

local government. Where the application has been found complete and has been filed, applicants have the option of either continuing Coastal Commission processing of their application or withdrawing the submittal and re-filing the application with the local jurisdiction to be heard and decided based on the certified LCP requirements. If the applicant elects to continue with Commission processing, the coastal permit remains under the Commission's jurisdiction and in this case the standard of review is the certified LCP. The Commission may determine that the application as filed may require additional review by the local government and, after consultation with and notice to the local government, remand the application for action consistent with the certified LCP. Upon effective certification of the LCP, the Commission will accept no applications for development within the certified area.

B. Projects Straddling Jurisdiction Boundaries

Projects that
straddle
appeal
boundaries

1. Projects that are bisected by appeal jurisdiction. If only a portion of the approved development is of the type or in a location that makes the local action appealable, the approval of the local coastal permit is appealable. But the grounds for appeal are limited to allegations that the appealable development is not consistent with the standards in the certified LCP or the public access policies of the Coastal Act. If those grounds are asserted and the Commission finds that the appeal raises a substantial issue, the Commission will hold a de novo hearing on the appeal. In the de novo hearing, the Commission has jurisdiction to address whether or not the action taken in the local coastal permit is consistent with the LCP and the public access policies of the Coastal Act. Thus the Commission's review at the de novo hearing is not limited to the appealable development.

Projects that
straddle
jurisdictions

2. Projects bisected by Commission and local government jurisdiction. The circumstance may arise wherein proposed development is located within both the Coastal Commission's and local government's coastal development permit jurisdictions. In such cases, coastal permits are required by both the Commission and the local government. In the case of any division of land, the permit is issued by the Commission only for lots or parcels created which require any new lot lines or portions of new lot lines within the area subject to the Commission's retained jurisdiction. In

such an instance the Commission's review is confined to those lots or portions of lots within its jurisdiction. In the case of any development involving a structure or similar integrated physical construction, the Commission issues a permit for any structure partially in the retained jurisdiction area. For example, a permit for a shoreline protective device (e.g. a seawall) that is located partially within the Commission's retained jurisdiction would be reviewed by the Commission.

3. Projects bisected by different local government jurisdictions.
If a project straddles the boundaries of two local governments, the applicant must obtain separate coastal permits from each jurisdiction. An exception is possible for public agencies that, pursuant to Coastal Act Section 30605, may obtain one "Public Works Plan" approval from the Coastal Commission, in lieu of locally-issued coastal permits.

C. Resolving Determination Disputes

Occasionally, disputes will arise as to the precise type of development being proposed (i.e. categorically excluded, appealable, non-appealable). If this happens, local staff should contact the Commission District staff and request an Executive Director's Determination. The Executive Director then would make a separate determination, within two working days of the request (or upon completion of a site inspection where such inspection is warranted), and transmit the determination to the local government. If the two determinations differ, then the Commission makes the final decision, after a public hearing (Commission Regulations Section 13569).

CHAPTER III. LOCAL COASTAL PERMIT REVIEW AND ACTION

Two types of notice are required by local government as part of the post-certification coastal permit process: (A) public notice of hearing or pending action to interested parties prior to a local decision; and (B) notice of final action to the Commission and those who have requested such notice after a local decision. Appendix B summarizes the notice requirements in table form.

Promptness in filing notices is important. For example, if a notice of final action on a project is received in the Commission office late or if it does not include the necessary information, a delay to the applicant can result, since the start of the Commission's appeal period would also be delayed. This chapter reviews the minimum requirements for each type of notice, as specified in the Commission's Regulations. Noticing of proposed amendments to locally issued coastal permits would follow the same procedures used for noticing the original permits, including noticing of final action.

In many cases, the existing local public notice procedures and forms can be adapted to meet coastal permit noticing requirements, rather than developing new ones. For example, a local government's notice for a Planning Commission hearing on a use permit often is shown on the meeting agenda. It would not normally warrant a separately mailed notice. By adding to the agenda a notation that the project is in the coastal zone, the minimum requirements for non-appealable hearing items are satisfied provided the agenda is mailed to owners and residents and all others identified for receiving notice. Other types of notice format can be adapted to provide the necessary information in a similar manner. The sample forms in Appendix 2B and 2C are geared toward coastal permit processing, independent of existing local procedures.

A. Notice of Hearing or Pending Action

If a coastal permit is needed for a proposed development, local government is required to provide public notice of local review prior to reaching a decision. The Commission's Regulations (Sections 13563-13568) specify the minimum requirements for such notice -- when provided, who receives notice, and notice contents. Typically, local ordinances already require some form of notice prior to local

action. The LCP implementing ordinances should specify how the two sets of requirements are combined for coastal permit applications.

**Determining
Type of Notice**

The Commission's minimum requirements differ for various permit applications. Local staff should first determine the type of permit application: (i) appealable developments, hearing required; (ii) nonappealable development where local ordinance requires a hearing (e.g. use permit); or (iii) non-appealable development where local ordinance does not require a hearing (e.g. building permit). This determination should be part of the permit application, since the applicant may be responsible for providing certain notice materials (e.g. list of nearby owners and residents). The notice requirements are reviewed below for the different application types.

**Appealable
Projects**

1. Notice of Hearing/Appealable Development (Regulations Section 13565): For development applications that are appealable to the Commission, a public hearing is required, and notice of such hearing must be provided at least 7 calendar days beforehand. Notice is to be provided by first class mail to: the applicant; any interested persons; owners and residents within 100 feet of the project parcel boundary; and the Coastal Commission district office.

The notice must include: a statement that the proposed development is in the coastal zone; the filing date and applicant's name; the number assigned to the application; a description of the proposed development and location; the hearing date, time and place; a summary of local hearing and review procedures; and procedures for local and Commission appeals. If the hearing is continued, the subsequent hearing must be noticed in the same manner (unless information about the new hearing is announced at the original hearing). See Appendix C-2 for a sample notice form.

**Projects Not
Appealable**

2 Notice of Hearing/Non-appealable Development (Regulations Section 13568[a]): Notice for hearings on non-appealable developments is similar to those for appealable projects. Notice of the hearing must be provided at least 10 calendar days beforehand. Those to receive notice by first class mail include owners within 300 feet of the project-parcel boundary as well as those described in 1 above. The only mandatory item in the notice is a statement that the proposed development is in the coastal zone. If the application is heard by a Planning Commission, the local government should also publish a notice in a general

circulation newspaper or, if there is none, post notice in at least three public places (e.g. public library). See Appendix C-2 for a sample notice form.

3. Notice of Pending Action/Non-appealable Development (Section 13568[b]): For non-appealable development applications where no local hearing is required (e.g. building permit), the minimum notice requirements are similar to those in A.1, above. Since a local official takes action instead of a discretionary review body, this notice must describe the procedure for submitting comments and indicate that sufficient time is allowed for receiving comments prior to the decision. See Appendix C-3 for a sample notice form.

Ministerial
Projects

B. Notice of Final Local Action

A "Final Local Action" means a decision where all required findings have been adopted and where there is no further possibility of being appealed to a local appellate body (Commission Regulations Section 13570). The decision may have been taken by a discretionary body such as the Planning Commission, following a hearing, or through administrative review, such as by the Zoning Administrator. Clearly, any decision taken by a City Council or Board of Supervisors is automatically a final action, since there is no possibility of appeal to a higher local appellate body. After a final local action, local government is obliged to provide notice of its decision to certain specified parties. Notice is also required if a development application is approved because the time limits for local action have expired. Section 13571 of the Commission's Regulations gives the minimum requirements for notices of final local action.

1. Notice of Final Action: Notice must be provided within 7 calendar days of the final local action. Notice is sent by first class mail to the Coastal Commission district office and to those persons who have requested to be informed of final local action on the proposed development. (Notices may not be sent by fax or email) To be complete, the notice must include: the action taken, conditions of approval (if any), written findings supporting the decision, and (if the local action is appealable) a description of the procedure for appeal to the Commission. The Commission also requests local governments to ensure that the notice contains the applicant's name and address so that the Commission can mail notice to the applicant that the final action has been received. See Appendix C-4 for a sample form.

Notice
Required

**Standard
for findings**

Required findings must meet the standards for issuance of a coastal development permit set forth in Coastal Act Section 30604(b). Specifically, Section 30604(b) provides that, after certification of a local coastal program, a coastal development permit shall be issued if the issuing agency (or the Commission on appeal) finds that the proposed development is in conformity with the certified local coastal program. Section 30604(c) sets forth additional standards for the issuance of permits for proposed development between the nearest public road and the sea or the shoreline of any body of water (e.g. a lake) within the coastal zone. Permits for such development "shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3" of the Coastal Act (commencing with Section 30200).

**Appealable
Decisions**

For local actions that are appealable to the Commission, the notice of final local action has special significance. Pursuant to Regulations Section 13110, the ten working day appeal period starts with the first day after receipt of a complete final local action notice. (Thus, if a final action notice is received on a Friday the following Monday would be the first day of the appeal period.) Once the Commission's appeal period begins, the Commission must notify the local government and permit applicant of the appeal period dates. It is therefore important that the notice of final action include the applicant's name and address.

Even for projects that are denied or are not appealable, it is important for the Commission to receive timely final action notices. The Commission keeps records of locally issued coastal permits for a variety of purposes including for: the conduct of Periodic Reviews, budgeting, federal reporting requirements, responding to requests for information and other purposes. The Commission also needs to know which permits have recorded legal document requirements (See discussion in Chapter V.)

**Deficient
Notice**

An incomplete or late notice, or lack of receipt of a final local action notice, will delay the start of this appeal period. Because the local and Commission appeal periods run consecutively, one after the other, the effect of a delayed appeal period is to lengthen the applicant's wait between local action and permit issuance. See Chapter IV of this Guide for a more detailed discussion of appeals.

2. Notice of Failure to Act: If a local government fails to act on a coastal development permit within the time limits set forth in the Government Code sections 65950-65957.1, until and unless the public notice required by the Permit Streamlining Act has first been

provided, a development project is not automatically approved. When a local government determines that the prescribed time limits have expired and the required public notice has been provided, then the local government is considered to have approved the coastal permit. At this point, however, the local government must still comply with the appropriate post-certification public notice for the development approval in the same manner as with a Final Local Action Notice, whether the development is appealable or not appealable. (See Section III (B)). The 7 calendar day period for the required Final Local Action Notice begins the day the local government determines that the development has been approved pursuant to the Permit Streamlining Act. (Regulations Section 13571 [b][2]). When the Commission receives a Final Local Action Notice for a development approved by local government under the Permit Streamlining Act, the procedures for appeal to the Commission are the same as for other appealable development. (See Chapter IV).

CHAPTER IV. APPEALS OF LOCAL DECISIONS

After LCP certification, certain local actions on development applications are appealable to the Coastal Commission. Chapter II of this Guide discusses the types of development and local actions that are appealable. This chapter reviews the Commission appeals process and how it relates to local governments' existing appeals procedures. Commission consideration of appeals after LCP certification provides an additional level of review by a body with a broader perspective and the ability to give guidance on interpretation of policies for issues of statewide importance. At the same time, the Commission's Regulations require (with some exceptions) that local appeals be exhausted prior to any appeals before the Commission. This approach increases the likelihood that development controversies can be resolved at the local government level.

A. Appeal Limitations

Sections 30603(b) (1) and (2) of the Coastal Act limit the grounds for appealing projects acted on pursuant to a certified LCP. The grounds for appeal of the approval of most appealable projects are limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. However, the grounds for an appeal of a denial of a permit for a major public works project or a major energy facility are limited to an allegation that the development *conforms* to the standards set forth in the certified LCP and the public access policies of the Coastal Act.

Grounds for
appeal

In addition, Coastal Act Section 30625 restricts who can appeal a local decision on a coastal permit: only the applicant, an "aggrieved person", or two members of the Commission are eligible to appeal. An "aggrieved person" is one who, in person or through a representative, expresses concerns about an application or local action by appearing at the local public hearing, or otherwise communicating his or her concerns to the local government by other appropriate means prior to a hearing, or who for good cause could do neither (Regulations Section 13006 and Coastal Act Section 30801). An "Aggrieved person" includes the applicant for a permit. Also, to qualify as an aggrieved person with appeal rights, an appellant must have exhausted all local appeals unless one of the exceptions noted below exist. (Commission Regulations Section 13573[a])

Eligible
Appellants

**Exhausting
local appeals**

There are several exceptions to the requirement that local appeals must be exhausted in order to appeal a project to the Commission. In the following instances, appeals can be made directly to the Coastal Commission:

Exceptions

1. The local government requires an appellant to appeal to more local appellate bodies than have been certified, as appellate bodies for permits in the coastal zone in the LCP implementing ordinances,
2. An appellant was denied the right of the initial local -appeal by a local ordinance that restricts the class of persons who may appeal a local decision.
3. An appellant was denied the right of local appeal because local notice and hearing procedures did not comply with the notice and hearing provisions of the Commission's Regulations.
4. The local government charges an appeal fee for the filing or processing of appeals.
5. Two Commissioners, pursuant to Commission Regulations Section 13573(b), appeal the final local action. (However, the local government can provide, in its LCP ordinances, for a Commission appeal to be suspended pending review by the proper local appellate body. This option is discussed under C below.)

The Commission's experience has shown that a great many local governments charge an appeal fee for filing and processing a local appeal thus allowing appeals directly to the Commission.

B. Appeal Procedures

**Local
appeals**

The appeals process begins with an initial local decision on a coastal development application. The decision-maker may be a Zoning Administrator, Planning Commission, etc., depending on the type of development proposed and the local review process. This decision starts a local appeal period, as specified by ordinance. If the decision is appealed, then the process is repeated until either (i) there is no further local appeal of the decision (e.g., a decision by the Planning Commission on an appeal is not followed by an appeal to the City Council), or (ii) there are no more local bodies to appeal to (e.g. the City Council renders a decision on the

application). Whatever is the last action taken is the final local action.

Local officials then send a notice of the final action to the Commission and interested persons, as discussed in Chapter III of this Guide. If the local action is appealable to the Commission, then it is subject to a 10-working-day appeal period (Commission Regulations Sections 13110 and 13111). Please note that if Commission staff does not receive a notice of final action or finds the notice of final action incomplete, the appeal period will not begin until the required information is received. Depending on whether the final action notice is complete or incomplete, Commission staff will notify the local government and applicant in writing of either the appeal period dates or any deficiencies in the notice.

**Commission
Appeal Period**

The 10-working-day Commission appeal period begins on the first working day following the day on which the Commission office received the complete final local action notice; an appeal, to be accepted for Commission review, must be submitted in writing by 5 P.M. of the tenth working day from notice receipt. The appeal should be made by completing a copy of the Commission's appeal application form, available from any of the Commission's offices. The appeal should be submitted to the Commission office in the district that includes the affected local government.

**Filing an
Appeal**

When an appeal to the Commission is submitted, Commission staff will determine if the appeal is valid (e.g., determine if the appellant has standing to appeal, and determine if grounds cited for appeal are valid). Commission staff may contact local staff to determine if the person filing the appeal participated in the local hearing. Also, the Executive Director, within 5 working days of receipt of an appeal from any person other than members of the Commission or any public agency, determines whether the appeal is patently frivolous. If such a determination is made, the appeal is not filed until a \$300 fee is deposited with the Commission within 5 working days of the receipt of this determination. [PRC 30620 (d)].

**Frivolous
Appeals**

If the appeal is valid, Commission staff will immediately notify the local government and applicant in writing that issuance of the coastal permit is suspended, pending resolution of the appeal (Regulations Section 13112). Also, local staff will be requested to forward the complete administrative record, including environmental documents and other supporting materials, to the Commission within five working days from the local government's receipt of the notice of appeal. Section 13112 of the Commission's

**Transmittal of
local permit
file**

Regulations provides that if the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.

To minimize the cost to the local government of preparing this administrative record, local staff may want to ask applicants for extra copies of application documents (e.g. consultant reports or EIRs) for controversial projects.

**Substantial
Issue Review**

Commission review of the appeal is a two-step process. First, the Commission determines, according to Coastal Act Section 30625(b)(2) provisions, whether the local action raises a substantial issue with respect only to the specific allowable grounds, on which the appeal was filed. [PRC Section 30603(b)]. If the Commission finds no substantial issue, the appeal is dismissed and the final action of the local government stands. The Commission will send written notice of such "No Substantial Issue" decisions to the local government. After a No Substantial Issue decision the local government can issue the local coastal permit.

**Commission
de novo
review**

If the Commission does find substantial issue, then the final action of the local government on the coastal development permit is no longer in effect. The Commission then will act upon the appeal as a new project - approving, denying, or conditionally approving the coastal permit application. This second step is referred to as a de novo review, and the Commission's action supersedes the local government's final action for the coastal development permit only (the Commission action has no effect on other locally-issued discretionary permits.) Both the substantial issue and de novo action steps require a public hearing, and the Commission may take both steps at the same meeting.

Coastal Act Section 30604(b) provides that, "After certification of the local coastal program a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified local coastal program." Therefore, if the Commission finds substantial issue and conducts a de novo hearing on the appealed permit application, the applicable test for the Commission to consider is the certified Local Coastal Program. At the de novo hearing the Commission can consider all issues regarding compliance with the certified LCP and relevant Chapter 3 policies and not only those raised in the appeal.

In addition, for projects located between the first public, road and the sea or the shoreline of any body of water within the coastal zone, Section 30604(c) requires that a specific finding must be made by the approving agency (whether the local government or the Coastal Commission on appeal) that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access and recreation questions, the Commission is required to consider, in a de novo hearing of an appealed project, not only the certified LCP but certain Chapter 3 policies as well.

C. Appeals by Two Commissioners

As noted above, a local government may require, by LCP ordinance provisions, that an appeal by two Commissioners, before local appeals have been exhausted, be suspended pending review by the appropriate local appellate body (Commission Regulations Section 13573[b]). This feature provides greater opportunity to resolve development issues at the local government level. Otherwise, appeals by two Commissioners of ministerial actions (e.g. by the zoning administrator) would have to be brought directly to the Coastal Commission, bypassing appointed and elected local officials.

Where the action is modified or reversed by the local appellate body, then the Commissioners are required to file a new appeal. In the case where review by the local appellate body has left the originally appealed action unchanged, the Commissioners' appeal is no longer suspended and the appeal is then brought before the Commission.

CHAPTER V. COMPLIANCE WITH PUBLIC ACCESS AND OPEN SPACE CONDITIONS

A certified LCP usually specifies procedures for an applicant to comply with permit conditions, or the procedures are left to the administering agency. However, the Commission's regulations (Section 13574) govern the implementation of certain public access and open space conditions even after certification.

Conditions that mitigate impacts of development to coastal access and resources may require an applicant to either grant or offer an easement or record a deed restriction on the property for stated purposes to mitigate specific impacts. Such conditions may also (or instead) restrict the applicant's use of a portion of his or her property. To comply with such conditions, the applicant must complete and record certain legal documents.

Prior to LCP certification, Commission staff is responsible for reviewing completed legal documents and assuring that the legal documents are properly recorded. Following certification, Commission staff retains the reviewing function unless a local government requests the authority to process the recordation of the necessary legal documents (Commission Regulations Section 13574[b])

The Commission can delegate to a local government the authority to process the recordation of the necessary legal documents if the local government requests such authority and demonstrates the capability to process access offers (Section 13574[b] of the Commission's Regulations). The authority would include the ability of the local government or an identified public agency or private association to accept, open, operate, and maintain accessways and open space/conservation areas required as a permit condition. If a local government receives the recordation processing authority, then it must forward a copy of the recorded access or open space documents to the Executive Director following recordation for input into the Commission's Access Inventory and Other Recorded Documents Inventory.

In addition, the county recorders are required to maintain an index of all recorded easements provided appropriate documents are submitted at the time of recordation. (pursuant to Government Code 27255).

CHAPTER VI. LCP AMENDMENTS

Periodically there may be reasons for a certified LCP to be amended. This chapter explains different types of amendments, minimum requirements for local review of amendments, and how the Commission processes LCP amendments. The review process for local governments and the Commission is similar to that for original LCP submittals. As with original LCP submittals, an LCP amendment does not take effect until the Commission effectively certifies it.

A. Amendment Types

An LCP amendment is needed whenever any portion of the certified LCP is revised (e.g. coastal element of the general plan, LUP policies, access component, zoning ordinance, subdivision ordinance, specific plan, permit procedures or other ordinances certified as part of the LCP). Substantial revisions usually will involve both the LUP and the implementation program (e.g. both revised land use and zoning designation for a parcel or parcels). Below are some typical revisions to a jurisdiction's plans and regulations, and the consequent LCP amendments:

Revision Examples	LCP Amendment
Rezone parcel(s)	Revise zoning map (and maybe LUP map). May also affect site-specific standards in the LCP
Revise habitat protection standards (e.g. riparian setbacks)	Revise zoning district regulations and (if necessary) LUP policies and standards.
Revise list of uses in zoning district(s)	Revise LUP land use category and zoning district(s). May also affect District-specific standards.
Newly-annexed territory	New land use and zoning designations, other specific policies, standards, and regulations as necessary.

Please note that if a city annexes an area in the coastal zone that was previously under a certified LCP of another jurisdiction, upon

annexation the LCP for that area is no longer in effect and the permit authority reverts to the Coastal Commission until the City amends its LCP to cover the newly annexed area.

B. Minimum Requirements

The Coastal Act and the Commission's Regulations provide certain requirements for LCP amendments. These minimum requirements address the frequency of amendments, public participation during local review, contents of the amendment submittal, procedures for Commission review, and effective date.

Frequency and Types

Local governments may make no more than three submittals of proposed major LCP amendments per year, although there is no limit to the number of amendments included in each submittal (Coastal Act Section 30514[b]). The limit on the number of yearly submittals pertains to the LCP taken as a whole, regardless of any pre-certification LCP segmentation.

Since a proposed amendment is not deemed actually submitted until it is found to be in proper order and legally adequate to comply with Coastal Act Section 30510(b), a submittal will be counted toward a year's quota of three submittals only during the year in which it is found to be legally adequate (which is not necessarily the same year as when the proposed amendment is received in the Commission's offices).

Proposed LCP amendments that are determined to be "minor" or de minimis by the Executive Director (PRC Section 30514[c] and [d]) are not restricted to three submittals per year. Major, minor and de minimis LCP amendments are explained in C below.

Public Participation Standards

Jurisdictions must provide the same level of public participation during LCP amendment preparation and review as that for the original LCP (Commission Regulations Section 13552[a]). These participation standards are found in Regulations Section 13515. Notices of public hearings or availability of draft LCP amendments must be mailed to: (i) members of the public requesting such notices; (ii) contiguous and affected local governments; (iii) various regional, state and federal agencies; and (iv) local libraries and media. Copies of LCP amendment drafts and related documents are to be mailed to requesting persons; Section 13515(b) allows local governments to charge fees sufficient to cover the cost of duplicating and mailing these materials. Notices of public hearings must be given general publication and sent to interested persons and public agencies (above) at least 10 working days before the

hearing (Section 13515[d]). The local government cannot take any final action on the LCP amendment until six weeks after providing notice of availability of the draft LCP amendment (Section 13515[c]).

The LCP amendment must be submitted to the Coastal Commission pursuant to a resolution by the City Council or Board of Supervisors (Commission Regulations Section 13551). The resolution should state that the LCP amendment will be carried out in accordance with the Coastal Act (pursuant to Section 30510[a] of the Act). It should also specify whether the proposed LCP amendment will take effect automatically upon Commission approval or will require local adoption afterward. The first option is probably more suitable for amendments that do not involve rezonings (e.g., some amendments to LUP policy language); the latter option may be appropriate if extensive follow-up action is necessary (e.g., an ordinance that requires a first and second reading and a 30-day effective date period).

**Submittal
Resolution
Required**

An LCP amendment submittal to the Commission must include various supporting materials. These are listed in Section 13552 of the Commission's Regulations and include: (i) a summary of public participation measures; (ii) a list of interested persons contacted for comment; (iii) significant comments received and the local government's response; (iv) a full description of the LCP amendment (policies, standards, text with strike-outs and underlines, maps, and so forth); (v) a discussion of the amendment's relationship to and effect on the rest of the LCP including the access component; (vi) an analysis of how the amendment complies with the "common methodology" for LCP preparation (Commission Regulations Section 13511); (vii) any environmental documents required pursuant to CEQA (see Public Resources code Section 21080.9); and (viii) an indication of the zoning measures that will be used to carry out an LUP amendment. Appendix D provides a general checklist of these requirements.

**Supporting
Materials**

C. Commission Review

Following submittal of the LCP amendment, the Commission reviews it in basically the same way as it would an original LCP submittal. First, the Commission staff decides if the submittal is complete for filing (i.e., whether it meets the requirements of Commission Regulations Sections 13551 and 13552 summarized above). If so, staff files the amendment submittal, starting the Commission's review period. If not, staff notifies the local government in writing of the submittal's inadequacies.

**Filing
Procedures**

**Determining
Type of
Amendment**

Second, the Commission staff decides if the LCP amendment is "major", "minor" or "de minimis". This distinction is intended to speed up review of urgent or non-controversial LCP changes; if the amendment is deemed minor or de minimis the review process is much simpler. In a single submittal containing several LCP amendments, there may be a mix of major and minor items.

De Minimis amendments are those amendments that will have no individual or cumulative impact on coastal resources, will not propose changes in land or water use or change in allowable use of the property, and that comply with certain public noticing criteria as specified in PRC Section 30514 (d).

The term "minor" LCP amendment is not defined exhaustively, but the Commission's Regulations Section 13554 provides several examples such as:

1. Amendments to address newly-annexed or detached territory where the city's LCP proposal and county's LCP proposal for the territory are equivalent.
2. Wording changes in the implementation program which provide more specific guidance without changing the type, location or intensity of use.

In general, any other proposed change in the type of use would be reviewed as a major amendment.

**Amendment
Review
Procedures**

Third, the Commission reviews and acts upon the proposed LCP amendment. De Minimis and minor amendments are approved administratively. The Executive Director notifies interested persons of the proposed amendment and reports the determination and any objections to the Commission at its next meeting. Commission approval is automatic unless one-third of the appointed members object, in which case minor amendments are reviewed as a major amendment (Commission Regulations Section 13555[a]) and de minimis amendments are reviewed as either minor or major amendments or at the request of local government returned to the local government (PRC 30514 (d)(3)(B)).

Pursuant to Regulations Section 13555(b), major amendments are reviewed in essentially the same fashion as original LCP submittals, which are governed by Coastal Act Sections 30512 and 30513 (and Commission Regulations Sections 13522-13542). The main difference is that the Commission does not make a

determination of whether the LCP amendment raises a substantial issue under the Coastal Act, as it does for the LUP portion of an LCP submittal (Coastal Act Section 30514[b]). The Commission must vote on the amendment within 90 days of filing in most cases; if the LCP amendment involves only the implementation program, the Commission has only 60 days (Regulations Sections 13522, 13530, and 13542[b]). For each LCP amendment, the Commission will vote either to deny or certify the proposed amendment; the Commission has the option of suggesting modifications following a denial action (unless the local government requests that it not do so). Notwithstanding the foregoing, the Commission has the authority under Coastal Act Section 30517 to extend the voting time limits for a period of time not exceeding one additional year.

Fourth, after Commission approval of an amendment the local government takes any necessary actions to implement the amendment. This might include ordinance adoption (if not already adopted), rezoning actions, or acceptance of suggested modifications. Also, as with original LCPs, an LCP amendment does not become effective until completion of the following three steps: (i) all necessary local government follow-up actions, including the acceptance of suggested modifications, are taken; (ii) the Executive Director determines that the follow-up actions are legally adequate; and (iii) the Commission concurs with the Executive Director's determination (Commission Regulations Sections 13551, 13544, and 13544.5). However, if -- in its resolution accompanying the proposed amendment submittal -- the local government had specified that the amendment would take effect automatically upon Commission approval, and if the Commission's approval did not include any follow-up terms or suggested modifications, then steps (i) through (iii) would not be necessary for the certified amendment to become effective.

**Local
Implementation**

D. Other Provisions

The primary initiative for LCP amendments will come from local governments administering LCPs, based on their experience, ongoing planning, and development patterns. However, the Coastal Act provides for the Commission or other agencies to suggest LCP amendments to the responsible local government under certain circumstances. The Commission must periodically review each certified LCP at least once every five years after certification to evaluate its effectiveness in implementing Coastal Act policies (Section 30519.5). If the Commission finds deficiencies, it is to recommend corrective actions (which may include LCP

**Amendments
suggested by
the
Commission**

amendments) to the local government. The Coastal Act also provides for the Commission to recommend LCP amendments to local governments in order to accommodate "uses of greater than local importance" which were not anticipated in the certified LCP (Section 30519[c]).

**Amendments
for
Energy/Public
Works**

The Commission itself is authorized to amend a Local Coastal Program in only very limited, specific instances. The Coastal Act provides that under certain circumstances persons authorized to undertake a public works project or proposing an energy facility development may request LCP amendments. (Coastal Act Section 30515). To qualify for consideration, the project must be intended to serve public needs beyond the LCP area and must not have been anticipated when the LCP was being certified initially. If the local government agrees with the proposed project, it would process the LCP amendment as discussed above. If the local government does not amend its LCP, the requesting party can petition the Commission to consider the amendment, explaining why the amendment is needed and how it conforms with Coastal Act policies. The Commission, after a public hearing and after the local government explains its action, may certify the LCP amendment if it can make several specific findings regarding balancing of effects and public welfare and need, alternatives and consistency with the Coastal Act.

CHAPTER VIII. LOCAL REVIEW OF OTHER COASTAL MANAGEMENT ACTIVITIES.

In addition to the Commission continuing regulatory responsibilities described elsewhere in this document, the Commission retains authority over other types of activities in the coastal zone, such as the federal consistency review authority, review of Coastal Conservancy projects, review of Public Works Plans and Long Range Development Plans. While regulation in these areas is not delegated to local government, nonetheless local governments have the ability to provide input into these decision-making processes.

A. Federal Consistency Authority: Review of Activities Approved, Funded or Carried Out By Federal Agencies

The federal Coastal Zone Management Act (CZMA) obligates the federal government to assure that it carries out its activities that affect coastal zone resources in a manner consistent with federally approved state coastal management programs. Three types of federal activities trigger this federal consistency review: 1) direct federal agency activities; 2) federal permits and licenses; and 3) federal support to state and local governments. To assure federal-state coordination, the CZMA requires that the federal agency or applicant proposing the activity prepare a statement of consistency with the state coastal management program. The federally designated state agency then reviews the statement and concurs with or objects to it.

In California, the Coastal Commission is the agency designated to undertake federal consistency reviews on activities that affect coastal uses or resources. The federal consistency review authority gives the state a voice it would not otherwise have in many federal activities. This authority is separate from the Commission's permit authority and it cannot not delegate this authority to local government after certification of its local coastal program. However, the Commission gives consideration to the views of affected local governments in the consistency decision process.

Relationship to LCP

Under provisions of the federal Coastal Zone Management Act, the Commission cannot delegate the federal consistency review authority to local governments. The Coastal Act, and not an LCP, is

the legal standard for the Commission's decisions. However, if the Commission has incorporated an LCP into the CCMP, it provides guidance for the Commission's review of federal consistency submittals. The LCPs interpret and refine Coastal Act policies as they apply to specific geographic areas, and thus provide valuable guidance to the Commission in its evaluation of federal activities. Local governments may participate in the decision-making process by taking part in the Commission's public hearings on consistency matters and by presenting a statement regarding the consistency of the proposed activity with the certified LCP. By active participation in the consistency process, the local government can assure that LCP policies are fully considered in the Commission's review and in possible modification of proposed federal actions.

Further Information

Additional information on federal consistency, including copies of the federal Coastal Zone Management Act (16 U.S.C. Sections 1456-1464), the implementing regulations (15 C.F.R. Part 930), and a guide to federal consistency are available upon request from the Commission's San Francisco office or on the Commission's webpage at <http://www.coastal.ca.gov/fedcd/fedcndx.html>.

B. Coastal Conservancy Projects

The Coastal Conservancy has the authority to fund restoration projects and resource enhancement projects in the coastal zone, pursuant to approved coastal restoration or resource enhancement plans, respectively. Such plans are submitted to the Coastal Commission for determination of consistency with the Coastal Act, or under certain circumstances, to local governments with certified LCPs for determination of consistency with certified LCP. (See Public Resources Code Sections 31251-31270.

C. Public Works Plans and Projects.

As noted previously, there are options for public agencies undertaking public works to prepare public works plans as an alternative to project by project review of coastal development permits. The approval of public works plans is not delegated to local government but if the local government has a certified LCP the Commission must consult with the jurisdiction before it approves the public works plan.

List of Appendices

A. Letter on CDP Jurisdiction and Interpretation of Maps

B. Table of Notice Requirements

C. Sample Forms

1. Samples of Coastal Permit Applications
2. Sample Notice of Public Hearing on Coastal Permit
3. Sample Notice of Pending Action on Coastal Permit
4. Sample Notice of Final Action

D. LCP Amendment Checklist

E. Focus on Enforcement Program

CALIFORNIA COASTAL COMMISSION

WILSON CENTER, SUITE 200
 1015 F STREET, N.W.
 WASHINGTON, D.C. 20004-4000
 PHONE (202) 546-5000

Exhibit A

Letter on CDP Jurisdiction and
 Interpretation of Maps

RAYMOND W. GARDNER



December 23, 1988

TO: Planning Directors of Coastal Cities and Counties

FROM: Peter M. Douglas, Executive Director *P. M. Douglas*

Re: Coastal Development Permit Jurisdiction and the Interpretation of
 Post-Certification Local Coastal Program Permit Jurisdiction Maps

On several recent occasions, questions were raised about the reliance by local governments and property owners on Post Certification Local Coastal Program (LCP) Permit Jurisdiction Maps. These maps indicate the boundaries where the Coastal Commission retains coastal development permit (CDP) authority and where coastal development permits approved by the local government are appealable to the Commission. Generally, these maps are reliable and should be used by local governments in making CDP jurisdiction decisions. However, as is clearly stated on the maps, the ultimate controlling factor as to jurisdiction turns on statutory language (i.e., Sections 30610 and 30603 PRC) and, at times, interpretive judgment.

I write to urge you to give direction to and remind persons who utilize these maps that over time circumstances affecting jurisdiction can change, that further refinement of these jurisdictional boundaries may be necessary through verification on the ground, and that in some instances the maps may be in error. More specifically, I want to underscore the need for close coordination between your staff and Coastal Commission staff when a proposed project is located in the following areas:

1. Where the project site includes development on a beach or is seaward of the toe of a shoreline bluff, even though the Post Certification LCP Jurisdiction Map may show the site in the appealable area, in many instances due to changing conditions such as shoreline erosion and rising sea level, the project may be in the Commission's retained CDP jurisdiction. In such cases, the applicant needs to obtain a CDP directly from the Commission.

2. Where the project site is directly adjacent to a wetland or estuary or is between the sea, an inland body of water, a lagoon or stream and the nearest public road, a locally approved CDP may be appealable to the Commission, or it may possibly be in the Commission's retained CDP jurisdiction.

*Memo To Planning Directors
Post-Certification Maps
December 23, 1999*

The point I want to stress is the need for increased coordination between local government and Commission staff when questions of coastal permit jurisdiction arise in certain geographic areas in the coastal zone. While the Post Certification LCP Jurisdiction Maps are generally reliable and should continue to be used, in the situations mentioned above, we recommend that your local government coordinate with Commission staff in order to provide certainty and to avoid situations where an applicant is advised incorrectly as to CDP jurisdiction. If you have any questions, please contact the Commission's nearest office and ask to speak with the District Manager.

cc: CCC District Directors and Managers
Jon Van Coops, Mapping Program Manager

Appendix B: Table of Noticing Requirements for Locally Issued Coastal Permits

Notice Type	Example of Proposed Development	Mandatory Notice Requirements (Regulations Sections 13563-13568, 13571):			Notice Contents
		When Notice Provided	How Notice Provided	Who Receives Notice	
Prior to Decision: Notice of Hearing (appealable)	Project seaward of first public road	At least 7 calendar days before hearing	First Class Mail ²	? Applicant(s) ³	? In coastal zone
				? Interested persons ³	? Filing date and applicant
				? Nearby owners and residents (100') ⁴	? Application Number
				? Commission	? Description of project, location
Notice of Hearing (Not Appealable)	Use permit or variance in non-appealable area	At least 10 calendar days before hearing	First Class Mail ² and newspaper posting ⁵	? Interested persons ³	? Hearing date, time and place
				? Nearby owners (300') ⁴	? Local Hearing procedures
				? and residents (100') ⁴	? Local and Commission appeals
				? Commission	? Statement that proposed development is in coastal zone
Notice of Pending Action (No Hearing, Not Appealable)	Building permit in non-appealable area	At least 7 calendar days before decision	First Class Mail ²	? Interested persons ³	? In coastal zone
				? Nearby owners and residents (100') ⁴	? Filing date and applicant
				? Commission	? Application Number
					? Description of project, location
After decision: Notice of Final Action		Within 7 calendar days ⁶ of decision	First Class Mail	? Pending action date	? Local review procedures
				? Statement on public comment	? Statement on public comment
				? Approval conditions (if any)	? Approval conditions (if any)
				? Written findings	? Written findings
Notice of Failure to Act		Within 7 calendar days ⁸ of determination	First Class Mail	? Requesting Persons ⁷	? Procedure for appeal to Commission
				? Commission	? Commission
				? Requesting Persons ⁷	? Procedure for appeal to Commission

Table Notes:

1. **Notice Contents:** List of contents if paraphrased: see Commission's Regulations for complete explanation of each item Sections 13565 – 13568, and 13571).
2. **First Class Mail:** The Commission has indicated a willingness to allow hand delivery of notice to residents within 100 feet of the project boundary in rural jurisdictions where it is often difficult to identify these residents. If the applicant delivers these notices, local governments would need an affidavit or other proof of delivery.
3. **Interested Persons:** All persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction.
4. **Nearby owners and residents:** Measure as distance from perimeter of parcel on which development is proposed.
5. **Notice by posting or newspaper:** Required in addition to notice by first class mail. If the Planning Commission conducts the hearing on a non-appealable development, notice must be published in a newspaper of general circulation; otherwise, notice must be posted in at least three public places in the jurisdiction.
6. **Notice of Final Action:** Notice is provided within 5 working days of action for interim permit authority decisions.
7. **Requesting Persons:** All persons who have requested notice of final local action on the proposed development. A local government can charge a fee for this service or require these persons to supply stamped, self-addressed envelopes.
8. **Failure to Act:** The 7-day notice period begins on the date that the local government determines (after required public notice) that the time limits established pursuant to the Permit Streamlining Act have expired.

**APPENDIX C-1:
SAMPLES OF COASTAL PERMIT APPLICATIONS**

SAMPLE



City of Santa Barbara
Planning Division

Coastal Development Permit Application

Community Development
341 Garden Street
(805) 564-5575



TO BE FILLED IN BY PLANNING DIVISION STAFF:

MASTER APPLICATION #: _____ CDP NUMBER: _____

ENVIRONMENTAL
DETERMINATION: _____
(If necessary)

CONCURRENT
APPLICATION(S): APE HLC DRC PC

APPLICATION REVIEWED BY: _____ DATE: _____

TO BE FILLED OUT BY THE APPLICANT:

I. TYPE OF APPLICATION:

- ☐ UCP Exemption
- ☐ Coastal Development Permit:
 1. Appealable -- Public Hearing required
 2. Non-Appealable -- Public Hearing required
 3. California Coastal Commission (State) Permit

II. PROJECT OWNER/APPLICANT AND LOCATION

Owner: _____

Applicant: _____

Project
Location: _____

Parcel No.: _____

NOTE: A Coastal Development Permit does not preclude any other City approvals or permits which would normally be required. The applicant must submit, in addition to this form, a Master Application as well as any other materials normally required by other review bodies or departments within the City of Santa Barbara

III. PROJECT INFORMATION:

THE FOLLOWING INFORMATION IS REQUIRED FOR A COASTAL PERMIT APPLICATION TO BE CONSIDERED COMPLETE:

PLEASE NOTE:

Where questions do not apply to your project, indicate "NOT APPLICABLE" or N.A.

Within thirty (30) days of receipt of an application, the Planning Division will inform the applicant in writing if the application is complete, or not, and what items must be submitted. Processing of the application will not begin until it is complete.

A. TYPE OF PROJECT:

- ☐ New _____ Sq. Ft.
☐ Addition _____ Sq. Ft.
☐ Remodel _____ Sq. Ft.
☐ Repair _____ Sq. Ft.
☐ Demolition _____ Sq. Ft.
☐ Removal _____ Sq. Ft.
☐ Change of Use From _____ To _____
☐ Grading _____ Cu. Yds.
☐ Fence _____ Height _____ Length
☐ Paving _____ Amount
☐ Other _____

RESIDENTIAL:

NUMBER OF EXISTING:

Lots _____ Sq. Ft.
Buildings _____ Sq. Ft.
Stories _____
Units _____
Bedrooms _____

NUMBER OF PROPOSED:

Lots _____ Sq. Ft.
Buildings _____ Sq. Ft.
Stories _____
Units _____
Bedrooms _____

NON-RESIDENTIAL:

NUMBER OF EXISTING:

Buildings _____

Stories

NUMBER OF PROPOSED:

Buildings _____

Stories

- B. DESCRIBE THE EXISTING CONDITION OF THE PROPERTY. INCLUDE NUMBER, SIZE, USE OF ANY EXISTING BUILDINGS, AND NUMBER OF UNITS:**

- C. DESCRIBE THE PROPOSED DEVELOPMENT. INCLUDE SQUARE FOOTAGE, INCIDENTAL IMPROVEMENTS SUCH AS SEPTIC TANKS, WATER WELLS, ROADS, GRADING, ETC.:**

- D. NUMBER PARKING SPACES:**

REQUIRED: Covered **EXISTING:** Covered
 Uncovered Uncovered

PROPOSED: _____ Covered **TOTAL:** _____ Covered
 _____ Uncovered _____ Uncovered

- E. ADDITIONAL INFORMATION:**

1. Has any application for development on this site been submitted previously to the California Coastal Zone Conservation Commission or Coastal Commission?

☐ YES ☐ NO

If yes, state previous Application Number: _____

2. Are utility extensions for the following needed to serve the project?

Water ☐ YES ☐ NO

Gas ☐ YES ☐ NO

Electric ☐ YES ☐ NO

Sewer ☐ YES ☐ NO

Telephone ☐ YES ☐ NO

Would any of these extensions be above ground? ☐ YES ☐ NO

If yes, explain

3. If the development is between the first public road and the sea, is public access to the shoreline and along the coast currently available near the site?

☐ YES ☐ NO

If yes, indicate the location of the nearby access, including the distance from the project site:

4. Does the development involve diking, filling, dredging or placing structures in open coastal waters, wetlands, estuaries or lakes?

☐ YES ☐ NO

If yes, explain. (Include amount of material to be dredged or filled and the location of the dredged material disposal site).

Has the U.S. Army Corps of Engineers Permit been applied for?

☐ YES ☐ NO

5. Will the development extend into or adjoin any beach, tidelands, submerged lands or public trust lands?

☐ YES ☐ NO

6. Is the proposed development in or near:
- Sensitive habitat areas? ☐ YES ☐ NO
 - 100 year floodplain? ☐ YES ☐ NO
 - Park or recreation area? ☐ YES ☐ NO
7. Is the proposed development visible from:
- U.S. Highway 101 or other scenic routes? ☐ YES ☐ NO
 - Park, beach or recreation areas? ☐ YES ☐ NO
 - Harbor area? ☐ YES ☐ NO
8. Does the site contain any:
- Historic resources? ☐ YES ☐ NO
 - Archaeological resources? ☐ YES ☐ NO

NOTE: If yes, to any of the items in (6 through 8) above, please explain on a separate sheet.

SAMPLE



CITY OF ENCINITAS DISCRETIONARY PERMIT APPLICATION COMMUNITY DEVELOPMENT DEPARTMENT

A-1

505 South Vulcan Avenue
Encinitas, California 92024
(760) 933-2710

"Appointment Required Prior to Submission"

Application No. _____
Date of Application: _____
Community Area: _____

DEPARTMENT USE ONLY

APPLICATION TYPE (check all that apply)

	Finance #	Code	Amount
☐ Annexation	_____	_____	_____
☐ Appeal	_____	_____	_____
☐ Coastal Development Permit	_____	_____	_____
___ Exempt ___ Regular permit Appeal Zone? Y ___ N ___			
___ Cst. excluded ___ CCC permit			
☐ Conditional Use Permit (Major)	_____	_____	_____
☐ Design Review (Planning Commission)	_____	_____	_____
☐ Environmental Submittal (EIA/Neg. Dec/EIR)	_____	_____	_____
☐ General Plan Amendment	_____	_____	_____
☐ General Plan Interpretation	_____	_____	_____
☐ Specific Plan	_____	_____	_____
☐ Tentative Map	_____	_____	_____
☐ Variance (Major)	_____	_____	_____
☐ Zoning Amendment	_____	_____	_____
☐ Zoning Code Interpretation	_____	_____	_____

Total Paid: _____

Please complete the following:

Project Name: _____

Project Address: _____ AFNE _____

Between _____ And _____
(Street) (Street)

APPLICANT

Name: _____ Phone: _____
(Last, First, Middle Initial or Firm Name)

Address: _____

City _____ State _____ Zip _____

OWNER(S)

Name: _____ Phone: _____
(Last, First, Middle Initial or Firm Name)

Address: _____

City _____ State _____ Zip _____

ENGINEER / ARCHITECT

Name: _____ Phone: _____
(Last, First, Middle Initial or Firm Name)

Address: _____

City _____ State _____ Zip _____

****PLEASE ATTACH A DESCRIPTION OF THE PROPOSED USE / PROJECT TO THIS APPLICATION.**

Have you had a pre-application meeting? ☐ Yes ☐ No

If yes, name of planner:

Has construction or use of the property for which this permit is requested started? ☐ Yes ☐ No

If yes, explain:

I am able and intend to proceed with actual construction work and/or division of land in accordance with plans submitted herein within _____ months after approval. I acknowledge that an application for a tentative map or tentative parcel map is not deemed received pursuant to Government Code 65920 et seq. until environmental review is complete. All other application types are not deemed received until responses from interested agencies are received by the City.

I understand that if the project or any alternatives are located on a site which is included on any of the Hazardous Waste and Substances lists compiled by the Secretary for Environmental Protection pursuant to Section 65962.5 of the Government Code, then a Hazardous Waste and Substances Statement must be submitted with this application. (Information that must be included in this statement can be obtained from the Community Development Department.)

I further understand that all fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the request.

Signature, Owner or Authorized Agent (Attach letter of authorization)

Date

COMMUNITY DEVELOPMENT DEPARTMENT ADMINISTRATIVE / DISCRETIONARY PERMIT APPLICATION CHECKLIST

CASE NO: _____ APPLICANT: _____ APPLICATION TYPE: _____

This checklist is intended to assist you in preparing your application. Note that the symbols in the right-hand column correspond to materials found in the attached application packet. Items marked with a (✓) below may not apply to your specific project and thus may be waived. We recommend that you meet with Community Development Department staff to discuss the application materials required for your project.

Rec'd	Needed	N/A	Item	
			1. Application Cover Sheets (2 pages):	
☐	☐	☐	a. Discretionary Application, or	A-1
☐	☐	☐	b. Administrative Application	A-2
☐	☐	☐	2. Application Supplement (✓)	S
☐	☐	☐	3. Evidence of Legal Parcel	L
☐	☐	☐	4. Grant Deed	
☐	☐	☐	5. Disclosure Statement	D
☐	☐	☐	6. Preliminary Title Report (✓)	
			7. Ten sets of the following plans <i>folded</i> to approx. 8 1/2" X 11" (Note: <u>twenty</u> copies are required for Tentative Maps):	
☐	☐	☐	a. Tentative Maps (see Tentative Map Supplement for required elements)	T
☐	☐	☐	b. Site Plan	
☐	☐	☐	c. Floor Plan	
☐	☐	☐	d. Elevations	
☐	☐	☐	e. Landscape Plan	
☐	☐	☐	f. Sign Plan	
☐	☐	☐	8. Colored elevations: one rolled, complete set (O.K. to substitute photos) (✓)	
☐	☐	☐	9. Project materials/color board (O.K. to substitute 8 1/2" x 11" brochures and/or photos) (✓)	
☐	☐	☐	10. Color photos of site and adjoining properties (8 1/2" x 11" max.)	
☐	☐	☐	11. Application for Environmental Review (AEIS) (✓)	
☐	☐	☐	12. Deposit/Fee	
			13. Citizen Participation Plan & Public Notice Package (refer to handout & instructions)	P
☐	☐	☐	a. Citizen Participation Plan	
☐	☐	☐	b. 11" x 17" assessor maps	
☐	☐	☐	c. Property owner list	
☐	☐	☐	d. Pre-addressed stamped envelopes, including applicant, consultant/representative, and property owner.	
			No. of sets required: ☐ 1 for Administrative applications	
			☐ 2 for Planning Commission review	
☐	☐	☐	d. Gummed labels, including applicant, consultant/representative, and property owner	
			No. of sets required: ☐ 1 for Administrative applications	
			☐ 2 for Planning Commission review	
☐	☐	☐	e. Vicinity map showing location of subject site	
☐	☐	☐	14. Housing Development Tracking	H
☐	☐	☐	15. Statement of Justification / Findings	J
☐	☐	☐	16. Letter of Authorization	
☐	☐	☐	17. Other:	

APPLICATION SUPPLEMENT
CITY OF ENCINITAS
COMMUNITY DEVELOPMENT DEPARTMENT

S

_____ Design Review _____ MUE/MAN
_____ TNU/TPM _____ Variance _____ Other _____

1. Project Description: (Describe proposed project. Describe what you are requesting)

- a. building sq. ft. _____ garage sq. ft. _____
- b. exterior material/color _____
- c. window material/color _____
- d. door material/color _____
- e. roof material/color _____
- f. Landscaping Percentage _____
- g. Standards _____

DENSITY	CODE REQUIREMENTS	PROJECT
Density Range Mid-Range		
Max lot area		
Lot Width		
On-Street lot width		
Frontside lot width		
Lot Depth		
Front Yard Setback		
Interior Side Yard Setback		
Exterior Side Yard Setback		
Rear Yard Setback		
Lot Coverage		
Building Height		
On-Street Parking		
YAR		

Community Area _____ Thomas Bros Pg _____

General Plan Designation No. _____ State Coastal Zone? Yes No

Number of Proposed Residential Units: Attached _____ Detached _____

Number of Lots _____ Acres: Gross _____ Net _____

Related Case?: Yes No If yes, provide previous Case No. _____

2. Existing Conditions. (Describe the existing conditions of the site: i.e., topography, road/alley conditions, access, vegetation, structures, fencing, lot size, drainage and the like).

3. Surrounding Conditions. (Describe the surrounding conditions: i.e., existing structures and relationship to project, # of units, lot sizes, vehicular access, topography, use type and the like).

- *5. Project Design. (Describe the design of the project and how it relates to the subject property and adjacent properties and uses).

- *6. View Preservation. (Describe what views are being maintained on adjacent properties and those that may be impacted by this project.)

* NOTE: Items with an asterisk may not be appropriate for all applications. If you have questions regarding applicability to your project, please discuss with Planning Department staff.

L

CITY OF ENCINITAS
505 South Vulcan Avenue
Encinitas, California 92024
(760) 935-2722

Applicant's Name _____ Telephone _____

Mailing Address

City of Chicago State of Illinois 76

This form and associated evidence will be reviewed by the Community Development Department upon submittal of your application. A request for a Certificate of Compliance must be filed concurrently with or in advance of this application if the evidence presented is insufficient to determine the parcel as being a legal lot or determination will require substantial time to research.

Fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the request.

Book _____ Page _____ Notes _____

Signature of Applicant

Date _____

**CITY OF ENCINITAS
DISCLOSURE STATEMENT**



APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS ON ALL APPLICATIONS WHICH WILL REQUIRE DISCRETIONARY ACTION ON THE PART OF THE CITY COUNCIL, PLANNING COMMISSION, AND ALL OTHER OFFICIAL BODIES.

The following information must be disclosed:

1. List the names of all persons having a financial interest in the application.

List the names of all persons having any ownership interest in the property involved.

2. If any person identified pursuant to (1) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

3. If any person identified pursuant to (1) above is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization as trustee or beneficiary or trustor of the trust.

4. Have you had more that \$250 worth of business transacted with any member of City staff, Boards, Commissions, Committees, and Council within the past twelve months? **Yes** **No** If yes, please indicate person(s).

PERSON is defined as: "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any group or combination acting as a unit."

(NOTE: Attach additional pages as necessary.)

Signature of Applicant

Date

Print or type name of applicant

CITY OF ENCINITAS
COMMUNITY DEVELOPMENT DEPARTMENT
PUBLIC NOTICE PACKAGE INFORMATION
AND INSTRUCTIONS

P

Applicants for projects requiring public hearings are responsible for providing up-to-date, accurate and complete public notification materials to the City. Any errors and/or omissions in the packet of noticing information may invalidate the public hearing and result in additional cost and delays to the applicant.

Please follow the instructions below and submit to the Community Development Department along with your application. This information must be received before a project can be placed on an agenda for hearing by the Community Development Department, Planning Commission, and/or City Council.

1. On 11 x 17 inch assessor maps, draw a 300 foot radius from the subject property boundaries¹. The subject property must be sufficiently highlighted and the radius drawn to scale. Identify each parcel within the 300' radius. Figure 1 (attached) is an example of such a map.
2. Complete mailing list on 8.5 x 11 inch paper. Figure 2 (attached) is an example of such a list. The mailing list will consist of the following:
 - a) a current list of property owners of the parcels identified in Step 1 above. The list should include the Assessor Parcel Number (APN) and the owner name and mailing address for each parcel. Contact the County Assessor's Office for the most current listing for each parcel number;
 - b) the name and address of the subject property owner and/or applicant's representative;
 - c) the name and mailing address of any surrounding city and/or the County of San Diego, if property under their jurisdiction is within a 2400-foot radius of the subject property. There is a five-mile limitation on the distance for noticing large, regionally significant projects;
 - d) for all applications within the coastal zone, the name and mailing address for all occupants and residents within 100 feet from the property lines of the subject site, any and all other parties known by the applicant to have an interest in the proposed development, and the Coastal Commission's San Diego Office, 3111 Camino Del Rio No., Suite 200 San Diego, CA 92108-1723.

PLEASE NOTE: If there is common area within the 300-foot radius, please discuss your noticing requirements with staff as notices may need to be sent to everyone with ownership interest within that common area. If there are not at least twenty (20) individual property owners within the 300-foot radius, the notices must be expanded to include at least twenty (20) individual property owners. The 300-foot radius will be used in most cases.

3. Provide complete set(s) of pre-addressed, postage-stamped (not metered) legal-sized envelopes for each mailing list entry developed in Step 2. The number of sets required depends on the type of application you are filing:

Application Type	Review Authority	Required sets of envelopes
Administrative Applications	CD Department	1 set (2 sets when application includes Environmental Initial Study)
Non-administrative Design Review, Standard Variance, Major Use Permit, or Administrative Applications referred to PC	Planning Commission	2 sets (3 sets when application includes Environmental Initial Study)
Others: (Annexation, GPA, Zoning Change, Specific Plan)	City Council	3 sets

No envelopes with return addresses, business letterheads or postage meter stamps will be accepted. Due to the U.S. Postal Service's automated sorting equipment, the APN must appear at the top of the address as shown in Figure 2.)

4. Provide two (2) sets of gummed labels on 8 1/2" x 11" sheets containing the names and mailing addresses of all those listed in Step 2. Each label should include the APN for parcels within the minimum radius. *NOTE: For administrative applications, only one (1) set of labels needs to be provided.*
5. Complete "Vicinity Map/Case Information Sheet" (*attached*).
6. Complete "Notice of the Filing of an Application" (*attached*). *NOTE: This is not required for administrative applications.*
7. Post the property with the notice material supplied by the City. The posted notice must be visible from the street side of the property and placed so that interested parties are able to read the notice. Fill out "Certification of Posting" (*attached*) and return to the Community Development Department.

If you have any questions about the requirements as stated above, please call the Community Development Department at (760) 633-2710.

VICINITY MAP / CASE INFORMATION SHEET

CITY OF ENCINITAS PROJECT SUMMARY

PROPOSED USE _____

CASE# _____

OWNER/APPLICANT _____

DATE REC'D _____

ENGINEER _____

HEARING DATE _____

GENERAL PLAN DESIGNATION _____

ZONING REGULATION: _____ ACRES _____

NO. OF LOTS _____ NO. OF DWELLING UNITS _____

CHECK SCHOOL DISTRICT(S):

NORTH

_____ CARDIFF ELEMENTARY

_____ ENCINITAS UNION ELEMENTARY

_____ SAN DIEGUITO UNION HIGH

SEWER DISTRICT _____

SCALE - 1"= _____

WATER DISTRICT _____

ASSESSOR BOOK _____ PAGE _____ PARCEL _____

CERTIFICATION OF POSTING

I certify that the "Notice of Permit Application" has been posted at a conspicuous location on
the site on _____.

(date)

Signature

PRINT NAME

CASE NUMBER: _____

LOCATION: _____

RETURN TO: _____
(Planner)

CITY OF ENCINITAS
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
505 South Vulcan Avenue
Encinitas, CA 92024
(760) 633-2710

REQUIRED DRAWING ELEMENTS

A vital part of any application package is a properly drawn, complete internally consistent set of drawings. Please read through this checklist carefully. Unless otherwise indicated, you must provide all of the following information on each set of drawings submitted. You will need to prepare 5 sets of drawings if you are submitting an *Administrative Application (Form A-2)*, or 10 sets if you are submitting a *Electronically Application (Form A-3)*. All plans must be accurately scaled and dimensioned.

PLEASE NOTE: BOTH THE STATE OF CALIFORNIA AND THE CITY OF ENCINITAS HAVE LEGAL REQUIREMENTS FOR WHO MAY PREPARE DEVELOPMENT AND LANDSCAPE PLANS. ALL APPLICATIONS MUST INCLUDE THE NAME, SIGNATURES AND PROFESSIONAL LICENSE OR REGISTRATION NUMBERS OF THE PREPARERS (SEE FRONT SHEET OF THIS APPLICATION FORM). CHECK WITH CITY STAFF FOR WHO MAY PREPARE PLANS.

Needed	N/A	Item
☐	☐	A. <u>Site Plan.</u> <i>The site plan shall indicate:</i>
☐	☐	1. All exterior site boundaries, correctly scaled and dimensioned.
☐	☐	2. Location of buildings and structures both existing and proposed, relative to each other and to site boundaries. Indicate extensions of rooflines beyond building walls.
☐	☐	3. Location of off-street parking and loading facilities, and their dimensions.
☐	☐	4. Location and dimensions of all driveways, access roads, and curb cuts, indicating the type of construction material.
☐	☐	5. Location and dimensions of present and proposed street and highway dedications required to handle the traffic generated by the proposed uses.
☐	☐	6. Location of walls, fences and hedges, and the indication of their height and type of construction materials.
☐	☐	7. Location of refuse collection/enclosures and an indication of the height and type of construction materials.
☐	☐	8. Location and type of significant vegetation and indicate whether they will remain or be removed.
☐	☐	9. Locations and calculations of areas proposed to satisfy landscaping requirements, and landscaping required for parking areas.
☐	☐	10. Location and dimensions of easements.
☐	☐	11. Location of nearest buildings adjacent to the project site.
☐	☐	12. Location and dimensions of significant waterways, flood plains and/or other topographical features.
☐	☐	13. Depiction of existing site contours and all proposed grading. For housing developments, plotting and plan types, exterior treatments (elevations) and color schemes.
☐	☐	B. <u>Lighting Plan.</u> <i>The lighting plan shall indicate exterior lighting standards and devices. The plan shall be adequate to review possible hazards and disturbances to the public and adjacent properties. Fixture cuts from manufacturer shall be provided for all fixtures proposed, describing dimensions, materials and colors.</i>

PUBLIC STREET

60' WIDE

PRIVATE EASEMENT
(60' WIDE)

18' MIN DRIVEWAY
CONCRETE

EXTERIOR
SIDE YARD

INTERIOR
SIDE YARD

REAR YARD

10' SIDE ESMT.

180'

ASSESSORS' PARCEL NUMBER _____
LEGAL DESCRIPTION: PARCEL ____ OF PARCEL MAP _____
ZONING: _____
PROJECT DESCRIPTION: _____

SAMPLE - NOT FOR CONSTRUCTION PURPOSES

North

1"=30'

SAMPLE

SITE PLAN
SITE ADDRESS

SAMPLE

NET ACREAGE CALCULATIONS

GROSS ACRES

LESS: Dedication _____ +/- Ac.

 Proposed _____ Rd. _____ +/- Ac.

 Private Streets _____ +/- Ac.

 Significant Wetlands _____ +/- Ac.

 Utility Easements _____ +/- Ac.

NET ACRES

SLOPE DENSITY RANGE CALCULATION

A. MAXIMUM RANGE:

<u>SLOPE</u>	<u>ACRES</u>	<u>DENSITY</u>	<u>DWELLING UNITS</u>
0 - 25%	_____	x _____ D.U. =	_____
25 - 40%	_____ ÷ 2	x _____ D.U. =	_____
40% +	_____	-	<u>none</u>
Total			_____ D.U.'s

B. MID-RANGE:

<u>SLOPE</u>	<u>ACRES</u>	<u>DENSITY</u>	<u>DWELLING UNITS</u>
0 - 25%	_____	x _____ =	_____
25 - 40%	_____ ÷ 2	x _____ =	_____
40% +	_____	-	<u>none</u>
Total			_____ D.U.'s

APPENDIX C-2:

SAMPLE NOTICE OF PUBLIC HEARING ON COASTAL PERMIT

APPENDIX C-2:
SAMPLE NOTICE OF PUBLIC HEARING ON COASTAL PERMIT

Date: _____

* Filing date: _____
* File number: _____

** The following project is located within (jurisdiction's name)
coastal zone:

* Applicant: _____
AP Number: _____
* Project Location: _____

* Proposed Development: _____

A public hearing on the proposed project will be held as
follows:

* Time: _____
* Date: _____
* Place: _____
Hearing body: _____ (e.g. Planning
Commission)

* Interested persons are invited to appear at the hearing and
inform the (Planning Commission), orally or in writing, of any
concerns they may have regarding the project. The project will
be described and a staff recommendation given, followed by public
testimony and questions by the (Planning Commission).

* Any appeals to the (Board of Supervisors) must be filed
with the (Planning Department) within _____ days after a
decision by the (Planning Commission).

____ (The Board of Supervisors) decision is not appealable to the
Coastal Commission.

* The (Board of Supervisors) decision is appealable to the
Coastal Commission. Appeals must be filed within 10 working days
after the Coastal Commission has received mailed notice of final
local action. Applicants will be notified by the Coastal
Commission as to the date the Commission's appeal period will
conclude.

NOTE: This notice form could be used for development
applications that are appealable to the Coastal Commission
pursuant to Coastal Act Section 30603, or those that are not
appealable but require a public hearing per local regulations
(e.g. use permit). Items with an asterisk (*) are mandatory for
appealable developments; items with two asterisks (**) are
mandatory for both types. Other items are optional.

APPENDIX C-3:

SAMPLE NOTICE OF PENDING ACTION ON COASTAL PERMIT

APPENDIX C-3:
SAMPLE NOTICE OF PENDING ACTION ON COASTAL PERMIT

Date: _____

- * Filing date: _____
- * File number: _____

- * The following project is located within (jurisdiction's name) coastal zone:

- * Applicant: _____
AP number: _____

- * Project Location: _____

- * Proposed Development: _____

- * Date application will be acted upon: _____
Responsible local official: _____

- * A 10-calendar-day public comment period from the date of mailing of this notice allows interested persons to inform the (city) (county) in writing of any concerns they have regarding the proposed project.

Please submit any comments by _____ (10 days hence).

Comments will be reviewed prior to local decision making. This project does not require a public hearing unless the administrative decision is appealed.

NOTE: This notice form could be used for development applications that are not appealable pursuant to Coastal Act Section 30603 and that do not require a public hearing pursuant to local regulations (e.g. building permit). Items with an asterisk (*) are mandatory; other items are optional.

**APPENDIX C-4:
SAMPLE NOTICE OF FINAL ACTION**

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

Your Jurisdiction

Date of Notice: Jan 30, 2002

Notice Sent to (via certified mail):

California Coastal Commission [your] District Office

Sample only

Please note the following **Final [your city or county] Action** on a coastal permit, coastal permit amendment, or coastal permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application #: 00-0930
Project Applicant: Joe and Jan Smith, 123 Somewhere Street, Santa Cruz, CA 95060
Applicant's Rep: John Doe, Esq., 999 USA Street, Suite 34, Santa Cruz, CA 95060
Project Location: 755 Pacific Coast Highway (along the inland Highway One frontage of the town of Davenport in the north coast area of Santa Cruz County). APNs 123-456-78, 234-567-89, and 345-678-90
Project Description: Construct a two-story replacement commercial structure consisting of gallery on first floor and residential unit above.

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body: ☐ Zoning Administrator ☒ Planning Commission ☐ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)
Adopted Staff Report	✓	
Adopted Findings	✓	
Adopted Conditions	✓	
Site Plans		10/22/01
Elevations		10/22/01

Additional Materials Supporting the Final Action	Enclosed	Previously Sent (date)
CEQA Document(s)		8/23/01
Geotechnical Report(s)		
Biotic Report(s)	✓	
Other <u>CDFG Permit</u>	✓	
Other _____		

Coastal Commission Appeal Information

This Final Action is:

- ☐ **NOT appealable** to the California Coastal Commission. The Final [your city or county] Action is now effective.
- ☐ **Appealable** to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission [your] District Office in _____; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the [your CCC District] Office at [address], [telephone].

Copies of this notice have also been sent via first-class mail to:

- Applicant
- Interested parties who arranged for mailing of notice

APPENDIX D: LCP AMENDMENT SUBMITTAL CHECK LIST

The California Code of Regulations (14 Cal. Admin. Code; Sections 13551 & 13552) and the Coastal Act (Public Resources Code) identify the required contents of an LCP Amendment submittal. The following checklist outlines general information but the requirements of the statute and regulations take precedence:

(1) A resolution adopted and dated by the Board of Supervisors or City Council after a public hearing (P.R.C. Section 30510(a)):

- Indicating that the local government intends to carry out the LCP in a manner fully consistent with the California Coastal Act.
- Indicating when it will take effect (automatically upon Commission approval or requiring formal local action after Commission approval).

(2) A clear, reproducible copy of adopted amendment(s). For example,

- If additional text, an indication of where it fits into the previously certified document (e.g. insert as p. 20a between pp. 20 and 21 as policy number ____).
- If revision to certified text, submit either with strikeouts and underlines or with indication of what policies, paragraph(s) or page(s) it replaces.
- If map changes, submit a new (replacement) map or submit a supplemental map with indication that previously adopted map is to be superseded by the supplement for the specific geographic area indicated (13552(b), (c)).

(3) Discussion of the amendment's relationship to and effect on other sections of the previously certified LCP, including the access component. (Amendments that affect areas between the first public road and the sea should pay particular attention to discussing the amendment's effect on the access component.) If the amendment to a certified LCP involves a land use plan (LUP) change only, an indication of which certified zoning provision(s) carries it out. If the amendment involves a zoning change only, an indication of which certified land use plan provision(s) it carries out (13552(c) and (f)).

(4) If the amendment is to the land use plan only (there is no certified Implementation Plan), an indication of the zoning measures that will be submitted to carry out the amendment.

(5) An analysis that meets the requirements of Section 13511 of the California Code of Regulations (Common Methodology) or an approved alternative pursuant to Section 13514(Alternative Methodology) and that demonstrates conformity with Chapter 6 of the Coastal Act (Implementation). For example: if the amendment involves a change in density or public service provision, an analysis of potentially significant adverse cumulative impacts on coastal resources and access, due to the change, and how the change can be found consistent with the policies of Chapter 3 and 6 of the California Coastal Act. The information provided in satisfaction of this requirement must be sufficient to allow the Commission to reasonably judge the amendment's consistency with Coastal Act resource protection policies.

(6) Any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP.

(7) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. For example this might include such things as biological studies, traffic studies, geotechnical reports, slope analyses and other documents.

(7) A summary of the measures taken to ensure public and agency participation. Include:

- A list of hearing dates, sample notice, and mailing list.
- Evidence of noticing the amendment, at a minimum, to the following: any member of the public who has so requested; each local government contiguous to the jurisdiction that is proposing the amendment; local governments, special districts, or port and harbor districts that could be directly affected by, or whose development plans should be considered in, the amendment; regional, state and federal agencies that may have an interest in or be affected by the amendment; local libraries and media.
- Names and addresses of all hearing participants (written and verbal) and commenters.
- Copies or summaries of significant comments received at the local hearing and any response to comments by the local government.

(8) All local staff reports and other information addressing the LUP amendment request's consistency with the Coastal Act, and/or the adequacy of the implementation program, as amended, to conform with and to carry out the certified LUP. (P.R.C. Sections 30512 and 30513)

Appendix E: Focus on Enforcement Program

*Excerpt (revised) from Coastal Currents Issue #6
Volume 2, Issue #6
December 2001*

In 1981, the Commission's legal division established a statewide coastal development permit (CDP) enforcement program to address unpermitted development and development undertaken inconsistent with the terms and conditions of previously issued coastal permits. A full-time program coordinator was assigned to the program in 1985, along with several part-time district officers and a part-time staff counsel. However, due to lack of funding and available staff, the program languished through the 1980's, and it wasn't until 1991 that former Governor Wilson added more positions to the budget.

The legislature has strengthened the enforcement provisions of the Coastal Act during the past decade by giving the Commission the power to issue cease and desist and restoration orders, and has increased the act's penalty provisions significantly, reflecting the rise in land values and creating a disincentive to would-be violators of permit requirements. Cease and desist orders are used by the Commission to halt ongoing violations and to force developers to comply with the permit process; restoration orders are used to bring about the removal of unpermitted development and/or restoration of damaged coastal resources. Cease and desist and restoration orders are perhaps the most important enforcement tools available to the Commission. These orders are quasi-adjudicative matters before the Commission, and have been quite effective in deterring and stopping illegal development activities in the coastal zone.

Between 1996 and 1999, the Commission's open violation caseload increased by 96%, creating a critical need for additional staff. Last year's expansion brought the number of permanent enforcement staff up from five to 14. The new enforcement staff includes six district enforcement officers, who strive to resolve violations without formal administrative action, and four headquarters enforcement officers, who prepare cease and desist orders and restoration orders. The officers are tackling the existing backlog of open cases as well as responding to new violations. In addition, the officers work with local governments, attending local task force meetings and coordinating strategies on cases that span permit jurisdictions.

The mission of the Commission's enforcement program is to protect coastal resources by assuring that development is properly permitted, and that all terms and conditions of coastal development permits are satisfied. To achieve this mission, the enforcement program seeks to respond quickly and effectively to significant violations of the Coastal Act's permit requirements; to obtain timely restoration of coastal resources that have been damaged by violations; to reduce the incidence of significant Coastal Act violations through effective deterrence; and to establish a systematic inspection program. Expansion of the program has enabled the Commission to work toward these enforcement goals in a comprehensive fashion.

Exhibit H

Article 8: Implementation Procedures For The California Environmental Quality Act and the State CEQA Guidelines

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: General Procedures and Authorities for Implementation of the California Environmental Quality Act and the State Guidelines

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§128.0101 Purpose of the Environmental Quality Implementation Procedures

The purpose of these procedures is to implement the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and to provide additional specific procedures for accurate, objective, timely, and orderly evaluation disclosure of potential environmental effects of proposed projects in the City.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§128.0102 Incorporation of CEQA by Reference

(a) CEQA and the State CEQA Guidelines, as applicable, are incorporated and made a part of this article as fully as though set forth herein, and all officers and employees of the City of San Diego are hereby authorized and directed to enforce and comply with each and every applicable provision of CEQA and the State CEQA Guidelines.

(b) This article shall be applied in such manner as to afford the fullest consideration of environmental protection of the environment within the reasonable scope of the statutory language.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§128.0103 Powers and Duties of the Development Services Director in Implementing Environmental Quality Procedures

The Development Services Director shall be responsible for implementing this article.

(a) The Development Services Director shall have the following powers as required for all projects or activities as defined by CEQA, whether proposed by private *applicants*, the City, or other public agencies:

- (1) To conduct environmental reviews including a determination of the information required to perform the review;
- (2) To issue administrative guidelines consistent with CEQA, the State CEQA Guidelines, current case law, and City Council policy;
- (3) To determine environmental significance based on applicable administrative guidelines;
- (4) To determine the type of environmental document required;

- (5) To prepare environmental documents as required by this article, CEQA, and the State CEQA Guidelines;
 - (6) To implement any three-party agreement or memorandum of understanding used for preparation of an environmental document and to set standards to help ensure that only qualified environmental consultants prepare these documents;
 - (7) To ensure to the maximum extent possible, that before public review, all environmental documents incorporate the latest pertinent technical or scientific information and are factually accurate and consistent; and
 - (8) To help ensure that *applicants* incorporate all required environmental mitigation measures or project alternatives as adopted by the decision makers to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.
- (b) The Development Services Director shall establish and maintain that degree of independence in the performance of these functions and duties as will assure the City Council, the City Manager, the Planning Commission, and the people of the City of San Diego that the review and analysis of the environmental consequences of projects, are in accordance with CEQA, are independent and wholly objective, and are not prepared for the purpose of either supporting or detracting from any project, plan, or position, whether advanced by the City, any other governmental agency, or private interest.
(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§128.0104 Authority to Require Mitigation and Monitoring Programs

When the conditions of a project approval require mitigation and monitoring, the City Manager and the Development Services Director are responsible for promulgating mitigation and monitoring standards and guidelines for public and private projects consistent with the requirements of CEQA Section 21081.6. The Development Services Director or City Manager may require appropriate surety instruments or bonds from private project *applicants* to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its costs to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)



**California Environmental Quality Act
Significance Determination
Thresholds**

**Development Services
Department**

JANUARY 2007*



**Land Development
Review Division
(619) 446-5460**

*Note: Development Services Department staff periodically revises sections of the thresholds in response to CEQA case law, and changes in federal, state, and local regulations. Staff also periodically provides updated information and clarification and direction for environmental analysts.

REVISION HISTORY	
Date	Comments
January 1991	Prior revision
January 1994	Prior revision
May 1999	Prior revision
April 2001	Prior revision
~~February~~ April 2004 ~~June, July~~	Updated
August 2006	Strikeout/Underline removed; minor edits
January 2007	New Traffic Threshold implemented; minor edits

TABLE OF CONTENTS

Table of Contents.....	<i>i</i>
Acronyms.....	<i>ii</i>

I. INTRODUCTION	1

II. ENVIRONMENTAL ISSUES

A. Agricultural Resources.....	4
B. Air Quality and Odor	6
C. Biological Resources	20
D. Geologic Conditions	27
E. Growth Inducement	30
F. Health & Safety.....	31
G. Historical Resources	37
H. Hydrology	44
I. Land Use	46
J. Mineral Resources	48
K. Noise	50
L. Paleontological Resources	57
M. Public Services and Facilities	59
N. Public Utilities	63
O. Transportation/Circulation/Parking (projects deemed complete 1/1/07	69
O.1 Traffic/Parking (projects deemed complete prior to 1/1/07.....	73
P. Visual Effects and Neighborhood Character	74
Q. Water Quality	78
R. Cumulative Impacts	81
S. Mandatory Findings of Significance.....	83

Acronyms

AAQA	Ambient Air Quality Standards
ADT	Average Daily Traffic
AAOZ	Airport Approach Overlay Zone
AEOZ	Airport Environs Overlay Zone
APCD	Air Pollution Control District
APE	Area of Potential Effects
AQIA	Air Quality Impact Assessment
AQMD	Air Quality Management District
BDR	Building Development Review Division
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
CARB	California Air Resources Board
CCR	Code of California Regulations
CEQ	United States Council on Environmental Quality
CEQA	California Environmental Quality Act
CFR	United States Code of Federal Regulations
CGS	California Geologic Survey
CNEL	Community Noise Equivalent Level
CLUP	Comprehensive Land Use Plan
CO	Carbon Monoxide
CUP	Conditional Use Permit
dB	decibel
DEH	County Department of Environmental Health
DSD	Development Services Department
EAS	Environmental Analysis Section
EDU	Equivalent Dwelling Unit
EIR	Environmental Impact Report
EMF	Electric and Magnetic Fields
EPA	United States Environmental Protection Agency
ESD	Environmental Services Department
ESL	Environmentally Sensitive Lands
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FPP	Flood Plain Fringe
FW	Flood Way
GI	Geologic investigation
GR	Geologic Report
HAZMAT	hazardous materials
HUD	U.S. Department of Housing and Urban Development
LDC	Land Development Code
LEA	Local Enforcement Agency
LDR	Land Development Review

LOS	Level of Service
MHPA	Multi-Habitat Planning Area
MRZ	Mineral Resource Zone
MSCP	Multiple Species Conservation Program
µg/m ³	microgram per cubic meter
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NO _x	Oxides of Nitrogen
OHP	Office of Historic Preservation
O ₃	Ozone
ppm	parts per million
PM ₁₀	Respirable Particulate Matter
PM _{2.5}	Fine Particulate Matter
REDI	Regional Economic and Demographic Mapping System
ROG	Reactive Organic Gases
RPO	Resource Protection Ordinance (outdated)
RPZ	Runway Protection Zone
RTK	Right to Know
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SFHA	Special Flood Hazard Area
SDG&E	San Diego Gas and Electric Company
SANDAG	San Diego Regional Association of Governments
SMARA	Surface Mining and Reclamation Act
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
SR	Soils Report
SUSMP	Standard Urban Storm Water Mitigation Plan
SWPPP	Stormwater Pollution Prevention Plan
TCM	Transportation Control Measures
TLV	Threshold Limit Value
VOC	Volatile Organic Compounds

I. INTRODUCTION

The purpose of these Significance Determination Thresholds (also known as Guidelines) is to assist City of San Diego staff, project proponents, and the public in determining whether, based on substantial evidence, a project may have a significant effect on the environment under Section 21082.2 of the California Environmental Quality Act¹ (CEQA), and therefore the environmental impact requires mitigation. They are not intended to be stand alone policies and are to be used in conjunction with commonly accepted professional standards, judgments, and practices. These guidelines should be updated when necessary in response to changes in CEQA, case law, and refinement of recognized scientific analysis of impact thresholds. The City of San Diego has been using these thresholds since 1991 and has provided regular updates. Section 15064.7² of the CEQA Guidelines encourages public agencies to develop and publish such analytical tools. These Thresholds include information on 19 environmental issues as listed in, and to be used in conjunction with, the Initial Study Checklist. They provide technical guidance in evaluating the potential significance of a project's environmental impact and provide a consistent and objective basis for determining the level of impacts. They also recognize that the level of impacts depend upon a multitude of factors such as project setting, design, construction, etc.

SIGNIFICANCE THRESHOLDS

The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the agency involved, based to the extent possible on scientific and factual data. An ironclad definition of a significant impact is not possible because the significance of an activity may vary with the setting. For example, an activity which is not significant in an urban area may be significant in a rural area (CEQA Guidelines Section 15064).

According to CEQA Statutes at Section 21082.2:

- (a) The lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.
- (b) The existence of public controversy over the environmental effects of a project shall not require the preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the agency that the project may have a significant effect on the environment.
- (c) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly in accurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

¹ State of California Public Resources Code, Division 13. <http://www.leginfo.ca.gov/calaw.html>

- (d) If there is substantial evidence, in light of the whole record before the lead agency, that a project may have a significant effect on the environment, an environmental impact report shall be prepared.
- (e) Statements in an environmental impact report and comments with respect to an environmental impact report shall not be deemed determinative of whether the project may have a significant effect on the environment.

This key decision as to whether a project may have a significant effect must be based on substantial evidence in the record. Section 15384 of the CEQA Guidelines defines "substantial evidence" as:

- (a) Substantial evidence as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to, or are not caused by physical impacts on the environment does not constitute substantial evidence.
- (b) Substantial evidence shall include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts

In most instances, the evidence in the record provides a clear link to the decision to prepare an EIR, Mitigated Negative Declaration, or Negative Declaration. However, according to the CEQA Guidelines in marginal cases where it is not clear whether there is substantial evidence that a project would have a significant effect on the environment, the Lead Agency is guided by Section 15064 (7)(g) of the CEQA Guidelines:

“After application of the principals set forth above in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principal: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.”

USE OF REGULATORY STANDARDS AS THRESHOLDS OF SIGNIFICANCE

In October 2002, the California Court of Appeal for the Third District issued a decision in the case *Communities for a Better Environment v. California Resources Agency*, Case No. C)38844 (10/28/02). Among other decisions, the court invalidated CEQA Guidelines Section 15064(h), which required lead agencies to rely on adopted environmental standards to determine significance. The Court held that Section 15064(h) conflicted with CEQA’s standard for determining whether to prepare an EIR whenever it can be fairly argued on the basis of substantial evidence that a project may have a significant environmental impact.

In general, DSD's Significance Determination Thresholds may be used to determine a project's potential impacts, but analysts are cautioned to remember that in some cases there may be substantial evidence of significant impact even when a project does not exceed the threshold.

II. ENVIRONMENTAL ISSUES

A. AGRICULTURAL RESOURCES

A significant impact on agricultural resources may result from a project which involves the conversion of Prime Farmland*, Unique Farmland**, or Farmland of Statewide Importance*** (as defined by the State of California on its Important Farmlands Map) to non-agricultural use. In San Diego, such land is generally located in portions of the undeveloped northern and southernmost areas of the City.

* Prime Farmland is land with the best combination of physical and chemical features for the production of agricultural crops. It includes:

- All land which qualifies for a rating as Class I or II on the United States Department of Agriculture (USDA) Natural Resources Conservation Service (formerly the Soil Conservation Service) Land Use Capability classifications. The Capability classification indicates the suitability of soils for most kinds of crops. Groupings are made according to the limitation of the soils when used to grow crops and the risk of damage to soils when they are used in agriculture. Soils are grouped in eight classes, from I through VIII, with Group I having the highest rating.
- Land which qualifies for a rating of 80 to 100 on the Storie Index. The Storie Index expresses numerically (based on a 100-point scale) the relative degree of suitability, or value of a soil for general intensive agriculture. Profile characteristics, soil surface texture, slope, and other factors such as drainage and salinity are considered in the Index rating.
- Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre, as defined by the USDA.
- Land planted with fruit or nut bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and which will normally return, during the commercial bearing period on an annual basis, from the production of unprocessed agricultural plant production, not less than \$200 per acre.
- Land which has returned from the production of unprocessed agricultural plant products at an annual gross value of not less than \$200 per acre for three of the previous five years.

** Unique Farmland is land of lesser quality soils used for the production of the state's leading agricultural cash crops.

***Farmland of Statewide Importance is land with a good combination of physical and chemical features for the production of agricultural crops.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Agricultural Resources:

Would the proposal result in:

1. Conversion of a *substantial amount* of Prime Farmland*, Unique Farmland** or Farmland of Statewide Importance*** (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
2. Conflict with existing zoning for agricultural use, or Williamson Act contract?
3. Involve other changes in the existing environment which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

SIGNIFICANCE THRESHOLDS

In evaluating the potential for a significant agricultural resources impacts, analysts should consult the Soil Survey, San Diego Area, Part III (USDA 1973) to determine the Storie Index rating and Capability Group of the soils on the project site. Other resources include the State of California Important Farmlands Map and Environmental Impact Reports prepared for subarea plans and community plan updates. Some of these documents contain maps identifying the various categories of farmland.

The determination of *substantial amount* cannot be based on any one numerical criterion (i.e., one acre), but rather on the economic viability of the area proposed to be converted. Another factor to be considered is the location of the area proposed for conversion. If the site itself is too small to be economically viable, would the proposed use affect the surrounding operations? For instance, the installation of a small housing complex on a formerly agricultural site may preclude or limit future pesticide spraying activities in an adjacent area with the potential to support food crops.

For purposes of defining significant agricultural resources and identifying impacts, it should be noted that the economic viability of a site is based on the characteristics that allow agricultural operations that can make a profit – not on a comparison of agricultural activities with other types of uses that may be more profitable.

B. AIR QUALITY and ODOR

Impact analysis for air quality should ensure that current air quality regulatory compliance attainment status is not adversely affected by stationary sources of emission, including CO hotspots, from new development. Table A-1 shows San Diego is designated “non-attainment” for ozone and particulate matter.² The CEQA review should include measures to reduce project-related ozone and particulate matter emissions to ensure that new developments do not contribute to San Diego’s non-attainment status for these pollutants.

Table A-1		
SAN DIEGO ATTAINMENT DESIGNATIONS		
Pollutant	Attainment Status	
	State	Federal
Carbon Monoxide	Attainment	Attainment
Lead	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Ozone	Non-Attainment	Attainment for 1-hr; not 8-hr. Maintenance ³
PM ₁₀	Non-Attainment	Unclassified
Sulfur Dioxide	Attainment	Attainment
Sulfates	Attainment	no federal standard
Hydrogen Sulfide	Unclassified	no federal standard
Visibility	Unclassified	no federal standard

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City’s Initial Study Checklist and provides guidance to determine potential significance to Air Quality:

Would the proposal result in:

1. A conflict with or obstruct implementation of the applicable air quality plan?
2. A violation of any air quality standard or contribute substantially to an existing or projected air quality violation?
3. Exposing sensitive receptors to substantial pollutant concentrations?
4. Creating objectionable odors affecting a substantial number of people? (See C-1)
5. Exceeding 100 pounds per day of Particulate Matter (PM)(dust)?
6. Substantial alteration of air movement in the area of the project?

SIGNIFICANCE THRESHOLDS

These air quality significance thresholds are based primarily on regulatory thresholds. However, use of regulatory standards as the sole threshold for significance [former CEQA section 15064(h)] was struck from CEQA pursuant to *Communities For A Better Environment v. California Resources Agency*, Case No. CO38844 (10/28/02). The former guideline specified

² Source: San Diego Air Pollution Control District 9SDAPCD). 2001 Annual Report. <http://www.sdapcd.co-san-diego.ca.us/annual/ANNUAL.PDF>. Designation for PM 2.5 and the 8-hour ozone standard were pending at time of this revision.

³ Attainment for 1-hr. standard was promulgated by the US EPA on July 28, 2003; On 4/04 San Diego was classified as non-attainment for 8-hr. standard .

that if a change in the environment is not a significant effect if the change complies with a regulatory standard found in a statute, ordinance, rule, or regulation. The court held that Guideline 15064(h) conflicted with CEQA's standard for determining whether to prepare an Environmental Impact Report (EIR). An agency must prepare an EIR whenever it can be fairly argued on the basis of substantial evidence that a project may have a significant environmental impact. The court reasoned that Guideline 15064(h) might be construed to allow an agency to avoid preparing an EIR by deeming an impact insignificant based upon compliance with an adopted regulatory standard, even if other substantial evidence supported a fair argument that a significant impact could occur.

Given the October 2002 ruling, reliance on the SDAPCD regulatory standards in Table 1 can no longer be used as the sole determinant of significance. The SDAPCD thresholds are provided in this document as a guideline to be considered on a case-by-case basis with other substantial evidence in light of the whole record to determine if the project may have a significant air quality impact. "Other substantial evidence" may include factors such as the proximity of sensitive receptors as discussed below.

The following Air Quality Thresholds are arranged in three parts beginning with the broadest, and narrowing to the most specific. Use of these should be applied as a screening tool to see where the project aligns along a sliding scale of potential significance. **If sensitive receptors are involved, the more restrictive of the guidelines should be applied.**

General Thresholds

A project may have a significant air quality environmental impact if it could:

- a. Conflict with or obstruct implementation of the applicable air quality plan
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation
- c. Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including release emissions which exceed quantitative thresholds for ozone precursors)
- d. Expose sensitive receptors⁴ to substantial pollutant concentrations including air toxics such as diesel particulates. ... As adopted by the South Coast Air Quality Management District (SCAQMD) in their CEQA Air Quality handbook⁵ (Chapter 4), a sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant than is the population at large. Sensitive receptors (and the facilities that house them) in proximity to localized CO sources, toxic air contaminants or odors are of particular concern. Examples include:

⁴ Consider sensitive receptors in locations such as day care centers, schools, retirement homes, and hospitals or medical patients in residential homes close to major roadways or stationary sources, which could be impacted by air pollutants.

⁵ <http://www.aqmd.gov/ceqa/hdbk.html>

Long-Term Health Care Facilities
Rehabilitation Centers
Convalescent Centers
Retirement Homes
Residences – such as medical patients in homes
Schools
Playground
Child Care Centers
Athletic Facilities

Methodology: The public involvement process of CEQA should be used to help determine the conditions of the existing environment to make a reasonable determination if sensitive receptors are present. The environmental planner should make a field visit as appropriate as part of the environmental initial study which should include specific analysis for sensitive receptors. Using visual survey data and resources such as maps and signs or other identifying features, the planner should specifically look for the following locations/conditions:

Medical patients at:

Adult/senior day care
Senior citizen centers/facilities/retirement homes
Hospitals/convalescent homes/long-term health care facilities
Acute care/walk-in ambulatory care clinics
Rehabilitation centers

Elderly persons/athletes/students/children at:

Public parks/playgrounds
Long-term care/assisted living facilities
Churches
Schools
Child care centers/homes
Athletic fields

Note: It is not always possible to know if a sensitive receptor exists adjacent to a project site. For example, a sensitive receptor may exist in a residential site such as an elderly patient living at home requiring in-home care, or a person with asthma, or a person with a compromised immune system. Applicants are not required to conduct door-to-door surveys to determine whether medical patients reside in private dwellings.

- e. Create objectionable odors affecting a substantial number of people; or
- f. Release substantial quantities of air contaminants beyond the boundaries of the premises upon which the stationary source emitting the contaminants is located.⁶

⁶ San Diego Municipal Code, Chapter 14, Article 2, Division 7, “Off-Site Development Impact Regulations” paragraph 142.0710, “Air Contaminant Regulations.”

Federally-supported transportation projects must demonstrate conformity with the State Implementation Plan (SIP) (“transportation conformity”) to ensure that new transportation projects would not jeopardize air quality in non-attainment areas. The SIP is the federally approved regional air quality strategy to attain and/or maintain health standards. The conformity requirement applies only to federal non-attainment and attainment/maintenance areas. Further discussion of transportation conformity is provided in item 4 below.

Projects that include stationary sources with impacts that may be significant under these general thresholds may also need an Air Quality Impact Assessment (AQIA) to be prepared in accordance with SDAPCD Rule 20.2.⁷

Note: The APCD applies the AQIA requirement for air quality permitting purposes to stationary sources of emissions. The SDAPCD did not establish these general air quality thresholds specifically for CEQA purposes or to assess mobile source emissions.

SDAPCD Thresholds

The SDAPCD provides criteria in Regulation II, Rule 20.2, Table 20-2-1, “AQIA Trigger Levels.” Apply these thresholds as a screening criteria for potential impact significance for stationary sources. If sensitive receptors are involved, or if the potential exists for a significantly cumulative air quality impact, apply the more restrictive Ambient Air Quality Standard (AAQS) threshold from Table A-3.

⁷ SDAPCD Regulation II, Rule 20.2 (d) (2). <http://www.sdapcd.co.san-diego.ca.us/rules/randr.htm>
For help, contact the SDAPCD at (858) 650-4700 or the California Air Resources Board (CARB) Compliance Assistance Program at 1-800-468-1786.

Table A-2 SAN DIEGO AIR POLLUTION CONTROL DISTRICT POLLUTANT THRESHOLDS FOR STATIONARY SOURCES			
POLLUTANT	EMISSION RATE		
	<i>Lb/hr</i>	<i>lb/day</i>	<i>tons/yr</i>
Carbon Monoxide (CO)	100	550	100
Oxides of Nitrogen (NOx)	25	250	40
Particulate Matter (PM ₁₀)	--	100	15
Oxides of Sulfur (SOx) ^(b)	25	250	40
Lead and Lead Compounds ^(c)	--	3.2	0.6
Particulate Matter, 2.5 microns (PM _{2.5})	--	--	--
Volatile Organic Compounds (VOC) Reactive Organic Gases (ROG)	--	137 ^(e)	15

- d. Source: SDAPCD Rule 1501, 20.2(d)(2)
- e. San Diego Air Basin has been in attainment of SOx standard due to sulfur-free natural gas for electricity generation and lack of heavy industrial/manufacturing uses in the region.
- f. Lead emissions have steadily declined due to catalytic converters and increased use of lead-free gasoline. San Diego is no longer required to monitor for lead.
- g. VOC threshold based on SCAQMD levels per South Coast Air Quality Management District SDAPCD (9/01) and the Monterey Bay APCD (MBAPCD) which has similar federal and state attainment status as San Diego.

3. State and Federal Ambient Air Quality Standards (AAQS) Thresholds

Apply AAQS as the threshold where accepted methodology exists when the project involves a sensitive receptor or if the potential exists for a significant cumulative air quality impact.⁸ AAQS are established by the regulators to protect even the most sensitive individuals. The federal EPA standard is the National Ambient Air Quality Standards (NAAQS). The more restrictive state standard is the California Ambient Air Quality Standards (CAAQS) as defined by the CARB. Apply current CAAQS. Both sets of standards (as of March 2003) are shown in Table A-3 below.⁹

Note: applying the significance criteria in Table A-3 requires a more rigorous analysis to determine if the threshold would be exceeded. Computer-aided air quality modeling would likely be required to reach this determination. Modeling regional or local concentrations of criteria pollutants from mobile sources is practical only for CO; there are no state recommended models for assessing regional ozone concentrations or local PM₁₀ concentration from mobile sources.

⁸ <http://www.arb.ca.gov/research/aaqs/aaqs.htm>

⁹ <http://www.arb.ca.gov/research/aaqs/aaqs.htm>

Table A-3
NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS ^(a)

Pollutant	Averaging Time	California Standards		Federal Standards		
		Concentration	Method	Primary	Secondary	Method
Ozone (O ₃)	1 hour	0.09 ppm (180 µg/m ³)	Ultraviolet photometry	0.12 ppm (235 µg/m ³)	Same as Primary	Ultraviolet Photometry
	8 hour	--		0.08 ppm (157 µg/m ³)		
Respirable Particulate Matter (PM ₁₀)	24 hour	50µg/m ³ ^(b)	Gravimetric or Beta Attenuation	150µg/m ³	Same as Primary	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20µg/m ³		50µg/m ³		
Fine Particulate Matter (PM _{2.5})	24 hour	no separate state standard		65µg/m ³		
	Annual Arithmetic Mean	12µg/m ³	Gravimetric or Beta Attenuation	15µg/m ³		
Carbon Monoxide (CO)	8 hour	9.0 ppm (10 mg/m ³)	Non-Dispersive Infrared Photometry	9.0 ppm (10 mg/m ³)	None	Non-Dispersive Infrared Photometry
	1 hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)		
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	--	Gas Phase Chemi-Juninescence	0.053 ppm (100µg/m ³)	Same as Primary Standard	Gas Phase Chemi-Juninescence
	1 hour	0.25 ppm (470µg/m ³)		--		
Lead	30 day average	1.5 µg/m ³	Atomic Absorption	--	--	High volume Sampler and Atomic Absorption
	Calendar Quarter	--		1.5 µg/m ³	Same as Primary Standard	
Sulfur Dioxide (SO ₂)	Annual Arithmetic Mean	--	Ultraviolet Fluorescence	0.030 ppm (80µg/m ³)	--	Spectrophotometry (Pararosaniline Method)
	24 hour	0.04 ppm (105µg/m ³)		0.14 ppm (365µg/m ³)	--	
	3 hour	--		--	0.5 ppm (1300µg/m ³)	
	1 hour	0.25 ppm (655µg/m ³)		--	--	

Pollutant	Averaging Time	California Standards		Federal Standards		
		Concentration	Method	Primary	Secondary	Method
Visibility Reducing Particulates	8 hour	Extinction coefficient of 0.23 per kilometer—visibility of ten miles or more due to particles when relative humidity is less than 70%. Method: Beta Attenuation and Transmittance through Filter Tape.		No federal standards		
Sulfates	24 hour	25 µg/m ³	~~Iron~~ Chromatography			
Hydrogen Sulfide (H₂S)	1 hour	0.03 ppm (42µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride	24 hour	0.01 ppm (26µg/m ³)	Gas Chromatography			

Table footnotes:

- ^a Data from April 2004 from CARB. Apply current AAQS: <http://www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm>. See also SDAPCD Rule 20.1 (Table 20.1-7). Refer to the CARB web site for use of this table.
- ^b On June 20, 2002, the CARB approved staff's recommendation to revise the PM₁₀ annual average standard to 20 µg/m³ and to establish an annual average standard for PM_{2.5} of 12 µg/m³. On June 5, 2003, the Office of Administrative Law approved the amendments for the regulations for the State Ambient Air Quality Standards for particulate matter (PM) and sulfates. Information regarding these revisions can be found at: <http://www.arb.ca.gov/research/aaqs/std-rs/std-rs.htm>.

4. Transportation Conformity with State Implementation Plan (SIP)

Federally-supported transportation projects must demonstrate conformity with the State Implementation Plan SIP (“transportation conformity”) to ensure that new transportation projects would not jeopardize air quality in non-attainment areas. The San Diego Regional Association of Governments (SANDAG) demonstrates conformity for projects in the Regional Transportation Plan (RTP). Therefore, projects identified in the March 2003 SANDAG 2030¹⁰ Regional Transportation Plan demonstrate transportation conformity. The San Diego Air Pollution Control District (SDAPCD) Regional Air Quality Strategy is the San Diego element of the SIP. Note that Transportation Control Measures are not a part of the RAQS. Note that federally-supported non-transportation projects must align with the general conformity requirement.

5. CO Hotspot Screening

The environmental review should also consider the localized health effect of carbon monoxide (CO). Although the San Diego Air Basin is currently an attainment area for CO, exhaust emissions can potentially cause a direct, localized “hotspot” impact at or near the proposed development. The primary source of this pollutant for the San Diego

¹⁰ <http://www.sandag.org/>

Air Basin in 2001 was mobile sources (mostly on-road passenger vehicles).¹¹ CO is a product of incomplete combustion of fossil fuel; unlike ozone, CO is emitted directly out of a vehicle exhaust pipe at a congested major roadway intersection with sensitive receptors nearby, and where vehicles are either idling or moving at a stop-and-go pace.

CO Hotspot screening should follow current accepted protocol by the California Air Resources Board and/or the San Diego County Air Pollution control District. For example, the EMFAC¹² computer model may be appropriate for estimating vehicle emissions. Effective June 30, 2003, new CO studies must use EMFAC (short for “Emission Factor”) which is capable of estimating current and forecast emissions for vehicles for gas, diesel, or electric vehicles. The air quality analyst should select the most appropriate methodology in consultation with City of San Diego staff.

If quantitative evaluation is necessary, the computer model CALINE-4 (or equivalent) using the most recent CO emission factors should be applied.

Significance Determination Examples

The following are only examples of projects or actions that might trigger these levels. They are not to be applied as significance determination thresholds but are for screening purposes only.

1. 950 Single-Family Units/9,500 Average Daily Trips (ADT)

In areas of the City of San Diego where traffic flow is not below (worse than) Level of Service (LOS) C and where development is not located within 100 feet of a congested freeway, significant cumulative air quality impacts could result from the development of 950 or more single-family units. Using URBEMIS 2003¹³, the estimated 9,500 ADT generated by 950 units would result in the following emissions.

NO_x – 153 pounds per day in summer; 234 pounds per day in winter; 180 pounds per day annual average;
ROG – 126 pounds per day in summer; 141 pounds per day in winter; 141 pounds per day annual average;
CO – 1,580 pounds per day in summer; 1,738 pounds per day in winter; 1,633 pounds per day annual average.

In this example, the significance thresholds would be exceeded for ROG and CO.

Multi-family, commercial, industrial, or institutional development resulting in 9,500 ADT or more could also result in impacts requiring mitigation.

2. 500 Single-Family Units/5,000 ADT

Additional CO consideration should be given for wood-burning fireplaces. If the 500 homes contain wood-burning fireplaces, and these fireplaces were used on an average of 50 days per year, and each fireplace burned one-eighth of a cord of firewood per year, 615 pounds of CO would be emitted each year or 12 pounds of CO per day in winter.

¹¹ Data from <http://www.arb.ca.gov/aqd/almanac/almanac01/almanac01.htm>

¹² <http://www.dot.ca.gov/hg/env/air/ctemfac.htm>

¹³ Use current URBEMIS model

3. LOS Degradation for Roads

If a proposed development causes a six-lane road to deteriorate to LOS E or worse, the resulting longer queuing at the traffic signals could cause a localized significant air quality impact. A site specific CO hotspot analysis should be performed to determine if health standards are potentially violated and to identify any affected sensitive receptor.

If a proposed development causes a six-lane road to drop to LOS F, the resultant extended wait at the signalized intersections could cause a significant air quality impact. A site-specific CO hotspot screening and/or analysis should be performed to determine if health standards are potentially violated and to identify any affected sensitive receptor.

If a proposed development causes a four-lane road to drop to LOS E or worse, the extended wait at the signalized intersection could cause a significant air quality impact. A site specific CO hotspot screening and/or analysis should be performed to determine if health standards are potentially violated and to identify any affected sensitive receptor.

If a proposed development is within 400 feet of a sensitive receptor and the LOS is worse than D, a site-specific CO hotspot analysis should be performed to determine if health standards are potentially exceeded and to determine the level of adverse effect on the receptors.

4. 100 Pounds per Day PM₁₀ (Airborne Dust) Criteria

San Diego is non-attainment for PM₁₀. While it is true that windborne particulate matter from other areas sometimes contributes to the non-attainment status, particular emphasis should be placed on identifying potential PM₁₀ emissions and specifying mitigation/control measures to be used during project construction activities. Construction grading and demolition dust accounts for 30% of all PM₁₀ emissions in the San Diego Air Basin. Road dust (both paved and unpaved roads) from sources such as vehicle tire wear on paved roads, accounts for 47% of all PM₁₀ emissions.

The South Coast Air Quality Management District's *CEQA Air Quality Handbook* (1993) estimate of PM₁₀ emissions from site grading is 26.4 pounds per graded acre; roughly 100 pounds of PM₁₀ is generated by grading 4.0 acres per day. The estimate is for use as a screening tool to help determine if the 100 pounds of dust would be exceeded.

It should be noted that daily watering of the site prior to/during grading reduces the dust emissions by 50%; a second daily watering reduces the dust emissions by 75%. Another acceptable control has been to phase the grading such that the area to be graded each day is kept below the 100 pounds per day threshold.

Alternatively, a project would not result in a significant impact if specified dust controls are included on the project plans such that visible dust plumes would be retained within the property lines. Dust controls would include not only watering, but other measures such as the preventing of trackout, paving of unpaved roads, covering or treating stockpiles, etc., with the extent of controls varying with the size of the project.

Another major source of airborne dust is caused by vehicle travel on paved roads; it is estimated that one pound of airborne dust is produced for each 2,100 of vehicle miles traveled. At an average trip length of nine miles per ADT and ten ADTs per single family home, a new development of 2,300 units would cause 100 pounds of airborne dust; likewise any new development causing or attracting 23K ADTs would result in 100 pounds of airborne dust.

Dust is also associated with demolition of existing structures. Evaluation of projects should consider potential for dust generation from demolition. Asbestos containing materials may be present in the structure to be demolished. Notice is required to be provided by the project applicant to the SDAPCD (APCD) prior to demolition. The website and address for San Diego APCD are as follows:

<http://www.sdapcd.co.san-diego.ca.us/permits/asbestos.html>

San Diego APCD
Compliance Div., Asbestos Section
9150 Chesapeake Drive
San Diego, CA 92123 (858) 650-4554

5. Stationary Sources

Consider potential impacts from existing stationary sources. For new stationary (“non-vehicular”) sources, contact the SDAPCD.¹⁴ Instruct the applicant to complete DSD form DS-3163, “Hazardous Materials Questionnaire.” See DSD Info Bulletin 116¹⁵ for more information. This bulletin has a sign-off block for SDAPCD to review potential air contaminants from non-vehicular sources. Remember that a permitted sources does not necessarily mean that the source is not “significant” under CEQA.¹⁶ A project with a permitted stationary source may make a considerable contribution to cumulative traffic impacts or may have potential for localized health/air quality impacts.

Air Quality Cumulative Impacts Data Sources

The following data sources should be reviewed to help make a determination of potential significance and/or for cumulative impacts assessment.

1. Site-specific emission data from the SDAPCD is available on-line at:
<http://www.sdapcd.co.san-diego.ca.us/gtoxics/Project1/SourceEmissions.htm>.
This database includes a cancer risk estimator index. A score between 1 and 100 generally means that the facility will be required to conduct a Health Risk Assessment.

¹⁴ If a project includes a new or modified stationary air source, refer the applicant to the SDAPCD for permitting help: (858) 650-4700 or at <http://www.sdapcd.co.san-diego.ca.us/>.

¹⁵ <http://www.sandiego.gov/development-services/industry/infobulletins.shtml>

¹⁶ Use of regulatory standards as a threshold for significance [former CEQA section 1506(h)] was struck from CEQA pursuant to *Communities For A Better Environment v. California Resources Agency*, Case No. CO38844 (10/28/02).

2. The CARB provides an on-line air quality forecaster at:
<http://www.arb.ca.gov/app/emsinv/fcemssumcat.html>
The web-based tool will provide an estimate of emissions in the following categories: total organic gases, reactive organic gases, ROG, CO, NOX2, SOX2, PM10, and PM25.
3. To evaluate emissions from stationary sources in an area (for example, by Zip Code), or to support a Hotspot screening, the California Air Resources Board provides an on-line facility query tool:
<http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>
4. Hotspot analysis -The SDAPCD has also evaluated potential Hotspot issues for San Diego County in its report, "2001 Air Toxics "Hot Spots" Program Report for San Diego County"(October 2002):
http://www.sdapcd.co.san.diego.ca.us/gtoxics/toxics_reports.html
5. The U.S. Environmental Protection Agency (EPA) Envirofacts on-line database provides environmental information from a variety of EPA databases:
http://www.epa.gov/enviro/index_java.html

Note: Cumulative regional air quality impacts cannot be mitigated at the project level.

ODOR

Projects that involve offensive odors may be a nuisance to neighboring uses, including businesses, residences, sensitive receptors, and public areas. For example, heavy industrial projects and livestock farming operations with the potential to expose sensitive receptors to objectionable odors could be deemed to have a significant impact. Significant odor impacts on residential areas and sensitive receptors warrant close scrutiny. Considerable attention should also be given to other land uses where people congregate such as recreational areas, work sites, and commercial areas. Analysis of potential odor impacts should be conducted for sources of odorous emissions, and receptors located near odorous sources.

INITIAL STUDY CHECKLIST QUESTION

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance from Odor:

Would the proposal result in:

1. Creating objectionable odors affecting a substantial number of people?

SIGNIFICANCE THRESHOLDS

Determining the significance of potential odor impacts should be based on what is known about the quantity of the odor compound(s) that would result from the project's proposed use(s), the types of neighboring uses potentially affected, the distance(s) between the project's point source(s) and the neighboring uses such as sensitive receptors, and the resultant concentration(s) at the receptors. A more detailed odor analysis may be required to fully evaluate and determine significance of the potential impacts if the proposed project would result in objectionable odors to nearby sensitive receptors.

For a project proposing placement of sensitive receptors near an existing odor source, a significant odor impact will be identified if the project site is closer to the odor source than any existing sensitive receptor where there has been more than one confirmed or three confirmed complaints per year (averaged over a three week period) about the odor source.

For projects proposing placement of sensitive receptors near a source of odors where there is currently no nearby existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar odor source at another location.

The San Diego Municipal Code also addresses odor impacts at Chapter 14, Article 2, Division 7 paragraph 142.0710, "Air Contaminant Regulations" which states:

Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located.

If a proposed project is determined to result in significant odor problems, mitigation measures should be identified. For some projects such as restaurants, add-on controls or process changes, such as carbon absorption, or other filtration may reduce emissions to below a level of significance.

For City of San Diego Metropolitan Wastewater Department (MWWD) projects, the “Odor Control Design Guidelines” are applied to ensure sewer odor impacts are minimized.¹⁷ The following table may also be used as a guide (not necessarily as CEQA-significant threshold levels) to estimate concentration at which a chemical odor may become recognizable. Note that different organizations have different threshold levels. The environmental analyst should determine which standard to apply based on project-specific conditions such as proximity to sensitive receptors. Odor impacts may have a significant impact unless mitigated. If values are not listed for a particular chemical, lookup tables are available at various websites through most Material Safety Data Sheet (MSDS) applications, or the EPA Envirofacts database:

<http://www.epa.gov/enviro/html/emci/chemref/index.html>

Table A-4
ODOR GUIDELINES ^(a)

Pollutant	Odor Threshold (ppm)			Threshold Limit Value (TLV) (ppm)
	<i>CHRIS ^(b)</i>	<i>AAR ^(c)</i>	<i>AIHA ^(d)</i>	
Acetaldehyde	0.21	0.01-0.031	0.0028-1000	25
Acetone	100	0.66-320	0.037-0.15	750
Ammonia (anhydrous)	47	0.037-20	0.043-53	25
Benzene	4.7	0.16-320	0.78-160	10
Carbon monoxide	odorless	Odorless	Odorless	25
Carbon tetrachloride	>10	15-50	1.6-706	5
Chlorine	3.5	0.02-3.5	0.021-3.4	0.5
Cumene	1.2	--	0.0051-1.3	50
Cyclohexane	--	0.41	0.52-784	300
Dicyclopentadiene	0.003	0.002	0.003-0.011	5
Ethyl benzene	140	0.25-2.3	0.092-0.60	100
n-Hexane	--	--	65-248	50
Hydrogen sulfide	0.0047	0.13	0.001 – 1.3*	10

¹⁷ City of San Diego MMWD Program Guidelines for Design Consultants. Appendix D, Chapter D30, “Odor Control Design Guidelines.” December 1996

Pollutant	Odor Threshold (ppm)			Threshold Limit Value (TLV) (ppm)
	CHRIS ^(b)	AAR ^(c)	AIHA ^(d)	
Methyl ethyl ketone	10	11-27	0.25-85	200
Naphthalene	--	0.3-0.9	0.0095-0.64	10
Phenol	0.05	--	0.0045-1	5
Phosgene	0.5	0.125-1	0.12-5.7	0.1
Phospine	0.14	0.02	0.01-5	0.3
Styrene monomer	0.148	0.02-0.47	0.0047-61	50
Sulfur dioxide	3	3	0.33-5	2
Toluene	0.17	0.17-40	0.021-69	50
Vinyl chloride	260	260-25,000	--	5
o,m,p-Xylene	0.05	0.2-4	0.081-5.4	100

Table notes:

- a “**Working with Toxic and Odor Thresholds.**” CAMEO Today newsletter, March/April 1997 issue ; (revised August 2001). National Oceanic and Atmospheric Administration (NOAA). Computer-Aided Management of Emergency Operations (CAMEO[®]).
http://response.restoration.noaa.gov/cameo/dr_aloha/odor/odor.html
- b **Chemical Hazards Response Information System (CHRIS) Manual.** U.S. Coast Guard.
<http://www.chrismanual.com/>
- c Bureau of Explosives, American Association of Railroads (**AAR**). 1996. Emergency Action Guides. Washington, DC: <http://www.aar.org>
- d. American Industrial Hygiene Association (AIHA). 1989. Odor Thresholds for Chemicals with Established Occupational Health Standards. Akron, OH: AIHA. (This document can be ordered from the **AIHA website**, www.aiha.org).
- * According to the MWWO Odor Control Design Guidelines, odor complaints are not typically generated if ambient concentrations of odorous compounds are less than 5 odor units (five times the odor recognition threshold). Applying this multiplier to the AIHA odor recognition threshold indicates that complaints would not be expected for hydrogen sulfide concentrations that are less than 0.0005 ppm.

C. BIOLOGICAL RESOURCES

Sensitive biological resources are defined by the City of San Diego Municipal Code as:

- Lands that have been included in the Multi-Habitat Planning Area (MHPA) as identified in the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego, 1997);
- Wetlands (as defined by the Municipal Code, Section 113.0103);
- Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines (July 2002 or current edition) of the Land Development manual;
- Lands supporting species or subspecies listed as rare, endangered, or threatened;
- Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development manual; and
- Lands containing habitats of covered species as listed in the Biology Guidelines of the Land Development manual.

For projects within the City of San Diego or carried out by the City of San Diego which may affect sensitive biological resources, potential impacts to such sensitive biological resources must be assessed. The following criteria and information are provided for guidance during this process.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Biological Resources:

Would the proposal result in:

1. A substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?
2. A substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS?
3. A substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?
4. Interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

5. A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?
6. Introducing land use within an area adjacent to the MHPA that would result in adverse edge effects?
7. A conflict with any local policies or ordinances protecting biological resources?
8. An introduction of invasive species of plants into a natural open space area?

SIGNIFICANCE THRESHOLDS

Impacts to biological resources are assessed by City staff through the CEQA review process, and through review of the project's consistency with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (July 2002) and with the City's MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established.

The following two steps summarize the procedure for collecting the necessary information.

STEP 1:

Determine the extent of biological resources and values present on the site. The analyst needs to visit the site and review existing biological information (e.g. MSCP vegetation maps). If there is any evidence that the site supports or recently supported biological resources, significant biological resources (see clarification in Step 2), a survey or letter report is necessary.

A factor in making this determination is whether or not the site has been illegally graded or grubbed. In some cases it is appropriate to consider the biological values on the site before a disturbance such as grading or fire. In general, if the site has been legally graded or grubbed and/or is characterized by ruderal species, is not included in the City's MHPA, and does not support wetlands or Tier I, II or III habitat, it probably does not support significant biological resources.

Note: The presence of trash and debris on a site does not indicate a lack of biological habitat. In addition, lack of vegetation due to fire, clearing of vegetation for brush management (Zone 2 is impact neutral), unauthorized off-road vehicle use or other uses also does not preclude the presence of potential habitat.

An affirmative answer to any of the following questions indicates that significant biological resources MAY be present:

- a. The site has been identified as part of the MHPA by the City's MSCP Subarea Plan.
- b. The site supports or could support (e.g. in different seasons/rainfall conditions, etc.) Tier I, II, or IIIA & B vegetation communities (such as grassland, chaparral, coastal sage scrub, etc.). The CEQA determination of significant impacts may be based on what was on the site (e.g. if illegal grading or vegetation removal occurred, etc.), as appropriate.

- c. The site contains, or comes within 100 feet of a natural or-manufactured drainage (determine whether it is vegetated with wetland vegetation). The site occurs within the 100-year flood plain established by the Federal Emergency Management Agency (FEMA) or the Flood Plain Fringe (FPF)/ Flood Way (FW) zones.
- d. The site does not support a vegetation community identified in Table 2 or 3 (Tier I, II, IIIA or IIIB) of the Biology Guidelines (July 2002); however, wildlife species listed as threatened or endangered or other protected species may use the site (e.g. California least terns on dredge spoil, wildlife using agricultural land as a wildlife corridor, etc.).

STEP 2:

Based on Step 1, if significant biological resources are present, then a survey to determine the nature and extent of the biological resources on the site is warranted (See Guidelines for Conducting Biology Surveys, revised 2002). The survey should identify which biological resources are present on the site and its immediately surrounding area, and the number and extent of each type. As appropriate and when relevant to the biological resources found on site, the survey should also discuss the nature and quality of the biological resources in the immediate vicinity of the project site.

The significance and/or sensitivity of the resource can be determined at this stage, however, a resource may be more vulnerable to some kinds of development than to others. Sensitivity and/or significance of impacts is, therefore, more appropriately considered in the context of the proposed project, as discussed below.

Biology Significance Determination

1. Direct Impacts

The direct, indirect and cumulative impacts of a project must be analyzed for significance. The first step in making the determination is to identify the nature of the impact, and the extent, and degree of direct impacts to biological resources. A direct impact is a physical change in the environment which is caused by and immediately related to the project. An example of a direct physical change in the environment is the removal of vegetation due to brushing, grubbing, grading, trenching, and excavating.

In order to determine the extent of impacts, the acreage of each habitat type to be lost should be quantified. If an upland, categorize the land into one of the four Tier categories (I -IV), which are listed on Table 3 of the Biology Guidelines (July 2002). If a natural wetland, categorize as indicated on Table 2 of the Biology Guidelines (July 2002). In addition, the boundaries of the MHPA should be determined and any proposed encroachment should be quantified. Where possible, the extent or number of individuals of sensitive, threatened, rare, or endangered species to be taken or harassed should also be quantified. In order to determine the degree of the impact, fragmentation of habitat, loss of foraging area for sensitive species, and other factors should be considered.

The City's permit to 'take' covered species under the MSCP is based on the concept that 90% of lands within the MHPA will be preserved. Any encroachment into the MHPA (in excess of the allowable encroachment by a project) would be considered significant and require a boundary adjustment which would include a habitat equivalency assessment to ensure that what will be added to the MHPA is at least equivalent to what would be removed.

In addition, lands containing Tier I, II, IIIa and IIIb [(see Table 3 of City's Biology Guidelines (July 2002))] and all wetlands [see Table 2 of City's Biology Guidelines (July 2002)] are considered sensitive and declining habitats. As such, impacts to these resources may be considered significant. Lands designated as Tier IV are not considered to have significant habitat value and impacts would not be considered significant.

Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to state or federally listed species and all narrow endemics [see the City's Biology Guidelines (July 2002)] should be considered significant. Certain species covered by the MSCP [see page 26 of the Biology Guidelines (July 2002)] and other species not covered by the MSCP, may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

Notes:

- (a) Total upland impacts (Tiers I- IIIB) less than 0.1 acre are not considered significant and do not require mitigation. **See Section 3 (Cumulative Impacts) relative to native grasslands.**
- (b) Impacts to non-native grasslands totaling less than 1.0 acres which are completely surrounded by existing urban developments are not considered significant and do not require mitigation. Examples may include urban infill lots.
- (c) Total wetland impacts less than 0.01 acre are not considered significant and do not require mitigation. THIS DOES NOT APPLY TO VERNAL POOLS or wetlands within the Coastal Zone.
- (d) Brush management Zone 2 thinning activities, while having the potential to adversely affect biological resources, are not considered potentially significant inside the MHPA or, to the extent that non-covered species are not impacted, outside the MHPA, because of the implementation of the MSCP. Brush management Zone 2 thinning outside the MHPA which affects non-covered species is potentially significant. Brush management not conducted in accordance with brush management regulations, regardless of where it is located, is also potentially significant.
- (d) Mitigation is not required for impacts to non-native grassland habitat when impacted for the purpose of wetland or other native habitat creation.
- (e) Habitat mitigation is not required for impacts to manufactured slopes or areas that have been planted with native species for the purpose of erosion control. For example, in order

to qualify for this exception, substantiation of previous permits and mitigation must be provided.

Noise mitigation, however may be required for significant noise impacts to certain avian species during their breeding season depending upon the location of the slope (such as adjacent to an MHPA) and what birds may be present in the area such as the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird, or western snowy plover. If these avian species (except for the California gnatcatcher) are present, then mitigation will be required if construction or operational noise levels would exceed 60 dB(A), or the existing ambient noise level if already above 60dB(A) during the breeding season. For California gnatcatcher habitat within the MHPA and occupied, construction or operational noise levels exceeding 60 dB(A) (or exceeding the existing ambient noise level if already above 60 dB(A)) during the breeding season is considered significant. There are no restrictions for the gnatcatcher **outside** the MHPA anytime of the year.

In addition, inside the MHPA, impact avoidance areas are required for Cooper's hawk, northern harrier, golden eagle, burrowing owl, and southwestern pond turtle. See Biology Guidelines, Section II, A. 2 & 4. and Section 9.12 of the Implementing Agreement.

- (f) Removal/control of non-native plants is not considered to constitute a significant habitat impact for which compensatory habitat acquisition, preservation, or creation for the area impacted is required. Mitigation for indirect impacts such as erosion control or off-site infestation by non-native species may be needed.

2. Indirect Impacts

CEQA Guidelines §15064(d) provides the following guidance regarding identification of direct versus indirect impacts:

In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

- a. An indirect impact is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct impact in turn causes another physical change in the environment, then the secondary changes is an indirect impact. For example, the dust from heavy equipment that would result from grading for a sewage treatment plant could settle on nearby vegetation and interfere with photosynthetic processes; and the construction equipment noise levels could interrupt reproductive behavior within adjacent sensitive avian breeding habitats during the breeding season.
- b. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

Depending on the circumstances, indirect impacts of a project may be as significant as the direct impacts of the project. In general, however, indirect impacts are easier to mitigate than direct ones. Some impacts may be considered indirect impacts in some circumstances and direct impacts under other circumstances. Indirect impacts include but are not limited to, the following impacts:

- a. The introduction of urban meso-predators into a biological system;
- b. The introduction of urban runoff into a biological system;
- c. The introduction of invasive exotic plant species into a biological system;
- d. Noise and lighting impacts (note: consider both construction/demolition and operational phases of the project); and
- e. Alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles; and
- f. loss of a wetland buffer that includes no environmentally sensitive lands.

3. Cumulative Impacts

The MSCP was designed to compensate for the regional loss of biological resources throughout the region. Projects that conform with the MSCP as specified by the Subarea Plan, and implementing ordinances, (i.e. July 2002 Biology Guidelines and ESL Regulations) are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP. These resources include the vegetation communities identified as Tier I through IV (see City's July 2002 Biology Guidelines, and the MSCP covered species list (see Appendix A of the City of San Diego's MSCP Subarea Plan).

All direct impacts to vernal pools are significant and cumulatively significant. **Impacts to vernal pools may be mitigated in accordance with the criteria in the Biology Guidelines.**

Direct impacts to perennial native grasslands that are greater than 0.1 acre are significant and cumulatively significant. **Direct impacts to this habitat type are mitigated via Tier I per Biology Guidelines. Cumulative impacts may be mitigated only via creation at a 1:1 ratio or greater with the feasibility of creation to be evaluated on a case-by-case basis.**

Impacts to species covered by the MSCP (see Appendix A of MSCP Subarea Plan) would not generally be considered cumulatively significant, provided the project is in full compliance with the MSCP and its implementing regulations. Impacts to state- or federally-listed species not covered by the MSCP may be considered cumulatively significant. Each situation will be evaluated on a case-by-case basis.

It is expected that many other sensitive species not analyzed for coverage under the MSCP will be adequately conserved through the MSCP's habitat-based mitigation plan. A rare circumstance may arise, however, where impacts to a particular species may still result in a cumulatively significant impact. The project-level biological survey report would identify those species and describe why a cumulative impact still exists in light of the habitat level of protection provided by the MSCP. Depending on the size of the impact, the salt marsh daisy (*Lasthenia glabrata* ssp. *coulteri*) found in salt pannes) and the little mouse tail (*Myosurus minimus*) found in vernal pools) would be examples of non-covered species that might be considered rare enough to conclude cumulatively significant impacts.

WEB SITES FOR REFERENCED DOCUMENTS

Biology Survey Guidelines:

<http://www.sandiego.gov/mscp/pdf/biosurvey.pdf>

Biology Guidelines:

<http://www.sandiego.gov/mscp/pdf/biolog.pdf>

MSCP Subarea Plan:

<http://www.sandiego.gov/mscp/pdf/subarea.pdf>

Environmentally Sensitive Lands Regulations:

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCode Chapter14/Ch14Art03Division01>

D. GEOLOGIC CONDITIONS

Geologic conditions exist within certain areas of the City of San Diego which have the potential to pose serious problems when land is developed. Unstable slopes, slide prone soils, and faults occur in many parts of the City. Seismically liquefiable areas exist near the bays and rivers. The Geologic Hazard maps which are part of the City of San Diego Seismic Safety Study indicate where adverse geological conditions exist which will require some level of evaluation by a geologist, an engineer, or both.

Table F-1 describes which type of geologic report is required for specific zones identified on the Seismic Safety Study. Depending on the nature of the proposed project, the requirements can be waived in portions of zone 53 where the topography is flat, or where an evaluation by a City geologist determines that the geologic impact to the project is negligible. * In areas considered at high risk for liquefaction, the report can be deferred to the Building Development Review (BDR) Division until the Building Permit stage if no environmentally sensitive resources are likely to be impacted. Studies for potentially active faults may also be deferred to BDR based on an evaluation by a City staff geologist. Soil investigations may also be deferred if no sensitive environmental resources would be affected by the findings of the report.

*** Note: All project grading components, including offsite improvements such as roads, must be included in the analysis. Therefore, for those project components where BDR would not typically review, approve and require compliance with geotechnical report recommendations (i.e., areas outside the building pad), the analysis must be done during the discretionary stage of project review.**

Table F-1
GEOTECHNICAL STUDY REQUIREMENTS
(City of San Diego Information Bulletin 515)

Hazard Category	Group I	Group II	Group III	Group IV	Group V	Group VI	Group VII
11, 13, 21, 31, 41	GI	GI	GI	GI	GI	GI	SR
12, 22-27, 42-47	GR	GI	GR	GI	GR	GR*	SR
32, 48, (53 & 54 if in hilly terrain)	GR*	SR & GR*	GR*	GR*	--	--	SR
51, 52, 55, (53 & 54 if flat terrain)	GR*	SR*	--	--	--	--	SR

Table F-1 notes:

GI = Geotechnical Investigation
GR = Geotechnical Reconnaissance
SR = Soil Report

GEOLOGIC HAZARD CATEGORIES (from The City of San Diego's *Seismic Safety Study, 1995 Edition*)

Fault Zones:

- 11 active, Alquist-Priolo Earthquake Fault Zone
- 12 potentially active: inactive, presumed inactive or activity unknown
- 13 downtown special fault zone

Landslides:

- 21 confirmed, known, or highly suspected
- 22 possible or conjectured

Slide-Prone Formations:

- 23 Friars: neutral or favorable geologic structure
- 24 Friars: unfavorable geologic structure
- 25 Ardath: neutral or favorable geologic structure
- 26 Ardath: unfavorable geologic structure
- 27 Otay, Sweetwater and others

Liquefaction:

- 31 high potential – shallow groundwater, major drainages, hydraulic fills
- 32 low potential – fluctuating groundwater, minor drainages

Coastal Bluffs

- 41 generally unstable: num. landslides, high steep bluffs, severe erosion, unfavorable geol. structure
- 42 generally unstable: unfavorable bedding planes, high erosion
- 43 generally unstable: unfavorable jointing, local high erosion
- 44 moderately stable: mostly stable formations, local high erosion
- 45 moderately stable: some minor landslides, minor erosion
- 46 moderately stable: some unfavorable geologic structure, minor or no erosion
- 47 generally stable: favorable geologic structure, minor or no erosion, no landslides
- 48 generally stable: broad beach areas, developed harbor

Other Terrain

- 51 level mesas – underlain by terrace deposits and bedrock: nominal risk
- 52 other level areas, gently sloping to steep terrain, favorable geologic structure, low risk
- 53 level or sloping terrain, unfavorable geologic structure, low to moderate risk
- 54 steeply sloping terrain, unfavorable or fault controlled geologic structure, moderate risk
- 55 modified terrain (graded sites): nominal risk

*Reports in these categories will not be routed to LDR Geology staff for review; the report will be accepted "as is" unless the reviewing sections have questions. A condition will be included that final geological review will occur in BDR prior to issuance of a building permit.

Building Type/ Land Use Group	
Group I:	Tentative and Vesting Tentative Maps; Subdivision Maps, Lot Splits
Group II:	Grading Permits
Group III:	Neighborhood Development Permit (NDP), Site Development Permits (SDP) for Environmentally Sensitive Lands, or Coastal Development Permits (CDP)
Group IV:	Planned Development Permit (PDP)
Group V:	Conditional Use Permit (CUP)
Group VI:	Map Waivers
Group VII:	Grading Permits for underground storage and removal and/or soil remediation

"Geologic Report" refers to the Geologic Investigation or Geologic Reconnaissance as designated by Table F 1 and defined in the City's "Technical Guidelines for Geotechnical Reports. (October 1988)" Please refer to these guidelines for the requirements of a Geologic Report

INITIAL STUDY CHECKLIST QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist, and provide guidance to determine potential significance for geologic conditions?

Would the proposal:

1. Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?
2. Result in a substantial increase in wind or water erosion of soils, either on or off the site?
3. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

SIGNIFICANCE THRESHOLDS

EAS staff should work closely with LDR-Geology to determine if a project would have significant impacts and if mitigation is necessary. This should be determined on a case-by-case basis. Typically, standard construction practices recommended in a geologic report would not be mitigation.

E. GROWTH INDUCEMENT

Growth inducement is not clearly defined in CEQA as are other issues. It is usually associated with those projects that foster economic or population growth, or the construction of additional housing, either directly or indirectly which results in the construction of major and new infrastructure facilities. Also a change in land use policy, or projects that provide economic stimulus such as industrial or commercial uses may induce growth as discussed below.

Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the surrounding environment. The impacts of growth inducement are associated with other issues such as the effects on biological or historical resources, traffic, air quality, public services, etc.

INITIAL STUDY CHECKLIST QUESTIONS

Would the proposal:

1. Induce substantial population growth in an area, (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the community plan)?
2. Substantially alter the planned location, distribution, density, or growth rate of the population of an area?
3. Include extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvements Project list, when such infrastructure exceeds the needs of the project and could accommodate future developments?

SIGNIFICANCE THRESHOLDS

A two step analysis needs to be done. The first step is to determine if the project is growth inducing. This includes projects that foster economic growth or population, or construct a new water or sewer line where none previously existed. If this is the case, then this must be analyzed (Step two) in the appropriate issue area.

If the project requires an EIR, Growth Inducement is a mandatory section. The EIR must analyze the consequences of growth; for instance, existing infrastructure may not be able to accommodate a major subdivision, industrial complex, or commercial center and the project may require new facilities that in turn result in impacts. According to Section 15126.2 (d) of the CEQA Guidelines, "It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." In general, the analysis must avoid speculation and focus on probable growth patterns or projections. Conclusions must also be presented that determines whether this impact is significant and/or unavoidable, and provide for mitigation or avoidance.

F. HEALTH AND SAFETY

The following issue areas are discussed in these significance criteria guidelines:

- Hazardous materials/public safety
- Human health
- Brush management

1. Hazardous Materials/Public Safety

As residential redevelopment and new residential construction occurs in or near areas historically used for industry, agriculture, commerce, solid waste (e.g. landfills, former landfill sites, or fuel storage) contaminated soils and groundwater can be found. As part of the environmental review process, steps must be taken to disclose and address the safe removal, disposal and/or remediation of hazardous materials. There are federal, state and local government requirements that must be incorporated into projects which address these issues. Affected facilities would range in scope from establishments specifically designed to handle hazardous/toxic materials (e.g., waste treatment facilities) to underground tanks associated with automotive service stations. In addition there are other public safety issues associated with development proposals in close proximity to airports, in flood-prone areas, and in areas susceptible to brush fires.

For non-residential projects, instruct the applicant to complete Development Services Department (DSD) form DS-3163, "Hazardous Materials Questionnaire." See DSD Info **Bulletin 116** for more information.

2. Human Health

Human health issues address health hazards (both known and perceived), such as exposure to disease-carrying vectors; contamination due to sewage spills; proximity to electromagnetic fields (EMF) associated with electric transmission lines and communications facilities; and uses in proximity to former or active underground storage tank sites; fuel-storage tank farms, sewage treatment plants, or areas where toxic chemicals may be stored.

A. Vector Control

The County of San Diego Department of Environmental Health (DEH) regulates vector control. A vector is any insect or other arthropod, rodent, or other animal of public health significance capable of causing human discomfort and injury, or capable of harboring or transmitting the causative agents of human disease. Projects constructing ponds, or other potential vector habitat should consult with DEH to determine mitigation measures to minimize vector impacts.

B. Electromagnetic Fields (EMF)

Studies of the potential for adverse public health effects of EMF are inconclusive. A statement or conclusion of impacts would be speculative. In accordance with CEQA Section 15145, the known information about EMF is summarized and no conclusion of significance is reached.

The California Department of Health Services (DHS), California Electric and Magnetic Fields Program¹⁸ provides information regarding known possible health effects from EMF created by the use of electricity. DHS references the National EMF Research and Public Information Dissemination (RAPID) Program, established by Congress as part of the Energy Policy Act of 1992, which has published its findings concluding evidence of the risk of cancer from EMF around power lines is weak. The report recognizes that EMF exposure "cannot be recognized as entirely safe" but "believes that the probability that EMF exposure is truly a health hazard is currently small" with "marginal scientific support that exposure to this agent is causing any degree of harm." The report concludes that efforts to reduce exposure to EMF should continue.

C. EMF and Wireless Telephone Facilities

On February 8, 1996, the Telecommunications Act of 1996 was signed into law. Section 740 of the Act states as follows: "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commission's regulations concerning such emissions."

Communications antennas emit varying levels of radio frequency (RF) energy. Below a certain threshold of RF power there is virtually no danger at any distance or direction from the transmitting antenna. Above that threshold, the installation is generally designed to ensure that the areas in which people are likely to be found are exposed to a minimum and safe level of RF energy. The American National Standards Institute (ANSI), and the Institute of Electrical and Electronic Engineers (IEEE) have established the standard for safe exposure levels of RF energy for wireless facilities. RF emission levels are usually expressed and measured as a "power density" or flux which is described in terms of power per unit area. This is the power which flows outward from the transmitter and passes through a given area. The intensity of radiation diminishes exponentially at greater distances from the source, and the exposure, even within the "beam," at sufficient distance presents no exposure danger. The accepted standard for safe exposure to RF energy from the proposed type of facility is 580 microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$). The exposure level associated with most cellular facilities is about 0.01% of the accepted standard, or $5.8 \mu\text{W}/\text{cm}^2$ at 50 feet, which is well below the established safety level. If antennas would be placed in conjunction with other existing antennae at the same location, FCC rules require the total exposure from all facilities to fall within the guideline limits.

D. Schools

CEQA provides guidance on health and safety impacts for school facilities at 21151.2, 21151.4, 21151.8 and 15186. State-funded schools must also address school siting criteria of Title 5 of the California Code of Regulations¹⁹, Division 1, Ch 13, Sub Chapter 1, "School Facilities Construction."

¹⁸ <http://www.dhs.cahwnet.gov/ps/deodc/ehib/emf/>

¹⁹ <http://www.calregs.com>

The citing of facilities which may emit hazardous or acutely hazardous materials or may handle acutely hazardous materials with a quarter of a mile of a school may result in a significant impact.

CEQA Section 21151.4 states:

No environmental impact report or negative declaration shall be approved for any project involving the construction or alteration of a facility within 1/4 of a mile of a school which might reasonably be anticipated to emit hazardous or acutely hazardous air emission, or which would handle acutely hazardous material or a mixture containing acutely hazardous material in a quantity equal to or greater than the quantity specified in subdivision (a) of Section 25536 of the Health and Safety Code, which may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

- (a) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.
- (b) The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the environmental impact report or negative declaration.

3. Brush Management

A specialized public safety issue arises in cases where the brush management²⁰ requirements cannot be met. An example is a residential lot abutting a publicly-owned open space area, where brush removal, trimming or thinning may be precluded. Another example is a situation where a reduction in the brush management requirements is allowed through alternative compliance. In such cases, the Fire Chief may modify the requirements of brush management on a case-by-case basis. The approval of the Fire Chief must be given in these circumstances in order to avoid a significant public safety impact. See Municipal Code Section 142.0412 (i-j). The environmental analyst should work with LDR-Landscaping Staff and the Fire Chief to ensure the requirements are met. *Ensure brush management activities are coordinated with MSCP staff where there may be potential impacts to MHPA lands.*

INITIAL STUDY QUESTIONS

The following Initial Study Checklist question is from the City's Initial Study Checklist, and provides guidance to determine potential significance for Health and Safety:

Would the proposal:

- 1. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including when wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

²⁰ <http://www.sandiego.gov/fireandems/inspections/brush.shtml>

2. Result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?
3. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?
5. Expose people to toxic substances, such as pesticides and herbicides, some of which have long-lasting ability, applied to the soil during previous agricultural uses?

SIGNIFICANCE THRESHOLDS

1. Projects which propose the handling, storage and treatment of hazardous materials, e.g., a Hazardous Waste Facility, falling under Municipal Code Section 141.1001 Hazardous Waste Research Facilities and Section 141.1002” must prepare a risk assessment in conformance with the Tanner Act. The Hazardous Materials Management Division of the County of San Diego Department of Environmental Health (DEH) determines if projects are subject to Tanner Act provisions.

For non-residential projects, instruct the applicant to complete Development Services Department form DS-3163, "Hazardous Materials Questionnaire." See DSD Info Bulletin 116 for more information.

Note: Please include the following in the environmental document as applicable: Existing and recently enacted legislation to protect the public from any potential impacts from the use of hazardous materials. This legislation includes the Clean Air Act, the Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Toxic Substances Control Act.

At the local level the City Fire Department screens inventories of substances and inspects sites every 12 months; the County Health Department screens inventories, inspects facilities every 15 months and reviews the hazardous Materials Business Plan, and the County Air Pollution Control District evaluates projects for possible toxic emissions and issues permits as necessary.

2. Project sites on or near known contamination sources may result in a significant impact. Sources of this information are:
 - a. San Diego County Environmental Assessment Listing. The County of San Diego has an updated listing of all HAZMAT sites on the Internet at:
<http://www.sdcounty.ca.gov/deh/permits/index.html>
 - b. State Department of Toxic Substances Control (DTSC) "Cortese List" of hazardous waste sites compiled pursuant to Section 65962.5 of the California Government Code:
http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm

- c. Other possible sources - Sanborn maps, Fire Department records, topographic/existing conditions surveys.
 - d. Site-specific emission data from the San Diego Air Pollution Control District (SDAPCD) is available on-line at:
<http://www.sdapcd.co.sandiego.ca.us/gtoxics/Project1/SourceEmissions.htm>.
 This database includes a cancer risk estimator index. A score between 1 and 100 generally means that the facility will be required to conduct a Health Risk Assessment.
3. Project sites that meet one or more of the following criteria may result in a significant impact.
- a. Located within 1,000 feet of a known contamination site.
 - b. Located within 2,000 feet of a known “border zone property” (also known as a “Superfund” site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code.
 - c. DEH site file closed. Especially important where excavation (e.g., sewer/water pipeline projects, below grade parking, basements) is involved. DEH often closes a listing when there is no longer danger to the existing use on the property. Where a change in use is proposed DEH should be consulted. Excavation, which would disturb contaminated soils, potentially resulting in the migration of hazardous substances (e.g., along utility trench lines), would require consultation by the applicant and analyst with DEH. The applicant may be required to obtain a concurrence letter from DEH subsequent to participation in the Voluntary Assistance Program (www.co.san-diego.ca.us/deh/Iwq/sam)
 - d. Located in Centre City San Diego, Barrio Logan or other areas known or suspected to contain contamination sites (Check with DEH).
 - e. Located on or near an active or former landfill. Hazards associated with methane gas migration and leachates should be considered. Consult with the Local Enforcement Agency (LEA) for assistance.
 - f. Properties historically developed with industrial or commercial uses which involved dewatering (the removal of groundwater during excavation), in conjunction with major excavation in an area with high groundwater (such as downtown).

Where dewatering is involved, prior to issuance of any permit that would allow excavation which requires dewatering, a plan for disposal of the dewatering effluent and a permit, if needed, from the Regional Water Quality Control Board or the Industrial Waste Division of MWWD, shall be provided to LDR by the applicant. A Dewatering Discharge Permit (NPDES No. CA 1018804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions, pursuant to

direction from the RWQCB. Wells, including test wells, and soil percolation tests are not considered dewatering activities.

- g. Projects located in the Runway Protection Zone (RPZ), the Airport Environs Overlay Zone (AEOZ), or the Airport Approach Overlay Zone (AAOZ) or where the Federal Aviation Administration (FAA) has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration" as required by FAA regulations in the Code of Federal Regulations (CFR) Title 14 §77.13. Note: if the FAA determines the project would be considered a hazard, a Site Development Permit (SDP) in accordance with Process 5 would be required for Council approval in accordance with the Municipal Code §126.0502(e).

Inconsistency with an airport's Comprehensive Land Use Plan (CLUP) as adopted by the Airport Land Use Commission (ALUC) would be a significant impact.

Note: CEQA, Section 21096 and CEQA State Guidelines Section 15154 requires this land use/health and safety analysis.

- h. Located on a site presently or previously used for agricultural purposes. Pesticides are routinely used during agricultural operations. Pesticides do not degrade easily; therefore, a soils assessment may be required. Contact the San Diego County Department of Environmental Health Site Assessment and Mitigation Program for guidance regarding each project site.

Health and Safety Information References:

DSD Form DS-3163:

<http://www.sandiego.gov/development-services/industry/pdf/ds-3163.pdf>

Hazardous Materials Questionnaire, Bulletin 116: <http://www.sandiego.gov/development-services/industry/pdf/dsd116.pdf>

SDMC Section 142.0412:

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter14/Ch14Art02Division04>

SDMC Section 141.1001 and 141.1002:

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter14/Ch14Art01Division10>

Sanborn maps: available at LDR offices

Fire Department records: available at <http://www.sandiego.gov/fireandems/inspections/searches.shtml>

San Diego Local Enforcement Agency: Vicky Gallagher, (619) 533-3695

Discharge Permit from MWWD: (619) 446-5000

Discharge Permit from RWQCB: <http://www.swrcb.ca.gov/stormwtr/construction.html>

Airport Environs Overlay Zone (Diagram 132-03A): available at City Clerk or LDR offices; also, located in LDC Chapter 13, Article 2, Division 3

Runway Protection (Airport Approach Overlay) Zone (Diagram 132-02A): available at City Clerk or LDR offices; also, located in LDC Chapter 13, Article 2, Division 2.

G. HISTORICAL RESOURCES

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register.

“Historical resource” means site improvements, buildings, structures, historic districts signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City and the region. They include buildings, structures, objects, archaeological sites, districts or landscapes possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. Historical resources also include traditional cultural properties.

The following definitions are based, for the most part, on the California Office of Historic Preservation’s (OHP) “Instructions for Recording Historical Resources” and are used to categorize different types of historical resources when they are recorded.

A “building” is a construction created principally to shelter any form of human activity (e.g., a house, barn, church, hotel or similar construction). The term building may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

The term “structure” is used to distinguish buildings from those functional constructions usually made for purposes other than creating human shelter. Constructed by humans, structures include large scale engineering projects such as water control systems (e.g. dams, reservoirs, aqueducts, water towers, etc.) or transportation systems (e.g., railroads, bridges, roads, trails, etc.), as well as mine shafts, kilns, ovens, light-houses, radio telescopes, etc.

The term “object” is used to distinguish buildings and structures from those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable, by nature or design, an object is associated with a specific setting or environment (i.e. sculpture, monuments, boundary markers, statuary and fountains, etc.).

An “archaeological site” is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure (whether standing, ruined or vanished) where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure. Archaeological sites which consist of fewer than three associated artifacts and/or ecofacts within a 40 square meter area are commonly called isolates.

A “district” possesses a significant concentration, linkage or continuity of archaeological sites, buildings, structures, objects, and/or landscapes united historically or aesthetically by plan or physical development. In addition, districts may include a variety of resources as listed above.

A “landscape” may be classified as cultural, designed or rural. A cultural landscape is a geographical area which has been used by people; shaped or modified by human activity, occupation or intervention;’ or is imbued with significant value in the belief system of a culture or

society. A designed landscape is consciously laid out by a professional designer according to academic or professional standards, theories or philosophies of landscaped architecture; or by an amateur using a recognized style or tradition. It may have a historical association with a significant person, trend or event in landscape gardening or landscape architecture, or a significant relationship to the theory or practice of landscape architecture. A rural historic landscape is a geographic area that historically has been used by people, or shaped or modified by human activity, occupancy or intervention. It is usually a district possessing a significant concentration, linkage, or continuity of land use, vegetation, buildings, structures, roads, waterways and natural features. In this concentration, it provides a distinct sense of time and place.

A “traditional cultural property” is a locale which has been, and often continues to be of religious, mythological, cultural, economic and/or social importance to an identifiable ethnic group. This includes sacred area where religious ceremonies have been or currently are practiced or which are central to a group’s origins as a people. Also included are areas where plants or other materials have been or currently are gathered for food, medicine or other economic purposes. These kinds of traditional cultural properties may not possess physical evidence of human activities. Traditional cultural properties also include neighborhoods which have been modified over time by ethnic or folk group use in such a way that the physical and cultural manifestations of the ethnic or folk culture are still distinguishable today. Cultural expressions shared within familial, ethnic, occupational, or regional groups include but are not limited to; technical skill, language, music, oral history, ritual, pageantry, and handicraft traditions which are learned orally, by limitation or in performance, and are generally maintained without benefit of formal instruction or institutional direction. Physical features may include: distinctive landscape and settlement patterns, architectural topologies, materials and methods of construction, and ornamental detailing.

It is important to note, that the different kinds of historical resources described above may not be mutually exclusive. Historic buildings, structures and/or objects are frequently associated with archaeological sites. Similarly, archaeological sites may also comprise traditional cultural properties for the Native American community.

1. Impacts

The impact assessment is based on the Area of Potential Effect (APE) which includes the area of both the direct and indirect impacts of a proposed project on a historical resource.

The potential for cumulative impacts to historical resources must also be assessed for significance. In order to identify the extent and degree of the impacts, the APE must be established on the proposed project site plan or map. Once the boundaries of the APE have been defined and the resources have been evaluated for significance, the project impacts will be addressed by the City manager based on the project design. If a historical resource is not significant, both the resource and the effect on it must be noted in the Initial Study on the EIR, but will not be considered further in the CEQA process.

2. Direct Impacts

All components of a development must be considered in evaluating potential impacts to historical resources. Direct impacts generally result from activities that will cause damage to or have an adverse effect on the resource, such as but not limited to

- . Grading
- . Road construction
 - Excavation for sewer and water pipelines and appurtenances
 - Staging areas
 - Access roads
- Demolition, grading and excavation activities=
- Deterioration due to neglect
- Alteration or repair of a historic structure
- Inappropriate and/or unauthorized repair
- New addition
- Relocation from original site
- Isolation of a historic resource from its setting, when the setting contributes to its significance
- Soil Stockpiling
- Construction of trails in open space
- Increased awareness or exposure of resource

3. Indirect Impacts

Indirect impacts are included within the APE. In the built environment, indirect impacts include the introduction of visual, audible or atmospheric effect that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. Examples include, but are not limited to, the construction of a large scale building, structure, object, or public works project that has the potential to cast shadow patterns on the historic property, intrude into its view shed, generate substantial noise, or substantially increase air pollution or wind patterns. Increases in air pollution can result in adverse effects to historically designated buildings (chimney soot, dust, debris, etc.). Increased wind patterns can result in adverse effects to an archaeological site if, through removal of vegetation or structure, the wind exposes the site or feature that was previously protected from the wind. Conversely, an adverse effect could occur from blocking a natural wind pattern at a sacred site where the wind is integral to the ritual or experience.

For archaeological resources and traditional cultural properties, indirect impacts are often the result of increased public accessibility to resources not otherwise subject to impacts which may result in an increased potential for vandalism and site destruction. Placing sites into open space does not always mean that there will not be the potential for indirect impacts to the resource. Therefore, resources placed into open space need to be evaluated for indirect impacts.

4. Cumulative Impacts

Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. According to the City's Historical Resources Guidelines (April 2001), the loss of a historical resource database due to mitigation by data recovery may be considered a cumulative impact. In the built environment, cumulative impacts most often occur to districts, where several minor changes to contributing properties, their landscaping, or to their setting over time could result in a significant loss of integrity to the district as a whole.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to Historical Resources.

Will the proposal result in:

1. An alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?
2. Any impact to existing religious or sacred uses within the potential impact area?
3. The disturbance of any human remains, including those interred outside of formal cemeteries?

SIGNIFICANCE THRESHOLDS

Federal, state and local criteria have been established for the determination of historical resource significance. The Historical Resources Regulations of the Land Development Code pertain only to historical resources that meet the definitions contained in Chapter 11, Article 3, Division 1 of the Code and may differ from the definition of historical resources in these Guidelines and from a determination of significance under CEQA, as provided below.

NATIONAL REGISTER OF HISTORIC PLACES

The National Register criteria, contained in National Register Bulletin 16 (U.S. Department of the Interior 1986:1), state that: The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and;

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values; or that

represent a significant and distinguishable entity whose components may lack individual distinction; or

- D. That have yielded, or may be likely to yield information important in prehistory or history.

Criteria Considerations Exceptions: Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years will not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance, if there is no other appropriate site or building directly associated with his or her productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- G. A property achieving significance within the past 50 years, if it is of exceptional importance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

For the purposes of CEQA, a significant historic resource is one which qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of CEQA.

The City's determination of significance of impacts on historical and unique archaeological resources is based on the criteria found in Section 15064.5 of the State CEQA Guidelines. For additional information, see the City's Historical Resources Guidelines.

CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN

Significance criteria as outlined in the Progress Guide and General Plan reflect a broad definition of historical, architectural and cultural importance; a perspective of local, rather than state or national significance; and the belief that all aspects of history are potentially of equal importance.

CITY OF SAN DIEGO HISTORICAL RESOURCES REGISTER

Any improvement, building, structure, sign, interior element and fixture, site, place, district, area or object may be designated as historic by the City of San Diego Historical Resources Board if it meets any of the following criteria:

- A. Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping, or architectural development;
- B. Is identified with persons or events significant in local, state or national history;
- C. Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
- D. Is representative of the notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist or craftsman;
- E. Is listed on or has been determined eligible by the National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the California OHP for listing on the State Register of Historical Resources; or
- F. Is a finite group of resources related to one another in a clearly distinguishable way; or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest or aesthetic value; or which represent one or more architectural periods or styles in the history and development of the City.

CITY OF SAN DIEGO CEQA SIGNIFICANCE

As stated above, if a resource is not listed in, or determined eligible for listing in, the California Register, not included in a local register, or not deemed significant in a historical resource survey, it may nonetheless be historically significant. The significance of an historical resource is based on the potential for the resource to meet one or more of the criteria presented above, including the potential to address important research questions as documented in a site specific technical report prepared as part of the environmental review process. Research priorities for the prehistoric, ethnohistoric and historic periods of San Diego history are discussed in Appendix A (San Diego History) to the City's "Historical Resources Guidelines" and should be used in the

determination of historical significance. As a baseline, the City of San Diego has established the following criteria to be used in the determination of significance under CEQA.

An archaeological site must consist of at least three associated artifacts/ecofacts (within a 40 square meter area) or a single feature. Archaeological sites containing only a surface component are generally considered not significant, unless demonstrated otherwise. (Testing is required to document the absence of subsurface deposit.) Such site types may include isolated finds, bedrock milling stations, sparse lithic scatters, and shellfish processing stations. All other archaeological sites are considered potentially significant. The determination of significance is based on a number of factors specific to a particular site, including site size, type and integrity; presence or absence of a subsurface deposit, soil stratigraphy, features, diagnostics, and datable material; artifact and ecofact density; assemblage complexity; cultural affiliation; association with an important person or event; and ethnic importance.

The determination of significance for historic buildings, structures, objects and landscapes is based on age, location, context, association with an important person or event, uniqueness, and integrity.

A site will be considered to possess ethnic significance if it is associated with a burial or cemetery; religious, social or traditional activities of a discrete ethnic population; an important person or event as defined by a discrete ethnic population; or the belief system of a discrete ethnic population.

NON-SIGNIFICANT RESOURCE TYPES

Isolates consist of less than three artifacts/ecofacts within a 40 square meter area. Sparse Lithic Scatters are identified and evaluated based on criteria from the OHP's "California

Archaeological Resource Identification and Data Acquisition Program; Sparse Lithic Scatters" (February 1988). Isolated Bedrock Milling Stations are defined as having no associated site within a 40 meter radius and lacking a subsurface component. Shellfish Processing Sites are defined as containing a minimal amount of lithics (i.e. less than five or six) and no subsurface deposit.²¹

Historic buildings, structures, objects and landscapes are generally not significant if they are less than 45 years old. A non-significant building or structure located within an historic district is by definition not significant.

Resources found to be non-significant as the result of a survey and assessment will require no further work beyond documentation of the resources (including site records) and inclusion in the survey and assessment report.

²¹ If it can be determined by the Principal Investigator that the minimal amount of materials from different classes of lithics on-site represents a significant resource based on their potential to address important research questions, then the resource would no longer fall under the category "non-significant resource type."

H. HYDROLOGY

Hydrology is defined as the science dealing with the properties, distribution, and circulation of surface water, ground water and atmospheric water. The quantity of water which flows in a creek or river is calculated based on historic climactic conditions combined with the watershed characteristics. The slope and shape of the watershed, soil properties, recharge area, and relief features are watershed characteristics which influence the quantity of surface flows.

As land is developed, impervious area is increased, thereby increasing runoff. The increased volume of water in a drainage way may have short-lived, but rather dramatic, impacts during storm events. The potentially adverse impacts include, but are not limited to, property damage and disturbance of wildlife habitat.

INITIAL STUDY CHECKLIST QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist, and provide guidance to determine potential significance for impacts in Hydrology:

Would the proposal result in:

1. A substantial increase in impervious surfaces and associated increased runoff?
2. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

SIGNIFICANCE THRESHOLDS

1. If a project would result in increased flooding on- or off-site there may be significant impacts on upstream or downstream properties and to environmental resources.

Significant impacts may result if the project would impose flood hazards on other properties or if the project proposes to develop wholly or partially within the 100-year floodplain identified in the Federal Emergency Management Agency (FEMA) maps. Compliance with Council Policy 600-14 may provide evidence that an impact is not significant or is mitigated. Policy 600-14 prohibits development within areas of special flood hazard except under certain circumstances. The policy requires approval by the floodplain administrator before construction, development or alteration begins within any area of special flood hazard.

2. If a project would result in decreased aquifer recharge there may be significant impacts on hydrologic conditions and well-water supplies because the area available for aquifer recharge is reduced. When a subsurface water source fails to be recharged by rainfall, its volume will be reduced. Reduced groundwater elevation can affect landholders who are dependent on well water, vegetation, and surface water replenishment. In addition, if a project would result in extraction of water from an aquifer, impacts on hydrologic conditions would be significant if there would be a net deficit in the aquifer volume or a reduction in the local groundwater table.

Projects which would create over 1.0 acres of impermeable hardscape in areas utilizing well-water and projects which would install groundwater extraction wells may result in significant impacts. Analysts should contact the Regional Water Quality Control Board for guidance in

evaluating this type of impact, as the threshold amount of new impermeable surface may vary from case to case.

For commercial or multi-residential projects (a single-family residence is excluded) using groundwater as a source of water supply, the project applicant must address potential impacts to the neighboring wetlands or other developments(as applicable) in the area that rely on groundwater to assure that there is a sustainable groundwater supply for the proposed project. Otherwise, a significant and unmitigated impact could occur and an EIR could be required. Alternatively, the project would need to provide for municipal water.

3. If a project would grade, clear, or grub more than 1.0 acre of land, especially into slopes over a 25% grade, and would drain into a sensitive water body or stream there may be significant impacts on stream hydrology if uncontrolled runoff results in erosion and subsequent sedimentation of downstream water bodies.
4. If a project would result in modifications to existing drainage patterns there may be significant impacts on environmental resources such as biological communities and archaeological resources.

Projects where drainage patterns are influenced such that existing vegetation would decline because long- or short-term, soil-plant-water relationships would no longer meet habitat requirements. A project would generally have a significant hydrologic impact on biological resources if the project would result in a degradation in the function and value of the existing habitat or if the project would alter the habitat type.

Projects which would result in substantial changes to stream-flow velocities or quantities may result in a significant impact (to be determined on a case by case basis; streambed characteristics will affect determination). Refer to the project's hydrology study, if any, for the analysis of this issue.

There may be significant impacts on downstream properties and/or environmental resources if drainage patterns are changed. Projects which, when identified in a drainage study would cause adverse impacts on downstream properties or environmental resources as a result of a change in the drainage pattern would result in a significant impact. Refer to the project's hydrology study for the analysis of this issue.

Hydrology References:

FEMA Maps: Maps can be accessed at the FEMA website at www.FEMA.org. Click on the FEMA Flood Map Store, then click on Map Search. Use the free "how-to" guidelines and be aware a "plus sign" icon may be shown next to the view button if any map revisions (LOMRs) have occurred. Click on the plus sign to review the map revisions.

I. LAND USE

In accordance with state planning and zoning law, the City of San Diego has adopted a Progress Guide and General Plan which provides a comprehensive long-term plan for the development of the City. The City is in the process of updating the General Plan and has recently adopted the Strategic Framework Element (City of Villages) as part of this update. Consistency with the Strategic Framework Element should be discussed and evaluated as appropriate in environmental documents.

In addition, the City has adopted community and specific/precise plans which provide growth development goals and guidelines for the various communities and subareas. These plans include land use elements and also may include design, resource management and environmental elements or goals. The City of San Diego MSCP Subarea Plan also contains guidelines for development within and adjacent to the MHPA.

The project should be assessed for consistency with any of the adopted plans and regulations (City of San Diego Municipal Code) which govern the region and the particular site. An inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental issue to be considered significant under CEQA.

INITIAL STUDY CHECKLIST QUESTIONS

The following Initial Study Checklist questions are from the City's Initial Study Checklist, and provide guidance to determine potential significance for Land Use:

Would the proposal:

1. Require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?
2. Result in a conflict with the environmental goals, objectives and recommendations of the community plan in which it is located?
3. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan?
4. Physically divide an established community?
5. Result in land uses which are not compatible with an adopted airport Comprehensive Land Use Plan (CLUP)?

SIGNIFICANCE THRESHOLDS

The following may be considered significant land use impacts:

1. Inconsistency/conflict with the environmental goals, objectives, or guidelines of a community or general plan.

2. Inconsistency/conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts occur (for example, development of a designated school or park site with a more intensive land use could result in traffic impacts).
3. Substantial incompatibility with an adopted plan. For example: a rock crusher in a residential area would result in land use conflicts related to environmental consequences (i.e. noise), and environmental impacts would result. As a general rule, projects that are consistent with the zoning and compatible with surrounding uses should not result in land use impacts.
4. Development or conversion of general plan or community plan designated open space or prime farmland²² to a more intensive land use.
5. Incompatible uses as defined in an airport land use plan or inconsistency with an airport's Comprehensive Land Use Plan (CLUP) as adopted by the Airport Land Use Commission (ALUC) to the extent that the inconsistency is based on valid data. CEQA, Section 21096 and 15154 requires this land use/health and safety analysis. For additional information, consult the California Airport Land Use Planning Handbook,²³ & ²³ or the applicable Comprehensive Land Use Plan (CLUP):
 - Brown Field (adopted September 21, 1981)
 - Montgomery Field (adopted July 27, 1984)
 - MCAS Miramar (adopted September 28, 1990, amended September 25, 1992)
 - Lindbergh Field (adopted February 28, 1992, amended April 22, 1994)
6. Inconsistency/conflict with adopted environmental plans for an area. For example, a use incompatible with MSCP for development within the MHPA would fall into this category.
7. Significantly increase the base flood elevation for upstream properties, or construct in a Special Flood Hazard Area (SFHA) or floodplain/wetland buffer zone.

²² <http://www.consrv.ca.gov/DLRP/fmmp/pubs/soils/sandiego.pdf>

²³ <http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf>

J. MINERAL RESOURCES

A project could cause a potentially significant impact to mineral resources if it resulted in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. An impact could also result from the loss of availability of a locally important mineral resource recovery site identified in a general plan, specific plan, or other land use plan.

For the purpose of CEQA analysis, "mineral resources" refers to aggregate resources. Aggregate consists of sand, gravel, and crushed rock. Aggregate provides bulk and strength in construction materials such as portland cement concrete and asphaltic concrete. Blocks of granite rock are quarried for decorative rock, monuments, and surface plaster. Large irregular blocks of stone are quarried for use as riprap. Decomposed granite is taken from pits for use as a base under road pavements and cold-mixed asphaltic pavement.

In accordance with guidelines established by the State Mining and Geology Board, mineral deposits in western San Diego County have been classified into Mineral Resources Zones (MRZs) as follows:

- MRZ1 : areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence;
- MRZ 2: areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists;
- MRZ 3: areas containing mineral deposits, the significance of which cannot be evaluated from available data;
- MRZ 4: areas where available information is inadequate for assignment to any other MRZ.

Note: The State Mining and Geology Board maps may be purchased by visiting the following web site:

http://www.consrv.ca.gov/cgs/minerals/mlc/SMARA_pubs_2001.pdf

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance to mineral resources:

Would the proposal result in:

1. The loss of availability of a significant mineral resource (e.g. sand or gravel) as identified the Open File Report 96-04, Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production – Consumption Region, 1996, Department of Conservation, California Department of Geological Survey (located in the EAS library)?

SIGNIFICANCE THRESHOLDS

In analyzing the potential for impacts to mineral resources, staff should consult the Open File Report 96-04, Update of Mineral Land Classification: Aggregate Materials in the Western San Diego County Production – Consumption Region, 1996, Department of Conservation, California Department of Geological Survey, located in the EAS library. The analyst should answer the following questions:

1. Is the project site located in the MRZ 2 classification area?

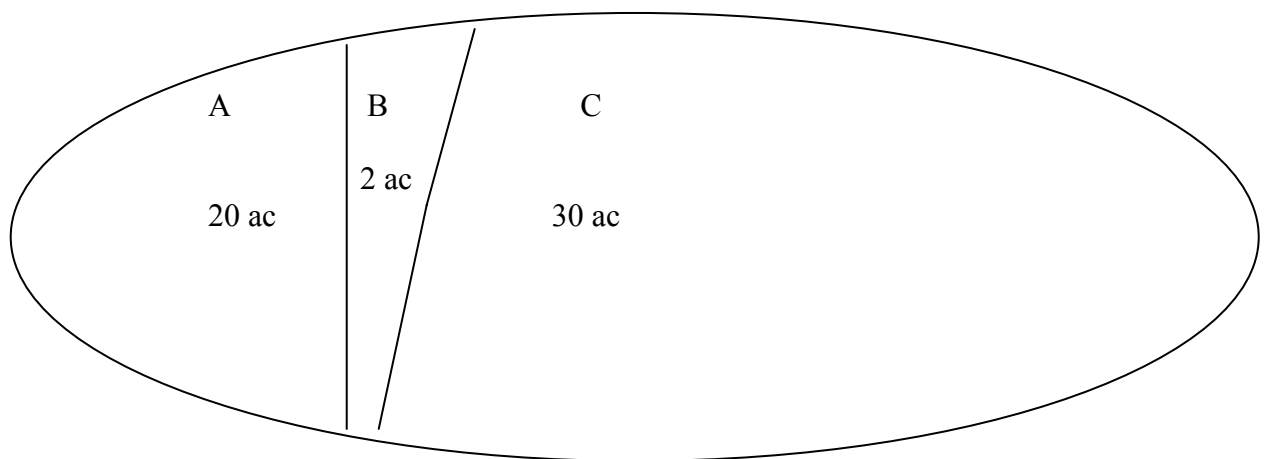
A "yes" answer does not automatically mean that a significant impact should be identified. Additional factors should be considered, using questions 2 through 4.

2. Is the site large enough to allow economically feasible aggregate mining operations?

It is unlikely that a site smaller than 10 acres in size could accommodate economically feasible operations. However, Geology Section staff should be consulted, as more information will be required to make a determination.

3. If the site is too small for an economically feasible mineral resource extraction operation, would its development with the proposed use preclude a mining operation adjacent to or surrounding the site?

For example, in the drawing below, assume that properties A, B, and C are all within the MRZ 2 classification, and property B is too small to support a mining operation. If a residential development were built on property B, it could preclude or substantially interfere with development of a mineral resource extraction project or projects on properties A and C, which are large enough to support economically feasible mineral resource extraction. A significant impact should likely be identified for the residential proposal on property B.



4. Is the site currently being mined?

If an economically feasible mineral extraction operation is the site's current use, and the site is not exhausted, a different use of the site would likely result in a significant impact on the availability of a locally important mineral recovery site.

K. NOISE

Noise is defined as unwanted or objectionable sound. Noise levels compatible with a person's life, health and enjoyment of property are regulated by Local, State, and Federal regulations, including the City of San Diego Progress Guide and General Plan, City Noise Abatement and Control Ordinance, California Noise Insulation Standards (Title 24), the State Public Utilities Code regulating airports, and other regulations. A direct and/or indirect noise impact should be evaluated in relation to applicable City standards, particularly, the City of San Diego Progress Guide and General Plan (Transportation Element). The following significance thresholds are in accordance with the City's Progress Guide and General Plan (Transportation Element) Land Use Compatibility with Annual Community Noise Equivalent Levels (CNEL).

Measurement of sound involves three variables, (1) magnitude; (2) frequency; and (3) duration. Noise levels in the City of San Diego are expressed and compared as dB (A) CNEL.

Definitions

The following definitions shall have the same meaning as defined in the Section 59.5.0102 of the City of San Diego Municipal Code:

A-Weighting

As in decibel A-weighting (dB [A]). Represents the frequency characteristics of the average human ear for various sound intensities. An A-Weight sound filters out lower frequencies, and provides a good indicator of the annoyance potential of a noise.

Average Sound Level

A sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters 1.4-1971. Average sound level is also called equivalent continuous sound level. (L_{eq})

Community Noise Equivalent Level (CNEL)

An average sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and after addition of ten (10) decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

CNEL recognizes that noise annoyance is related to duration, how often the noise is present, how long it persists, and when it occurs.

Decibel (dB)

A unit measure of sound (noise) level.

Just as feet is used to measure distances, decibels are used to measure sound (noise) levels. The decibel is defined as 10 times the common logarithm of the ratio of two amounts of sound power.

The human ear can hear sounds from less than 10 dB to over 100 dB (sounds which are 100,000 times greater than the faintest sounds). Table K-1 shows the approximate relationship between sound level changes and people's judgment of the relative loudness of the change.

**Table K-1
RELATIVE LOUDNESS**

Sound Level Change	Acoustic Energy Change	Relative Loudness
0 dB	0	Reference Point
3 dB	50 %	Perceptible Change
10 dB	90 %	Twice as Loud
20 dB	99 %	Four Times as Loud
30 dB	99.9 %	Eight Times as Loud
40 dB	99.99 %	Sixteen Times as Loud

Source: Miller 1989 pg. 1-6

Noise Level

The same as sound level. The terms may be used interchangeably.

Sound Level

In decibels, that quantity measured with a sound level meter as defined herein, by use of the “A” frequency weighting and “fast” time averaging unless some other time averaging is specified.

Sound Level Meter

An instrument for the measurement of sound, including a microphone, an amplifier, an attenuator, networks at least for standardized frequency weighting A, and an indicating instrument having at least the standardized dynamic characteristic “fast,” as specified in American National Standard Specification for Sound Level Meters S1. 4-1971 or its successor.

INITIAL STUDY CHECKLIST QUESTIONS

The following questions are from the City’s Initial Study Checklist and are used to provide guidance to determine potential significant impacts related to Noise:

Would the project:

1. Result or create a significant increase in the existing ambient noise levels?
2. Exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with Table K-4?
3. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?
4. Result in land uses which are not compatible with aircraft noise levels as defined by an adopted airport Comprehensive Land Use Plan (CLUP)?

SIGNIFICANCE THRESHOLDS

1. Interior and Exterior Noise Impacts from Traffic Generated Noise (Table K-2 below provides the general thresholds of significance for uses affected by traffic noise.)

Table K-2
TRAFFIC NOISE SIGNIFICANCE THRESHOLDS
(db(A) CNEL)

Structure or Proposed Use that would be impacted by Traffic Noise	Interior Space	Exterior Useable Space ²⁴	General Indication of Potential Significance
Single-family detached	45 dB	65 Db	Structure or outdoor useable area ²⁵ is < 50 feet from the center of the closest (outside) lane on a street with existing or future ADTs > 7500 ²⁶
Multi-family, schools, libraries, hospitals, day care, hotels, motels, parks, convalescent homes.	- Development Services Department (DSD) ensures 45 dB pursuant to Title 24	65 dB	
Offices, Churches, Business, Professional Uses	n/a	70 dB	Structure or outdoor useable area is < 50 feet from the center of the closest lane on a street with existing or future ADTs > 20,000
Commercial, Retail, Industrial, Outdoor Spectator Sports Uses	n/a	75 dB	Structure or outdoor useable area is < 50 feet from the center of the closest lane on a street with existing or future ADTs > 40,000

Source: 1) City of San Diego Acoustical Report Guidelines (December 2003) and 2) City of San Diego Progress Guide and General Plan (Transportation Element)

2. HUD-Funded projects and Noise

If a project is receiving U.S. Department of Housing and Urban Development (HUD) funding, noise analysis and mitigation must be in accordance with the HUD Noise Guidebook²⁷. Minimum attenuation requirements are prescribed in Title 24 of the Code of

²⁴ If a project is currently at or exceeds the significance thresholds for traffic noise described above and noise levels would result in less than a 3 dB increase, then the impact is not considered significant.

²⁵ Exterior usable areas do not include residential front yards or balconies, unless the areas such as balconies are part of the required usable open space calculation for multi-family units.

²⁶ Traffic counts are available from:

San Diego Regional Association of Governments (SANDAG) Regional Economic Development Information System (**REDI**): <http://cart.sandag.cog.ca.us/REDI/>
SANDAG Traffic Forecast Information Center: <http://pele.sandag.org/trfic.html>

²⁷ <http://www.hud.gov/offices/cpd/energyenviron/environment/resources/guidebooks/noise/index.cfm>

Federal Regulations²⁸ (24 CFR 51.104(a)) which are the HUD Environmental Criteria and Standards.

3. Airport Noise Impacts

If the project is proposed within the Airport Environs Overlay Zone (AEOZ) as defined in Chapter 13, Article 2, Division 3 of the San Diego Municipal Code, the potential exterior noise impacts from aircraft noise would not constitute a significant environmental impact.

However, interior noise impacts will be regulated by the requirement for residential development within the AEOZ to reduce interior noise levels attributable to airport noise to 45 dB Community Noise Equivalent Level (CNEL). Interior noise levels for new construction of multi-family units are addressed by the Building Development Review Division (BDR) of the City's Development Services Department (DSD) and do not need to be mitigated through conditions in the environment report, but the BDR requirements should be noted. BDR requires additional insulation and upgraded building materials so that interior noise levels do not exceed 45 dB(A) CNEL. The requirements for an acoustical testing are defined in the City of San Diego Municipal Code, Chapter 13, Article 2, Division 3, §132.0308, "Acoustical Testing of Interior Noise Levels."

Requirements for noise studies are found in the Municipal Code at Chapter 13, Article 2, Division 3, §132.0308. This section of the municipal code applies to "development" as defined at, § 113.0103 to include "constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, structure, improvement, lot, or premises."

Remodels and additions to single-family and multi-family residences subject to airport noise levels above 65 dB (A) CNEL ordinarily would not be considered a significant issue and a noise study would not be required for the purposes of CEQA analysis. However, new construction of hospitals, schools, day care centers, or other sensitive uses subject to airport noise levels in excess of 65 dB(A) CNEL would be considered a significant issue and a noise study would be required that could recommend measures to mitigate potential noise impacts to a level below significance. Table K-3 below addresses the general impacts from airport noise thresholds.

²⁸ <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>

**Table K-3
IMPACTS FROM AIRPORT NOISE**

Structure or Proposed Use that would be impacted by Airport Noise	Regulation
Structure within an AEOZ	Exterior noise is one factor in determining land use compatibility. See Table K-4 and the applicable Comprehensive Land Use Plan (CLUP).
New Single Family and Multi-family	Building Development Review Division (BDR) of Development Services Department (DSD) ensures 45 dB interior noise levels. Discuss Airport noise impact & BDR requirements (insulation and upgraded building materials to ensure 45 dB(A) CNEL) in environmental document See also § 132.0309 Requirement for Avigation Easement
Remodels and additions to existing single and multi-family	Noise study & mitigation not required for airport noise > 65 dB(A) CNEL. See also § 132.0309 Requirement for Avigation Easement. For development within the 60 dB CNEL contour of Lindbergh Field the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45 dB. Refer to § 132.0306 of the Municipal Code.
New construction of hospitals, schools, day care centers or other sensitive uses	Noise study and mitigation required for airport noise > 65 dB(A) CNEL. See also § 132.0309 Requirement for Avigation Easement.

4. Noise from Adjacent Stationary Uses (Noise Generators)

A project which would generate noise levels at the property line which exceed the City's Noise Ordinance Standards is considered potentially significant (such as potentially a carwash or projects operating generators or noisy equipment).

If a non-residential use, such as a commercial, industrial or school use, is proposed to abut an existing residential use, the decibel level at the property line should be the arithmetic mean of the decibel levels allowed for each use as set forth in Section 59.5.0401 of the Municipal Code. Although the noise level above could be consistent with the City's Noise Ordinance Standards, a noise level above 65 dB (A) CNEL at the residential property line could be considered a significant environmental impact.

1. Impacts to Sensitive Wildlife

Noise mitigation may be required for significant noise impacts to certain avian species during their breeding season, depending upon the location of the project such as in or adjacent to an MHPA, whether or not the project is occupied by the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird or western snowy plover, and whether or not noise levels from the project, including construction during the breeding season of these species would exceed 60dB(A) or existing ambient noise level if above 60dB(A). In addition, please note that significant noise impacts to the California gnatcatcher are only analyzed if the project is within an MHPA; there are no restrictions for the gnatcatcher outside the MHPA any time of year. Please see Biological Resources Section, Step 2, Note (f).

6. Temporary Construction Noise

Temporary construction noise which exceeds 75 dB (A) L_{eq} at a sensitive receptor would be considered significant. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75-decibels (dB) during the 12-hour period from 7:00 a.m. to 7:00 p.m. In addition, construction activity is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.

Additionally, where temporary construction noise would substantially interfere with normal business communication, or affect sensitive receptors, such as day care facilities, a significant noise impact may be identified.

7. Noise/Land Use Compatibility

Noise is one factor to be considered in determining whether a land use is compatible. Land use compatibility noise factors are presented in Table K-4. Compatible land uses are shaded. Incompatible land uses are unshaded. The transition zone between compatible and incompatible should be evaluated by the environmental planner to determine whether the use would be acceptable based on all available information and the extent to which the noise from the proposed project would affect the surrounding uses.

Table K-4
City of San Diego Noise Land Use Compatibility Chart

<i>Land Use</i>		<i>Annual Community Noise Equivalent Level in Decibels</i>					
		50	55	60	65	70	75
1	Outdoor amphitheaters						
2	Schools, libraries						
3	Nature preserves, wildlife preserves						
4	Residential single-family, multi-family, mobile homes, transient housing						
5	Retirement homes, intermediate care facilities, convalescent homes						
6	Hospitals						
7	Parks, playgrounds						
8	Office buildings, business and professional						
9	Auditoriums, concert halls, indoor arenas, churches						
10	Riding stables, water recreation facilities						
11	outdoor spectator sports, golf courses						
12	livestock farming, animal breeding						
13	Commercial-retail, shopping centers, restaurants, movie theaters						
14	Commercial-wholesale, industrial manufacturing, utilities						
15	Agriculture (except livestock), extractive industry, farming						
16	Cemeteries						

L. PALEONTOLOGICAL RESOURCES

Paleontology is defined as a science dealing with the past geologic periods as understood from fossil remains.

Impacts to paleontological resources may occur through grading activities associated with project construction, especially for large excavations and possibly in urban redevelopment projects where excavation (e.g., for subsurface parking) would be done in previously undisturbed formations. Where the potential for paleontological impacts exists, mitigation usually involves on-site paleontological monitoring during excavation so that exposed fossils may be recovered.

INITIAL STUDY QUESTIONS

The following Initial Study Checklist question is from the City's Initial Study Checklist, and provides guidance to determine potential significance for impacts to Paleontological Resources:

Would the project:

1. Require over 1,000 cubic yards of excavation in a high resource potential formation?
2. Require over 2,000 cubic yards of excavation in a moderate resource potential formation?

SIGNIFICANCE THRESHOLDS

1. Determine the geological formation underlying a project area. If there are sedimentary rocks such as those found in the coastal areas, they usually contain fossils. If there are granite rocks such as those found in the inland areas (Mission Gorge, etc), they usually will not contain fossils.
2. See Paleontological Determination Matrix.

Note: Significant impacts to paleontological resources are most often mitigated by the implementation of a monitoring program. The monitoring program is carried out under the supervision of a qualified paleontologist and includes pre-grading meetings and inspections during initial cuts. If well-preserved fossils are discovered, measures are implemented to retrieve, adequately preserve, and curate the resources. The qualified paleontologist must also submit a monitoring results report to MMC staff.

Note: Staff uses the Kennedy maps located in the environmental library to determine which formation(s) underlay project sites. Others may contact the following web site where this information may be purchased:

http://www.consrv.ca.gov/CGS/rgm/rgm/250k_index/san_diego.htm

PALEONTOLOGICAL MONITORING DETERMINATION MATRIX

Geological Unit	Potential Fossil Localities	Sensitivity Rating
Alluvium (Qsw, Qal, or Qls)	All communities where this unit occurs	Low
Ardath Shale (Ta)	All communities where this unit occurs	High
Bay Point/Marine Terrace (Qbp)	All communities where unit occurs	High
Cabrillo Formation (Kcs)	All communities where unit occurs	Moderate
Delmar Formation (Td)	All communities where unit occurs	High
Friars Formation (Tf)	All communities where unit occurs	High
Granite/Plutonic (Kg)	All communities where unit occurs	Zero
Lindavista Formation (Qln)	A. Mira Mesa/Tierrasanta B. All other areas	A. High B. Moderate
Lusardi Formation (Kl)	A. Black Mountain Ranch/Lusardi Canyon Poway/Rancho Santa Fe B. All other areas	A. High B. Moderate
Mission Valley Formation (Tmv)	All communities where unit occurs	High
Mt. Soledad Formation (Tm, Tmss, Tmsc)	All communities where unit occurs	Moderate
Otay Formation (To)	All communities where unit occurs	High
Point Loma Formation (Kp)	All communities where unit occurs	High
Pomerado Conglomerate (Tp)	A. Scripps Ranch/Tierrasanta B. All other areas	High
River /Stream Terrace Deposits (Qt)	A. South Eastern/Chollas Valley/Fairbanks Ranch/Skyline/Paradise Hills/Otay Mesa, Nestor/San Ysidro B. All other areas	A. Moderate B. Low
San Diego Formation (Qsd)	All communities where this unit occurs.	High
Santiago Peak Volcanics , (Jsp) A. Metasedimentary B. Metavolcanic	A. Black Mountain Ranch/La Jolla Valley, Fairbanks Ranch/Mira Mesa/Penasquitos B. All other areas	A. Moderate B. Zero
Scripps Formation (Tsd)	All communities where this unit occurs	High
Stadium Conglomerate (Tst)	All communities where this unit occurs	High
Sweetwater Formation	All communities where this unit occurs	High
Torrey Sandstone (Tf)	A. Black Mountain Ranch/Carmel Valley B. All other areas	A. High B. Low

Sensitivity Rating Grading Thresholds for Required Monitoring
 High = >1000 cubic yards and 10 feet+ deep
 Moderate = >2000 cubic yards and 10 feet+ deep
 Zero-Low = Monitoring Not Required

Notes: *Monitoring is always required when grading on a fossil recovery site or near a fossil recovery site in the same geologic formation as the project site as indicated on the Kennedy Maps.

**——Monitoring may be required for shallow grading (i.e.<10ft) when a site has previously been graded and/or unweathered formations are present at the surface.

***——Monitoring is not required when grading documented fill.

M. PUBLIC SERVICES and FACILITIES

Appendix G of the CEQA Guidelines asks whether a project would result in substantial adverse physical impacts **from the construction** or alteration of governmental facilities needed to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. Thus, this and other CEQA guidelines indicate that the Lead Agency should focus the evaluation of impacts on the **physical effects** of constructing or altering public facilities.

However, the guidelines also discuss health and safety issues that can result from the introduction of people to hazardous or overcrowded situations as significant impacts:

Section 15065(d), Mandatory Findings of Significance states, “The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”

*Section 15126.2 (a) specifically addresses the need to disclose potential significant effects to public services and states, “An EIR shall identify and focus on the significant environmental effects of the proposed project ... Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems **caused by physical changes**, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. “*

The number, location, and size of public facilities such as fire and police stations, public schools, libraries, parks, and other governmental services and facilities should be identified at the community plan level. The City of San Diego Planning Department should coordinate with the appropriate departments in making these determinations. The facilities financing and development impact fees should also be anticipated at this time.

INITIAL STUDY CHECKLIST QUESTIONS

The following questions are from the City’s Initial Study Checklist. They provide guidance to determine potential significance of the physical effects of constructing and/or altering Public Services, including the development of Parks and Recreational Resources:

Would the proposal:

1. Have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

Police protection
Fire/Life Safety protection
Libraries

Parks or other recreational facilities
Maintenance of public facilities, including roads
Schools

If so, the focus of the analysis should be on the physical impacts of constructing the public service facilities.

SIGNIFICANCE THRESHOLDS

Public Services

The analyst should evaluate the significance of a project's impacts related to construction of public service facilities as follows:

- a. Does the project conflict with the community plan in terms of the number, size, and location of public service facilities?
- b. If so, are there direct impacts from construction of proposed new public service facilities needed to serve the project? (See also Section E. Growth Inducement.)

1. Police and Fire-rescue services

For police and fire-rescue services, the following should also be considered and referred to the Police and/or Fire-Rescue Departments if the project exceeds the threshold of 75 dwelling units or 100,000 square feet of non-residential construction.

- c. Is the project located in a brush fire hazard area, hillside, or an area with inadequate fire hydrant services or street access? (Also see Section F. Health and Safety).
- d. Does the project involve the use, manufacture or storage of toxic, readily-combustible, or otherwise hazardous materials? (Also see Section F. Health and Safety).
- e. Would the project's location provide for adequate SDFD access as determined by Fire and Life Safety staff to be in conformance with the California Fire Code and Fire and Hazard Prevention Services Policy A-00-1?
- f. Would the project substantially affect Police or Fire-Rescue response times (i.e., increase the existing response times in the project area)?

For question "c-f", the Police and/or Fire Departments will review the project to determine whether it would substantially affect these issue areas as well as following response times:

Police:	Priority 1 call goal by neighborhood from current budget
Fire-Rescue:	5 minutes from the time the alarm is received to arrival of the first engine at the scene of the incident (1 minute chute + 4 minute travel) and 9 minute response time (1 minute chute + 8 minute travel) for initial full alarm assignment (3 engines and 1 truck).

The affected department(s) should advise the analyst of whether the effect is due to a lack of facilities, traffic congestion, or a lack of personnel or equipment.

Large and small developers are required to fund construction of new facilities with Developer Impact Facilities (DIFs) and Facility Benefit Assessment Districts (FBAs) as conditions of project approvals to address capital costs of Police and Fire-Rescue services.

At the present time, significant response time deficiencies due to a lack of personnel or equipment can be helped only by continued, mandatory approval by the City Council of the affected department's budget proposal for operations within the affected area because developers cannot be required to fund ongoing operational costs nor can they make budgetary decisions regarding such funding.

The Environmental Setting section of the environmental document should identify the stations that provide services to the project site, and should include the response times to the project site.

Public Facilities

1. Schools

Senate Bill (SB) 50 was enacted on August 27, 1998. The bill authorized a \$9.2 billion K-12 school and higher education bond to be presented to the voters of California. The state bond measure, known as the "Class Size Reduction Kindergarten - University Public Education Facilities Bond Act of 1998," was approved by the voters on November 3, 1998.

SB 50 significantly revised developer fee and mitigation procedures for school facilities as set forth in Government Code Section 65996. The legislation holds that the statutory fees are the exclusive means of considering and mitigating school impacts. It does not just limit the mitigation that may be required -- it limits the scope of the review and the findings to be adopted for school impacts. Once the statutory fee is paid, the impact would be mitigated because of the provision that the statutory fees constitute full and complete mitigation.

What this means is that the City is legally prohibited from imposing any mitigation related to school facilities, because the applicants are required by state law to pay school facilities fees.

Environmental documents for larger residential projects should include information provided by the appropriate school districts about the existing conditions and capacities, but should conclude that the impacts are mitigated through the implementation of SB 50. However, project permits can include a measure requiring verification that the statutory fees have been paid prior to the issuance of any notice to proceed with project grading or construction.

2. Libraries

The General Plan establishes guidelines and standards for branch libraries. Ideally, branch libraries should serve a resident population of 30,000 and may be established when a service area, which is expected to grow to 30,000 residents within 20 years of library construction, has a minimum population of 18,000 to 20,000. Branches should be located in areas of

intense human activity, with a 2.0-mile maximum service area, where trips can be combined with other daily trips.

The City of San Diego is also part of a county-wide cooperative relationship known as the Serra Cooperative Library System. This system allows residents of the City of San Diego and San Diego County to use the facilities of public libraries.

The Environmental Setting section of environmental documents for medium to large residential projects should identify the location of the nearest branch libraries and the distance of each from the project site. For those projects located on or near the limits of the City of San Diego, the Serra Cooperative Library facilities should also be identified. The provision of adequate libraries is a planning and facilities issue, and project applicants are required to make fair share contributions to the public facilities.

3. Parks and Recreational Resources

The City's General Plan provides the following guidelines for population-based parks:

- a. Neighborhood parks and facilities should serve a resident population of between 3,500 and 5,000 within an approximately half-mile radius. The facility should be five (5) acres in size when located next to an elementary school and 10 acres when the facility must stand alone.
- b. Community parks and recreation centers should serve a resident population of between 18,000 and 25,000 within an approximately 1½-mile radius. The facility should be 13 acres in size when located adjacent to a junior high school and 20 acres when the facility must stand alone.

The General Plan guidelines for resource-based park are as follows:

- a. Resource-based parks should provide approximately 15 to 17 acres per 1,000 residents City-wide. It is important to note that resource-based parks are identified with an area of outstanding scenic, natural, or cultural interest. However, portions of these parks may serve as a community park.

The City's Park and Recreation Department and Planning Department are part of the multi-disciplinary review team for development projects. They are responsible for determining whether there would be a park deficiency within the community planning areas. As with libraries, the provision of parks is a planning and facilities issue, so the Environmental Setting section of the document should discuss the development's effect on any park deficiencies in the area, but should not conclude that such effects are CEQA impacts.

N. PUBLIC UTILITIES

In view of the continued growth experienced within the City of San Diego, it is the City's goal to ensure that public utilities will be made available on an equitable basis, without jeopardizing human health and safety.

The group of public utilities, as discussed in this section consist of:

- Electrical Power and Natural Gas (Energy) (In evaluating a project's effects on energy conservation in the preparation of Environmental Impact Reports, staff and consultants are directed to Appendix F of the CEQA Guidelines.)
- Solar Energy
- Communication Systems
- Solid Waste Generation / Disposal
- Water and Sewer
- Water Conservation

Utility providers are typically a combination of City, quasi-public agencies, and privately owned companies and corporations.

The utility providers, in coordination with State and Federal agencies that regulate their activities (CPUC, CAISO, FERC, etc.), identify significant shortages and associated impacts to existing and planned utilities that may be created by projects proposed within their service areas. Each utility provider establishes its own threshold criteria for utility capacity and service expansion.

As briefly discussed below, the extension, expansion, rerouting, and construction of new public and private utility needs are generally addressed on a project-by-project basis. **With one exception (energy conservation), the analysis of impacts related to public and private utilities should focus on the physical impacts associated with their installation.** Such physical impacts should be addressed in their respective impact areas (e.g., biological, archaeological, paleontological resources, etc.). In EIRs, it may be appropriate to consider the growth inducement potential of large utility projects; however, this discussion should be contained in the Growth Inducement section.

The following guidance should be considered in determining whether the utility work could have significant environmental impacts.

Would the removal, construction, and/or relocation of the utility:

- Be compatible with existing and adjacent land uses?
- Change drainage or affect water quality/runoff?
- Affect air quality?
- Affect biological resources including habitat? Consider access road locations.
- Have a negative aesthetic effect? Visual simulations might be necessary.
- Impact historical resources?
- Increase noise levels to sensitive receptors?

INITIAL STUDY CHECKLIST QUESTIONS

The following are taken from the City's Initial Study Checklist and provides guidance on potential significance for the following Public Utilities issues:

Would the proposal:

1. Result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts?

Natural gas

Water

Sewer

Communication systems

Solid waste disposal

2. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)?
3. Result in the use of excessive amounts of power?
4. Use of excessive amounts of water?
5. Landscaping which is predominantly non-drought resistant vegetation?

SIGNIFICANCE THRESHOLDS

1. Electrical Power and Natural Gas (Energy)

Electrical power and natural gas service is commonly provided by the San Diego Gas and Electric Company (SDG&E) throughout the San Diego metropolitan area. Power and gas requirements for upcoming development projects are handled on a case-by-case basis, and SDG&E consults with developers to incorporate energy saving devices into project design, where feasible.

Forecasting future electric power and natural gas consumption demand is performed on a continual basis by SDG&E. In situations where projects with large power loads are planned, these new large power loads are considered together with other existing or anticipated future loads in the project vicinity, and electrical substations are upgraded or new substations are built if the capacities of existing substations are exceeded. Direct impacts to electrical and natural gas facilities are addressed and mitigated by SDG&E at the time incoming development projects occur and are not typically evaluated by City staff.

An overall finding that the project would not have a significant environmental effect is not adequate for SDG&E to plan and implement an electric transmission or substation project in accordance with the permitting requirements of the California Public Utilities Commission's General Order 131-D. For SDG&E to be able to comply with GO 131-D and CEQA when its facilities are a component of a larger development project, the environmental document must make a separate finding that the proposed removal and/or construction or relocation of SDG&E's electric facilities as part of the larger project does not have the potential for significant effect on the environment. For additional information, contact SDG&E at (858) 637-3708.

2. Solar Energy

With respect to solar energy, projects that would result in substantial shading of roofs as to preclude future installation of solar systems may be considered to have significant environmental impacts.

3. Communication Systems

Communications system(s) for telephone, large-scale computer systems, and cable television, are serviced by utility providers such as SBC, AT&T, IBM, and other independent cable companies. Communication system needs for incoming projects are serviced by these utility providers on an as-needed basis.

SBC (formerly Pacific Bell) is mandated by the State Public Utilities Code to provide telephone service wherever it is requested throughout the State of California. SBC, therefore, must provide ongoing telephone service and plan for continual extensions of fiber optic lines. Forecasting future service demand is performed by computerized statistical modeling based on land use patterns, zoning, and other growth indicators. When possible, SBC engineers contact developers regarding future development plans early on in a project's conceptual planning stages, to establish upcoming service demand. For line extensions through remote areas to new development projects, a minimal hook-up fee is charged to the developer.

4. Solid Waste Generation/Disposal

In September 1989, the California Integrated Solid Waste Management Act (also known as Assembly Bill 939 (AB 939)) was enacted into law. It requires each city in the state to divert at least 50% percent of its solid waste from landfill disposal through source reduction, recycling, and composting by 2000. The following solid waste thresholds will help further this requirement through inclusion of solid waste considerations in review and preparation of environmental documents.

Construction/demolition projects meeting or exceeding the following thresholds are considered to have potentially significant solid waste impact based on solid waste generation estimates:

- a. Single Family/Multifamily Construction of 50 units or more
- b. Commercial Construction of 40,000 square feet or more

Use of these thresholds is limited to projects that have a change in land use density or community plan amendment such as a rezone.

Be aware that some existing Environmental Impact Reports (EIRs) may impose other thresholds and/or mitigation measures such as discussed below:

- **City of Villages Strategic Framework Element Final EIR**
This EIR identifies impacts to solid waste as significant with partial mitigation to extend recycling programs to attached homes and larger businesses, and on-site reuse of demolition materials (see EIR page IV-94).

- **Redevelopment Agency Projects**

The City of San Diego Redevelopment Agency has enacted more stringent thresholds for solid waste impacts in some of its EIRs. If the project is located in a Redevelopment District, consult the applicable EIR to determine the significance threshold and/or mitigation measures. For example, the North Park Redevelopment Project Final EIR (SCH 93-121105) sets a threshold of 10,000 square feet of construction, demolition, or remodeling and requires mitigation to prepare a Waste Management Plan if this threshold is met.

If the project would exceed the significance threshold for solid waste generation, a Waste Management Plan must be prepared by the applicant and approved by the Environmental Services Department (ESD) discussed in the environmental document. The Plan must be implemented by the applicant and address the demolition, construction, and occupancy phases of the project as applicable to include the following:

- a. Tons of waste anticipated to be generated
- b. Material type of waste to be generated
- c. Source separation techniques for waste generated
- d. How materials will be reused on-site
- e. Name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on-site
- f. A "buy recycled" program for green construction products, including mulch and compost
- g. How the project will aim to reduce the generation of construction/ demolition debris
- h. A plan of how waste reduction and recycling goals will be communicated to subcontractors
- i. A timeline for each of the three main phases of the project as stated above
- j. How the recycling space allocation ordinance will be incorporated into construction design of building's waste area.

5. Water and Sewer

Potable water (fresh water) and sewer requirements for incoming development projects are administered by the City Water and Metropolitan Wastewater Departments. Water and sewer demand is handled on a project-by-project basis, where developers are now required to submit water and sewer studies using the measurement of equivalent dwelling units (EDUs). The incorporation of water conservation devices into project designs are encouraged or required, such as the use of low-flush toilets, low-flow faucets, and timers on lawn sprinklers.

In projects with over 30 EDUs, a dual feed water pipeline system is required in case one of the pipelines fails. This is necessary to ensure continual water service to the project and adequate water pressure for fire protection. Also, since July of 1989, all development projects are required to install an additional water pipeline reserved for reclaimed water.

Water and sewer trunk lines are continually monitored in the field to determine remaining levels of capacity. The Engineering Division plans its capital improvement projects several years prior to pipelines actually reaching capacity. It is also the Engineering Division's belief that both the water and sewer system will be able to accommodate future growth.

For projects potentially affecting water and/or sewer lines, the California Department of Health Services Drinking Water Field Operations Branch requires notification if the separation between potable water and sewer or recycled water at any point is less than ten feet horizontal or one foot vertical. A minimum six inch vertical separation is required to be maintained between utilities. Potentially significant impacts could result if these separation distances are not maintained. The focus of the analysis should be on the construction of water and sewer facilities.

Senate Bills 610 and 221

For certain types of large projects (see list below), Senate Bill 610 requires that the environmental document prepared for each project contain a discussion regarding the availability of water to meet the projected water demands of the project for a 20-year planning horizon, including single and multiple dry years. Senate Bill 221 requires the decisionmaker to make a finding that the project's water demands for the planning horizon will be met before approving a Tentative Map.

The types of projects subject to Senate Bills 610 and 221 are the following:

- a. Residential developments of more than 500 units;
- b. Shopping centers or businesses employing more than 1,000 people or having more than 500,000 square feet of floor space;
- c. Commercial office buildings employing more than 1,000 people or having more than 250,000 square feet of floor space;
- d. Hotels or motels having more than 500 rooms;
- e. Industrial, manufacturing, or processing plants or industrial parks planned to house more than 1,000 people or having more than 650,000 square feet of floor space;
- f. Mixed use projects that include one or more of the above types of projects;
- g. Projects that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

For each of the types of projects listed above, the analyst should send a memo to the Principal Water Resource Specialist at the Water Department, giving the project details and requesting that the water availability analysis be done. The Water Department will coordinate with the County Water Authority, and will provide the analyst with the information needed for the environmental document.

6. Water Conservation

San Diego's arid climate and the fact that the majority of the region's water is imported, results in a limited water supply and availability. The drought cycles have resulted in a water conservation program throughout the City and region. According to San Diego Municipal Code Section 147.04, all buildings, prior to a change in ownership, are required to be certified as having water-conserving plumbing fixtures in place. All residential, commercial, and industrial water customers who receive water from the City of San Diego Water Department are affected by this Ordinance.

In terms of water conservation, the following factors should be considered (list is not inclusive) in determining baseline impacts on water conservation:

A significant impact may result if the following occurs:

1. The project would use excessive amounts of potable water. For example, a golf course use or certain industrial uses result in substantial water usage compared to most other uses. Projects should be encouraged to use reclaimed water whenever possible. See Item 7 below and subitems (b) and (g) in previous discussion regarding Senate Bills 610 and 221.
2. A project proposes predominantly non-drought resistant landscaping and excessive water usage for irrigation and other purposes. See Section 142.0401 regarding the use of drought-tolerant landscaping.

7. Recycled Water Reuse

Recycled water use is regulated by Ordinance 0-17327 (“Mandatory Reuse Ordinance”) adopted by the City Council on July 24, 1989. This Ordinance specifies that “recycled water shall be used within the City where feasible and consistent with the legal requirements, preservation of public health, safety, and welfare, and the environment.” Compliance with this Ordinance for new development is made a condition of tentative maps, land use permits, etc. based on the project’s location within an existing or proposed recycled water service area. In addition, the City Water Department is proposing additional retrofit criteria in conjunction with the Public Utilities Advisory Commission. Compliance with the Mandatory Reuse Ordinance is assured via permit conditions and therefore no significance thresholds for CEQA analysis is required. **The physical placement of any reuse lines would be analyzed for impacts as part of the normal discretionary process.**

O. TRANSPORTATION / CIRCULATION and PARKING

Note: This section is to be applied for projects deemed complete on or after January 1, 2007. For projects deemed complete prior to January 1, 2007, the following Section O.1. on Page 73 is to be applied.

Project-related traffic impacts are one of the most commonly identified environmental impacts under the CEQA. Traffic operations and safety impacts are addressed in this section. Other environmental impacts associated with project-related traffic and transportation infrastructure improvements (e.g., air quality, noise, biology) are addressed in the applicable sections of this manual which pertain to such issues.

Direct traffic impacts are those projected to occur at the time a proposed development becomes operational, including other developments not presently operational but which are anticipated to be operational at that time (near term).

Cumulative traffic impacts are those projected to occur at some point after a proposed development becomes operational, such as during subsequent phases of a project and when additional proposed developments in the area become operational (short-term cumulative) or when the affected community plan area reaches full planned build out (long-term cumulative).

It is possible that a project's near term (direct) impacts may be reduced in the long term, as future projects develop and provide additional roadway improvements (for instance, through implementation of traffic phasing plans). In such a case, the project may have direct impacts but not contribute considerably to a cumulative impact.

For intersections and roadway segments affected by a project, level of service (LOS) D or better is considered acceptable under both direct and cumulative conditions.

INITIAL STUDY CHECKLIST QUESTIONS

The following are taken from the City's Initial Study Checklist. They provide guidance on determining the potential significance of impacts to transportation, circulation systems, and parking:

Would the proposal result in:

1. Traffic generation in excess of specific community plan allocation?
2. An increase in projected traffic which is substantial (see table on following page) in relation to the existing traffic load and capacity of the street system?
3. Addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp as shown in the table on the next page?
4. An increased demand for off-site parking?
5. Effects on existing parking?
6. Substantial impact upon existing or planned transportation systems?

7. Substantial alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas?
8. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?
9. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?

SIGNIFICANCE THRESHOLDS

The following thresholds have been established to determine significant traffic impacts:

1. If any intersection, roadway segment, or freeway segment affected by a project would operate at LOS E or F under either direct or cumulative conditions, the impact would be significant if the project exceeds the thresholds shown in the table below.
2. At any ramp meter location with delays above 15 minutes, the impact would be significant if the project exceeds the thresholds shown in the table below.
3. If a project would add a substantial amount of traffic to a congested freeway segment, interchange, or ramp, the impact may be significant.
4. Addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp as shown in the table below?
5. If a project would increase traffic hazards to motor vehicles, bicyclists or pedestrians due to proposed non-standard design features (e.g., poor sight distance, proposed driveway onto an access-restricted roadway), the impact would be significant. Note: analysts should refer readers to a discussion of this issue in the Health and Safety section of the environmental document.
5. If a project would result in the construction of a roadway which is inconsistent with the General Plan and/or a community plan, the impact would be significant if the proposed roadway would not properly align with other existing or planned roadways.
6. If a project would result in a substantial restriction in access to publicly or privately owned land, the impact would be significant.

Level of Service with Project *	Allowable Change Due To Project Impact **					
	Freeways		Roadway Segments		Intersections	Ramp Metering
	V/C	Speed (mph)	V/C	Speed (mph)	Delay (sec.)	Delay (min.)
E (or ramp meter delays above 15 min.)	0.010	1.0	0.02	1.0	2.0	2.0
F (or ramp meter delays above 15 min.)	0.005	0.5	0.01	0.5	1.0	1.0

Note 1: The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS E is 2 minutes.

Note 2: The allowable increase in delay at a ramp meter with more than 15 minutes delay and freeway LOS F is 1 minute.

* All LOS measurements are based upon Highway Capacity Manual procedures for peak-hour conditions. However, V/C ratios for roadway segments are estimated on an ADT/24-hour traffic volume basis (using Table 2 of the City's Traffic Impact Study Manual. The acceptable LOS for freeways, roadways, and intersections is generally "D" ("C" for undeveloped locations). For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

** If a proposed project's traffic causes the values shown in the table to be exceeded, the impacts are determined to be significant. The project applicant shall then identify feasible improvements (within the Traffic Impact Study) that will restore/and maintain the traffic facility at an acceptable LOS. If the LOS with the proposed project becomes unacceptable (see above * note), or if the project adds a significant amount of peak-hour trips to cause any traffic queues to exceed on- or off-ramp storage capacities, the project applicant shall be responsible for mitigating the project's direct significant and/or cumulatively considerable traffic impacts.

KEY: Delay = Average control delay per vehicle measured in seconds for intersections, or minutes for ramp meters
LOS = Level of Service
Speed = Speed measured in miles per hour
V/C = Volume to Capacity ratio

PARKING

Parking requirements vary by land use and location and are dictated by the City of San Diego Municipal Code and adopted by the City Council policies.

SIGNIFICANCE THRESHOLDS

Non-compliance with the City's parking ordinance does not necessarily constitute a significant environmental impact. However, it can lead to a decrease in the availability of existing public parking in the vicinity of the project. Generally, if a project is deficient by more than ten percent of the required amount of parking and at least one of the following criteria applies, then a significant impact may result:

1. The project's parking shortfall or displacement of existing parking would substantially affect the availability of parking in an adjacent residential area, including the availability of public parking.
2. The parking deficiency would severely impede the accessibility of a public facility, such as a park or beach.

O.1. TRAFFIC/PARKING

Note: This section is to be applied to projects deemed complete prior to January 1, 2007.

Traffic:

Direct traffic impacts are those projected to occur at the time a proposed development becomes operational. The calculations include other operating projects and those not yet operational but which are anticipated to be operational when the proposed project goes into effect.

Cumulative traffic impacts are those projected to occur at some point after a proposed development becomes operational, such as during subsequent phases of a project or when additional proposed developments in the area become operational (short-term cumulative) or when affected community plan areas reach full planned buildout (long-term cumulative).

For intersections and roadway segments affected by a project, level of service (LOS) D or better is considered acceptable under both direct and cumulative conditions. However, for undeveloped locations, the goal is to achieve LOS C.

Significance Thresholds

1. If any intersection or roadway segment affected by a project would operate at LOS E or F under either direct or cumulative conditions, the impact would be significant if the project exceeds the following allowable increases in delay or intersection capacity utilization for affected intersections or volume-to-capacity ratio or speed for affected roadway segments:

Level of Service with Project	Allowable Increase Due to Project Impacts*			
	Intersections		Roadway Segments	
	<i>Delay (sec.)</i>	<i>ICU (V/C)</i>	<i>V/C</i>	<i>Speed (mph)</i>
E**	2	0.02	0.02	1
F**	2	0.02	0.02	1

Notes:

* If a proposed project's traffic impacts exceed the values shown in the table, then the impacts are deemed "significant." The project applicant shall identify "feasible mitigations" to achieve LOS D or better.

** The acceptable level of service standard for roadways and intersections in San Diego is LOS D. However, for undeveloped locations, the goal is to achieve LOS C.

Key:

Delay = Average stopped delay per vehicle measured in seconds

ICU = Intersection Capacity Utilization

V/C = Volume-to-Capacity Ratio (capacity at level of service E should be used, as specified in Table 1 of the City of San Diego Traffic Impact Study Manual)

Speed = Arterial speed measured in miles per hour

P. VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

Making the determination of a significant impact on visual quality is highly subjective. Identifying how a proposed development would fit or blend with the existing scale and character of the surrounding developed and natural environment is the key to determining significance. A project may meet all of its height, bulk, scale and zoning requirements and still have a significant visual impact on the environment if it is not in character with the surrounding development and natural landforms.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City's Initial Study Checklist and provides guidance to determine potential significance for impacts to Visual Quality and Neighborhood Character.

Would the proposal result in:

1. A substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?
2. The creation of a negative aesthetic site or project?
3. Project bulk, scale, materials, or style which would be incompatible with surrounding development?
4. Substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area? Note: for substantial alteration to occur, new development would have to be of a size, scale, or design that would markedly contrast with the character of the surrounding area.
5. The loss of any distinctive or landmark tree(s), or stand of mature trees as identified in the community plan? (Normally, the removal of non-native trees within a wetland as part of a restoration project would not be considered significant).
6. Substantial change in the existing landform?
7. Substantial light or glare which would adversely affect daytime or nighttime view in the area?

SIGNIFICANCE THRESHOLDS

1. Views

Projects that would block public views from designated open space areas, roads, or parks or to significant visual landmarks or scenic vistas (Pacific Ocean, downtown skyline, mountains, canyons, waterways) may result in a significant impact. To meet this significance threshold, one or more of the following conditions must apply:

- a. The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program. Minor view blockages would not be considered to meet this condition. In order to determine whether this condition has been met, consider the level of effort required by the viewer to retain the view;
- b. The project would cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community

plan. Unless the project is moderate to large in scale, condition “c” would typically have to be met for view blockage to be considered substantial;

- c. The project exceeds the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area;
- d. The project would have a cumulative effect by opening up a new area for development, which will ultimately cause “extensive” view blockage. (Cumulative effects are usually considered significant for a community plan analysis, but not necessarily for individual projects. Project level mitigation should be identified at the community plan level). View blockage would be considered “extensive” when the overall scenic quality of a visual resource is changed; for example, from an essentially natural view to a largely manufactured appearance.

Note: Views from private property are not protected by CEQA or the City of San Diego.

2. Neighborhood Character/Architecture:

Projects that severely contrast with the surrounding neighborhood character. To meet this significance threshold, one or more of the following conditions must apply:

- a. The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin.
- b. The project would have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town).
- c. The project would result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program.
- d. The project is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections.
- e. The project would have a cumulative effect by opening up a new area for development or changing the overall character of the area (e.g., rural to urban, single-family to multi-family). As with views, cumulative neighborhood character effects are usually considered significant for a community plan analysis, but not necessarily for individual projects. Project level mitigation should be identified at the community plan level. Analysts should also evaluate the potential for a project to initiate a cumulative effect by building structures that substantially differ from the character of the vicinity through height, bulk, scale, type of use, etc., when it is reasonably foreseeable that other such changes in neighborhood character will follow.

3. Land Form Alteration

Grading

Projects that significantly alter the natural landform. To meet this significance threshold, typically the following conditions must apply:

- a. The project would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill. Grading of a smaller amount may still be considered significant in highly scenic or environmentally sensitive areas. Excavation for garages and basements are typically not held to this threshold. In addition, one or more of the following conditions (1-3) must apply to meet this significance threshold.
 - 1) The project would disturb steep hillsides in excess of the encroachment allowances of the Environmentally Sensitive Lands regulations (LDC Chapter 14, Article 3, Division 1). In evaluating this issue, environmental staff should consult with permit staff.
 - 2) The project would create manufactured slopes higher than ten feet or Steeper than 2:1 (50 percent).
 - 3) The project would result in a change in elevation of steep hillsides as defined by the SDMC Section 113.0103 from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site. (A continuous elevation change of five feet may be noticeable in relation to surrounding areas. In addition, such a change may require retaining walls and other features to stabilize slopes, potentially resulting in a manufactured appearance.)
 - 4) The project design includes mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures. (This item moved from “Development Features” section below.)
- b. However, the above conditions may not be considered significant if one or more of the following apply:
 - 1) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This may be achieved through “naturalized” variable slopes.
 - 2) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.

- 3) The proposed excavation or fill is necessary to permit installation of alternative design features such as step-down or detached buildings, non-typical roadway or parking lot designs, and alternative retaining wall designs which reduce the project's overall grading requirements.

4. Development Features

Projects that have a negative visual appearance. To meet this significance threshold, one or more of the following conditions must apply:

- a. The project would create a disorganized appearance and would substantially conflict with City codes (e.g., a sign plan which proposes extensive signage beyond the City's sign ordinance allowance).
- b. The project significantly conflicts with the height, bulk, or coverage regulations of the zone and does not provide architectural interest (e.g., a tilt-up concrete building with no offsets or varying window treatment).
- c. The project includes crib, retaining or noise walls greater than six feet in height and 50 feet in length with minimal landscape screening or berming where the walls would be visible to the public.
- d. The project is large and would result in an exceeding monotonous visual environment (e.g., a large subdivision in which all the units are virtually identical).
- e. The project includes a shoreline protection device in a scenic, high public use area, unless the adjacent bluff areas are similarly protected.

These conditions may become more significant for projects which are highly visible from designated open spaces, roads, parks, or significant visual landmarks. The significance threshold may be lower for such projects. Refer to the project's applicable community plan and the Urban Design Element of the City's Progress Guide and General Plan for more information on visual quality.

5. Light/Glare

Projects that would emit or reflect a significant amount of light and glare. To meet this significance threshold, one or more of the following must apply:

- a. The project would be moderate to large in scale, more than 50 percent of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30 percent (see LDC Section 142.07330(a)), and the project is adjacent to a major public roadway or public area.
- b. The project would shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky. Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas.

Q. WATER QUALITY

Water quality is affected by sedimentation caused by erosion, by runoff carrying contaminants, and by direct discharge of pollutants (point-source pollution). As land is developed, the new impervious surfaces send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers and other contaminants (non-point source pollution) into adjacent watersheds.

Degradation of water quality impacts human health, as well as wildlife systems. Sedimentation can cause impediments to stream flow, creating dams and ultimately stagnant pools. In addition, oxygen availability is affected by sedimentation and degradation of water quality. Available oxygen significantly influences aquatic and riparian habitats. Fertilizers can create algal bloom and lead to eutrophication. Eutrophication occurs when waters become rich in mineral and organic nutrients resulting in a proliferation of plant life, especially algae. This, in turn, reduces the dissolved oxygen content in the water and often causes the reduction of biodiversity of the habitat. The ultimate result is negative alteration of the habitat.

The Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (Municipal Permit), issued on February 21, 2001 to the City of San Diego by the San Diego Regional Water Quality Control Board (Regional Board), requires the development and implementation of storm water pollution best management practices (BMPs), both during construction and in projects' permanent designs, to reduce pollutants discharged from the project site, to the maximum extent practicable. To address pollutants that may be generated from the new development once the site is in use, the Municipal Permit further requires that the City implement a series of permanent BMPs described in the Model Standard Urban Storm Water Mitigation Plan or SUSMP (pronounced "sue-sump") which is contained in the City's Storm Water Standards manual and was approved by the Regional Board on June 12, 2002. The City's Storm Water Standards manual is intended to provide information on how to comply with all of the City's permanent and construction storm water BMP requirements, including the Model SUSMP, for private and public development projects in the City of San Diego.

Compliance with the Water Quality Standards is assured through permit conditions provided by LDR Engineering. Adherence to the City's Stormwater Standards is considered to preclude water quality impacts unless substantial evidence supports a fair argument that a significant impact will still occur.

- The Storm Water Manual is available online at:
<http://www.sannet.gov/developmentservices/news/pdf/stormwatermanual.pdf>
- The Storm Water Requirements Applicability Checklist is available online at:
<http://www.sannet.gov/development services/news/pdf/ds 5601stormwtr.pdf>
- Other state stormwater requirements are available online at:
<http://www.sannet.gov/development services/news/strmwtrpermit.shtml>

WATER QUALITY SUBMITTAL REQUIREMENTS

1. For every project upon formal project submittal, the applicant must complete and submit the Storm Water Requirements Applicability Checklist in order to determine the project's storm water Best Management Practices (BMPs) requirements during construction and post construction.
2. If the project requires treatment control BMPs, as per the Storm Water Applicability Checklist, the applicant must submit a Water Quality Technical Report consistent with the City of San Diego's Storm Water Standards. The report must include, but not be limited to, BMP maintenance schedules and the responsible party for future maintenance and associated costs. The report must also address water quality by describing the type of pollutants which would be generated during construction and post construction, as well as identifying pollutants to be captured and treated by the proposed BMPs.

BIOLOGICAL RESOURCE REFERENCE

1. If the project discharges into receiving waters within Environmentally Sensitive Lands or waterbodies listed on the Regional Water Quality Control Board 303(d) Impaired Water Body List: <http://www.swrcb.ca.gov/303dupdate.html>, and the potential exists for significant impacts to biological resources, the biological report and the environmental document should discuss the BMPs to be implemented in order to preclude impacts to biological resources. Analysts should note that this potential impact should be addressed in the Biological Resources section of environmental documents.
2. Adverse water quality effects could include:
 - a. stream channelization/hardscaping which may affect water quality by reducing vegetation which shades and cools the water; and
 - b. channel lining which can decrease biological assimilation by increasing flow velocities and/or reducing permeability and adsorption potential (including bacteriological assimilation).

GROUNDWATER

1. If the project would result in the creation of ponded water not related to water quality treatment devices (i.e. detention basins) analysis of groundwater conditions associated with the proposed project may be warranted. A similar analysis may be required if a private sewage disposal system is proposed. Conversely, if the utilization of groundwater resources potentially impacts wetlands or surface flow, or adjacent project(s) dependent on existing groundwater resources, a full hydrogeologic analysis of the proposed development and attendant impacts must be performed.

Note: Projects located within the Los Peñasquitos Lagoon Restoration and Enhancement Fee Boundaries (See Figure 2 of the City's Coastal Development Information Guide, November 1988) are required to pay a fee to the Los Penasquitos Lagoon Enhancement fund. In addition, the projects are required to comply with City Clerk Document No. 00-1 7068, which requires the implementation of certain erosion and siltation control measures during construction for projects draining into Los Peñasquitos or San Dieguito Lagoon. The

requirements, however, do not provide post-construction erosion and pollution controls. Additional mitigation would usually be required in conjunction with the Los Peñasquitos Lagoon requirements.

SIGNIFICANCE THRESHOLDS

Compliance with the Water Quality Standards is assured through permit conditions provided by LDR Engineering for private projects. For public projects compliance is the responsibility of the particular department implementing the project. Adherence to the City's Stormwater Standards is the Water Quality threshold.

If it is determined that BMPs are to be used to protect another specific environmental resource (biological resources, etc.) and these BMPs are above what is required for the project to achieve compliance with the City's Water Quality Standards, the BMPs should be regarded as mitigation measures. The BMPs should be discussed and included as mitigation in the environmental document under the heading of the resource they are meant to protect.

For example, a silt fence around oak trees to avoid siltation of the roots is a biological mitigation measure which should be addressed in the biological resources discussion area of the environmental document.

R. CUMULATIVE IMPACTS

Section 15130 (a)(1) of the CEQA Guidelines states: "As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the Environmental Impact Report (EIR) together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR."

Section 15355 defines cumulative impacts as follows:

"Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Discussion of Contributions To Cumulative Impacts

In October 2002, the California Court of Appeal for the Third District issued a decision in the case *Communities For A Better Environment v. California Resources Agency*, Case No. CO38844 (10/28/02). Among other decisions, the court invalidated the State CEQA Guidelines at 15064(i)(4) and 15130(a)(4) regarding de minimis contributions to cumulative impacts. Under the now invalidated Guideline, an agency could determine that the incremental impacts of a project were not cumulatively considerable when they would make only a "de minimis" contribution to a significant cumulative effect.

However, the court found that "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem. . . ." Since many projects could conceivably contribute to a significant cumulative effect, it is important to consider the incremental effect and determine measures to substantially lessen the cumulative impacts to below a level of significance. The court suggested that the greater the cumulative environmental problem, the lower the threshold should be for determining the significance of a project's contribution to that cumulative problem.

Identification of Future Cumulative Projects

The same court case referenced above also invalidated Section 15130(b)(1)(B)2. CEQA requires an agency to consider how a project's impacts will cumulate with the impacts of past, present, and probably future projects. This Guideline provided that probable future projects could be limited to certain categories of projects: projects with a pending application for approval;

projects included in adopted agency plans; project anticipated as later phases of previously-approved project; “or” public agency projects for which money has been budgeted. However, the court found that to the extent this section might be read disjunctively to allow a lead agency to include only one category of projects in its list of probably future projects, it invalidated this section.

For additional reference on how to consider cumulative impacts, see the report prepared by the United States Council on Environmental Quality (CEQ), "Considering Cumulative Effects under the National Environmental Policy Act (NEPA)."

SIGNIFICANCE THRESHOLDS

CEQA requires a discussion of cumulative impacts when they are significant. The determination of cumulative significance calls for reasonable effort to discover and disclose other related projects. The direct and indirect impacts of each related project need to be identified and looked at comprehensively. CEQA provides various alternative methods to achieve an adequate discussion of cumulative impacts (see CEQA Guidelines Section 15130 noting the repealed sections of 15064(i)(4) and 15130(a)(4)). Some of the sections of this report provide significance determination criteria for cumulative impacts under individual issue areas (e.g. biology, air quality, traffic). However, in general the following rule of thumb should apply for determining significant cumulative impacts:

1. If there are known documented existing significant impacts occurring in a community, additional increments would exacerbate the impact (e.g. an overloaded transportation system).
2. If a community plan and/or precise plan identifies cumulative impacts in the community wide EIR, individual projects which contribute significantly to the community wide impacts would be considered cumulatively significant.
3. A large scale project (usually regional in nature) for which direct impacts are mitigated by the collective number of individual impacts results in a cumulative impact.

S. MANDATORY FINDINGS OF SIGNIFICANCE

CEQA sets forth the three mandatory findings of significance listed below. That is, a potential impact must be considered significant if a Lead Agency determines that any of the mandatory findings of significance apply, and an EIR must be prepared.

INITIAL STUDY QUESTIONS:

1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory?
2. Does the project have possible environmental effects which are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?-
3. Does the project have environmental effects of a project which would cause substantial adverse effects on human beings, either directly or indirectly?

Exhibit I



Development Services

Official Zoning Map

Validation by Address

Results for: 13555 BOQUITA DR

Zone(s) per Official Zoning Map:

Name	Abbreviated Name	
RS-1-3	RS-1-3	More Info

Map Sheets:

Map Sheet Index Nbr	Map Image
35	View Map Image

Results as of December 08, 2009

[Lookup another location.](#)

[Development Services Home](#) | [Construction Industry Professionals](#) | [Top of Page](#) |
[Small Business Owners](#) | [Home Owners](#) | [News & Updates](#) | [Contact Us](#) |

[Site Map](#) | [Privacy Notice](#) | [Disclaimers](#)

| [Home](#) | [Business](#) | [City Hall](#) | [Community](#) | [Departments](#) | [Information](#) | [Leisure](#) | [Services A-Z](#) | [Visiting](#) |
| [Search](#) | [Site Map](#) | [Contact the City](#) | [Privacy Notice](#) | [Disclaimers](#) |

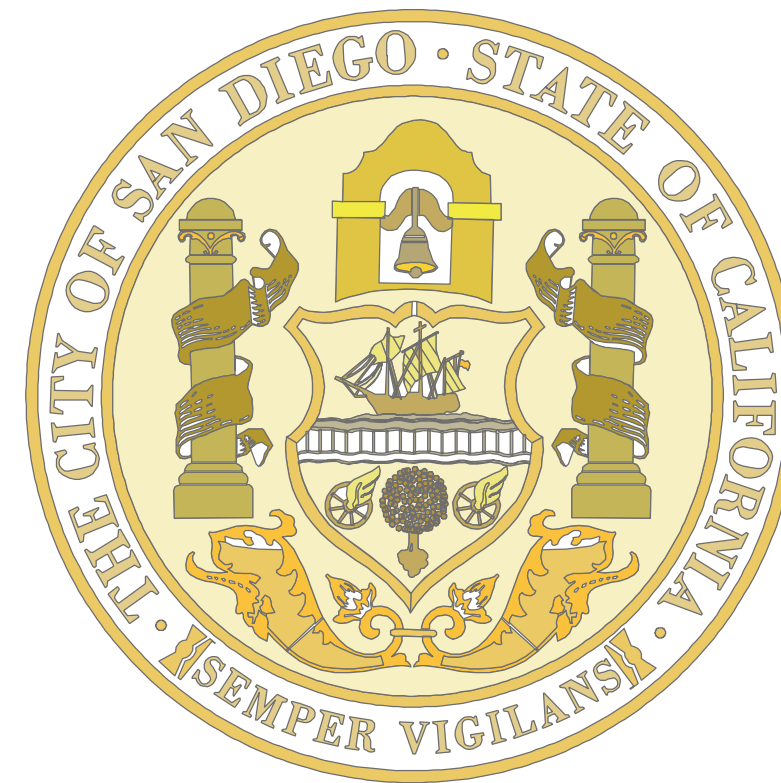
Exhibit J

City of San Diego

SEISMIC SAFETY STUDY

Geologic Hazards and Faults

Updated 2008



Development Services Department

Disclaimer

The information presented on these maps is primarily intended for planning purposes and should not be construed as definitive data for a specific site. The information presented is a collection of the most readily available data at the time of compilation. As much of the information was transferred from maps of differing scales, the accuracy is limited.

Every reasonable effort has been made to assure the accuracy of this map. However, neither the SanGIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

THESE MAPS ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such sublicensing agreements.

SAN DIEGO SEISMIC SAFETY STUDY

Introduction

The first edition of the San Diego Seismic Safety Study (SDSSS) was completed and adopted by City Council (Resolution 211594) on September 19, 1974 to comply with California regulations requiring cities to adopt a Seismic Safety Element within their General Plan.

The original maps, issued in 1974 and updated in 1983, have been revised and upgraded to reflect the latest interpretation of the geologic features and to streamline the site review process. The new maps are poduced at a larger scale (1 inch = 800 ft.) and in full color, incorporating the most advanced GIS computer mapping capabilities. The GIS computer-based system provides easy public access to the latest version of the maps, quick evaluation for permit processing, and timely maintenance and upgrading of data.

The SDSSS can be used to determine what geologic conditions are likely to underlie your site. The study consists of a series of maps showing locations of faults and other geologic hazards which are suspected or known to exist within the city of San Diego. This information is necessary for determining which level of geotechnical review will be required by the city when applying for planning, development or building permits.

The new edition contains several important changes that will shorten the review process. Geologic Hazard Categories and Fault Zones are now shown on a single sheet instead of two separate sheets, and the Geotechnical Land-Use Capability sheet has been eliminated. A revision and expansion of the Geologic Hazard Categories, a larger map format and scale, and the precision of GIS computer software has allowed the elimination of two-thirds of the old maps. This edition simplifies and consolidates the review process for all city depart-ments by utilizing the same criteria (Geologic Hazard Categories) for site evaluation.

How To Use the SDSSS

The procedure for determining which level of geotechnical study is required by the various city departments for planning, development or building permits differs slightly, based upon the type of permit sought. For permits dealing with land-planning and land-development (i.e., grading, public improvements), refer to the procedure described in "PLANNING AND DEVELOPMENT PERMITS" on sheet 2. For building permits, refer to the procedure described in "BUILDING PERMITS" on sheet 3.

Disclaimer

The information presented on these maps is primarily intended for planning purposes and should not be construed as definitive data for a specific site. The information presented is a collection of the most readily available data at the time of compilation. As much of the information was transferred from maps of differing scales, the accuracy is limited.

Legend

FAULT ZONES

11 Active, Alquist-Priolo Earthquake Fault Zone

12 Potentially Active, Inactive, Presumed Inactive, or Activity Unknown

13 Downtown special fault zone

FAULTS

Fault

Inferred Fault

Concealed Fault

Shear Zone

$\frac{U}{D}$

Relative vertical fault movement

Fault Zones represent possible limits within which faults could be located. Area concept required due to possible plotting error from different scale of source maps and accuracy of plots and overlay.

All fault locations are based on the best interpretation of available data at the time of compilation. Often, due to the extreme differences in scale between the data source and this map, interpretation of the fault, inferred fault, and concealed fault was required.

NOTE: There is a high degree of probability that the fault location will lie within the limits shown. Limits are included to indicate suggested area for exploration in order to accurately locate the fault.

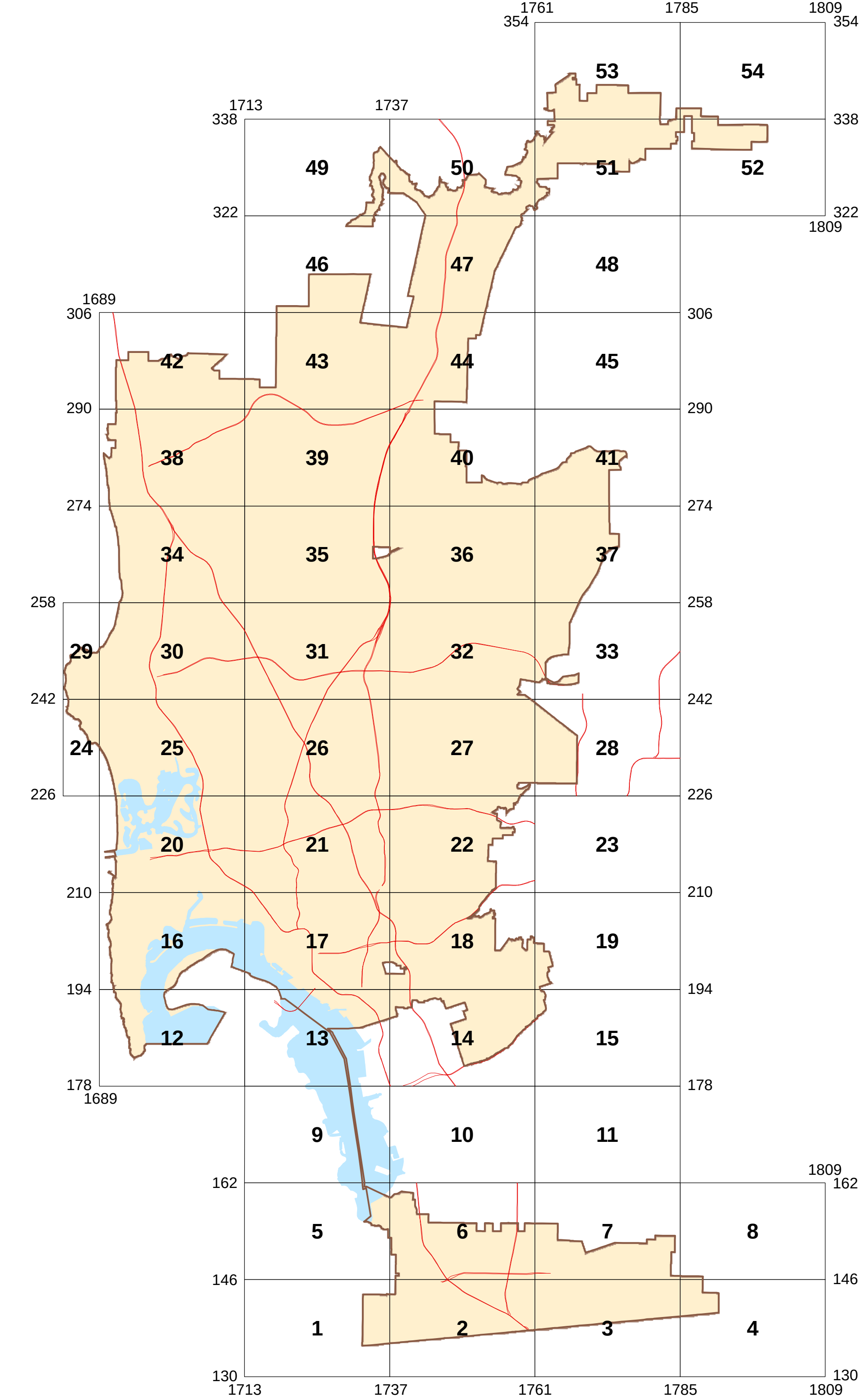


Every reasonable effort has been made to assure the accuracy of this map. However, neither the SanGIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicense of this information is prohibited, except in accordance with such sublicense agreements.

Index Map (NAD 27)



SAN DIEGO SEISMIC SAFETY STUDY: PLANNING & DEVELOPMENT PERMITS

Table 2-A

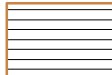
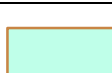
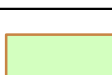
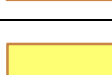
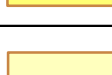
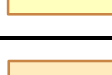
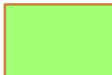
Type of Hazard		Geologic Hazard Categories	Relative Risk			
			Nominal	Low	Moderate	High
Ground Rupture	Faults	 11 Active, Alquist-Priolo Earthquake Fault Zone				●
		 12 Potentially Active Inactive, Presumed Inactive, or Activity Unknown		●	●	
		 13 Downtown special fault zone			●	●
Potential Slope Instability	Landslides	 21 Confirmed, known, or highly suspected				●
		 22 Possible or conjectured			●	
	Slide-Prone Formations	 23 Friars: neutral or favorable geologic structure		●	●	
		 24 Friars: unfavorable geologic structure			●	
		 25 Ardath: neutral or favorable geologic structure		●	●	
		 26 Ardath: unfavorable geologic structure			●	
		 27 Otay, Sweetwater, and others		●	●	
Potential Ground Failure	Liquefaction	 31 High Potential -- shallow groundwater major drainages, hydraulic fills			●	●
		 32 Low Potential -- fluctuating groundwater minor drainages		●		
Coastal Bluff Stability	Generally Unstable	 41 Generally unstable; Numerous landslides, high steep bluffs, severe erosion, unfavorable geologic structure				●
		 42 Generally unstable Unfavorable bedding plains, high erosion			●	●
		 43 Generally unstable Unfavorable jointing, local high erosion			●	
	Stable	 44 Moderately stable Mostly stable formations, local high erosion		●	●	
		 45 Moderately stable Some minor landslides, minor erosion		●		
		 46 Moderately stable Some unfavorable geologic structure, minor or no erosion		●		
	Generally Stable	 47 Generally stable Favorable geologic structure, minor or no erosion, no landslides		●		
		 48 Generally stable Broad beach areas, developed harbor	●	●		
All Other Conditions	Variable Stability	 51 Level mesas -- underlain by terrace deposits and bedrock nominal risk	●			
		 52 Other level areas, gently sloping to steep terrain, favorable geologic structure, Low risk		●		
		 53 Level or sloping terrain, unfavorable geologic structure, Low to moderate risk		●	●	
		 54 Steeply sloping terrain, unfavorable or fault controlled geologic structure, Moderate risk			●	
		 55 Modified terrain (graded sites) Nominal risk	●			

Table 2-B

Building Type/Land Use Group	
Group I	Nuclear Facilities, Large Dams and Regional Electrical Power Generation Plants
II	Hospitals; Fire, Police, Emergency Communication Facilities; Critical Transportation Elements, such as Bridges, Overpasses; Smaller Dams; Important Utility Centers
III	Schools, Churches, Large or Highrise Buildings, or Other Places Normally Attracting Large Concentrations of People, such as Civic Buildings, Large Commercial Structures, Most Roads, Other Utilities, Grading
IV	Residential (Single-Family Residences, Apartments, etc.) Most Commercial and Minor Public Structures
V	Most Industrial, Other Minor Commercial (Warehouses, Wharves, Docks, Marinas)
VI	Agriculture, Parks, Open Space

Follow this procedure to determine which level of geotechnical study is required by the City for Land-Planning and Land-Development permits:

1. Referring to the Index (Sheet 1), find the map sheet number containing your site. Turn to the proper map sheet and locate your site.
2. From the map, determine the Hazard Category for your site. The Hazard Category is identified by a specific number (11 thru 55) and color code. Refer to Table 2-A for a description of the Hazard Category and the relative risk assigned to the suspected type of Hazard.
3. Determine the Building Type/Land Use Group for your project per Table 2-B.
4. Referring to Table 2-C, determine the required geotechnical study for the Building Type/Land Use Group and Hazard Category at your site.

Table 2-C Required Geotechnical Study

RELATIVE RISK	HAZARD CATEGORY	SOIL INVESTIGATION	GEOLOGIC RECONNAIS-SANCE	GEOLOGIC INVESTIGATION
MODERATE TO HIGH	11, 13, 21, 31, 41	I-V	--	I-VI
LOW TO MODERATE	12, 22-27, 32, 42-48, 53, 54	I-V	VI	I-V
NOMINAL TO LOW	51, 52, 55	I-V	IV	I-III




Every reasonable effort has been made to assure the accuracy of this map. However, neither the SARCIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.
THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or retransmission of this information is prohibited, except in accordance with such sublicense agreements.

SAN DIEGO SEISMIC SAFETY STUDY: BUILDING PERMITS

FOOTNOTES TO TABLE 145.1802

1. Hazard Category. The Hazard Category describes the geologic feature or condition suspected at the site. The Hazard Category is determined by reference to the current City of San Diego Seismic Safety Study (SDSSS) maps.

2. Building, structure, and facility classes A, B, C, and D.
- A. Class A includes the following:
- 1) Essential Facilities as defined in Section 1604.5 of the California Building Code.
 - 2) Any building, structure, or facility where, in the opinion of the Building Official, significant generations or storage of toxic, hazardous, or flammable materials will occur. Quantities of these materials will be assessed in accordance with the risks they present.
- B. Class B includes the following developments, occupancy groups, and structures provided they are not included in Class A:
- 1) All developments consisting of four or more structures.
 - 2) All new structures requiring deep foundations (piers or pilings).
 - 3) All buildings over three stories in height.
 - 4) All buildings containing the following occupancies (Refer to 2007 California Building Code, Chapter 3):
 - a. Group A, Divisions 1, 2, 3 and 4.
 - b. Group E.
 - c. Group H, Divisions 1, 2 and 3.
 - d. Group I, Divisions 1, 2 and 3.
 - 5) All buildings with an occupant load of more than three hundred (300) persons as determined by Table 10-A of the California Building Code.
 - 6) Tanks, bins, hoppers, silos, and other storage structures of more than twenty thousand (20,000) gallons capacity intended to store toxic, hazardous, or flammable contents that are not associated with a building, structure, or facility in Class A.
 - 7) Tanks, bins, hoppers, silos, and similar structures over thirty-five (35) feet high.
 - 8) Towers over thirty-five (35) feet high.
 - 9) Retaining walls (height is measured from the top of the footing to the top of the wall):
 - a. Retaining walls over 12 feet in height.
 - b. Retaining walls over 8 feet in height supporting a surcharge or retaining toxic, hazardous, or flammable contents.
 - c. Retaining walls associated with structures included in footnote 1.B.4.
- C. Class C includes the following occupancy groups and structures provided they are not included in Classes A or B:
- 1) All buildings containing the following occupancies (Refer to California Building Code, Chapter 3):
 - a. Group A, Divisions 2, 3 and 5.
 - b. Group B.
 - c. Group E.
 - d. Group F, Divisions 1 and 2.
 - e. Group H, Divisions 4 and 5.
 - f. Group I, Division 1.
 - g. Group M.
 - h. Group R, Divisions 1 and 2.
 - i. Group S, Division 1.
 - 2) Retaining walls (height is measured from the top of the footing to the top of the wall):
 - a. Retaining walls over 8 feet in height.
 - b. Retaining walls of any height supporting a surcharge or retaining toxic, hazardous, or flammable contents.
 - 3) Tanks, bins, hoppers, silos, and other storage structures intended to store toxic, hazardous, or flammable contents.
 - 4) Tanks, bins, hoppers, silos, and similar structures over twenty (20) feet high.
 - 5) Towers over 20 feet high.
- D. Class D includes the following occupancy groups and structures provided they are not included in Classes A, B, or C:
- 1) All buildings containing the following occupancies (Refer to California Building Code, Chapter 3):
 - a. Group R, Divisions 3 and 4.

Note: No geologic investigations are required for occupancy Group U or any other structure of a similar minor nature.

3. Faults and Fault Zones -- Hazard Category 11, 12, and 13.

Active and potentially active faults are defined in the most recent edition of "Fault-Rupture Hazard Zones in California," Special Publication 42, California Department of Conservation, Division of Mines and Geology, a copy of which is on file at the office of the City Clerk as Document No. 00-17773-4.

Fault zones define the limits within which faults are suspected. Fault zones include the Alquist-Priolo Earthquake Fault Zones, The Downtown Special Fault Zone, as well as the area 100 feet on both sides of the fault lines indicated on the current San Diego Seismic Safety Study (SDSSS) maps. Refer to SDSSS maps for location of faults and fault zones.

The Downtown Special Fault Zone consists of an area beginning at the intersection of the centerline of Laurel Street and the centerline of Highway 163, thence in a general westerly and southwesterly direction along the centerline of Laurel Street to the intersection of the centerline of Harbor Drive, thence westerly to the intersection of the U S Bulkhead line of San Diego Bay, thence in a general southerly and southeasterly direction along said Bulkhead line to an intersection of the southwesterly prolongation of the centerline of 28th Street, thence northerly along the centerline of 28th Street to the intersection of the centerline of Ocean View Boulevard, thence northwesterly along the centerline of Ocean View Boulevard to the intersection of the centerline of 25th Street to the intersection of the centerline of Russ Boulevard, thence westerly along the prolongation of the centerline of Russ Boulevard to the intersection of the centerline of Highway I-5, thence in a general northerly and westerly direction along the centerline of Highlway I-5 to the intersection of the centerline of Highway 163, thence generally northerly along the centerline of Highway 163 to the point of place of beginning.

4. Liquefaction Potential -- Hazard Category 31 and 32.

When an investigation is required, adhere to Section 1802 of the 2007 California Building Code for minimum requirements.

5. Geotechnical Report. A report of the geotechnical condition is required for sites where geologic hazards are suspected, prior to obtaining a Building Permit. The report will either consist of a preliminary study, a geologic reconnaissance, or an in-depth study including field work and analysis, a geologic investigation. The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official. All reports shall be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports," on file with the City Clerk as Document No. 00-17773-5. These minimum requirements shall be augmented by geologic evaluations pertinent to the type of proposed project and anticipated method of construction, which should be described in the report. For buildings located in both a fault zone and a hazard category zone, the most restrictive requirement shall govern.

Regardless of the requirements of Table 145.1802, the Building Official may require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.

Follow this procedure to determine which level of geotechnical study is required by the City for building permits:

- 1. Referring to the Index (Sheet 1), find the map sheet number containing your site. Turn to the proper map sheet and locate your site.
- 2. From the map, determine the Hazard Category for your site. The Hazard Category is identified by a specific number (11 thru 55) and is color coded.
- 3. Referring to Table 145.1802, determine the required geologic study for the Hazard Category and the proposed Building, Structure, or Facility Class (A, B, C, or D). The footnotes to the table are provided to further clarify the procedure.

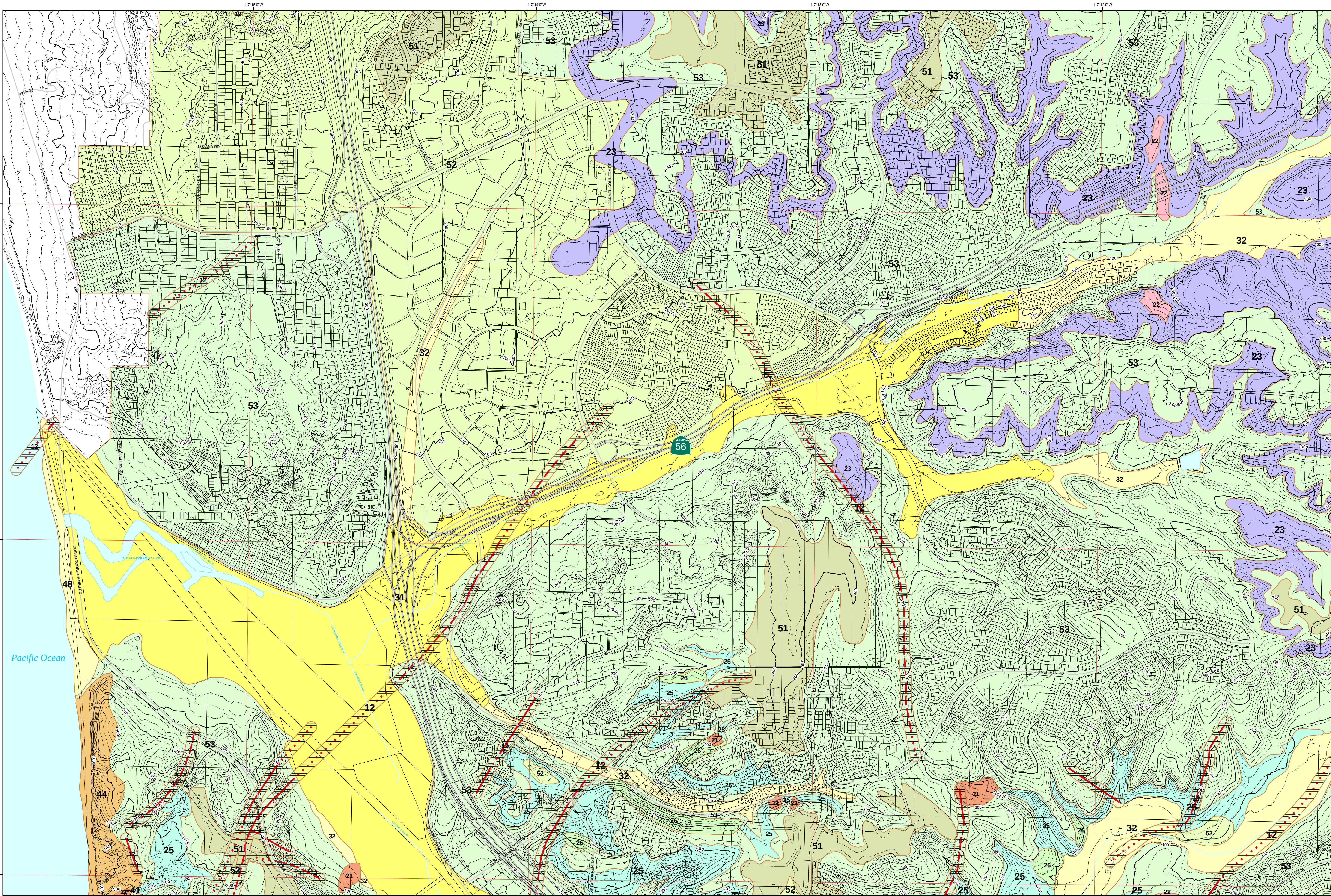
Table 145.1802 Required Geotechnical Investigation 5

Hazard Category ¹	Building, Structure, and Facility Class ²
11 ³ , 13 ³ , 21, 31 ⁴ , 41	A, B, C, D
12 ³ , 22, 42-48, 54	A, B, C, D
23-27, 32 ⁴	A, B, C
51, 52, 53, 55	A, B

NOTE: Refer to Municipal Code section 145.1802 for complete foundation investigation requirements.



Exhibit K



LEGEND

Geologic Hazard Categories

FAULT ZONES

- 11 Active, Alquist-Priolo Earthquake Fault Zone
- 12 Potentially Active, Inactive, Presumed Inactive, or Activity Unknown
- 13 Downtown special fault zone

LANDSLIDES

- 21 Confirmed, known, or highly suspected
- 22 Possible or conjectured

SLIDE-PRONE FORMATIONS

- 23 Friars: neutral or favorable geologic structure
- 24 Friars: unfavorable geologic structure
- 25 Ardath: neutral or favorable geologic structure
- 26 Ardath: unfavorable geologic structure
- 27 Otay, Sweetwater, and others

LIQUEFACTION

- 31 High Potential -- shallow groundwater, major drainages, hydraulic fills
- 32 Low Potential -- fluctuating groundwater, minor drainages

COASTAL BLUFFS

- 41 Generally unstable, Numerous landslides, high steep bluffs, severe erosion, unfavorable geologic structure
- 42 Generally unstable, Unfavorable bedding plains, high erosion
- 43 Generally unstable, Unfavorable jointing, local high erosion
- 44 Moderately stable, Mostly stable formations, local high erosion
- 45 Moderately stable, Some minor landslides, minor erosion
- 46 Moderately stable, Some unfavorable geologic structure, minor or no erosion
- 47 Generally stable, Favorable geologic structure, minor or no erosion, no landslides
- 48 Generally stable, Broad beach areas, developed harbor

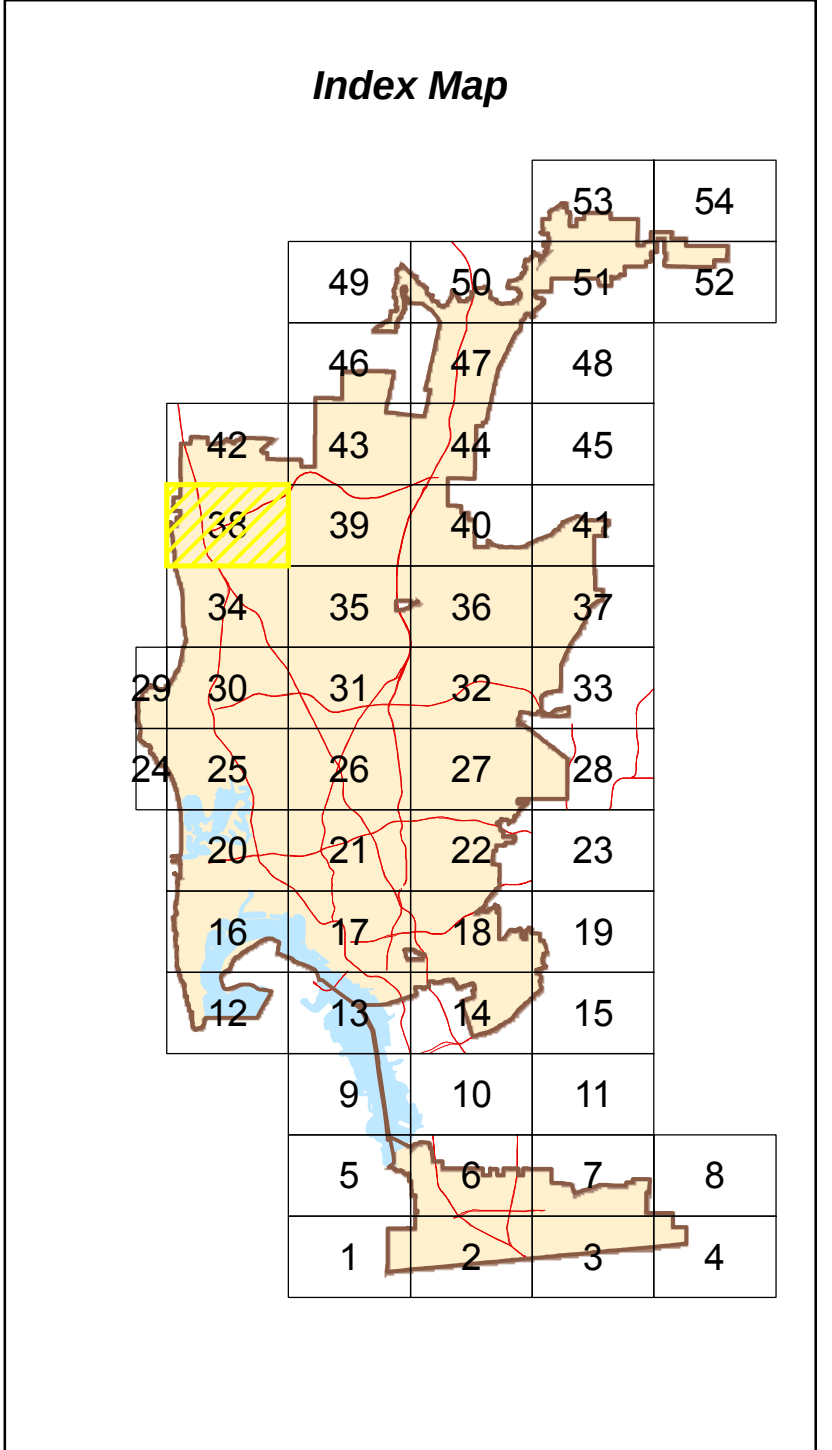
OTHER TERRAIN

- 51 Level mesas -- underlain by terrace deposits and bedrock, nominal risk
- 52 Other level areas, gently sloping to steep terrain, favorable geologic structure, Low risk
- 53 Level or sloping terrain, unfavorable geologic structure, Low to moderate risk
- 54 Steeply sloping terrain, unfavorable or fault controlled geologic structure, Moderate risk
- 55 Modified terrain (graded sites), Nominal risk

Water (Bays and Lakes)

FAULTS

- Fault
- Inferred Fault
- Concealed Fault
- Shear Zone



SanGIS Basemap Accuracy

SanGIS Land (Lot) basemap data for the City of San Diego tested 20.7' horizontal accuracy at the 95% confidence level.

This data meets the ASPRS Standard for Class 1 Map Accuracy at a scale of 1:12,000 (1"=1,000').

This assessment assumes utilization of the data on a citywide basis. Localized data may exceed or fail to meet this accuracy with errors in excess of 100' possible.

Every reasonable effort has been made to assure the accuracy of this map. However, neither the SanGIS participants nor SanGIS Data Processing Corporation assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or retransmission of this information is prohibited, except in accordance with such sublicense agreements.



City of San Diego

SEISMIC SAFETY STUDY

Geologic Hazards and Faults



Development Services Department

0 400 800 1,600 2,400 Feet

0 120 240 480 720 960 Meters

GRID TILE: 38

GRID SCALE: 800

DATE: 4/3/2008

Exhibit L



THE CITY OF SAN DIEGO

DATE: March 27, 2009

Frequently Asked Questions

FIRE HAZARD SEVERITY ZONES (FHSZ) AND NEW BUILDING CODES FOR CALIFORNIA'S WILDLAND URBAN INTERFACE

GENERAL QUESTIONS

1. What can be done to reduce building loss from wildfire?

Answer: Years of experience by fire agencies and others have led to a State of California statutory strategy for reducing the chance of building loss or damage. It is a two-pronged approach: **1)** defensible space – reduce flammable material around homes to keep direct flames and heat away from the side of the building. (The law already requires property owners to create 100 feet of defensible space around buildings); **2)** exterior wildfire exposure protection - construct buildings so that they have less chance of catching fire from burning embers. We have learned that we must make changes to the surrounding property and to the buildings themselves.

2. Can the new building codes protect my home from fire?

Answer: Fire safe building practices can't make your home fire proof but they can improve the chances that it will still be standing after the wildfire is out.

3. What is the "Bates" bill?

Answer: The "Bates" bill, Government Code Section 51175, was prompted by the devastating Oakland Hills Fire of 1991. This mid-1990s legislation calls for the CAL FIRE Director to evaluate fire hazard severity in local responsibility area and to make a recommendation to the local jurisdiction where Very High Fire Hazard Severity Zones exist. The Government Code then provides direction for the local jurisdiction to take appropriate action.

4. What is "Local Responsibility Area", or LRA?

Answer: Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. Local responsibility areas include incorporated cities, cultivated agriculture lands, and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government.

5. Will there be a single map that shows FHSZ statewide? Countywide?

Answer: There will be a single map that shows FHSZ on state responsibility areas statewide and for each county within state responsibility areas. There will be an initial map of Very High FHSZ recommended by CAL FIRE for local responsibility areas. Local jurisdictions statewide, including San Diego, validated the map with reflective fuels on the ground, correcting minor model errors and updating areas where development had occurred and was not reflected in the State's vegetation layer. This information was transmitted to CAL FIRE. Once local jurisdictions receive the final map from CAL FIRE, there is no reporting requirement for local government to report back to CAL FIRE.

6. Will the Very High Fire Hazard Severity Zone in Local Responsibility Area affect the cost and availability of fire insurance?

Answer: Insurance rates are determined by a variety of factors, including Fire Risk. Fire Risk is different from Fire Hazard. Fire Hazard is the focus of the Fire Hazard Severity Zone (FHSZ) maps, not Fire Risk. Fire Hazard is based on factors such as fuel (material that can burn), slope and fire weather. Fire Risk considers the potential for damage based on factors such as the ability of a fire to ignite the structure, the flammability of the construction material, and mitigation measures that reduce the risk. These mitigation measures include defensible space, building design, ignition resistant building materials, and ignition resistant construction techniques.

Ultimately, it is not possible to state that insurers will ignore the limitations of the focus of FHSZ maps. However, to respond to such issues, the California Department of Insurance and CAL FIRE have established a partnership and joint commitment to protecting Californians from fire losses. A Memorandum of Understanding (MOU) was signed by the Insurance Commissioner and the Director of CAL FIRE, October, 2007 to mutually promote awareness and collaboration among fire officials, the insurance industry, and the public to prevent and mitigate fire losses.

The MOU can be found at http://www.insurance.ca.gov/0400-news/0100-press-releases/0060-2007/upload/Insurance_CDI_CALFIRE_MOU_091007TC.pdf . If you have any questions, you can contact Sass Barton, Battalion Chief, with CAL FIRE at 559-243-4130.

QUESTIONS ABOUT FIRE HAZARD SEVERITY ZONES

7. What is a "Fire Hazard Severity Zone," or FHSZ?

Answer: California law requires CAL FIRE to identify areas based on the severity of fire hazard that is expected to prevail there. These areas, or "zones," are based on factors such as fuel (material that can burn), slope and fire weather. There are three zones, based on increasing fire hazard...medium, high and very high.

8. What does FHSZ measure?

Answer: The Fire Hazard Severity Zone map evaluates “**hazard**,” not “**risk**”. It is like the flood zone maps. “**Hazard**” is based on the physical conditions that create a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts. “**Risk**” is the potential damage a fire can do to the area under existing conditions, including any modifications such as defensible space, irrigation and sprinklers, and ignition resistant building construction.

9. Where do Fire Hazard Severity Zones apply?

Answer: Fire Hazard Severity Zones are found in areas where the State has financial responsibility for fire protection, called State Responsibility Areas. Very High Fire Hazard Severity Zones are found in local jurisdictions responsible for fire protection, called Local Responsibility Areas.

10. What is the timeline for implementation of San Diego’s Very High Fire Hazard Severity Map?

Answer: In accordance with the California Government Code, San Diego City identified Very High Fire Hazard Severity Zones and submitted its draft map to CAL FIRE. San Diego City staff worked closely with CAL FIRE in establishing these zones. Also mandated by the Government Code, once the Director of CAL FIRE transmits the final map and letter, local jurisdictions shall make the information available to the public for review for 30 days and 120 days from receipt to adopt the map by local ordinance. However, since San Diego has not yet received this formal letter and final map from CAL FIRE, San Diego intends to publish its draft map in March 2009 for a 60-day public review period.

11. Why are Fire Hazard Severity Maps being updated?

Answer: The hazard maps are being updated to more accurately reflect the zones in California that are susceptible to wildfire. The hazard mapping process incorporates new science and technology in determining hazard ratings.

12. How often will the Fire Hazard Severity Zone Maps be updated?

Answer: The State of California, CAL FIRE, has advised this map will be updated approximately every five years.

13. Is there an easy way to determine if my property is in a Very High Fire Hazard Severity Zone?

Answer: Yes, if you know the address of the property, you can find the designation by accessing the link for the Very High Fire Hazard Severity Map on the City’s Fire-Rescue Department’s website by simply clicking on the Very High Fire Hazard Severity Map. This map will also be available in hard copy at your local library.

14. How are Fire Hazard Severity Zones determined in local responsibility areas?

Answer: CAL FIRE uses an extension of the state responsibility area Fire Hazard Severity Zone model as the basis for evaluating fire hazard in local responsibility area. The local responsibility area hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area. Scientists at the U. C. Berkeley Center for Fire Research and Outreach provided an urban fuels model that was incorporated in the hazard rating.

15. What does the City of San Diego Very High Fire Hazard Severity Zone (VHFHSZ) map encompass and will it supersede the 300 ft map layer currently in effect?

Answer: The proposed Very High Fire Hazard Severity Zone map (VHFHSZ) map will include both the areas mapped by the State as well as the 300 ft buffer zone.

QUESTIONS ABOUT FIRE HAZARD SEVERITY ZONES AND BUILDING STANDARDS IN LOCAL RESPONSIBILITY AREAS

16. What are the additional regulations that will apply when a building is located on a lot within the Very High Fire Hazard Severity Zone Map?

Answer: Chapter 7A of the 2007 California Building Code, as adopted and amended by the City of San Diego, (Chapter 7A) Includes additional building standards applicable to new construction for projects located within the VHFHSZ map .The additional building standards in Chapter 14 Article 5 Division 38 of the Municipal Code apply in conjunction with the requirements of Chapter 7A.

17. My building is located on a lot that is partially located within the Very High Fire Severity Map. Do the requirements of Chapter 7A apply to my project?

Answer: Yes, if any portion of the lot falls within the VHFHSZ map, the requirements of Chapter 7A apply.

18. What types of projects do the building standards in Chapter 7A apply to?

Answer: The building standards in Chapter 7A apply to all new buildings, additions to existing buildings and to exterior alterations to existing buildings impacting one or all of the regulated building features addressed in Chapter 7A.

19. Do additions to existing buildings need to comply with the building standards in Chapter 7A?

Answer: Yes, the building standards in Chapter 7A apply to additions to existing buildings.

20. Do interior alterations to a building trigger compliance with the building standards in Chapter 7A?

Answer: No. Interior alterations do not trigger compliance with Chapter 7A since they are not within the scope of the regulations.

21. What types of exterior building alterations trigger compliance with the building standards in Chapter 7A?

Answer: The requirements of Chapter 7A apply to exterior alterations to items regulated by Chapter 7A.

For example:

- o The replacement of roof coverings will require compliance with the flashing and underlayment requirements of Chapter 7A.
- o Alterations or additions to attic ventilation shall comply with Chapter 7A. New ventilation openings and alterations to ventilation openings shall comply with limitations and construction standards of Chapter 7A.
- o The replacement of exterior doors or windows or other glazed openings will also subject the alteration to comply with door and glazing standards in Chapter 7A.

22. What if a building permit is not required for a particular scope of work; am I exempt from compliance with Chapter 7A?

Answer: No. Section 129.0203 (d) of the San Diego Municipal Code makes clear that exemption from the permit requirements of the Building Regulations does not authorize any work to be done in any manner in violation of the provisions of the Building Regulations or any other applicable local or state regulations.

23. When will compliance with Chapter 7A be required in the City of San Diego?

Answer: Chapter 7A will be in effect within the City of San Diego after adoption of the Very High Fire Hazard Severity Map. Building standards are minimum standards and nothing precludes a property owner from complying with the building standards prior to them being in effect on a mandatory basis.

24. Will the Building Standards in Chapter 7A apply to mobile homes in mobile home parks?

Answer: No. Mobile home parks are regulated under Title 25 of the California Code of Regulations and Building Standards in Title 24 do not apply to them. However, and as a result of recently adopted rule making, the State has adopted emergency ignition resistant construction standards for mobile homes based on standards in Chapter 7A in the 2007 California Building Code and these new standards are in effect as of January 21, 2009 and will apply to newly installed and relocated mobile homes. For more

information go to <http://www.hcd.ca.gov/codes/mhp/> and see Wildland Urban Interface (WUI) Emergency Regulations.

QUESTIONS ABOUT SAN DIEGO'S VERY HIGH FIRE HAZARD SEVERITY ZONE MODEL

25. What are the key elements and methodology of San Diego's Very High Fire Hazard Severity Zone model?

Answer: San Diego conducted a fire risk assessment utilizing spatial analysis tools and the City's Geographical Information System (GIS) and developed a Fire Severity Map for the City. The National Fire Protection Association (NFPA) 1144 Standard for Reducing Structure Ignition Hazards from Wildland Fire, the Wildland/Urban Interface Danger Rating System as well as the International Wildland/Urban Interface Code were used to identify risk factors and to assign risk values. The rating system used five factors from NFPA's standard: density of vegetation; slope severity; five minute fire department response time; road class/proximity, and proximity to fire hydrants and CAL FIRE's vegetation cover and fire behavior/fuel spread model. Using the software-based GIS tools, including ESRI's ArcGIS Spatial Analyst Extension, a relative risk was assigned to features described by data which was then combined to create a cumulative dataset identifying very high wildland fire risk across the City.

26. Why don't the maps reflect the fuel reduction and defensible space work done in an area?

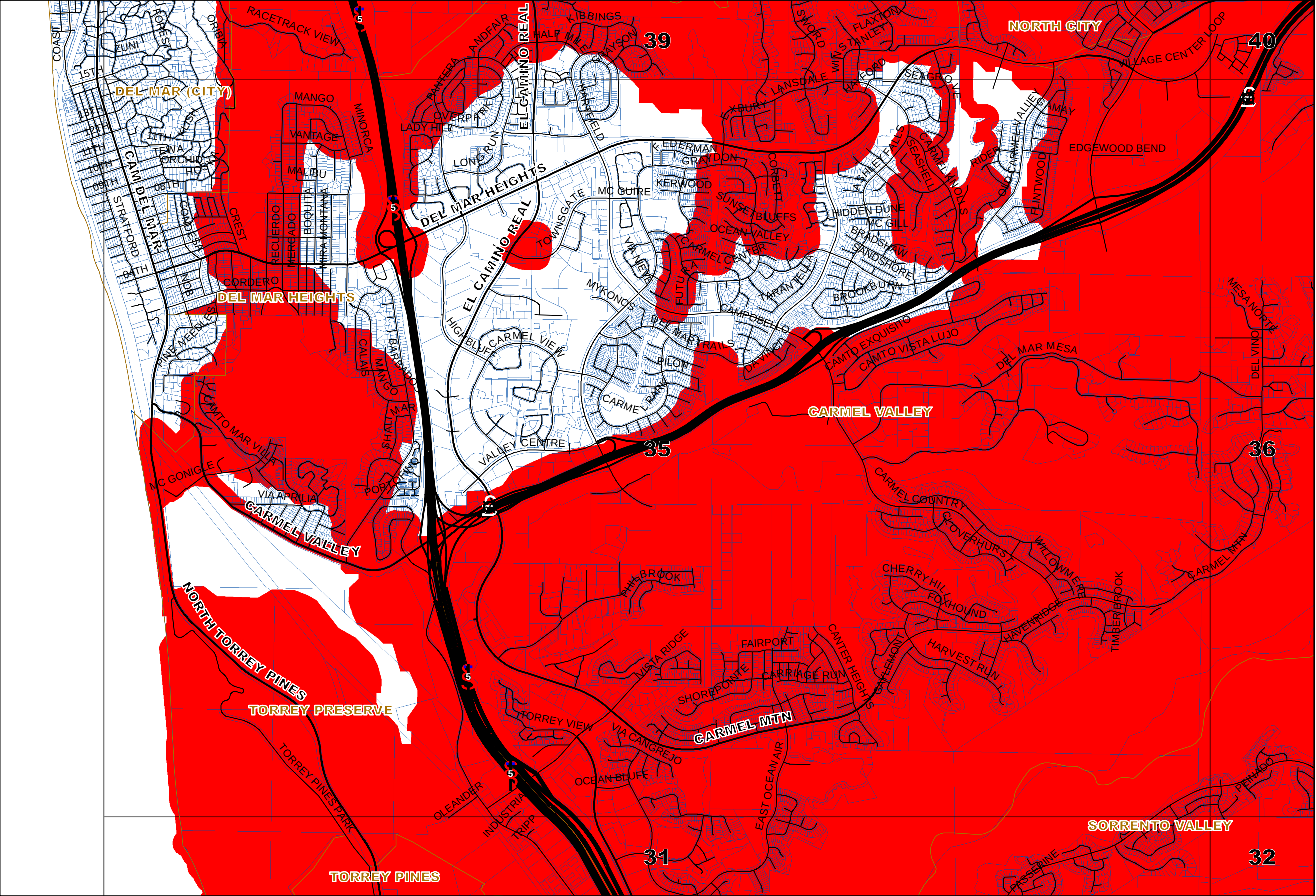
Answer: Fire hazard and fire risk are not the same. Actions such as creating defensible space around buildings or thinning vegetation reduce the fire risk to that area but they do not significantly change the fire hazard. Hazard + Mitigations = Risk.

27. Why didn't CAL FIRE include areas within the City of San Diego?

Answer: These areas did not meet the State's modeling criteria. For example, CAL FIRE's model uses a minimum grid of 20 acres of wildland vegetation; thus, anything less than that would not be zoned.

Exhibit M

Official Very High Fire Hazard Severity Zone Map



Legend

- Roads
- Federal Land
- City of San Diego Boundary
- Parcels
- VHFHSZ & 300' Brush Buffer

To view the details of this map, please visit the City of San Diego Fire-Rescue Website at www.sandiego.gov/fireandems/forms/map.shtml. Each map may be viewed as a PDF with Adobe Reader. Zoom in to 400% or larger to see the map in greater detail.

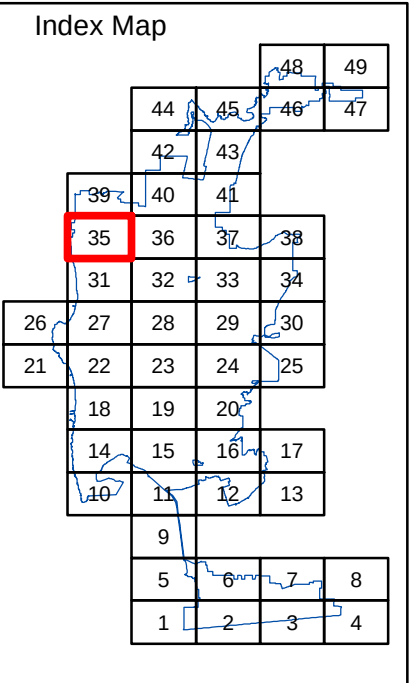


Exhibit N

Article 6: Development Permits

Division 7: Coastal Development Permit Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0701 Purpose of the Coastal Development Permit Procedures

The purpose of these procedures is to establish a City review process for *coastal development* that is consistent with the *Local Coastal Program*, the California Coastal Act of 1976 (Public Resources Code section 30000, et seq.) and the California Code of Regulations, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 17.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 126.0702 When a Coastal Development Permit Is Required

- (a) Permits Issued by the City. A Coastal Development Permit issued by the City is required for all *coastal development* of a *premises* within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area as described in Section 126.0702(b).
- (b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption for all *coastal development* on a project site located completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 on file in the Planning and Development Review Department, the San Diego office of the Coastal Commission, and in the office of the City Clerk as Document No. 00-17067-1.
- (c) Permits Issued by the City and the Coastal Commission. A Coastal Development Permit or exemption issued by the City and the Coastal Commission are required for all *coastal development* on a *premises* located partially within the Coastal Commission permit jurisdiction. A Coastal Development Permit from each agency is required for the portion of the project within the agency's jurisdiction.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0704 Exemptions from a Coastal Development Permit

The following *coastal development* is exempt from the requirement to obtain a Coastal Development Permit.

- (a) Improvements to existing *structures* are exempt, except if the improvements involve any of the following:
 - (1) Improvements to any *structure* located on a beach, *wetland*, stream, or seaward of the mean high tide line, where the *structure* or proposed improvements would encroach within 50 feet of a *coastal bluff edge*.
 - (2) Improvements to any *structure* that would result in an increase of 10 percent or more of interior *floor* area or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted or an increase in building height by more than 10 percent where the *structure* is located between the sea and first public roadway paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater distance. The first public roadway is shown on Map No. C-731 filed in the office of the City Clerk as Document No. 00-17069.
 - (3) Improvements that result in an intensification of use. For purposes of Section 126.0704, intensification of use means a change in the use of a *lot* or *premises* which, based upon the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the property.
 - (4) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a *coastal bluff*.
 - (5) The demolition or removal of 50 percent or more of the exterior walls of the existing structure.
 - (6) The expansion or construction of water wells or septic systems.
 - (7) Any significant non-attached structures such as garages, *fences*, shoreline protective works or docks on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.

- (8) Any improvement to a structure where the Coastal Development Permit issued for the original structure indicated that any future improvements would require a *development permit*.
 - (9) A companion unit as described in Section 141.0302.
- (b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any of the following:
 - (1) Repair or maintenance of a seawall, revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves substantial alteration to the foundation of the protective work including pilings and other surface or subsurface structures; the placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, *wetlands*, estuaries or on a shoreline protective work, unless destroyed by a natural disaster; the replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; the placement, whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.
 - (2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, any sandy beach area, within 50 feet of a *coastal bluff edge* or *wetland*, or within 20 feet of any coastal waters or streams that include; the placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (c) Any *coastal development* that has been categorically excluded pursuant to Categorical Exclusion Order No. (Editor's note: a number will be inserted if and when a Categorical Exclusion Order is issued by the California Coastal Commission.)
- (d) A *temporary event* which does not meet all of the following criteria:

- (1) The event is held between Memorial Day weekend and Labor Day; and,
- (2) The event will occupy all or a portion of a sandy beach or public parking area; and
- (3) The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

However, a *temporary event* which does not meet all of the criteria in Sections 126.0704(d)(1)-(3) may require a Coastal Development Permit if the City Manager determines the event has the potential to adversely affect public access to the shoreline and/or *environmentally sensitive lands*, and the event involves any of the following circumstances:

- (4) The event and its associated activities or access requirements will either directly or indirectly impact *environmentally sensitive lands*;
 - (5) The event is scheduled between Memorial Day weekend and Labor Day and would restrict or close to the public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
 - (6) The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.
- (e) *Public utility* installation of new or increased service to *development* approved or exempted in the Municipal Code, and *public utility* repair or maintenance as exempted under the Coastal Commission's Interpretive Guidelines on Exclusions from Permit Requirements filed with the City Clerk as Document No. OO-17067-2.
- (f) Any action necessary to abate a *public nuisance* as provided under California Public Resources Code Section 30005(b).
- (g) Agricultural *grading* on land that has been cultivated within the previous 10 years.
- (h) The replacement of any *structure* destroyed by a disaster, except a public works facility. The replacement *structure* shall comply with the applicable zone, shall be for the same use as the destroyed *structure*, shall not exceed the *floor area ratio*, height, or bulk of the destroyed *structure* by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed *structure*.

- (i) Any improvement to a *single dwelling unit* that constitutes part of a “single-family residential building” as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code, Title 24, section 13250(b).
(Amended 7-14-2003 by O-19197 N.S.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§126.0705 How to Apply for a Coastal Development Permit

An *applicant* shall file an application for a City-issued Coastal Development Permit in accordance with Section 112.0102. The application shall include the required submittal materials and any other information that in the opinion of the City Manager is necessary to adequately review the proposed *coastal development*. If the site is located within the watershed of Los Penasquitos Lagoon and would involve *grading* or construction of impervious surfaces, a computation of the required Los Penasquitos Lagoon Restoration and Enhancement Fee as set forth in Section 126.0720 shall be included with the application.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0706 Determination of Appellate Jurisdiction

The City Manager shall determine whether the proposed *coastal development* lies within the *appealable area* at the time the application for the Coastal Development Permit is submitted to the City. The City Manager’s determination may be reviewed by the Executive Director of the Coastal Commission in accordance with Coastal Commission regulations.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0707 Decision Process for a Coastal Development Permit

- (a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two. The decision may be appealed to the Planning Commission in accordance with Section 112.0504.
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

- (c) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.
- (d) When more than one permit, map or other approval is required for a single *development*, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the *findings* for each approval shall be consolidated and shall constitute the *findings* of the Coastal Development Permit. For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.
- (e) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

- (a) Finding for all Coastal Development Permits
 - (1) The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; 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*;

- (2) The proposed *coastal development* will not adversely affect *environmentally sensitive lands*; and
 - (3) The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.
 - (4) For every Coastal Development Permit issued for any *coastal development* between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the *coastal development* is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.
- (b) Supplemental *Findings* - Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use.

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0708(a), (b), (c) and (d) and the supplemental *findings* in Section 126.0504 (b):

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following *findings*:

- (1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and

- (2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and
- (3) The use proposed by the applicant is consistent with the applicable zoning; and
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the certified *Local Coastal Program* with the exception of the provision for which the deviation is requested.

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

§126.0709 Notice of Final City Action on a Coastal Development Permit

- (a) Notice of Final City Action by Mail. No later than 5 *business days* after the date on which all rights of appeal have expired for a Coastal Development Permit or any amendment or extension of a Coastal Development Permit, the City Manager shall mail a Notice of Final City Action to the Coastal Commission and to any other person who has requested this notice.
- (b) Contents of Notice of Final City Action. The Notice of Final City Action shall include the following:
 - (1) The conditions of approval for the Coastal Development Permit;
 - (2) The written *findings* required to approve the Coastal Development Permit; and
 - (3) The procedure for appealing the City's action to the Coastal Commission for decisions which are appealable to the Coastal Commission.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0710 Appeals to the Coastal Commission

- (a) A Coastal Development Permit that has been approved by the City may be appealed to the Coastal Commission if the *coastal development* that is authorized by the permit is located within the *appealable area* of the Coastal Overlay Zone.
- (b) A Coastal Development Permit that has been approved or denied for a major public works project or a major energy facility as these are defined by California Public Resources Code Sections 30114 and 30107, respectively, and Section 13012, California Code of Regulations, Title 14, Division 5.5, may be appealed to the Coastal Commission if the *development* authorized by the permit is located anywhere within the Coastal Overlay Zone.
- (c) Exhaustion of City Appeal. A decision on a Coastal Development Permit may be appealed to the Coastal Commission only after all appeal remedies of the City have been exhausted, except that exhaustion of all local appeals shall not be required if any of the following occur: an appellant is required to appeal to more local appellate bodies than have been certified as appellate bodies for Coastal Development Permits; an appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision; an appellant was denied the right of local appeal because local notice and hearing procedures for the development were inadequate or an appeal fee is required for the filing or processing of appeals.
- (d) Coastal Commission Responsibility
 - (1) If the Coastal Commission determines that a substantial issue exists in an appeal of a City Coastal Development Permit, the Coastal Development Permit becomes the responsibility of the Coastal Commission. All future responsibility pertaining to the Coastal Development Permit lies with the Coastal Commission, including any future amendment to, extension to, or enforcement of the conditions of approval of the permit.
 - (2) If an appeal is filed with the Coastal Commission and the Coastal Commission does not determine that a substantial issue exists, the City's action is upheld and the City's decision on the permit is final.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0711 Recordation of a Coastal Development Permit

A Coastal Development Permit that will be issued by the City shall be recorded in accordance with Section 126.0106. The recordation of easement documents shall comply with Section 126.0719.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0712 Issuance of a Coastal Development Permit

(a) The City shall issue the Coastal Development Permit in accordance with Section 126.0107 only after receiving notification that:

- (1) The appeal period to the Coastal Commission has ended and no appeal was filed; or
- (2) An appeal was filed and the Coastal Commission made a determination of no substantial issue with the City's decision.

(b) If a decision on a Coastal Development Permit is appealed to the Coastal Commission and the Coastal Commission determines that a substantial issue exists, the issuance of the permit will be regulated by the Coastal Commission.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0713 Initial Utilization of a Coastal Development Permit

A Coastal Development Permit issued by the City shall be initially utilized in accordance with Section 126.0108.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0714 Maintaining Utilization of a Coastal Development Permit

Continued utilization of a Coastal Development Permit issued by the City shall be in accordance with Section 126.0109.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0715 Time Extension for a Coastal Development Permit

A Coastal Development Permit issued by the City may be extended in accordance with Section 126.0111.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0716 Modifications and Amendments to a Coastal Development Permit

Minor modifications and amendments to a previously approved Coastal Development Permit issued by the City shall be decided in accordance with Sections 126.0112 and 126.0113.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0717 Permits Issued by the Coastal Commission

Any person who has a valid Coastal Development Permit issued by the Coastal Commission is not required to obtain a Coastal Development Permit for that same *coastal development* from the City. The Coastal Commission is exclusively responsible for the issuance of an amendment to a Coastal Development Permit that has been approved by the Coastal Commission, regardless of the jurisdictional boundaries governing applications for Coastal Development Permits. The City may not grant a Coastal Development Permit for the same *coastal development* on a site that has a previously approved Coastal Development Permit issued by the Coastal Commission unless the previously approved permit has expired or been forfeited to the Coastal Commission. Following a decision on a Coastal Development Permit, no applicant or the applicant's successor in interest may reapply for a Coastal Development Permit for substantially the same *development* for a period of six months from the date of the prior final decision.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0718 Procedures for Emergency Coastal Development Permits

- (a) Coastal Emergency. A coastal emergency is a sudden, unexpected occurrence within the Coastal Overlay Zone that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services.
- (b) Application. When a coastal emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Coastal Development Permit. However, all emergency Coastal Development Permits shall authorize only the minimum necessary to stabilize the emergency. In addition, emergency development requires the subsequent processing of a standard Coastal Development Permit application for any work authorized on an emergency basis by these procedures. The *applicant* may apply for an emergency Coastal Development Permit in person, by letter to the City Manager, or by telephone.

- (c) Contents of Application. The application shall include the following information:
 - (1) The nature of the coastal emergency;
 - (2) The cause of the coastal emergency;
 - (3) The location of the coastal emergency;
 - (4) The remedial, protective, or preventive work required to deal with the coastal emergency;
 - (5) The circumstances during the coastal emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action; and
 - (6) Identification of options for addressing the coastal emergency, including the least environmentally damaging alternative.
- (d) Verification. The City Manager shall verify the facts, including the existence and nature of the coastal emergency, to the extent that time allows.
- (e) Decision on Permit. A decision to approve, conditionally approve, or deny the emergency Coastal Development Permit shall be made by the City Manager.
- (f) *Findings*. An emergency Coastal Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:
 - (1) A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the *development* can and will be completed within 30 days unless otherwise specified in the permit;
 - (2) Public comment on the proposed coastal emergency action has been solicited and reviewed to the extent feasible; and
 - (3) The proposed emergency work is consistent with the *Local Coastal Program*.
- (g) Conditions. The City Manager may approve an emergency Coastal Development Permit with conditions, including an expiration date. All emergency Coastal Development Permits shall include a condition requiring the processing of a regular Coastal Development Permit application for any work authorized by the City Manager.

- (h) Notice. The City Manager shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the coastal emergency. Notice of the issuance of an emergency Coastal Development Permit shall always be provided to the Coastal Commission.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0719 Public Access, Open Space, or Conservation Easements Associated with a Coastal Development Permit

- (a) Documents to be Approved. The City Manager shall forward any legal documents used in complying with required conditions of a Coastal Development Permit that pertains to public access, open space, or conservation easements to the Executive Director of the Coastal Commission for approval before the issuance of the Coastal Development Permit.
- (b) Revisions to Documents. If the Executive Director of the Coastal Commission recommends revisions to the format of the legal documents, the Coastal Development Permit shall not be issued until all deficiencies have been resolved to the satisfaction of the Executive Director of the Coastal Commission.
- (c) Permit Issued. A Coastal Development Permit shall not be issued until the legal documents have been recorded with the County Recorder and verification of the recordation has been sent to, and receipt has been acknowledged by, the Executive Director of the Coastal Commission.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0720 Payment of Los Penasquitos Watershed Restoration and Enhancement Fee for Grading and Creation of Impervious Surfaces

- (a) An *applicant* for a Coastal Development Permit, as identified in Document No. 00-17068 on file in the City Clerk's office, for a *coastal development* proposal located in the watershed of Los Penasquitos Lagoon that involves *grading* or would construct any impervious surfaces shall, as a condition of *development* approval, be required to pay a fee to the Los Penasquitos Lagoon Enhancement Fund and escrow account for restoration of the lagoon and watershed. The fee shall not be required for *coastal developments* that are exempt under Section 126.0704.

- (b) The fee shall be based on the site surface affected by *grading* for urban *development*, agriculture, transportation, and other public service facility improvements, exclusive of habitat restoration or enhancement areas. The fee shall be computed at a rate of \$0.005 per square foot for all areas to be graded, with an additional rate of \$0.03 per square foot for any impervious surfaces to be created by the finished *development*. The amount of the fee shall be based on the *grading* and impervious surfaces proposed under the initial Coastal Development Permit and for any additional *development* increments (*grading* or impervious surfaces) for which permits are required. Fees for the maintenance and administration of the escrow account shall also be required.
- (c) The required fee shall be computed by the *applicant* and the information shall be included with the permit application. The calculations shall be verified by the City Manager. The *applicant* shall deposit the required fee in an escrow account established by the City of San Diego, the California Coastal Commission, and the State Coastal Conservancy. Administration of the funds shall be the responsibility of the State Coastal Conservancy in accordance with the terms of the escrow account. The *applicant* shall provide evidence satisfactory to the City Manager that the deposit has been made before the Coastal Development Permit is issued.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0721 Los Penasquitos Watershed Maintenance and Conservation Fund

An *applicant* for a Coastal Development Permit for a *coastal development* located in the watershed of Los Penasquitos Lagoon shall, as a condition of the permit, agree to participate in any benefit assessment district or other financing mechanism created to fund the permanent maintenance and conservation of the stream channels and related habitats located in the watershed and within the boundaries of the City of San Diego.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0722 Beach Sand Mitigation Fee

- (a) An applicant for a Coastal Development Permit for a *coastal development* proposal involving a bluff or shoreline protective device may be required, as a condition of development approval, to pay a fee to the City of San Diego Beach Sand Mitigation Fund held at the San Diego Association of Governments to be used for beach replenishment and/or public access improvements within the City of San Diego.

- (b) The fee shall be to mitigate impacts to local shoreline sand supply and/or to compensate for direct encroachment by the protective device onto State tidelands or public beach. The amount of the fee shall be roughly proportional to the value of the beach area and sand supply lost as a result of the approved protective device. The information necessary to quantify potential impacts and to calculate a mitigation fee, as discussed within the Beach and Bluff Guidelines in the Land Development Manual, shall be included with the permit application.

(Added 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0723 Violations of a Coastal Development Permit

It is unlawful for any person to maintain, use, or undertake *coastal development* on any lot or *premises* without a Coastal Development Permit if such a permit is required for the use or *development* or to maintain, use, or develop any *premises* contrary to the requirements or conditions of an existing Coastal Development Permit. 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.

(Renumbered from Sec. 126.0722 and amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0724 Revocation of Coastal Development Permits

The provisions of this section shall govern proceedings for revocation of a Coastal Development Permit. The revocation of a Coastal Development Permit issued by the City shall be considered and acted upon in accordance with Sections 121.0313, 121.0314, 121.0315 and 121.0316 of this code. However, the Coastal Development Permit may be revoked if the Hearing Officer makes any of the *findings* stated in Section 121.0314 or the following:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a Coastal Development Permit application, where the decision maker finds that accurate and complete information would have caused the decision maker to require additional or different conditions on a Coastal Development Permit or deny an application; or
- (b) Failure to comply with the notice provisions of Section 112.0306 where the views of the person(s) not notified were not otherwise made known to the decision maker and could have caused the decision maker to require additional or different conditions on the Coastal Development Permit or to deny the application.

(Added 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

Exhibit O

California Department of Education (<http://www.cde.ca.gov/LS/fa/sf/title5regs.asp>)

Page Generated: 12/14/2009 2:31:26 PM

Title 5, California Code of Regulations

This is an excerpt of *California Code of Regulations, Title 5* that relate to school facilities construction. The complete text of the *California Code of Regulations, Title 5* (Outside Source) may be downloaded from the Office of Administrative Law.

Division 1, Chapter 13, Subchapter 1

School Facilities Construction

Article 1. General Standards

§14001. Minimum Standards.

Educational facilities planned by school districts shall be:

- a. Evolved from a statement of educational program requirements which reflects the school district's educational goals and objectives.
- b. Master-planned to provide for maximum site enrollment.
- c. Located on a site which meets California Department of Education standards as specified in Section 14010.
- d. Designed for the environmental comfort and work efficiency of the occupants.
- e. Designed to require a practical minimum of maintenance.
- f. Designed to meet federal, state, and local statutory requirements for structure, fire, and public safety.
- g. Designed and engineered with flexibility to accommodate future needs.

Note: Authority cited: sections 17251(b) and 33031, *Education Code*. Reference: Section 17017.5 and 17251(b), *Education Code*.

Article 2. School Sites

§ 14010. Standards for School Site Selection.

All districts shall select a school site that provides safety and that supports learning. The following standards shall apply:

- a. The net usable acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established in Tables 1-6 of the 2000 Edition, "School Site Analysis and Development" published by the California Department of Education and incorporated into this section by reference, in toto, unless sufficient land is not available or circumstances exist due to any of the following:
 1. Urban or suburban development results in insufficient available land even after considering the option of eminent domain.
 2. Sufficient acreage is available but it would not be economically feasible to mitigate geological or environmental hazards or other site complications which pose a threat to the health and/or safety of students and staff.
 3. Sufficient acreage is available but not within the attendance area of the unhoused students or there is an extreme density of population within a given attendance area requiring a school to serve more students on a single site. Choosing an alternate site would result in extensive long-term bussing of students that would cause extreme financial hardship to the district to transport students to the proposed school site.
 4. Geographic barriers, traffic congestion, or other constraints would cause extreme financial hardship for the district to transport students to the proposed school site.

- b. If a school site is less than the recommended acreage required in subsection (a) of this section, the district shall demonstrate how the students will be provided an adequate educational program including physical education as described in the district's adopted course of study.
- c. The property line of the site even if it is a joint use agreement as described in subsection (o) of this section shall be at least the following distance from the edge of respective power line easements:
 - 1. 100 feet for 50-133 kV line.
 - 2. 150 feet for 220-230 kV line.
 - 3. 350 feet for 500-550 kV line.
- d. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.
- e. The site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.
- f. Pursuant to *Education Code* sections 17212 and 17212.5, the site shall not contain an active earthquake fault or fault trace.
- g. Pursuant to *Education Code* sections 17212 and 17212.5, the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.
- h. The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.
- i. The site is not subject to moderate to high liquefaction or landslides.
- j. The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.
- k. The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference, in toto.
- l. The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto.
- m. Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with *Education Code* Section 17213 and *Government Code* Section 65402 and available studies of traffic surrounding the site.
- n. The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.
- o. The site shall be selected to promote joint use of parks, libraries, museums and other public services, the acreage of which may be included as part of the recommended acreage as stated in subsection (a) of this section.
- p. The site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.
- q. The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.
- r. Easements on or adjacent to the site shall not restrict access or building placement.
- s. The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:
 - 1. Distance of utilities to the site, availability and affordability of bringing utilities to the site.
 - 2. Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.
 - 3. Eminent domain, relocation costs, severance damage, title clearance and legal fees.
 - 4. Long-term high landscaping or maintenance costs.

- 5. Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.
- t. If the proposed site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substance Control for a determination of whether the property should be considered a Hazardous Waste Property or Border Zone Property.
- u. At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that mitigation of specific circumstances overrides a standard without compromising a safe and supportive school environment.

Note: Authority cited: sections 17251(b) and 33031, *Education Code*. Reference: sections 17212, 17212.5, 17213, 17251(b), 17251(f), and 25220, *Education Code*; Section 65402, *Government Code*; Section 25220, *Health and Safety Code*; sections 21372, 22350, 22352, 22358.4, and 22358.5, *Vehicle Code*; and sections 1859.74 and 1859.75(b), *Title 2, California Code of Regulations*.

[Back to Top](#)

§ 14011. Procedures for Site Acquisition State-Funded School Districts.

A state-funded school district is defined as a school district having a project funded under Chapter 12.5 (commencing with Section 17070.10) of the *Education Code*. A state-funded school district, before acquiring title to real property for school use, shall obtain written approval from the California Department of Education using the following procedures:

- a. Request a preliminary conference with a consultant from the School Facilities Planning Division and in consultation review and evaluate sites under final consideration.
- b. Contact the School Facilities Planning Division of the California Department of Education to obtain a "School Facilities Planning Division Field Site Review," form SFPD 4.0, published by the California Department of Education, as last amended in December 1999 and incorporated into this section by reference, in toto, which lists the site options in order of merit according to the site selection standards delineated in Section 14010.
- c. Prepare a statement of policies as delineated on the "School Facilities Planning Division School Site Report," form SFPD 4.02, as last amended in December 1999 and incorporated into this section by reference, in toto, covering the range and organization of grades to be served, the transportation of pupils, and the ultimate maximum pupil enrollment to be housed on the site. Prepare a statement showing how the site is appropriate in size as justified by the school district's Facilities Master Plan, including acreage increases above the California Department of Education recommendation made to compensate for off-site mitigation. A school district may choose, in place of a master plan, a developer fee justification document or a five-year plan if it addresses enrollment projections, needed schools, and site sizes.
- d. Prepare maps showing present and proposed school sites, significant roads or highways, unsanitary or hazardous installations, such as airports or industries and the indicated boundary of the pupil attendance area to be served as delineated on form SFPD 4.02.
- e. Meet with appropriate local government, recreation, and park authorities to consider possible joint use of the grounds and buildings and to coordinate the design to benefit the intended users as required by *Education Code* Section 35275.
- f. Give written notice to the local planning agency having jurisdiction, to review the proposed school site or addition to an existing school site and request a written report from the local planning agency of the investigations and recommendations for each proposed site with respect to conformity with the adopted general plan as required by *Public Resource Code* Section 21151.2 and *Government Code* Section 65402.
- g. Comply with *Education Code* sections 17212 and 17212.5, with particular emphasis upon an engineering investigation made of the site to preclude locating the school on terrain that may be potentially hazardous:
 - 1. The geological and soils engineering study shall address all of the following:
 - A. Nature of the site including a discussion of liquefaction, subsidence or expansive soils, slope, stability, dam or flood inundation and street flooding.
 - B. Whether the site is located within a special study zone as defined in *Education Code* Section 17212.
 - C. Potential for earthquake or other geological hazard damage.
 - D. Whether the site is situated on or near a pressure ridge, geological fault or fault trace that may rupture during the life of the school building and the student risk factor.
 - E. Economic feasibility of the construction effort to make the school building safe for occupancy.

2. Other studies shall include the following:
 - A. Population trends
 - B. Transportation
 - C. Water supply
 - D. Waste disposal facilities
 - E. Utilities
 - F. Traffic hazards
 - G. Surface drainage conditions
 - H. Other factors affecting initial and operating costs.
- h. Prepare an environmental impact report, or negative declaration in compliance with the Environmental Quality Act, *Public Resources Code*, Division 13, (commencing with Section 21000 with particular attention to Section 21151.8). As required by *Education Code* Section 17213, the written findings of the environmental impact report or negative declaration must include a statement verifying that the site to be acquired for school purposes is not currently or formerly a hazardous, acutely hazardous substance release, or solid waste disposal site or, if so, that the wastes have been removed. Also, the written findings must state that the site does not contain pipelines which carry hazardous wastes or substances other than a natural gas supply line to that school or neighborhood. If hazardous air emissions are identified, the written findings must state that the health risks do not and will not constitute an actual or potential danger of public health of students or staff. If corrective measures of chronic or accidental hazardous air emissions are required under an existing order by another jurisdiction, the governing board shall make a finding that the emissions have been mitigated prior to occupancy of the school.
- i. Consult with, or demonstrate that the lead agency, if other than the district preparing the environmental impact report or negative declaration, has consulted with the appropriate city/county agency and with any air pollution control district or air quality management district having jurisdiction, concerning any facilities having hazardous or acutely hazardous air emissions within one-fourth of a mile of the proposed school site as required by *Education Code* Section 17213.
- j. For purposes of Environmental Site Assessment, school districts shall comply with *Education Code* sections 17210.1, 17213.1, and 17213.2.
- k. Follow the recommendations of the State Superintendent of Public Instruction report based upon the Department of Transportation, Division of Aeronautics, findings, if the proposed site is within two miles of the center line of an airport runway or proposed runway as required by *Education Code* Section 17215.
- l. Follow the standards for school site selection in Section 14010 of this article.
- m. Conduct a public hearing by the governing board of the school district as required in *Education Code* Section 17211 to evaluate the property using the standards described in Section 14010 of this article. The school district's facility advisory committee may provide an evaluation of the proposed site to the governing board.
- n. Submit the request for exemption from a standard in Section 14010 of this article, with a description of the mitigation that overrides the standard, to the California Department of Education.
- o. Certify there are no available alternative school district-owned sites for the project deemed usable for school purposes by the California Department of Education or certify that the school district intends to sell an available alternative school district-owned site and use the proceeds from the sale for the purchase of the new school site.

Note: Authority cited: sections 17251(b) and 33031, *Education Code*. Reference: sections 17070.50, 17072.12, 17210.1, 17211, 17212, 17213, and 17251(b), *Education Code*; sections 2621 et seq., 21000 et seq., 21151.2, 21151.8, and 21152.3, *Public Resources Code*; Section 65402, *Government Code*; and sections 1859.74, 1859.74.1, and 1859.75, *Title 2, California Code of Regulations*.

[Back to Top](#)

§ 14012. Procedures for Site Acquisition - Locally-Funded School Districts.

A locally-funded school district is defined as a school district with a project not applying for funding from any state program administered by the State Allocation Board as defined in Chapter 12.0 (commencing with Section 17000) or Chapter 12.5 (commencing with Section 17070.10) of the *Education Code*. A locally-funded school district, before acquiring title to real property for school use, shall:

- a. Evaluate the property using the standards established in Section 14010 and items (e) through (l) in Section 14011;
- b. Comply with terms of the complaint investigation described in Section 14012(d); and

- c. May request advice from the California Department of Education as described in *Education Code* Section 17251(a).
- d. Prepare documentation of and retain for purposes of a complaint investigation the exemption from the standard in Section 14010 of this article with a description of the mitigation that overrides the standard. Locally-funded school districts may request from the California Department of Education a review of the adequacy of the mitigation measure.
- e. Comply with *Education Code* Section 17268 regarding potential safety or health risks to students and staff.

Note: Authority cited: sections 17251(b) and 33031, *Education Code*. Reference: sections 17072.3, 17251(a) and (b), and 17268, *Education Code*.

Article 4. Standards, Planning and Approval of School Facilities

§ 14030. Standards for Development of Plans for the Design and Construction of School Facilities.

The following standards for new schools are for the use of all school districts for the purposes of educational appropriateness and promotion of school safety:

- a. **Educational Specifications.** Prior to submitting preliminary plans for the design and construction of school facilities, and as a condition of final plan approval by CDE, school board-approved educational specifications for school design shall be prepared and submitted to the California Department of Education based on the school district's goals, objectives, policies and community input that determine the educational program and define the following:
 - 1. Enrollment of the school and the grade level configuration.
 - 2. Emphasis in curriculum content or teaching methodology that influences school design.
 - 3. Type, number, size, function, special characteristics of each space, and spatial relationships of the instructional area that are consistent with the educational program.
 - 4. Community functions that may affect the school design.
- b. **Site Layout.** Parent drop off, bus loading areas, and parking shall be separated to allow students to enter and exit the school grounds safely unless these features are unavailable due to limited acreage in urban areas or restrictive locations, specifically:
 - 1. Buses do not pass through parking areas to enter or exit school site unless a barrier is provided that prevents vehicles from backing directly into the bus loading area.
 - 2. Parent drop off area is adjacent to school entrance and separate from bus area and parking.
 - 3. Vehicle traffic pattern does not interfere with foot traffic patterns. Foot traffic does not have to pass through entrance driveways to enter school. Crosswalks are clearly marked to define desired foot path to school entrance.
 - 4. Parking stalls are not located so vehicles must back into bus or loading areas used by parents. Island fencing or curbs are used to separate parking areas from loading/unloading areas.
 - 5. To provide equal access to insure the purposes of the least restrictive environment, bus drop off for handicapped students is in the same location as for regular education students.
- c. **Playground and Field Areas.** Adequate physical education teaching stations shall be available to accommodate course requirements for the planned enrollment, specifically:
 - 1. A variety of physical education teaching stations are available to provide a comprehensive physical education program in accordance with the district's adopted course of study (including hardcourt, field area and indoor spaces).
 - 2. The physical education teaching stations are adequate for the planned student enrollment to complete the minimum instruction and course work defined in *Education Code* sections 51210(g), 51220(d) and 51225.3(a)(1)(F).
 - 3. Supervision of playfields is not obstructed by buildings or objects that impair observation.
 - 4. Joint use for educational purposes with other public agencies is explored. Joint use layout with parks is not duplicative and fulfills both agencies' needs.
- d. **Delivery and Utility Areas.** Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff.
 - 1. Delivery/utility vehicles have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

2. Trash pickup is fenced or otherwise isolated and away from foot traffic areas.
- e. **Future Expansion.** Site layouts shall have capability for expansion without substantial alterations to existing structures or playgrounds:
 1. Site layout designates area(s) for future permanent or temporary additions that are compatible with the existing site plans for playground layout and supervision.
 2. Utilities to the expansion area are included in the plans and have the capacity to accommodate anticipated growth.
 3. Exits, corridors, stairs, and elevators are located to accommodate capacity of additions, particularly in such buildings added as the multi-purpose/cafeteria, administration, gymnasium/or auditorium.
- f. **Placement of Buildings.** Building placement shall consider compatibility of the various functions on campus and provide optimum patterns of foot traffic flow around and within buildings. Site layout of buildings, parking, driveways, and physical education areas shall be adequate to meet the instructional, security and service needs of the educational programs:
 1. Building placement is compatible with other functions on campus; e.g., band room is not next to library.
 2. Physical relationship of classrooms, auxiliary, and support areas allows unobstructed movement of staff and students around the campus.
 3. Building placement has favorable orientation to wind, sun, rain, and natural light.
 4. Restrooms are conveniently located, require minimum supervision, and, to the extent possible, are easily accessible from playground and classrooms.
 5. Parking spaces are sufficient for staff, visitors, and students (where applicable).
 6. The campus is secured by fencing and electronic devices such as code entries, electronic monitoring or motion sensors when needed.
- g. **Classrooms.** Classrooms at new school sites shall have adequate space to perform the curriculum functions for the planned enrollment as described in the school district's facility master plan, specifically:
 1. Classroom size standards:
 - A. General classrooms, grades one through twelve are not less than 960 square feet. Classrooms proposed of less than 960 square feet require written justification to be submitted to and approved by the State Superintendent of Public Instruction. Adjacent instructional space shall be included in the calculation of square feet for purposes of approving classroom design.
 - B. Proposed classrooms of less than 960 square feet have written justification consistent with the educational program and curriculum indicating that the district's education program can be delivered in the proposed size classrooms.
 2. Total classroom space meets or exceeds the capacity planned for the school using the district's classroom loading standards in accordance with State Allocation Board policy.
 3. Consideration is given to some classrooms which are easily alterable in size and shape at a reasonable cost.
 4. Conduit/cabling and outlets are available for technology in each classroom to provide network and stand alone equipment related to the planned and future potential educational functions.
- h. **Specialized Classrooms and Areas.** Specialized classrooms shall be designed to reflect the function planned for that portion of the educational program. If any of the following classrooms are needed, these standards apply:
 1. Small-Group Areas.
 - A. Small-group instruction areas are not included in the computation of classroom size unless the area is an integral part of the classroom and can be visibly supervised by a teacher from the classroom.
 - B. Small-group instruction areas are designed to allow for collaborative learning opportunities where appropriate to support the regular education program and are located in the vicinity of classrooms.
 2. Kindergarten Classrooms:
 - A. Kindergarten classroom size for permanent structures is not less than 1350 square feet, including restrooms, storage, teacher preparation, wet and dry areas.
 - B. Kindergarten classrooms are designed to allow supervision of play yards (unless prevented by site shape or size) and all areas of the classroom.
 - C. Play yard design provides a variety of activities for development of large motor skills.
 - D. Classrooms are located close to parent drop-off and bus loading areas.
 - E. Storage, casework, and learning stations are functionally designed for use in free play and structured activities; e.g., shelves are deep and open for frequent use of manipulative materials.
 - F. Windows, marking boards, sinks, drinking fountains, and furniture are appropriate heights for kindergarten-age students.

- G. Restrooms are self-contained within the classroom or within the kindergarten complex.
- 3. Special Education Classrooms and Areas.
 - A. A new school designates at least 240 square feet for the resource specialist program and provides additional space in accordance with the allocations in *Education Code* Section 17747(a) as larger enrollments are being planned.
 - B. A new school designates at least 200 square feet for the speech and language program which is close to classrooms when an individualized instruction program is necessary.
 - C. A new school designates office area for the psychologist/counseling program which provides for confidentiality and may be shared with other support service programs.
 - D. Special day classrooms are at least the same size as regular education classrooms at that site and are properly equipped for the students who will occupy the space, for their age and type of disabling condition.
 - E. The square footage allowance in *Education Code* Section 17747(a) for special day class programs is used for the design of classroom space and other space on the campus to support the special education program. The support space includes but is not limited to speech specialist area, psychologist, counseling offices and conference area.
 - F. Special day classrooms are distributed throughout the campus with age appropriate regular education classrooms.
 - G. A cluster of two special day classrooms may be considered if support or auxiliary services (e.g., bathrooming, feeding, physical or occupational therapy) are needed to serve the students throughout the school day.
 - H. A conference area is available to conduct annual individualized education program meetings for each special education student.
 - I. Medical therapy units, if planned for the site, are close to visitor parking areas and accessible after school hours.
- i. **Laboratories shall be designed in accordance with the planned curriculum.**
 - 1. Science laboratory:
 - A. Size is at least 1300 square feet including storage and teacher preparation area.
 - B. Science laboratory design is consistent with the requirements for proper hazardous materials management specified in both the "Science Facilities Design for California Public Schools," published by the California Department of Education, 1993, and the "Science Safety Handbook for California Public Schools," published by the California State Department of Education, 1999.
 - C. Accommodations are made for necessary safety equipment and storage of supplies; e.g., fire extinguisher, first aid kit, master disconnect valve for gas.
 - D. Secured storage areas are provided for volatile, flammable, and corrosive chemicals and cleaning agents.
 - E. Properly designated areas are provided with appropriate ventilation for hazardous materials that emit noxious fumes, including a high volume purge system in the event of accidental release of toxic substances which may become airborne.
 - F. Exhaust fume hoods, eye washes, deluge showers are provided.
 - G. Floor and ceiling ventilation is provided in areas where chemicals are stored.
 - H. Room is provided for movement of students around fixed-learning stations.
 - I. There is the capability for technology which complements the curriculum.
 - J. Classrooms are flexibly designed to insure full student access to laboratory stations and lecture areas.
 - 2. Consumer Home Economics laboratory:
 - A. There is room for movement of students around fixed learning stations.
 - B. Cooking equipment reflects current home food preparation practices and/or commercial food preparation simulation.
 - C. There is the capability for technology which complements portions of the curriculum, such as fashion design, consumer economics, and nutritional analysis of foods.
 - D. There is space for industrial or home sewing equipment consistent with the planned curriculum.
 - E. There is storage for student projects and supplies.
 - F. Space for work tables is provided for such activities as cutting fabric or completing interior design projects.

- G. Lecture area is provided.
 - H. At least 1300 square feet is allocated for each laboratory.
 - I. If part of the planned program, space for a child care area or for laboratory to teach child growth and development is provided.
3. Industrial and Technology/Education Laboratory:
- A. Room is provided for movement of students around fixed learning stations.
 - B. Flexible stations with sufficient outlets and power source for industrial type equipment is provided.
 - C. Space is provided for various simulations of job-related experiences and laboratory work stations.
 - D. There is capability to utilize technology which complements the curriculum, such as computer-aided graphics, electronics and specialized tools.
 - E. There is lecture area within each laboratory or near the laboratory area where appropriate.
 - F. There are accommodations for necessary health and safety equipment, such as fire extinguisher and first aid kit.
 - G. Secured storage areas for volatile, flammable and corrosive chemicals and cleaning agents are provided where appropriate.
 - H. There are properly designated areas with appropriate ventilation for the use of hazardous material that emit noxious fumes or excessive dust particles.
 - I. Proper storage and removal access for hazardous waste materials is provided in each laboratory using such materials.
4. Computer Instructional Support Area:
- A. If a standard classroom is being designated as a computer laboratory, size is at least 960 square feet.
 - B. Room is provided for movement of students around learning stations.
 - C. Sufficient outlets, power sources, and network links for the amount of equipment are provided.
 - D. Proper ventilation is provided.
 - E. Room provides for security of equipment.
 - F. Lighting minimizes screen glare and eye strain.
5. Art Studios:
- A. Sufficient square feet per student should be allotted for movement and work around easels and project tables.
 - B. Location on the ground floor should be considered for easy movement of heavy supplies and projects.
 - C. Appropriate display space should be provided.
 - D. Adequate electrical outlets should be provided.
 - E. Adequate ventilation for dust and fumes should be provided.
 - F. Room should be able to be darkened for projectable imagery.
 - G. Sinks should be provided with traps for grease and clay.
 - H. Floor and all surfaces should be easily cleanable.
 - I. Sufficient and secure storage for supplies and projects should be provided.
 - J. Devices and spaces should be provided for drying projects.
 - K. Kiln should be located in a safe, properly wired and ventilated area.
6. Music Rooms:
- A. Size and height of instrumental and choral rehearsal rooms should be sufficient to allow for movement of students and instruments, various presentation arrangements, and acoustical quality.
 - B. Running water should be provided for instrument maintenance and clean up.
 - C. Rooms should be acoustically isolated from the rest of the school.
 - D. Sufficient, secure storage space should be provided for instruments, equipment, and instructional materials.
 - E. Music rooms should have convenient access to auditorium.
 - F. Small ensemble rehearsal rooms of 350 square feet should be considered.
 - G. Several practice rooms of at least 50 square feet should be considered.
7. Dance Studios:
- A. Dance studios should be free from distractions and uninvited spectators.

- B. Dance studios should be convenient to school auditorium.
 - C. Adequate temperature and ventilation should be provided.
 - D. Sprung wooden floors should be considered.
 - E. Dance studio should have mirrors, ballet bars, and electrical outlets.
 - F. Storage area and locker rooms should be provided.
 - G. A minimum of 2000 square feet (or 3,500 square feet if performance space is needed) should be considered.
8. Theater/Auditorium:
- A. General design should have adequate seating capacity reflecting the needs of the instructional program.
 - B. Seating portion should be ramped for comfortable sight lines.
 - C. Doors should be able to open and shut quietly.
 - D. Adequate space and electrical service should be provided to accommodate necessary and innovative stage lighting and set design.
 - E. Adequate space should be allowed between front row seats and stage to accommodate an orchestra area.
 - F. Location should provide convenient public access and parking while considering the security of the rest of the school campus.
- j. **Gymnasium, Shower/Locker shall be designed to accommodate multiple use activities in accordance with the planned enrollment:**
- 1. The gymnasium is secured from other parts of the campus for evening and weekend events or for public use purposes.
 - 2. The shower/locker area is of sufficient size to allow students enrolled in the physical education program to shower and dress each period.
 - 3. Toilets are available for the public in facilities intended for shared community use other than in shower/locker areas.
 - 4. Office space is provided for physical education teachers.
 - 5. Space is available for specialized age-appropriate physical education activities such as weight lifting, exercise equipment usage, aerobics.
- k. **Auxiliary Areas.**
- 1. Multipurpose/cafeteria area (indoor or outdoor) shall be adequately sized and flexibly designed to protect students from the elements and to allow all students adequate eating time during each lunch period and to accommodate such uses as physical education activities, assemblies, and extracurricular activities:
 - A. Tables and benches or seats are designed to maximize space and allow flexibility in the use of the space.
 - B. The location is easily accessible for student and community use, but is close to street for delivery truck access.
 - C. Stage/platform may have a dividing wall to be used for instructional purposes but is not intended as a classroom.
 - D. Area for the cafeteria line is designed for the flow of traffic for each lunch period.
 - E. Design of kitchen reflects its planned function; e.g., whether for food preparation or warming only.
 - F. Space is available for refrigeration and preparation of foods to accommodate maximum number of students planned for the school.
 - G. Office, changing, and restroom area for food preparation staff is available and shall comply with local department of health requirements.
 - H. Ceiling height allows for clearance of light fixtures for physical education activities.
 - 2. Administrative Office. The administrative office shall have sufficient square footage to accommodate the number of staff for the maximum enrollment school district and shall be designed to efficiently conduct the administrative functions, specifically:
 - A. Students have direct confidential access to pupil personnel area.
 - B. Counter tops are accessible for an age-appropriate population both at a standing and wheelchair level.
 - C. Clerical staff have a clear view of nurse's office.
 - D. The nurse's office has a bathroom separate from staff bathroom(s) in administration area.

- E. Space for private conference and waiting area is available.
- F. Capability for such computer networking functions as attendance accounting and communicating to each classroom is considered.
- G. A faculty workroom is available for a staff size proportionate to the student population.
- 3. **Library/Media Center and Technology.** Library space shall be proportional to the maximum planned school enrollment. The size shall be no less than 960 square feet. However, to allow adaptation for changing technology and communication systems, the following is recommended:
 - two square feet per unit of ada for middle or junior high (grades 6-8);
 - four square feet per unit of ada for high school. In addition:
 - A. Provide security for technology and media equipment.
 - B. Space and capability for computer terminals is considered for student use, research and report writing.
 - C. Visual supervision from circulation desk is available to study areas, stack space, and student work centers.
 - D. Design for open and closed-circuit television, dedicated phone line, electrical outlets for stand-alone computers, and conduit connecting all instructional areas is considered.
- l. **Lighting.** Light design shall generate an illumination level that provides comfortable and adequate visual conditions in each educational space, specifically:
 - 1. Ceilings and walls are white or light colored for high reflectance unless function of space dictates otherwise.
 - 2. Lights do not produce glare or block the line of sight.
 - 3. Window treatment allows entrance of daylight but does not cause excessive glare or heat gain.
 - 4. Fixtures provide an even light distribution throughout the learning area.
 - 5. Light design follows the *California Electrical Code* found in Part 3 of Title 24 of the *California Code of Regulations*.
- m. **Acoustical.** Hearing conditions shall complement the educational function by good sound control in school buildings, specifically:
 - 1. The sound-conditioning in a given space is acoustically comfortable to permit instructional activities to take place in this classroom.
 - 2. Sound is transmitted without interfering with adjoining instructional spaces; e.g., room partitions are acoustically designed to minimize noise.
 - 3. The ventilation system does not transmit an inordinate sound level to the instructional program.
- n. **Plumbing.** Restroom stalls shall be sufficient to accommodate the maximum planned enrollment and shall be located on campus to allow for supervision.
 - 1. Refer to Part 5, Title 24, of the *California Code of Regulations*.
 - 2. Outdoor restrooms having direct outside access are located in areas that are visible from playground and are easily supervised.
- o. **Year-Round Education.** If a school is being planned for multitrack year-round operation, additional space shall be provided for associated needs:
 - 1. Additional space is available for storage of records for staff for all tracks. Additional storage space for the supplies and projects of off-track students is considered.
 - 2. Storage and planning space is available for off-track teachers or teachers not assigned to a classroom.
- p. **American Disabilities Act.** Schools shall comply with standards established by the American Disabilities Act (Public Law 101-336, Title II).
- q. **Child Care Programs.** Schools shall comply with the requirements set forth in *Education Code* Section 39113.5 regarding plans and specifications for new schools being designed to provide appropriate space to accommodate before-school and after-school child care programs.
- r. **Exemptions.** At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that the educational appropriateness and safety of a school design would not be compromised by an alternative to that standard.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: sections 17047(a), 17251(c), 17310, 51210(g), 51220(d), and 51225.3, *Education Code*; 1995 *Uniform Plumbing Code*, Appendix C, Part 2, Title 24, *California Code of Regulations*; and *California Electrical Code*, Part 3, Title 24, *California Code of Regulations*.

[Back to Top](#)

§ 14031. Plan Approval Procedures for State-Funded School Districts.

- a. Each state-funded school district shall submit preliminary plans following the standards in Section 14030 including site utilization, elevations and floor plan drawings that describe the spaces and give the square footage and educational specifications to the California Department of Education for approval. Prior to preparation of final plans, the school district shall obtain approval of the preliminary plans from the California Department of Education.
- b. Each state-funded school district shall submit final plans including grading, site utilization, elevation, floor, lighting, and mechanical working drawings and any alterations to the educational specifications to the California Department of Education for approval.
- c. Each state-funded school district shall submit the request for exemption from a standard in Section 14030 of this article, with a description of how the educational appropriateness and safety of a school design would not be compromised by deviation from the standard, to the California Department of Education.

Note: Authority cited: sections 17251(c), and 33031, *Education Code*. Reference: sections 17017.5(c) and 17251(c), *Education Code*.

§ 14032. Plan Approval for State-Funded School Districts.

The California Department of Education shall notify the district, the district's architect and the Department of General Services that the preliminary and final plans comply with the standards set forth in Section 14030. Approvals for either preliminary or final plans are in effect for a maximum of two years from the date of signed approval. School districts may request an extension of preliminary or final plan approvals if the time line exceeds one year.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: sections 17024, 17070.50, and 17251(c), *Education Code*.

[Back to Top](#)

§ 14033. Applicability of Plan Standards to Locally-Funded School Districts.

- a. Locally-funded districts shall use the plan standards set forth in Section 14030.
- b. Locally-funded districts may request assistance from the California Department of Education to review plans and specifications for any new school construction or rehabilitation project.
- c. Locally-funded districts need not submit preliminary and final plans to the California Department of Education.
- d. Locally-funded districts shall prepare documentation of and retain for purposes of a complaint investigation the exemption from the standard in Section 14030 of this article, with a description of how the educational appropriateness and safety of a school design would not be compromised by deviation from the standard. Locally-funded districts may request from the California Department of Education a review of the adequacy of the mitigation measure.
- e. Locally-funded districts shall continue to comply fully with the requirements of Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365) of Chapter 2, Part 23 of the *Education Code* (The Field Act) and submit all plans and specifications to the Department of General Services, Office of the State Architect for review and approval prior to executing a contract for the construction or alteration of a public school building or expending any public funds for such a project.

Note: Authority cited: sections 17251(c) and (d) and 33031, *Education Code*. Reference: sections 17251(d), 17280, and 17365, *Education Code*.

§ 14034. Planning Guides.

The latest edition of The Guide for Planning Educational Facilities, published by the Council of Educational Facility Planners, 29 West Woodruff Avenue, Columbus, Ohio, 43210, may be used as a guide in developing school building plans.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: Section 17251(c), *Education Code*.

§ 14035. Abandonment of Inadequate Facilities.

Abandonment of inadequate facilities may be recommended by the California Department of Education to the State

Allocation Board for approval when it appears from the estimated cost of structural rehabilitation plus the estimated cost of desirable modernization that the facility would meet the criteria for replacement established by the State Allocation Board.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: sections 16044, 16047, 16104, and 16190 through 16207, *Education Code*.

§ 14036. Integrated Facilities.

In accordance with *Education Code* Section 17047.5, for school districts constructing classrooms for special education purposes, those classrooms shall be no more physically separated from classrooms constructed for their nonhandicapped peers than those classrooms are from each other; preferably the classrooms are under the same roof and adjacent to the classrooms of their nonhandicapped peers, specifically.

- a. A new school facility is considered integrated if it meets the following criteria:
 1. Classrooms for special education are located in proximity to regular education classrooms in such a way as to encourage age-appropriate interaction among all students.
 2. Whenever possible, if relocatable classrooms are used for special education classes, the ratio of special education relocatable classrooms to permanent special education classrooms is the same as the classroom ration between relocatable classrooms and permanent classrooms for regular education students.
 3. Side-by-side school sites are not considered integrated.
- b. A waiver to acquire or newly construct a non-integrated facility is recommended the Advisory Commission on Special Education for approval only if it includes a plan to transition the individuals with exceptional needs to a regular campus setting. The waiver includes a capacity study of the existing special education classrooms in the special education local plan area (SELPA) to verify that no classrooms are available to house the population targeted in the waiver.
- c. The waiver includes justification as to why the non-integrated facility is the only option available on a long-term basis and discusses the feasibility of a short-term lease as an option to new construction or acquisition.

Note: Authority cited: sections 17251(c) and 33031, *Education Code*. Reference: sections 17047, 17047.5, 17251(c), and 56000 et seq., *Education Code*.

[Back to Top](#)

Questions: Fred Yeager | fyeager@cde.ca.gov | 916-327-7148

Last Reviewed: Friday, November 13, 2009