

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



October 19, 1999

Th 4c

**TO: COMMISSIONERS AND INTERESTED PARTIES**

**FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the City of San Diego's action, certifying the City's Local Coastal Program Amendment 1-98B (Land Development Code), is adequate to effectively certify its local coastal program (for Commission review at its meeting of November 2-5, 1999)

**BACKGROUND**

At its February 4, 1999 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego's Local Coastal Program Amendment 1-98B for the Land Development Code and Land Development Manual as a replacement for the certified LCP Implementation Plan, along with the certified Planned District Ordinances. The Commission did not certify a portion of the City's Implementation Plan submittal, the Steep Hillside Guidelines at that time. The Steep Hillside Guidelines have been subsequently approved by the Commission on August 12, 1999 with no suggested modifications.

In its action on 2/4/99, the Commission adopted portions of the Land Development Code and the Land Development Manual as the LCP Implementation Plan, with modifications that, if adopted by the City, would conform with the City's certified land use plan segments. By their actions on September 28 and October 18, 1999 adopting the following resolutions and ordinances, the City Council has acknowledged and accepted all of the Commission's suggested modifications.

**Land Development Code – Ordinance No. O – 18691** incorporating all Coastal Commission suggested modifications (as well as those listed as "Minor Technical Revisions Suggested by the City) as contained in Revised Findings adopted by the Commission on June 10, 1999;

**Resolution Number R-292247** accepting California Coastal Commission suggested modifications for certification of Local Coastal Program Amendments 1-98B and 2-98C;

**Coastal Bluffs and Beaches Guidelines – Resolution Number R-292248** incorporating all Coastal Commission suggested modifications as contained in Revised Findings adopted by the Commission on June 10, 1999;

**Biology Guidelines – Resolution Number R-292249** incorporating all Coastal Commission suggested modifications as contained in Revised Findings adopted by the Commission on June 10, 1999;

**Historical Resources Guidelines - Resolution Number R-292250** incorporating all Coastal Commission suggested modifications as contained in Revised Findings adopted by the Commission on June 10, 1999;

**Submittal Requirements for Deviations - Resolution Number R-292251** incorporating the Coastal Commission suggested modification as contained in Revised Findings adopted by the Commission on June 10, 1999;

**Landscape Guidelines - Resolution Number R-289460** adopting the Landscape Guidelines (12-09-97); no modifications were required by the Coastal Commission.

Copies of the signed resolutions and the revised ordinance are attached, as well as strike-out/underline versions of the approved Biology Guidelines, Coastal Bluffs and Beaches Guidelines, Historical Resources Guidelines, and Submittal Requirements for Deviations. The Landscape Guidelines are not attached and were approved on 2/4/99 as part of the Implementation Plan with no suggested modifications.

The resolutions and ordinances have been approved by the City to become effective on January 1, 2000 if the Coastal Commission effectively certifies these items on or before November 5, 1999. The City will continue permit issuing authority for coastal development permits for all of that area in the coastal zone within the City of San Diego which is currently certified.

As provided in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

### **RECOMMENDATION**

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



November 8, 1999

Honorable Susan Golding, Mayor  
City of San Diego  
202 "C" Street  
San Diego, CA 92101

RE: Certification of the City of San Diego's Local Coastal Program Amendment 1-98B  
(Land Development Code)

Dear Mayor Golding:

The California Coastal Commission has reviewed the City's Resolution Numbers R-292247, 292248, 292249, 292250, 292251, 289460 and Ordinance Number O-18691 together with the Commission's action of February 4, 1999, certifying City of San Diego Local Coastal Program Amendment #1-98B including the Land Development Code and Land Development Manual. These documents along with the certified Planned District Ordinances will serve as a replacement Implementation Plan for the certified City of San Diego Local Coastal Program. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of November 4, 1999.

By its actions on September 28 and October 18, 1999, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The City is already issuing coastal development permits in conformance with the certified local coastal program for the majority of the City of San Diego coastal zone. Pursuant to City Council action, the ordinance and resolutions will become effective on January 1, 2000.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas  
Executive Director

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(R-99-1322)(COR. COPY)

RESOLUTION NUMBER R- 292247

ADOPTED ON SEP 28 1999

RESOLUTION ACCEPTING CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS FOR CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENTS 1-98B AND 2-98C (LAND DEVELOPMENT CODE, MANUAL AND PLANNED DISTRICT ORDINANCES).

WHEREAS, on November 18, 1997, by Resolution No. R-289461, the Council of The City of San Diego at a public hearing authorized the City Manager to transmit to the California Coastal Commission, The City of San Diego's zoning ordinances, certain zoning district maps and other implementing actions related to its Local Coastal Program [LCP]; and

WHEREAS, on February 4, 1999, the California Coastal Commission at a public hearing considered The City of San Diego's zoning ordinances and other implementing actions as City of San Diego LCP Amendment Nos. 1-98B and 2-98C [LCP Amendments]; and

WHEREAS, the California Coastal Commission on February 4, 1999, rejected The City of San Diego LCP Amendments as submitted; and

WHEREAS, with the exception of the Steep Hillside Guidelines of the Land Development Manual, the California Coastal Commission certified The City of San Diego LCP Amendments with suggested modifications which, if adopted by The City of San Diego would conform with the certified Land Use Plans [LUPs] and be adequate to carry out the provisions of the certified LUPs; and

WHEREAS, it is the intention of this Council that The City of San Diego continue permit

issuing responsibility for coastal development permits for all of that area in The City of San Diego within the Coastal Zone currently certified; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it accepts all of the suggested modifications, as certified by the California Coastal Commission, of The City of San Diego's Local Coastal Program Amendment Nos. 1-98B and 2-98C.

BE IT FURTHER RESOLVED, that the following listed LCP Amendments have been adopted to incorporate the suggested modifications recommended by the California Coastal Commission and are approved pursuant to Ordinance Nos. O- 18691 (O-99-116)(Land Development Code Amendments) and O- 18692 (O-99-117) (Planned District Ordinance Amendments), and Resolution Nos. R- 292248 (R-99-1323)(Coastal Bluff and Beaches Guidelines), R- 292249 (R-99-1356)(Biology Guidelines), R- 292250 (R-99-1357)(Historical Resource Guidelines) and R- 292247 (R-99-1322)(Deviation Application Submittal Requirements).

BE IT FURTHER RESOLVED, that the City Manager is authorized to transmit these City of San Diego LCP Amendments to the California Coastal Commission for effective certification, pursuant to Section 30513 of the Public Resources Code, upon confirmation by its executive director.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard  
Prescilla Dugard  
Deputy City Attorney

PD:cdk  
05/19/99  
09/03/99 COR. COPY  
Or.Dept:Plan.&Dev.Rev.  
R-99-1322

SEP 28 1999

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

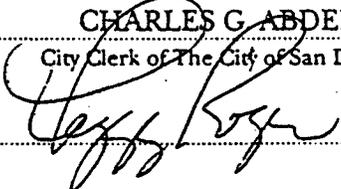
AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By  Deputy.

(Seal)  
I, CHARLES G. ABDELNOUR, Clerk of  
the City of San Diego, California,  
hereby certify that this is a true  
copy of papers on file and of  
record in the office of the Clerk  
of said City.

CHARLES G. ABDELNOUR, City Clerk

By Jeff Rosen, Deputy

Dated October 19, 1999

Office of the City Clerk, San Diego, California

This information is available in alternative  
formats upon request.

Resolution  
Number

292247

Adopted

SEP 28 1999

RESOLUTION NUMBER R- 292248

ADOPTED ON SEP 28 1999

RESOLUTION AMENDING THE COASTAL BLUFFS AND  
BEACHES GUIDELINES OF THE LAND DEVELOPMENT  
MANUAL.

WHEREAS, the Coastal Bluffs and Beaches Guidelines are intended to assist in the interpretation and implementation of the development regulations for sensitive coastal bluffs and coastal beaches contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations of the San Diego Municipal Code; and

WHEREAS, on November 18, 1997, the City Council approved the Coastal Bluffs and Beaches Guidelines on file in the office of the City Clerk as Document No. RR-289460-4; and

WHEREAS, the City submitted the Guidelines to the California Coastal Commission for certification as an implementing action of the City's Local Coastal Program pursuant to section 30513 of the California Coastal Act; and

WHEREAS, at its February 4, 1999 hearing on City of San Diego LCP Amendment No. 1-98B, the California Coastal Commission certified the Coastal Bluffs and Beaches Guidelines within the Land Development Manual with suggested modifications; NOW, THEREFORE,

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

1. That the Coastal Bluffs and Beaches Guidelines on file as Document No. RR-289460-4 are repealed.
2. That the revised Coastal Bluffs and Beaches Guidelines, a copy of which is on file

in the office of the City Clerk as Document No. RR- 292248, are approved.

3. That the revised Coastal Bluffs and Beaches Guidelines shall be in effect and be in force on the date the Land Development Code as amended by Ordinance No. O- 18691 (O-99-116) becomes effective.

4. That this resolution is effective immediately.

APPROVED: CASEY GWINN, City Attorney

By *Prescilla Dugard*  
Prescilla Dugard  
Deputy City Attorney

PD:cdk  
05/12/99  
09/03/99 COR. COPY  
Or.Dept:Plan.&Dev.Rev.  
R-99-1323

SEP 28 1999

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

I, CHARLES G. ABDELNOUR, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said City.

By *[Signature]*, Deputy.

CHARLES G. ABDELNOUR, City Clerk

By *Pedro Moreno*, Deputy

Dated October 19, 1999

Office of the City Clerk, San Diego, California

This information is available in alternative formats upon request.

Resolution Number

292248

Adopted

SEP 28 1999

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Dup

(R-99-1356)(COR. COPY)

RESOLUTION NUMBER R- 292249

ADOPTED ON SEP 28 1999

RESOLUTION AMENDING THE BIOLOGY GUIDELINES OF THE LAND DEVELOPMENT MANUAL.

WHEREAS, the Biology Guidelines are intended to assist in the interpretation and implementation of the development regulations for sensitive biology resources contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations of the San Diego Municipal Code; and

WHEREAS, on November 18, 1997, the City Council approved the Biology Guidelines on file in the office of the City Clerk as Document No. RR-289460-2; and

WHEREAS, the City submitted the Guidelines to the California Coastal Commission for certification as an implementing action of the City's Local Coastal Program pursuant to section 30513 of the California Coastal Act; and

WHEREAS, at its February 4, 1999 hearing on City of San Diego LCP Amendment No. 1-98B, the California Coastal Commission, certified the Biology Guidelines within the Land Development Manual with suggested modifications; NOW, THEREFORE,

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

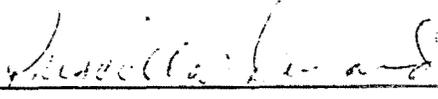
1. That the Biology guidelines on file as Document No. RR-289460-2 are repealed.
2. That the City Council approves the revised Biology Guidelines, a copy of which is on file in the office of the City Clerk as Document No. RR- 292249.
3. That the revised Biology Guidelines shall be in effect and be in force on the date

the Land Development Code, as amended by Ordinance No. O- 18691 (O-99-116)

becomes effective.

4. That this resolution is effective immediately.

APPROVED: CASEY GWINN, City Attorney

By   
Prescilla Dugard  
Deputy City Attorney

PD:cdk  
05/12/99  
09/03/99 COR. COPY  
Or.Dept:Plan.&Dev.Rev.  
R-99-1356

Passed and adopted by the Council of The City of San Diego on SEP 28 1999  
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By *Jeffrey Roy*, Deputy.

I, CHARLES G. ABDELNOUR, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said City.

CHARLES G. ABDELNOUR, City Clerk

By *Jedrick Murrell*, Deputy

Dated October 19, 1999

Office of the City Clerk, San Diego, California

Resolution Number 292249 Adopted SEP 28 1999

This information is available in alternative formats upon request.

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(R-99-1357)(COR. COPY)

RESOLUTION NUMBER R- 292250

ADOPTED ON SEP 28 1999

RESOLUTION AMENDING THE HISTORICAL RESOURCES  
GUIDELINES OF THE LAND DEVELOPMENT MANUAL.

WHEREAS, the Historical Resources Guidelines are intended to assist in the interpretation and implementation of the development regulations for historical resources contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations of the San Diego Municipal Code; and

WHEREAS, on November 18, 1997, the City Council approved the Historical Resources Guidelines on file in the office of the City Clerk as Document No. RR-289460-5; and

WHEREAS, the City submitted the Guidelines to the California Coastal Commission for certification as an implementing action of the City's Local Coastal Program pursuant to section 30513 of the California Coastal Act; and

WHEREAS, at its February 4, 1999 hearing on City of San Diego LCP Amendment No. 1-98B, the California Coastal Commission, certified the Historical Resources Guidelines within the Land Development Manual with suggested modifications; NOW, THEREFORE,

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

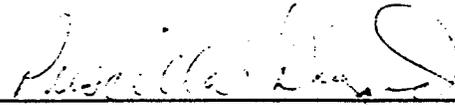
1. That the Historical Resources Guidelines on file as Document No. RR-289460-5 are repealed.
2. That the City Council approves the revised Historical Resources Guidelines, a copy of which is on file in the office of the City Clerk as Document No. RR- 292250.

3. That the revised Historical Resources Guidelines shall be in effect and be in force on the date the Land Development Code, as amended by Ordinance No. O- 18691 (O-99-116) becomes effective.

4. That this resolution is effective immediately.

APPROVED: CASEY GWINN, City Attorney

By

  
\_\_\_\_\_  
Prescilla Dugard  
Deputy City Attorney

PD:cdk  
05/12/99  
09/03/99COR. COPY  
Or.Dept:Plan.&Dev.Rev.  
R-99-1357

SEP 28 1999

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

I, CHARLES G. ABDELNOUR, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said City.

CHARLES G. ABDELNOUR, City Clerk

By Juan Moreno, Deputy

Dated Oct 19, 1999

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By [Signature], Deputy.

Office of the City Clerk, San Diego, California

This information is available in alternative formats upon request.

Resolution Number 292250

Adopted SEP 28 1999

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Dug

(R-99-1350)(COR. COPY)

RESOLUTION NUMBER R- 292251

ADOPTED ON SEP 28 1999

RESOLUTION ADOPTING THE SUBMITTAL  
REQUIREMENTS DEVIATIONS FROM  
ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS  
WITHIN THE COASTAL OVERLAY ZONE, AS PART OF THE  
LAND DEVELOPMENT MANUAL.

WHEREAS, on February 4, 1999, the California Coastal Commission certified, with suggested modifications, the Land Development Code adopted by the City Council on December 9, 1997, by Ordinance No. O-18451; and

WHEREAS, the suggested modifications included submittal requirements for application for deviation from environmentally sensitive land regulations to be added to the City's Land Development Manual as established by the Land Development Code; NOW, THEREFORE,

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

1. That the City Council adopts the Submittal Requirements for Deviations within the Coastal Overlay Zone [Submittal Requirements], a copy of which is on file in the office of the City Clerk as Document No. RR- 292251.
2. That the City Clerk is directed to add the Submittal Requirements to the Land Development Manual maintained in the office of the City Clerk.
3. That the Submittal Requirements shall be in effect and be in force on the date the Land Development Code, as amended by Ordinance No. O- 18691 (O-99-116) becomes effective.

4. That this resolution is effective immediately.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard  
Prescilla Dugard  
Deputy City Attorney

PD:cdk

05/13/99

09/03/99 COR. COPY

Or.Dept:Plan.&Dev.Rev.

R-99-1350

SEP 28 1999

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

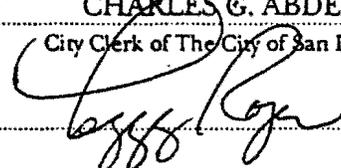
AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By  Deputy.

I, CHARLES G. ABDELNOUR, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said City.

CHARLES G. ABDELNOUR, City Clerk

By Pedro Moreno, Deputy

Dated October 19, 1999

Office of the City Clerk, San Diego, California

Resolution Number 292251

Adopted

SEP 28 1999

330c  
Nagy

(R-98-290)(REV. 1)

RESOLUTION NUMBER R- 289460

ADOPTED ON NOV 18 1997

A RESOLUTION ADOPTING GUIDELINES FOR THE LAND DEVELOPMENT MANUAL.

WHEREAS, on DEC 09 1997, the Council of The City of San Diego adopted the Land Development Code for the City of San Diego, to replace existing land use regulations contained in the Municipal Code; and

WHEREAS, the Land Development Code (section 111.0106) provides for the establishment of a Land Development Manual for the City of San Diego to contain guidelines used by city staff in implementing the regulations contained in the Land Development Code; and

WHEREAS, in connection with the Land Development Code, the City has revised existing guidelines relating to regulation of steep hillsides, biological resources and landscaping; and

WHEREAS, in connection with the Land Development Code, new guidelines have been prepared relating to regulation of coastal bluffs and beaches and to historic resources; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Clerk is hereby authorized and directed to establish and maintain in the office of the City Clerk a document titled "Land Development Manual" which shall contain the guidelines to be used by city staff in interpretation and application of the Land Development Code of The City of San Diego;

BE IT FURTHER RESOLVED, that the City Council adopts the revised guidelines listed below which are on file in the Office of the City Clerk as follows:

<u>Document</u>	<u>Document Number</u>
Steep Hillside Guidelines	RR- <u>289460 - 1</u>
Biology Guidelines	RR- <u>289460 - 2</u>
Landscape Standards	RR- <u>289460 - 3</u>

BE IT FURTHER RESOLVED, that the Council adopts the new guidelines listed below which are on file in the Office of the City Clerk as follows:

<u>Document</u>	<u>Document Number</u>
Coastal Bluffs and Beaches Guidelines	RR- <u>289460 - 4</u>
Historical Guidelines	RR- <u>289460 - 5</u>

BE IT FURTHER RESOLVED, that the City Clerk is instructed to add the above-listed guidelines to the Land Development Manual.

BE IT FURTHER RESOLVED, that these guidelines shall take effect on the date the Land Development Code adopted by Ordinance No. O- 18451 is effective.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard  
Prescilla Dugard  
Deputy City Attorney

PD:lc  
10/14/97  
10/31/97REV. 1  
Or.Dept:Dev.Svcs.  
R-98-290  
Form=estcpr.frm

NOV 18 1997

passed and adopted by the Council of The City of San Diego on  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Byron Wear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *[Signature]* Deputy.

I, CHARLES G. ABDELNOUR, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said City.

CHARLES G. ABDELNOUR, City Clerk

By *[Signature]* Deputy

Dated Oct. 19, 1997

Office of the City Clerk, San Diego, California

This information is available in alternative formats upon request.

Resolution Number 289460

Adopted NOV 18 1997

Th 4c

(O-99-116)(COR. COPY)

ORDINANCE NUMBER O- 18691 (NEW SERIES)

ADOPTED ON OCT 18 1999

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 111.0101 AND 111.0104; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 1, BY AMENDING SECTION 112.0103; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 3, BY AMENDING SECTIONS 112.0301, 112.0302, AND 112.0306; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5, BY AMENDING SECTION 112.0503; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1, BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2, BY AMENDING SECTIONS 113.0228 AND 113.0273; AMENDING CHAPTER 12, ARTICLE 1, DIVISION 1, BY AMENDING SECTION 121.0101; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 1, BY AMENDING SECTIONS 126.0105, 126.0111, 126.0112, AND 126.0113; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 5, BY AMENDING SECTION 126.0503; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7, BY AMENDING SECTIONS 126.0702, 126.0704, 126.0707, 126.0708, 126.0710, 126.0717, 126.0718, 126.0722, BY RENUMBERING 126.0722 TO 126.0723, AND BY ADDING 126.0724; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 8, BY AMENDING SECTION 126.0805; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1, BY AMENDING SECTIONS 127.0106 AND 127.0107; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1, BY AMENDING SECTIONS 131.0112 AND 131.0140; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTIONS 131.0222, 131.0230, 131.0231, AND 131.0250; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, BY AMENDING SECTIONS 131.0303, 131.0322, 131.0323, 131.0330 AND 131.0331; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 131.0403, 131.0420, 131.0430, 131.0431, AND 131.0461; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTIONS 131.0522, 131.0530, 131.0531 AND 131.0540; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 131.0622, 131.0630, AND 131.0631; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4, BY AMENDING SECTION 132.0402, AND ADDING SECTION 132.0403; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 8, BY AMENDING SECTION 132.0802; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14, BY AMENDING SECTION 132.1402; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 2, BY AMENDING SECTION 141.0202; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 3, BY AMENDING SECTION 141.0301; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 141.0404, 141.0405, 141.0407, AND 141.0413; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 141.0610, 141.0614, 141.0615, 141.0617, 141.0621, 141.0623 and 141.0624; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 9, BY AMENDING SECTION 141.0902; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 3, BY AMENDING SECTIONS 142.0305 AND 142.0340; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4, BY AMENDING

SECTION 142.0412; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5, BY AMENDING SECTIONS 142.0505, 142.0510, 142.0525, 142.0530, 142.0535, 142.0540, 142.0555, AND 142.0560; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 7, BY AMENDING SECTION 142.0740; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12, BY AMENDING SECTION 142.1290; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1, BY AMENDING SECTIONS 143.0101, 143.0110, 143.0111, 143.0112, 143.0115, 143.0126, 143.0130, 143.0141, 143.0142, 143.0143, 143.0144, 143.0145, 143.0150, 143.0151, 143.0152, AND 143.0155; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 2, BY AMENDING SECTIONS 143.0212, 143.0214, 143.0220, 143.0225, 143.0250, AND 143.0260; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 4, BY AMENDING SECTIONS 143.0440 AND 143.0450, ALL RELATING TO THE LAND DEVELOPMENT CODE.

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

Section 1. That Chapter 11, Article 1, Division 1, of the San Diego Municipal Code is amended by amending sections 111.0101 and 111.0104, to read as follows:

**SEC. 111.0101 Title**

(a) and (b) [No change.]

(c) Chapter X, Article 3 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City and shall constitute a part of the Land Development Code.

**SEC. 111.0104 Retention of Existing Ordinances, Rules, or Regulations**

Where the Land Development Code imposes a greater restriction upon *development* than is imposed or required by other ordinances, rules, or regulations the provisions of the Land Development Code supercede those other ordinances, rules, or regulations unless otherwise specifically stated.

Section 2. That Chapter 11, Article 2, Division 1, of the San Diego Municipal Code is amended by amending section 112.0103, to read as follows:

**SEC. 112.0103 Consolidation of Processing**

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105.

Section 3. That Chapter 11, Article 2, Division 3, of the San Diego Municipal Code is amended by amending sections 112.0301, 112.0302 and 112.0306, to read as follows:

**SEC. 112.0301 Types of Notice**

(a) [No change.]

(b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two.

(1) Content. The Notice of Future Decision shall include the following information:

(A) through (F) [No change.]

(G) An explanation that the decision to approve, conditionally approve, or deny the proposed *development* will be made by City staff, without a public hearing, and that the *decision date* will not be less than 11 *business days* after the date of mailing the Notice of Future Decision to allow for sufficient time for public comment.

(H) and (I) [No change.]

(2) [No change.]

(c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, or Process Five, or on an appeal of a Process Two, Process Three, or Process Four decision.

(1) Content. The Notice of Public Hearing shall include the following information:

(A) through (G) [No change.]

(H) A brief description of the general procedures concerning the conduct of hearing and local actions and the procedure and requirements for filing an appeal. For Process Three or Process Four public hearings, the definition of an *interested person* for purposes of appeal.

(I) [No change.]

(2) [No change.]

#### **SEC. 112.0302 Notice by Mail**

(a) General Provisions. When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice shall be postage prepaid and addressed to the persons identified in Section 112.0302(b). Notice by mail shall be considered complete at the time of deposit in the United States Mail.

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:

- (1) [No change.]
- (2) All addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex;
- (c) Alternative to Mailed Notice. If the number of tenants and owners to whom notice would be mailed in accordance with Section 112.0302(b) is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper of general daily circulation within the City in lieu of mailing, unless the noticing is required for a Coastal Development Permit.
- (d) Notice Address
  - (1) and (2) [No change.]
  - (3) A notice mailed to a tenant address shall be addressed "Tenant".

**SEC. 112.0306 Notice for Coastal Development Permits**

All notices for a Coastal Development Permit shall include a statement that the *development* is within the Coastal Overlay Zone, the date of filing of the application and the number assigned to the application. When a Coastal Development Permit is to be considered under Process Two or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

Section 4. That Chapter 11, Article 2, Division 5, of the San Diego Municipal Code is amended by amending section 112.0503, to read as follows:

**SEC. 112.0503 Process Two**

[No change in first paragraph.]

(a) [No change.]

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment. This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

Section 5. That Chapter 11, Article 3, Division 1, of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

**SEC. 113.0103 Definitions** [Only those listed are amended.]

*Appealable area* means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands 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 tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1; however, this map may be updated

as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

*Channelization* means artificial *flood* control works designed and constructed to contain all of a specified *flood* event; however, within the Coastal Overlay Zone *channelization* also means the filling or substantial alteration of the floodplain.

*Coastal bluff* means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

*Coastal bluff edge* means the termination of the top of a *coastal bluff* where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*. See Section 113.0219 for additional information on determining the *coastal bluff edge*.

*Coastal development* means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this

section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

*Fill* means any soil, excavated or dredged material, riprap, rock, concrete, construction debris, pilings, sand, or other material or substance that is added to any location on a *premises*.

*Local Coastal Program* has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6, which states: "*Local Coastal Program* means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level."

*Open fence* means a *fence* that has at least 35 percent of the vertical surface area of each 6-foot section open to light. Within the Coastal Overlay Zone, *open fence* means a fence designed to permit public views that has at least 75 percent of its surface area open to light.

*Temporary event* means an activity or use of limited duration that involves the placement of non-permanent structures and/or involves exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use. For purposes of this definition, limited duration means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

Section 6. That Chapter 11, Article 3, Division 2, of the San Diego Municipal Code is amended by amending sections 113.0228 and 113.0273, to read as follows:

**SEC. 113.0228 Determining Existing Grade**

- (a) *Existing grade* is the ground elevation of the surface of a *premises* that has never been *graded* or, for a *premises* that has been *graded*, outside the Coastal Overlay Zone, the ground elevation that existed on March 4, 1972. Within the Coastal Overlay Zone, *existing grade* on *premises* that has been graded shall be determined pursuant to Section 113.0228 (b) and (c). This is illustrated in Diagram 113-02F.

[No change to Diagram 113-02F]

(b) and (c) [No change.]

[No change to Diagram 113-02G.]

**SEC. 113.0273 Measuring Visibility Area**

[No change in first paragraph.]

(a) through (c) [No change.]

- (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

Section 7. That Chapter 12, Article 1, Division 1, of the San Diego Municipal Code is amended by amending section 121.0101, to read as follows:

**SEC. 121.0101 Purpose of City Review**

[No change in first paragraph.]

The Land Development Code provides procedures to review *land use plans*, zoning actions, maps, and permit applications. Map and permit reviews are divided into two major categories: development review and construction review. A proposed map or permit may require either type or both types of review as specified. Development review is the review of conceptual or schematic plans. Development review is required when conditions must be applied to a map or permit or when adjustments or exceptions from

regulations are proposed. Construction review is review of final or construction plans for compliance with regulations of the Land Development Code.

Section 8. That Chapter 12, Article 6, Division 1, of the San Diego Municipal Code is amended by amending sections 126.0105, 126.0111, 126.0112, and 126.0113, to read as follows:

**SEC. 126.0105 Findings for Development Permit Approval**

An application for a *development permit* may be approved only if the decision maker determines that the *development*, as proposed or as conditioned, meets all *findings* for all required permits as provided in Chapter 12, Article 6, Divisions 2 through 8. If the decision maker determines that any of the *findings* are not met, the application shall be denied. The decision maker shall record the decision in writing and shall specify the evidence or statements presented that support the *findings*.

**SEC. 126.0111 Extension of Time of a Development Permit**

(a) through (d) [No change.]

(e) *Findings for Approval.* An extension of time, except for a Coastal Development Permit, may be approved without new conditions if the decision maker makes both of the following *findings*:

(1) and (2) [No change.]

(f) *Findings for Conditional Approval.* An extension of time, except for a Coastal Development Permit, may be approved with new conditions if the decision maker makes one of the following *findings*:

(1) and (2) [No change.]

(g) *Findings for Approval for Extension of Time for a Coastal Development Permit.*

An extension of time for a Coastal Development Permit may be approved only if the decision maker makes all of the following findings:

(1) The project as originally approved would not place the occupants of the

proposed *development* or the immediate community in a condition dangerous to their health or safety;

(2) There are no changed circumstances which would affect the project's consistency with the *Local Coastal Program*; and

(3) No new condition is required to comply with state or federal law.

(h) Denial of the Extension of Time. The decision maker shall deny the extension of time if the project, even as conditioned, would place the residents of the proposed *development* or the immediate community in a condition dangerous to their health or safety, or would not comply with state or federal law.

#### **SEC. 126.0112 Minor Modifications to a Development Permit**

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review.

#### **SEC. 126.0113 Amendments to a Development Permit**

(a) through (d) [No change.]

(e) Within the Coastal Overlay Zone, a proposed change in use which will result in a change in intensity of use requires an amendment or a new Coastal Development Permit.

Section 9. That Chapter 12, Article 6, Division 5, of the San Diego Municipal Code is amended by amending section 126.0503, to read as follows:

#### **SEC. 126.0503 Decision Processes for Site Development Permits**

(a) Process Three

A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(a), (b) and (c) shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.

(b) Process Four

(1) A decision on an application for a Site Development Permit for the types of *development* listed in Section 126.0502(d) shall be made in accordance with Process Four.

(2) [No change.]

(c) Process Five

A decision on an application for a Site Development Permit for the types of *development* listed in 126.0502() shall be made in accordance with Process Five.

Section 10. That Chapter 12, Article 6, Division 7, of the San Diego Municipal Code is amended by amending sections 126.0702, 126.0704, 126.0707, 126.0708, 126.0710, 126.0717, 126.0718, 126.0722, by renumbering sections 126.0722 to 126.0723, and by adding section 126.0725, to read as follows:

**SEC. 126.0702 When a Coastal Development Permit Is Required**

(a) [No change.]

(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.

**SEC. 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; 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-730.1 filed in the office of the County Recorder 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% 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*.
- (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 sub-surface 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*.

**SEC. 126.0707 Decision Process for a Coastal Development Permit**

- (a) and (b) [No change.]
- (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.

**SEC. 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 the following *findings*:

- (a) 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*;
- (b) The proposed *coastal development* will not adversely affect *environmentally sensitive lands*; and
- (c) The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.
- (d) 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.
- (e) 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.

#### **SEC. 126.0710 Appeals to the Coastal Commission**

- (a) [No change.]
- (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) [No change.]

**SEC. 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.

**SEC. 126.0718 Procedures for Emergency Coastal Development Permits**

(a) [No change.]

(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) through (3) [No change.]

(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) and (e) [No change.]

(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) and (3) [No change.]

(g) [No change.]

(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.

**SEC. 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.

### **SEC. 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.

### **SEC. 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.

amended by amending section 126.0805, to read as follows:

**SEC. 126.0805 Findings for Variance Approval**

The decision maker may approve or conditionally approve an application for a variance only if the decision maker makes the following *findings*:

(a) through (c) [No change.]

(d) The granting of the variance will not adversely affect the applicable *land use plan*.  
If the variance is being sought in conjunction with any proposed *coastal development*, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified *land use plan*.

Section 12. That Chapter 12, Article 7, Division 1, of the San Diego Municipal Code is amended by amending sections 127.0106 and 127.0107, to read as follows:

**SEC. 127.0106 Expansion or Enlargement of Previously Conforming Structures**

(a) through (c) [No change.]

(d) Within the coastal Overlay Zone, if the proposal involves the demolition or removal of 50% or more of the exterior walls of an existing structure, the previously conforming rights are not retained for the new structure.

**SEC. 127.0107 Change in Use of a Previously Conforming Use**

(a) A change in use from a *previously conforming* use to another use within the same use category of the Use Regulations Tables of Chapter 13, Article 1, outside the Coastal Overlay Zone, is considered a change of use of equal intensity and retains the *previously conforming* rights for the new use. A change of use from a *previously conforming* use to a use in another use category or to a separately regulated use category of the Use Regulations Tables of Chapter 13, Article 1, is

not allowed.

- (b) Within the Coastal Overlay Zone, if a change in use from a previously conforming use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the previously conforming rights are not retained for the new use.
- (c) A change in the number of business licenses issued for the same use within the same square footage is not considered an intensification of use.

Section 13. That Chapter 13, Article 1, Division 1, of the San Diego Municipal Code is amended by amending sections 131.0112 and 131.0140, to read as follows:

**SEC. 131.0112 Descriptions of Use Categories and Subcategories**

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) and (2) [No change.]

(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

(A) and (B) [No change.]

(C) *Multiple Dwelling Units* -- Dwelling units where more than one dwelling unit is located on a single lot.

(D) [No change.]

(4) and (5) [No change.]

(6) Commercial Services Use Category

[No change in first paragraph.]

(A) through (J) [No change.]

(K) Visitor Accommodations -- Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, includes single room occupancy hotels.)

(7) through (11) [No change.]

**SEC. 131.0140 Use of Yards and Landscaped Areas in All Base Zones**

The following regulations are related to other development regulations that are addressed in the Development Regulations Tables in each of the base zones and are applicable to all base zones. Except as specified by the applicable zone, *yards* and landscaped areas may be used only for the following items and purposes:

- (a) Living Landscape Material.
- (b) Incidental passage and use by occupants.
- (c) Landscape elements, constructed and installed to complement living landscape material, and not exceeding a height of 3 feet within front and street side yards.
- (d) *Fences* and walls as permitted in Chapter 14, Article 2, Division 3 (Fence Regulations).
- (e) Directional and other notification *signs* as permitted in Chapter 14, Article 2, Division 12 (Sign Regulations).
- (f) Walkways and paved driveways consistent with zone standards and applicable parking and landscape regulations.
- (g) Items that the City Manager may determine to be necessary to accommodate a

temporary period of construction, site modification, or equipment change, when there is evidence of frequent and diligent physical effort to complete work.

- (h) Parking in accordance with Section 142.0510.
- (i) Storage of items when *screened* in accordance with Chapter 14, Article 2, Division 11 (Outdoor Storage and Display Regulations).

Section 14. That Chapter 13, Article 1, Division 2, of the San Diego Municipal Code is amended by amending sections 131.0222, 131.0230, 131.0231, and 131.0250, to read as follows:

**SEC. 131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the open space zones are shown in Table 131-02B.

[No change in Legend for Table 131-02B.]

[The following reflects the changes to Table 131-02B. The entire Table is not shown.]

**Legend for Table 131-02B**

Symbol in Table 131-02B	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 131-02B  
Use Regulations Table of Open Space 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				
	1st & 2nd »	OP-		OC-	OR <sup>(1)</sup> -	OF <sup>(12)</sup> -
	3rd »	1-	2-	1-	1-	1-
	4th »	1	1	1	1	2
<b>Retail Sales</b>						
Swap Meets & Other Larger Outdoor Retail Facilities		-	-	-	-	C <sup>(1)</sup>
<b>Commercial Services</b>						

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 »		OP-		OC-	OR <sup>(1)</sup> -		OF <sup>(12)</sup> -
			1-	2-	1-	1-	1-	
	3rd »		1	1	1	1	2	1
4th »		1	1	1	1	2	1	
<b>Separately Regulated Commercial Services Uses</b>								
Camping Parks			C	C	-	-	-	C <sup>(7)</sup>
Fairgrounds			-	-	-	-	-	C <sup>(7)</sup>
Golf Courses, Driving Ranges, and Pitch & Putt Courses			C	C	-	-	C <sup>(9)</sup>	C <sup>(11)</sup>
Helicopter Landing Facilities			-	-	-	-	-	C <sup>(11)</sup>
<b>Industrial</b>								
Mining and Extractive Industries			-	-	-	-	C <sup>(8)</sup>	C <sup>(7)</sup>

Footnotes for Table 131-02B

(1) through (6) [No change.]

(7) No *structures*, except portable *structures*, are permitted within a *floodway*.

(8) through (10) [No change.]

(11) No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.

(12) Within the Coastal Overlay zone, no structures are permitted within a floodway.

**SEC. 131.0230 Development Regulations of Open Space Zones**

(a) Within the open space 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).

**SEC. 131.0231 Development Regulations Table for Open Space Zones**

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C  
Development Regulations of Open Space Zones**

Development Regulations (See Section 131.0230 for Development Regulations of Open Space Zones)	Zone Designator	Zones					
	1st & 2nd »	OP-		OC-	OR-		OF <sup>(1)</sup> -
	3rd »	1-	2-	1-	1-	1-	1-
4th »	1		1	1	2	1	

[No change in remainder of Table 131-02C.]

[No change in Footnotes for Table 131-02C.]

**SEC. 131.0250 Allowable Development Area in OR Zones**

(a) Within the OR-1-1 zone up to 25 percent of the *premises* may be developed subject to the following:

(1) and (2) [No change.]

(3) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).

(4) Within the Coastal Overlay Zone, *coastal development* on *premises* with *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

(b) A *premises* within the OR-1-2 zone, within or partially within the *MHPA* is subject to the following regulations:

(1) through (9) [No change.]

(10) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).

(11) Within the Coastal Overlay Zone, *coastal development* on *premises* with *steep hillsides* containing *sensitive biological resources*, or mapped as

Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

Section 15. That Chapter 13, Article 1, Division 3, of the San Diego Municipal Code is amended by amending sections 131.0303, 131.0322, 131.0323, 131.0330 and 131.0331, to read as follows:

**SEC. 131.0303 Purpose of the AR (Agricultural--Residential) Zones**

- (a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the *development* of *single dwelling unit* homes at a very low *density*. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential *development* opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future *development* at urban intensities when and where appropriate.
- (b) [No change.]

**SEC. 131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B [No change.]

[The following reflects the changes to Table 131-03B. The entire Table is not shown.]

**Table 131-03B  
Use Regulations Table of Agricultural 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			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
<b>Commercial Services</b>					
Child Care Facilities:					
Child Care Centers	-			C <sup>(9)</sup>	
Large Family Day Care Homes	-			L <sup>(9)</sup>	
Recycling Facilities:					
Large Collection Facility		N		N <sup>(9)</sup>	
<b>Industrial</b>					
Hazardous Waste Research Facility	-			C <sup>(9)</sup>	
Hazardous Waste Treatment Facility	-			C <sup>(9)</sup>	

Footnotes for Table 131-03B

(1) through (8) [No change.]

(9) This use is not allowed within the Coastal Overlay Zone.

**SEC. 131.0323 Additional Use Regulations of Agricultural Zones**

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed.

(a) [No change.]

(b) Horticulture nurseries are permitted subject to the following:

(1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.0503;

(2) and (3) [No change.]

**SEC. 131.0330 Development Regulations of Agricultural Zones**

(a) Within the agricultural 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) and (c) [No change.]

**SEC. 131.0331 Development Regulations Table for Agricultural Zones**

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C  
Development Regulations of Agricultural Zones**

Development Regulations (See Section 131.0330 for Development Regulations of Agricultural Zones)	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-	1-	1-	1-
	4th »	1	2	1	2
Min Side Setback (ft) <sup>(6)</sup> (See Section 131.0343)		20	20	20	20
Min Rear Setback (ft)		25	25	25	25
		30	30	30	30
Max Lot Coverage (%) <sup>(7)</sup>		10	20	10	20
Min Floor Area <sup>(76)</sup>		applies	applies	applies	applies

Footnotes for Table 131-03C

(1) through (5) [No change.]

(6) Each dwelling unit shall have a *gross floor area* of at least 650 square feet, not including the garage.

(7) *Structures* that are used to provide shade areas for growing plants, such as green houses and agricultural shade *structures*, are not included for determining *lot coverage*.

Section 16. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is amended by amending sections 131.0403, 131.0420, 131.0430, 131.0431, and 131.0461, to read as follows:

**SEC. 131.0403 Purpose of the RS (Residential--Single Unit) Zones**

- (a) [No change.]
- (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 or future urbanizing community, as follows:
  - (1) [No change.]
  - (2) Planned or Future Urbanizing Communities

[No change to remainder of section.]

**SEC. 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) through (d) [No change.]
- (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.

**SEC. 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) and (c) [No change.]

**SEC. 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	

[No change to remainder of Table 131-04C.]

(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						
	1st & 2nd »	RS-						
3rd »	1-	1-	1-	1-	1-	1-	1-	
4th »	1	2	3	4	5	6	7	

[No change to remainder of Table 131-04D.]

[No change to Footnotes for Table 131-04D.]

(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	

[No change to remainder of Table 131-04E.]

[No change to Footnotes for Table 131-04E.]

(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

[No change to remainder of Table 131-04F.]

(e) RM Zones

**Table 131-04G  
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

[No change to remainder of Table 131-04G.]

Footnotes for Table 131-04G

- (1) [No change.]
- (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) through (36) [No change.]

**SEC. 131.0461 Architectural Projections and Encroachments in Residential Zones**

(a) The following are permitted *architectural projections* and *encroachments* into required *yards* 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) through (10) [No change.]

(b) [No change.]

(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) through (3) [No change.]

Section 17. That Chapter 13, Article 1, Division 5, of the San Diego Municipal Code is amended by amending sections 131.0522, 131.0530, 131.0531, and 131.0540, to read as follows:

**SEC. 131.0522 Use Regulations Table of Commercial Zones**

The uses allowed in the commercial zones are shown in Table 131-05B.

[No change to Legend for Table 131-05B.]

[The following reflects the changes to Table 131-05B. The entire Table is not shown.]

**Table 131-05B  
Use Regulations Table for Commercial 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									
	1st & 2nd	3rd	CN <sup>(1)</sup>			CR-		CO-		CV-		CP-
			1-	2-	3-	1	2	1	2	1		
	4th	1	2	3	1	1	1	2	1	2	1	
<b>Residential</b>												
<b>Separately Regulated Residential Uses</b>												
<i>Boarder &amp; Lodger Accommodations</i>			L <sup>(2)</sup>	L	-	L	L <sup>(2)</sup>	-				
<i>Fraternities, Sororities and Student Dormitories</i>			C <sup>(2)</sup>	C	-	C	C <sup>(2)</sup>	-				
<i>Housing for Senior Citizens</i>			C <sup>(2)</sup>	C	-	C	C <sup>(2)</sup>	-				
<i>Residential Care Facilities:</i>												

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		CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-
	3rd		1-			1- 2-		1-		1-		1-
	4th		1	2	3	1	1	1	2	1	2	1
6 or Fewer Persons			P <sup>(2)</sup>			P	-	P		P <sup>(2)</sup>		-
7 or More Persons			C <sup>(2)</sup>			C	-	C		C <sup>(2)</sup>		-
Transitional Housing:												
6 or Fewer Persons			P <sup>(2)</sup>			P	-	P		P <sup>(2)</sup>		-
7 or More Persons			C <sup>(2)</sup>			C	-	C		C <sup>(2)</sup>		-
<b>Institutional</b>												
<b>Separately Regulated Institutional Uses</b>												
Airports			-	C	C	C	C	C <sup>(10)</sup>			-	
Cemeteries, Mausoleums, Crematories			-	C	C	C	C	C <sup>(10)</sup>			-	
Churches & Places of Religious Assembly			C <sup>(10)</sup>	C	C	C	C	C <sup>(10)</sup>			-	
Communication Antennas:												
Major Telecommunication Facility			C <sup>(10)</sup>	C	C	C	C	C <sup>(10)</sup>			C	
Correctional Placement Centers			-	C	C	C	C	C <sup>(10)</sup>			-	
Educational Facilities:												
Kindergarten through Grade 12			C <sup>(10)</sup>	C	C	C	C	C <sup>(10)</sup>			-	
Colleges / Universities			-	C	C	C	C	C <sup>(10)</sup>			-	
Energy Generation & Distribution Facilities			C <sup>(10)</sup>	P	C	P	P	P <sup>(10)</sup>			-	
Historical Buildings Used for Purposes Not Otherwise Allowed			C <sup>(10)</sup>	C	C	C	C	C <sup>(10)</sup>			-	
Homeless Facilities:												
Congregate Meal Facilities			C <sup>(10)</sup>	C	-	C	C	C <sup>(10)</sup>			-	
Emergency Shelters			C <sup>(10)</sup>	C	-	C	C	C <sup>(10)</sup>			-	
Homeless Day Centers			C <sup>(10)</sup>	C	-	C	C	C <sup>(10)</sup>			-	
Hospitals, Intermediate Care Facilities & Nursing Facilities			-	P	P	C	P	P <sup>(10)</sup>			-	
Major Transmission, Relay, or Communication Switching Stations			-	C	C	C	C	C <sup>(10)</sup>			-	
Social Service Institutions			-	C	C	C	C	C <sup>(10)</sup>			-	
<b>Retail Sales</b>												
Wearing Apparel & Accessories			P	P	P	-	P	P			-	
Swap Meets & Other Large Outdoor Retail Facilities			-	C	C	-	C <sup>(10)</sup>	C <sup>(10)</sup>			-	
<b>Commercial Services</b>												
Boarding Kennels			-	C	C	C	C	C <sup>(10)</sup>			-	
Child Care Facilities:												
Child Care Centers			L	L	-	L	L	L <sup>(10)</sup>			-	
Large Family Day Care Homes			L	L	-	L	L	L <sup>(10)</sup>			-	
Small Family Day Care Homes			P	P	-	P	P	P			-	
Helicopter Landing Facilities			-	C	C	C	C	C <sup>(10)</sup>			-	
Instructional Studios			P	P	P	C	C	C <sup>(2)</sup>			-	
Outpatient Medical Clinics			N	N	N	N	N	N <sup>(10)</sup>			-	

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	CN <sup>(1)</sup> -			CR-		CO-		CV-		CP-
		3rd	1-	1-	2-	1-	1-	1-	1-	1-	
	4th	1	2	3	1	1	1	2	1	2	1
Recycling Facilities:											
Large Collection Facility		N	N	N	N	N	N	N <sup>(10)</sup>	-		
Small Collection Facility		L	L	L	L	L	L	L <sup>(10)</sup>	-		
Medical, Dental, & Health Practitioner		P	P	P	P	P	P	P <sup>(10)</sup>	-		
Sex Offender Treatment & Counseling		L	L	L	L	L	L	L <sup>(10)</sup>	-		
Newspaper Publishing Plants		-	C	C	C	C	C	C <sup>(10)</sup>	-		

(1) [No change.]

(2) Residential use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the *premises* for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor.

(3) through (9) [No change.]

(10) This use is not allowed within the Coastal Overlay Zone.

**SEC. 131.0530 Development Regulations of Commercial Zones**

(a) Within the commercial 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) and (c) [No change.]

**SEC. 131.0531 Development Regulations Tables of Commercial Zones**

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

**Table 131-05C  
Development Regulations of CN Zones**

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone designator	Zones		
	1st & 2nd »	CN-		
	3rd »	1-	1-	1-
	4th »	1	2	3
<b>Max permitted residential density<sup>(1)</sup></b>		3,000	1,500	1,500

[No change to remainder of Table 131.05C.]

[No change to Footnotes for Table 131.05C.]

(b) CR, CO, CV, and CP Zones

**Table 131-05D  
Development Regulations of CR, CO, CV, CP Zones**

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone Designator	Zones						
	1st & 2nd »	CR-		CO-		CV-		CP-
	3rd »	1-	2-	1-		1-		1-
	4th »	1	1	2	1	2	1	
<b>Max permitted residential density<sup>(1)</sup></b>		1,500	1,000	1,500	1,500	1,500	-	

[No change to remainder of Table 131.05D.]

[No change to Footnotes for Table 131.05D.]

(c) CC Zones

**Table 131-05E  
Development Regulations of CC Zones**

Development Regulations (See Section 131.0530 for Development Regulations of Commercial Zones)	Zone Designator	Zones																	
	1st & 2nd »	CC-																	
	3rd »	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
	4th »	1			2			3			4			5					
<b>Max permitted residential density<sup>(1)</sup></b>		1,500			1,500			1,500			1,500			1500					

[No change to remainder of Table 131.05E.]

[No change to Footnotes for Table 131.05E.]

**SEC. 131.0540 Maximum Permitted Residential Density and Other Residential Regulations**

(a) and (b) [No change.]

(c) Ground *Floor* Restriction. Residential use and residential parking are prohibited on the ground *floor* in the front half of the *lot*, except in the CC-3-4, CC-3-5, CC-4-4, CC-4-5, CC-5-4, CC-5-5, and CV-1-2 zones, where these uses are prohibited on the ground *floor* in the front 30 feet of the *lot* as shown in Diagram 131-05A. Within the Coastal Overlay Zone, required parking cannot occupy more than 50% of the ground floor in the CV-1-1 or CV-1-2 zones.

Section 18. That Chapter 13, Article 1, Division 6, of the San Diego Municipal Code is amended by amending sections 131.0622, 131.0630, and 131.0631, to read as follows:

**SEC. 131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

[No change to Legend for Table 131-06B.]

[The following reflects the changes to Table 131-06B. The entire Table is not shown.]

**Table 131-06B  
Use Regulations Table of Industrial 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								
	1st & 2nd »	IP-		IL-			IH-		IS-	
	3rd »	1-	2-	1-	2-	3-	1-	2-	1-	
	4th »	1	1	1	1	1	1	1	1	
<b>Industrial</b>										
<b>Separately Regulated Industrial Uses</b>										
<i>Hazardous Waste Research Facility</i>		C	C	C	C	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 »	IP-		IL-			IH-		IS-	
	3rd »	1-	2-	1-	2-	3-	1-	2-	1-	
	4th »	1	1	1	1	1	1	1	1	
Hazardous Waste Treatment Facility		C	C	C	C	C	C	C	C	C
Marine Related Uses Within the Coastal Overlay Zone		-	-	P	P	P	P	P	P	P
Mining and Extractive Industries		-	C	C	C	C	C	C	C	C
Newspaper Publishing Plants		C	P	P	P	P	P	P	P	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	P	P	P	P	P	P	P
Very Heavy Industrial Uses		-	-	-	-	-	C	C	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	C	C	C	P	C	C	C

[No change in Footnotes for Table 131-06B.]

**SEC. 131.0630 Development Regulations of Industrial Zones**

- (a) Within the industrial 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) and (c) [No change.]

**SEC. 131.0631 Development Regulations Table for Industrial Zones**

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C  
Development Regulations of Industrial Zones**

Development Regulations (See Section 131.0630 for Development Regulations of Industrial Zones)	Zone Designator	Zones							
	1st & 2nd »	IP-		IL-			IH-		IS-
	3rd »	1-	2-	1-	2-	3-	1-	2-	1
	4th »	1		1			1		1

[No change to remainder of Table 131.06C.]

[No change to Footnotes for Table 131.06C.]

Section 19. That Chapter 13, Article 2, Division 4, of the San Diego Municipal Code is amended by amending section 132.0402 and adding section 132.0403, to read as follows:

**SEC. 132.0402 Where the Coastal Overlay Zone Applies**

- (a) [No change.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

**Table 132-04A  
Coastal Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	None	No permit required by this division
(2) Any <i>coastal development</i> within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their respective jurisdictions
(3) <i>Coastal development</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone	Coastal Development Permit/Process Two or Three

**SEC. 132.0403 Supplemental Use Regulations of the Coastal Overlay Zone**

- (a) If there is an existing or potential public view and the site is designated in the applicable *land use plan* as a public view to be protected,

(1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and

(2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.

(b) A visual corridor of not less than the side *yard setbacks* or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:

(1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and

(2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.

(c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side *yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

(d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.

(e) *Open fencing* and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the

ocean. Landscaping shall be planted and maintained to preserve public views.

Section 20. That Chapter 13, Article 2, Division 8, of the San Diego Municipal Code is amended by amending section 132.0802, to read as follows:

**SEC. 132.0802 Where the Parking Impact Overlay Zone Applies**

- (a) [No change.]
- (b) Table 132-08A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-08A  
Parking Impact Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any single dwelling unit development located within the campus impact area	See the parking regulations in Section 142.0520	No permit required by this division
(2) Any development located within the beach impact area and any multiple dwelling unit development located within the campus impact area	See the parking regulations in Sections 142.0520, 142.0525, 142.0530, 142.0535, 142.0540 and 142.0560.	No permit required by this division
(3) Any eating and drinking establishment that is located in the beach impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

Section 21. That Chapter 13, Article 2, Division 14, of the San Diego Municipal Code is amended by amending section 132.1402, to read as follows:

**SEC. 132.1402 Where the Community Plan Implementation Overlay Zone Applies**

- (a) [No change.]
- [No change in Table 132-14A.]
- (b) Table 132-14B shows the location of the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

**Table 132-14B  
Community Plan Implementation Overlay Zone Applicability**

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior building improvements that do not involve a change in use or provide additional <i>floor</i> area, or improvements that do not require a <i>construction permit</i>	None—Exempt from this division	No permit required by this division
(2) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed development complies with the development standards or criteria in the applicable community plan	Refer to the applicable community plan	No permit required by this division
(3) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type A" and the proposed <i>development</i> does not comply with the <i>development</i> standards or criteria in the applicable community plan	Refer to the applicable community plan	Site Development Permit/ Process Three
(4) Any <i>development</i> within the boundaries shown on a map identified in Section 132.1402, where the map shows "Type B"	Refer to the applicable community plan	Site Development Permit/ Process Three

Section 22. That Chapter 14, Article 1, Division 2, of the San Diego Municipal Code is amended by amending section 141.0202, to read as follows:

**SEC. 141.0202 Commercial Stables**

Commercial stables are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0202(a). Commercial stables may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0202(b).

(a) Limited Use Regulations

(1) [No change.]

(2) No *structures* other than portable *structures* are permitted within a *floodway*. Within the Coastal Overlay Zone, no *structures*, including portable *structures*, are permitted within a floodway.

(b) [No change.]

Section 23. That Chapter 14, Article 1, Division 3, of the San Diego Municipal Code is amended by amending section 141.0301, to read as follows:

**SEC. 141.0301 Boarder and Lodger Accommodations**

*Boarder* and *lodger* accommodations are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (c) [No change.]

(d) Off-street parking shall be provided at a rate of 1 space for each 2 boarders or lodgers.

Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a rate of 1 space for each boarder or lodger.

Section 24. That Chapter 14, Article 1, Division 4, of the San Diego Municipal Code is amended by amending sections 141.0404, 141.0405, 141.0407, and 141.0413, to read as follows:

**SEC. 141.0404 Churches and Places of Religious Assembly**

[No change in first paragraph.]

(a) Limited Use Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in the Coastal Overlay Zone.

(2) through (4) [No change.]

(b) Conditional Use Permit Regulations

(1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in floodplains located in the Coastal Overlay Zone.

(2) through (5) [No change.]

**SEC. 141.0405 Communication Antennas**

(a) through (c) [No change.]

(d) Major Telecommunication Facilities

(1) Major telecommunication facilities are not permitted in the following locations:

(A) through (C) [No change.]

(D) Within the Coastal Overlay Zone, on *premises* within the MHPA and/or containing *steep hillsides* with *sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.

(2) and (3) [No change.]

(e) [No change.]

**SEC. 141.0407 Educational Facilities--Schools for Kindergarten to Grade 12 and Colleges/Universities**

(a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in the future urbanizing area or within floodplains located in the Coastal Overlay Zone.

(b) through (f) [No change.]

**SEC. 141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities**

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) These facilities are not permitted in agricultural zones in the future urbanizing area or within floodplains located in the Coastal Overlay Zone.

(b) through (f) [No change.]

Section 25. That Chapter 14, Article 1, Division 6, of the San Diego Municipal Code is

amended by amending sections 141.0610, 141.0614, 141.0615, 141.0617, 141.0621, 141.0623 and 141.0624, to read as follows:

**SEC. 141.0610 Helicopter Landing Facilities**

Helicopter landing facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Helicopter landing facilities are not permitted in floodplains located in the Coastal Overlay Zone.
- (b) through (m) [No change.]

**SEC. 141.0614 Nightclubs and Bars over 5,000 Square Feet in Size**

Nightclubs and bars over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area, including any outdoor eating or drinking areas.
- (b) through (d) [No change.]

**SEC. 141.0615 Outpatient Medical Clinics**

Outpatient medical clinics are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(a). Outpatient medical clinics may be permitted with a Neighborhood Use

Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(b).

(a) [No change.]

(b) Neighborhood Use Permit Regulations

(1) through (3) [No change.]

(4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq ft of gross floor area.

**SEC. 141.0617 Private Clubs, Lodges, and Fraternal Organizations**

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area.

(b) through (d) [No change.]

**SEC. 141.0621 Sidewalk Cafes**

Sidewalk cafes may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the provisions of this section.

(a) through (n) [No change.]

(o) Within the Beach Impact Area of the Parking Impact Overlay Zone, sidewalk cafes shall not exceed 200 sq ft in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq ft (or portion thereof) above the first 200 sq ft.

**SEC. 141.0623 Theaters That Are Outdoor or over 5,000 Square Feet in Size**

Theaters that are outdoor or over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every three fixed seats or one space for every 21 sq ft of gross floor area where there are no fixed seats.

(b) through (d) [No change.]

**SEC. 141.0624 Veterinary Clinics and Animal Hospitals**

Veterinary clinics and hospitals may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Veterinary clinics and hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within floodplains located in the Coastal Overlay Zone.

(b) and (c) [No change.]

Section 26. That Chapter 14, Article 1, Division 9, of the San Diego Municipal Code is amended by amending section 141.0902, to read as follows:

**SEC. 141.0902 Junk Yards**

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Junk yards are not permitted in agricultural zones in the future urbanizing area or within floodplains located in the Coastal Overlay Zone.

(b) through (e) [No change.]

Section 27. That Chapter 14, Article 2, Division 3, of the San Diego Municipal Code is amended by amending section 142.0305, to read as follows:

**SEC. 142.0305 When Fence Regulations Apply**

(a) [No change.]

(b) Table 142-03A shows the applicable regulations and the type of permit required by this division, if any, for specific types of *fences*.

**Table 142-03A  
Fence Regulations Applicability**

TYPE OF DEVELOPMENT PROPOSAL	APPLICABLE REGULATIONS	REQUIRED PERMIT TYPE/ DECISION PROCESS
Any fence with a height less than 6 feet	Sections 142.0310-142.0330, 142.0360-142.0380	No permit required by this division
Any fence with a height of 6 feet or greater	Sections 142.0310-142.0330, 142.0360-142.0380	Building Permit/Process One
Any retaining wall with a height less than 3 feet	Sections 142.0340, 142.0370, 142.0380	No permit required by this division
Any retaining wall with a height of 3 feet or greater	Sections 142.0340, 142.0370, 142.0380	Building Permit/ Process One
Any fence or retaining wall exceeding the height permitted in Section 142.0310, 142.0320, 142.0330, and 142.0340.	Section 142.0350	Neighborhood Development Permit/Process Two
<u>Any fence or retaining wall located on premises that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731.</u>	<u>Section 142.0310-142.0380</u>	<u>Coastal Development Permit/Process Three - Appealable</u>

**SEC. 142.0340 Retaining Wall Regulations in All Zones**

(a) through (c) [No change.]

(d) *Retaining Wall Height in Required Side Yards and Required Rear Yards*

(1) and (2) [No change.]

(e) and (f) [No change.]

Section 28. That Chapter 14, Article 2, Division 4, of the San Diego Municipal Code is amended by amending section 142.0412, to read as follows:

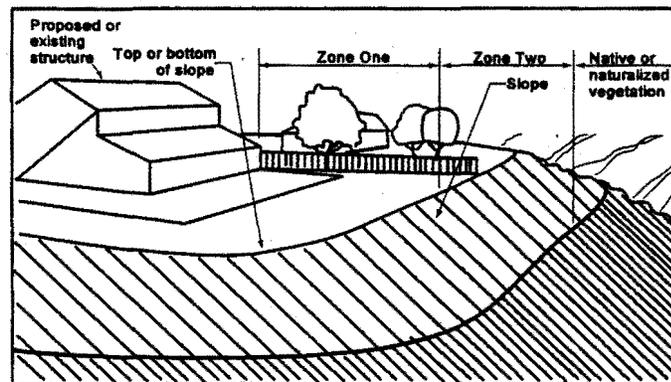
**SEC. 142.0412 Brush Management**

(a) Brush management is required in all base zones for the types of *development* listed below when they are adjacent to any highly flammable area of native or naturalized vegetation that is greater than 10 acres as mapped by the City of San Diego, or adjacent to any area of native or naturalized vegetation that is greater than 50 acres, as shown in Table 142-04A. However, within the Coastal Overlay Zone, brush management is required for all *coastal development* within the MHPA and/or adjacent to *steep hillsides* containing *sensitive biological resources*.

(1) through (4) [No change.]

- (b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around *structures* by providing an effective fire break between all *structures* and contiguous areas of flammable vegetation. This fire break shall consist of two distinct brush management areas called "Zone One" and "Zone Two" as shown in Diagram 142-04D.

Diagram 142-04D  
Brush Management Zones



- (1) Brush management Zone One is the area adjacent to the *structure*, shall be least flammable, and shall consist of pavement and permanently irrigated ornamental planting. Brush management Zone One shall not be allowed on slopes with a gradient greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property that received *tentative map* approval before November 15, 1989. However, within the Coastal Overlay Zone *coastal development* shall be subject to the encroachment limitations set forth in Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations.
- (2) [No change.]

(c) [Change to Table 142-04H.]

**Table 142-04H  
Brush Management Zone Width Requirements**

Criteria	Property Location	
	West of Interstate 805 and El Camino Real	East of Interstate 805 and El Camino Real
Minimum Zone One Width (See Section 142.0412[d])	20 ft.	30 ft.
Additional Zone One Width (See Section 142.0412[e]) Required when <i>development</i> is adjacent to slopes greater than 4:1 gradient that are 50 feet or greater in vertical height; or adjacent to vegetation greater than 24 inches in height; or adjacent to the <i>MHPA</i>	5 ft.	5 ft.
Zone One Width Within the Coastal Overlay Zone for subdivisions containing steep hillsides with sensitive biological resources	30 ft. Min	
Minimum Zone Two Width (See Section 142.0412[f])	20 ft.	40 ft.
Additional Zone Two Width Required when Zone Two is on slopes greater than 4:1 gradient that are 50 feet or greater in vertical height, or the vegetation in Zone Two is greater than 48 inches in height. This additional width is not required for Zone Two located within the <i>MHPA</i>	10 ft.	10 ft.

(d) [No change.]

(e) Where additional Zone One width is required adjacent to the *MHPA* or within the Coastal Overlay Zone, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:

(1) through (3) [No change.]

(f) and (g) [No change.]

(h) Zone Two Requirements

(1) through (4) [No change.]

(5) The following standards shall be used where Zone Two area is proposed to be planted with new plant material instead of *clearing* existing native or naturalized vegetation:

(A) All new plant material for Zone Two shall be native or naturalized, low-fuel, and fire-resistive. No non-native plant material may be

planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing *sensitive biological resources*.

(B) through (D) [No change.]

(6) [No change.]

(i) through (k) [No change.]

Section 29. That Chapter 14, Article 2, Division 5, of the San Diego Municipal Code is amended by amending sections 142.0505, 142.0510, 142.0525, 142.0530, 142.0535, 142.0540, 142.0555, and 142.0560, to read as follows:

**SEC. 142.0505 When Parking Regulations Apply**

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

**Table 142-05A  
Parking Regulations Applicability**

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
<i>Shared parking for specified uses</i>	Section 142.0545	No permit required by this division

[No change to remainder of Table 142.05A.]

**SEC. 142.0510 General Parking Regulations**

(a) through (c) [No change.]

(d) Previously Conforming Premises. Enlargement or change in use, or resumption of a discontinued use, for a *premises* that is *previously conforming* for the reason that it does not provide the number of *off-street parking spaces* required by this

division shall be required to provide parking as follows:

- (1) When the use is proposed to be enlarged, the additional *off-street parking spaces* required are the number required by this division for the enlargement. Within the Beach Impact Area of the Parking Impact Overlay Zone, additional parking shall be provided at two times the number required for the enlargement but not exceeding the amount required for the entire development.

(2) through (4) [No change.]

(e) and (f) [No change.]

**SEC. 142.0525 Multiple Dwelling Unit Residential Uses -- Required Parking Ratios**

(a) [No change.]

[No change to Table 142.05C or Footnotes.]

- (b) Eligibility For *Shared Parking*. Up to 25 percent of the parking spaces required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 except that at least one space shall be assigned to each dwelling unit. Within the Beach Impact Area of the Parking Impact Overlay Zone, *off-premises* parking shall not be permitted for residential uses.

(c) and (d) [No change.]

**SEC. 142.0530 Nonresidential Uses -- Parking Ratios**

(a) [No change to first paragraph.]

**Table 142-05D  
Parking Ratios for Retail Sales, Commercial Services, and Mixed-Use Development**

Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Commercial Zones</b>				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5	0.1
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 <sup>(3)</sup>	4.3	6.5	0.1
CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5	0.1
CC-3-5	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	0.1
CC-3-5/Beach Impact Area <sup>(5)</sup>	2.5	2.1	6.5	
CC-4-5	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	
CC-5-5	1.25	1.25	5.5	0.1
CN-1-1	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	0.1
CN-1-2	5.0	4.3	6.5	0.1
CN-1-3	2.5	2.1	6.5	0.1
CR-1-1 CR-1-2	5.0 <sup>(3)</sup>	4.3	6.5	0.1
CO-1-1 CO-1-2	5.0	4.3	6.5	0.1
CV-1-1	5.0	4.3	6.5	0.1
CV-1-2	2.5	2.1	6.5	0.1
<b>Industrial Zones</b>				
IH-1-1 IH-2-1	5.0	4.3	6.5	0.1
IL-1-1 IL-2-1	5.0	4.3	6.5	0.1
IP-1-1 IP-2-1	5.0	4.3	6.5	0.1
IS-1-1	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	0.1
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	0.1
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5	0.1
Carmel Valley	5.0	4.3	6.5	0.1
Golden Hill	1.25	1.25	5.5	0.1

Zone	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a <i>Transit</i> Area	Minimum Required Within a <i>Transit</i> Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
La Jolla	1.7	1.7	5.5	0.1
La Jolla Shores	1.0	1.0 <sup>(6)</sup>	5.5	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	5.5	0.1
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5	0.1
Mount Hope	3.3	2.8	6.5	0.1
Mission Valley: CV	2.5	2.1	6.5	0.1
Mission Valley: Except CV	5.0	4.3	6.5	0.1
Otay Mesa	5.0	4.3	6.5	0.1
Old Town	4.0	3.4	6.5	0.1
Southeast San Diego	2.5	2.1	6.5	0.1
San Ysidro	2.5	2.1	6.5	0.1
West Lewis Street	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	5.5	0.1

Footnotes For Table 142-05D

(1) through (5) [No change.]

(6) *Alley* Access. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05D. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(b) [No change to first paragraph.]

**Table 142-05E  
Parking Ratios for Eating and Drinking Establishments**

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a <i>Transit</i> Area	Minimum Required Within a <i>Transit</i> Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
<b>Commercial Zones</b>				
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	25.0	0.1

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
CC-1-2 CC-2-2 CC-4-2	2.5	2.1	25.0	0.1
CC-5-2	2.5	2.1	25.0	0.1
CC-4-2/Coastal Overlay Zone <sup>(4)</sup>	5.0	4.3	25.0	0.1
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	12.8	25.0	0.1
CC-3-4 CC-4-4	2.5	2.1	25.0	0.1
CC-4-4/Coastal Overlay Zone <sup>(4)</sup>	5.0	4.3	25.0	0.1
CC-5-4	2.5	2.1	25.0	0.1
CC-3-5	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	0.1
CC-3-5/Coastal Overlay Zone <sup>(4)</sup>	5.0	4.3	25.0	0.1
CC-4-5	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	
CC-5-5	1.25	1.25	20.0	0.1
CN-1-1	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	0.1
CN-1-2	15.0	12.8	25.0	0.1
CN-1-3	2.5	2.1	25.0	0.1
CR-1-1 CR-1-2	15.0	12.8	25.0	0.1
CO-1-1 CO-1-2	15.0	12.8	25.0	0.1
CV-1-1	15.0	2.1	25.0	0.1
CV-1-2	5.0	4.3	25.0	0.1
<b>Industrial Zones</b>				
IH-1-1 IH-2-1	15.0	12.8	25.0	0.1
IL-1-1 IL-2-1	15.0	12.8	25.0	0.1
IP-1-1 IP-2-1	15.0	12.8	25.0	0.1
IS-1-1	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	0.1
<b>Planned Districts</b>				
Barrio Logan: Subdistrict B	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	0.1

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(3)</sup> Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)			
	Required Automobile Parking Spaces			Required Bicycle Parking Spaces <sup>(2)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Minimum Required
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0	0.1
Carmel Valley	15.0	12.8	25.0	0.1
Golden Hill	1.25	1.25	20.0	0.1
La Jolla	5.0	4.3	20.0	0.1
La Jolla Shores	1.0	1.0 <sup>(6)</sup>	20.0	0.1
Mid-City: CN-3 and CV-3	1.25	1.25	20.0	0.1
Mid-City: Except CN-3, CV-3	2.5	4.3	25.0	0.1
Mount Hope	3.3	2.8	25.0	0.1
Mission Valley: CV	5.0	4.3	25.0	0.1
Mission Valley: Except CV	15.0	12.8	25.0	0.1
Otay Mesa	15.0	12.8	25.0	0.1
Old Town	4.0	3.4	25.0	0.1
Southeast San Diego	5.0	4.3	25.0	0.1
San Ysidro	5.0	4.3	25.0	0.1
West Lewis Street	1.0 <sup>(6)</sup>	1.0 <sup>(6)</sup>	20.0	0.1

Footnotes For Table 142-05E

(1) and (2) [No change.]

(3) Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the establishment's *gross floor area* and included in calculating parking requirements.

(4) and (5) [No change.]

(6) *Alley Access*. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(c) [No change to first paragraph.]

**Table 142-05F  
Parking Ratios for Specified Non-Residential Uses**

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)				
	Required Automobile Parking Spaces				Required Bicycle Parking Spaces <sup>(3)</sup>
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(1)</sup>	Maximum Permitted	Carpool Minimum <sup>(2)</sup>	Minimum
<b>Separately regulated uses</b>					
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater <sup>(7)</sup>	85% of Minimum	N/A	N/A	2% of Auto Minimum

Footnotes For Table 142-05F

(1) through (3) [No change.]

(4) *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05F. Within the Beach Impact Area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(5) and (6) [No change to first paragraph.]

(7) In the Beach Impact Area, one parking space per guest room or 5.0, whichever is greater.

(d) through (h) [No change.]

**SEC. 142.0535 Off-Premises Parking Regulations in Urbanized Communities**

Required *off-street parking spaces* for uses in urbanized communities as identified in the Progress Guide and General Plan may be located off-premises, subject to the following regulations.

(a) Residential Uses. Some portion of the off-premises parking shall be within a 25-

foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone the site of the off-premises parking shall be identified with appropriate signs. Within the Beach Impact Area of the Parking Impact Overlay Zone, off-premises parking shall not be permitted for residential uses.

- (b) Nonresidential Uses. Some portion of the off-premises parking shall be within a non-residential zone and within a 600-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone, the site of the off-premises parking and the site of the use shall be identified with appropriate signs within the Coastal Overlay Zone.
- (c) Control of Parking Spaces. The off-premises parking, which shall be identified with appropriate directional signs for *development* in the Coastal Overlay Zone, shall be owned or controlled by the owner of the use requiring the *off-street parking spaces*. When off-premises parking is to be provided, the owner or lessee of record of the *premises* shall furnish evidence that is satisfactory to the City Manager that they own or have a sufficient interest in the property to provide the minimum *off-street parking spaces* required by the Land Development Code. Whether *off-street parking spaces* are to be provided on property that is owned by the *applicant* or another owner, the *applicant* shall provide to the County Recorder for recordation, covenants that have been executed by the owners of the property on which the off-premises parking is proposed and the owners of the use requiring the off-street parking spaces. The covenant shall be for the benefit of the City, in a form approved by the City Attorney, to the effect that the owners will continue to maintain the parking spaces as long as the use it serves exists. The covenant shall

also recite that the title to, and right to, use the *lots* upon which the parking is to be provided will be subservient to the title to the *premises* where the *primary use* it serves is situated and shall warrant that the *lots* are not and will not be made subject to any other covenant or contract for use without prior written consent of the City. If the owners of the use should thereafter provide parking equal in area within the same distance and under the same conditions as the ownership upon another *lot* than the *premises* made subservient in a previous covenant, the City will, upon written application accompanied by the filing of a similar covenant, release the original subservient *premises* from the previous covenant. The owners shall furnish at their own expense title reports or other evidence the City may require to insure compliance with the provisions of this section.

(d) [No change.]

**SEC. 142.0540 Exceptions to Parking Regulations for Nonresidential Uses**

(a) Commercial Uses on Small Lots. Outside the Beach Impact Area of the Parking Impact Overlay Zone, for *lots* that are 7,000 square feet or less, that existed before [ordinance adoption date], including abutting *lots* under common ownership, the parking requirements set forth in Table 142-05G may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05G determines the minimum number of required *off-street parking spaces*.

[No change in remainder of section.]

**SEC. 142.0555 Tandem Parking Regulations**

(a) [No change.]

(b) Tandem Parking for Commercial Uses. Tandem parking for commercial uses may

be approved through a Neighborhood Development Permit provided the tandem parking is limited to the following purposes:

- (1) [No change.]
- (2) Valet parking associated with restaurant use; and
- (3) [No change.]

**SEC. 142.0560 Development and Design Regulations for Parking Facilities**

(a) through (i) [No change.]

(j) Driveway and Access Regulations

- (1) For the uses described in Table 142-05L, the driveway width shall comply with the minimum and maximum widths shown.

**Table 142-05L  
Driveway Width**

Use	Minimum Width		Maximum Width	
	One-Way	Two-Way	One-Way	Two-Way
Detached <i>single dwelling unit</i> (other than RX Zones)	12 feet		25 feet, except within the Beach Impact Area of the Parking Impact Overlay Zone, where the maximum is 12 feet	
Dwelling unit in the RX Zone	12 feet		20 feet	
<i>Multiple dwelling unit</i>	14 feet	20 feet	20 feet	25 feet, except within the Beach Impact Area, where the maximum is 20 feet
Nonresidential	14 feet	24 feet	20 feet	30 feet, except within the Beach Impact Area, where the maximum is 25 feet

(2) through (10) [No change.]

(k) [No change.]

Section 30. That Chapter 14, Article 2, Division 7, of the San Diego Municipal Code is amended by amending section 142.0740, to read as follows:

**SEC. 142.0740 Outdoor Lighting Regulations**

(a) through (d) [No change.]

(e) On properties which are adjacent to or contain *sensitive biological resources*, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified *sensitive biological resource* areas.

**SEC. 142.1290 La Jolla Commercial and Industrial Sign Control District**

(a) through (c) [No change.]

(d) On-Premises *Sign* Regulations for Subdistrict A

(1) and (2) [No change.]

(3) *Freestanding Ground Signs*

Where the face of the building sets back from the *property line* more than 20 feet, one single-faced or double-faced freestanding *ground sign* is permitted, in addition to those on the building, in accordance with the following.

(A) No part of the *sign* shall extend over public property or have a height exceeding 20 feet measured from the base at ground level to the apex of the *sign*. In the Coastal Overlay Zone, however, no part of the sign shall exceed 8 feet in height.

(B) [No change.]

(e) On-Premises *Sign* Regulations

(1) *Freestanding Ground Signs*

(A) and (B) [No change.]

(C) Height Limit. 20 feet measured vertically from the *sign* base at ground level to the apex of the *sign*. Coastal Overlay Zone Height Limit. 8 feet measured vertically from the sign base at ground level to the apex of the sign.

(D) through (G) [No change.]

(2) and (3) [No change.]

(4) Identification *Signs*

(A) One single-faced or double-faced freestanding *sign* located adjacent to each entrance or exit driveway to a parking *lot* is permitted.

Such *signs* shall not exceed 12 square feet in area or a height of 12 feet measured from the base at ground level to the apex of the *sign*, except that in the Coastal Overlay Zone, the height of the sign shall not exceed 8 feet.

(B) [No change.]

(5) and (6) [No change.]

Section 31. That Chapter 14, Article 3, Division 1, of the San Diego Municipal Code is amended by amending sections 143.0101, 143.0110, 143.0111, 143.0112, 143.0115, 143.0126, 143.0130, 143.0141, 143.0142, 143.0143, 143.0144, 143.0145, 143.0150, 143.0151, 143.0152, and 143.0155, to read as follows:

**SEC. 143.0101 Purpose of Environmentally Sensitive Lands Regulations**

The purpose of these regulations is to protect, preserve and, where damaged, restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development*, including, but not limited to *coastal development* in the Coastal Overlay Zone, occurs in a manner that

protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of *development*, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of flood control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple Habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

**SEC. 143.0110 When Environmentally Sensitive Lands Regulations Apply**

This division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

(a) [No change.]

- (b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).
- (1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If *coastal development* is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.
- (2) and (3) [No change.]
- (4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* and the regulations of this division shall apply.
- (5) [Change to Table 143.01A.]

**Table 143-01A**  
**Applicability of Environmentally Sensitive Lands Regulations**

**Environmentally Sensitive Lands Potentially Impacted by Project**

Type of Development Proposal		Wetlands, listed non-covered species habitat <sup>(1)</sup>	Other Sensitive Biological Resources other than Wetlands and listed noncovered species habitat	Steep Hill-sides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains
1. Single dwelling units on individual lots equal to or less than 15,000 square feet <sup>(2)</sup>	R	143.0141(a),(b)	143.0141	143.0142 except (a) <sup>5</sup>	143.0143, 143.0144	143.0145
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. Single dwelling units on lots or multiple lots totaling more than 15,000 square feet	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. Multiple dwelling unit and non-residential development and public works projects	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. Any subdivision of a premises	R	143.0141(a),(b)	143.0141	143.0142 <sup>(3)</sup>	143.0143, 143.0144	143.0145
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)
5. Project-specific land use plans	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0145, 143.0115
	P	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
6. Any development that proposes deviations from any portion of the Environmentally Sensitive Lands Regulations	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 <sup>(4)</sup>	143.0143, 143.0144, 143.0150	143.0145, 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than single dwelling units on individual lots, that proposes alternative compliance for development area in steep hillsides.	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Three	--	--
	U	--	--	--	--	--

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

- (1) and (2) [No change.]
- (3) Outside the Coastal Overlay Zone, *subdivision of a premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).
- (A) through (E) [No change.]
- (4) [No change.]
- (5) Within the Coastal Overlay Zone, *single dwelling units* on individual *lots* equal to or less than 15,000 square feet are subject to Section 143.0142(a).
- (c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
- (1) Outside of the Coastal Overlay Zone, *Ddevelopment* on a *premises* containing *environmentally sensitive lands* when the *development* will not encroach into the *environmentally sensitive lands* during or after construction, if the property owner signs an acknowledgment that further *development* on the property is not permitted unless the *development* is reviewed and approved pursuant to this division and if the *development* proposal provides for the following:
- (A) and (B) [No change.]
- (C) A 100-foot *setback* from floodplains.
- (2) *Development* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure* and will not encroach into the *environmentally sensitive lands* during or after construction. For a *premises* containing a *sensitive coastal bluff*, any

addition shall observe a minimum 40-foot *setback* from the *coastal bluff edge*.

- (3) Outside the Coastal Overlay Zone, minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:
  - (A) through (E) [No change.]
- (4) [No change.]
- (5) Outside the Coastal Overlay Zone, city public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.
- (6) Outside the Coastal Overlay Zone, restoration projects where the sole purpose is enhancement or restoration of native habitats.
- (7) [No change.]

**SEC. 143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations**

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1001 and restoration of the on-site landform to a natural-appearing condition is required.
- (b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary *structure*

shall be subject to the steep hillside regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).

- (c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing primary *structures* or *public improvements*.
- (d) Outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).
- (e) through (h) [No change.]

**SEC. 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands**

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit* or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, no *development permit* application may be processed until the enforcement action has been concluded.

**SEC. 143.0115 Procedures and Regulations for Project-Specific Land Use Plans**

- (a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and future urbanizing area subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the

regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project specific land use plan is subject to the *Local Coastal Program* amendment process.

- (b) Where a Site Development Permit is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* is subject to the following regulations. However, where a Coastal Development Permit is required, the project must conform to the *Local Coastal Program*, as certified by the Coastal Commission.

(1) through (7) [No change.]

- (8) Any *coastal development* requiring a Coastal Development Permit must conform to the regulations in the certified *Local Coastal Program*. In case of conflict with the provisions of Section 143.0115(b)(1)-(7), the coastal development regulations apply.

- (c) Where a Site Development Permit is not requested concurrently with the processing of a project-specific *land use plan*, the proposed plan and subsequent Site Development Permits and/or Coastal Development Permits are subject to the following regulations.

(1) through (7) [No change.]

- (8) Any *coastal development* requiring a Coastal Development Permit must conform to the regulations in the certified *Local Coastal Program*. In case of conflict with the provisions of Section 143.0115(c)(1)-(7), the coastal development regulations apply.

**SEC. 143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands**

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

(a) and (b) [No change.]

(c) Within the Coastal Overlay Zone, a Coastal Development Permit is required for any *emergency coastal development* in accordance with Section 126.0718.

**SEC. 143.0130 Uses Allowed Within Environmentally Sensitive Lands**

Allowed uses within *environmentally sensitive lands* are those allowed in the applicable zone, except where limited by this section.

(a) *Sensitive Coastal Bluff Areas*. Permitted uses and activities in *sensitive coastal bluff* areas, as indicated on Map Drawing No. C-713, are limited to the following:

(1) through (6) [No change.]

(7) *Open fences* and walls for public safety, provided they do not interfere with existing or designated public or visual access ways;

(8) through (11) [No change.]

(12) Bluff repair and erosion control measures, when necessary to protect existing primary *structures* and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

(b) *Coastal Beach Areas*. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:

(1) through (4) [No change.]

- (5) Shoreline protective works when necessary to prevent bluff and beach erosion and to protect coastal dependent uses, public beach roadways, or existing primary *structures* in danger from wave action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
  - (6) Public stairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and
  - (7) [No change.]
- (c) *Floodways*. [No change.]
- (d) Wetlands in the Coastal Overlay Zone. Uses permitted in wetlands shall be limited to the following:
- (1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;
  - (2) Wetland restoration projects where the primary purpose is restoration of the habitat;
  - (3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.
- (e) Wetland Buffer Areas in the Coastal Overlay Zone. Permitted uses in wetland buffer areas shall be limited to the following:
- (1) Public Access paths;
  - (2) Fences;
  - (3) Restoration and enhancement activities; and
  - (4) Other improvements necessary to protect wetlands.

**SEC. 143.0141 Development Regulations for Sensitive Biological Resources**

*Development* that proposes *encroachment* into *sensitive biological resources* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

- (a) State and federal law precludes adverse impacts to *wetlands* or listed non-covered species habitat. The *applicant* shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the *development* proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. *Grading* or *construction permits* shall not be issued for any project that impacts *wetlands* or Listed non-covered species habitat until all necessary federal and state permits have been obtained.
- (b) Outside and inside the *MHPA*, impacts to *wetlands*, including vernal pools in naturally occurring complexes, shall be avoided. A *wetland buffer* shall be maintained around all *wetlands* as appropriate to protect the functions and values of the *wetland*. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.
- (c) through (h) [No change.]
- (i) All *development* occurring in *sensitive biological resources* is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the

Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact.

(1) through (3) [No change.]

(j) and (k) [No change.]

#### **SEC. 143.0142 Development Regulations for Steep Hillsides**

*Development* that proposes *encroachment* into *steep hillsides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

##### **(a) Allowable Development Area**

- (1) Inside of the *MHPA*, the allowable development area is determined in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b). However, within the Coastal Overlay Zone, *coastal development* is permitted only if in conformance with Section 143.0142(a)(4) and the certified *Local Coastal Program*.
- (2) Outside of the *MHPA*, the allowable development area includes all portions of the *premises* without *steep hillsides*. *Steep hillsides* shall be preserved in their natural state, except that *development* is permitted in *steep hillsides* if necessary to achieve a maximum development area of 25 percent of the premises. However, within the Coastal Overlay Zone, *coastal development* on *steep hillsides* shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142(a)(4).

(3) Outside of the *MHPA* and outside the Coastal Overlay Zone, up to an additional 15 percent development area is permitted only as follows and as long as the total development area does not exceed 40 percent of the *premises*, pursuant to the Steep Hillside Guidelines in the Land Development Manual:

(A) through (C) [No change.]

(4) Within the Coastal Overlay Zone, *steep hillsides* shall be preserved in their natural state and *coastal development on steep hillsides* containing *sensitive biological resources* or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such *steep hillsides* to the maximum extent possible.

(A) When encroachment onto such *steep hillsides* is unavoidable, encroachment shall be minimized; except that encroachment is permitted in such *steep hillsides* to provide for a development area of up to a maximum of 25% of the *premises* on *premises* containing less than 91% of such *steep hillsides*. On *premises* containing 91% or greater of such steep hillsides, the maximum allowable development area is 20% of the *premises*; however, an additional 5% encroachment into such *steep hillsides* may be permitted if necessary to allow an economically viable use, pursuant to the Steep Hillside Guidelines.

(B) For the purposes of this section the development area shall include Zone 1 brush management pursuant to the Landscape Regulations in Chapter 14, Article 2, Division 4.

(C) Up to an additional 15% of encroachment onto such *steep hillsides* is permitted for the following:

(1) Major public roads and collector streets identified in the Circulation

Element of an applicable *land use plan*;

- (2) Public utility systems;
- (3) In the North City Local Coastal Program Land Use Plan areas only:

Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site containing slopes of less than twenty-five (25%) 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 City Manager based upon an analysis of the project site.

- (D) For the purposes of Section 143.0142, 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 (including Zone 1 brush management).

- (E) In the approval of any Coastal Development Permit for a *subdivision*, and any other division of land, including lot splits, no encroachment into *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted, and the decision maker shall require a minimum 30 foot setback from Zone 1 brush management for *coastal development* from such *steep hillsides*.

(b) through (f) [No change.]

(g) Erosion Control Measures

- (1) Outside the Coastal Overlay Zone, erosion control measures are not subject to the 25 percent development area regulations in Section 143.0142(a), but are subject to the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual. Within the Coastal Overlay Zone, erosion control measures are subject to Section 142.0142(a)(4).
- (2) Air-placed concrete, including gunite or shotcrete, *retaining walls*, *buttress fills*, and other similar erosion control measures may be allowed only if determined to be the only feasible means of erosion control to protect the existing primary *structures or public improvements*.

(A) and (B) [No change.]

- (h) All development on *steep hillsides* located in La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla - La Jolla Shores *Local Coastal Program land use plan*.

**SEC. 143.0143 Development Regulations for Sensitive Coastal Bluffs**

*Coastal development on premises* containing sensitive *coastal bluffs*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) through (d) [No change.]

- (e) Before approval of any *development permit*, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.

(f) All *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

(1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the *primary structures*, and no shoreline protection is required. Reductions from the 40-foot setback shall be approved only if the geology report concludes the *structure* will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the *structure*. In addition, the applicants shall accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:

(A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;

(B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;

(C) An analysis of the potential effects of past and projected El Nino events on bluff stability;

(D) An analysis of whether this section of coastline is under a process of retreat.

(2) *Accessory structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the *coastal bluff edge* provided,

however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, *fences* and walls, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, buildings, pools, spas, and upper *floor* decks with load-bearing support *structures*.

- (3) *Open fences* may be permitted closer than 5 feet to the *coastal bluff edge* only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.
- (4) Essential public drainage facilities and public walkways leading to permitted beach access facilities may be installed within the 5-foot *coastal bluff edge setback* provided they are designed to minimize impacts to the *coastal bluff face* and *coastal beach* areas.

(g) *Coastal bluff* repair and erosion control measures may occur on the bluff face only if they comply with the following:

- (1) *Coastal bluff* repair and erosion control measures may be allowed on the *coastal bluff face* only if determined to be the only feasible means of erosion control and when necessary, to protect the existing primary *structures* or to protect *public improvements* that cannot feasibly be relocated.
- (2) [No change.]
- (3) The *applicant* shall submit a *geotechnical report* that documents the need for an erosion control measure to the City Manager. The *geotechnical report* shall identify the type and design of the erosion control measure necessary for protection of the existing primary *structures*, based upon site-specific conditions

and analysis of alternatives. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

(4) and (5) [No change.]

- (h) Essential public facilities including drainage facilities, stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face if identified in an approved *land use plan* or if located in an area historically used by the public.

These facilities shall be designed to minimize impacts to the bluff face and beach area.

(i) [No change.]

- (j) Public views shall be preserved pursuant to Section 132.0403.

- (k) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises* shall be offered, as a public easement as a condition of Coastal Development Permit approval, for *dedication* whenever all of the following conditions exist:

- (1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway paralleling the sea, as defined within the California Coastal Commission Regulations.

(2) [No change.]

- (3) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable *land use plan*, justify the requirement for a vertical accessway.

#### **SEC. 143.0144 Development Regulations for Coastal Beaches**

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062, and *coastal development* is subject to the

following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

(a) and (b) [No change.]

(c) Public views shall be preserved pursuant to Section 132.0403.

(d) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* as a public easement as a condition of Coastal Development Permit approval whenever both of the following conditions exist:

(1) [No change.]

(2) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable land use plan, justify the requirement for a vertical accessway.

(e) An easement for public access and passive recreational uses located along the shoreline paralleling the water's edge shall be offered for *dedication* as a public easement as a condition of *development permit* approval. The easement shall have a minimum width of 25 feet measured from the toe of an existing *bluff*, the first line of terrestrial vegetation where there is no *coastal bluff*, or an existing or proposed seawall or other protective device seaward to the mean high tide line whenever both of the following conditions exist:

(1) [No change.]

(2) The proposed *development* will fix the location of the back of the beach, encroach onto the shoreline or cause other impacts which justify the requirement for the easement.

(f) For applications involving a shoreline protective work, the *applicant* shall submit a

geotechnical report that documents the need for the erosion control measure to the City Manager. If the geotechnical report documents an existing primary *structure* is in danger from erosion, the geotechnical report shall identify the type and design of the protective device necessary to protect the existing primary *structure*, and other feasible alternatives to reduce the risk and address site-specific hazardous conditions. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.

- (g) Air-placed concrete, including gunite or shotcrete, retaining walls, seawalls, fills or other similar erosion control measures shall be permitted only when necessary to protect an existing primary *structure* and when determined to be the least environmentally damaging feasible alternative pursuant to the California Environmental Quality Act. Mitigation for impacts to local shoreline sand supply shall be required.
- (h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
- (i) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by The City of San Diego or other public agency, or on lands subject to the public trust, the *applicant* shall provide written permission from the City Manager or public property owner before approval of any *development permit*. Documentation of this approval shall be recorded with the conditions of *development permit* approval. When an erosion control device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be

required to compensate for the use of public property and to mitigate the impacts of the protective device on the public beach.

- (j) Mitigation for impacts on State tidelands or public beach may include, but not be limited to, a mitigation fee to be used for beach and sand replenishment within the littoral cell of the project. The fee shall be roughly proportional to the value of the beach area lost as a result of the protective device and shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

#### **SEC. 143.0145 Development Regulations for Floodplains**

[No change to first paragraph.]

(a) *Floodways*

(1) and (2) [No change.]

(3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:

(A) and (B) [No change.]

(C) Projects where the primary function is the improvement of fish and wildlife habitat.

(4) through (6) [No change.]

(7) Within the Coastal Overlay Zone, no *structure* or portion thereof shall be erected, constructed, converted, established, altered or enlarged, or no landform alteration *grading*, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division shall be permitted, provided:

(A) Parking lots, new roadways and roadway expansions shall be allowed only

where indicated on an adopted *Local Coastal Program land use plan*.

(B) Floodway encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the one hundred (100) year frequency flood, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).

(b) *Floodplain Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:

(1) Within the *floodplain fringe* of a *100-year floodplain*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:

(A) and (B) [No change.]

(C) *Grading* and *filling* are limited to the minimum amount necessary to accommodate the proposed *development*, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and *wetlands* hydrology is maintained;

(D) [No change.]

(E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.

(F) The design of the *development* incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.

(2) [No change.]

(c) [No change.]

**SEC. 143.0150 Deviations from Environmentally Sensitive Lands Regulations**

Plans submitted in accordance with this section shall, to the maximum extent feasible, comply with the regulations of this division. If a proposed *development* does not comply with all applicable development regulations of this division and a deviation is requested as indicated in Table 143-01A, the Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit in accordance with Process Four, subject to the following:

(a) and (b) [No change.]

(c) Within the Coastal Overlay Zone, deviations from the Environmentally Sensitive Lands Regulations may be granted only if the decision maker makes the *findings* in Section 126.0708.

**SEC. 143.0151 Alternative Compliance for Steep Hillside Development Area Regulations**

Proposed *developments* that do not comply with the development area regulations of Section 143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

(a) through (d) [No change.]

(e) Alternative compliance shall not be considered for lands that are within the Coastal Overlay Zone.

**SEC. 143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations**

As authorized by California Government Code Section 65871, the owner of any *premises* affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

(a) and (b) [No change.]

(c) In the Coastal Overlay Zone, the covenant of easement shall be required as a condition of approval at the *tentative map* stage of *coastal development* rather than at subsequent stages to the extent possible.

**SEC. 143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations**

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches Guidelines, and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to this division. Any revisions to these guidelines will require review and approval of the Coastal Commission as an amendment to the City's certified *Local Coastal Program*.

Section 32. That Chapter 14, Article 3, Division 2, of the San Diego Municipal Code is amended by amending sections 143.0212, 143.0214, 143.0220, 143.0225, 143.0250, and 143.0260, to read as follows:

**SEC. 143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources**

(a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps.

(b) [No change.]

(c) The City Manager shall determine the need for a site-specific survey within 10 *business days* of application for a *construction permit* or within 30 calendar days of application for a *development permit* . A site-specific survey shall be required when the City Manager determines that a *historical resource* may exist on the parcel. If the City Manager determines that a site-specific survey is not required within the specified time period, a permit in accordance with Section 143.0210 shall not be required.

(d) [No change.]

**SEC. 143.0214 Emergency Authorization When Historical Resources Are Present**

Whenever *development* activity on a *premises* containing *historical resources*, or for any parcel identified as containing a *historical resource* in any community plan or in an historical resource inventory, or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of work necessary to protect the public health or safety, subject to the following:

(a) through (c) [No change.]

- (d) An emergency Coastal Development Permit may be required. If so, any permanent *coastal development* allowed under the emergency permit must be authorized through a follow-up Coastal Development Permit submitted within 60 days of the date of issuance of the emergency permit.

**SEC. 143.0220 Development Exempted from the Requirement to Obtain a Development Permit for Historical Resources**

The following *development* activities are exempt from the requirement to obtain a Neighborhood Development Permit or Site Development Permit. However, in all cases a *construction permit* is required.

- (a) [No change.]
- (b) Interior modifications or repairs or the ordinary maintenance or repair of any exterior architectural feature in or on any *historical building* or *historical structure* that does not adversely affect the special character or special historical, architectural, or cultural value or designated interior elements of the property consistent with the Secretary of Interior's Standards and Guidelines. Exterior architectural features shall mean the architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of an improvement or *structure*, including the type of building materials and the type and style of all windows, doors, lights, *signs*, and other fixtures appurtenant to the improvement or *structure*.
- (c) through (i) [No change.]
- (j) Outside of the Coastal Overlay Zone, public works projects for which plans, specifications, and funding have been approved by the City Council or the City Manager before July 1, 1991.

**SEC. 143.0225 Limited Exceptions from the Historical Resources Regulations**

The decision maker may grant an exception from the 25 percent *encroachment* limitation

for *important archaeological sites* according to Section 143.0253 for brush management activities in Zone 2 provided that the following circumstances exist:

(a) through (e) [No change.]

**SEC. 143.0250 General Development Regulations for Historical Resources**

*Development* that does not qualify for an exemption pursuant to Section 143.0220 is subject to the following regulations and the Historical Resources Guidelines of the Land Development Manual.

(a) through (g) [No change.]

**SEC. 143.0260 Deviations from the Historical Resources Regulations**

(a) If a proposed *development* cannot to the maximum extent feasible comply with this division, a deviation may be considered in accordance with decision Process Four.

(b) and (c) [No change.]

Section 33. That Chapter 14, Article 3, Division 4, of the San Diego Municipal Code is amended by amending sections 143.0440 and 143.0450, to read as follows:

**SEC. 143.0440 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones**

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

(1) through (3) [No change.]

(4) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the

calculation of total permitted residential *density*.

(b) [No change.]

(c) Open Space Requirement

(1) through (3) [No change.]

(4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(5) Within the future urbanizing area and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

**SEC. 143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density**

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within the future urbanizing area. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

(a) *Density*

(1) and (2) [No change.]

(3) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total permitted residential *density*.

(b) [No change.]

(c) Open Space Requirements

(1) through (5) [No change.]

(6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within the future urbanizing area and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) Except within the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0450(c)(6) may be used in the calculation of total required open space.

(d) [No change.]

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

(1) [No change.]

(2) Except within the Coastal Overlay Zone, Section 143.0450(e)(1) shall not apply to any project for which an application was *deemed complete* on or before December 10, 1990, and which includes a golf course that is open to the public provided, however, that any such project shall fully participate in the Public Facilities Financing Plan, Interim Fees, and the *school* Facilities Master Plan, and that a development agreement shall be executed for the project.

Section 34. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 35. That City departments as instructed not to issue any permit for development inconsistent with the provisions of the Land Development Code unless application for such permit was submitted and deemed complete by the City Manager prior to the date the Land Development Code becomes effective.

Section 36. That the Land Development Code as approved by Ordinance No. O-18451 and as revised by this ordinance shall take effect and be in force on January 1, 2000, provided that on or before November 5, 1999, the California Coastal Commission has effectively certified The City of San Diego Local Coastal Program Amendment, including the revised Steep Hillside Guidelines submitted pursuant to Resolution No. R-\_\_\_\_\_ (R-99-1165). If the Coastal Commission effectively certifies the Local Coastal Program Amendment and revised Steep Hillside Guidelines after November 5, 1999, the Land Development Code shall be in force and become effective on the sixtieth day after the date of effective certification of both.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard

Prescilla Dugard  
Deputy City Attorney,

PD:cdk

05/13/99

07/19/99 COR. COPY

Or.Dept:Plan.&Dev.Rev.

O-99-116

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Passed and adopted by the Council of The City of San Diego on  
OCT 18 1999 by the following vote:

YEAS: MATHIS, WEAR, KEHOE, STEVENS, WARDEN, STALLINGS,  
MCCARTY, VARGAS.

NAYS: NONE.

NOT PRESENT: MAYOR GOLDING.

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

(Seal)

By: Lori A. Witzel, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. O- 18691 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on SEP 28 1999 and on OCT 18 1999.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

(Seal)

By: Lori A. Witzel, Deputy





San Diego Municipal Code

# Land Development Code

**DRAFT**

## Coastal Bluffs & Beaches Guidelines

May 1999

Revised  
May 1999

Note: This Draft Document was Adopted by City Council on \_\_\_\_\_.  
The regulations do not become effective until after certification by the  
California Coastal Commission.

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



printed on recycled paper

Table of Contents

COASTAL BLUFFS AND BEACHES GUIDELINES INTRODUCTION .....	1
<b>Section I: Explanation of Definitions .....</b>	<b>2</b>
(A) Coastal Bluff .....	2
(B) Sensitive Coastal Bluff .....	2
(C) Coastal Beach .....	3
(D) Coastal Bluff Edge .....	3
(E) Coastal Bluff Face .....	4
<b>Section II: Description of Regulations .....</b>	<b>5</b>
(A) 143.0143(a) Development on the Face of a Sensitive Coastal Bluff .....	5
(B) 143.0143(c) Irrigation on Coastal Bluffs .....	5
(C) 143.0143(f) Distance from Coastal Bluff Edge of Sensitive Coastal Bluffs .....	5
(D) 143.0143(g) Erosion Control Measures .....	6
(E) 143.0143 (j) Visual Corridors for Sensitive Coastal Bluffs .....	7
(F) 143.0143 (k) Vertical Public Access Easements for Sensitive Coastal Bluffs .....	7
(G) 143.0144(a) Development on Coastal Beaches .....	8
(H) 143.0144(c) Visual Corridors for Coastal Beaches .....	10
(I) 143.0144 (d) and (e) Vertical and Lateral Easements for Coastal Beaches .....	10
<b>Section III: Bluff Measurement Guidelines .....</b>	<b>12</b>
(A) Determination of Coastal Bluff Edge for Sensitive Coastal Bluffs .....	12
(1) Simple Bluff .....	12
(2) Step-like Bluff Formation: .....	12
(3) Sensitive Coastal Bluff with a Seawall .....	13
(4) Modified Landform .....	14
(5) Sea caves .....	14
(6) Gullies .....	15
(7) Coastal Canyons .....	15
(B) Measurement of Distance from Coastal Bluff Edge for Sensitive Coastal Bluffs .....	16

**Diagrams**

Diagram I-1: Coastal Bluff .....	2
Diagram I-2: Sensitive Coastal Bluff .....	3
Diagram I-3: Coastal Beach .....	3
Diagram I-4: Coastal Bluff Face .....	4
Diagram III-1: Simple Bluff .....	12
Diagram III-2: Step-like Bluff Formation .....	13
Diagram III-3: Sensitive Coastal Bluff with a Seawall .....	13
Diagram III-4: Modified Landform .....	14
Diagram III-5: Sea Caves .....	14
Diagram III-6: Gully .....	15
Diagram III-7: Coastal Canyon .....	15
Diagram III-8: Distance from Coastal Bluff Edge .....	16

## COASTAL BLUFFS AND BEACHES GUIDELINES INTRODUCTION

The Coastal Bluffs and Beaches Guidelines are intended to assist in the interpretation and implementation of the development regulations for sensitive coastal bluffs and coastal beaches contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations. Every development proposed on a sensitive coastal bluff (within 100 feet of the bluff edge) or on a site containing a coastal beach (where the development will be within 100 feet of the beach) will be subject to the environmentally sensitive lands regulations and will be evaluated for conformance with these guidelines as part of the review process for the required Site Development Permit unless the proposed development is exempt from the environmentally sensitive lands regulations pursuant to Section 143.0110(c). In addition to the findings required for the Site Development Permit, supplemental findings for environmentally sensitive lands must also be made to approve the development. A Coastal Development Permit will be required in addition to the Site Development Permit for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407.

The Coastal Bluffs and Beaches Guidelines are divided into three sections as follows:

### Section I: Explanation of Definitions

This section provides additional explanations of the definitions for terms pertaining to coastal bluffs and coastal beaches that are defined in Chapter 11, Article 3, Division 1, Land Development Terms. The distinction between coastal bluffs and sensitive coastal bluffs is clarified.

### Section II: Description of Regulations

This section provides detailed explanations for specific regulations contained in the environmentally sensitive lands regulations. The environmentally sensitive lands regulations must be complied with and the Coastal Bluffs and Beaches Guidelines provide details on the regulations and explanations on how compliance can be achieved.

### Section III: Coastal Bluff Measurement Guidelines

This section provides detailed guidelines and illustrations for determining the location of the bluff edge for sensitive coastal bluffs and measuring the required setbacks from the bluff edge.

## Section I Explanation of Definitions

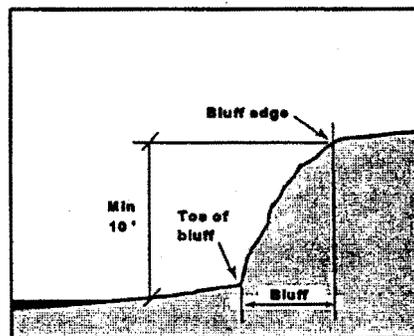
For each of the following terms, the definition is repeated (in italics) from Chapter 11, Article 3, Division 1, Land Development Terms, followed by additional information intended to clarify the definitions. The additional information provided is not part of the definition.

### (A) Coastal Bluff

*Coastal Bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, or folding of the land mass that has a vertical relief of 10 feet or more and is located in the coastal zone.*

A coastal bluff is a naturally formed precipitous landform that generally has a gradient of at least 200 percent (1:2 slope) with a vertical elevation of at least 10 feet. See Diagram I-1. The gradient of a coastal bluff could be less than 200 percent but the vertical elevation must always be at least 10 feet. A coastal bluff is a form of environmentally sensitive lands that is included in the definition of steep hillsides. The coastal bluff includes the bluff face which is all the area between the toe of the bluff and the bluff edge. Steep Landforms meeting the criteria of coastal bluffs occur both inside and outside the Coastal Zone. These landforms and all other steep hillsides, both inside and outside the Coastal Zone, are regulated by the steep hillside regulations of the environmentally sensitive lands regulations (Section 143.0142) and are subject to the Steep Hillside Guidelines.

Diagram I-1: Coastal Bluff



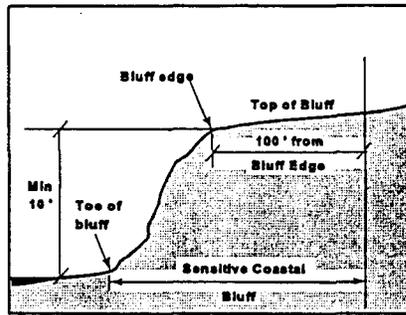
### (B) Sensitive Coastal Bluff

*Sensitive Coastal Bluff means a coastal bluff that is designated within Hazard Category Numbers 41 through 47, inclusive, on the City's Geologic Hazard Maps plus the area of an additional 100-foot landward strip located landward and contiguous to the coastal bluff edge.*

Sensitive coastal bluffs are a form of coastal bluffs that are generally located along the shoreline and adjacent to coastal beaches. Sensitive coastal bluffs include the bluff face and the area of the top of bluff located within 100 feet of the bluff edge. See Diagram I-2. Because of their location, sensitive coastal bluffs are regulated differently than other coastal bluffs (or steep hillsides). Although they technically meet the definition of steep hillsides,

sensitive coastal bluffs are regulated by a separate regulation section in the environmentally sensitive lands regulations (Section 143.0143) and are subject to the Coastal Bluffs and B Beaches Guidelines.

Diagram I-2: Sensitive Coastal Bluff

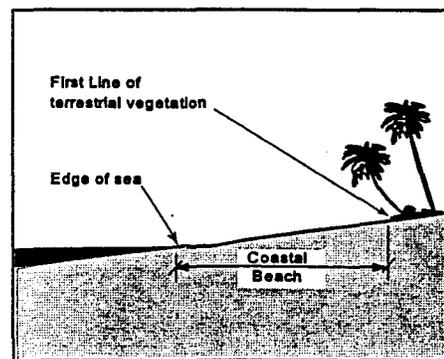
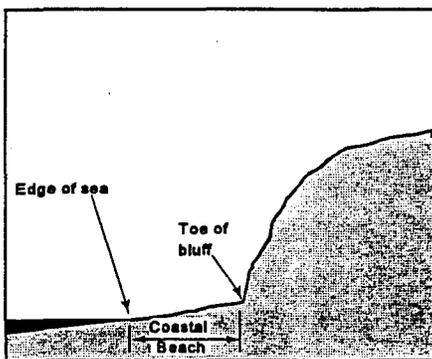


(C) Coastal Beach

*Coastal Beach means the land between the edge of the sea and the first line of terrestrial vegetation or development or the toe of an adjacent sensitive coastal bluff or seawall, whichever is most seaward.*

A coastal beach is an Environmentally Sensitive Land that is generally defined as the land lying between the shoreline and the toe of the adjacent sensitive coastal bluff or seawall. If a seawall exists, the landward limit of the beach is still the toe of the bluff. The seawall would represent a seaward encroachment onto the beach. If no seawall or bluff exists, the landward limits of the coastal beach shall be the first line of terrestrial vegetation. See Diagram I-3

Diagram I-3: Coastal Beach



(D) Coastal Bluff Edge

*Coastal Bluff Edge means the seaward-most termination of the top of a sensitive coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face.*

The coastal bluff edge is the upper termination of a coastal bluff face where the downward gradient of the top of bluff increases more or less continuously until it reaches the general gradient of the bluff face. When the top edge of the coastal bluff is rounded away from the bluff face as a result of erosional processes related to the presence of the bluff face, the coastal bluff edge shall be defined as that point at the top of bluff nearest the bluff face beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff face. If evidence shows that the rounding is a result of geologic processes other than processes related to the presence of the bluff face, the location of the coastal bluff edge shall be determined through consideration of the available geologic data.

In a case where there is a step like feature at the top of the coastal bluff, the landward edge of the topmost riser shall be considered the coastal bluff edge.

The coastal bluff edge is a continuous line across the entire length of the coastal bluff on the premises from which all bluff setbacks shall be measured.

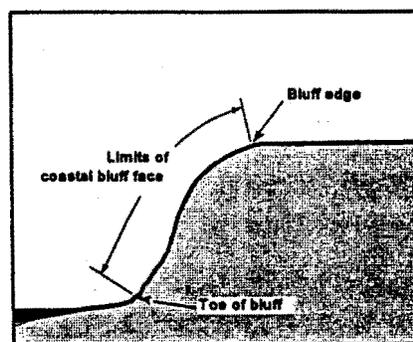
See Section III, part (A) for details on determining the location of the coastal bluff edge for sensitive coastal bluffs.

#### (E) Coastal Bluff Face

*Coastal Bluff Face means that portion of a sensitive coastal bluff lying between the toe of the existing bluff and the coastal bluff edge.*

The coastal bluff face is vertical or contains a relatively steep consistent gradient and may be rounded at the top, adjacent to the coastal bluff edge. When the bluff is rounded at the top as a result of erosional processes due to the presence of the bluff face, the bluff face shall include the rounded portion. The coastal bluff face of a sensitive coastal bluff (at least at the toe of the bluff) is typically subject to marine erosion. See Diagram I-4.

Diagram I-4: Coastal Bluff Face



Generally, no development is permitted on the face of a sensitive coastal bluff, except as permitted in Section 143.0143(h) and (I) of the Environmentally Sensitive Lands regulations.

## Section II Description of Regulations

The regulations for development proposed on a sensitive coastal bluff are located in Section 143.0143. The regulations for development proposed on a site containing a coastal beach are located in Section 143.0144. The following guidelines are intended to aide in the interpretation and implementation of pertinent development regulations in these sections. The numbers referenced for each development regulation refer to the Code section numbers of the draft environmentally sensitive lands regulations. The text provided for each regulation does not repeat the Code language but rather restates the regulation with more details and explanations.

### (A) 143.0143(a) Development on the Face of a Sensitive Coastal Bluff

In general, development is not permitted on the face of a sensitive coastal bluff. Only erosion control facilities, essential public drainage facilities, and public physical beach access facilities are permitted on the face of a sensitive coastal bluff, subject to the regulations in Section 143.0143(g) and (h). Other uses identified in Section 143.0130(a) are permitted on the sensitive coastal bluff, landward of the bluff edge, and only in compliance with the required setbacks from the bluff edge, pursuant to Section 143.0143(f).

Where a stepped bluff landform exists, all of the area of the site that is seaward of the bluff edge (measured at the uppermost riser within the premises) shall be considered the bluff face. This shall include the generally horizontal steps that are below the uppermost riser.

### (B) 143.0143(c) Irrigation on Coastal Bluffs

Plant material used on or adjacent to coastal bluffs shall be native or naturalized to minimize the need for irrigation beyond initial plant establishment. Permanent irrigation is not permitted on Coastal bluffs. Temporary irrigation, consisting of microsprayers and/or drip irrigation, may be permitted on a case-by-case basis as necessary to establish native or naturalized plant materials. Irrigation shall be removed from the bluff upon establishment of the plant materials.

### (BC) 143.0143(f) Distance from Coastal Bluff Edge of Sensitive Coastal Bluffs

Development proposed on a sensitive coastal bluff, including primary and accessory structures, and grading, shall be located at least 40 feet landward from the coastal bluff edge, except as follows:

- (1) A distance of more than 40 feet from the coastal bluff edge may be required based on current geologic conditions.
- (2) Development may be located less than 40 feet but not less than 25 feet from the coastal bluff edge if there is evidence in a geology report that the site is stable enough to support the development at the proposed distance and if the development will neither be subject to nor contribute to significant geologic instability or require a shoreline or bluff erosion control device. In determining the stability of the sensitive coastal bluff, consideration shall be given to the rate of bluff retreat to determine whether the proposed development will be impacted within a reasonable economic life-span, taken to be 75 years. If a development is approved with a less-than-40-foot distance to the coastal bluff edge, future erosion control measures may be are precluded. if it

~~cannot be demonstrated that the bluff stability is in danger.~~ Air-placed concrete, retaining walls and seawalls will only be permitted when the principal structure, or public improvements not capable of being relocated, are in eminent danger. Less environmentally damaging alternatives that reduce risk and avoid the need to significantly alter the natural landforms of the beach and/or bluff shall be considered as feasible.

Note: If a seawall (or other stabilization/ erosion control measure) has been installed due to excessive erosion on a premises, that premises shall not qualify for a reduction of the required 40-foot distance to the coastal bluff edge. Since the instability of the coastal bluff necessitated the installation of the seawall, the coastal bluff would not be considered stable enough to support development within the 40-foot bluff edge setback.

- (3) A distance of five feet from the coastal bluff edge may be granted for landscape features and accessory structures that are located at grade so that they are not elevated at the base or constructed with a raised floor and are capable of being relocated. Permitted features and structures include landscaping, paved walkways, at-grade decks, unenclosed patios, open shade structures, lighting standards, fences and walls, seating benches, and signs. A distance of five feet from the coastal bluff edge may not be granted for buildings, garages, carports, pools, spas, and raised decks with load bearing support structures.
- (4) ~~Fences on the side property lines are not subject to a distance requirement from the coastal bluff edge as long as the fence is an open fence and does not exceed 5 feet in height. This type of fence may extend to the coastal bluff edge only when it is located at the side property line, but in no case may the fence extend onto the coastal bluff face. Any fence proposed across the coastal bluff (i.e. parallel to the coastal bluff edge) must be set back at least 5 feet from the coastal bluff edge, unless it is determined that the fence is needed to provide safety and to protect resource areas, in which case such fence must be an open fence and shall not exceed a height of 5 feet. Open fences may be permitted closer than 5 feet to the coastal bluff edge only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.~~

(E) 143.0143(g) Erosion Control Measures

Erosion control measures include, but are not limited to, retaining walls, air-placed concrete, and other structures, devices or methods appropriate for controlling or minimizing erosion of the sensitive coastal bluff. All feasible methods of erosion control shall be considered, including sandbags, revegetation, and drainage diversion and improvements.

Erosion control measures do not include those preventive measures required for soil stabilization or drainage.

Air-placed concrete, retaining walls, and buttress fills shall only be used to protect existing principle structures, or public improvements not capable of being relocated, and if it is determined that no other feasible less impacting method will accomplish the erosion control. Alternatives may include relocation or removal of existing improvements, if feasible, to avoid significant alteration of the bluff. Such measures

shall not be used to accommodate proposed development nor to increase the area of the top of bluff.

The installation of erosion control measures shall not affect the location of the coastal bluff edge.

(DE) 143.0143 (j) Visual Corridors for Sensitive Coastal Bluffs

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. ~~If a visual corridor is feasible, and all criteria in Section 143.0143(j) are met, the appropriate corridor shall be required as a condition of development approval pursuant to Section 132.0403. If there is an existing or potential public view on premises that lie between the shoreline and the first public roadway, but the site is not designated in a land use plan as a view corridor, it is intended that views to the ocean shall be preserved or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and to prevent a walled effect from development. If there is an existing or potential public view and the site is designated in the applicable land use plan as a view corridor or within a public viewshed, it is intended that such critical views to the ocean be maintained or restored by designing and siting the coastal development in such a manner as to preserve the identified public view.~~ Consideration may be given to the development of the adjacent property in determining the appropriate width of the view corridor on the subject premises, so that the overall width of the corridor is at least 10 feet when measured across both properties. Any such required corridor shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not significantly obstruct public views to the ocean. Landscaping shall be maintained such that during growing stage and at maturity, it will not encroach into the view corridor or obstruct public views to the ocean.

When remodeling is proposed to an existing structure and the existing development is to be retained which precludes the establishment of a 10-foot wide visual corridor, the preservation of any partial existing visual corridor on the premises will be accepted provided that the existing visual corridor is not reduced through the proposed remodeling.

(EE) 143.0143 (k) Vertical Public Access Easements for Sensitive Coastal Bluffs

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon vertical access to the ocean. If the impacts of the proposed development justify in nature and scope the need for such access, the appropriate easements shall be required as a condition of development approval. Any such required easements shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede access shall be installed within the boundaries of any required vertical access easement. Open fencing and landscaping may be installed within vertical easements provided such improvements do not hinder access or significantly obstruct views to the ocean.

If vertical access is determined to be required on a premises where there is evidence that such access exists,

the existing access shall be retained, if feasible, through the easement requirement. If not feasible, an alternative access easement shall be provided on the same premises.

In determining whether the proposed development justifies the need for the requirement of a vertical public access easement, the following factors shall be considered:

- Appropriateness of access
- Privacy rights of landowner
- Existing public access
- Historic public use
- Intensification of land use
- Habitat values of the site
- Topographic constraints of the site
- Fragility of environmentally sensitive lands in the vicinity
- Nature of development in the vicinity
- Development's effect on current and projected demands for access and recreation
- Physical obstructions and the aesthetic, visual or recreational value of public use areas
- Recreational needs of the public
- Impact of development on public's use of beach areas

(FG) 143.0144(a) Development on Coastal Beaches

Any site that contains any portion of a coastal beach shall be subject to a Site Development Permit unless the proposed development qualifies for an exemption pursuant to Section 143.0110(c). A Coastal Development Permit will be required, regardless of whether a Site Development Permit is required, for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407. The uses permitted on the coastal beach are only those listed in Section 143.0130(b), all of which are public facilities, with the exception of shoreline protective works. If a privately owned premises contains a coastal beach, the private development shall occur on the portion of the premises that does not contain the coastal beach. If no such area exists or if such area is infeasible for development, a deviation from the environmentally sensitive lands regulations must be requested with the Site Development Permit. However, deviations from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone shall be approved only after the decision maker makes an economically viable use determination and findings pursuant to Section 126.0708(e).

In review of permit applications for shoreline protective works, the City Manager shall determine if the protective device is located on State tidelands or lands subject to the public trust, or if it is located on City or publicly-owned beach or on private property. The ownership of the beach and location of the protective device will determine whether the Coastal Development Permit is issued by the City or by the Coastal Commission. The Coastal Commission retains Coastal Development Permit authority for development proposed on tidelands, submerged lands or public trust lands; therefore, a mapped representation of the mean high tide line as it currently exists must accompany any permit application for a shoreline protective device.

Where erosion control devices are proposed to encroach upon or affect any portion of property owned by the City of San Diego or other public agency, or on lands subject to the public trust, the applicant shall provide written permission from the City Manager or public property owner before approval of any permit.

If the protective device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be required to compensate for the use of public property and to mitigate the impacts of the protective device on public beaches.

Additionally, Section 143.0144 of these regulations requires that shoreline protective devices incorporate mitigation for adverse impacts on shoreline sand supply. Such impacts include, but are not limited to, loss of the sandy beach on which the structure is located, fixing the back beach, halting the supply of bluff material to the littoral zone, increasing scour and causing changes to the beach immediately seaward of and adjacent to the protective device. The submitted geology report must include site-specific information that will allow the City Manager to determine whether the proposed protective device will have any of these or other adverse effects on shoreline sand supply, use of public beach, the beach area or the bluff landform, wither immediately or over time. The City Manager will consider all feasible design changes that will eliminate or minimize any identified impact from the proposed project. Examples of design changes include, but are not limited to, modifications to the type of structure, relocation of the proposed structure further landward, reducing the size of the extent of the protective device, etc.

Some of the effects which a shoreline protective device may have on natural shoreline processes can be quantified. The Coastal Commission has developed a Beach Sand Mitigation Program within the County of San Diego which includes a methodology by which the following impacts associated with protective devices can be quantified:

1. Loss of beach area on which the structure is located;
2. The long-term loss of beach which will result when the back beach location is fixed on an eroding shoreline; and
3. The amount of material which would have been supplied to the beach if the back beach of bluff were to erode naturally.

The methodology is found in the Report on In-Lieu Fee Beach Sand Mitigation Program - San Diego County dated January 1997, available from City staff. The methodology is not applicable to all site conditions, however, in many cases, it can be used to calculate the beach area displaced and the amount of bluff material which does not reach the beach, as a result of a seawall, and to calculate the amount of sand which would be required to replace that lost beach area in the project vicinity. This amount of material is then converted to a fee by multiplying the amount of material times the cost of transporting that material to the beach. To derive these amounts, the methodology uses the information specific to the proposed project, such as the design life and amount of seaward encroachment. Also required is information specific to the project site, such as the height of bluff, width of property, percentage of sand in the bluff material and the predicted rate of erosion that was used to determine the need for protection of the existing principal structure.

The methodology quantifies some of the impacts caused by a protective device in terms of area of beach and volume of sand, but it is not considered the only means to identify impacts to sand supply and required mitigation. Where unavoidable impacts to shoreline sand supply area associated with an approved shoreline protective device, mitigation shall be required, and may include a mitigation fee to be used for beach replenishment within the same littoral cess of the project. The fee shall be roughly-proportional to the value of the beach area lost as a result of the approved protective device and shall be used for beach replenishment which is directly related to the impact of the project. When applicable, the above reference methodology may be utilized to calculate the mitigation fee. The fee shall be deposited in the City of San

Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.**(GH) 143.0144(c) Visual Corridors for Coastal Beaches**

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. If a visual corridor is feasible, ~~and all criteria in Section 143.0144(c) are met,~~ the appropriate corridor shall be required as a condition of development approval pursuant to Section 132.0403. If there is an existing or potential public view on premises that lie between the shoreline and the first public roadway, but the site is not designated in a land use plan as a view corridor, it is intended that views to the ocean shall be preserved or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and to prevent a walled effect from development. If there is an existing or potential public view and the site is designated in the applicable land use plan as a view corridor or within a public viewshed, it is intended that such critical views to the ocean be maintained or restored by designing and siting the coastal development in such a manner as to preserve the identified public view. Consideration may be given to the development of the adjacent property in determining the appropriate width of the view corridor on the subject premises, so that the overall width of the corridor is at least 10 feet when measured across both properties. Any such required corridor shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede views shall be installed within the boundaries of any required visual corridor. Open fencing and landscaping may be installed within the view corridor provided such improvements do not significantly obstruct public views to the ocean. Landscaping shall be maintained such that during growing stage and at maturity, it will not encroach into the view corridor or obstruct public views to the ocean.

When remodeling is proposed to an existing structure and the existing development is to be retained which precludes the establishment of a 10-foot wide visual corridor, the preservation of any partial existing visual corridor on the premises will be accepted, provided that the existing visual corridor is not reduced through the proposed remodeling.

**(HI) 143.0144 (d) and (e) Vertical and Lateral Easements for Coastal Beaches**

A site-specific analysis shall be conducted to determine and quantify the impact of the proposed development upon vertical and lateral access to the ocean. If the impacts of the proposed development justify in nature and scope the need for such access, the appropriate easements shall be required as a condition of development approval. Any such required easements shall be created and approved by the City Manager prior to the commencement of any construction on the premises.

No structures or other obstructions that will impede access shall be installed within the boundaries of any required easement. Open fencing and landscaping may be installed within a vertical easement provided such improvements do not hinder access to the ocean.

If vertical or lateral access is determined to be required on a premises where there is evidence that such access exists, the existing access shall be retained, if feasible, through the easement requirement. If not feasible, an alternative access easement shall be provided on the same premises.

If a beach or headland width is less than 25 feet, the lateral access easement shall include the entire beach or headland area.

In determining whether the proposed development justifies the need for the requirement of a vertical public access easement or a lateral access easement, the following factors shall be considered:

- Appropriateness of access
- Privacy rights of landowner
- Existing public access
- Historic public use
- Intensification of land use
- Habitat values of the site
- Topographic constraints of the site
- Fragility of environmentally sensitive lands in the vicinity
- Nature of development in the vicinity
- Development's effect on current and projected demands for access and recreation
- Physical obstructions and the aesthetic, visual or recreational value of public use areas
- Recreational needs of the public
- Impact of development on public's use of beach areas

**Section III**  
**Bluff Measurement Guidelines**

The following guidelines provide details on determining the location of the bluff edge for sensitive coastal bluffs and measuring the required bluff edge setback.

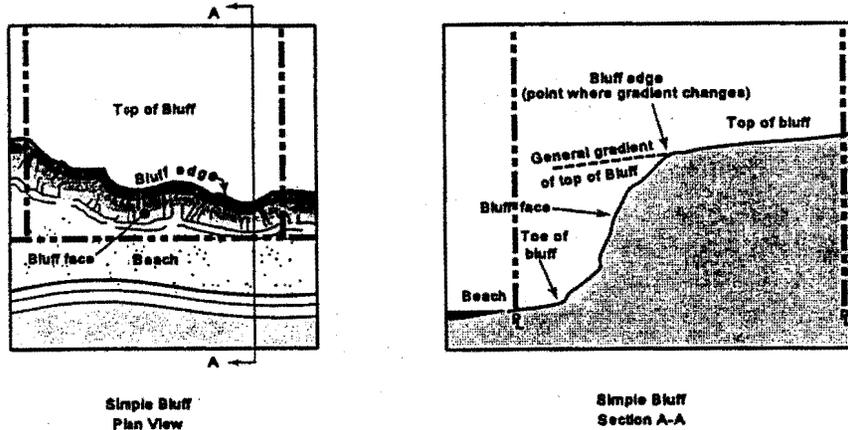
**(A) Determination of Coastal Bluff Edge for Sensitive Coastal Bluffs**

The following are examples of typical sensitive coastal bluff configurations with the determination of the coastal bluff edge identified:

**(1) Simple Bluff**

The coastal bluff edge is a line across the sensitive coastal bluff at the seaward edge of the top of bluff. The line of the coastal bluff edge is formed by measuring the uppermost point of change in gradient at any location on the subject premises. See Diagram III-1.

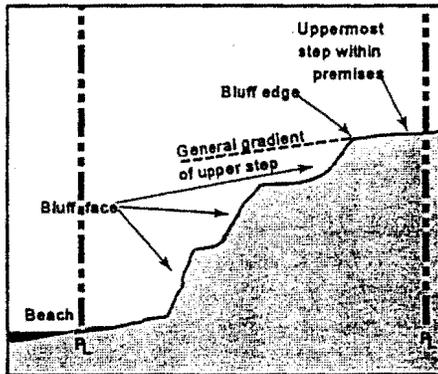
Diagram III-1: Simple Bluff



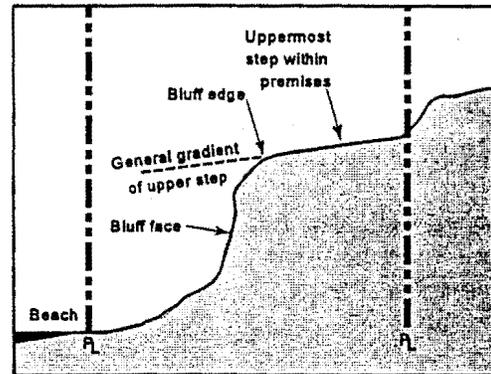
**(2) Step-like Bluff Formation:**

If the sensitive coastal bluff contains a step-like feature, the coastal bluff edge shall be measured at the change in gradient of the uppermost step within the subject premises. See Diagram III-2.

Diagram III-2: Step-like Bluff Formation



Multiple Steps within Premises



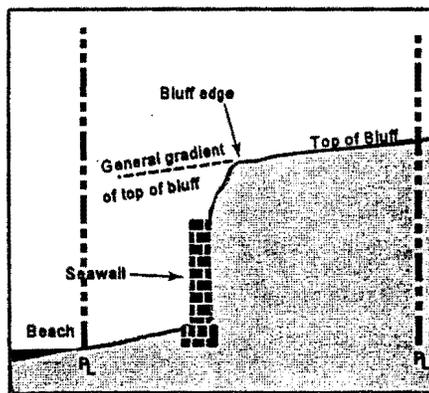
Single Step within Premises

(3) Sensitive Coastal Bluff with a Seawall

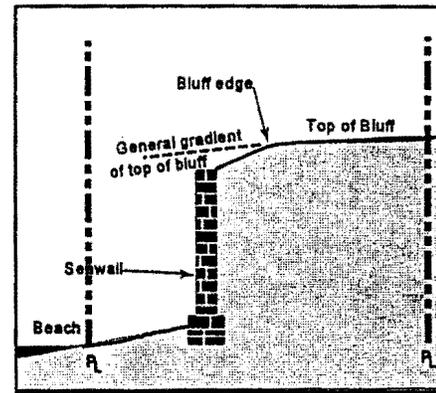
If the coastal bluff face has been partially altered with the installation of retaining walls, seawalls, or other device, the coastal bluff edge shall be considered the pre-existing change in gradient and shall continue to be measured as described in (a), above. That is, the installation of a seawall shall not affect the location of the coastal bluff edge. See Diagram III-3.

Note: If a seawall has been installed on a premises due to excessive erosion, that premises shall not qualify for development at a reduced distance from the coastal bluff edge. Since the instability of the sensitive coastal bluff necessitated the installation of the seawall, the sensitive coastal bluff would not be considered stable enough to support development within the 40-foot distance to the coastal bluff edge.

Diagram III-3: Sensitive Coastal Bluff with a Seawall



Seawall with Extreme Gradient Change

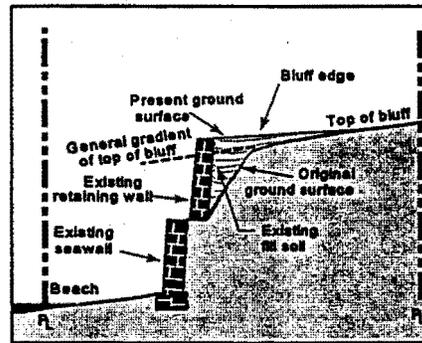


Seawall with Gradual Gradient Change

(4) Modified Landform

Where a coastal bluff face has been altered by grading and/or retaining wall, the coastal bluff edge shall be determined from the original geometry of the natural ground surface, projected to the present ground surface. See Diagram III-4. This may be determined by geotechnical investigation and/or historic documents such as photographs and maps.

Diagram III-4: Modified Landform



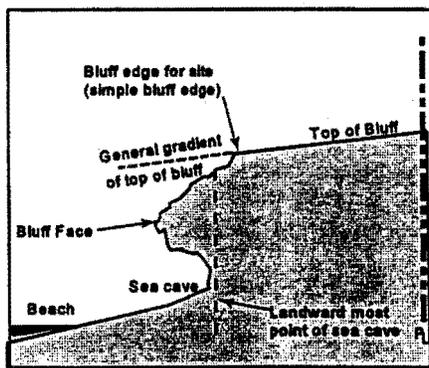
Modified Landform

(5) Sea caves

Where a sea cave (a natural cavity or recess beneath the surface of the earth that is formed by or a result of marine erosion) or overhang exists, the coastal bluff edge shall be either the simple bluff edge (See Diagram III-5(A)) or a line following the landward most point of the sea cave projected to the ground surface above (See Diagram III-5(B)), whichever is more landward.

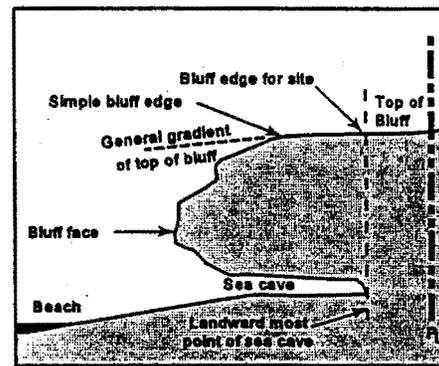
Diagram III-5: Sea Caves

(A)



Shallow Sea Cave

(B)

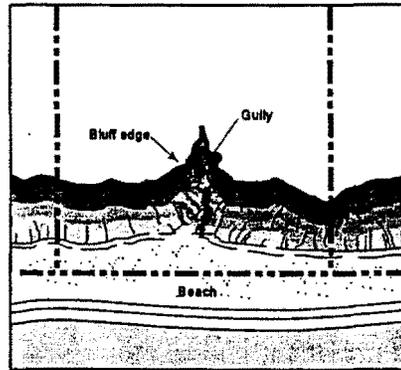


Deep Sea Cave

(6) Gullies

Where a gully (a small, local erosional feature that results in a minor perturbation of the bluff face) has developed that does not accommodate drainage from off-site, the coastal bluff edge shall follow the landward limits of the gully. See Diagram III-6:

Diagram III-6: Gully

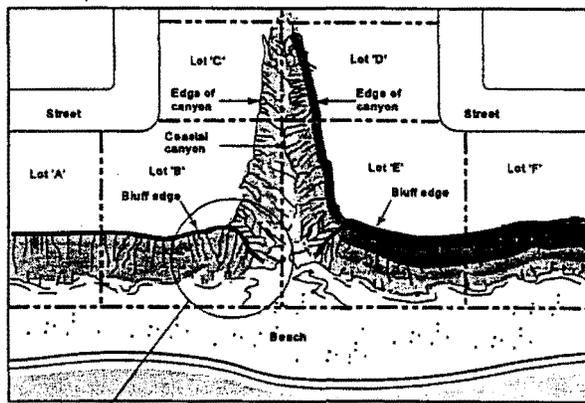


Gully

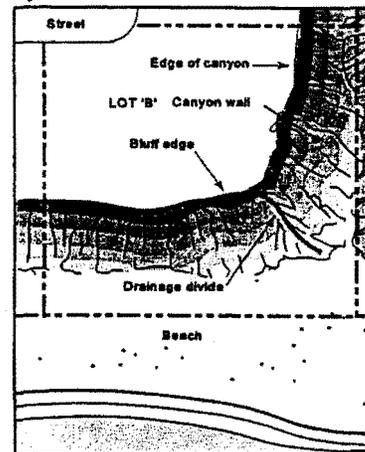
(7) Coastal Canyons

Where a site is bounded on at least one side by a coastal canyon (a large, established regional drainage course that traditionally accepts runoff from off-site), the coastal bluff edge is defined as the portion of the site which drains directly into the ocean. That portion of the site which drains first to the canyon (landward of the drainage divide) is not considered to be a sensitive coastal bluff. See Diagram III-7.

Diagram III-7: Coastal Canyon



Coastal Canyon

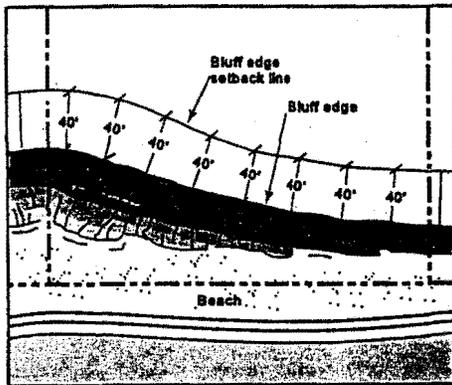


Coastal Canyon/Bluff Edge detail

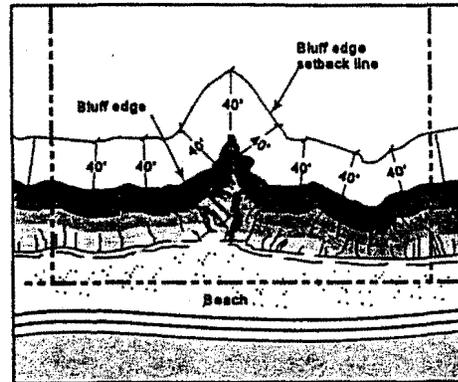
(B) Measurement of Distance from Coastal Bluff Edge for Sensitive Coastal Bluffs

The distance from the coastal bluff edge required for development on a sensitive coastal bluff is measured landward and perpendicular to every point along the coastal bluff edge. The line of the required distance from the coastal bluff edge will result in a line that is parallel to the coastal bluff edge. See Diagram III-8.

Diagram III-8: Distance from Coastal Bluff Edge



Distance from Coastal Bluff Edge



Distance from Coastal Bluff Edge



San Diego Municipal Code  
**Land Development  
Code**

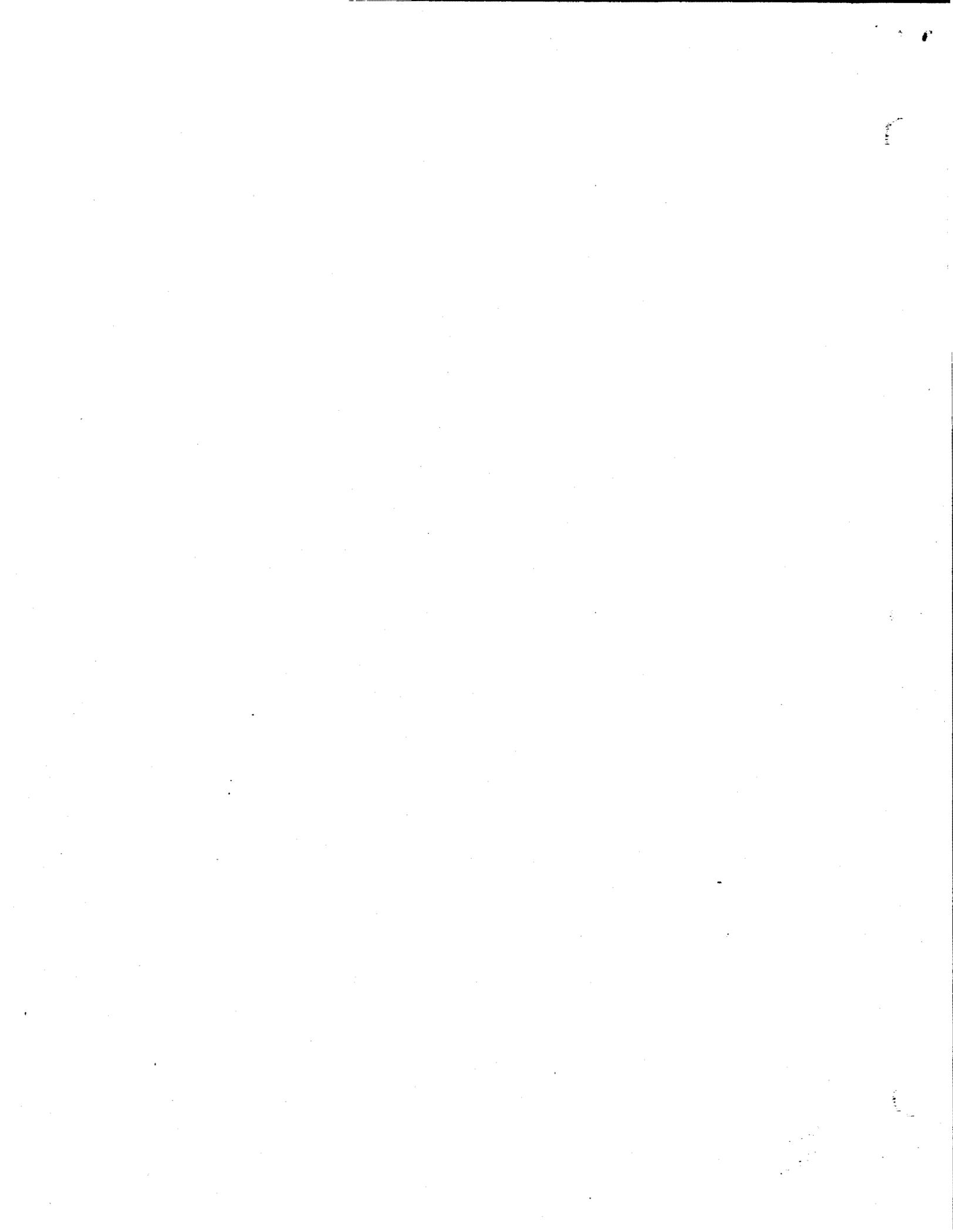
**DRAFT** **Biology Guidelines**  
**May 1999**



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The regulations do not become effective until after certification  
by the California Coastal Commission.

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request.



## Table of Contents

I.	DEFINITIONS .....	1
A.	Sensitive Biological Resources .....	1
1.	The Multiple Habitat Planning Area (MHPA) .....	1
2.	Wetlands .....	1
3.	Vegetation Communities .....	2
4.	Listed Species .....	3
5.	Narrow Endemic Species .....	3
6.	Covered Species .....	3
B.	Wetland Buffers .....	4
II.	DEVELOPMENT REGULATIONS .....	5
A.	Environmentally Sensitive Lands (ESL) .....	5
1.	Wetlands and Listed Non-covered Species Habitat .....	5
2.	Development in the MHPA .....	6
3.	Development Outside of the MHPA .....	7
4.	Restrictions on Grading .....	8
B.	Open Space Residential Zone (OR-1-2) .....	8
1.	Development Area .....	10
2.	Development Area Within the Coastal Overlay Zone .....	10
III.	BIOLOGICAL IMPACT ANALYSIS AND MITIGATION PROCEDURES .....	11
A.	Identification of Impacts .....	11
1.	Biological Survey Report .....	11
2.	Impact Analysis .....	13
B.	Identification of the Mitigation Program .....	13
1.	Mitigation Element .....	13
a.	Mitigation for Wetlands Impacts .....	14
b.	Mitigation for Upland Impacts .....	16
(1)	Upland Impacts Within the MHPA .....	16
(2)	Upland Impacts Outside of the MHPA .....	16
(a)	Off-site Acquisition .....	19
(b)	On-Site Preservation .....	19
(1)	Inside MHPA .....	19
(2)	Outside MHPA .....	20
i)	Connectivity .....	20
(ii)	Urban Interface .....	23
(c)	Habitat Restoration .....	24
(d)	Monetary Compensation .....	25
(3)	Upland Impacts Within the Coastal Overlay Zone .....	26
c.	Species Specific Mitigation .....	26

2.	Protection and Notice Element .....	26
a.	Dedication .....	27
b.	Conservation Easement .....	27
c.	Covenant of Easement .....	27
3.	Management Element .....	27
a.	Management by the City .....	27
b.	Private Party Management .....	28
IV.	FINDINGS/ DEVIATIONS .....	29
A.	Permit Findings for ESL .....	29
B.	Additional Development Permit Findings for Deviation from ESL .....	30

**Tables**

TABLE 1:	Summary of Biological Survey Requirements .....	12
TABLE 2:	Wetland Mitigation Ratios .....	15
TABLE 3:	Upland Mitigation Ratios .....	17

**Figures**

FIGURE 1:	OR-1-2 Zone Development Area Examples .....	9
FIGURE 2:	Mitigation Example .....	18
FIGURE 3:	Urban Interface .....	21
FIGURE 4:	Determination of Connectivity .....	22

**Attachments**

ATTACHMENT A:	Flora and Fauna Covered by the Multiple Species Conservation Program .....	34
ATTACHMENT B:	General Outline for Revegetation/Restoration Plans .....	37

## I. DEFINITIONS

These Guidelines have been formulated by the Planning and Development Review Department to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations (ESL), San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101 et seq, and the Open Space Residential (OR-1-2) Zone, SDLDC, Chapter 13, Division 2, Section 131.0201 et seq. Section III of these Guidelines, (Biological Impact Analysis and Mitigation Procedures), also serve as standards for the determination of impact and mitigation under the California Environmental Quality Act (CEQA) and the Coastal Act.

These guidelines are the baseline biological standards for processing Neighborhood Development Permits, and Site Development Permits and Coastal Development Permits issued pursuant to the ESL. For impacts associated with steep hillsides, please refer to the Steep Hillside Guidelines for the Environmentally Sensitive Lands Regulations.

A. Sensitive Biological Resources. The ESL defines Sensitive Biological Resources as those lands included within the Multiple Habitat Planning Area (MHPA) as identified in the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego 1995), and other lands outside of the MHPA that contain wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species.

1. The Multiple Habitat Planning Area (MHPA) are those lands that have been included within the City of San Diego's MSCP Subarea Plan for habitat conservation. These areas have been determined to provide the necessary habitat quantity, quality and connectivity to support the future viability of San Diego's unique biodiversity and thus are considered to be a Sensitive Biological Resource. The City of San Diego's MHPA contains "hard-lines", with limited development permitted based on the development area allowance of the OR-1-2 zone in order to achieve an overall 90% preservation goal (see Section II.B for discussion of OR-1-2 zone).

The boundaries of the MHPA are depicted on 1"=2000' foot scale maps and in many areas of the City on 1"=800' scale maps.

2. Wetlands. Many of the species included in the MSCP (i.e. Covered Species) are dependent on wetlands for habitat and foraging. The definition of wetlands in the ESL regulation is intended to differentiate uplands (terrestrial areas) from wetlands, and furthermore to differentiate naturally occurring wetland areas from those created by human activities. Except for areas created for the purposes of wetland habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas unless they have been delineated as wetlands by the Army Corps of Engineers, and/or the California Department of Fish and Game. For the purposes of the ESL, artificially created lakes such as Lake Hodges, artificially channeled floodways such as the Carmel Valley Restoration and Enhancement Project (CVREP) and previously dredged tidal areas such as Mission Bay should be considered wetlands under the ESL regulations. The following provides guidance for defining wetlands regulated by the City of San Diego under the Land Development Code.  
Naturally occurring wetland vegetation communities are typically characteristic of wetland

areas. Examples of wetland vegetation communities include saltmarsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodland, riparian scrub and vernal pools. Common to all wetland vegetation communities is the predominance of hydrophytic plant species (plants that are adapted for life in anaerobic soils). Many references are available to help identify and classify wetland vegetation communities; Holland (1986), Cowardin et al. (1979), Keeler-Wolf and Sawyer (1996), and Zedler (1987). The U.S. Army Corps of Engineers Wetland Delineation Manual (1987) provides technical information on hydrophytic species.

Problem areas can occur when delineating wetlands due to previous human activities or naturally occurring events. Areas lacking naturally occurring wetland vegetation communities are still considered wetlands if hydric soil or wetland hydrology is present and past human activities have occurred to remove the historic vegetation, or catastrophic or recurring natural events preclude the establishment of wetland vegetation. Examples include agricultural grading in floodways, dirt roads bisecting vernal pools, channelized streambeds, areas of scour within streambeds, and coastal mudflats and salt pannes that are unvegetated due to tidal duration. The U.S. Army Corps of Engineers Wetland Delineation Manual (1987) provides technical information on hydric soils and wetland hydrology.

Areas lacking wetland vegetation communities, hydric soils and wetland hydrology due to non-permitted filling of previously existing wetlands, will be considered a wetland under the ESL and regulated accordingly. The removal of the fill and restoration of the wetland may be required as a condition of project approval.

Areas that contain wetland vegetation, soils or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands under this definition unless they have been delineated as wetlands by the Army Corps of Engineers, and/or the California Department of Fish and Game. Examples are Artificially created "wetlands" consist of the following: wetland vegetation growing in brow ditches and similar drainage structures outside of natural drainage courses, wastewater treatment ponds, stock watering, desiltation and retention basins, water ponding on landfill surfaces, and road ruts created by off-road vehicles and artificially irrigated areas which would revert to uplands if the irrigation ceased. (see also Corps of Engineers Regulatory Program Regulations (33 CFR) Section 328.3 (a)-(c) for additional examples). Areas of historic wetlands can be assessed using historic aerial photographs, existing environmental reports (EIRs, biology surveys, etc.), and other collateral material such as soil surveys.

Some coastal wetlands, vernal pools and riparian areas have been previously mapped. The maps, labeled "C-713 and C-740" are available to aid in the identification of wetlands. Additionally, the 1":2000' scale MSCP vegetation maps may also be used as a general reference, as well as the U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory maps. These maps, available for viewing at the Planning and Development Review Department, should not replace site-specific field mapping.

3. Vegetation Communities within the MSCP study area have been divided into four tiers of sensitivity (the first includes the most sensitive, the fourth the least) based on rarity and ecological importance.

Tier I habitats include lands classified as southern foredunes, Torrey pines forest, coastal bluff scrub, maritime succulent scrub, maritime chaparral, native grasslands, and oak woodlands. Tier II includes lands classified as coastal sage scrub and coastal sage scrub/chaparral. Tier IIIA includes lands classified as mixed chaparral and chamise chaparral. Tier IIIB includes lands classified as non-native grassland. Tier IV includes lands classified as disturbed, agriculture, and eucalyptus.

Classifications should use the California Department of Fish and Game (CDFG) listing of community associations (Holland 1986), as a reference for classifying vegetation.

4. **Listed Species.** Habitats supporting plant or animal species which have been listed or proposed for listing by the state or federal governments as rare, endangered, or threatened ("listed species"), are also considered sensitive biological resources under the ESL. *[Note: Some listed species are considered adequately conserved under the MSCP (Covered Species), others are not (Listed Non-covered Species)].*
5. **Narrow Endemic Species.** Species adopted by the City Council as narrow endemic species, identified below, are considered Sensitive Biological Resources *[Note: Some of these narrow endemic species are also listed species]:*

Narrow Endemic Species

<i>Acanthomintha ilicifolia</i>	San Diego thornmint
<i>Agave shawii</i>	Shaw's agave
<i>Ambrosia pumila</i>	San Diego ambrosia
<i>Aphanisma blitoides</i>	Aphanisma
<i>Astragalus tener var. titi</i>	Coastal dunes milk vetch
<i>Baccharis vanessae</i>	Encinitas baccharis
<i>Dudleya blochmaniae ssp. brevifolia</i>	Short-leave live-forever
<i>Dudleya variegata</i>	Variegated dudleya
<i>Hemizonia conjugens</i>	Otay tarplant
<i>Navarretia fossalis</i>	Prostrate navarretia
<i>Opuntia parryi var. serpentina</i>	Snake cholla
<i>Orcuttia californica</i>	Orcutt grass
<i>Pogogyne abramsii</i>	San Diego mesa mint
<i>Pogogyne nudiuscula</i>	Otay Mesa mint

6. **Covered Species.** Covered species are those species included in the Incidental Take Authorization issued to the City by the Federal or State government as part of the City's MSCP Subarea Plan. The term 'non-covered species' is sometimes used to identify species not included in the Incidental Take Authorization. A list of these species are provided in Appendix A.

- B. Wetland Buffers. A wetland buffer is an area or feature(s) surrounding an identified wetland that helps to protect the functions and values of the adjacent wetland by reducing physical disturbance from noise, activity and domestic animals and provides a transition zone where one habitat phases into another. The buffer will also protect other functions and values of wetland areas including absorption and slowing of flood waters for flood and erosion control, sediment filtration, water purification, ground water recharge, and the need for upland transitional habitat. Within the Coastal Overlay Zone, uses permitted within wetland buffers are specified in Section 143.0130(e) of the ESL.

## II. DEVELOPMENT REGULATIONS

Specific development regulations pertaining to Sensitive Biological Resources exist in the Municipal Code in both the ESL (Chapter 14, Division 1, Section 143.0141) and the OR-1-2 zone (Chapter 13, Division 2, Section 131.0230). The following guidelines are provided to supplement these development regulation requirements.

### A. Environmentally Sensitive Lands (ESL)

#### 1. Wetlands and Listed Non-covered Species Habitat.

Wetlands and Listed Non-covered Species are protected by Federal and State regulations. (Listed non-covered species are those species listed as rare, threatened or endangered which are not covered by the Incidental Take Authorization issued to the City by the federal or state governments under the MSCP Plan. A list of species covered by the MSCP is provided in Appendix A.)

It is recognized that some projects will be required to obtain Federal and State permits. Applicants will be required to confer with the appropriate State and Federal agencies prior to the public hearing for the development proposal, and incorporate any state or federal requirements into their project design.

The discretionary permit, and any associated subdivision map, will be conditioned to restrict the issuance of any grading permit until all necessary federal and state permits have been obtained and a copy of the permit, authorization letter or other official mode of communication from the Resource Agencies is transmitted to the City of San Diego. City public projects do not need grading permit, however these projects will still be required to obtain all necessary federal and state permits prior to any clearing or grading of the project site.

Under the ESL, impacts to wetlands should be avoided. For vernal pools, the avoidance of a sufficient amount of the watershed necessary for the continuing viability of the ponding area is also required. Unavoidable impacts should be minimized to the maximum extent practicable. Whether an impact is unavoidable will be determined on a case-by-case basis. Examples of unavoidable impacts include those necessary to allow reasonable use of a parcel entirely constrained by wetlands, roads where the only access to the developable portion of the site results in impacts to wetlands, and essential public facilities (essential roads, sewer, water lines, etc.) where no feasible alternative exists. Unavoidable impacts will need to be mitigated in accordance with Section III.B.1.a. of these Guidelines. However, within the Coastal Overlay Zone, both within and outside the MHPA, impacts to wetlands shall be avoided and only those uses identified in Section 143.0130(d) of the ESL shall be permitted which are limited to aquaculture, nature study projects or similar resource dependent uses, wetland restoration projects and incidental public service projects. Such impacts to wetlands shall only occur if they are unavoidable, the least environmentally-damaging feasible alternative, and adequate mitigation is provided.

A wetland buffer shall be maintained around all wetlands when necessary and as appropriate to protect the functions and values of the wetland. Section 320.4(b)(2) of the U.S. Army

Corps of Engineers General Regulatory Policies (33 CFR 320-330) list criteria for consideration when evaluating the wetland functions and values. These include wildlife habitat (spawning, nesting, rearing, and foraging), food chain productivity, water quality, ground water recharge, and areas for the protection from storm and floodwaters. Wetland buffers should be provided at a minimum 100 feet wide adjacent to all identified wetlands. The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the Army Corps of Engineers, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural feature such as topography, and the functions, and values of the wetland and the need for upland transitional habitat. Examples of functional buffers include areas of native or non-invasive landscaping, rock/boulder barriers, berms, walls, fencing and similar features that reduce indirect impacts on the wetland. Measures to reduce adverse lighting and noise should also be addressed where appropriate. Section 1.4.3. Land Use Adjacency Guidelines, of the City's MSCP Subarea Plan, can be used to help determine appropriate measures for wetland buffers. A 100 foot minimum buffer area shall not be reduced when it serves the functions and values of slowing and absorbing flood waters for flood and erosion control, sediment filtration, water purification, and ground water recharge.

2. Development in the MHPA. For parcels outside of the Coastal Overlay Zone and wholly or partially within the MHPA, development is limited to the development area allowed by the OR-1-2 zone, as described below (see Section II.B). Zone 2 brush management is considered "impact neutral" and is not considered part of the proposed development area. The development area must be located on the least sensitive portions of the site. The following list, in order of increasing sensitivity, is provided as a guideline for assessing the least sensitive portion of the site. Projects should be designed to avoid impacts to covered species where feasible. *This list should be used in combination with existing site-specific biological information, such as potential edge-effects from existing and proposed development, preserve configuration, habitat quality, wildlife movement, and topography.*
  - a. Areas devoid of vegetation, including previously graded areas and agricultural fields.
  - b. Areas of non-native vegetation, disturbed habitats and eucalyptus woodlands.
  - c. Areas of chamise or mixed chaparral, and non-native grasslands.
  - d. Areas containing coastal scrub communities.
  - e. All other upland communities.
  - f. Occupied habitat of listed species, narrow endemic species, *Muilla clevelandii* (San Diego goldenstar), and all wetlands.
  - g. All areas necessary to maintain the viability of wildlife corridors (e.g. linear areas of the MHPA < 1000' wide).

Within each of the previous categories a-g, areas containing Steep Hillides will be considered more sensitive than those areas without Steep Hillides.

Proposed development must be sited on the least sensitive areas and may only encroach into more sensitive areas in order to achieve the allowable development area. Within the Coastal Overlay Zone, specific discretionary encroachment limitations into steep hillsides containing sensitive biological resources are established in Section 143.0142(a)(4) of the ESL which shall supercede the allowable development area permitted pursuant to the OR-1-2 zone.

In addition to the previous siting requirements, any development inside the MHPA, which identify the occurrence of the following species, must include an impact avoidance area as follows:

- 300 feet from any nesting site of Cooper's hawk (*Accipiter cooperii*).
- 1,500 feet from known locations of the southern pond turtle (*Clemmys marmorata pallida*).
- 900 feet from any nesting sites of northern harriers (*Circus cyaneus*).
- 4000 feet from any nesting sites of golden eagles (*Aquila chrysaetos*).
- 300 feet from any occupied burrow of burrowing owls (*Speotyto cunicularia hypugaea*).

These conditions are requirements of the Incidental Take Authorization in order to consider these species adequately conserved.

3. Development Outside of the MHPA. For parcels outside of the Coastal Overlay Zone and the MHPA, there is no limit on the encroachment into Sensitive Biological Resources, with the exception of wetlands, and listed non-covered species habitat (which are regulated by state and federal agencies and narrow endemic species as described below). However, impacts to Sensitive Biological Resources must be assessed and mitigation, where necessary, must be provided in conformance with Section III of these Guidelines. Within the Coastal Overlay Zone, specific encroachment limitations into sensitive steep hillsides containing sensitive biological resources, and permitted uses within wetlands are established in Section 143.0142(a) and Section 143.0130(d) respectively, which, in case of conflict, shall supercede other regulations of the ESL. [NOTE: Encroachment into areas outside of the MHPA, that are designed and zoned as open space, would be limited to the encroachment allowed by the underlying zone].

Outside the MHPA, projects must incorporate additional measures for the protection of narrow endemics. These measures can include management (e.g. fencing, signage), enhancement (e.g. removal of exotic species), restoration (e.g. expansion of existing populations) and/or transplantation into areas of protected open space. The appropriate measure(s) should be determined on a case-by case basis depending on the autecology of the species and the size, type and location of the proposed development.

4. Restrictions on Grading. All clear, grubbing or grading (inside and outside the MHPA) will be restricted during the breeding season where development may impact the following species:

- Western snowy plover (March 1 - September 15)
- southwestern flycatcher (May 1 - August 30)
- least tern (April 1 - September 15)
- cactus wren (February 15 - August 15)
- least bell's vireo (March 15 - September 15)
- tricolored black bird (March 1 - August 1)
- California gnatcatcher (March 1 - August 15 inside MHPA only. No restrictions outside MHPA)

B. Open Space Residential Zone (OR-1-2)

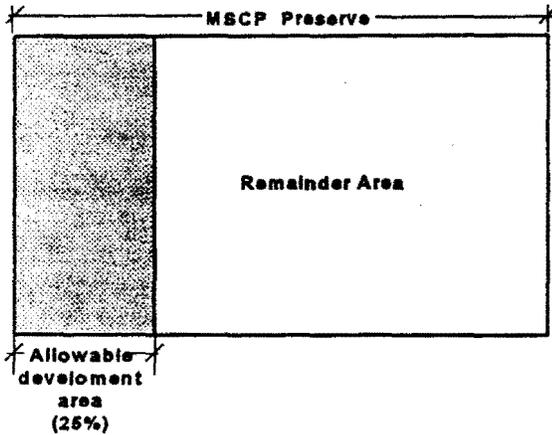
The OR-1-2 Zone provides for low-density residential, agricultural and passive open space uses. Every parcel zoned OR-1-2 has a development area as follows:

1. **Development Area.** The allowable development area of a site (premise) within the OR-1-2 zone includes all portions of the site, both developed and undeveloped, that occur outside of the MHPA. If this area is less than 25% of the total size of the site, then the development area would also include the amount of encroachment into the MHPA necessary to achieve development on 25% of the site (see Figure 1). The location of any allowable development into the MHPA would be determined by the ESL, as outlined above (Section II.A.2). No encroachment into the MHPA beyond the development area is allowed. All areas outside of the development area (remainder area) would be left in a natural undeveloped condition, except for those passive uses permitted by the OR-1-2 zone. At the time of development, a covenant may be recorded or conservation easement granted on property not dedicated to the City (see Section III.B.2).

Premises less than four acres in size that are partially or wholly in the MHPA would be allowed a development area of 1 acre in areas where the MHPA is of at least 1000 feet in width. The measurement of the MHPA width should be as follows: a straight line drawn through any portion of the premises should be a minimum of 1000 feet from the edges of the MHPA.

Up to an additional 5% development area inside the MHPA is permitted in order to accommodate essential public facilities, as identified in an adopted Land Use Plan (e.g. Community Plan, Specific Plan). Essential public facilities include identified circulation element roads, major water and sewer lines, publicly owned schools, parks, libraries and police and fire facilities. Roads, water and sewer lines that service a proposed project, and are not identified on the existing Land Use Plan, previously adopted by City Council, do not qualify for the additional 5% development area. The additional 5% development area will require mitigation pursuant to section III.

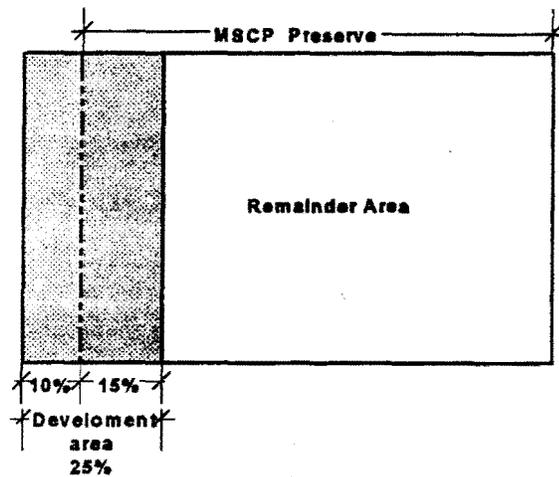
**FIGURE 1**  
**OR-1-2 Zone Development Area (outside the Coastal Overlay Zone)**  
**Examples**



**EXAMPLE 1:**

Parcels wholly within the MSCP Preserve

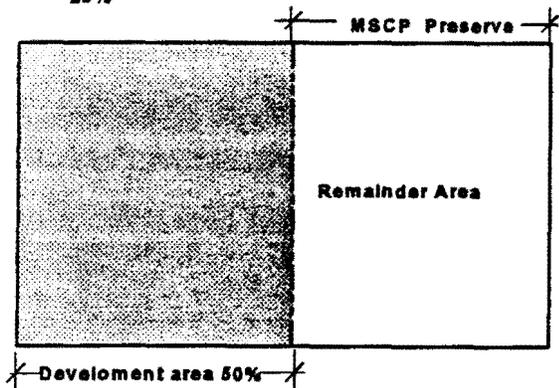
- Development area : 25%
- Encroachment into MSCP Preserve: 25%



**EXAMPLE 2:**

Parcels straddling the MSCP Preserve (less than 25% outside Preserve)

- Development area : 25%
- Encroachment into MSCP Preserve: 15%



**EXAMPLE 3:**

Parcels straddling the MSCP Preserve (more than 25% outside Preserve)

- Development area : 50%
- Encroachment into MSCP Preserve: 0%

All areas of grading, including cut and fill slopes (even if proposed for revegetation), Zone 1 of brush management, and any temporary staging areas should be considered part of the development area. Zone 2 of brush management may occur outside of the development area. Temporary disruptions of habitat and temporary staging areas that do not alter landform and that will be revegetated are generally not considered to be permanent habitat loss. Staff will work with the applicant to ensure that appropriate revegetation and restoration will be completed as part of the development process.

2. Development Area within the Coastal Overlay Zone. There are specific and discretionary encroachment limitations into steep hillsides containing sensitive biological resources established in Section 143.0142(a)(4) of the ESL. These restrictions are designed to assure that development onto steep hillsides containing sensitive biological resources is minimized. Additionally, development within wetlands shall be avoided to the maximum extent possible. In the event impacts to wetlands are unavoidable, only uses identified in Section 143.0130(d) which include, aquaculture, wetlands-related scientific research and educational uses, wetland restoration projects and incidental public service projects shall be permitted within wetlands. These uses are only permitted where it has been demonstrated there is no less environmentally damaging feasible alternative and mitigation has been provided. In case of conflict with the OR-1-2 zone and/or other regulations, these regulations shall supercede and apply.

*[Note: The Development Regulations of the OR-1-2 Zone apply to all property within the MHPA. In some cases, parcels may be zoned other than OR-1-2, but would still be subject to the OR-1-2 development area regulations pursuant to the ESL. (Sec. 143.0141.(d)]*

### III. BIOLOGICAL IMPACT ANALYSIS AND MITIGATION PROCEDURES

Mitigation is the process of reducing significant impacts to below a level of significance. The process of identifying biological mitigation under the ESL and CEQA consists of two parts;

- The identification of significant biological impacts, and
- The identification of the corresponding mitigation requirements to reduce the impacts to below a level of significance.

The following procedures are to be used for identifying and mitigating impacts to sensitive biological resources.

These guidelines are provided to establish a city-wide consistency and equity among projects. Diversion from these guidelines may have significant effects on the successful implementation of the MSCP, and thus, a possible significant effect on regional biodiversity conservation. Therefore, any significant proposed deviation would require a site-specific analysis in the Biological Survey Report to identify what effects, if any, it would have on the regional MSCP. The City Manager or designee will be the final authority to determine the adequacy of any mitigation that is recommended to the City decision-maker.

#### A. Identification of Impacts

1. **Biological Survey Report.** A biological survey report is required for all proposed development projects which are subject to the ESL regulations, and/or where the CEQA review has determined that there may be a significant impact on other biological resources considered sensitive under CEQA. Table 1 outlines the survey requirements for various biological resources inside and outside the MHPA. The biological survey conducted as part of the MSCP may be used where the applicant and the City agree that the MSCP data adequately reflects the habitats and species found on the site, or the applicant may prepare a survey, according to the City of San Diego's Biological Survey Guidelines (City of San Diego 1978 and 1994), for purposes of refining and/or confirming the regional MSCP biological data (i.e. vegetation and sensitive species maps). The Biological Survey Report must identify and map biological resources present on the site, including any portions of the site identified as part of the MHPA and any species considered sensitive pursuant to CEQA (see Table 1 - Summary of Biological Survey Requirements). Each vegetation community type should be categorized into either wetlands or one of four upland Habitat Tiers. City staff will confirm the adequacy of all maps during the CEQA environmental review process.

**Table 1:  
Summary of Biological Survey Requirements**

RESOURCE	SURVEY REQUIREMENTS	
	Inside MHPA	Outside MHPA
<b>Vegetation</b> <ul style="list-style-type: none"> <li>• Uplands</li> <li>• Wetlands</li> </ul>	<b>Confirm/Revise MSCP mapping.</b>  <b>Delineate wetlands per City definition.</b>	<b>Confirm/Revise MSCP mapping.</b>  <b>Delineate wetlands per City definition.</b>
<b>Covered spp<sup>1</sup></b> <ul style="list-style-type: none"> <li>• Listed spp (e.g. gnatcatcher)</li> <li>• Narrow endemic (e.g. S.D. Thornmint)</li> <li>• Other (e.g. S.D. horned lizard)</li> </ul>	<b>Focused survey per protocol.</b>  <b>Focused survey per protocol.</b>  <b>Survey as necessary to comply with sitting requirements as outlined in Section II.A.2 of these Guidelines.</b>	<b>Per MSCP conditions of coverage<sup>2</sup>.</b>  <b>Focused survey per protocol.</b>  <b>Per MSCP conditions of coverage<sup>2</sup>.</b>
<b>Non-Covered spp<sup>1</sup></b> <ul style="list-style-type: none"> <li>• Listed spp (e.g. pacific pocket mouse)</li> <li>• "Other Sensitive Species<sup>3</sup>" (e.g. little mouse tails)</li> </ul>	<b>Focused survey per protocol.</b>  <b>Case-by-case determination depending on the spp.</b>	<b>Focused survey per protocol.</b>  <b>Case-by-case determination depending on the spp.</b>

<sup>1</sup> Based upon the MSCP mapping, site specific surveys, the NDDB records, previous EIRs and biological surveys, and/or discussion with the wildlife agencies, the potential for listed species, narrow endemics and CEQA sensitive species will be determined. Where there is a reasonable likelihood that one of these species exists, surveys will follow the above requirements.

<sup>2</sup> Survey as necessary to conform with Appendix A of the City of San Diego MSCP Subarea Plan (March 1997).

<sup>3</sup> "Other Sensitive Species" Those other species that are not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA.

The location and extent of each resource must be clearly identified on a map of an appropriate scale (same scale as development drawings), on which the acreage of each vegetation community must be provided. Individual sensitive species must be depicted on the map and territories identified, where they have been determined. It is expected that the mapping scale will vary with size and type of project proposed. For projects with accompanying tentative subdivision maps or projects under 10 acres in size, the scale should be a minimum of 1"=200'; for projects without accompanying tentative maps a smaller scale map is considered acceptable and should be based on the size of the proposed project (e.g. 1":400' for specific plan). The minimum mapping units should be clearly identified in the text of the report, and should be based on the mapping scale and the vegetation community. A minimum mapping unit for uplands of approximately 1/4 acres is generally considered acceptable for the 1"=200' scale.

2. **Impact Analysis.** The Biological Survey Report must identify all potential impacts from the development (both on-site impacts and off-site impacts such as roads, water and sewer lines) to Sensitive Biological Resources and to other significant biological resources as determined by the CEQA process (i.e. sensitive, non-covered species). The report should evaluate the significance of these impacts. Impact assessments need to include analysis of direct impacts (e.g. grading, Zone 1 brush management), indirect (e.g. lighting, noise) and cumulative impacts. The *City of San Diego's Significance Determination Guidelines under the California Environmental Quality Act* (City of San Diego 1994b) should be used as a reference. Mitigation for direct impacts will be assessed in accordance with Table 2 and 3. Cumulative impacts for covered species have been addressed under the MSCP Plan and may be referenced. Zone 2 brush management is considered impact neutral (not considered an impact and not considered acceptable as a mitigation area). Indirect impacts to covered species could be mitigated by conformance to Section 1.4.3, Land Use Adjacency Guidelines, and implementing Section 1.5, Preserve Management Recommendations, of the City's MSCP Subarea Plan.

The proposed project must be superimposed onto a map with the biological resources. The area covered by each biological resource, including the boundaries of the MHPA, if applicable, and the proposed area of impact to each resource by the proposed development must be presented in both a graphic and tabular form in the Biological Survey Report.

#### B. Identification of the Mitigation Program

The Biological Survey Report will provide a program that identifies a plan of action to reduce significant impacts to below a level of significance. The Mitigation Program will consist of three required elements: 1) Mitigation Element, 2) Protection and Notice Element and 3) Management Element. - Each of these elements are further described below. This mitigation program must be incorporated in the permit conditions and/or subdivision map, as well as, construction specifications for public projects, and shown on the construction plans as appropriate.

The Biological Survey Report should also provide evidence that the nature and extent of the mitigation proposed is reasonably related (nexus) and proportional to the adverse biological impacts of the proposed development.

1. **Mitigation Element.** Mitigation must be determined on a case-by-case basis. Mitigation refers to actions to help sustain the viability and persistence of biological resources, as exemplified below. Mitigation will consist of actions that either compensate for impacts by replacing or providing substitute habitats, or rectify the impact by restoring the affected habitats. The requirements of the

mitigation will be based on the type and location of the impacted habitat, and additionally for uplands, on the location of the mitigation site. The Mitigation Element will consist of a discussion of the amount (i.e. quantity) and the type (i.e. method) of mitigation.

The following guidelines are provided to achieve consistency and equity among projects. Mitigation for specific projects may differ depending on site-specific conditions as supported by the project-level analysis.

a. Mitigation for Wetlands Impacts

The ESL regulations require that impacts to wetlands be avoided. Unavoidable impacts should be minimized to the maximum extent practicable, and mitigated as follows:

As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts (both temporary and permanent) will need to be analyzed and mitigation will be required in accordance with Table 2; mitigation should be based on the impacted type of wetland habitat. Mitigation should prevent any net loss of wetland functions and values of the impacted wetland.

The following provides an operational definition of the four types of activities that constitute wetland mitigation under the ESL regulations:

Wetland creation is an activity that results in the formation of new wetlands in an upland area. An example is excavation of uplands adjacent to existing wetlands and the establishment of native wetland vegetation.

Wetland restoration is an activity that re-establishes the habitat functions of a former wetland. An example is the excavation of agricultural fill from historic wetlands and the re-establishment of native wetland vegetation.

Wetland enhancement is an activity that improves the self-sustaining habitat functions of an existing wetland. An example is removal of exotic species from existing riparian habitat.

Wetland enhancement and wetland acquisition focus on the preservation or the improvement of existing wetland habitat and function, and do not result in an increase in wetland area; therefore, a net loss of wetland may result. As such, acquisition and/or enhancement of existing wetlands may be considered as partial mitigation only, for any balance of the remaining mitigation requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio. For permanent wetland impacts that are unavoidable and minimized to the maximum extent feasible, mitigation shall consist of creation of new, in-kind habitat to the fullest extent possible and at the appropriate ratios. In addition, unavoidable impacts to wetlands located within the Coastal Overlay Zone shall be mitigated on-site, if feasible. If on-site mitigation is not feasible, then mitigation shall occur within the same watershed. All mitigation for unavoidable wetland impacts within the Coastal Overlay Zone, shall occur within the Coastal Overlay Zone.

For example, satisfaction of the mitigation requirement may be considered for a 3:1 mitigation ratio, with two parts consisting of acquisition and/or enhancement of existing acres, and one part restoration or creation.

Restoration of illegally filled historic wetland areas will not be considered for mitigation, and may result in code enforcement actions and/or may require restoration as a condition of project approval. All restoration proposals should evaluate the reason for the historic wetland loss (e.g. placement of fill, changes in upstream or groundwater hydrology), the approximate date of the loss, and to the maximum extent possible, provide a determination as to whether the historic loss was legally conducted based upon the regulatory requirements at the time of the loss and the property ownership at the time of the loss.

The mitigation ratios, set forth in Table 2, in combination with the requirements for no-net-loss of functions and values and in-kind mitigation, are adequate to achieve the conservation goals of the City's MSCP Subarea Plan for wetland habitats and the covered species which utilize those habitats.

Wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit will supersede and will not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any state or federal wetland permit. Wetland habitat outside the jurisdiction of the state and federal permits will be mitigated in accordance with the CEQA document.

TABLE 2: Wetland Mitigation Ratios

HABITAT TYPE	MITIGATION RATIO
Coastal Wetlands	
- salt marsh	4:1
- salt panne	4:1
Riparian Habitats	
- oak riparian forest	3:1
- riparian forest	3:1
- riparian woodland	3:1
- riparian scrub	2:1
<u>- riparian scrub in the Coastal Overlay Zone</u>	<u>3:1</u>
Freshwater Marsh	2:1
<u>Freshwater Marsh in the Coastal Overlay Zone</u>	<u>4:1</u>
Natural Flood Channel	2:1
Disturbed Wetland	2:1
Vernal Pools	2:1 to 4:1
Marine Habitats	2:1
Eelgrass Beds	2:1

NOTES: Any impacts to wetlands must be mitigated "in-kind" and achieve a "no-net loss" of wetland function and values. Mitigation for vernal pools can range from 2:1 when no endangered are present, up to 4:1 when endangered species with very limited distributions (e.g. Pogogyne abramsii) are present.

b. Mitigation for Upland Impacts

The City of San Diego has developed a MSCP Subarea Plan which identifies the conservation and management of a City-wide system of interconnected open space. The habitat based level of protection afforded by the implementation of the MHPA is intended to meet the mitigation obligations of Covered Species and most likely the majority of species determined to be determined to be sensitive pursuant to the CEQA review process. The City has adopted a policy that development should be directed outside of the MHPA and lands inside should be conserved. While this would result in the depletion (net loss) of the existing inventory of Sensitive Biological Resources, the successful implementation of the MSCP would retain the long-term viability, and avoid further extirpation, of many of San Diego's sensitive species. Therefore, for upland habitats, measures that contribute towards overall implementation of the MSCP may be considered as mitigation, even when a net loss of the existing inventory of sensitive biological resources occurs. These methods, described below, allow for greater flexibility in mitigation methodology, including off-site acquisition, on-site preservation, habitat restoration and in limited cases, monetary compensation.

(1) Upland Impacts Within the MHPA (Outside the Coastal Overlay Zone).

Where the MHPA covers more than 75% of a premise, development will be limited to that amount necessary to achieve a development area of 25% of the premise, based upon the development area regulations of the OR-1-2 zone (see Section II.B.1). No mitigation will be required for the direct impacts to uplands associated with this development area.

City linear utility projects (i.e. sewer and water pipelines) are exempt from the development area limitation but need to mitigate all direct impacts in accordance with Table 3. Likewise, all projects processed through a deviation would need to provide mitigation in accordance with Table 3 for impacts beyond the allowable development area of the OR-1-2 Zone.

(2) Upland Impacts Outside of the MHPA (Outside the Coastal Overlay Zone).

Where the MHPA covers less than 75% of a premises, no development will be allowed within the MHPA. Mitigation, based upon the ratios set forth in Table 2, will be required for all significant biological impacts. These ratios are based upon the rarity of the upland resources as characterized by one of four Habitat Tiers. Due to the critical nature and high biological value of the MHPA, mitigation should be directed to the MHPA. Thus, a lower mitigation ratio may be applied for projects that propose to mitigate inside of the MHPA. Lands outside the MHPA containing narrow endemic species will be treated as if the land was inside the MHPA for purposes of mitigation.

TABLE 3:  
UPLAND MITIGATION RATIOS

TIER	HABITAT TYPE	MITIGATION RATIOS			
TIER 1: (rare uplands)	Southern Foredunes Torrey Pines Forest Coastal Bluff Scrub Maritime Succulent Scrub Maritime Chaparral Native Grassland Oak Woodlands	Location of Impact	Location of Preservation		
			Inside*	2:1	3:1
			Outside	1:1	2:1
TIER II: (uncommon uplands)	Coastal Sage Scrub (CSS) CSS/Chaparral	Location of Impact	Location of Preservation		
			Inside*	1:1	2:1
			Outside	1:1	1.5:1
TIER III A: (common uplands)	Mixed Chaparral Chamise Chaparral	Location of Impact	Location of Preservation		
			Inside*	1:1	1.5:1
			Outside	0.5:1	1:1
TIER III B: (common uplands)	Non-native Grasslands	Location of Impact	Location of Preservation		
			Inside*	1:1	1.5:1
			Outside	0.5:1	1:1
TIER IV: (other uplands)	Disturbed Agriculture Eucalyptus	Location of Impact	Location of Preservation		
			Inside*	0:1	0:1
			Outside	0:1	0:1

Notes:

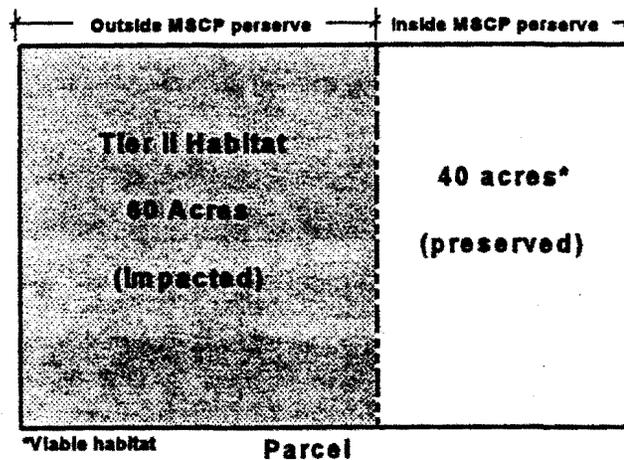
1. For all Tier I impacts, the mitigation could (1) occur within the MHPA portion of Tier I (in Tier) or (2) occur outside of the MHPA within the affected habitat type (in-kind).
2. For impacts to Tier II, III A and III B habitats, the mitigation could (1) occur within the MHPA portion of Tiers I - III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

\* No mitigation would be required for impacts within the base development area (25%) occurring inside the MHPA. Mitigation for any impacts from development in excess of the 25% base development area for community plan public facilities or for projects processed through the deviation process would be required at the indicated ratios.

The mitigation requirement would be evaluated against any portion of the premise within the MHPA that is left undeveloped as a condition of the permit. If the portion of the premise containing the MHPA is equal to or greater than mitigation requirement, then no further mitigation would be required. Any acreage of the mitigation requirement not satisfied on-site will be required to be mitigated off-site.

Thus, by way of example, if a project is impacting 60 acres of coastal sage scrub (Tier II) outside of the MHPA and preserving 40 acres of viable habitat on-site within the MHPA, then the remaining uncompensated acreage is 20 acres  $[60 \text{ ac} - (1:1 \times 40 \text{ ac}) = 20 \text{ ac}]$ . This would require the preservation of 20 acres  $(20 \times 1:1)$  of mitigation within the MHPA, or 30 acres  $(20 \times 1.5:1)$  outside (see Figure 2).

**FIGURE 2**  
Mitigation Example



**MITIGATION**

1. On-site preservation:  
 $[60 \text{ acres} - (1:1 \times 40 \text{ acres})] = 20 \text{ acres}$  20 acres uncompensated
2. Off-site preservation:  
 $(20 \text{ acres} \times 1:1) = 20 \text{ acres}$  Inside MSCP Preserve  
 or  
 $(20 \text{ acres} \times 1.5:1) = 30 \text{ acres}$  Outside MSCP Preserve

Mitigation for all Tier I impacts must be in-tier, but may be out-of-kind. For impacts to Tier II, IIIA or IIIB habitats, the mitigation could (1) include any Tier I, II, IIIA or IIIB habitats (out-of-kind) within the MHPA, or (2) occur outside of the MHPA within the affected habitat type (in-kind).

Any outstanding mitigation may be satisfied by one, or a combination, of the following methods, or other methods that are determined on a case-by-case basis to reduce impacts to below a level-of-significance. *In all cases, mitigation sites must have long-term viability.* Viability will be assessed by the connectivity of the site to larger planned open space, surrounding land uses, and sensitivity of the MHPA resources to environmental change.

In general, areas within the MHPA are considered to have long-term viability. Areas outside of the MHPA proposed for mitigation may require additional biological studies to support the determination of long-term viability.

- Mitigation Methods:

- (a) Off-site Acquisition: The purchase or dedication of land with equal or greater habitat value can be considered as a method of mitigation. Impacts within the City of San Diego must be mitigated within the City's of San Diego's jurisdiction, preferably in the MHPA.

" Mitigation Banks " are privately or publicly held lands that sell mitigation credits instead of fee title for habitat areas on which a conservation easement has been placed. Under this method, a large site can be acquired over time by multiple projects requiring small mitigation needs. Purchase of areas of "credits" from an established bank can be acceptable, as long as the required acreage is subtracted from the remaining credits in the bank and is not available for future projects. All banks must have provisions approved for long-term management, be part of a regional habitat preserve system and upon request provide an updated record of the areas (credits) purchased from the bank and those that are remaining.

New mitigation banks must be established pursuant to the "Official Policy on Conservation Banks" (California Resource Agencies 1995) and the "Supplemental Policy Regarding Conservation Banks within the NCCP Area of Southern California (USFWS 1996). In general, the purchase of credits from mitigation banks located outside of the City of San Diego's jurisdiction will not be allowed.

- (b) On-Site Preservation: The following provides guidance for evaluating the acceptability of on-site preservation as mitigation with respect to the long-term viability of the site.
  - (1) Inside MHPA: For premises that straddle the MHPA, the on-site preservation of lands inside the MHPA, outside of brush management zones, are considered to have long-term viability due to their connectivity to larger planned open space and their contribution towards regional biodiversity preservation. Areas

containing Brush Management Zone 2 will be considered impact neutral (not considered an impact and not considered acceptable as a mitigation area); see Figure 3. *Land inside the MHPA, outside of brush management zones, will be considered acceptable as mitigation and no additional studies to support this determination will be required.*

*[Note: Lands outside the MHPA containing narrow endemic species would be considered acceptable as mitigation and would be treated as if the land was inside the MHPA for purposes of mitigation.]*

- (2) Outside MHPA: The on-site preservation of lands outside the MHPA may be considered acceptable as mitigation provided they have long-term biological value. Long-term biological value should be assessed in terms of connectivity to larger areas of planned open space, and any potential current or future indirect impacts associated with the urban interface. As indicated above, areas containing Brush Management Zone 2 will be considered impact neutral (not considered an impact and not considered acceptable as a mitigation area).
  - (i) Connectivity: Isolated habitat patches have been shown to lack the diversity and resilience of connected systems (Noss 1983, Soule et al. 1988, Temple 1983, Wright and Hubbell 1983). In most cases, the species first to extirpate (disappear) from these isolated areas are rare species that do not adapt well to human influenced environments. Unfortunately, these species are those targeted for conservation by the MSCP.

Areas preserved on-site, but outside of the MHPA, will only generally be considered to be acceptable as mitigation if connected to the MHPA. As a general guideline, areas completely surrounded by development and areas connected by native vegetation of less than 400 feet wide for greater than 500 feet long will be considered isolated, and will not count as mitigation (see Figure 4).

Site-specific studies with field observations, which incorporate the best available scientific information and methods, would be necessary to provide a basis for any modification to these standards at the project level. Other factors such as topography (steep slopes), major

FIGURE 3  
Urban Interface

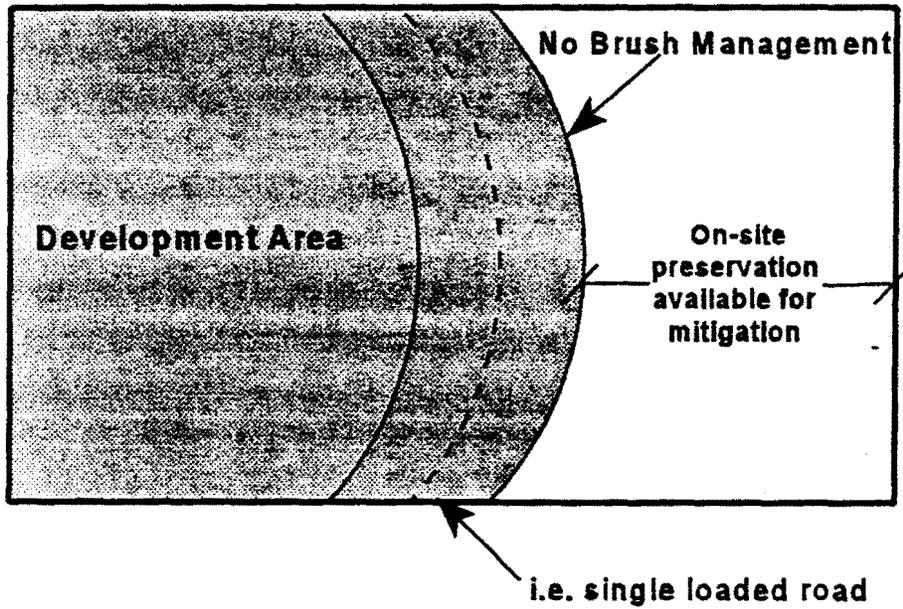
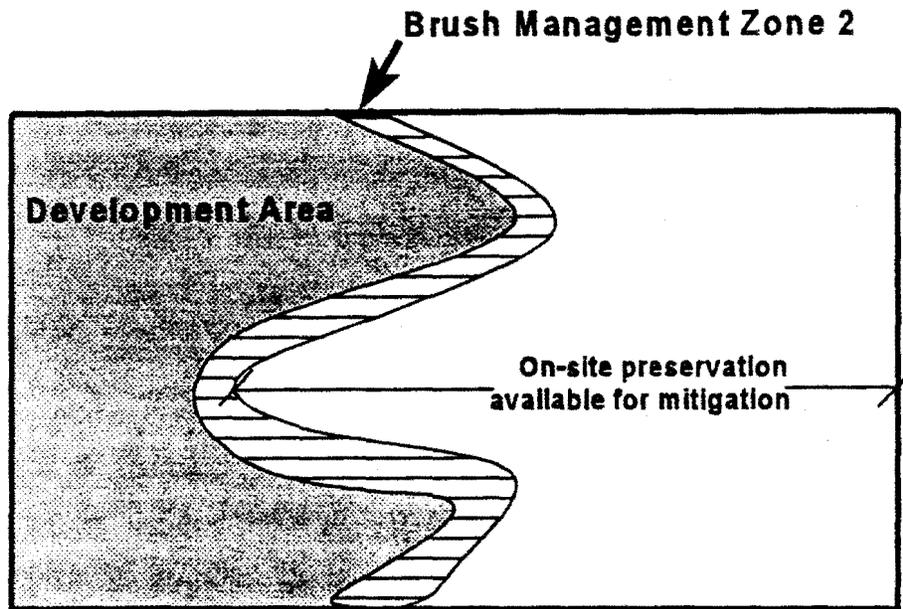
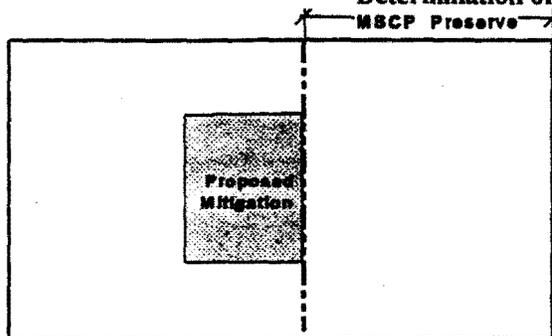
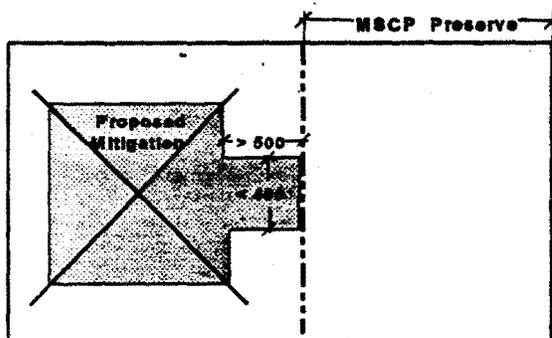


FIGURE 4

Determination of Connectivity



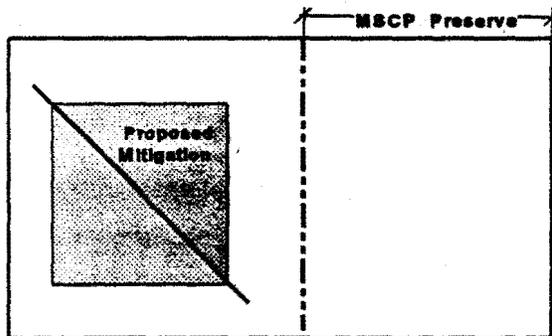
**CONNECTED**  
Generally acceptable for mitigation



**ISOLATED**  
Generally not acceptable as mitigation

Factors for consideration:

- Size of habitat patch
- Species and habitat type
- Adjacent land uses
- Proximity to larger habitat patches
- Topography



**ISOLATED**  
Generally not acceptable as mitigation

Factors for consideration:

- Size of habitat patch
- Species and habitat type
- Adjacent land uses
- Proximity to larger habitat patches
- Topography

road systems or other large public facility, and habitat patch size will also be considered in assessing potential isolation of a site.

Isolated areas may, on a case-by-case basis, be considered for use as mitigation where it can be reasonably demonstrated that the resource can persist in isolation (e.g. narrow endemics species or unique habitats such as vernal pools) or act as "stepping stones" for wildlife movement between portions of the MHPA.

- (ii) **Urban Interface:** The interface (edge) between native plant communities and human-modified areas are considered to be adverse to many native species. Many wildlife species decrease along the edge of habitat due to detrimental conditions, such as increased parasitism (by species such as the brown-headed cowbird), increased nest predation (by species such as jays, raccoons, opossums, and domestic cats and dogs), and increased competition for nesting areas (by starlings and other non-native (exotic) species) (Brettingham and Temple 1983, Gates and Gysel 1978, Noss 1993, Temple 1987). Invasion by exotic plants (such as escaped landscaping ornamental), and off-road vehicles also increases along habitat edges (Noss 1983, Alberts et al 1993, Sauvajot and Buechner 1993, Scott 1993). Other factors such as increased noise and night-time lighting may also contribute to the adverse conditions. These conditions are collectively called "edge effects".

Few studies have attempted to quantify the distance of edge effects. The MSCP Plan indicated that edge conditions range from 200 to 600 feet depending on adjacent land uses. A 1994 article on avian nest success indicates that the most conclusive studies suggest that edge effects are most predominately documented within fifty meters of an edge (Paton 1994).

Based on the site-specific analysis, edge-effect areas may be reduced depending on type of adjacent land use (e.g. golf course vs. residential) or if special development features are provided (e.g. single loaded streets, effective fencing, etc.).

Areas outside the MHPA with significant edge-effects, as determined by the site-specific analysis, will generally not be considered acceptable as mitigation.

- (c) **Habitat Restoration:** The restoration of degraded habitat may be considered as mitigation. Habitat restoration may include creation of habitat that was previously converted by human activities, and/or the enhancement of existing degraded habitat, where the proposed enhancement increases the habitat quality and biological function of the site.

Decompaction and revegetation of existing roads and trails, removal of exotic invasive species in conjunction with the establishment of native species, and the conversion of agricultural and disturbed lands back to native habitat are examples of acceptable restoration efforts. The removal of trash from a site does not constitute restoration in and of itself but may be a component of the restoration. Any area that will continue to be subjected to periodic clearing (e.g. pipeline maintenance) would not be considered as mitigation. Areas proposed for restoration must contain the appropriate site conditions (e.g. hydrology, slope aspect, soils) for the proposed habitat.

All restoration will be required to have a restoration plan that outlines specific species for planting/hydroseeding, timing, irrigation and grading requirements, if any, as well as a long-term maintenance, monitoring and reporting program, and criteria for success, as well as contingency measures in case of failure (see Attachment B). It is expected that the monitoring of the restoration would be no less than five years, but could be completed earlier if the five year success criteria were met.

The restoration plan will establish appropriate monitoring and reporting periods. In general it is expected that quarterly reports will be prepared by the applicants consultant for the first year and annual reports thereafter to document the status of the restoration effort until deemed complete by the City Manager or designee. These reports will identify any necessary remedial measures to be implemented by the applicant upon approval by the City.

A surety bond is required to assure implementation of all restoration efforts. The surety bond can be structured to return certain portions of the bond after demonstrating the successful completion of major restoration milestones (e.g. meeting the success criteria for year three). The restoration plan should clearly identify the milestones.

Further details on CEQA mitigation monitoring can be obtained from the City of San Diego Mitigation, Monitoring and Reporting Program (July 1993).

- (d) Monetary Compensation: In some cases, developments with small impacts may compensate by payment into a fund used to acquire, maintain and administer the preservation of sensitive biological resources. This fund is only intended to be used for the mitigation of impacts to small, isolated sites with lower long-term conservation value. For purposes of this fund, small is generally considered less than 5 acres, but could in some cases, be considered up to 10 acres.

Mitigation monies will be deposited in the City of San Diego's Habitat Acquisition Fund (Fund # 10571), as established by City Council Resolution R-275129, adopted on February 12, 1990.

Monetary compensation must also include an amount equal ten percent of the total for administrative costs.

Administration of the fund is the responsibility of the City of San Diego Planning and Development Review Department, with cooperation from other City Departments including: Park and Recreation (for maintenance); Auditor (for accounting); and Real Estates Assets (for estimates of land cost). Staff costs will not be charged to the fund except to cover appraisal and administrative expenses (from the 10% administrative fee).

The process for utilizing this type of mitigation is as follows:

Staff members from the Planning and Development Review Department will request from the Real Estates Assets Department an estimate of average land costs of the focused acquisition area closest to the project site. Focused acquisition areas have been identified by the MSCP as large areas of habitat critical for biodiversity preservation and the success of the MSCP (e.g. Carmel Mountain, Del Mar Mesa, East Elliot, western Otay Mesa). The Real Estates Assets Department will base the estimate on previous appraisals and comparable land costs of lands within the focused acquisition area. The applicant will be required to contribute the estimated average per acre land cost multiplied by the mitigation ratio plus the additional amount for administration.

A two million dollar "cap" has been placed on the amount of money that may accumulate in the Habitat Acquisition Fund. The purpose of this cap is to insure that funds are spent in a timely manner. After the cap has been reached, no other funds may be accepted until the money is expended.

(3) Upland Impacts Within the Coastal Overlay Zone.

Within the Coastal Overlay Zone, encroachment into steep hillsides containing sensitive biological resources on steep hillsides shall be avoided to the maximum extent possible, and permitted only when in conformance with the encroachment limitations set forth in Section 143.0142(a)(4). Mitigation for permitted impacts shall be required pursuant to Section III.B.1.b(1) and (2) above.

c. Species Specific Mitigation

In general, it is accepted that securing comparable habitat at the required ratio will mitigate for the direct impact to most sensitive species. While this is true for species with wide geographic distributions and/or large territory sizes, species with very limited geographic ranges (narrow endemic species) would require additional efforts designed to protect these species. A list of narrow endemic species is provided on page 3 of these Guidelines.

The specific actions necessary to protect narrow endemics must be determined on a case-by-case basis. Transplantation and/or soil salvage are examples of acceptable mitigation methods for some of these species. Fencing, signage and management are other examples of mitigation. The Mitigation Program in the Biological Survey Report should identify all specific actions related to the mitigation of these narrow endemic species, in addition to any other requirements necessary for the mitigation of their habitats.

In addition to the protection of narrow endemics, certain species are only considered adequately conserved as part of the MSCP (i.e. covered species) if translocation/restoration of the species is provided at the project-level (See Table 3-5 of MSCP Plan and Section 1.3 of City's Subarea Plan). These species are *Ceanothus verrucosus* (wart-stemmed ceanothus), *Opuntia parryi* var. *serpentina* (snake cholla), *Speotyto cunicularia hypugaea* (burrowing owl), and restoration of any impacted habitat of the *Camylorhynchus brunneicapillus* (coastal cactus wren). The first three of these species are plants and may be transplanted, or incorporated into any revegetation plan proposed for the site. Translocation of burrowing owls should follow the passive relocation protocols as specified in the CDFG report on burrowing owls.

Species specific analysis for sensitive species not covered by the MSCP may be required as part of the CEQA process. It is expected that the majority of CEQA sensitive species not covered by the MSCP will be adequately mitigated through the habitat based mitigation described in Section B.1.a and B.1.b of these guidelines. A rare circumstance may arise, however, when mitigation actions specific to a particular species may be required. The project-level biological survey report will justify why such actions are necessary in light of the habitat level protection provided by the MSCP.

2. Protection and Notice Element. The Mitigation Program must provide assurances that areas offered for mitigation or remainder areas in the OR-1-2 zone not developed, but indirectly impacted by proposed development, will be adequately protected from future development. Additionally, adequate notice must be recorded against the title of the property to memorialize the status of mitigation and remainder areas. The Protection Element will identify the specific actions incorporated into the project to protect any areas offered as mitigation. The following methods are considered to adequately protect mitigation and remainder areas:

a. Dedication

Dedication in fee title to the City is the preferred method of protecting mitigation areas. It is the City's Policy to accept lands being offered for dedication unless certain circumstances prohibit the acceptance such as the presence of hazardous materials, title problems, unpaid taxes or unacceptable encumbrances including liens. The City Manager or designee must recommend, and the City Council must accept all proposed dedications on a case-by-case basis. Dedication of mitigation sites to other conservation entities, such as the U.S. Fish and Wildlife Service, Nature Conservancy, Trust for Public Lands, or the Environmental Trust, may also be permissible, if acceptable to the City Manager or designee.

b. Conservation Easement

In lieu of dedication in fee title, mitigation or remainder areas may be encumbered by a conservation easement. Conservation easements relinquish development rights to another entity. The conservation easement would be in the favor of the City (or other conservation entity, if acceptable to the City Manager or designee) with the U.S. Fish and Wildlife Service and the California Department of Fish and Game named as third party beneficiaries. The language of the easement would identify the mitigation or remainder area and provide that no clearing, grubbing, grading or disturbance of the native vegetation would be allowed within the area.

c. Covenant of Easement

In lieu of dedication in fee title or granting of a conservation easement, where a project has utilized all of its development area potential as allowed under the OR-1-2 zone, then as a condition of permit approval, a covenant of easement would be required to be recorded against the title of the property for the remainder area, with the U.S. Fish and Wildlife Service and the California Department of Fish and Game named as third party beneficiaries. A covenant of easement is a legally binding promise made by the property owner with respect to future use of the land. Identification of those permissible passive activities and any other conditions of the permit would be incorporated into the covenant. The covenant would be recorded against the title of the property and would run with the land. The applicant will allow the City limited right of entry to the remainder area to monitor the applicant's management of the area.

3. **Management Element.** The Mitigation Program must provide assurances that the mitigation or remainder areas in the OR-1-2, will be adequately managed and monitored in a manner consistent with Section 1.5 Preserve Management, of the City's MSCP Subarea Plan. The Mitigation Program should identify how the objectives of the City's MSCP Preserve Management recommendations will be met for the area, as well as provide any additional management recommendations resulting from site-specific information (area specific management directives). The plan must also identify the responsible entity and funding source for the long-term maintenance and management.

a. Management by the City

In general, the entity that holds the fee title or is granted a conservation easement, will be responsible for the management of the mitigation area. If the City of San Diego is the responsible

party, then upon acceptance of the property, the area will be managed in accordance with the MSCP Habitat Management Plan as modified by the area specific management directives. The project applicant would not be responsible for future monitoring reports or maintenance activities.

In no case will the City be required to accept any brush management functions that are made a condition of a discretionary project. It is expected that a Homeowners Association or similar group will be established for any brush management responsibilities.

b. **Private Party Management.**

If the City does not hold fee title, or a conservation easement is not granted then the project applicant must provide for the management of the mitigation area. The Mitigation Program must include documentation on how the project would implement the objectives of the MSCP Preserve Management and the area specific management directives. The Mitigation Program must identify the responsible entity for long-term maintenance and management, the requirements for future management and monitoring reports, and a secure funding source to pay for the management in perpetuity.

## IV. FINDINGS/ DEVIATIONS

Development on a site containing sensitive biological resources requires the approval of a Neighborhood Development Permit or Site Development Permit, unless exempted from the requirement to obtain the permit pursuant to the Environmentally Sensitive Lands regulations. The required findings for a Neighborhood Development Permit or Site Development Permit are listed in the Land Development Code Section 126.0504. In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing sensitive biological resources requires that five additional findings be made that are specific to the environmentally sensitive lands present these are also listed in Land Development Code Section 126.0504. Section A, below, discusses these additional five required findings, and what will be considered in making the findings.

In the Coastal Overlay Zone, a Coastal Development Permit will be required regardless of whether a Site Development Permit or Neighborhood Development Permit is required for all coastal development proposed within the Coastal Overlay Zone and which does not qualify for an exemption pursuant to Section 126.0407. Such coastal development is subject to the Environmentally Sensitive Lands Regulations as applicable within the Coastal Overlay Zone. The findings required in Section 126.0708 must be made to assure conformance with the land use plans and implementation program of the certified Local Coastal Program.

Additionally, if a deviation from any of the Environmentally Sensitive Lands Regulations is requested, two more findings must be made in addition to the general Neighborhood Development Permit or Site Development Permit findings and the five additional findings for environmentally sensitive lands. These findings are listed in Land Development Code Section 126.0504. Section B identifies the two additional deviation findings and what will be considered in making the findings. Deviations from the Environmentally Sensitive Lands within the Coastal Overlay Zone shall be approved only after the decision maker makes an economically viable use determination and findings pursuant to Section 126.0708(e).

## A. Permit Findings for ESL (SDLDC Sec. 126.0504)

1. *The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;*
  - For projects in the OR-1-2 zone, the proposed development complies with the allowable development area regulations of the underlying zone (SDLDC Section 131.0250 et seq).
  - For development that is proposed to occur within the MHPA, the proposed development is sited on the least sensitive portion of the site as pursuant to Section II.A.2 of the Biology Guidelines.
2. *The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards and fire hazards;*

[This finding is primarily applicable to sites that contain steep hillsides; refer to the Steep Hillside Guidelines]
3. *The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;*

- For development that is proposed to occur within or adjacent to the MHPA, the proposed development conforms to the recommendations of the City's MSCP Plan, Section 1.4.3 Land Use Adjacency in regards to the treatment of the MHPA boundary (e.g. fencing, lighting, drainage).
  - The proposed project conforms with the requirements of the Biology Guidelines for the protection and management of any lands left undeveloped as a condition of the permit (Section III.B.2 and III.B.3).
4. *The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.*

The proposed development will be consistent with the provisions of the City's Subarea Plan including but not limited to:

- General and specific MHPA Guidelines of Section 1.2 (Description of Subarea),
  - Section 1.3 conditions for MSCP species coverage,
  - Section 1.4.1 Compatible Land Uses,
  - Section 1.4.2 General Planning Policies and Design Guidelines,
  - Section 1.4.3 Land Use Adjacency Guidelines section, and
  - General and specific management recommendations of Section 1.5 Framework Management Plan.
5. *The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*
- [This finding is applicable if the site contains sensitive coastal bluffs or coastal beaches; drainage from the site should not significantly impact these environmentally sensitive lands]
6. *The nature and extent of mitigation required as a condition of the permit is reasonably related to and calculated to alleviate negative impacts created by the proposed development.*
- The proposed project has identified all potentially significant impacts pursuant to the *City of San Diego's Significance Determination Guidelines under the California Environmental Quality Act (City of San Diego 1994b)*, and has provided a Mitigation Program in conformance with the Biology Guidelines. Any departures from the mitigation standards of the Biology Guidelines have been both qualitatively and quantitatively supported by site-specific information presented in the Biological Survey Report.

B. Additional Development Permit Findings for Deviation from ESL

1. *There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.*
  - The proposed project has considered all alternatives (including avoidance) and all technically feasible mitigation and has either incorporated these measures into the project or has provided evidence for why the measures are infeasible. All projects with unmitigated impacts will need to provide CEQA Findings and a Statement of Overriding Considerations to the decision-maker.
  
2. *The proposed deviation is the minimum necessary to afford relief from special circumstance or conditions applicable to the land and not of the applicant's making.*
  - The deviation is only from those regulations necessary to make the project feasible. Alternative methods for achieving the goals of those regulations are presented by the project. The project has clearly demonstrated that further avoidance or minimization is infeasible, and that feasible mitigation has been provided.
  - Other regulations and guidelines for Sensitive Biological Resources will be complied with so that the overall development design will conform to the intent of the Sensitive Biological Resources Regulations of the ESL, the intent of the OR-1-2 zone, the Biology Guidelines and the City's MSCP Subarea Plan, including the Habitat Management Plan.
  - Natural feature or conditions exist that make compliance with the regulations infeasible for a particular site. Affording relief should not be evaluated against the applicant's desired use of the site, but should reflect the existing development rights of the underlying zone.

For example, if a site is completely covered by a narrow endemic species, leaving the site without development potential under the ESL, then the deviation process could be used to afford relief, per the underlying zone.

Deviations may not be used solely to accommodate a development that clearly does not conform to the regulations when it appears feasible that measures could be incorporated to achieve compliance.

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Flora and Fauna Covered by the Multiple Species Conservation Program

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>DESIGNATION (FS/CNPS/RED)</u>
Flora:		
<u>Acanthomintha ilicifolia</u>	San Diego thormint	PE/SE/1B/232
<u>Agave shawii</u>	Shaw's agave	-/-/ 2/333
<u>Ambrosia pumila</u>	San Diego ambrosia	-/-/ 1B/322
<u>Aphanisma blitoides</u>	Aphanisma	-/S2/ 3/222
<u>Arctostaphylos glandulosa</u> var. <u>crassifolia</u>	Del Mar manzanita	FE--/1B/332
<u>Arctostaphylos otavensis</u>	Otay Manzanita	-/-/1B/323
<u>Astragalus tener</u> var. <u>titi</u>	Coastal dunes milk vetch	F1/SE/1B/333
<u>Baccharis vanessae</u>	Encinitas Coyote brush	FE/SE/1B/333
<u>Berberis nevinii</u>	Nevin's barberry	F1/SE/1B/333
<u>Brodiaea filifolia</u>	Thread-leafed brodiaea	PT/SE/1B/333
<u>Brodisea occuttii</u>	Orcutt's brodiaea	-/-/1B/132
<u>Calamagrostis koelerioides</u>	Dense reed grass	F3c/-/4/122
<u>Calochortus dunnii</u>	Dunn's mariposa lily	-/SR1B222
<u>Caulanthus stenocarpus</u>	Slender-pod jewel flower	-/SR/-/-
<u>Ceanothus cyaneus</u>	Lakeside ceanothus	-/-/1B/322
<u>Ceanothus verrucosus</u>	Wart-stemmed ceanothus	-/-/2/121
<u>Cordylanthus maritimus</u> ssp. <u>maritimus</u>	Salt marsh bird's-beak	FE/SE/1B/222
<u>Cordylanthus orcuttianus</u>	Orcutt's bird's-beak	-/-/2/331
<u>Corethrogyne filaginifolia</u> var. <u>linifolia</u>	Del Mar sand aster	-/-/1B/323
<u>Cupressus forbesii</u>	Tecate cypress	-/-/1B/322
<u>Dudleya blochmaniae</u> ssp. <u>brevifolia</u>	Short-leaved live-forever	-/SE/1B/333
<u>Dudleya variegata</u>	Variiegated dudleya	-/-/ 4/122
<u>Dudleya viscida</u>	Sticky dudleya	F1/-/1B/323
<u>Ericameria palmeri</u> ssp. <u>palmeri</u>	Palmer's ericameria	-/-/ 2/221
<u>Erysimum ammophilum</u>	Coast wallflower	-/-/ 4/123
<u>Eryngium aristulatum</u> ssp. <u>parishii</u>	San Diego button-celery	FE/SE/1B/232
<u>Ferocactus viridescens</u>	San Diego barrel cactus	-/-/ 2/131
<u>Hemizonia conjugens</u>	Otay tarplant	PE/SE/1B/322
<u>Lepechinia cardiophylla</u>	Heart-leaved pitcher sage	-/-/1B/322
<u>Lepechinia ganderi</u>	Gander's pitcher sage	-/-/1B/312
<u>Lotus nuttallianus</u>	Nuttall's lotus	-/-/1B/332
<u>Monardella hypoleuca</u> ssp. <u>lanata</u>	Felt-leaved monardella	-/-/1B/223
<u>Monardella linoides</u> ssp. <u>viminea</u>	Willowy monardella	PE/SE/1B/232
<u>Muilla clevelandii</u>	San Diego goldenstar	-/-/1B/222
<u>Navarretia fossalia</u>	Prostrate navarretia	-/-/1B/232

## ATTACHMENT "A"

<u>Nolina interra</u>	Dehesa bear-grass	F1/SE/1B/332
<u>Opuntia parryi</u>		
var. <u>Serpentina</u>	Snake cholla	--/1B/332
<u>Orcuttia californica</u>	California Orcutt grass	FE/SE/1B/332
<u>Pogogyne abramsii</u>	San Diego mesa mint	FE/SE/1B/233
<u>Pogogyne nudiuscula</u>	Otay Mesa mint	FE/SE/1B/332
<u>Pinus torreyana</u>	Torrey pine (native	
ssp. <u>torreyana</u>	populations)	--/1B/323
<u>Rosa minutifolia</u>	Small-leaved rose	--/SE/ 2/331
<u>Satureia chandleri</u>	San Miguel savory	F3c/--/4/122
<u>Senecio ganderi</u>	Gander's butterweed	--/SR/1B/232
<u>Solanum tenuilobatum</u>	Narrow-leaved nightshade	--/1B/322
<u>Tetracoccus dioicus</u>	Parry's tetracoccus	
 <u>Fauna:</u>		
<u>Panoquina errans</u>	Saltmarsh skipper	--/
<u>Mitoura thornei</u>	Thorne's harstreak	--/S2
<u>Branchinecta sandiegoensis</u>	San Diego fairy shrimp	FE/--
<u>Streptocephalus woottoni</u>	Riverside fairy shrimp	FE/--
<u>Bufo microscaphus</u>		
ssp. <u>californicus</u>	Arroyo southwestern toad	FE/SSC
<u>Rana aurora</u> ssp. <u>Draytoni</u>	California red-legged frog	
<u>Clemmys marmorata</u>		FT/SSC
ssp. <u>Pallida</u>	Southwestern pond turtle	
<u>Cnemidophorus hyperviridis</u>		--/SSC
ssp. <u>beldingi</u>	Orange-throated whiptail	--/SSC
<u>Phrynosoma coronatum</u>		
ssp. <u>blainvillei</u>	San Diego horned lizard	--/SSC
<u>Accipiter cooperii</u>	Cooper's hawk	--/SSC
<u>Agelaius tricolor</u>	Tricolored blackbird	--/SSC
<u>Aquila chrysaetos</u>	Golden eagle	--/SSC
<u>Aimophila ruficeps</u>	Southern California rufous	
ssp. <u>canescens</u>	crowned sparrow	--/SSC
<u>Branta canadensis</u>		
ssp. <u>Moffitti</u>	Canada goose	--/
<u>Buteo swainsoni</u>	Swainson's hawk	--/CT
<u>Buteo regalis</u>	Ferruginous hawk	--/SSC
<u>Campylorhynchus brunneicapillus</u>		
ssp. <u>Couesi</u>	Coastal cactus wren	--/SSC
<u>Charadrius alexandrinus</u>		
ssp. <u>nivosus</u>	Western snowy plover	FT/SSC
<u>Charadrius montanus</u>	Mountain plover	--/SSC
<u>Circus cyaneus</u>	Northern harrier	--/SSC
<u>Egretta rufescens</u>	Reddish egret	--/
<u>Empidonax traillii</u>		
ssp. <u>extimus</u>	SW. Willow flycatcher	FE/SE
<u>Falco peregrinus anatum</u>	American peregrine falcon	--/ST
<u>Haliaeetus leucocephalus</u>	Bald eagle	FE/SE
<u>Numenius americanus</u>	Long-billed curlew	F3c/SSC
<u>Passerculus sandwichensis</u>	Belding's savannah	

## ATTACHMENT "A"

<u>Passerculus sandwichensis</u> ssp. <u>beldingi</u>	sparrow	-/SE
	Large-billed savannah sparrow	-/SSC
<u>Palcanus occidentalis</u> ssp. <u>californicus</u>	California brown pelican	FE/SE
<u>Plegadis chihi</u>	White-faced ibis	-/SSC
<u>Polioptila californica</u> ssp. <u>californica</u>	California gnatcatcher	FT/SSC
<u>Rallus longirostris</u> ssp. <u>levipes</u>	Light-footed clapper rail	FE/SE
<u>Sialia mexicana</u>	Western bluebird	-/--
<u>Speotyto (Athene) cunicularia</u> ssp. <u>hypugaea</u>	Western burrowing owl	-/SSC
<u>Sterna elegans</u>	Elegant tern	-/SSC
<u>Sterna antillarum</u> ssp. <u>browni</u>	California least tern	FE/SE
<u>Vireo bellii</u> ssp. <u>pusillus</u>	Least Bell's vireo	FE/SE
<u>Taxidea taxus</u>	American badger	-/SSC
<u>Felis concolor</u>	Mountain lion	-/--
<u>Odocoileus hemionus fuliginata</u>	Southern mule deer	-/--

Federal Listing

State of California Listing

CNPS - California native Plant Society's (CNPS) List.

RED - CNPS's Rarity, Endangerment and Distribution Code.

General Outline for  
Revegetation/Restoration Plans

Introduction

- Background and project location(s) (with maps)
- Project Purpose & Restoration Goal(s) and Objectives

Existing Conditions

- Environmental setting/vegetation & wildlife of affected/ impacted area(s) [can be in intro]
- Environmental setting, ownership, land uses of area to be revegetated (figures/maps)
- Description/evaluation of vegetation, soil, hydrology/drainage conditions, topography, constraints (topo maps)
- Reference Site(s) for development of specifications, and for monitoring use.

Responsibilities

- Financial Responsibility
- Revegetation Team:
  - Project Biologist (include training of contractors, as needed)
  - Monitor, if different
  - Landscape/Reveg/Maintenance Contractor(s)
  - Seed/plant collection/procurement contracting

Site Preparation

- Removal of debris, if necessary
- Land shaping/grading and drainage plan, if needed
- Topsoil/brush & propagule salvage and translocation plan, if needed
- Weed Eradication
- Soil Preparation

Planting Specifications

- Seed sources and procurement
- Seed Mixes/Container plant lists (lbs/ac)
- Planting Design (include timing/schedule, planting plan)
- Seed application methods (imprinting, hydroseed or mulch, hand broadcasting, etc.)
- Irrigation

Maintenance

- Site Protection (fencing, signage)
- Weed Control (methods, schedule)
- Horticultural Treatments (pruning, leaf litter, mulching, removal of diseased plants)
- Erosion Control
- Replacement plantings and reseeding
- Vandalism
- Irrigation maintenance, if needed

Monitoring and Success Assessment

- Monitoring & Reporting Schedules

ATTACHMENT "B"

Performance Standards  
Monitoring procedures  
    horticultural (seeding and plant assessments)  
    biological, including sampling methods  
Reporting program

Remediation and Contingency Measures  
Performance Bond  
Notification of Completion



San Diego Municipal Code

# Land Development Code

**DRAFT**

## Historical Resources Guidelines

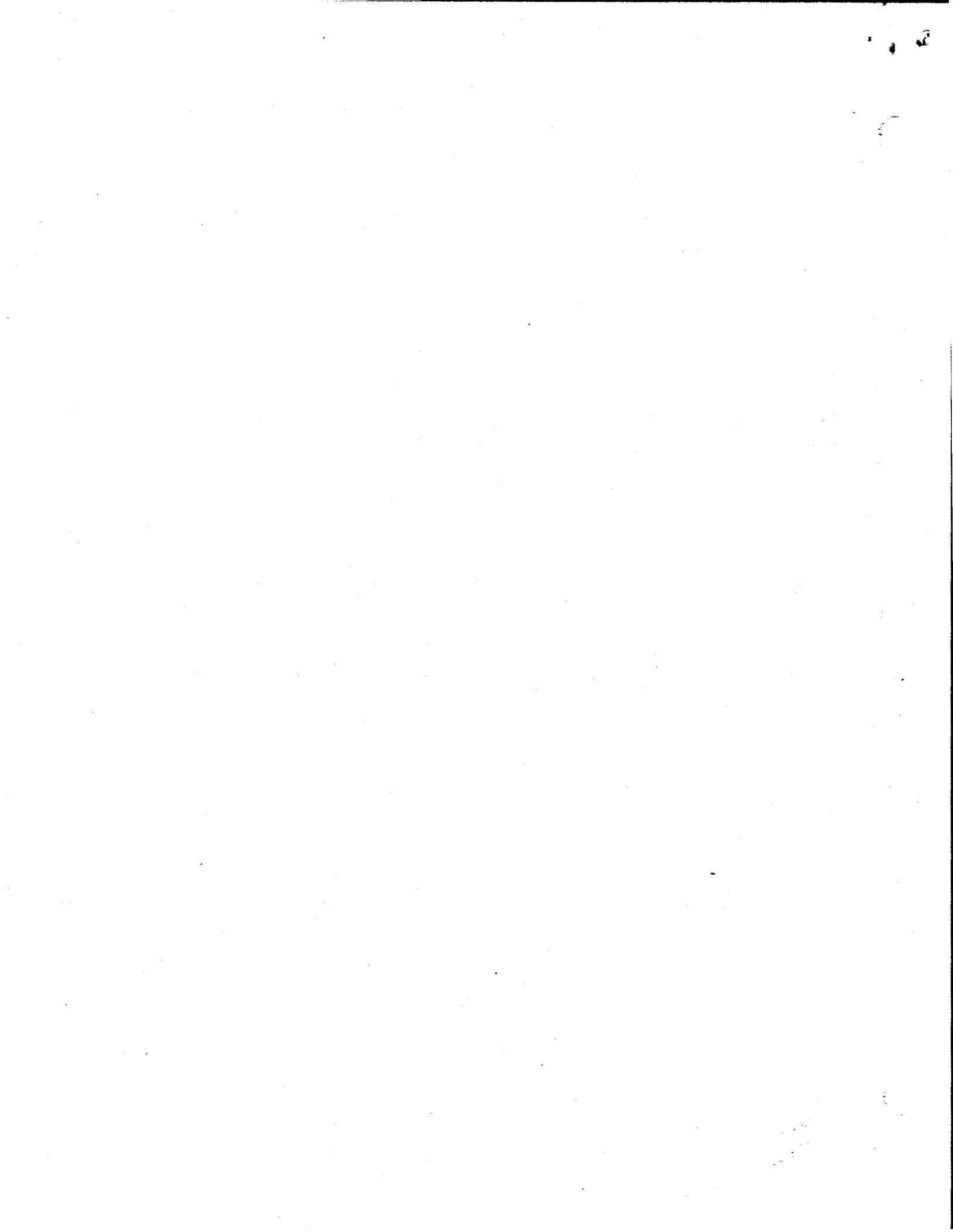
**May 1999**



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**Note: This document was Adopted by the City Council on \_\_\_\_\_. The regulations do not become effective until after certification by the California Coastal Commission.**

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



## Table of Contents

I. Introduction	1
Purpose and Intent of Historical Resources Guidelines	1
What Are Historical Resources?	1
Applicable Policies and Regulations	3
Progress Guide And General Plan	3
The Comprehensive Historic Preservation Plan	4
City Commitment to Native American Community	5
Land Development Code	6
City of San Diego Historical Resources Board	7
Public Resources Code And California Environmental Quality Act	7
National Historic Preservation Act	8
II. Development Review Process	9
When Are Surveys Required?	9
For Purposes of Obtaining a Permit	9
For Purposes of Environmental Review (CEQA)	10
When Are Evaluations Required?	10
How Are Impacts Assessed?	10
Direct Impacts	11
Indirect Impacts	11
Cumulative Impacts	11
What Criteria Are Used to Evaluate Significance?	12
National Register of Historic Places	12
California Environmental Quality Act	13
City of San Diego Progress Guide And General Plan	13
City of San Diego Historical Resources Register	13
City of San Diego CEQA Significance	14
Non-significant Resource Types	14
What Mitigation Strategies Are Available?	15
Avoidance/preservation of Archaeological Sites And Traditional Cultural Properties (PREFERRED)	15
Archaeological Data Recovery Program	16
Historic Building/structure/object Mitigation	16
How Are Reports Prepared?	16
Survey And Evaluation Report	17
Mitigation Report	17
Monitoring Report	17
How Is Curation Accomplished?	18
III. Methods	19
Defining Project Area (Area of Potential Effects)	19
Determining Presence or Absence of Historical Resources	19
Background Research	19
Field Reconnaissance	21
Evaluating the Significance of Historical Resources	23

Archaeological Resource Sites And Native American  
Traditional Cultural Properties . . . . . 23  
Historic Buildings/structures/objects . . . . . 25  
Mitigating Significant Impacts to Historical Resources . . . . . 26  
Archaeological Sites And Traditional Cultural Properties  
Avoidance/preservation (Preferred) . . . . . 26  
Archaeological Data Recovery Program . . . . . 26  
Historic Building/structure/object Mitigation . . . . . 27  
Determining the Need for Monitoring . . . . . 27  
Native American Observer . . . . . 28  
Demolition . . . . . 28  
Construction/grading . . . . . 28  
Discovering Unexpected Historical Resources During Construction . . . . . 28  
Cessation of Work . . . . . 28  
Evaluation of Resource . . . . . 28  
Research Design And Data Recovery . . . . . 28

**Appendices**

Appendix A: San Diego History . . . . . 30  
Appendix B: Historical Resources Consultant Qualifications . . . . . 47  
Appendix C: Archaeological Resource Management Report Format . . . . . 53  
Appendix D: Archaeological Resource Report Form . . . . . 59  
Appendix E: Historical Resources Board Guidelines And Procedures For Designation of Historic Sites  
(Bound Under Separate Cover) . . . . . 63  
Appendix F: The Secretary of The Interior's Standards For Rehabilitation And Guidelines For Rehabilitating  
Historic Buildings (Bound Under Separate Cover) . . . . . 64

## I. INTRODUCTION

### Purpose and Intent of Historical Resources Guidelines

The purpose of this document is to provide property owners, the development community, consultants and the general public with explicit guidelines for the management of historical resources located within the jurisdiction of the City of San Diego. These guidelines are designed to implement the City's Historical Resources Regulations contained in the Land Development Code (Chapter 14, Division 3, Article 2) in compliance with applicable local, state and federal policies and mandates, including, but not limited to, the City's *Progress Guide and General Plan*, the California Environmental Quality Act of 1970, and Section 106 of the National Historic Preservation Act of 1966. The intent of the guidelines is to ensure consistency in the management of the City's historical resources, including identification, evaluation, preservation/mitigation and development.

In a very real sense, the historical resources of San Diego belong to everyone, and their proper management is important to all of us. This derives from the fact that history is the cornerstone of civic pride and spirit in every American neighborhood, community and ethnic group. One of America's greatest strengths is our intellectual and cultural diversity. Historical resources reflect the history of all Americans, from descendants of the earliest Native Americans to later explorers, settlers, and immigrants of European, African and Asian nations. A community without a sense of history lacks an identification with the common fabric of American history made up of many different but interwoven fibers.

### What Are 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. 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 California's 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.

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 less than three associated artifacts and/or ecofacts within a 50 square meter area are commonly called isolates.

A "district" possesses a significant concentration, linkage or continuity of archaeological sites, buildings, structures, objects, or landscapes united historically or aesthetically by plan or physical development.

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 landscape 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 areas 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 imitation 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 typologies, 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.

**Applicable Policies and Regulations**

The public stewardship and management of historical resources are provided for in the local, state and federal policies and regulations that form the basis for the City of San Diego's development review process.

**PROGRESS GUIDE AND GENERAL PLAN**

The Cultural Resources Management Element of the City of San Diego's *Progress Guide and General Plan* was adopted in 1979. The stated goals of the Cultural Resources Management Element are:

- o Preservation of San Diego's rich historical and prehistoric tradition so that it may become part of the consciousness of the present and future generations.
- o Effectuation of a cultural resources management program that maximizes, insofar as practicable, the living utility of historic resources.
- o Conservation not only structures of outstanding historic and architectural merit, but also those structures which contribute to the economic and social well-being of the city.
- o Enaction of local ordinances which would ensure effective preservation, protection and management of significant cultural resources and would place such resources in the public domain.
- o Conservation in their entirety the largest and most unique prehistoric sites found within the City to be held for investigation with more sophisticated techniques developed at some future time.
- o Preservation of historic resources in number and type so as to successfully evoke the distinctive character of all significant stages of San Diego's history.

To achieve these goals, the Cultural Resources Management Element provides six principles to guide historical resources management activities. Among these are the following:

- o In general, it is better to preserve than to repair; better to repair than to restore; and better to restore than to reconstruct. Removal of historic resources from their original or long time locations seriously detracts from their significance. Features should be retained "on site" wherever possible.
- o Awareness of the condition that archaeological resource preservation may not always be compatible with all uses primarily because the natural setting of the site is an integral part of the resource and also because intensive human activity near such resources can be counter-productive to preservation efforts.
- o For archaeological resources it is better to preserve than to mitigate impacts. Mitigation is improved if a fifteen percent or larger sample is excavated; however, holding a site out of development without excavation would be preferable as a long-term strategy. In unusual cases prehistoric sites could co-exist with other uses which would have a minimum disturbance impact. When excavation is undertaken it should be done by qualified professionals, data

should be stored with an appropriate institution, all materials and data should be fully analyzed and compiled in a report of publishable quality.

Finally, the Cultural Resources Management Element concludes with a series of twelve recommendations, which includes the following:

- o Prepare a comprehensive City-wide inventory of cultural resources including both prehistoric sites and man-made resources.
- o Prepare a comprehensive plan and program by both public and private sectors to accommodate urban growth while preserving structures and complexes of importance to urban identity.
- o Create an archive for the City and County of San Diego wherein all excavated collections, records and reports could be centrally located.
- o Develop public policy to protect prehistoric sites from the encroachment of expanding land uses.

#### **THE COMPREHENSIVE HISTORIC PRESERVATION PLAN**

The Comprehensive Historic Preservation Plan was prepared by the Historical Site Board and the San Diego Planning Department in order to direct and focus the City's efforts to deal with increasingly complex historic preservation issues. There are four elements to this plan, which are the Inventory Element, the Incentives Element, the Education Element, and the Draft Historic Resource Board Ordinance. The first three elements were adopted by the City Council in February 1992; the final element has been incorporated into the Land Development Code project and would be adopted as part of the action on the Code.

The Inventory Element addresses a comprehensive citywide inventory program. It is important to have a complete and comprehensive historical resource inventory, by community plan area, of the entire City in order to record and identify the existence and value of historic resources; to provide a measure of the scope of the total preservation effort required; and to assist in the development of appropriate methods to secure their preservation.

Since demolition of structures does not require discretionary approval in many parts of the City, there is a potential that historical resources that have not been identified and designated through an inventory could be lost before such an effort is undertaken. The lack of comprehensive inventories has created an ad-hoc designation process that has provided inconsistent protection of the City's historic resources.

Inventories of the built environment (buildings, structures, objects, landscapes) have been completed in various communities in the City. Several other areas have not been inventoried and a systematic archaeological inventory has not been undertaken. The Board has tentatively prioritized the following communities to have historical resource inventories for the built environment prepared or updated within the next five years: Point Loma/Ocean Beach; La Jolla; Mission Beach/Pacific Beach; and Golden Hill. Priority is established by the age and early development of the community and the extent of current development pressure.

The purpose of the Education Element is to better inform the public, historic property owners, and City officials about the purpose, policies and benefits of historic preservation. The idea behind this element is that

widespread community support would be required for the successful implementation of the Comprehensive Historic Preservation Plan. In order to gain this support, understanding of the significant contributions of historic resources to the quality of life is needed.

The Incentives Element is designed to encourage preservation of identified historical resources. There are many existing incentives that are either financial or service oriented. The following programs are financial incentives:

1. The Federal Historic Preservation Rehabilitation Investment Tax Credit Program provides a 20% investment tax credit for the substantial rehabilitation of depreciable properties listed on the National Register of Historic Places;
2. Owners of designated historic properties may apply for a Conditional Use Permit to allow a use that is not otherwise permitted by right under existing zoning;
3. In the Housing Commission Rehabilitation Loan Program, the City's Housing Commission provides loans to rehabilitate low-income multi-family residential structures and to low-income families to rehabilitate their residences; and
4. The Mills Act Agreements are an under utilized tax incentive available to the owners of historic properties. The owners may enter in an agreement for a minimum of ten years to restrict the use of the property, require its preservation and maintenance, and allow for periodic examination of the interior and exterior of the property by the County Assessor, the State Department of Parks and Recreation, and the State Board of Equalization.

The following programs are service incentives:

1. The planning/development services staff to the Board provides assistance and counseling regarding rehabilitation, design issues, use, building codes, conditional uses, incentives, financial and planning issues;
2. Urban Conservation staff is required to provide historic property owners with assistance and counseling through the program above; and
3. The Board requires that plaques and signs be put on historic properties. The Board has made arrangements with a local foundry for the owners of historic; and properties to purchase a plaque of Board-approved design at a reduced cost.

#### **CITY COMMITMENT TO NATIVE AMERICAN COMMUNITY**

The City Manager has demonstrated a commitment to addressing Native American concerns regarding traditional cultural properties through establishment of a Native American Advisory Committee to solicit input on City projects and private projects involving City-owned land. The formation of the Native American Advisory Committee was approved by the City Council's Transportation and Land Use Committee in July 1990.

**LAND DEVELOPMENT CODE**

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises regardless of the requirement to obtain a Neighborhood Development Permit or Site Development Permit. When any portion of a premises contains historical resources, as defined in the Land Development Code Chapter 11, Article 3, Division 1, the regulations apply to the entire premises.

Historical resources consist of designated historical resources, historical districts, historical buildings, structures, objects, and landscapes, important archaeological sites and traditional cultural properties. Only minor alteration of a designated historical resource or of a historical building or structure within a historical district may be allowed if the alteration does not affect the special character or special historical, architectural, archaeological, or cultural value of the resource. Traditional cultural properties are required to be protected and preserved as a condition of development approval. Development within an area containing an important archaeological site is permitted if necessary to achieve a reasonable development area with up to 25 percent encroachment into the site. Additional encroachment of 15 percent is allowed for essential public service projects.

Any loss of a historical resource through alteration or encroachment is required to be offset by mitigation in accordance with Section III of these Guidelines. Mitigation measures include preservation in whole or in part or avoidance as the preferred method of mitigation with other methods such as documentation and/or salvage of the resource prior to its disturbance allowed when preservation is not feasible .

The proposed regulations include a deviation process by which project approval could occur without compliance with the historical resources regulations to afford relief from the regulations when all feasible measures to mitigate for the loss of the resource have been provided by the applicant and when denial of the development would result in economic hardship.

A Construction Permit, Neighborhood Development Permit or Site Development Permit is required for the following types of development proposals:

(1) **Process One Construction Permit:**

Any development on a parcel that has historical resources on the site that will not adversely affect the historical resources and is consistent with one or more of the exemption criteria in accordance with section 143.0220 of the Land Development Code.

(2) **Process Two Neighborhood Development Permit:**

Any single dwelling unit residential development on a single dwelling unit lot of any size when a traditional cultural property or important archaeology site is present.

(3) **Process Four Site Development Permit:**

Any multiple dwelling unit residential, commercial or industrial development on any size lot, or any subdivision on any size lot, or any public works construction project or any project-specific

land use plan when a designated historical resource or historical district is present and any development that deviates from the development regulations for historical resources as described in the Land Development Code.

**CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD**

The Historical Resources Board is established by the City Council as an advisory board to identify, designate and preserve the historical resources of the City; to review and make a recommendation to the appropriate decision making authority on applications for permits and other matters relating to the demolition, destruction, substantial alteration, removal or relocation of designated historical resources; to establish criteria and provide for a Historical Resources Inventory of properties within the boundaries of the City; and to recommend to the City Council and Planning Commission procedures to facilitate the use of the Historical Resources Inventory results in the City's planning process in accordance with Section 111.0206 of the Land Development Code.

**PUBLIC RESOURCES CODE AND CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The California Environmental Quality Act (CEQA) states that:

The Legislature further finds and declares that it is the policy of the state to ... preserve for future generations ... examples of the major periods of California history (Section 21001).

CEQA requires that before approving discretionary projects the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (Section 21084). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities which would impair historical significance (Section 5020.1). Any historical resource listed in or eligible to be listed in the California Register of Historical Resources, including archaeologically resources, is considered to be historically or culturally significant. Resources which are listed in a local historic register or deemed significant in a historical resource survey as provided under Section 5024.1(g) are presumed historically or culturally significant unless "the preponderance of evidence" demonstrates they are not. Finally, a resource that is not listed in, or determined to be eligible for listing in, the California Register of Historic Resources, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant, pursuant to Section 21084.1.

Appendix G of CEQA further states that a project will normally have a significant effect on the environment if it will:

- (j) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group, ...
- (w) Conflict with established recreational, educational, religious, or scientific uses of the area.

**NATIONAL HISTORIC PRESERVATION ACT**

Section 106 of the National Historic Preservation Act establishes a consultation process which is intended to accommodate historic preservation concerns with the needs of Federal undertakings. The Section 106 process only applies to projects involving federal land, funds or permits. Section 106 of the Act requires a Federal agency head with jurisdiction over a Federal, federally assisted, or federally licensed undertaking to take into account the effects of the agency's undertaking on properties included in or eligible for the National Register of Historic Places and, prior to approval of an undertaking, to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the project. Consulting parties are the primary participants in the Section 106 process, and may include a Federal agency official, the State Historic Preservation Officer, the Advisory Council on Historic Preservation and other interested persons. Interested persons may include local governments, applicants, the Native American community and the public.

Section 110(f) of the Act requires that Federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking and, prior to approval of such undertaking, afford the Advisory Council a reasonable opportunity to comment.

## II. DEVELOPMENT REVIEW PROCESS

The development review process consists of two separate aspects: the implementation of the Historical Resources Regulations and the determination of impacts and mitigation under the California Environmental Quality Act (CEQA). This section establishes the baseline standards for the development review process in the City of San Diego.

### When Are Surveys Required?

#### FOR PURPOSES OF OBTAINING A PERMIT

For premises not already determined to contain historical resources, the City Manager shall determine the need for a site specific survey for the purposes of obtaining a Construction Permit ~~or, Neighborhood Development Permit or Site-Development Permit~~ for development proposed for any parcel containing a structure that is more than 45 years old and not located within any area identified below as exempt or for any parcel identified as containing a historical resource in a land use plan or identified as sensitive on the Historical Resource Sensitivity Maps for review based on the Historical Resource Sensitivity Maps. In determining the need for a site specific survey, the City Manager should consult with and consider input from local individuals and groups with expertise in the Historical Resources of the San Diego area. These experts may include the University of California, San Diego State University, San Diego Museum of Man, local historical and archaeological groups, and designated community planning groups. Consultation with these or other individual and groups should occur as early as possible so that their input can be considered during the time frame allotted to determine the need for a site specific survey. The City Manager shall determine the need for a site specific survey within 10 working days of application of a construction permit or within 30 calendar days of an application for a development permit. A site specific survey shall be required when the City Manager determines that a historical resource may exist on the premises. If the City Manager does not require a site specific survey within the specified time period a permit for historical resources shall not be required.

The Historical Resource Sensitivity Maps are maintained by the Development Services Department and used to identify properties that have a likelihood of containing archaeological sites based on records from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man, and site specific information on file with the City. If it is demonstrated that archaeological sites do in fact exist on or immediately adjacent to any property, whether identified for review or not, then a survey shall be required by the City Manager. If it is demonstrated that archaeological sites do not in fact exist on any property identified for review, then the Historical Resource Sensitivity Maps shall be updated to remove that property from the review requirements.

The following areas have been determined to be exempt from the requirement for a site specific survey for the identification of a potential historical building or historical structure:

(To be added as areas are identified by the Historical Resources Board.)

If a site specific survey is required, it shall be conducted in such a manner as to determine the presence or absence of potential historical resources consistent with Chapter III of these Guidelines (Methods).

Based on the site specific survey and the best scientific information available, the City Manager shall determine whether a historical resource exists, whether a potential historical resource merits designation by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the historical resource or potential historical resource. If historical resources are not present, then a Neighborhood Development Permit or Site Development Permit for historical resources shall not be required. The documentation used to determine the presence or absence and location of historical resources shall be provided by the applicant at the request of the City Manager. The property owner or applicant shall obtain a Construction Permit, Neighborhood Development Permit or Site Development Permit, in accordance with the Land Development Code, before any development activity occurs on a premises that contains historical resources.

#### **FOR PURPOSES OF ENVIRONMENTAL REVIEW (CEQA)**

Historic property (built environment) surveys are required for properties within a project's Area of Potential Effect (APE) which are 45 years of age or older and which have integrity of setting, location, design, materials, workmanship, feeling, and association. In rare instances, properties which have not yet achieved 45 years of age may be historically significant. Among them are: important International Style structures; industrial or military structures significant in Cold War history; buildings, structures, and objects representing significant technological or scientific advances; the works of architectural masters; and roadside-related architecture from the 1950s and 1960s which is fast disappearing. Such resources must be proven to have exceptional significance in their contribution to recent history, as documented by a preponderance of evidence.

Archaeological surveys are required when development is proposed on previously undeveloped parcels, when a known resource is identified on site or within a one-mile radius, when a previous survey is more than five years old if the potential for resources exists, or based on a site visit by a qualified consultant or knowledgeable City staff.

#### **When Are Evaluations Required?**

Historical resource evaluations are required when new resources are identified as a result of the survey, when previously recorded resources that have not been previously evaluated are relocated during the survey, and when previously recorded sites are not relocated during the survey if there is a likelihood that the resource still exists. Evaluations will not be required if the resource has been evaluated for CEQA significance or for National Register eligibility within the last five years if there has been no change in the conditions which contributed to the determination of significance or eligibility. A property should be re-evaluated if its condition or setting has either improved or deteriorated, if new information is available, or if the resource is becoming increasingly rare due to the loss of other similar resources.

#### **How Are Impacts Assessed?**

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 or the EIR, but will not be considered further in the CEQA process.

#### DIRECT IMPACTS

Any part of a development that will have a potential effect on historical resources is considered a direct impacts. Direct impacts are generally those that will cause damage to the resource, such as:

1. mass grading;
2. road construction;
3. pipelines for sewer and water;
4. staging areas;
5. access roads;
6. destruction of all or part of a property;
7. deterioration due to neglect;
8. alteration;
9. inappropriate repair;
10. new addition;
11. relocation from original site; and
12. isolation of a historic resource from its setting, when the setting contributes to its significance.

#### INDIRECT IMPACTS

Indirect impacts are included within the APE. In the built environment, indirect impacts include the introduction of visual, audible or atmospheric effects 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 viewshed, generate substantial noise, or substantially increase air pollution or wind patterns.

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. Since open space boundaries can change during the project review as a result of environmental design and/or community constraints, resources placed into open space need to be evaluated for indirect impacts.

#### CUMULATIVE IMPACTS

Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The loss of a historical resource data base 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 result in a significant loss of integrity.

If it is determined that significant resources will be impacted by the proposed project, there are several mitigation strategies that can be utilized. These are discussed below.

### What Criteria Are Used to Evaluate Significance?

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:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. 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
4. 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 shall 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 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 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.

source is one which qualifies for the California Register of Historic Resources or deemed significant in a historical resource survey, sources Code. A resource that is not listed in, or Register of Historic Resources, not included in a local historical resource survey may nonetheless be

it is significant at the local, state, or national level, under

ents that have made a significant contribution to the broad cultural heritage of California or the United States.

portant to the nation or to California's past.

a type, period, region, or method of construction, or high artistic values.

information important to the prehistory or history of the state

archaeological resource" as one which:

or American history, or prehistory.

demonstrable public interest and useful in addressing archaeological research questions.

oldest, best example, largest, or last surviving example of its

stantial stratigraphic integrity; or

historical research has shown can be answered only with

GENERAL PLAN

Plan and General Plan reflect a broad definition of historical, of local, rather than state or national significance; and the local importance.

REGISTER

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### **III. METHODS**

This section establishes the baseline standard for the methods of identifying and recording historical resources, evaluating their significance, and mitigating those impacts to historical resources determined to be significant as required by the Land Development Code and the California Environmental Quality Act.

#### **Defining Project Area (Area of Potential Effects)**

The Area of Potential Effects (APE) is the geographic area (or areas) within which a project may cause changes in the character or use of historical resources. Investigations and surveys are conducted within the APE to identify the presence or absence of historical resources and, if present, to evaluate their significance. The APE should include all historical resources which reasonably can be expected to be affected (resulting in a change to their historical, architectural, archaeological or cultural character) by a proposed project. The APE is project specific and should be large enough to accommodate minor project design changes. In other words, the initial APE for survey and evaluation programs may be larger than the final APE for mitigation programs and/or monitoring programs. The APE may also differ for different types of historical resources (e.g., archaeological sites, historical buildings/structures or traditional cultural properties). Therefore, it is important that the project APE is defined on a case-by-case basis.

At a minimum, the APE for private development projects is defined as the proposed development site, including both developable and open space areas. In addition to the development site, however, it is not uncommon for proposed projects to include off-site improvements such as off-site grading associated with cut-and-fill slopes, access roads, public utility lines, etc. Any off-site improvements must be included within the project APE. For public works projects, staging areas should also be included in the APE.

#### **Determining Presence or Absence of Historical Resources**

##### **BACKGROUND RESEARCH**

Background research is a prerequisite to historical resource investigations. While the level of effort involved in background research may vary depending on the type of investigation, the basic ingredients remain the same: a records search, literature search, interviews and Native American consultation.

The information derived from background research should serve as the basis, either in whole or in part, for the research design which guides the overall study. Sufficient background research should be done to provide the context and association within which to identify broad patterns of human activity in the area's past; its economic development; changing demographic, social and cultural characteristics; and patterns of land use. This context serves as the basis for understanding and evaluating sites, buildings and structures identified in the survey process. Background research is focused on relevant topics and periods of history or prehistory. Also this research often makes it possible to predict where certain historical resources will be found and what they may look like. Background research is performed under the supervision of a qualified principal investigator with experience in the region. References shall be provided for all sources consulted.

### Records Searches

Knowledge of previously recorded historical resources is integral to ensuring that the field work phase of an investigation is adequate. Major sources of information that must be consulted are the listings of the National Register of Historic Places, California Registered Historical Landmarks, California Points of Historical Interest, California Register of Historical Resources, California Sacred Lands Register and City of San Diego Historical Site Board Register.

Records searches from both the South Coastal Information Center at San Diego State University and the San Diego Museum of Man are required for all historical resource studies submitted to the City. Records searches for both the project property and a one-mile radius are required for historical resource survey and evaluation reports, while records searches for the project property alone may be appropriate for mitigation reports and monitoring reports. Records searches must be no more than six months old.

As part of the above referenced historical resource reports, the records search information should be bound separately and one copy submitted to the Development Services Department as a confidential appendix. This information shall include:

- o a copy of the records search letters from both the South Coastal Information Center at San Diego State University and the San Diego Museum of Man,
- o a legible copy of the records search maps showing previously recorded sites within the project area and a one-mile radius, and
- o a copy of the site records for all previously recorded historical resources.

The County of San Diego Cartographic Services and other sources should be consulted for historical maps and aerial photographs to help identify the existence of potential historical resources. In addition, the Environmental Analysis Section (EAS) of the Development Services Department maintains a reference library that includes a set of City Engineering maps identifying project locations, records search data and a copy of the historical resource report(s) for each project. As has been the policy of EAS in the past, historical resource locations, record search maps and site records will not be distributed in public documents. This information, however, is available to qualified consultants.

### Literature Search

A review of previous research conducted in the project area and vicinity is also required. For the most part, this includes unpublished historical resource reports identified through records searches, but may also include unpublished primary source materials and published studies. This information may help determine the potential for historical resources to exist on a property, as well as document the extent of previous investigations. Additional background information, including studies associated with specific research topics, may also be appropriate as part of the literature search for mitigation reports.

### Interviews

Consultants should also contact the San Diego Historical Society, other local historical societies and knowledgeable individuals, as appropriate, for information about possible resources in the project area.

### Native American Consultation

Prior to the onset of field work, the Native American Heritage Commission and the local Native American community shall be consulted for input regarding possible impacts to historical resources within the project area, particularly as they relate to traditional cultural properties and areas of Native American sensitivity. Among its duties, the Native American Heritage Commission is responsible for maintaining the California Sacred Lands Register. This consultation would allow the Native American community the opportunity to become involved prior to the beginning of field work, rather than at the time sensitive resources are encountered.

### FIELD RECONNAISSANCE

The field reconnaissance must be conducted under the direction of a qualified professional (see Section V) from the appropriate discipline based on the type of resource being investigated. In cases involving complex resources, a team of experts may be necessary for a complete investigation.

### Archaeological Resources

Survey for archaeological resources must be conducted by an archaeologist certified by the Society of Professional Archeologists (SOPA), who must participate in the entire field survey. The survey must conform to professional standards and accomplish thorough coverage of the property. The goal of the field reconnaissance should be complete coverage of the property using linear transects, with surveyors spaced 10 to 15 meters apart (10-meter spacing with vegetation, 15-meter spacing with no vegetation). These thresholds should provide complete coverage of the property unless circumstances such as vegetation, steep slopes or existing buildings obstruct ground surface visibility. If the ground surface is not visible, an enhanced reconnaissance may be required.

If an enhanced reconnaissance is appropriate, proper steps should be taken to ensure that the methods involved will not cause damage to potential or existing resources on the property. In areas where vegetation is especially heavy, it may be necessary to employ alternative methods for clearing the subject property. The preferred method is clearing the ground surface by hand with a weed-eater or scythe, followed by mowing of non-native grasses (native grasses may require less harmful methods) and, finally, disking. While disking is the least desirable method of ground clearance, it may be appropriate where vegetation is especially heavy. The disking blade, however, should not exceed a diameter of six inches in order to achieve the least amount of damage to historical resources. Periodic ground clearance of vegetation at specified intervals is another method that can be utilized during the enhanced reconnaissance.

Mechanical trenching/coring may be employed when all other methods of ground surface clearance are infeasible due to dense vegetation or poor ground surface visibility. It may also be necessary to use mechanical trenches in areas that are subject to the rapid accumulation of alluvial soils (e.g., adjacent to river beds, marshes, lagoons, etc.), in areas covered by imported fill, in areas where the likelihood of buried cultural deposits may occur and in areas where historical resources have been previously recorded.

Consultants are encouraged to employ innovative survey techniques when conducting an enhanced reconnaissance. These may include remote sensing techniques such as the proton-magnetometer, ground penetrating radar and other soil resistivity techniques as determined on a site specific basis.

### Traditional Cultural Properties

In the case of Native American traditional cultural properties, guidance must come from the Native American Heritage Commission (NAHC). Resources identified during the field reconnaissance must be evaluated for their importance with all information documented in the survey and evaluation report. Any Native American traditional cultural property encountered should be recorded (see below) and filed with the NAHC for inclusion in the Sacred Lands Inventory and forwarded to the local Tribal Commission archives. The "Remarks and Interpretations" section of the Archaeological Site Record (Part 2) form should include the name of the contact person for the local Native American group. The historical resources forms should also be sent to both the SCIC and the San Diego Museum of Man. This gives the resource several levels of review during the planning process.

### Historical Resource Documentation

All newly identified historical resources must be recorded on State of California Primary Record forms (DPR 523A). Historical resources forms for previously recorded resources should be updated and submitted in the appropriate manner. Procedures for completing these forms are presented in Instructions for Recording Historical Resources. Consultants are responsible for submitting all historical resources forms to the South Coastal Information Center for assignment of a state trinomial. The state trinomial for each new and/or updated resource must be referenced in all subsequent reports. In addition, a second set of historical resources forms must be forwarded to the San Diego Museum of Man for their files.

Isolates. Isolates must be recorded on Primary Record forms only. Resources identified as isolates must be collected, recorded and mapped as part of the survey. Information about isolates should be included in the survey report, and no further work will be necessary.

Archaeological Sites. In addition to the Primary Record form, archaeological sites should be recorded on the Archaeological Site Record (Part 1 and 2) form (DPR 523C), Linear Feature Record form (DPR 523E), Milling Station Record form (DPR 523F), Rock Art Record form (DPR 523G), Artifact Record form (DPR 523H), Photograph Record form (DPR 523I), Location Map form (DPR 523J), Sketch Map form (DPR 523K) and Continuation Sheet form (DPR 523L), as appropriate.

Historic Buildings, Structures or Objects. In addition to the Primary Record form, historic buildings, structures or objects should be recorded on the Building, Structure and Object Record form (DPR 523B), Linear Feature Record form, Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet form, as appropriate.

Historic Districts. In addition to the Primary Record form, historic districts should be recorded on the District Record forms (DPR 523D), Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet form, as appropriate.

Historic Landscapes. In addition to the Primary Record form, historic landscapes should be recorded on the District Record form, Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet form, as appropriate.

Traditional Cultural Properties. In addition to the Primary Record form, traditional cultural properties should be recorded on the Building, Structure and Object Record form, Archaeological Site Record form, Linear

Feature Record form, Milling Station Record form, Rock Art Record form, Artifact Record form, Photograph Record form, Location Map form, Sketch Map form and Continuation Sheet, as appropriate.

### **Evaluating the Significance of Historical Resources**

#### **ARCHAEOLOGICAL RESOURCE SITES AND NATIVE AMERICAN TRADITIONAL CULTURAL PROPERTIES**

An acceptable testing program for assessing the significance of historical resources must include documentation and evaluation of both the surface and subsurface components of the resource. The appropriate Native American groups shall be notified prior to any subsurface investigation for input regarding historical resources within the project area. If the Native American community requests the participation of an observer, the request shall be honored. The Native American consultation process shall be meaningful and input shall be solicited in such a manner as to adequately solicit concerns. The views of the Native American community on the resources being evaluated shall be documented and considered a formal part of the process. If traditional cultural properties are identified, then the evaluation must include ethnographic analysis to document, to the extent possible, the significance of the resource.

There is no cookbook formula for what constitutes adequate evaluation of archaeological resources, nor should there be. Individual archaeological sites differ as to the properties that make them significant. At a minimum, however, an evaluation program should include a level of effort which is adequate to determine: 1. the horizontal and vertical dimensions of a site, 2. chronological placement, 3. site function, 4. artifact/ecofact density and variability, 5. presence/absence of subsurface features, and 6. research potential.

#### **Surface Investigation**

Site boundaries are determined by the areas of use and are a matter of close observation. Activity areas may or may not be conspicuous on many parts of the site, but once recognized, they should be mapped. When surface features or disturbances are encountered, they must be measured and mapped so that the precise provenience and association with other objects is known. Mapping methods that can be used for establishing site boundaries are: compass and tape; transit and stadia rod; and the plane table and alidade. Documentation of the surface component of a site requires some level of controlled surface collection and analysis of recovered materials. The amount of surface collection (complete vs sample) and the method employed (point provenience vs collection grid) should be determined on a case by case basis, as circumstances warrant. It is expected, however, that surface collection would result in the recovery of all surface material from sites with up to 100-200 surface artifacts. For sites with more than 200 surface artifacts, surface collection may consist of a statistically valid sample, but should generally not represent less than 10 percent of the total site area. The point provenience collection method is the process by which artifacts are mapped, (using proper equipment) based on their exact location or concentration. Also referred to as micro-mapping, point provenience is employed when a complete surface collection is undertaken. Use of the collection grid method is dependent in part on the extent of surface visibility. This method maintains horizontal control, and a convenient way to ascertain the measured relationships between all components of the site. If the surface visibility is good, all materials should be collected. It is logical to use large grids where previous disturbances have been documented, but on less disturbed or pristine sites, smaller grids (1x1) are appropriate. It may also be appropriate to use surface scrapes as a last resort when ground visibility is severely obscured.

### Subsurface Investigation

For documenting the subsurface component of a site, a minimum number of standard test units to evaluate the presence or absence of subsurface deposits based on overall site and/or locus size is required. This minimum number of units is modified from recommendations of the Office of Historic Preservation as follows:

- 2 test units at sites less than 500 square meters in size;
- 4 test units at sites between 500 and 2,000 square meters;
- 6 test units at sites between 2,000 and 6,000 square meters;
- 8 test units at sites between 6,000 and 8,000 square meters;
- 10 test units at sites between 8,000 and 10,000 square meters.

It is assumed that archaeological sites which exceed 10,000 square meters in size would be subdivided into discrete activity loci, with the minimum number of test units for each locus to be determined by the size of the locus. A standard test unit is defined as a 1 meter by 1 meter unit excavated in arbitrary 10 centimeter levels to sterile soil or to a minimum depth of 50 centimeters.

For sites that are located wholly within proposed open space areas that would be preserved as a condition of project approval, indexing of the subsurface of the site is necessary to provide baseline information for the proper management of the preserved resource. It is anticipated that a minimum of two units for sites less than 6,000 square meters in size and four units for sites greater than 6,000 square meters in size would be necessary. Adequate information is required to prepare an appropriate preservation plan, as required by CEQA and therefore, more than the minimum number of test units may be necessary.

If a subsurface component exists, the boundaries of the deposit can be established through the use of shovel test pit's (STP's), postholes and trenching. Shovel test pits may be used to document the limits of subsurface deposits, but can not in most cases be used in place of the minimum number of test units. Shovel test pits should measure at least 30 centimeters by 50 centimeters and are expected to follow the same excavation parameters as test units. Postholes can be used as well to establish the depth of the deposit, and gather data for soil samples. Trenches are often utilized to expose features and establish depth of the deposit across the site. Width of the trench is dependent upon the size of the backhoe bucket being used, but should not exceed one meter in size.

### Extended Subsurface Investigation

While adequate to determine the presence or absence of a subsurface component, the minimum number of test units described above may not be adequate to evaluate the significance of the site based on local, state and national criteria. In that case, additional test units will be necessary to provide substantial evidence to support the significance determination. Further, if a site is determined to be significant and is not proposed for preservation as a condition of project approval, a research design and data recovery program would be required (see below).

### Excavation Methods

Proper excavation methods should be employed during any subsurface investigation. Because excavation is the means by which information is unearthed, it must be conducted methodically so that whatever is found can be seen and studied within its own context. With this in mind, the standards for excavation as established by the National Park Service (NPS) should be followed at all times. In addition, the Development Services Department expects that the criteria set forth in these guidelines will ensure quality fieldwork and reports.

The standard unit size is a 1 meter by 1 meter square, excavated by hand in arbitrary 10 centimeters levels to sterile soil or to a minimum depth of 50 centimeters. Although hand excavation is preferred, the use of machinery is acceptable when demonstrated that it is necessary. The standard shovel test pit size is a 30 centimeter by 50 centimeter square excavated by hand in arbitrary 10 centimeters levels to sterile soil or to a minimum depth of 50 centimeters. The stratigraphic profile of the site must include enough data in order to make a determination about the archaeological sequence of the site, as well as the order in which the deposits were laid down. All excavated soils must be passed through 1/8-inch mesh screen unless other methods prove more efficient based on site type or soil consistency. Other screening methods include flotation, the process by which soil is sifted through a fine-mesh screen fastened over a special container filled with water, and water screening. This method should be used at the discretion of the field supervisor and substantiated in the survey and assessment report (see Section IV). Soil samples recovered during the resource evaluation are used to indicate whether site disturbances were natural or man-made, and determine the type of activity taking place on the site. Munsel Soil Color Charts are used in the field to assess the hue, value, and chroma of the soil for each excavated level, and can provide data relative to the geology of the site as well as the surrounding area.

Field records should be maintained in a manner that permits independent interpretation. It is essential that field records be legible and comprehensive, as well as standardized in format and level of detail. The field notes are a permanent written record of the excavation, and must be available upon request if deemed necessary.

#### Cataloging and Analysis

Complete analysis of the material recovered during the testing program and completion of any appropriate specialty studies is expected prior to submittal of the technical survey and evaluation report. This should include lithic tool analysis, lithic flake/ debitage analysis, ceramic analysis, faunal analysis (including shellfish, animal bone and fish bone), fish otolith analysis, obsidian analysis, radiocarbon analysis, blood residue analysis, macrobotanical analysis, palynological analysis, etc., as appropriate. In order to adequately evaluate the significance of archaeological resources, it is necessary to identify the scientific potential of the resource (i.e., the data sets present) and the variability within artifact/ecofact classes.

#### HISTORIC BUILDINGS/STRUCTURES/OBJECTS

Evaluation of historic structures must include sufficient archival research in order to make a determination of significance. Standing structures, as well as architectural/engineering features are evaluated based on criteria such as:

1. age;
2. location;
3. context;
4. association(s) with an important person or event;
5. uniqueness; or
6. structural integrity.

Details such as the names of the architect, builder and the year built, along with information regarding past owners are an important asset in the evaluation process. In addition to the above criteria, it is necessary to include data discussing the significant contribution that was made to the area whether the historic structure is currently in use or not. It may also be appropriate to include a sampling of the site surface or subsurface by utilizing the methods outlined above for archaeological resources.

Research should include a chain of title and literature search conducted at local archives. The San Diego Historical Society, and the California Room of the San Diego Library are good sources for historical information. Sanborn Fire Maps for the City of San Diego, 1928 San Diego County Aerial Survey, County Assessor deed records and other pertinent archival materials should be utilized when necessary. Other sources for historic information include, The National Register of Historic Places and the California Office of Historic Preservation.

### **Mitigating Significant Impacts to Historical Resources**

When significant historical resources are present within the Area of Potential Effect, mitigation is required prior to project implementation. The preferred alternative for mitigating impacts to historical resources is avoidance or preservation in place. If preservation is demonstrated to be infeasible, then alternative measures would be required.

### **ARCHAEOLOGICAL SITES AND TRADITIONAL CULTURAL PROPERTIES AVOIDANCE/PRESERVATION (PREFERRED)**

Areas containing sensitive archaeological and traditional cultural resources which are to be avoided by grading or construction should be identified on grading and building plans. Areas to be preserved should be staked or fenced and protective measures implemented prior to grading. Protective measures should also be identified on grading and building plans.

Preservation can be accomplished in a number of ways including:

1. Planning construction to avoid significant resources;
2. Planning parks, green space, or other open space to preserve historical resources;
3. "Capping" or covering archaeological sites with a layer of soil before building tennis courts, parking lots, or similar facilities. Capping is an acceptable alternative when the following conditions are met:
  - a. The soils to be covered will not suffer serious compaction;
  - b. The covering materials are not chemically active;
  - c. The site is one in which the natural processes of deterioration have effectively ceased; and
  - d. The site has been recorded and an index of the contents of the site has been made.
4. Deeding significant resources into permanent conservation easements.

### **ARCHAEOLOGICAL DATA RECOVERY PROGRAM**

When avoidance as a means of mitigation is not feasible, it is necessary to implement a research design and data recovery program. The data recovery program involves the scientific excavation of a representative sample of the features and artifacts contained within that part of the site which will be destroyed by project development. The data recovery program should be based on a written research design and is subject to the provisions as outlined in CEQA, Appendix K. The data recovery program must be reviewed and approved by the City Manager.

The research design should identify important research questions (see the research priorities discussed in Appendix A to these Guidelines), link research topics to the data already known to be present in the site, and explain procedures that will be used in the collection, analysis and curation of recovered materials. The sample size to be excavated will vary with the nature and size of the site.

**HISTORIC BUILDING/STRUCTURE/OBJECT MITIGATION**

Preferred mitigation is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures can include, but not be limited to:

1. preparing a historic resource management plan;
2. adding new construction which is compatible in size, scale, materials, color and workmanship to the historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);
3. repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;
4. screening incompatible new construction from view through the use of berms, walls and landscaping in keeping with the historic period and character of the resource;
5. shielding historic properties from noise generators through the use of sound walls, double glazing and air conditioning; and
6. removing industrial pollution at the source of production.

If there are no other ways to save a building, structure or object other than relocation, such measures shall be performed in accordance with National Parks Service standards. Appropriate relocation sites shall duplicate, as closely as possible, the original location in terms of size, topography, neighborhood setting, orientation and site landscaping. Prior to the move, the resource shall be documented in its original location according to Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) standards. Such documentation will serve as baseline data for historically correct reconstruction of the new site.

If the resource cannot be accommodated through project redesign and relocation is not feasible, it shall be documented according to HABS or HAER standards prior to demolition. Such documentation, including a written report, photographs, and in some cases, measured drawings and videotape, shall be prepared by a qualified professional to the standards determined by the National Park Service.

**Determining the Need for Monitoring**

Monitoring may be required when significant resources are known or suspected to be present on a project site, but cannot be recovered prior to grading due to obstructions such as, existing development or dense vegetation. The project archaeologist may suggest or recommend monitoring the site as a result of their own previous research of the surrounding area. Monitoring may also be required to mitigate for potentially significant indirect impacts to an archaeological site. An archaeological monitor is defined as an individual having expertise in the collection and salvage of cultural resources and working under the direction of a qualified archaeologist (see Appendix B to the Guidelines).

The Applicant shall provide verification that a qualified archaeologist and/or monitor has been retained to implement the monitoring program. All persons involved in archaeological monitoring must be approved by EAS staff prior to the preconstruction meeting. The archaeologist must attend any preconstruction meetings for the purpose of making comments and/or suggestions in regards to the monitoring program. Discussion at this time with the contractors regarding excavation plans may help to avoid any unnecessary complications later in the construction process.

## **NATIVE AMERICAN OBSERVER**

A Native American observer must be retained for all subsurface investigations and disturbances whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the APE of a City project is the subject of destruction. The observer should be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request should be honored.

## **DEMOLITION**

Monitoring during demolition will be required in order to recover buried archaeological or historic materials known to exist below grade. Demolition would be temporarily halted if the monitor determines that salvage to above ground resources is necessary, and damage to the subsurface deposit may occur.

## **CONSTRUCTION/GRADING**

When significant resources are known or suspected to be present on a project site, but cannot be recovered prior to grading due to existing development, monitoring of grading activities by a qualified archaeologist is required. The archaeologist would be empowered to temporarily halt or divert grading activities to recover cultural resources. These requirements must be noted on the grading plans. The investigator is also required to prepare a report on the results of the monitoring activities (see Section III).

### **Discovering Unexpected Historical Resources During Construction**

## **CESSATION OF WORK**

If previously unknown historical resources are discovered during construction, the archaeological monitor shall have the authority to divert or temporarily halt ground disturbance operations in the immediate area of the discovery until the project analyst from EAS has been notified.

## **EVALUATION OF RESOURCE**

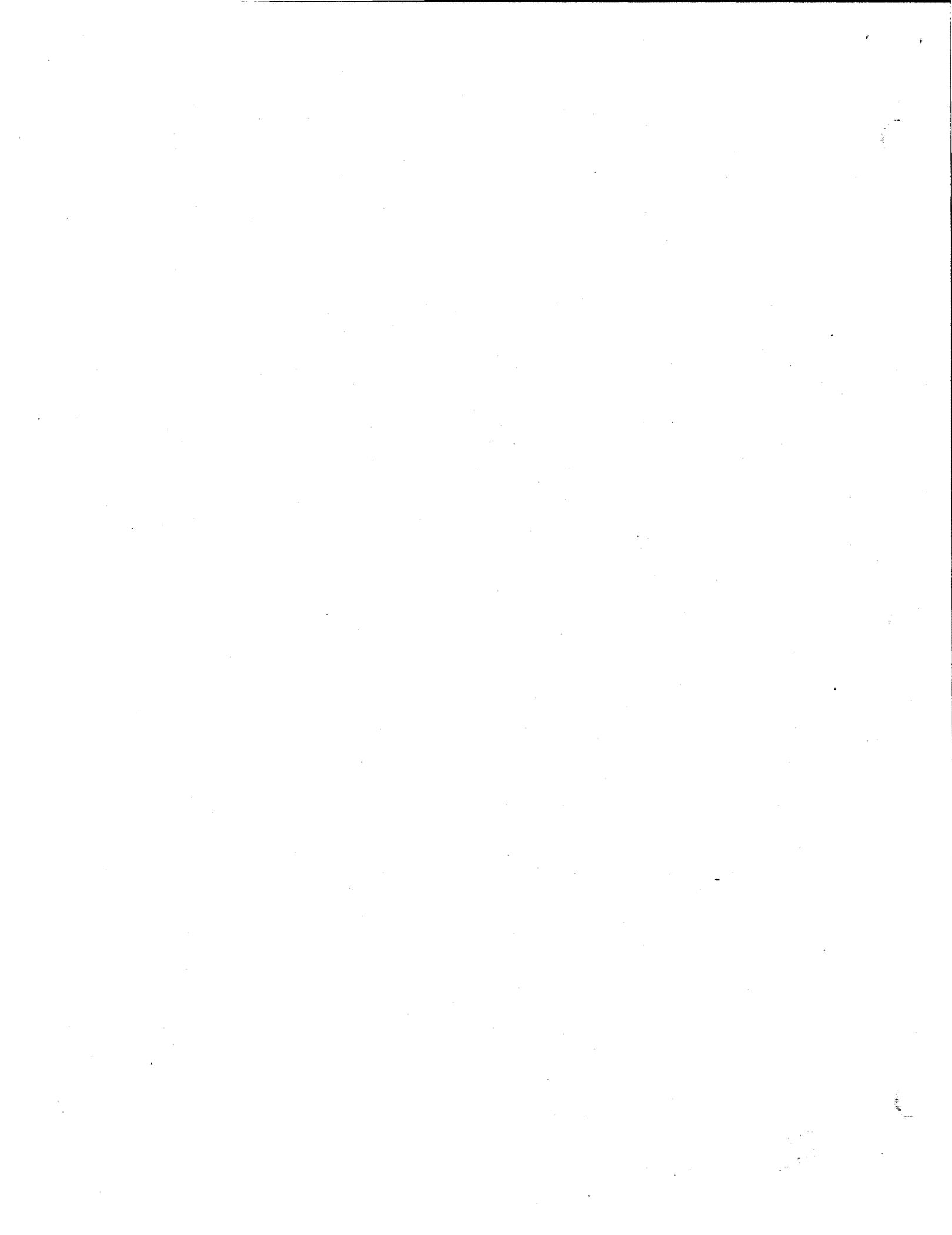
Once notified, EAS staff will, in consultation with the archaeologist, take responsibility for meeting the requirements of CEQA and other state statutes concerning the discovery of human remains and other previously unknown resources. Evaluation of the resource will be necessary and EAS must concur with the evaluation procedures before construction activities may continue on other portions of the project.

Burials need not be evaluated further, as they are always significant and must be treated accordingly. State law must be followed if burials are encountered during construction. In addition, CEQA Appendix K provides guidance to the Lead Agency, as well as to the consultant, for the evaluation of unexpected discoveries during construction.

## **RESEARCH DESIGN AND DATA RECOVERY**

For significant historical resources that are discovered during construction, a Research Design and Data Recovery Program shall be prepared and carried out in order to mitigate project impacts. All collected cultural

remains shall be cleaned, catalogued, and permanently curated with an appropriate institution. Artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. In addition, any sites or features encountered as a result of the above program, must be recorded on the appropriate site forms and submitted to the SCIC and the San Diego Museum of Man.



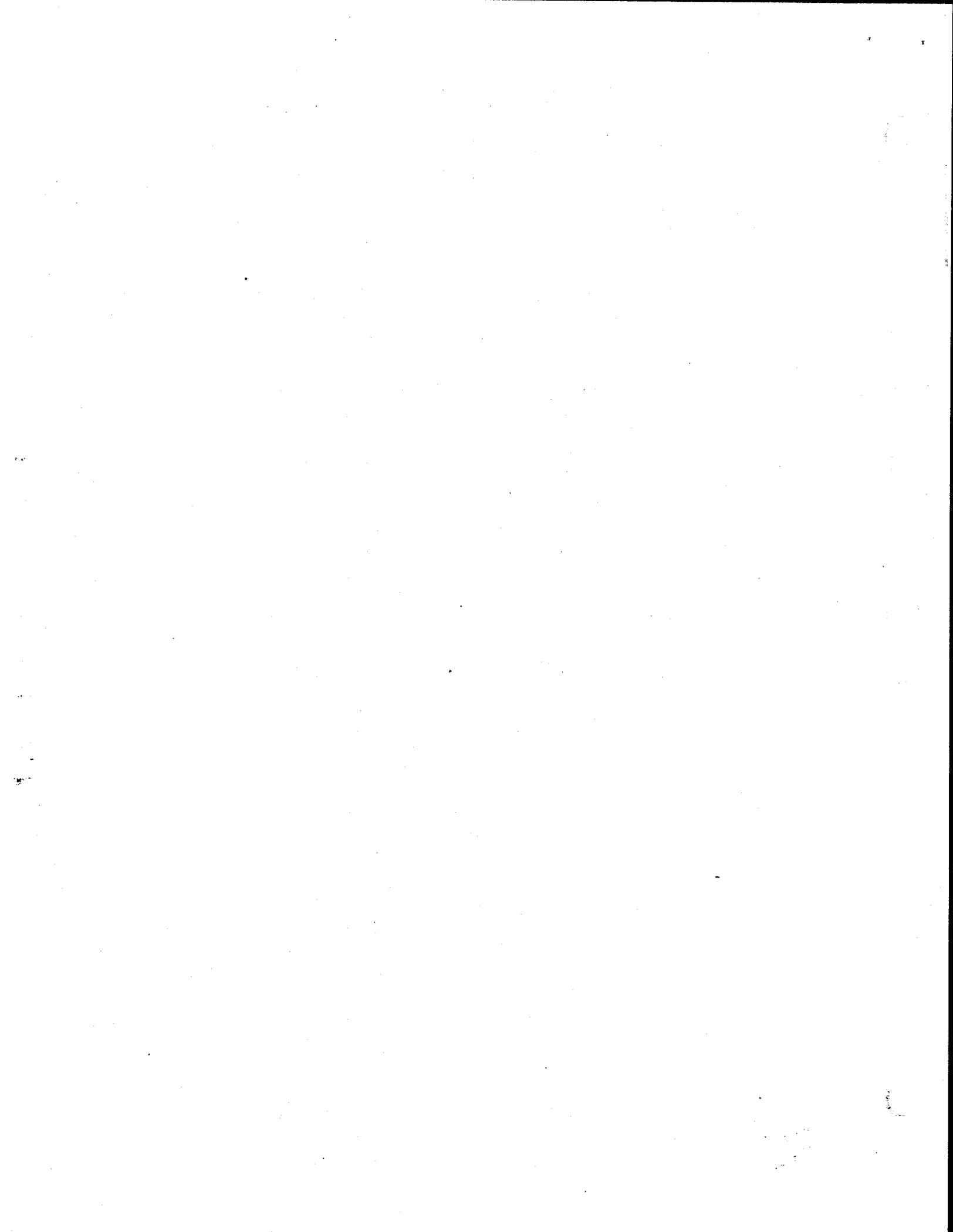
**San Diego Municipal Code**

**LAND DEVELOPMENT CODE**

**HISTORICAL RESOURCES GUIDELINES**

**APPENDIX A: SAN DIEGO HISTORY**

**MAY 1999**



## City of San Diego

**SAN DIEGO HISTORY**

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The history of a region provides the context for the evaluation and management of historical resources. The history of San Diego can be divided into four prehistoric periods, one ethnohistoric period and three historic periods. These periods are discussed below as summarized in Rosen (1994) and Van Wormer (1995). For a detailed discussion of San Diego's history, see for example, the *Historic Properties Background Study for the City of San Diego Clean Water Program* (Brian F. Mooney Associates n.d.).

## Prehistoric Periods

Systematic archaeological studies in San Diego County began with the work of Malcolm J. Rogers of the San Diego Museum of Man in the 1920s and 1930s. Rogers (1929, 1945, 1966) developed a three part chronologic sequence of prehistoric cultures for the region which was subsequently built upon by Claude Warren (1967, 1968). More recent studies have sought to further refine (Cárdenas 1986, 1987; Moratto 1984; Moriarty 1966, 1967; True 1970, 1980, 1986; True and Beemer 1982; True and Pankey 1985; Waugh 1986) or criticize (Bull 1983, 1987; Gallegos 1987) this sequence. The prehistory of the region is divided into four major periods: Early Man, Paleo-Indian, Early Archaic and Late Prehistoric.

## EARLY MAN PERIOD (BEFORE 8500 BC)

No firm archaeological evidence for the occupation of San Diego County before 10,500 years ago has been discovered. The myths and history that is repeated by the local Native American groups now and at the time of earlier ethnographic research indicate both their presence here since the time of creation and, in some cases, migration from other areas. There are some researchers who advocate an occupation of southern California prior to the Wisconsin Glaciation, around 80,000 to 100,000 years ago (Carter 1957, 1980; Minshall 1976). Local proposed Early Man sites include the Texas Street, Buchanan Canyon and Brown sites, as well as Mission Valley (San Diego River Valley), Del Mar and La Jolla (Bada et al. 1974; Carter 1957, 1980; Minshall 1976, 1983, 1989; Moriarty and Minshall 1972; Reeves 1985; Reeves et al. 1986). However, two problems have precluded general acceptance of these claims. First, artifacts recovered from several of the localities have been rejected by many archaeologists as natural products rather than cultural artifacts. Second, the techniques used for assigning early dates to the sites have been considered unsatisfactory (Moratto 1984; Taylor et al. 1985).

Careful scientific investigation of any possible Early Man archaeological remains in this region would be assigned a high research priority. Such a priority would reflect both the substantial popular interest in the issue and the general anthropological importance which any confirmation of a very early human presence in the western hemisphere would have. Anecdotal reports have surfaced over the years that Early Man deposits have been found in the lower levels of later sites in Mission Valley. However, no reports or analyses have been produced supporting these claims.

## PALEO-INDIAN PERIOD (8500-6000 BC)

The earliest generally-accepted archaeological culture of present-day San Diego County is the Paleo-Indian

culture of the San Dieguito Complex. This complex is usually assigned to the Paleo-Indian Stage and dated to about 10,500 years ago. It would therefore appear to be contemporary with the better-known Fluted Point Tradition of the High Plains and elsewhere and the Western Pluvial Lakes Tradition of the Desert West. The San Dieguito Complex, is believed to represent a nomadic hunting culture by some investigators of the complex (Davis et al. 1969; Moriarty 1969; Rogers 1929, 1966; Warren 1966, 1967) characterized by the use of a variety of scrapers, choppers, bifaces, large projectile points and crescentics, a scarcity or absence of milling implements, and a preference for fine-grained volcanic rock over metaquartzite.

Careful scientific investigation of San Dieguito Complex sites in the region would also be assigned a high research priority. Major research questions relating to the Paleo-Indian Period include confirmation of the presence of the Fluted Point Tradition in San Diego County (Davis and Shutler 1969); better chronological definition of the San Dieguito Complex; determination of whether the San Dieguito assemblages do in fact reflect an early occupation, rather than the remains from a specialized activity set belonging to an Early Archaic Period culture; clarification of the relationship of the San Dieguito Complex, if it represents a separate culture, to the subsequent Early Archaic Period cultures; determination of the subsistence and settlement systems which were associated with the San Dieguito Complex; and clarification of the relationship of the San Dieguito Complex to similar remains in the Mojave Desert, in northwestern and central California, in southern Arizona and in Baja California. The San Dieguito Complex was originally defined in an area centering on the San Dieguito River valley, north of San Diego (Rogers 1929).

#### **EARLY ARCHAIC PERIOD (6000 BC-AD 0)**

As a result of climatic shifts and a major change in subsistence strategies, a new cultural pattern assignable to the Archaic Stage is thought by many archaeologists to have replaced the San Dieguito culture before 6000 BC. This new pattern, the Encinitas Tradition, is represented in San Diego County by the La Jolla and Pauma complexes. The coastal La Jolla Complex is characterized as a gathering culture which subsisted largely on shellfish and plant foods from the abundant littoral resources of the area. The La Jolla Complex is best known for its stone-on-stone grinding tools (mano and metate), relatively crude cobble-based flaked lithic technology and flexed human burials. Inland Pauma Complex sites have been assigned to this period on the basis of extensive stone-on-stone grinding tools, Elko Series projectile points and the absence of remains diagnostic of later cultures.

Among the research questions focusing on this period are the delineation of change or the demonstration of extreme continuity within the La Jolla and Pauma complexes; determination of whether coastal La Jolla sites represent permanent occupation areas or brief seasonal camps; the relationship of coastal and inland Archaic cultures; the scope and character of Archaic Period long-range exchange systems; the role of natural changes or culturally-induced stresses in altering subsistence strategies; and the termination of the Archaic Period in a cultural transformation, in an ethnic replacement or in an occupational hiatus in western San Diego County.

#### **LATE PREHISTORIC PERIOD (AD 0-1769)**

The Late Prehistoric Period in San Diego County is represented by two distinct cultural patterns, the Yuman Tradition from the Colorado Desert region and the Shoshonean Tradition from the north. These cultural patterns are represented locally by the Cuyamaca Complex from the mountains of southern San Diego County and the San Luis Rey Complex of northern San Diego County. The people of the Cuyamaca and San Luis Rey complexes are ancestral to the ethnohistoric Kumeyaay (Diegueño) and Luiseño, respectively. Prehistorically,

the Kumeyaay were a hunting and gathering culture that adapted to a wide range of ecological zones from the coast to the Peninsular Range. A shift in grinding technology reflected by the addition of the pestle and mortar to the mano and metate, signifying an increased emphasis on acorns as a primary food staple, as well as the introduction of the bow and arrow (i.e., small Cottonwood Triangular and Desert Side-notched projectile points), obsidian from the Obsidian Butte source in Imperial County and human cremation serve to differentiate Late Prehistoric populations from earlier peoples. Pottery is also characteristic of the Cuyamaca Complex, but is absent from the San Luis Rey Complex until relatively late (post AD 1500).

Explanatory models applied to Late Prehistoric sites have drawn most heavily on the ethnographic record. Notable research opportunities for archaeological sites belonging to the Late Prehistoric period include refining chronology, examining the repercussions from environmental changes which were occurring in the deserts to the east, clarifying patterns of inter- and intra- regional exchange, testing the hypothesis of pre-contact horticultural/agricultural practices west of the desert, and testing ethnographic models for the Late Prehistoric settlement system. Hector (1984) focused on the Late Prehistoric Period to examine the use of special activity areas within large sites typical of this period. At issue was whether activities such as tool making, pottery manufacturing and dining were conducted in specific areas within the site, or whether each family unit re-created these activity areas throughout the site. Her findings indicated that no specialized areas existed within Late Prehistoric sites, and furthermore that tools made during this period served a variety of functions.

Late Prehistoric sites appear to be proportionately much less common than Archaic sites in the coastal plains subregion of southwestern San Diego County (Christenson 1990:134-135; Robbins-Wade 1990). These sites tend to be located on low alluvial terraces or at the mouths of coastal lagoons and drainages. Of particular interest is the observation that sites located in the mountains appear to be associated with the Late Prehistoric Period. This suggests that resource exploitation broadened during that time, as populations grew and became more sedentary.

## Ethnohistoric Period

The founding of Mission San Diego de Alcalá in 1769 by Father Junípero Serra and Mission San Luis Rey de Francia in 1798 by Father Lasuén brought about profound changes in the lives of the Yuman-speaking Kumeyaay (Diegueño) and Shoshonean-speaking Luiseño of San Diego County. The coastal Kumeyaay and Luiseño were quickly brought into their respective missions or died from introduced diseases. Ethnographic work, therefore, has concentrated on the mountain and desert peoples who were able to retain some of their aboriginal culture. As a result, ethnographic accounts of the coastal Kumeyaay and Luiseño are few. Today the descendants of the Kumeyaay bands are divided among 12 reservations in the south county; the descendants of the Luiseño bands among five reservations in the north county.

The Kumeyaay are generally considered to be a hunting-gathering society characterized by central-based nomadism. While a large variety of terrestrial and marine food sources were exploited, emphasis was placed on acorn procurement and processing as well as the capture of rabbit and deer. Shipek (1963, 1989b) has strongly suggested that the Kumeyaay, or at least some bands of the Kumeyaay, were practicing proto-agriculture at the time of Spanish contact. While the evidence is problematic, the Kumeyaay were certainly adept land and resource managers with a history of intensive plant husbandry.

Kumeyaay houses varied greatly according to locality, need, choice and raw materials. Formal homes were built only in the winter as they took some time to build and were not really necessary in the summer. Summer camps needed only a windbreak and were usually located under convenient trees, a cave fronted with rocks or an arbor built for protection from the sun. During the summer, the Kumeyaay moved from place to place, camping where ever they were. In the winter they constructed small elliptically shaped huts of poles covered with brush or bark. The floor of the house was usually sunk about two feet into the earth. In the foothills and mountains *hiwat* brush or deer broom was applied in bundles tied on with strands of yucca. In cold weather the brush was covered with earth to help keep the heat inside. Bundles of brush were tied together to make a door just large enough to crawl through.

Most activities, such as cooking and eating, took place outside the house. The cooking arbor was a lean-to type structure or four posts with brush over the top. Village owned structures were ceremonial and were the center of many activities. Sweathouses were built and used by the Kumeyaay men. They were built around four posts set in a square near a river or stream and usually had a dug-out floor. The sweathouse was also used sometimes as a place for treating illnesses.

As with most hunting-gathering societies, Kumeyaay social organization was formed in terms of kinship. The Kumeyaay had a patrilineal type of band organization (descent through the male line) with band exogamy (marriage outside of one's band) and patrilocal marital residence (married couple integrates into the male's band). The band is often considered as synonymous with a village or rancheria, which is a political entity.

Almstedt (1980:45) has suggested that the term rancheria should be applied to both a social and geographical unit, as well as to the particular population and territory held in common by a native group or band. She also stressed that the territory for a rancheria might comprise a 30 square mile area. Many households would constitute a village or rancheria and several villages were part of a larger social system usually referred to as a consanguineal kin group called a *cimuL*. The members of the *cimuL* did not intermarry because of their presumed common ancestry, but they maintained close relations and often shared territory and resources (Luomala 1963:287-289).

Territorial divisions among Kumeyaay residential communities were normally set by the circuit of moves between villages by *cimuLs* in search of food. As Spier (1923:307) noted, the entire territory was not occupied at one time, but rather the communities moved between resources in such a manner that in the course of a year all of the recognized settlements may have been occupied. While a *cimuL* could own, or more correctly control, a tract of land with proscribed rights, no one from another *cimuL* was denied access to the resources of nature (Luomala 1963:285; Spier 1923:306); since no individual owned the resources, they were to be shared.

The Kumeyaay practiced many forms of spiritualism with the assistance of shamans and *cimuL* leaders. Spiritual leaders were neither elected to, nor inherited their position, but achieved status because they knew all the songs involved in ceremonies (Shipek 1991) and had an inclination toward the supernatural. This could include visions, unusual powers or other signs of communication with the worlds beyond. Important Kumeyaay ceremonies included male and female puberty rites, the fire ceremony, the whirling dance, the eclipse ceremony, the eagle dance, the cremation ceremony and the yearly mourning ceremony (Spier 1923:311-326).

Important areas of research for the Ethnohistoric Period include identifying the location of Kumeyaay settlements at the time of historic contact and during the following 50 years of the Spanish Period; delineating the effects of contact on Kumeyaay settlement/ subsistence patterns; investigating the extent to which the Kumeyaay accepted or adopted new technologies or material goods from the intrusive Spanish culture; and examining the changes to Kumeyaay religious practices as a result of contact.

#### Historic Periods

San Diego history can be divided into three periods: the Spanish, Mexican and American periods.

#### SPANISH PERIOD (AD 1769-1822)

In spite of Juan Cabrillo's earlier landfall on Point Loma in 1542, the Spanish colonization of Alta California did not begin until 1769. Concerns over Russian and English interests in California motivated the Spanish government to send an expedition of soldiers, settlers and missionaries to occupy and secure the northwestern borderlands of New Spain. This was to be accomplished through the establishment and cooperative inter-relationship of three institutions: the Presidio, Mission and Pueblo. In 1769 a land expedition led by Gaspár de Portola reached San Diego Bay, where they met those who had survived the trip by sea on the San Antonio and the San Carlos. Initially camp was made on the shore of the bay in the area that is now downtown San Diego. Lack of water at this location, however, led to moving the camp on May 14, 1769 to a small hill closer to the San Diego River and near the Kumeyaay village of Cosoy. Father Junípero Serra arrived in July of the same year to find the Presidio serving mostly as a hospital. The Spanish built a primitive mission and presidio structure on the hill near the river. The first chapel was built of wooden stakes and had a roof made of tule reeds. Brush huts and temporary shelters were also built.

Bad feelings soon developed between the native Kumeyaay and the soldiers, resulting in construction of a stockade whose wall was made from sticks and reeds. By 1772 the stockade included barracks for the soldiers, a storehouse for supplies, a house for the missionaries and the chapel, which had been improved. The log and brush huts were gradually replaced with buildings made of adobe bricks. Flat earthen roofs were eventually replaced by pitched roofs with rounded roof tiles. Clay floors were eventually lined with fired-brick.

In August, 1774 the Spanish missionaries moved the Mission San Diego de Alcalá to its present location six miles up the San Diego River valley (modern Mission Valley) near the Kumeyaay village of Nipaguay. Begun

as a thatched *jacal* chapel and compound built of willow poles, logs and tules, the new Mission was sacked and burned in the Kumeyaay uprising of November 5, 1775. The first adobe chapel was completed in October, 1776 and the present church was begun the following year. A succession of building programs through 1813 resulted in the final rectilinear plan that included the church, bell tower, sacristy, courtyard, residential complex, workshops, corrals, gardens and cemetery (Neuerburg 1986). Orchards, reservoirs and other agricultural installations were built to the south on the lower San Diego River alluvial terrace and were irrigated by a dam and aqueduct system.

In 1798 the Spanish constructed the Mission San Luis Rey de Francia in northern San Diego County. They also established three smaller mission outposts (*asistencias*) at Santa Ysabel, Pala and Las Flores (Smythe 1908; Englehardt 1920; Pourade 1961). The mission system had a great effect on all Native American groups from the coast to the inland areas and was a dominant force in San Diego County.

Life for the new settlers at the San Diego Presidio was isolated and difficult. The arid desert climate and aggressive Native American population made life hard for the Spanish settlers. They raised cattle and sheep, gathered fish and seafood and did some subsistence farming in the San Diego River valley to generate enough food to keep the fledgling community of a few hundred Spaniards and hundreds of Native American neophytes alive. The situation for Spanish Period San Diegans' was complicated by the Spanish government's insistence on making trade with foreign ships illegal. Although some smuggling of goods into San Diego was done, the amounts were likely small (Smythe 1908:81-99; Williams 1994).

Significant research topics for the Spanish Period involve the chronology and ecological impact caused by the introduction of Old World plants and the spread of New World domesticates in southern California; the differences and similarities in the lifeways, access to resources and responses to change between different Spanish institutions; the effect of Spanish colonization on the Kumeyaay population; and the effect of changing colonial economic policies and the frontier economic system on patterns of purchase, consumption and discard.

#### MEXICAN PERIOD (AD 1822-1846)

In 1822 the political situation changed. Mexico won its independence from Spain and San Diego became part of the Mexican Republic. The Mexican Government opened California to foreign ships, and a healthy trade soon developed, exchanging the fine California cattle hides for the manufactured goods of Europe and the eastern United States. Several of these American trading companies erected rough sawn wood-plank sheds at La Playa on the bay side of Point Loma. The merchants used these "hide-houses" for storing the hides before transport to the east coast (Robinson 1846:12; Smythe 1908:102). As the hide trade grew, so did the need for more grazing lands. Thus the Mexican Government began issuing private land grants in the early 1820s, creating the rancho system of large agricultural estates. Much of the land came from the Spanish missions, which the Mexican government secularized in 1833. The mission system, however, had begun to decline when the Mission Indians became eligible for Mexican citizenship and refused to work in the mission fields. The ranchos dominated California life until the American takeover in 1846 (Smythe 1908:101-106; Robinson 1948; Killea 1966; Pourade 1963). The Mexican Period brought about the continued displacement and acculturation of the native populations.

Another change in Mexican San Diego was the decline of the presidio and the rise of the civilian pueblo. The establishment of Pueblos in California under the Spanish government met with only moderate success and none of the missions obtained their ultimate goal, which was to convert to a Pueblo. Pueblos did, however, begin to

form, somewhat spontaneously, near the California Presidios. As early as 1791, presidio commandants in California were given the authority to grant small house lots and garden plots to soldiers and their families (Richman 1911:346). Some time after 1800, soldiers from the San Diego Presidio began to move themselves and their families from the presidio buildings to the tableland down the hill near the San Diego River. Historian William Smythe noted that Don Blas Aguilar, who was born in 1811, remembered at least 15 such grants below Presidio Hill by 1821 (Smythe 1908:99). Of these 15 grants only five within the boundaries of what would become Old Town had houses in 1821. These included the retired commandant Francisco Ruiz adobe (now known as the Carrillo Adobe), another building later owned by Henry Fitch on Calhoun Street, the Ybanes and Serrano houses on Juan Street near Washington Street, and a small adobe house on the main plaza owned by Juan Jose Maria Marron (*San Diego Union* 6-15-1873:3). By 1827, as many as 30 homes existed around the central plaza and in 1835, Mexico granted San Diego official pueblo (town) status. At this time the town had a population of nearly 500 residents, later reaching a peak of roughly 600 (Killea 1966:9-35). By 1835 the presidio, once the center of life in Spanish San Diego, had been abandoned and lay in ruins. Mission San Diego de Alcalá fared little better. In 1842, 100 Indians lived under the care of the friars and only a few main buildings were habitable (Pourade 1963:11-12, 17-18). The town and the ship landing area (La Playa) were now the centers of activity in Mexican San Diego.

Adobe bricks were used as the primary building material of houses during the Mexican Period because wood was scarce and dirt and labor were plentiful. The technique had been brought to the New World from Spain, where it had been introduced by the Moors in the Eighth Century. Adobe bricks were made of a mixture of clay, water sticks, weeds, small rocks and sand. The sticks, weeds and small rocks held the bricks together and the sand gave the clay something to stick to. The mixture was poured into a wooden form measuring about 4 inches by 11 inches by 22 inches and allowed to dry. A one-room, single-story adobe required between 2,500 and 5,000 bricks. Walls were laid on the ground or built over foundations of cobblestone from the riverbed. To make walls the adobe bricks were stacked and held together with a thick layer of mortar (mud mixed with sand). Walls were usually three feet thick and provided excellent insulation from the winter cold and summer heat. To protect the adobe bricks from washing away in the rain, a white lime plaster or mud slurry was applied to the walls by hand and smoothed with a rock plaster smoother. The lime for the lime plaster was made by burning seashells in a fire. The lime was then mixed with sand and water. Once the plaster had dried, it formed a hard shell that protected the adobe bricks. The roof was usually made of carrizo cane bound with rawhide strips. Floors were usually of hard packed dirt, although tile was also used.

The new Pueblo of San Diego did not prosper as did some other California towns during the Mexican Period. In 1834 the Mexican government secularized the San Diego and San Luis Rey missions. The secularization in San Diego County had the adverse effect of triggering increased Native American hostilities against the Californios during the late 1830s. The attacks on outlying ranchos, along with unstable political and economic factors helped San Diego's population decline to around 150 permanent residents by 1840. San Diego's official Pueblo status was removed by 1838 and it was made a subprefecture of the Los Angeles Pueblo. When the Americans took over after 1846, the situation had stabilized somewhat, and the population had increased to roughly 350 non-Native American residents (Killea 1966:24-32; Hughes 1975:6-7).

Two important areas of research for the Mexican Period are the effect of the Mexican rancho system on the Kumeyaay population and the effect of changing colonial economic policies and the frontier economic system on patterns of purchase, consumption and discard.

#### AMERICAN PERIOD (AD 1846-PRESENT)

When United States military forces occupied San Diego in July 1846, the town's residents split on their course of action. Many of the town's leaders sided with the Americans, while other prominent families opposed the United States invasion. A group of Californios under Andres Pico, the brother of the Governor Pio Pico, harassed the occupying forces in Los Angeles and San Diego during 1846. In December 1846, Pico's Californios engaged U.S. Army forces under General Stephen Kearney at the Battle of San Pasqual and inflicted many casualties. However, the Californio resistance was defeated in two small battles near Los Angeles and effectively ended by January 1847 (Harlow 1982; Pourade 1963).

The Americans raised the United States flag in San Diego in 1846, and assumed formal control with the Treaty of Guadalupe-Hidalgo in 1848. In the quarter of a century following 1848, they transformed the Hispanic community into a thoroughly Anglo-American one. They introduced Anglo culture and society, American political institutions and especially American entrepreneurial commerce. By 1872, they even relocated the center of the city and community to a new location that was more accessible to the bay and to commerce (Newland 1992:8). Expansion of trade brought an increase in the availability of building materials. Wood buildings gradually replaced adobe structures. Some of the earliest buildings to be erected in the American Period were "Pre-fab" houses which were built on the east coast of the United States and shipped in sections around Cape Horn and reassembled in San Diego.

In 1850, the Americanization of San Diego began to develop rapidly. On February 18, 1850, the California State Legislature formally organized San Diego County. The first elections were held at San Diego and La Playa on April 1, 1850 for county officers. San Diego grew slowly during the next decade. San Diegans attempted to develop the town's interests through a transcontinental railroad plan and the development of a new town closer to the bay. The failure of these plans, added to a severe drought which crippled ranching and the onset of the Civil War, left San Diego as a remote frontier town. The troubles led to an actual drop in the town's population from 650 in 1850 to 539 in 1860 (Garcia 1975:77). Not until land speculator and developer Alonzo Horton arrived in 1867 did San Diego begin to develop fully into an active American town (MacPhail 1979).

Alonzo Horton's development of a New San Diego (modern downtown) in 1867 began to swing the community focus away from Old Town. After the county seat was moved in 1871 and a fire destroyed a major portion of the business block in April 1872, Old Town rapidly declined in importance.

American Period resources can be categorized into remains of the frontier era, rural farmsteads and urban environments, with different research questions applicable to each category. Important research topics for the frontier era include studying the changing function of former Mexican ranchos between 1850 and 1940 and investigating the effect on lifestyles of the change from Hispanic to Anglo-American domination of the pueblo of San Diego. Research domains for rural farmsteads include the definition of a common rural culture, comparing the definition of wealth and consumer preferences of successful rural farm families versus middle and upper-middle class urban dwellers, definition of the evolution and adaptation of rural vernacular architecture, and identification of the functions of external areas on farmsteads. Research questions for urban environments include definition of an urban subsistence pattern; definition of ethnic group maintenance and patterns of assimilation for identifiable ethnic groups; identification of specific adaptations to boom and bust cycles; definition of a common culture for working, middle and upper-middle class urban residents; identification of adaptations to building techniques, architectural styles, technological change and market fluctuations through analysis of industrial sites; and investigation of military sites to relate changes in armament technology and fortification expansion or reduction to changing priorities of national defense.

## ARCHITECTURE

The built environment, including structures and landscapes, is a vital source of historical evidence on past lifeways, work, ideas, cultural values and adaptations. The built environment is neither a product of random events, nor a static phenomena. The rearrangement of structural features and land use are part of the way in which people organize their lives. Landscapes are lands that have been shaped and modified by human actions and conscious design to provide housing, accommodate production systems, develop communication and transportation networks, designate social inequalities and express aesthetics (Rubertone 1989)

Vernacular architectural studies have demonstrated that pioneer farmers and urban dwellers used folk styles to meet specific needs. Analysis of these house types illustrate adaptation by households as a result of changing needs, lifestyle and economic status. Studies of structural forms at military complexes have documented changes in technology and national defense priorities, and industrial site studies have documented technological innovation and adaptation. The spatial relationships of buildings and spaces, and changes in those relationships through time, also reflect cultural values and adaptive strategies (Carlson 1990; Stewart-Abernathy 1986).

San Diego's built environment spans over 200 years of architectural history. The real urbanization of the City as it is today began in 1869 when Alonzo Horton moved the center of commerce and government from Old Town (Old San Diego) to New Town (downtown). Development spread from downtown based on a variety of factors, including the availability of potable water and transportation corridors. Factors such as views, and access to public facilities affected land values, which in turn affected the character of neighborhoods that developed.

During the Victorian Era of the late 1800s and early 1900s, the areas of Golden Hill, Uptown, Banker's Hill and Sherman Heights were developed. Examples of the Victorian Era architectural styles remain in those communities, as well as in Little Italy.

Little Italy developed in the same time period. The earliest development of the Little Italy area was by Chinese and Japanese fishermen, who occupied stilt homes along the bay. After the 1905 earthquake in San Francisco, many Portuguese and Italian fishermen moved from San Francisco into the area; it was close to the water and the distance from downtown made land more affordable.

Barrio Logan began as a residential area, but because of proximity to rail freight and shipping freight docks, the area became more mixed with conversion to industrial uses. This area was more suitable to the industrial uses because land values were not as high: topographically the area is more level and not as interesting in terms of views as the areas north of downtown. Various ethnic groups settled in the area because there land ownership was available to them.

San Ysidro began to be developed at about the same time, the turn of the century. The early settlers were followers of the Littlelanders movement. There, the pattern of development was lots designed to accommodate small plots of land for each homeowner to farm as part of a farming-residential cooperative community. Nearby Otay Mesa-Nestor began to be developed by farmers of Germanic and Swiss background. Some of the prime citrus groves in California were in the Otay Mesa-Nestor area; in addition, there were grape growers of Italian heritage who settled in the Otay River Valley and tributary canyons and produced wine for commercial purposes.

At the time downtown was being built, there began to be summer cottage/retreat development in what are now

the Beach communities and La Jolla area. The early structures in these areas was not of substantial construction; it was primarily temporary vacation housing.

Development spread to the Greater North Park and Mission Hills areas during the early 1900s. The neighborhoods were built as small lots, a single lot at a time; there was not large tract housing development of those neighborhoods. It provided affordable housing away from the downtown area, and development expanded as transportation improved.

There was farming and ranching in Mission Valley until the middle portion of the 20th century when the uses were converted to commercial and residential. There were dairy farms and chicken ranches adjacent to the San Diego River where now there are motels, restaurants, office complexes and regional shopping malls.

There was little development north of the San Diego River until Linda Vista was developed as military housing in the 1940s. The federal government improved public facilities and extended water and sewer pipelines to the area. From Linda Vista, development spread north of Mission Valley to the Clairemont Mesa and Kearny Mesa areas. Development in these communities was mixed use and residential on moderate size lots.

San Diego State University was established in the 1920s; development of the state college area began then and the development of the Navajo community was outgrowth from the college area and from the west.

Tierrasanta, previously owned by the U.S. Navy was developed in the 1970s. It was one of the first planned unit developments with segregation of uses. Tierrasanta and many of the communities that have developed since, such as Rancho Penasquitos and Rancho Bernardo, represent the typical development pattern in San Diego in the last 25 to 30 years: uses are well segregated with commercial uses located along the main thoroughfares, and the residential uses are located in between. Industrial uses are located in planned industrial parks.

Examples of every major period and style remain, although few areas retain neighborhood-level architectural integrity due to several major building booms when older structures were demolished prior to preservation movements and stricter regulations regarding historic structures. Among the recognized styles in San Diego are Spanish Colonial, Pre-Railroad New England, National Vernacular, Victorian Italianate, Stick, Queen Anne, Colonial Revival, Neoclassical, Shingle, Folk Victorian, Mission, Craftsman, Monterey Revival, Italian Renaissance, Spanish Eclectic, Egyptian Revival, Tudor Revival, Modernistic and International (McAlester and McAlester 1990).

Research interests related to the built environment include San Diego's railroad and maritime history, development in relationship to the automobile, the role of recreation in the development of specific industries, as well as the design and implementation of major regional planning and landscaping projects, the role of international fairs on architecture, landscape architecture and city building; the development of industrial and military technologies between the two world wars; the relationship between climate, terrain, native plant material and local gardening and horticultural practices, planning and subdivision practices from the turn of the century to the present day and the post-war period of suburbanization.

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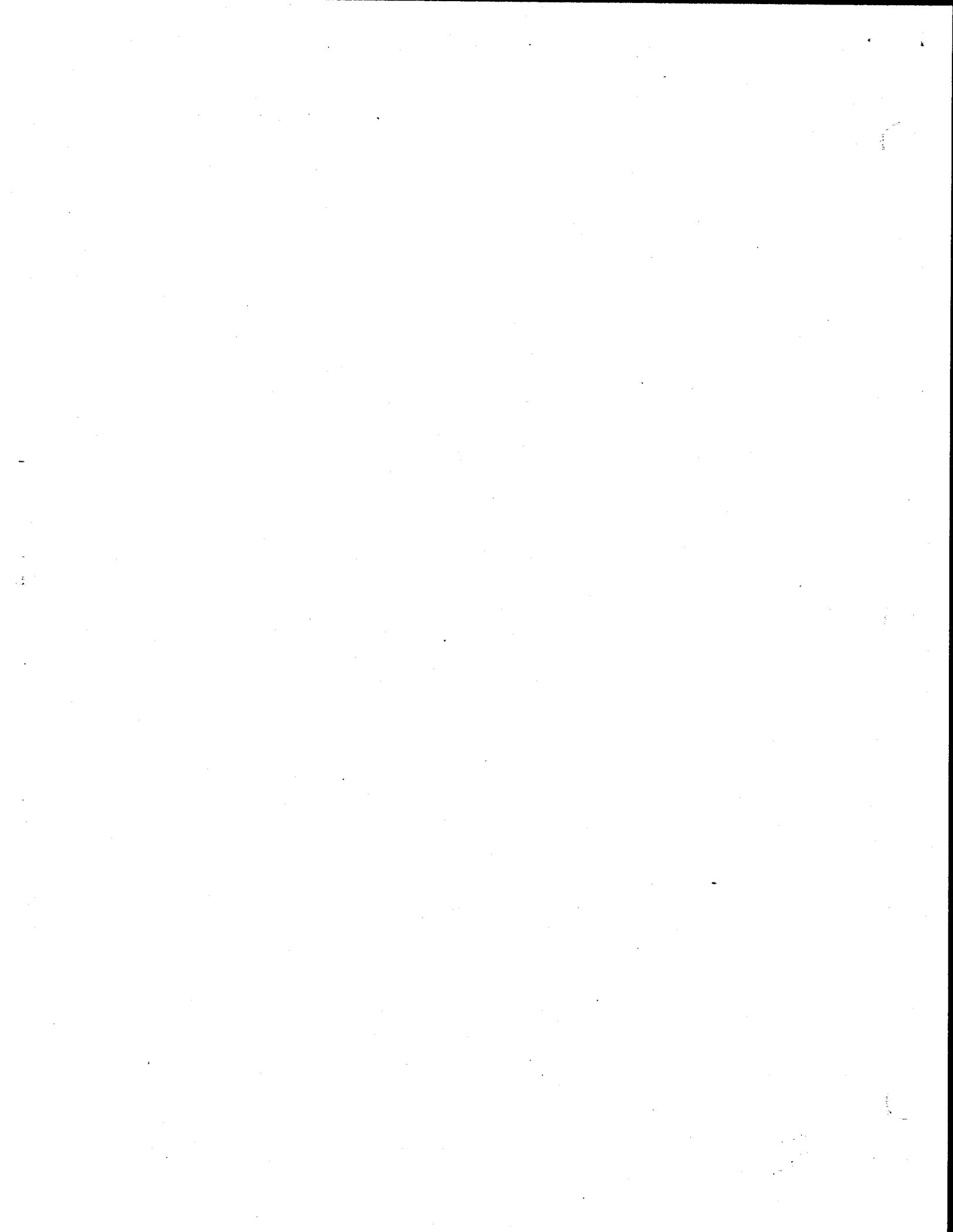
San Diego Municipal Code

LAND DEVELOPMENT CODE

HISTORICAL RESOURCES GUIDELINES

APPENDIX B: HISTORICAL RESOURCES  
CONSULTANT QUALIFICATIONS

MAY 1999



City of San Diego

## HISTORICAL RESOURCES CONSULTANT QUALIFICATIONS

The City recognizes a difference between the qualifications required for individual's nominating a property to the City of San Diego Historical Resources Board for designation and individual's preparing technical documentation for CEQA compliance. The process for designating historical resources (San Diego Land Development Code, Section 123.0210) allows any person to nominate a property for designation by submitting an Historical Resources Board Register Sheet and Research Report, as identified in the Board's "Guidelines and Procedures for Designation of Historical Sites", to the Board's administrative staff to be considered for forwarding to the Board. It is the Board's intent that Research Reports for historical designations and artistic/architectural designations be simple enough to preclude the necessity of hiring a consultant to prepare them. Research Reports for archaeological designations and natural resource designations, however, must be prepared by qualified individuals.

For CEQA compliance, the City is committed to ensuring that historical resource studies are conducted by qualified professionals. Towards this end, the City strongly recommends that individuals working in any of the disciplines routinely practicing in the historic preservation field today should meet certain minimum professional standards in education, training and experience as described below. These standards, for the most part, follow the professional qualification standards found in the Secretary of Interior's "Standards and Guidelines for Archeology and Historic Preservation" (1995). In addition, it is recommended that individuals conducting historical resource studies be certified by the Society of Professional Archeologists (SOPA), when appropriate, and be approved by the City Manager prior to the onset of work.

The City Manager may grant approval to an individual not meeting the minimum qualifications standards described below. Such individuals may submit their qualifications to the City for consideration. The decision will be made at the discretion of the City Manager on a case-by-case basis.

### Principal Investigator

#### ARCHAEOLOGY

The minimum qualifications for a Principal Investigator conducting archaeological studies are a graduate degree in Archaeology, Anthropology or closely related field (e.g., Historical Archaeology and Cultural Anthropology) **PLUS:** 1) active SOPA certification or equivalent training accepted for accreditation purposes; 2) at least two years of full-time demonstrable experience (or equivalent specialized training) at a supervisory level with prehistoric archaeological resources of southern California; **AND** 3) a demonstrated ability to carry research to completion, including scholarly research, publications, papers or similar research and writings in prehistoric archaeology relating to the prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California. Demonstrable experience includes, but is not limited to: 1) teaching prehistoric archaeology with an emphasis on and related to prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California; **OR** 2) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California.

The Principal Investigator shall act as Field and Laboratory Director and shall be responsible for the preparation of all required technical reports, including survey and evaluation results, determinations of significance and preservation/mitigation programs. The Principal Investigator shall ensure that each field and laboratory supervisor and assistant have adequate training to assure that all aspects of the field and lab work are carried out in a professional manner.

### **ARCHITECTURAL HISTORY**

The minimum qualifications for a Principal Investigator conducting studies in Architectural History are a graduate degree in Architectural History or closely related field (e.g., Art History or Historic Preservation) **PLUS** at least one year of demonstrable experience in applying the methods and practices of Architectural History in the historic preservation arena; **OR** a Bachelor's degree in Architectural History or closely related field **PLUS** at least three years of demonstrable experience in applying the methods and practices of Architectural History in the historic preservation arena. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings related to the history of architecture, historic material culture, historic resources or the historic built environment of southern California; **OR** 2) teaching the history of architecture, historic material culture, historic resources or the historic built environment of southern California; **OR** 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and relating to the history of architecture, historic material culture, historic resources or the historic built environment of southern California; **OR** 4) field work in Architectural History that emphasizes the identification, evaluation, treatment or documentation of architecture, historic material culture, historic resources or the historic built environment of southern California.

### **CULTURAL ANTHROPOLOGY**

The minimum qualifications for a Principal Investigator conducting studies in Cultural Anthropology are a graduate degree in Anthropology or closely related field (e.g., Ethnography, Ethnohistory, Folklife, Ethnobotany, Ethnozoology, Ethno-archaeology, Cultural Geography, Sociology, Social Anthropology and Oral History) with specialization in Cultural Anthropology **PLUS** at least one year of demonstrable experience in applying the methods and practices of Cultural Anthropology in southern California. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings on the theory or practices of Cultural Anthropology as it relates to historic preservation, historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California; **OR** 2) teaching the theory or practices of Cultural Anthropology as it relates to historic preservation, historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California; **OR** 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on the Cultural Anthropology of southern California; **OR** 4) field work in Cultural Anthropology that emphasizes the identification, evaluation, treatment or documentation of historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California.

### **HISTORICAL ARCHAEOLOGY**

The minimum qualifications for a Principal Investigator conducting studies in Historical Archaeology are a

graduate degree in Anthropology with a specialization in Historical Archaeology, Archaeology with a specialization in Historical Archaeology or closely related field (e.g., Prehistoric Archaeology and Cultural Anthropology) **PLUS**: 1) active SOPA certification or equivalent training accepted for accreditation purposes; 2) at least two years of full-time demonstrable experience (or equivalent specialized training) at a supervisory level with historic archaeological resources of southern California; **AND** 3) a demonstrated ability to carry research to completion, including scholarly research, publications, papers or similar research and writings in historical archaeology relating to the historic material culture, historic archaeological resources or the historic built environment of southern California. Demonstrable experience includes: 1) teaching historical archaeology with an emphasis on and related to historic material culture, historic archaeological resources or the historic built environment of southern California; **OR** 2) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to historic material culture, historic archaeological resources or the historic built environment of southern California.

### **HISTORICAL PRESERVATION**

The minimum qualifications for a Principal Investigator conducting studies in Historical Preservation are a graduate degree in Historical Preservation or closely related field (e.g., Environmental Studies, American Civilization, Architectural History, Public Administration, Law, Planning, History, Anthropology, Humanities and Cultural Geography) **PLUS** at least one year of demonstrable experience in applying the methods and practices of historical preservation in the identification, evaluation or treatment of historic or archaeological resources; **OR** a bachelor's degree in Historical Preservation or closely related field **PLUS** at least three years of demonstrable experience in applying the methods and practices of historical preservation in the identification, evaluation or treatment of historic or archaeological resources. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings in Historical Preservation relating to historic or prehistoric material culture, historic or archaeological resources or the historic or prehistoric built environment of southern California; **OR** 2) teaching Historical Preservation as it relates to historic or prehistoric material culture, historic or archaeological resources or the historic or prehistoric built environment of southern California; **OR** 3) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on historical preservation in southern California and its relationship to the identification, evaluation or treatment of historic or archaeological resources; **OR** 4) field work that identifies, evaluates or protects the historic or prehistoric resources of southern California.

### **HISTORY**

The minimum qualifications for a Principal Historian are a graduate degree in History or closely related field (e.g., American Studies, American Civilization, Historic Preservation and Humanities) **PLUS** at least one year of demonstrable experience in applying the methods and practices of History in the Historic Preservation arena; **OR** a bachelor's degree in History or closely related field **PLUS** at least three years of demonstrable experience in applying the methods and practices of History in the historic preservation arena. Demonstrable experience includes, but is not limited to: 1) scholarly research, publications, papers or similar research and writings related to the historic material culture, historic resources or the historic built environment of southern California; **OR** 2) teaching History with an emphasis on and relating to historic material culture, historic resources or the historic built environment of southern California; 3) administrative, project review or

supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with direct experience in History relating to historic material culture, historic resources or the historic built environment of southern California; **QR 4**) field work in History that emphasizes the identification and evaluation of historic material culture, historic resources or the historic built environment of southern California.

#### **UNDERWATER ARCHAEOLOGY**

The minimum qualifications for an Underwater Archaeologist are a graduate degree in Archaeology, Anthropology or closely related field (e.g., Historical Archaeology and Cultural Anthropology) **PLUS:** 1) active SOPA Certification or equivalent training accepted for accreditation purposes; 2) at least two years of full-time demonstrable experience (or equivalent specialized training) at a supervisory level with underwater archaeological resources of southern California; **AND 3)** a demonstrated ability to carry research to completion, including scholarly research, publications, papers or similar research and writings in underwater archaeology relating to the historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California. Demonstrable experience includes, but is not limited to: 1) teaching underwater archaeology with an emphasis on and related to historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California; **QR 2)** administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to historic or prehistoric material culture, historic or prehistoric resources or the historic or prehistoric built environment of southern California.

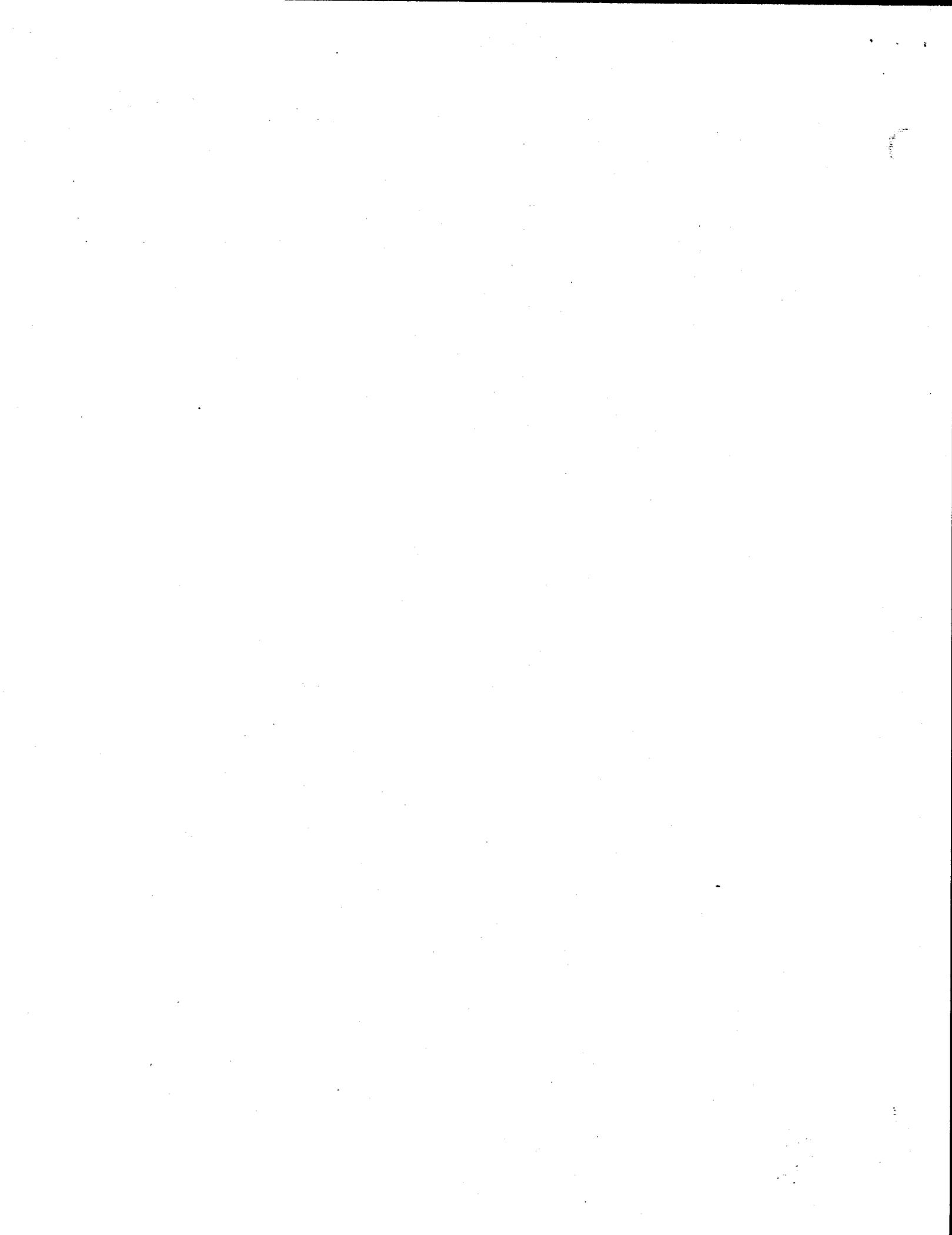
#### **Archaeological Supervisors and Monitors**

The minimum qualifications for archaeological field/laboratory supervisors and monitors are a bachelor's degree in Archaeology, Anthropology or closely related field (e.g., Archaeology and Cultural Anthropology) **PLUS:** 1) at least two years of demonstrable experience (or equivalent specialized training) with prehistoric archaeological resources of the United States; **AND 2)** at least one year of full-time demonstrable experience at a supervisory level with prehistoric archaeological resources of southern California. Demonstrable experience includes, but is not limited to: 1) administrative, project review or supervisory experience in an historic preservation program or office (academic institution, historical organization or agency, museum, cultural resources management consulting firm or similar professional institution) with an emphasis on and related to prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California; **QR 2)** field work that emphasizes the identification, evaluation, treatment or documentation of prehistoric material culture, prehistoric archaeological resources or the prehistoric built environment of southern California.

#### **Traditional Cultural Property Expertise**

The minimum qualifications for traditional cultural property expertise are a community-recognized traditional cultural authority who can speak on behalf of the community with regard to historic or prehistoric resources; **OR** community-recognized permission to consult with a traditional cultural authority and to speak on behalf of that authority **PLUS** at least one year of demonstrable experience in applying information concerning traditional cultural properties in the historic preservation arena. Demonstrable experience includes, but is not limited to: 1) study with traditional cultural authorities concerning community traditions associated with traditional cultural properties of southern California; **QR 2)** teaching or passing on community traditions that relate to traditional

cultural properties of southern California; QR 3) administering or working in a program on behalf of a traditional community that identifies, evaluated, documents and protects traditional cultural properties in southern California; QR 4) fieldwork on behalf of the community to identify, evaluate, document and protect traditional cultural properties in southern California.



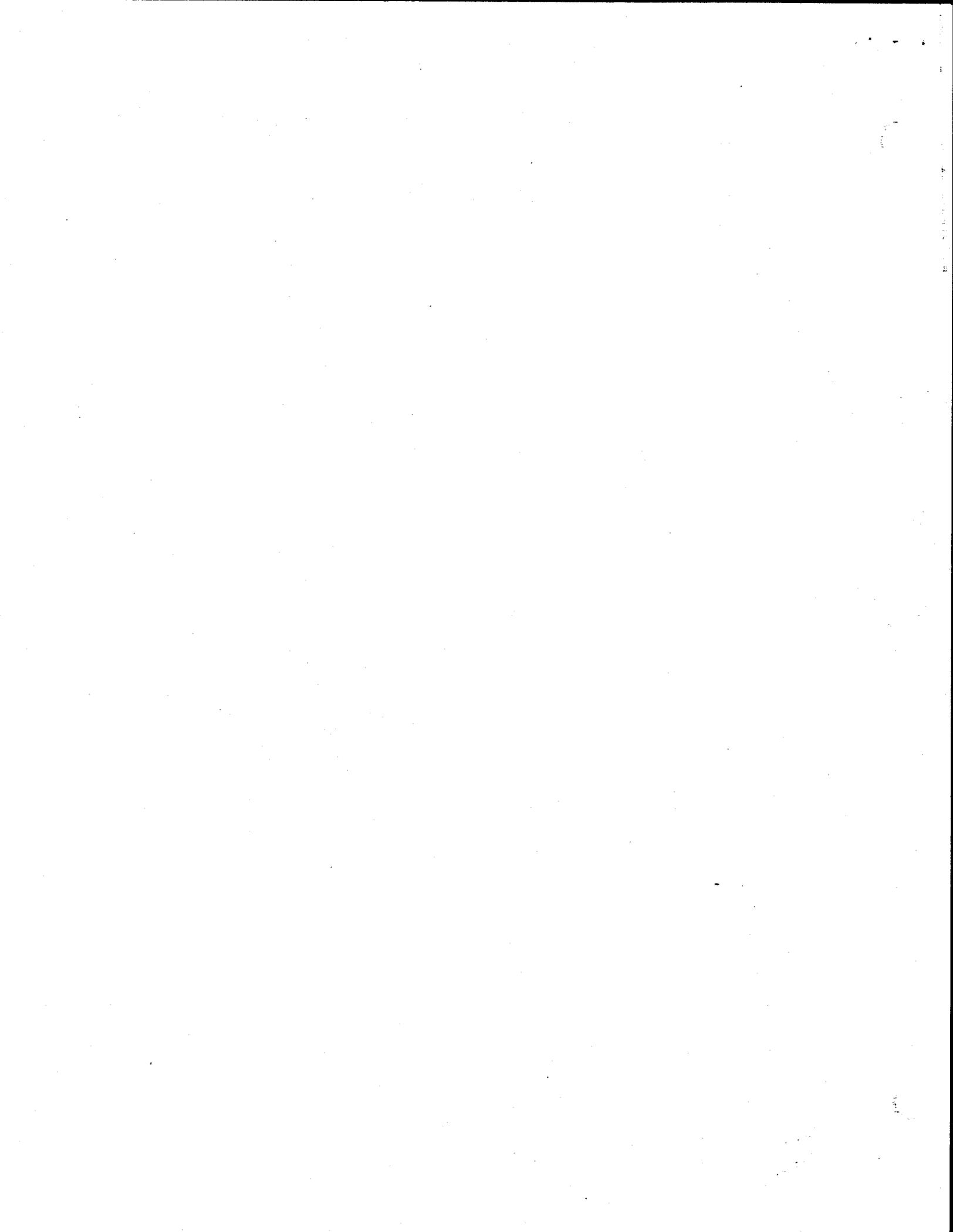
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HISTORICAL RESOURCES GUIDELINES

APPENDIX C: ARCHAEOLOGICAL RESOURCE  
MANAGEMENT REPORT FORMAT

MAY 1999



City of San Diego

### ARCHAEOLOGICAL RESOURCE MANAGEMENT REPORT FORMAT

This report format must be used when significant archaeological resources would be directly impacted as a result of a proposed development project. This format may be modified, as necessary, when historical resources other than archaeological resources are also present within the project area.

#### I. TITLE PAGE

- A. Report title (type of study, project name, city, state).
- B. LDR number.
- C. Party to whom report submitted (lead agency under CEQA).
- D. Party for whom report prepared (e.g., contracting or responsible party such as a permitting agency, property owner, or lead agency under CEQA).
- E. Consulting firm preparing report (name, address, telephone number).
- F. Authors (include titles).
- G. Date (month, year).

#### II. NATIONAL ARCHAEOLOGICAL DATA BASE INFORMATION

- A. Authors (same as I.F).
- B. Consulting firm (same as I.E).
- C. Report date (same as I.G).
- D. Report title (same as I.A).
- E. Party submitted to (same as I.C).
- F. Party submitted by (same as I.D).
- G. Contract number.
- H. USGS quadrangle location of study area.
- I. Acreage of study area.
- J. Keywords

#### III. TABLE OF CONTENTS

- A. Major report sections, subheadings and appendices with page numbers.
- B. Figures with page numbers.
- C. Photographs with page numbers.
- D. Tables with page numbers.

#### IV. MANAGEMENT SUMMARY/ABSTRACT

- A. Purpose and scope of cultural resource investigation (e.g., constraints study, survey and evaluation, mitigation, monitoring).
- B. Date(s) of investigation.
- C. Summary of results (e.g., if survey, list number and types of historical resources identified).
- D. Constraints on investigation (e.g., time, finances, logistics, dense vegetation, weather, right-of-entry, etc.).
- E. Summary of significance/eligibility of historical resources pursuant to CEQA, City of San Diego Land Development Code, California Register of Historical Resources, and, if applicable, the National Register of Historic Places criteria.
- F. Summary of direct, indirect and cumulative impacts on historical resources.
- G. Summary of recommendations (e.g., additional survey, resource evaluation, preservation

- H. program, research design and data recovery program and monitoring program).
- H. Curation of field notes, collections and reports.

#### V. PROJECT INFORMATION/INTRODUCTION

- A. Purpose of study (relevant Federal, State and local laws). Any studies that preceded and recommended current study.
- B. USGS project location (section, township, range, quadrangle). Include USGS quadrangle map with project boundaries (map must include quad name, north arrow and scale).
- C. Geographic limits of study area in acres; include 800' scale City Engineering map with survey boundaries (study area may or may not coincide with project boundaries).
- D. Project description, nature and extent of anticipated impacts (must include site plan).
- E. Project schedule: phases of planning and construction.
- F. Personnel organization: active participants and duties (qualifications in appendix).

#### VI. SETTING

- A. Natural Setting
  - 1. General physiographic region.
  - 2. Local environment of study area (i.e., landform, geology, soils, fresh water, climate, vegetation, animal life). Location of culturally important resources (e.g., rock outcrops, oak groves, lagoons, etc.), as appropriate.
  - 3. Current land use.
- B. Cultural Setting
  - 1. Brief summary of prehistory/history of study area, as appropriate.
  - 2. Summary of previously recorded cultural resources within one-mile of study area (record searches from South Coastal Information Center and San Diego Museum of Man in confidential appendix).
  - 3. Detailed summary of previously recorded sites and studies on-site.

#### VII. RESEARCH DESIGN

- A. Theoretical basis of proposed study.
- B. Summary of important research questions for study area or identified resources.
- C. Testable hypotheses or research goals.
- D. Test implications of hypotheses or expected historical resource information (historical resource types, distribution, data categories).

#### VIII. METHODS

- A. Definitions for cultural resource types (i.e., types of buildings, structures, objects, sites or districts), if different from SHPO definitions.
- B. Research methods employed (e.g., literature review, surface survey, excavation, laboratory analysis, specialty studies).
  - 1. Date(s) of investigation.
  - 2. Research and sampling strategies employed, why used, how conducted, and person hours/days expended. 10-meter transect spacing required for most surveys; up to 15 meters, if justified (i.e., 100% ground surface visibility). Survey coverage should approximate 40 acres/person day. All areas, including open space, must be surveyed, with exception of slopes steeper than 25% gradient.
  - 3. Include 800' scale City Engineering map showing areas not surveyed or surveyed using

- different strategies, if different from V.C.
4. Descriptive summary of project areas examined; include percentage of ground surface visibility.
  5. Resource recording procedures, as appropriate.
  6. General description of surface and subsurface treatment (i.e., types and methods of mapping, surface collection, feature documentation and excavation).
  7. Cultural materials collected (if any); include methods of documentation and removal.
  8. Laboratory methods employed (e.g., washing, catalog procedures, lithic analysis, ceramic analysis, flotation, special treatment, etc.).
  9. Specialty studies conducted (e.g., radiocarbon, obsidian sourcing and hydration, shellfish, animal bone, fish bone, macrobotanical, pollen, phytolith, blood protein, etc.); include name of analyst (report in appendix).
- C. Native American consultation.
- D. Curation of field notes, collections and reports.

## IX. REPORT OF FINDINGS

- A. Single survey and evaluation report required.
- B. Results of survey and evaluation. If present, list of historical resources in study area classified as buildings, structures, objects, sites, districts, or recent resources (<45 years old). Primary Record number required for all historical resources; permanent trinomial (CA-SDI-XXXX) required for all archaeological sites.
- C. Historical resource location maps (USGS quadrangle map and 800' scale City Engineering map) required in confidential appendix. Archaeological resource site maps (200' scale or better) in text, as long as location not easily identified. Site maps must show topography, resource boundaries, surface mapping, features, disturbance, and subsurface excavation locations.
- D. Description of each cultural resource listed under IX.C, including topographic setting, configuration, overall dimensions, surface features, artifacts observed/collected and photograph of resource. Completed Primary Records required in a confidential appendix for all newly discovered historical resources. Additional records are required, as appropriate. Updated records are also required for all previously recorded historical resources.
- E. Summary of specific evaluation procedures employed for each resource in project area (i.e., surface collection and mapping, recording of surface features, subsurface excavation, etc.), including any resources that would be preserved in open space.
- F. Evaluation of historic building(s), including documentation/evaluation of architect, people who have occupied/owned building(s), architecture and relationship to surrounding structures and community, is required if identified as part of the survey.
- G. Subsurface evaluation required for any sites previously recorded in project area, but not relocated during survey. This may include mechanical trenching and/or coordination with geotechnical investigations.
- H. Description of physical context for each evaluated resource (i.e., topography, geomorphology, stratigraphy, excavation profiles, etc.).
- I. Description of archaeological/structural features (e.g., bedrock milling, hearths, refuse pits, living floors, structural foundations, pathways, gardens, etc.). Include location, dimensions, attributes, and associations; illustrations and photographs; results of specialty studies related to features.
- J. Description and quantification of artifacts by artifact class and material type (e.g., flaked stone, groundstone, ceramics, bone tools, modified shell, etc.). Include typological analysis of

- artifacts, illustrations/photographs of all tools, and analysis of artifact manufacture and use.
- K. Description of non-artifactual material (e.g., shellfish, animal bone, fish bone, burned seeds, etc.); include specialty study reports in appendix.
- L. Results of other specialty studies (e.g., radiocarbon, obsidian sourcing and hydration, pollen, phytolith, blood protein, etc.); include reports in appendix.
- M. Description of discovery, examination and disposition of human remains, if any; include reburial agreement in appendix.
- N. Description of spatial distribution and patterning of cultural material by class and type (e.g., flaked stone, groundstone, ceramics, shellfish, bone, etc.).
- O. Results of Native American consultation.

#### X. DISCUSSION/INTERPRETATION

- A. Results of study as related to specific research design questions.
- B. Results of study in terms of general research objectives.

#### XI. MANAGEMENT CONSIDERATIONS

- A. Detailed discussion addressing significance/eligibility of each historical resource pursuant to CEQA, California Register of Historical Resources, City of San Diego Land Development Code, and, if applicable, the National Register of Historic Places criteria.
- B. Assessment of potential direct, indirect, and cumulative impacts for each identified historical resource. For reports involving multiple resources, provide table of historical resources, potential impacts and significance/eligibility.
- C. Consideration of alternative measures to avoid or minimize adverse impacts for each significant historical resource.
- D. Recommendations (i.e., explicit preservation program, documentation of historic buildings, research design and data recovery program, or combination) for each significant historical resource required. Include monitoring program during grading to ensure compliance with preservation program or for identification of new resources, if appropriate.

#### XII. REFERENCES

#### XIII. CERTIFICATION

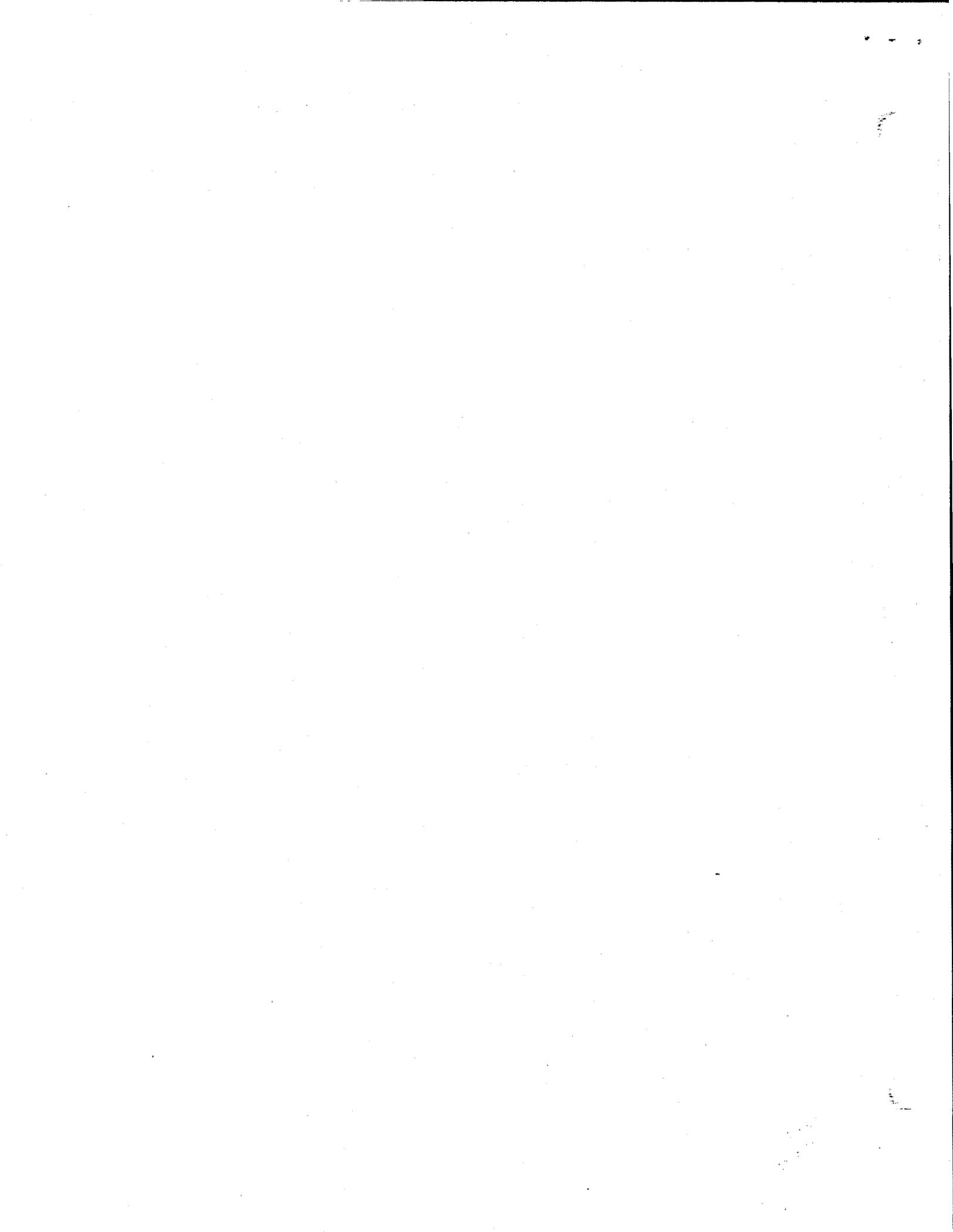
#### XIV. APPENDICES

- A. Personnel qualifications (resumes)
- B. Curatorial or reburial agreements, if any
- C. Reviewers comments/agency correspondence, if any
- D. Artifact/collection catalog
- E. Photographic records
- F. Native American observer/monitor reports, if any
- G. Project maps and plans, drawings, etc., if not in body of text
- H. Specialty studies/technical reports

- XV. CONFIDENTIAL APPENDICES (bound separately)
- A. Records search results
  - B. Historical resource location maps and site maps
  - C. New or updated historical resource records
- 

Adapted from Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (California Office of Historic Preservation, December 1989)

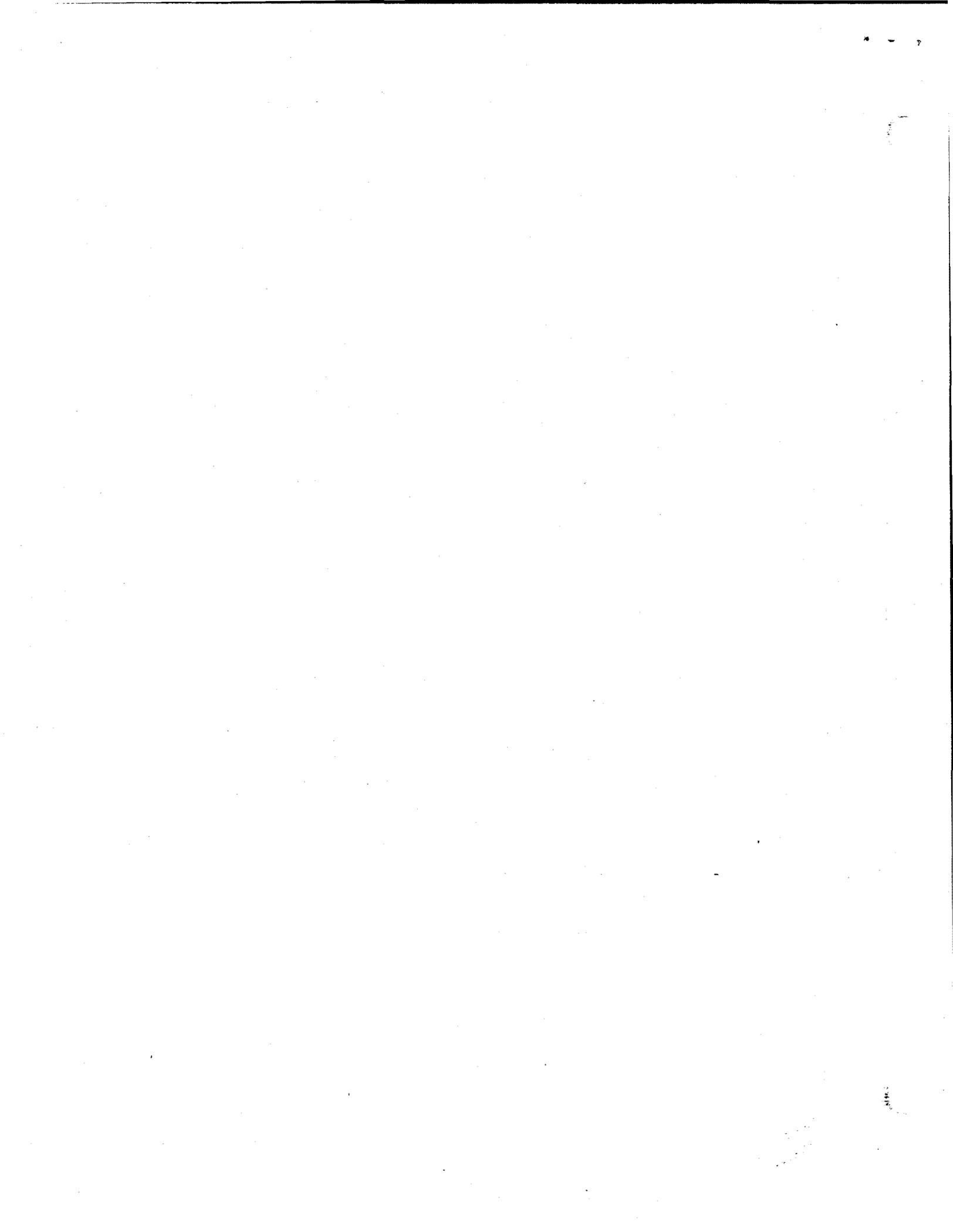
Revised 9/97



San Diego Municipal Code  
LAND DEVELOPMENT CODE

HISTORICAL RESOURCES GUIDELINES  
APPENDIX D: ARCHAEOLOGICAL RESOURCE  
REPORT FORM

MAY 1999



City of San Diego

**ARCHAEOLOGICAL RESOURCE REPORT FORM**

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This report form shall be used when a site specific survey for historical resources was completed and no archaeological resources were identified within the project area (APE). This form may be used, rather than completion of an Archaeological Resource Management report, when archaeological resources were identified and, based on an evaluation, were determined to be non-significant or are potentially significant but will not be directly impacted by the proposed development project. Completion of the required site specific survey and this report form must conform to the Historical Resources Guidelines of the Land Development Manual.

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I. PROJECT DESCRIPTION AND LOCATION (Include the geographic limits of the study area and a description of the proposed development project.)

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II. SETTING

Natural Environment (Past and Present)

Ethnography/History

---

III. AREA OF POTENTIAL AFFECT (APE) (Describe the nature and extent of anticipated direct, indirect and cumulative impacts.)

---

IV. STUDY METHODS (Include a description of the specific methods used in the identification and evaluation of archaeological resources for this study.)

---

V. RESULTS OF STUDY

Background Research

Field Reconnaissance

Evaluation

VI. RECOMMENDATIONS ( Include recommendations for mitigation of significant indirect and cumulative impacts and monitoring, as appropriate.)

VII. SOURCES CONSULTED	DATE
National Register of Historic Places <input type="checkbox"/>	Month and Year:
California Register of Historical Resources <input type="checkbox"/>	Month and Year:
City of San Diego Historical Resources Register <input type="checkbox"/>	Month and Year:
Archaeological/Historical Site Records: South Coastal Information Center <input type="checkbox"/> San Diego Museum of Man <input type="checkbox"/>	Month and Year: Month and Year:
Other Sources Consulted:	

VIII. CERTIFICATION

Preparer:	Title:
Signature: <span style="float: right;">Date:</span>	

City of San Diego

ARCHAEOLOGICAL RESOURCE REPORT FORM

Page 3

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IX. ATTACHMENTS

National Archaeological Data Base Information

Bibliography

Maps (Include all of the following maps.)

City of San Diego 800' scale

U.S.G.S. Quadrangle

Project Maps (Delineate area of actual survey on Project Map, or largest scale map available.)

Site Plan

Photographs (Include site and artifact photographs, as appropriate.)

Personnel Qualifications (Include resumes if not already on file with the City.)

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X. CONFIDENTIAL APPENDICES (Bound separately)

Records search results

Historical resource location maps and site maps

New or updated historical resource records

100

100

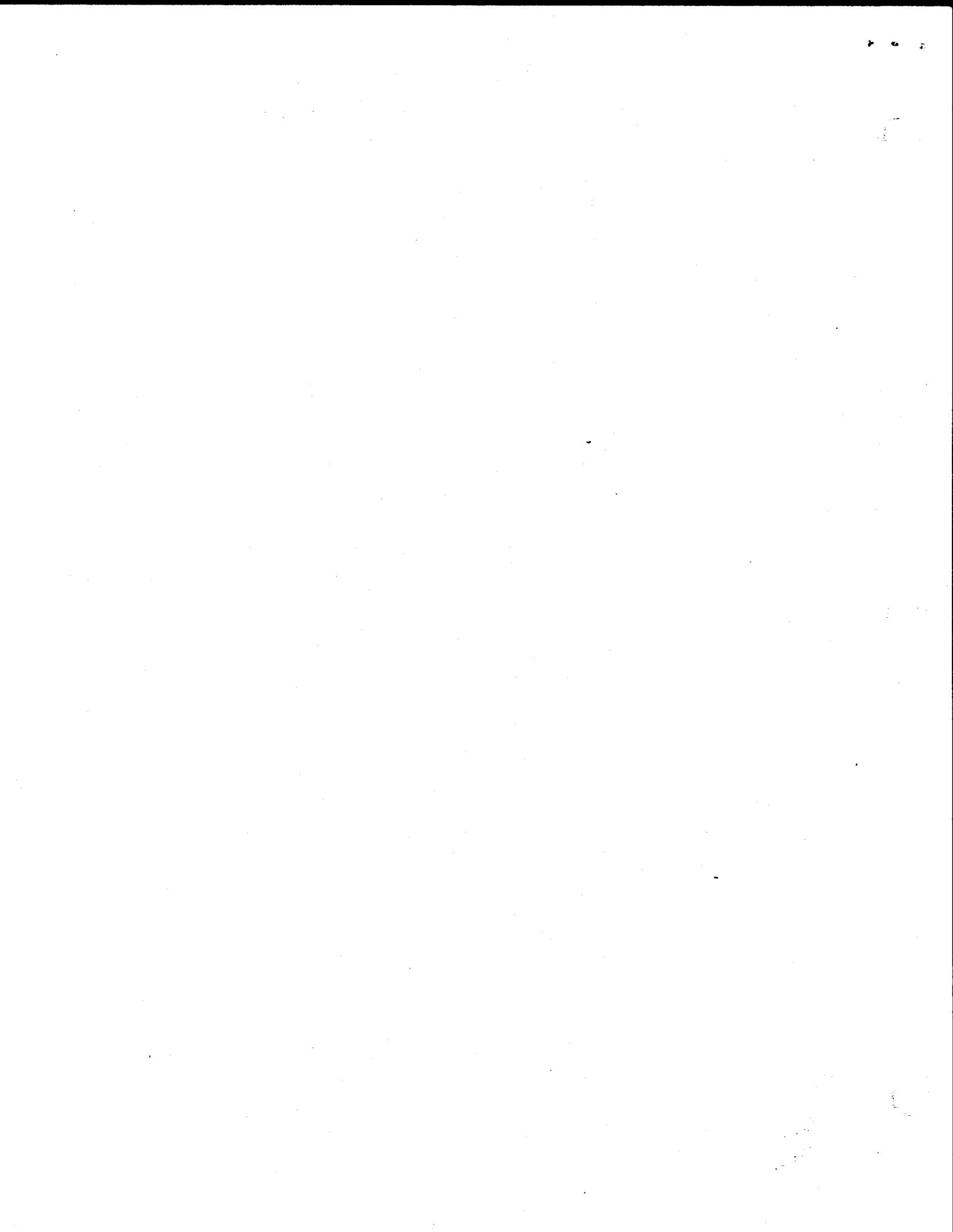
San Diego Municipal Code

LAND DEVELOPMENT CODE

HISTORICAL RESOURCES GUIDELINES

APPENDIX E: HISTORICAL RESOURCES BOARD  
GUIDELINES AND PROCEDURES FOR  
DESIGNATION OF HISTORIC SITES (Bound Under  
Separate Cover)

MAY 1999



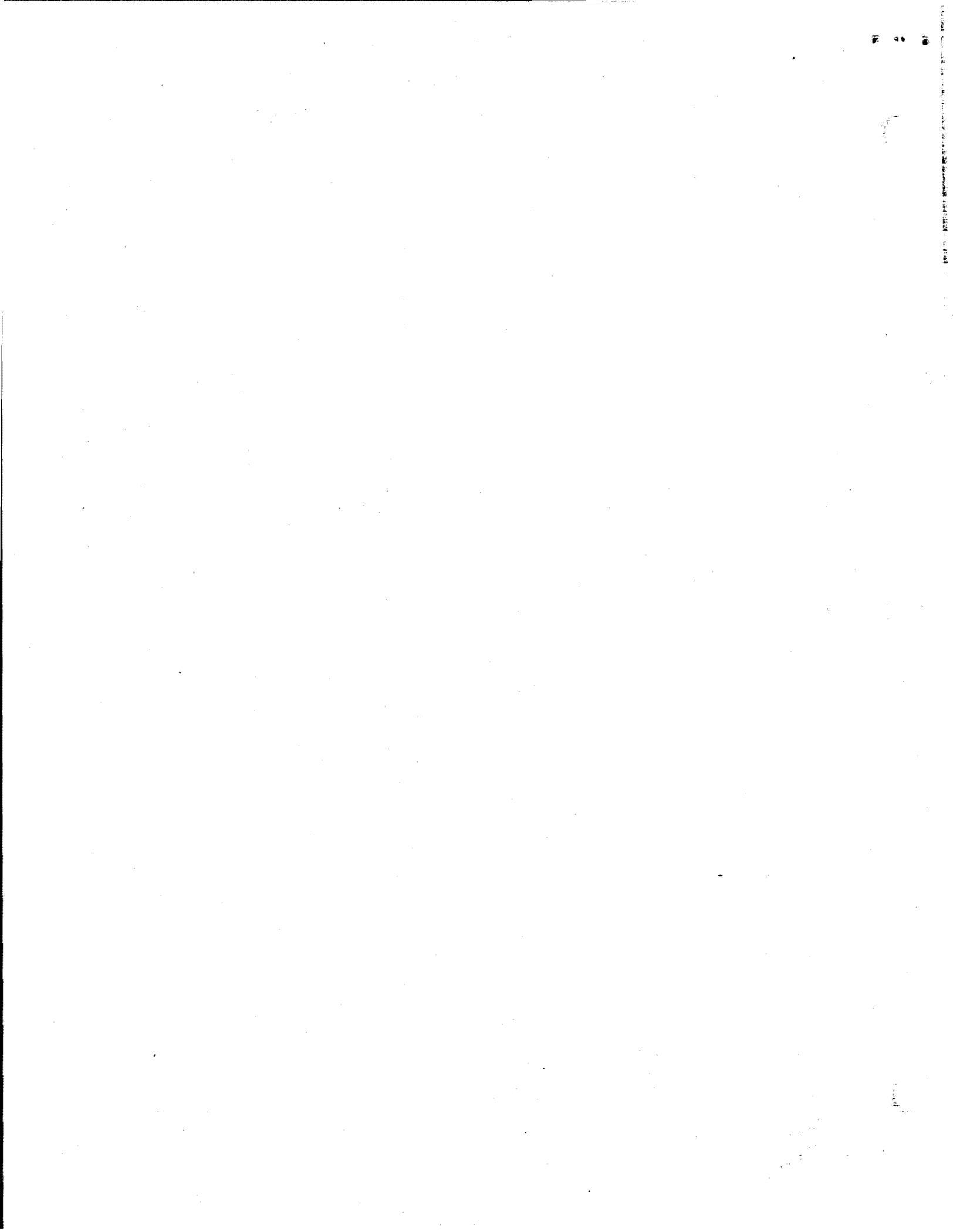
San Diego Municipal Code

LAND DEVELOPMENT CODE

HISTORICAL RESOURCES GUIDELINES

APPENDIX F: THE SECRETARY OF THE  
INTERIOR'S STANDARDS FOR REHABILITATION  
AND GUIDELINES FOR REHABILITATING  
HISTORIC BUILDINGS (Bound Under Separate Cover)

MAY 1999





San Diego Municipal Code

# Land Development Code

**DRAFT**

## Submittal Requirements

For Deviations within the Coastal Overlay  
Zone

May 1999



Printed on recycled paper

**Note:** This Draft Document was Adopted by City Council on \_\_\_\_\_.  
The regulations do not become effective until after certification by the  
California Coastal Commission.

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

**Deviations from Environmentally Sensitive Lands Regulations  
within the Coastal Overlay Zone**

(Certified by the California Coastal Commission on February 4, 1999)

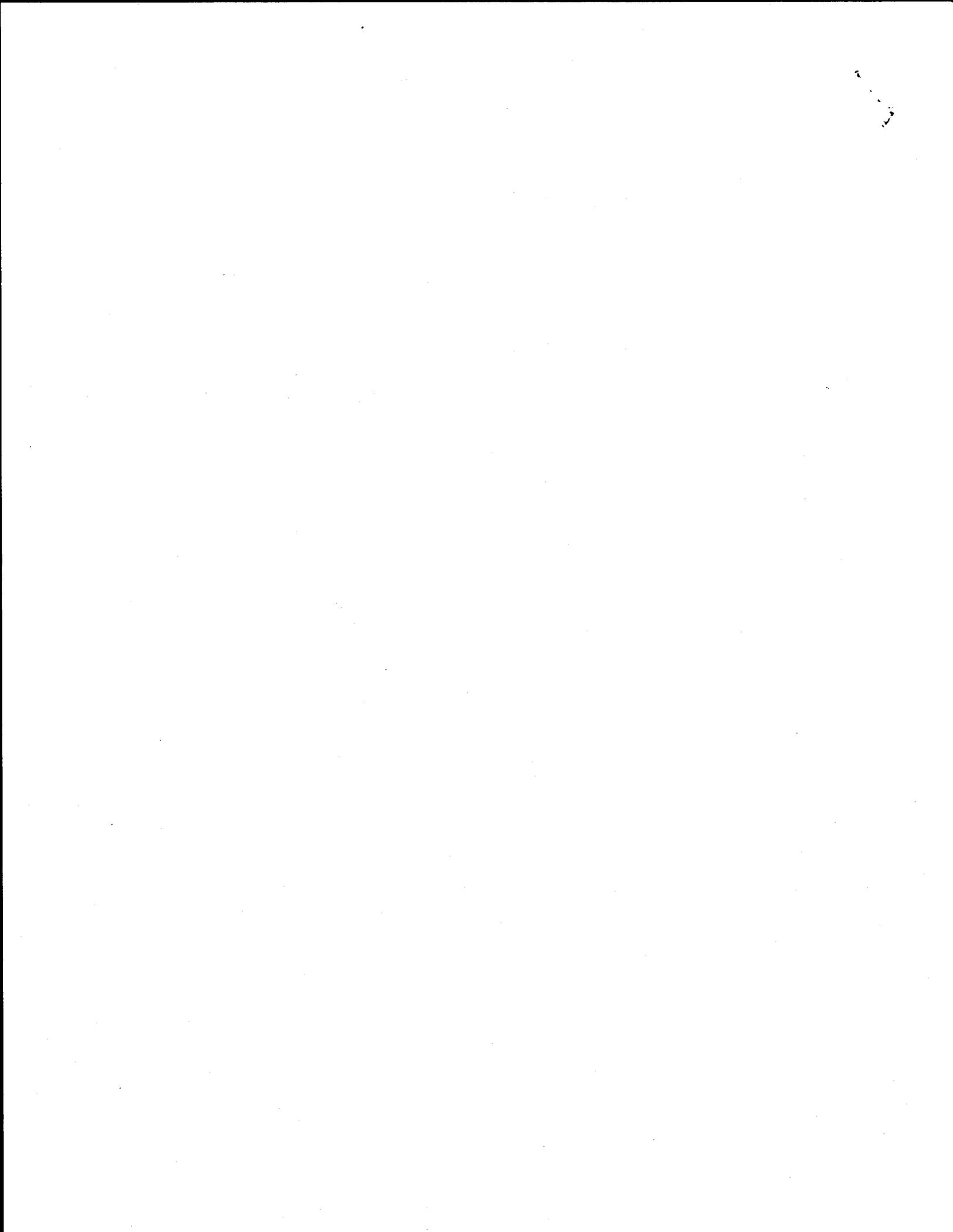
Where a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use, subject to the following process:

**Application of Economically Viable Use Determination**

Any applicant that requests a deviation from the Environmentally Sensitive Lands Regulations, based on the contention that the uses permitted by the regulations will not provide an economically viable use of the property, shall apply for an economic viability determination in conjunction with the Coastal Development Permit application. The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a Coastal Development Permit and economic viability determination is accepted for processing, the applicant shall provide the following information:

- A. The date the applicant purchased or otherwise acquired the property and from whom.
- B. The purchase price and the documentary transfer tax paid by the applicant for the property.
- C. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
- D. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
- E. Any development restrictions or other restrictions on use, other than government regulatory restrictions described (4) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
- F. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.

- G. A discussion of whether the applicant has sold, leased, or donated a portion of or interest in, the property since the time of purchase indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
- H. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
- I. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
- J. The applicant's costs associated with the ownership of the property annualized to the extent feasible, for each of the years the applicant has owned the property, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
- K. Apart from any rent received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over years of ownership of the property. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
- L. Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of the wetlands on the property.
- M. An analysis of alternatives to the proposed project and an assessment of how the proposed project is the least environmentally damaging alternative. The analysis of alternatives shall include an assessment of how the proposed project will impact all adjacent wetlands and environmentally sensitive habitat areas including those within the overall development plan area.





San Diego Municipal Code

# Land Development Code

**APPROVED AS SUBMITTED  
BY THE COASTAL COMMISSION  
ON FEBRUARY 4, 1999**

## Landscape Guidelines

Adopted December 1997

Note: This document becomes effective January 2000

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



Printed on recycled paper





Municipal Code

# Land Development Code

**APPROVED AS SUBMITTED  
BY THE COASTAL COMMISSION  
ON AUGUST 12, 1999**

## Steep Hillside Guidelines

June 1999

**Note: This Draft Document was Adopted by City Council on June 1, 1999. The regulations do not become effective until after certification by the California Coastal Commission.**



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San Diego

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

