

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Date: July 21, 1999

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE

SUBJECT: CITY OF SAN DIEGO MAJOR LCP AMENDMENT #1-98D (Revised Steep Hillside Guidelines)(For Public Hearing and Possible Commission Action at the Meeting of August 10-13, 1999)

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SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The portion of the City of San Diego LCP amendment submittal which is the subject of this report includes the Steep Hillside Guidelines. At the February 4, 1999 Commission hearing, the Commission approved the Land Development Code (LDC) as a replacement for the City's LCP Implementation Plan with several suggested modifications. The submittal also included the following support documents which will be in a document entitled the Land Development Manual: Coastal Bluffs and Beaches Guidelines; Steep Hillside Guidelines; Biology Guidelines; Landscape Standards; and, Historical Guidelines.

The Commission action on the Steep Hillside Guidelines was continued to allow City staff to revise the Steep Hillside Guidelines to conform to the Commission's action on the Land Development Code regarding encroachment into steep hillsides. The LDC proposes a maximum allowable development area which, depending on the method of application, could allow for less encroachment into steep hillsides on sites containing less than 91% steep hillsides than the current LCP would allow. Therefore, the Commission accepted the City's approach with additional limitations on more highly constrained parcels, i.e. those sites containing 91% or more steep hillsides, and with clear direction that any permitted encroachment into steep hillsides is discretionary and not permitted by right. The Commission directed City staff to revise the guidelines to more clearly identify under what circumstances discretionary encroachment into steep hillsides may be permitted. The Steep Hillside Guidelines have since been revised by City Staff, approved by the City Council and resubmitted to the Coastal Commission for certification as part of the LCP Implementation Plan.

The purpose of the Steep Hillside Guidelines is to provide standards which are intended to assist in the interpretation and implementation of the Environmentally Sensitive Lands Regulations contained in the LDC. The most significant change to the guidelines is the addition of a language specifically addressing the section of the Development Regulations for Steep Hillsides added by the Commission regarding "allowable development area" in the Coastal Overlay Zone. The language specifies that encroachment shall be avoided or minimized if unavoidable. Additionally, the revisions specify when encroachment may be permitted, circumstances when it shall not be permitted, and that it is not specifically granted, but a discretionary allowance on the part of the decision maker.

SUMMARY OF STAFF RECOMMENDATION

Staff Recommendation

Pursuant to the resolutions and findings contained in this report, staff recommends that the Commission approve the Implementation Plan as submitted by the City.

The appropriate resolutions and motions begin on Page 5 . The findings for approval of the Implementation Plan begin on Page 5.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment #1-98D may be obtained from Sherilyn Sarb, District Manager, at (619) 521-8036.

PART I – OVERVIEW

A. BACKGROUND/LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments; the status of those submittals is as follows:

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| 1. | North City | - certified as resubmitted January 13, 1988; Torrey Pines LUP Update certified on February 8, 1996 |
| 2. | La Jolla/La Jolla Shores | - certified as submitted on April 26, 1983 |
| 3. | Pacific Beach | - certified as Update resubmitted on May 11, 1995 |
| 4. | Mission Beach | - certified as submitted on July 13, 1988 |
| 5. | Mission Bay | - certified with suggested modifications on November 15, 1996 |
| 6. | Ocean Beach | - certified as resubmitted on August 27, 1985 |
| 7. | Peninsula | - certified as resubmitted on August 27, 1985 |
| 8. | Centre City/ Pacific Highway Corridor | - certified with suggested modifications on January 13, 1988 |

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| 9. | Barrio Logan/ Harbor 101 | - certified as submitted on February 23, 1983 |
| 10. | Otay Mesa/Nestor | - certified as submitted on March 11, 1986 |
| 11. | Tia Juana River Valley | - certified as submitted on July 13, 1988 |
| 12. | Border Highlands | - certified as submitted on July 13, 1988 |

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would involve a single unifying submittal. This was achieved in January, 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

The portion of the City of San Diego LCP amendment submittal which is the subject of this report is the Steep Hillside Guidelines. The guidelines were originally submitted to the Coastal Commission as part of LCPA #1-98-B which includes the Land Development Code and support documents. The Land Development Code (LDC) is a complete rewrite of all the City development regulations contained in the Municipal Code. The LDC and support documents would replace or amend City zoning ordinances and implementing actions which have been previously certified by the Commission as part of the certified City of San Diego Local Coastal Program (LCP). The Land Development Code was approved with suggested modifications by the Commission on February 4, 1999.

The City Council also directed the submittal of the following support documents for certification by the Commission as consistent with the Coastal Act. They are:

1. Coastal Bluffs and Beaches Guidelines;
2. Steep Hillside Guidelines;
3. Biology Guidelines;
4. Landscape Standards; and,
5. Historical Guidelines.

The City intends to include the above guidelines in a document entitled the Land Development Manual. All of the above guidelines except the Steep Hillside Guidelines were approved with suggested modifications by the Commission on February 4, 1999. The Commission continued action on the Steep Hillside Guidelines with direction to the City to revise the guidelines to conform to the Commission's action on the Land Development Code. The guidelines have been revised by City staff, approved by City Council and resubmitted to the Coastal Commission for approval as part of LCPA #1-98.

B. GEOGRAPHIC DESCRIPTION OF CITY'S COASTAL ZONE JURISDICTION

The City of San Diego represents one of the largest metropolitan centers in the State of California and includes one of the larger coastal zone areas in the State in terms of geography and population. The City's coastal zone stretches from the City of Del Mar, the recently incorporated City of Solana Beach, and the

unincorporated County areas in the north to the international border with Mexico on the south. The demographics are such that the northernmost and southernmost communities within the City's coastal zone are relatively undeveloped while the portions of the City near San Diego Bay and Mission Bay are highly urbanized.

In terms of coastal zone resources, the City is indeed fortunate; of these resources, the most significant ones are:

- the intensely used sandy beach areas in Ocean Beach, Mission Beach, Pacific Beach and La Jolla;
- the wetland areas of statewide and national importance including: portions of San Dieguito Lagoon, Los Penasquitos Lagoon, Mission Bay and the Tia Juana Estuarine Sanctuary;
- the major inland canyon systems in the North City communities, with their environmentally sensitive habitats and scenic qualities; and,
- the major visitor-serving destination areas within and surrounding Mission Bay and the La Jolla community itself.

However, it is these very resources, along with related public access opportunities and constraints, which make the balancing of the demands to develop in the coastal zone versus demands to preserve its resources so difficult. The competing demands are most evident in the Mission Bay, La Jolla and North City areas. It is in these areas where the Commission has reviewed major residential subdivisions, industrial parks and commercial developments that pose the greatest impact to the above identified resources.

C. STANDARDS FOR COMMISSION REVIEW

The standard for Commission review of the Implementation Plan is found in Section 30513 of the Coastal Act. It states:

Section 30513

The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions, which are required pursuant to this chapter.

If within 60 days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The implementation program must therefore be consistent with and adequately detailed and structured to carry out the provisions of the certified land use plan segment

D. PUBLIC PARTICIPATION

The City has held numerous community planning group meetings, workshops, Planning Commission hearings and City Council meetings with regard to the City's Land Development Code preparation. The revisions to the Steep Hillside Guidelines are the result of an effort that involved a diverse group of involved citizens and organizations (Steep Hillside Working Group and Citizen's Advisory Committee) and Coastal Commission staff. The consensus among the participants was that the revisions to the Guidelines fully implement the direction provided by the Coastal Commission. The San Diego City Council unanimously approved the revised Steep Hillside Guidelines on June 1, 1999. No public comment was offered at the hearing.

PART II. RECOMMENDED RESOLUTIONS AND MOTIONS

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- A. RESOLUTION I** (Resolution to approve certification of the City of San Diego LCP Implementation Plan Amendment 1-98D, as submitted)

MOTION I

I move that the Commission reject the City of San Diego Implementation Plan Amendment 1-98D, as submitted.

Staff Recommendation

Staff recommends a **NO** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution I

The Commission hereby approves certification of the amendment to the City of San Diego Local Coastal Program on the grounds that, the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

**PART III. FINDINGS FOR APPROVAL OF CITY OF SAN DIEGO LCPA #1-98D,
AS SUBMITTED**

A. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the LCP Implementation Plan amendment, as set forth in the resolution for certification as submitted, is consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLANS

1. BACKGROUND/COMMISSION ACTION ON LAND DEVELOPMENT CODE

The purpose of the Steep Hillside Guidelines is to provide standards which are intended to assist in the interpretation and implementation of the Environmentally Sensitive Lands Regulations (ESL) contained in the Land Development Code (LDC). The City has proposed the ESL as part of Chapter 14, Article 3 which includes "Supplemental Development Regulations". The purpose of the 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. The City has revised its Municipal Code with the intent of developing Citywide regulations which are applicable to development in or adjacent to environmentally sensitive habitat areas such that development proceeds in conformance with the City's Multiple Species Conservation Program Subarea Plan.

The ESL is also the section of the LDC that addresses the coastal resources protected pursuant to the California Coastal Act. The revised guidelines clarify that "every proposed development that encroaches into steep hillsides will be subject to the Environmentally Sensitive Lands Regulations and will be evaluated for conformance with the Steep Hillside Guidelines as part of the review process for the required Neighborhood Development Permit, Site Development Permit or Coastal Development Permit".

The ESL regulations apply to all proposed development when environmentally sensitive lands are present on the premises. Environmentally sensitive lands is a defined term for purposes of these regulations and means lands containing steep hillsides, sensitive biological resources, coastal beaches, sensitive coastal bluffs and 100-year floodplains. The definition of steep hillsides is as follows:

Steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet;

The Steep Hillside Guidelines have been developed to interpret Section 143.0142 of the ESL - Development Regulations for Steep Hillsides. A strike-out/underline version of Section 143.0142 is attached as Exhibit A to indicate the modifications which have been

suggested by the Commission and which the revised guidelines are intended to implement.

As submitted by the City, the ESL regulations establish a 25% allowable development area. Inside the Multi-Species Habitat Preserve Area (MHPA), the 25% allowable development area is determined in accordance with the OR-1-2 zone which requires that development occur on the portion of the premises not within the MHPA; however, if the portion of the premises not within the MHPA is less than 25% of the premise area, encroachment into the MHPA may be permitted to achieve a maximum development area of 25%.

Outside the MHPA, the allowable development area includes all portions of the premises without steep hillsides, which shall be preserved in their natural state, except that development is permitted on steep hillsides if necessary to achieve a maximum development area of 25% of the premises. Outside the MHPA, up to an additional 15% development area is permitted for major public facilities, such as parks, fire and police stations, libraries, schools, major streets and prime arterials, and public utility systems. The 15% additional encroachment is also permitted "for projects where the existing development is not contiguous, and access to the entirety of the development area is not otherwise available", and "for projects where the existing development does not have direct access to a public right-of-way. Beyond the 40% allowable development area, alternative compliance is offered for developments that do not comply with the above mentioned allowable development area and do not result in conflicts with other regulations. Further, deviations from the Environmentally Sensitive Lands regulations can be approved if certain findings are made.

Additionally, the regulations as proposed by the City specifically exempt any subdivision or development of lots containing less than 15,000 sq.ft. from the requirements of Section 143.0142 (a) which sets forth the allowable developable area of a property. Since these regulations are not applicable to a development proposed on lots containing less than 15,000 sq.ft., there would be no mechanism contained within the LCP, as proposed by the City, to apply encroachment limitations through the Coastal Development Permit process consistent with the policies of the certified land use plans. Many certified LUPs contain encroachment limitations and provide for protection of steep hillsides for reasons including habitat protection, visual impact and hazards associated with geologic instability and erosion control. The steep hillside protection afforded in the certified LUPs is not based on the size of the parcel.

The Commission found that the ESL as submitted does not apply to all development requiring a Coastal Development Permit, or apply to all the resource areas afforded protection by the specific policies of the certified LUPs. Therefore, in review of the ESL, the Commission found modifications were necessary in order to carry out the certified LUPs and afford an equal or higher level of protection to steep hillsides when compared to the current LCP. Some of those modifications were to Section 143.0142 and the Open Space Zones. The exemption for less than 15,000 sq.ft. lots was also eliminated.

Regarding steep hillsides, the Commission found that modifications are required to insure that sensitive steep hillsides, i.e., those with habitat value, scenic qualities, or potential geologic hazards, are protected to the extent necessary to carry out the certified LUPs. The proposed ordinance update establishes a new method for addressing development proposals on sensitive hillsides when compared to the certified Hillside Review (HR) overlay zone. In the HP overlay, the significant slopes greater than 25% that are sensitive either for habitat value, scenic amenities or potential geologic hazard were mapped on Map C-720, and those hillsides are protected by policies that limit encroachment through a "sliding scale" of discretionary permitted

encroachment, depending on the amount of the site containing steep hillsides. Staff had recommended that the previously-certified "sliding-scale" be incorporated into Section 143.0142 the Development Regulations for Steep Hillsides as the applicable standard within the Coastal Overlay Zone. For lots with 75% or less steep hillsides, a maximum 10 percent encroachment would be permitted, and the percentage of encroachment allowed increases with an increase in the amount of steep hillsides on the site, to a maximum 20% encroachment if all or nearly all of the site contains steep hillsides. This encroachment limitation has been considered by the Commission to be a discretionary allowance and not permitted by right.

The proposed ordinance update eliminates the "sliding scale" approach and instead provides for a 25% maximum allowable development area afforded to all premises, and encroachment is permitted within steep hillsides, if necessary to achieve a maximum allowable development area. When comparing the previously-certified "sliding scale" with the City's 25% maximum allowable development area, it appears there could be more encroachment permitted by the "sliding scale" for lots with less than 90% steep hillsides. However, that is only true if the encroachment limitation is considered a matter of right, rather than a discretionary encroachment that is allowed only for unusual situations and when it is unavoidable.

Therefore, the Commission found when encroachment into steep hillsides is unavoidable, the allowance of any encroachment is a discretionary action. If a limit for coastal hillside encroachment is set by the use of the "up-to" 25% maximum allowable development area, as in the proposed LDC, this standard is more restrictive than the present "sliding scale" encroachment limit contained in the current certified LCP. This is not true if the encroachment allowance is not applied in a discretionary manner, or for lots with more that 91% of the area in steep hillsides.

For lots with 91% or more of the area in steep hillsides, the Commission found a 20% maximum development area conforms with the certified land use plan policies. However, for such highly constrained properties it was suggested that specific criteria may be developed by the City to determine when an additional 5% encroachment may be permitted to allow an economically viable use. The Commission acknowledged that the City may develop an alternative set of criteria for that additional 5% encroachment that is different from the deviation process that is established by the suggested modifications to Section 126.0708. The deviation process established in that suggested modification is to be used primarily when an applicant contends strict application of the regulations would constitute a taking of property without just compensation. However, should the City decide any encroachment beyond the 20% maximum developable area for the highly-constrained properties should only be permitted through the deviation process, that could also be consistent with the Commission's intent.

Therefore, the Commission found that the revisions to the Steep Hillside Guidelines should include the criteria for determining when encroachment into sensitive hillsides is unavoidable. Section 143.0142 (a)(4) of the ESL (Exhibit A of this staff report) was added by the Commission to address implementation of the allowable development area on premises within the Coastal Overlay Zone. The suggested modifications to the ESL provide that encroachment into steep hillsides is to be avoided to the maximum extent possible, and if unavoidable encroachment is necessary, it shall be minimized. The criteria contained within the guidelines must be sufficiently specific and objective to assure the code language is interpreted and implemented consistently by the City in review of coastal development. The suggested modifications to the LDC are intended to insure that encroachment is not permitted solely for the purpose of obtaining the maximum allowable development area but rather only when encroachment is unavoidable, such as when necessary to access the less sensitive, flatter portions of the site

As is the case currently within the certified City code, an additional 15% encroachment allowance can be authorized for public related-improvements, such as major roads and public utilities. This additional 15% encroachment is also allowed within the North City LCP land use plan areas only for local public streets or private roads and driveways which are necessary for access to the more

developable portions of the site containing non-steep hillsides, provided no less environmentally-damaging alternative exists.

Further, the current certified Hillside Review (HR) Overlay Zone protects those areas mapped as sensitive, viewshed or geologic hazard on the certified Map C-720. The Map C-720 was the result of a rigorous mapping effort to represent a clear definition of steep hillsides containing environmentally sensitive habitats, significant scenic amenities or potential hazards to development. The Commission's modifications to the LDC continue to refer to map C-720 to identify sensitive areas worthy of protection by the ESL. There are several reasons why it is appropriate to continue to utilize the currently certified HR maps (or similar criteria to develop new maps), to identify areas where the additional encroachment limitations should apply, within the Coastal Overlay Zone, in order to adequately carry out the land use plans. They are: 1) The currently certified HR ordinance affords protection to hillside areas visible from I-5 and/or major inland canyon systems, regardless of habitat value; 2) There is a third criteria for protection that relates to the geologic stability of the area, regardless of visibility or habitat; 3) Examples of areas mapped as visible but not possessing sensitive vegetation include hillsides on the north and south sides of Los Penasquitos Canyon, Lopez Canyon and Carmel Valley, and hillsides visible from the freeway at Genesee and Interstate 5 and in the Sorrento Valley area. Some of these hillsides also have areas of geologic instability.

In summary, the Commission finds the certified land use plan policies establish encroachment limits on steep, naturally-vegetated hillsides through a "sliding scale" approach applicable within the Coastal Overlay Zone. The Commission has considered these encroachment limits to be discretionary, not permitted by right; and that development of the steep hillsides containing sensitive biological resources or mapped as viewshed or geologic hazard on Map C-720 should be avoided to the maximum extent possible. With the proposed suggested modifications, the steep hillside regulations are adequate to carry out the provision of the certified land use plans and Chapter 3 policies of the Coastal Act. The corresponding changes must also be made to the Open Space Zones Section 131.0250 and the Steep Hillside Guidelines.

Through adoption of the Commission's suggested modifications, Section 131.0250(a) and (b), which address allowable development area in open space zones will clarify that 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) .

2. REVISED STEEP HILLSIDE GUIDELINES.

The revised Steep Hillside Guidelines contain the following additional language to clarify the Commission's intent in its approval of the Land Development Code with suggested modifications. Regarding subdivisions, the guidelines state that, "within the Coastal Overlay Zone, no coastal development permit shall be issued for a subdivision that results in a newly created lot that does not contain adequate development area such that no encroachment into steep hillsides is required to accommodate future development. Encroachment is defined as alteration of the natural landform by grading or where the area is rendered incapable of supporting vegetation due to the displacement required for building, accessory structures, paving or clearance of vegetation, including Zone 1 brush management (30 ft. minimum setback)". This means that a new lot should not be created if it cannot provide a building pad and a 30 foot setback without encroaching into steep hillsides. Additionally, Zone 1 brush management must be included as encroachment in all cases, when determining allowable development area.

The guidelines also specify that erosion control measures are subject to the encroachment limitations specified in Section 143.0142 (a)(4). Therefore, if approved development requires grading or erosion control measures, such as crib or retaining walls, to support the building pad or access road, those measures must be included within the allowable development area.

The most significant revisions to the Steep Hillside Guidelines relate to interpretation of the allowable development area. The guidelines as proposed by the City include various examples of ways to determine the portions of the site that should be considered existing development area and when the development area may be expanded to include isolated pockets of non-steep area. The intent is clearly to concentrate development on the least sensitive and less steep portions of the site; however, if encroachment into steep hillsides is necessary to accommodate a 25% development area, it would be permitted. Where the existing guidelines include interpretation of the allowable development area which is inconsistent with the Commission's intent, i.e. to avoid encroachment into steep hillsides when possible, language has been added to either clarify the interpretation is applicable outside the Coastal Overlay Zone only, or to clarify that Section 143.0142 (a)(4) applies in the Coastal Overlay Zone.

The City has added two additional sections to interpret Section 143.0142(a)(4) which includes the regulatory language for allowable development area within the Coastal Overlay Zone. The revised sections are on pages 9 and 10 of the strike-out/underline version of the Steep Hillside Guidelines attached to this staff report. The revisions clarify that projects shall be evaluated on a case-by-case basis to determine if encroachment can be permitted. Also, the intent is that development is located on the least sensitive portions of the site and that encroachment into areas containing steep hillsides, sensitive biological resources, geologic hazards, view corridors identified in certified land use plans and viewsheds shown on Map C-720 be avoided, or minimized if unavoidable.

The revised guidelines specify that encroachment shall not be permitted for accessory uses, or for primary structures when the encroachment is designed to accommodate accessory uses elsewhere on the site. Also, encroachment is not permitted when the sole purpose is to achieve the maximum allowable development area. In other words, if a single family residence can be accommodated on the site without encroachment into steep hillsides, then encroachment shall not be permitted. If the applicant believes such a restriction denies all economically viable use of the premises, a deviation from the ESL should be required pursuant to Section 126.0708(e) of the Land Development Code (attached as Exhibit B). The revised guidelines also reiterate that encroachment into steep hillsides is not specifically granted, but is a discretionary action on the part of the decision maker.

The revised guidelines address the language the Commission approved to replace the currently-certified "sliding-scale" for encroachment, i.e. language that specifies for lots less than 91% constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 25%. For premises that are 91% or more constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 20%. However, the Commission allowed for the City to develop a set of criteria that would allow for an additional 5% of development area if it is found that 20% would not allow for an economically viable use. The City could have developed such criteria which would be different from the deviation process. However, the City has chosen to not include such separate criteria but to require a deviation for any development proposed beyond the 20% development area, if the applicant believes such a restriction denies all economically viable use of the premises.

The currently certified land use plan policies addressing steep hillside development include allowance for additional encroachment when necessary for major public roads and collector streets identified in the Circulation Element of an adopted community plan; or for local public streets and driveways which are necessary for access to the more developable portions of the site on slopes of less than 25% grade, provided no less environmentally-damaging alternative exists. An exception is also identified for public utility systems. In its action on the LDC, the Commission included a 15% maximum allowance for such additional encroachment, similar to the City's language in the ESL applicable to development outside the Coastal Overlay Zone. The revised guidelines include language addressing such potential additional encroachment clarifying that the additional encroachment allowance must first be included within the allowable development area, if the existing development area is less than the maximum. In other words,

the 15% allowable development area is not added to the 25% maximum if access, etc. can be accommodated within the 25% maximum allowable development area. The deviation process would address those situations where the existing development area is more than 40% and has no access, or if the additional 15% is not necessary to obtain access.

The Steep Hillside Guidelines also include specific Design Standards for development proposals on sites containing steep hillsides. The standards are designed to assure development minimizes the alteration of natural landforms to the extent possible, and respects existing drainage patterns and geologic hazard areas. Language has been added to clarify that all projects shall be designed and sited to avoid potentially significant geologic hazards, and, where such hazards are identified, re-siting alternatives should be evaluated to reduce risk.

The City also added language to clarify that within the Coastal Overlay Zone, the determination of the least sensitive portions of steep hillsides shall include a constraints analysis of view corridors identified in adopted land use plans, viewsheds as identified on Map C-720, potential geologic hazards and biological resources. Regarding biological resources, the guidelines include a prioritization of sensitivity in order to help determine the least biologically sensitive portions of the site.

The Steep Hillside Guidelines also contain Community-Specific Requirements which incorporate requirements of the adopted Community Plans. In addition, the Development Regulations for Steep Hillsides contain language which specifically clarify that "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.

Finally, there is a section entitled "Findings, Deviations and Alternative Compliance". The City has added language to this section which clarifies that if a deviation from any of the ESL is requested, additional findings (found in Section 126.0708(e)) must be made in addition to the findings for a Coastal Development Permit, Neighborhood Development Permit, Site Development Permit and the additional findings for ESL. The guidelines specify that Alternative Compliance is not applicable within the Coastal Overlay Zone.

Regarding the deviation process, the guidelines clarify that deviations from the steep hillside regulations may be considered when application of the regulations would result in denial of all economically viable use of the premises. A deviation application must be accompanied by all of the information required in the Submittal Requirements for Deviations from the Environmentally Sensitive Lands Regulations Within the Coastal Overlay Zone located in the Land Development Manual and attached as Exhibit B. This information is to be used by the decision maker to determine whether or not a deviation should be granted.

The guidelines clarify that the deviation process within the Coastal Overlay Zone is not intended to be utilized to achieve the maximum allowable development area as permitted by the ESL. Rather it is intended to provide relief when development in accordance with the ESL would result in no economically viable use of the premises. In other words, if a single family residence can be accommodated on a site without encroachment into steep hillsides, but the applicant desires a larger home which requires encroachment into steep hillsides, the deviation process should be required even if the maximum allowable development area has not been exceeded, because the encroachment into steep hillsides is avoidable. Such an interpretation assures consistency with the ESL as approved with suggested modifications by the Commission.

3. LAND USE PLAN POLICIES

Several land use plan segments of the City of San Diego Local Coastal Program contain specific policies related to steep hillside development. The following cited LUP policies are included within the certified Local Coastal Program in response to Sections 30240, 30241, 30251 and

30253 of the Coastal Act which require that new development shall preserve the scenic and visual quality of coastal areas, be sited and designed to protect environmentally sensitive habitat areas and minimize risk in areas of flood, fire or geologic hazard. Environmentally sensitive habitat areas must be protected from any significant disruption of habitat values through the LUP policies and implementing ordinances contained within the certified Local Coastal Program which are applicable to development proposed within the coastal zone.

Torrey Pines LUP Segment:

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

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

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

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

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

TABLE 1
25 Percent Slope Encroachment Allowance

| Percent of parcel in Slopes of 25 percent and over | Maximum encroachment allowance as percentage of area in slopes of 25 percent and over |
|--|---|
| 75% or less | 10% |
| 80% | 12% |
| 85% | 14% |
| 90% | 16% |
| 95% | 18% |
| 100% | 20% |

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

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

- a. Major public roads and collector streets identified in the Circulation Element of an adopted community plan or the City of San Diego Progress Guide and General Plan.
 - b. Local public streets or private driveways which are necessary for access to the more developable portions of a site on slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or part, shall be made by the Planning Director based upon an analysis of the project site.
 - c. Public utility systems.
2. On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Planning Director, if necessary to maintain a minimum development right (total disturbed area) equal to 20 percent of the entire parcel.
3. All encroachment allowances, including permissible deviations, shall be subject to a determination by the Planning Director that such encroachment supports the findings of fact set forth in the City's' Hillside Review Zone.

Mira Mesa LUP Segment

This LUP segment contains almost identical language as cited above relative to development of sensitive and non-sensitive steep hillsides.

La Jolla LUP Segment

This LUP segment contains very similar language as cited above for protection of steep hillside areas.

Tijuana River Valley LUP Segment (as amended)

This segment will contain similar provisions to those cited above.

In response to the above cited provisions within the certified LUPs, the City has established the (HR) Overlay Zone Program for the coastal zone in the current certified Local Coastal Program, which is being proposed for replacement by the submitted LDC. The purpose of the HR zone was to provide supplementary regulations to assure that permitted development protects natural topographic features and character, aesthetic qualities, and environmental resources from direct or indirect impacts. Both the certified La Jolla and North City LUPs contain policy language which require new development to preserve steep sloping hillsides in excess of 25% gradient in their natural condition. Historically, only minor encroachments were permitted where an existing parcel was entirely (or almost completely) in steep slopes. In review of the City's LCP, the Commission has been adamant about protecting both the resource and scenic values found on the steep slopes which would be destroyed, if disturbed, and about protecting downstream wetland areas which could be adversely impacted from erosion resulting from grading on steep hillsides.

In its review of the LDC, the Commission found that, as proposed, the regulations for steep hillsides would cumulatively allow a greater amount of encroachment onto naturally vegetated hillsides than was intended by the above mentioned LUP policies. As proposed, the LUP policy language which has historically been applied to the slopes mapped as sensitive in the current certified LCP would not be implemented. Therefore, the Commission found revisions must be made to the steep hillside regulations as they are applied within the Coastal Overlay Zone in order to be adequate to carry out the land use plans. The proposed Steep Hillside Guidelines have been revised to be consistent with the Commission's suggested modifications to the Land Development Code. Therefore, the Commission finds the Steep Hillside Guidelines are adequate to carry out the certified land use plans.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the Steep Hillside Guidelines would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. The Commission finds the proposed local coastal program amendment will not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Furthermore, future individual projects would require coastal development permits from the City of San Diego. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the LCP Amendment can be supported.

79. Section 143.0142
Development Regulations for Steep Hillside

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, 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) For projects where the following major public facilities are required: publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public schools, major streets and primary arterials, and public utility systems;
 - (B) For projects where the existing development area is not contiguous, and access to the entirety of the development area is not otherwise available; and
 - (C) For projects where the existing development area does not have direct access to a public right-of-way.
- (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 those areas 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 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.

APPLICATION INSTRUCTIONS FOR DEVIATIONS

22. The City shall adopt "application instructions" for Deviations from Environmentally Sensitive Lands regulations. The "application instructions" shall be included in either Section 126.0708, or as part of separate application requirements which shall be approved as part of the City's LCP Implementation Program. The "application instructions" shall consist of all of the following provisions:

Deviations from Environmentally Sensitive Lands Regulations within the Coastal Overlay Zone

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:

1. Application for 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 his or her 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 in (d) 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

- (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 ~~principal~~ primary structures or public improvements.
 - (A) These measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
 - (B) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the permittee shall provide written permission from the City Manager before approval of the Site Development Permit. Documentation of this approval shall be recorded with the conditions of permit approval.
- (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.

DEVIATIONS FROM ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS

REQUIRED FINDINGS

21. Section 126.0708 (e) shall be added as follows:

(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 Subsections (a), (b), (c) and (d), and the supplemental findings in Section 126.0504 Subsection (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.
- (2) Application of the environmentally sensitive lands regulations would interfere with the applicant's reasonable investment-backed expectations.
- (3) The use proposed by the applicant is consistent with the applicable zoning.
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of his or her property.
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the LCP 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.

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

- (1) Major public roads and collector streets identified in the Circulation Element of an adopted community plan or 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 percent (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 this section, 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 approval of any Coastal Development Permit for the subdivision of land pursuant to the Subdivision Map Act, 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 for Zone 1 brush management for coastal development from such steep hillsides.

- (b) All *development* occurring in *steep hillsides* shall comply with the design standards identified in the Steep Hillside Guidelines in the Land Development Manual for the type of *development* proposed.
- (c) Newly created slopes shall not exceed the slope gradient permitted in Section 142.0133.
- (d) Disturbed portions of the site in 25 percent (4 horizontal feet to 1 vertical foot) or greater slopes shall be revegetated or restored in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (e) Before approval of any Neighborhood Development Permit or Site 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) Any increase in runoff resulting from the *development* of the site shall be directed away from any *steep hillside* areas and either into an existing or newly improved public storm drain system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off.
- (g) Erosion Control Measures

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 the 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.

The above "application instructions", are part of the City's LCP Implementation Program, and any modifications to these instructions require Coastal Commission approval.

RESOLUTION NUMBER R- 291737

ADOPTED ON JUN 01 1999

RESOLUTION AMENDING THE STEEP HILLSIDE
GUIDELINES OF THE LAND DEVELOPMENT MANUAL.

WHEREAS, the Steep Hillside Guidelines are intended to assist in the interpretation and implementation of the development regulations for steep hillsides 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 Steep Hillside Guidelines on file in the office of the City Clerk as Document No. RR-289460-1 [the Guidelines]; 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 rejected the Steep Hillside Guidelines and continued action on certification of the Guidelines pending proposed modifications which would amend the Steep Hillside Guidelines within the Land Development Manual; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the revised Steep Hillside Guidelines, a copy of which is on file in the office of the City Clerk as Document No.

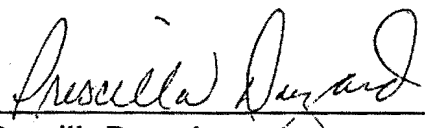
RR- 291737, are amended.

| |
|---|
| EXHIBIT NO. C |
| APPLICATION NO. SD LCPA #1-98D |
| RESOLUTION OF APPROVAL STEEP HILLSIDE GUIDELINES |
|  California Coastal Commission |

BE IT FURTHER RESOLVED, that the City Manager is directed to submit the Steep Hillside Guidelines to the California Coastal Commission for effective certification as a Local Coastal Program amendment.

BE IT FURTHER RESOLVED, that the Steep Hillside Guidelines shall be in effect and be in force on the date the Land Development Code becomes effective.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PD:cdk
05/12/99
06/07/99 COR. COPY
Or.Dept:Plan.&Dev.Rev.
R-99-1165

Passed and adopted by the Council of San Diego on

JUN 01 1999

by the following vote:

YEAS: MATHIS, WEAR, KEHOE, STEVENS, WARDEN, STALLINGS,

MCCARTY, VARGAS, MAYOR GOLDING.

NAYS: NONE.

NOT PRESENT: NONE.

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 RESOLUTION NO. R- 291737, passed and adopted by the Council of The City of San Diego, California on JUN 01 1999.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By: Lori A. Witzel, Deputy

EXHIBIT C
SD LCRA #1-98D



Land Development *Th7e* Code

RECEIVED

JUN 9 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Steep Hillside Guidelines

June 1999



Printed on recycled paper

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.

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

San Diego
Municipal Code

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STEEP HILLSIDE GUIDELINES INTRODUCTION

The Steep Hillside Guidelines are divided into four sections, each providing standards and guidelines intended to assist in the interpretation and implementation of the development regulations for steep hillsides contained in Chapter 14, Article 3, Division 1, Environmentally Sensitive Land. Every proposed development that encroaches into steep hillsides will be subject to the Environmentally Sensitive Lands Regulations and will be evaluated for conformance with the Steep Hillside Guidelines as part of the review process for the required Neighborhood Development Permit, or Site Development Permit or Coastal Development Permit.

The Sections of the Steep Hillside Guidelines are as follows:

Section I: Description of Regulations

This section provides detailed explanations for specific regulations contained in the Environmentally Sensitive Lands Regulations. These regulations must be complied with and the Steep Hillside Guidelines provide details of the regulation and guidance on how compliance is achieved.

Section II: Design Standards

This section provides general standards for design of various types of developments that propose to encroach into steep hillsides. These standards are specifically referenced in the Environmentally Sensitive Lands Regulations and general conformance is required. Guidelines for conformance with each standard is provided.

Section III: Community-Specific Requirements

This section identifies hillside development standards for specific Community Plans. Development on steep hillsides within the identified Community Plans must be in conformance with the design standards in Section II in addition to the requirements specified in this section for the particular Community Plan.

Section IV: Findings, Deviations and Alternative Compliance

This section discusses the required findings that must be made in order to approve a Neighborhood Development Permit or Site Development Permit for a development that proposes to encroach into steep hillsides. Additionally, this section includes the criteria to be considered in evaluating a deviation from the Environmentally Sensitive Lands Regulations and alternative compliance for steep hillside development area regulations along with guidelines for making the required additional findings for both. Alternative compliance is not applicable to coastal development within the Coastal Overlay Zone.

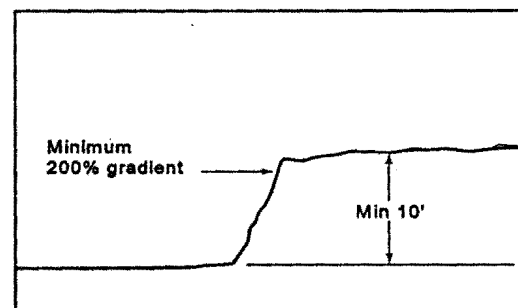
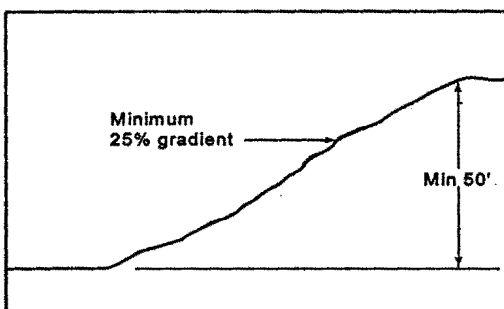
Section I DESCRIPTION OF REGULATIONS

The following guidelines are intended to aide in the interpretation and implementation of some of the regulations found in Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations. The numbers referenced for each 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 regulations with more details and explanations.

(A) 143.0110 When Environmentally Sensitive Lands Regulations Apply

Generally, the steep hillside regulations of the Environmentally Sensitive Lands regulations are applicable when development is proposed on a site containing any portions with a natural gradient of at least 25 percent (25 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 50 feet. The steep hillside regulations are also applicable if a portion of the site contains a natural gradient of at least 200 percent (200 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 10 feet. See Diagram I-1. The vertical elevation must occur generally in the area with the steep hillsides and may include some pockets of area with less than 25 percent gradient.

Diagram I-1: Steep Hillside Criteria



Outside the Coastal Overlay Zone, an exemption from the steep hillside regulations and the requirement for a Neighborhood Development Permit or Site Development Permit may be granted if the proposed development does not encroach into the steep hillsides and the development maintains a setback of 40 feet from the top of the steep hillsides.

(B) 143.0113 Determination of Location of Environmentally Sensitive Lands, Applicability of Division and Decision Process

The determination of the precise location of the steep hillsides on a site shall be made with the information submitted by the applicant, and any other information available, including City maps and records and site inspections. If the proposed development encroaches into the steep hillside area or does not observe the

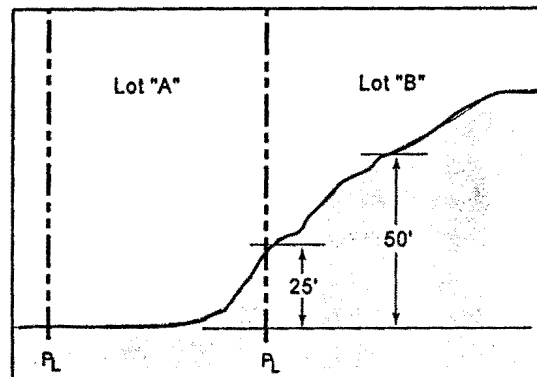
required setback from the steep hillsides to obtain an exemption, a Neighborhood Development Permit or Site Development Permit will be required in accordance with Table 143-01A. Within the Coastal Overlay Zone, a Neighborhood Development Permit or Site Development Permit is required whenever steep hillsides are located on the premises regardless of encroachment into the steep hillside, and a Coastal Development Permit is required for all coastal development, unless exempt pursuant to Section 126.0704 of the Coastal Development Permit procedures.

The permit required is based on the type of development proposed and the type of environmentally sensitive lands present (in addition to steep hillsides).

If the site contains steep hillsides but does not have 50 feet of vertical elevation, an off-site analysis of the adjacent property(s) must be made to determine whether the steep hillsides on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation. See Diagram I-2. If the 50-foot elevation is met when considering the extension of the steep hillsides off-site, the subject site will be subject to the steep hillside regulations.

Diagram I-2: Off-Site Steep Hillside Criteria

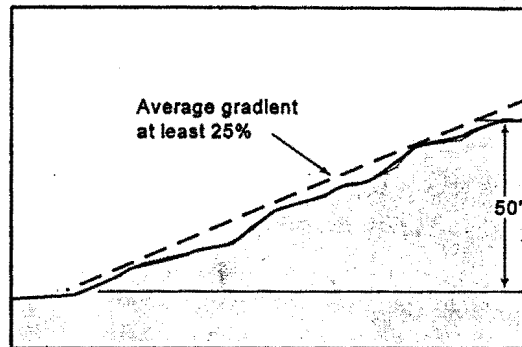
Lot "A" is subject to Environmentally Sensitive Lands Regulations since the 25' high on-site slope is part of a hillside that extends off site and exceeds 50' elevation



The measurement of the vertical elevation of the steep hillside shall consider the entire slope system and not only the individual portions of the slope with at least 25 percent gradient. That is, the measurement of the vertical elevation may include some areas with less than 25 percent gradient as long as the overall, predominant slope gradient is 25 percent. See Diagram I-3.

Diagram I-3: Average Gradient

The hillside is subject to Environmentally Sensitive Lands Regulations since the overall gradient is at least 25% (even though small portions of hillside are less than 25% gradient)



(C) 143.0140(a) Requirement for Covenant of Easement

Any portions of a site containing steep hillsides (or any other Environmentally Sensitive Lands) that are not part of the allowable development area, shall be left undeveloped and in their natural state. Assurance of the continued preservation of the remainder portion will be achieved with the requirement for the property owner to record a covenant of easement against the title to the property that will maintain that portion of the property in its natural state and only permit uses that are identified in the approved Neighborhood Development Permit or Site Development Permit or Coastal Development Permit. The property owner may offer to dedicate in fee the remainder portion of the site, although the City is not obligated to accept the dedication. Such decision by the City will be based on a number of factors including, but not limited to, the property's location, necessary maintenance, and permitted uses.

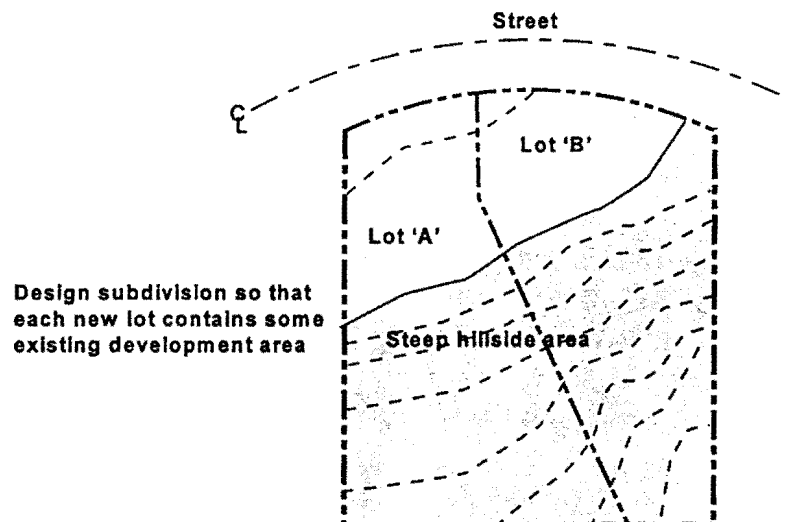
(D) 143.0140(b) and (c) General Regulations for Subdivisions

- (b) When a subdivision is proposed, the allowable development area shall be based on the area of the original unsubdivided premises. All development, including pads, graded areas, streets and driveways shall be located within the allowable development area and any encroachment into steep hillsides that is permitted will be based on the entire premises and not calculated separately for each newly created lot. For lots where development is not proposed at the time of subdivision, the grading plan must indicate the limits of future development of such lots and this future potential development area will be included in the development area calculation for the subdivision.
- (c) Each newly created lot within a subdivision shall include some portion that does not contain steep hillsides that will serve as the location (or future location) of development of the lot. See Diagram I-4. Since this area without steep hillsides will be considered part of the total development area of the subdivision, it should be sufficient in size to accommodate a reasonable development without requiring additional encroachment into steep hillsides. If additional encroachment is desired for development area

on an individual lot, development area calculation will be based on the original subdivision and not the individual lot. That is, even if the individual lot has a development area that is less than 25 percent of the lot area, additional encroachment into steep hillsides on the lot will only be permitted if the development area of the original subdivision was less than 25 percent of the area of the original unsubdivided premises.

Within the Coastal Overlay Zone, no Coastal Development Permit shall be issued for a subdivision that results in a newly created lot that does not contain adequate development area such that no encroachment into steep hillsides is required to accommodate future development. Encroachment is defined as alteration of the natural landform by grading or where the area is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, paving, or clearance of vegetation, including Zone 1 brush management (30 foot minimum setback).

Diagram I-4: General Regulations for Subdivisions



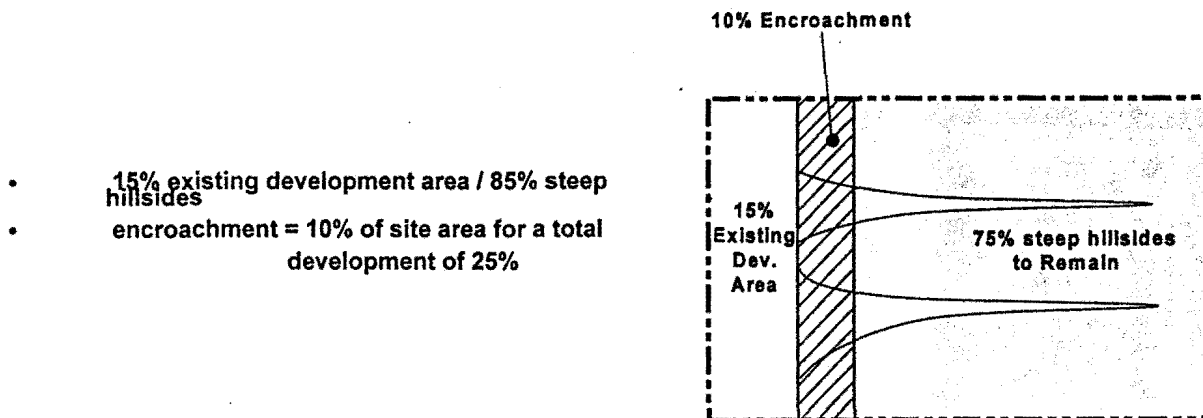
(E) 143.0142(a)(2), and (3), (4)(a) and (4)(c) Development Area

- (2) The allowable development area of a site containing steep hillsides shall be calculated as follows:

The existing development area includes all developed portions of a site plus any undeveloped portions that do not contain steep hillsides. The total development area includes the existing development area plus any areas proposed for any development encroachment. ~~Included as part of the~~ The allowable development area ~~are~~ includes all areas of grading, including the limits of cut and fill slopes, all structures and all other improvements, other than erosion control measures, as described in Subsection (H) of these guidelines, below. Development into steep hillsides shall only be allowed if it is consistent with the design standards in Section II and the community-specific requirements of Section III.

If the existing development area is less than 25 percent of the total site area, then the allowable development area will also include the amount of encroachment into steep hillsides necessary to achieve a total development area that is equal to 25 percent of the site. See Diagram I-5. However, within the Coastal Overlay Zone, the allowable development area on sites containing steep hillsides is discretionary and regulated by Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations and Section I.E(4) of these guidelines.

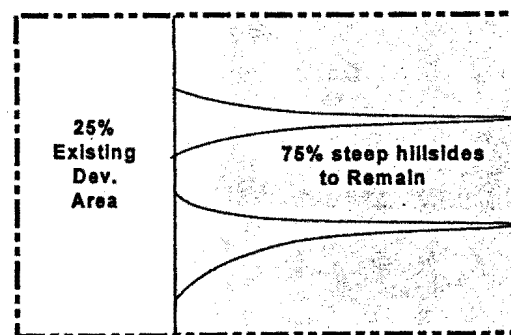
Diagram I-5: Development Area Calculation with 15% Existing Development Area



If the existing development area is more than 25 percent of the total site area (less than 75 percent of the site containing steep hillsides), then no encroachment into the steep hillsides shall be permitted, except as described in Section 143.0142(a)(3), ~~below~~ and 143.0142(a)(4). See Diagram I-6.

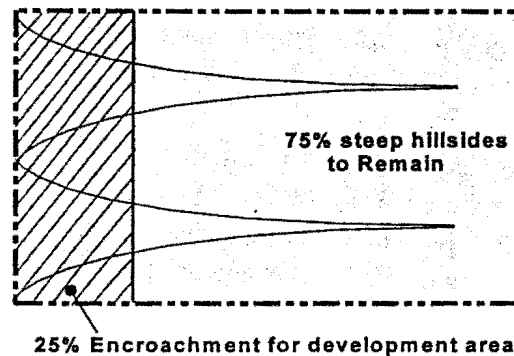
Diagram I-6: Development Area Calculation with 25% Existing Development Area

No encroachment permitted since 25% development area is existing



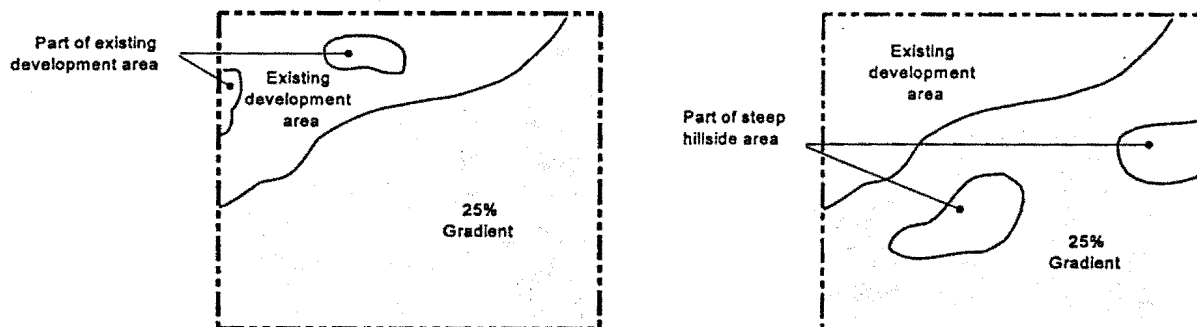
If a site has no existing development area (100% of the site containing steep hillsides), a maximum 25 percent of the site area may be encroached upon to achieve the allowable development area, except as described in Section 143.0142(a)(3), ~~below~~ and 143.0142(a)(4). See Diagram I-7.

Diagram I-7: Development Area with no Existing Development Area



Outside the Coastal Overlay Zone, small isolated pockets of 25 percent or greater gradient completely surrounded by existing development area shall be considered part of the existing development area provided the pockets total less than 10 percent of the existing development area. Development of such pockets will not be counted as encroachment. Likewise, small pockets of less than 25 percent gradient surrounded by steep hillsides shall be considered part of the steep hillsides and development of these pockets will only be permitted consistent with the regulations for all other steep hillsides. See Diagram I-8.

Diagram I-8: Small Isolated Pockets



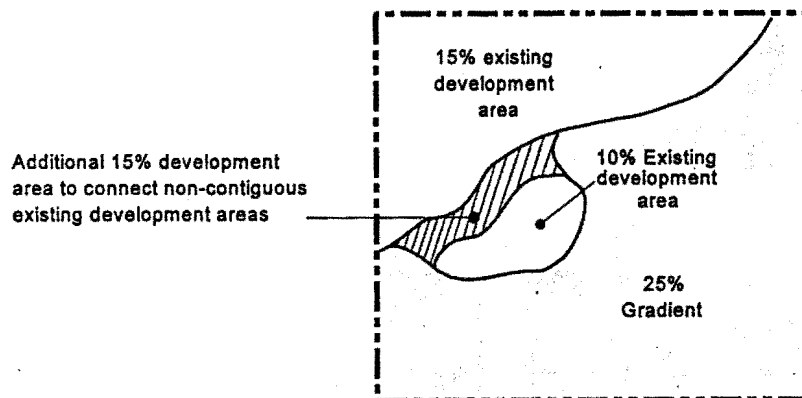
Additional development proposed within the development area of a premises with an approved Site Development Permit will be permitted only if the proposed development is in substantial conformance with the Site Development Permit. Such a development area will not be considered "disturbed" so as to qualify as an exemption from the Environmentally Sensitive Lands regulations for any additional future development.

- (3) Outside the Coastal Overlay Zone, An additional 15 percent of site area (for a maximum of 40 percent of the site area) may be encroached upon and used as development area for the following conditions:

For projects where the following major public facilities are required, an additional 15 percent development area may be permitted when it is not feasible to locate them within the allowable 25 percent development area: publicly-owned parks and recreation facilities, fire and police stations, publicly-owned libraries, public schools, major public roads and prime arterials, and public utility systems.

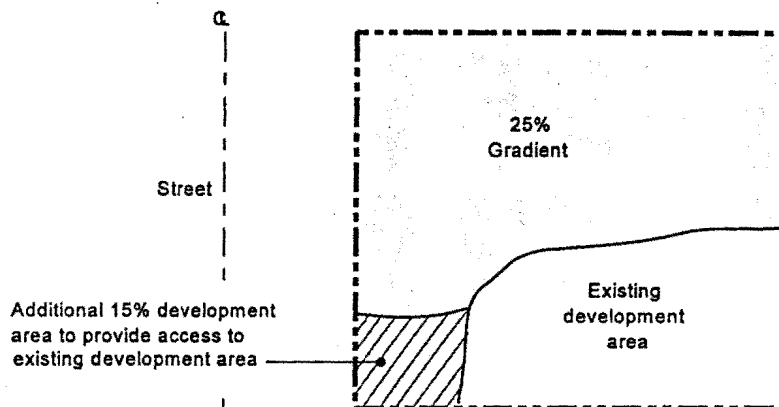
For projects where the existing development area is not contiguous, an additional 15 percent of the site may be encroached upon in order to connect the development areas. See Diagram I-9. This additional encroachment shall not apply if there exists a single contiguous development area with direct access that equals at least 25 percent of the site area. If an additional 15 percent development area is not sufficient connect the development areas, a deviation may be requested in accordance with Section 143.0150.

Diagram I-9: Additional encroachment for Non-Contiguous Development Areas



For projects where the existing development area does not have direct access to a public right-of-way, an additional 15 percent of the site may be encroached upon in order to gain access to the development area. See Diagram I-10. If the existing development area is less than 25 percent of the site area, the encroachment for access shall be included in the allowable 25 percent development area. If additional encroachment is still needed to gain access, an additional 15 percent of the site may be encroached upon (for a maximum development area of 40 percent of the site area). If the existing development area is more than 40 percent and has no access or if the additional 15 percent development area is not sufficient to obtain access, a deviation may be requested in accordance with Section 143.0150.

Diagram I-10: Additional Encroachment for Access to Development Area



- (4)(a) Within the Coastal Overlay Zone, projects proposing to encroach into steep hillsides shall be subject to the discretionary regulations identified in Section 143.0142(a)(4) of the Environmentally Sensitive Lands regulations. Projects shall be evaluated on a case-by-case basis to determine if encroachment, as defined in Section 143.0142(a)(4)(D) of the Environmentally Sensitive Lands regulations, can be permitted. It is the intent of the regulations and the Steep Hillside Guidelines that development be located on the least sensitive portions of a site and that encroachment into areas containing steep hillsides, sensitive biological resources, geologic hazards, view corridors identified in adopted land use plans or viewsheds designated on Map C-720, be avoided or minimized if unavoidable. Projects proposing to encroach into steep hillsides shall demonstrate conformance with the Environmentally Sensitive Lands regulations and the Design Standards in Section II of the Steep Hillside Guidelines and result in the most sensitive design possible.

Encroachment shall not be permitted for the following:

- Projects where the encroachment is solely for purpose of achieving the maximum allowable development area;
- Accessory uses or accessory structures including, but not limited to patios, decks, swimming pools, spas, tennis courts, other recreational areas or facilities, and detached garages; and
- Primary structures when the encroachment is designed to accommodate accessory uses or structures elsewhere on the site.

Encroachment into steep hillsides is not specifically granted. Encroachment shall be subject to discretionary review and shall be consistent with Section 143.0142(a)(4) of the Environmentally Sensitive Lands regulations and the Design Standards in Section II of the Steep Hillside Guidelines. For premises that are less than 91 percent constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 25 percent. For premises that are 91 percent or more constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 20 percent. An additional 5 percent development area for sites constrained with 91 percent or more steep hillsides may be allowed if it is found that a 20 percent development area is not sufficient to provide an economically viable use in accordance with Section 126.0708(e), Supplemental

Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone. A development area in excess of 25 percent on any premises shall only be considered pursuant to Section 126.0708(e), Supplemental Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone and the Submittal Requirements for Deviations from the Environmentally Lands Regulations Within the Coastal Overlay Zone located in the Land Development Manual.

- (4)(c) Within the Coastal Overlay Zone, an additional 15 percent of the site area, in excess of the maximum allowable development area, as stated in Section E(4)(a) above, may be encroached upon and used as development area for the following conditions:

For major public roads and collector streets that are identified in the Circulation Element of an adopted community plan or land use plan and for public utility systems, an additional 15 percent development area may be permitted when it is not feasible to locate them within the allowable development area.

For projects within the North City Local Coastal Program Land Use Plan areas where the existing development areas do not have direct access to a public right-of-way, an additional 15 percent of the site may be encroached upon by local public streets or private roads and driveways which are necessary to access the developable portions of the site (areas that do not contain steep hillsides) provided that no less environmentally damaging alternative exists. See Diagram I-10. Determination of whether the additional 15 percent encroachment, or portion thereof, can be permitted will be made based on the constraints analysis identified in Section II of the Steep Hillside Guidelines (Design Standards). However, if the existing development area is less than the maximum allowable development area (as determined by the percentage of site constrained by steep hillsides), the encroachment for access shall be included in the allowable development area. If the existing development area is more than 40 percent and has no access or if the additional 15 percent development area is not sufficient to obtain access, a deviation may be requested in accordance with Section 126.0708(e), Supplemental Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone.

- (F) 143.0142(e) Hold Harmless and/or Indemnification Agreement

In general, a Hold Harmless Agreement will be required with the Site or Neighborhood Development Permit for all proposed developments on sites containing steep hillsides.

The requirement for an indemnification agreement will depend on how the remainder portion of the site will be maintained in its natural condition and the level of public access anticipated on the remainder portion.

- When the remainder portion of the site is dedicated in fee to the City, an indemnification agreement will not be required for that area.
- When the remainder portion of the site is dedicated as an easement, a hold harmless and/or indemnification agreement may be required if public access is anticipated on that portion.

(G) 143.0142(f) Drainage

To the extent feasible, all drainage from development of a site containing steep hillsides should be directed away from any steep hillside areas and directed towards a public storm drain system or onto a street developed with a gutter system designed to carry surface drainage runoff. This does not apply to natural drainage courses existing on the portions of the site that are not proposed to be developed. These natural drainage courses should be retained where feasible, but not be impacted by additional runoff from the developed portions of the site.

(H) 143.0142(g) Erosion Control Measures

Outside the Coastal Overlay Zone. 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. All feasible methods of erosion control shall be considered, including sandbags, revegetation, and drainage diversion and improvements. Within the Coastal Overlay Zone, erosion control measures require a Coastal Development Permit and are subject to the encroachment limitation specified in Section 143.0142(a)(4).

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 principal structures or public improvements and if it is determined that no other less impacting method will accomplish the erosion control.

Erosion control measures that impact steep hillsides shall require a Neighborhood Development Permit or Site Development Permit. Erosion control measures are not subject to the 25 percent development area limit as long as they do not impact sensitive biological resources and are not located within the delineated viewshed areas of Map Drawing No. C-720.

A geotechnical report shall be required documenting the need for the erosion control measure unless it is demonstrated by the City Manager through the submittal of an appropriate investigative report, documentation or other evidence that unstable conditions on the site do not exist.

The geotechnical report shall identify the type and design of the erosion control measure necessary, based upon site specific conditions.

The City manager shall determine if any repair or maintenance activity of an approved and permitted erosion control measure constitutes a minor modification or requires an amendment to the permit(s) or a new permit(s). The City Manager shall require submittal of necessary reports, documents or any other material necessary to make such determination. Repair or maintenance of an erosion control measure which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained.

Section II DESIGN STANDARDS

In designing a development proposal for a site containing steep hillsides, the following standards must be incorporated into the project design, as described below. The design standards are grouped by project type to which they are applicable and the guidelines, which provide specific criteria for regulating encroachment, are provided for meeting each standard. The approval of a Neighborhood Development Permit or Site Development Permit requires general conformance with all of the applicable design standards and the indicated guidelines provide methods by which conformance may be achieved. Not all of the guidelines may be necessary in order to comply with a particular standard. The development shall incorporate as many guidelines as necessary to comply with the standard and make the required findings for permit approval. Projects proposing to encroach into steep hillsides shall demonstrate that all design standards have been incorporated and have resulted in the most sensitive design possible. Projects will be evaluated on a case-by-case basis to determine that the standards and guidelines utilized create the most sensitive development. Encroachment will be approved only when it is clearly demonstrated that the project fully conforms with the Environmentally Sensitive Lands Regulations, the standards of the Steep Hillside Guidelines and is located on the least sensitive portions of the site.

All projects shall be designed and sited to avoid potentially significant geologic hazards as identified on the City of San Diego Seismic Safety Study, Geologic Hazards and Faults Maps and/or as identified in a geologic report. Where geologic hazards are identified, the geologic report shall provide an assessment of re-siting alternatives and a variety of options to reduce the risk to the structure to a level acceptable to the Building Official and minimize the risk to public improvements to a level acceptable to the City Engineer.

Within the Coastal Overlay Zone the determination of the least sensitive portions of steep hillsides shall include a constraints analysis of view corridors identified in adopted land use plans, viewsheds as identified on Map C-720, potential geologic hazards and biological resources. The degree to which a particular constraint is more sensitive than another shall be dictated by the specific site conditions. For biological resources, the following list, in order of increasing biological sensitivity, is a guideline for determining the least biologically sensitive portions of the site (see Table 3 of the Biology Guidelines for additional information).

1. Steep hillside areas devoid of vegetation, including previously graded areas and agricultural fields.
2. Steep hillside areas containing non-native vegetation, disturbed habitats and eucalyptus woodlands.
3. Steep hillside areas containing chamise or mixed chaparral, and non-native grasslands.
4. Steep hillside areas containing coastal scrub communities.
5. Steep hillside areas containing rare upland communities.

6. Steep hillside areas within wetland buffer areas.
7. Steep hillside areas occupied by habitat of listed species, narrow endemic species, *Muilla clevelandii* (San Diego goldenstar), and all wetlands.
8. Steep hillside areas necessary to maintain the viability of wildlife corridors (e.g. linear areas of the MHPA < 1000' wide).

The approval of a Neighborhood Development Permit, Site Development Permit or Coastal Development Permit requires conformance with all of the applicable design standards. Each set of respective guidelines provide methods by which conformance with the applicable design standard may be achieved. Not all of the guidelines may be necessary in order to comply with a particular standard. However, the proposed development shall incorporate as many guidelines as necessary to comply with the standard and to make the required findings for permit approval.

(A) Individual Single Dwelling Unit

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved and incorporated into the development design.
- The height of manufactured slopes should be minimized so as not to become a prominent feature in the grading design.
- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE DIAGRAM II-1, page 28]

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE DIAGRAM II-2, page 28]

Standard 2: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.
- Development could be located close to the street in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-3, page 29]

- When designing a structure on a lot, the siting, orientation and steep hillside disturbance should blend with the surrounding developed properties.
- Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:

The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 6 feet.

A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system, and shall be landscaped.

[SEE DIAGRAM II-4, page 29]

Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE DIAGRAM II-5, page 29]

The color of retaining walls should blend with the natural terrain and the color of the structures on the site.

Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.

- Long driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 30]

- Fence locations should not enclose natural steep hillside areas that are protected by way of easements, conditions of permit, or other mechanisms intended to protect the area in a natural state.

- Pools, tennis courts and other features that require large graded areas should not be permitted in the steep hillside areas of the site.

Standard 3: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures should be designed to fit the natural contour of the site rather than the site being altered to fit a particular structure type. Large flat pads should be avoided in favor of stepped, or split-level structures that follow the general contours of the site.

[SEE DIAGRAM II-7, page 30]

- Structure designs and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading.

[SEE DIAGRAM II-8, page 30]

- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 31]

- Raised decks could be utilized for outdoor recreational space as an option to graded yards.
- Structures built on a rim of a canyon should be low in profile and stepped back from the steep hillside area.
- When a structure is built on a steep hillside, it should be stepped to follow the natural line of the existing topography.

[SEE DIAGRAM II-10, page 31]

- When located on a steep hillside, structures should be set into the steep hillside to help blend the structure into the site.

[SEE DIAGRAM II-11, page 31]

- The required parking could be incorporated within the structure. Where feasible, raised decks could be used for driveways.

[SEE DIAGRAM II-12, page 32]

Standard 4: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate,

for the site conditions and the proposed development:

- Structure placement and orientation could be utilized to maximize opportunities for view corridors.
- Landscaping could be utilized that will compliment and not obscure designated view corridors.

Standard 5: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.
- Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.
- The amount of impervious surfaces should be minimized.
- If possible, grading during the rainy season should be avoided. There should be close phasing of grading operations, slope erosion control and building construction to reduce the period when bare slopes are susceptible to erosion.

(B) Single Dwelling Unit Subdivision

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources and mature trees should be preserved to the greatest extent possible and incorporated into the development design.
- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion (generally less than 10 percent) of the entire site.

- Steep hillsides between developed canyon bottoms and ridges could be maintained in their natural state.

[SEE DIAGRAM II-13, page 32]

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE DIAGRAM II-1, page 28]

- The angle of lots and graded pads should follow the contours of the slope and/or the course of the canyon rim and take advantage of views.

[SEE DIAGRAM II-14, page 32]

- Alteration of entire steep hillsides could be avoided by maintaining areas of existing natural topography in the design of the development.

[SEE DIAGRAM II-15, page 33]

- Priority should be given to the preservation of steep hillsides that are located adjacent to areas designated as open space.

Standard 2: The development shall be designed to minimize grading.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- The design of streets and long driveways could be used to minimize the amount of grading, as follows:

Streets and long driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 30]

Streets could be located along ridges and valleys provided this location is not in conflict with other adopted regulations or policies.

Streets that are narrow, single loaded, and/or split level could be provided.

[SEE DIAGRAM II-16, page 33]

- Retaining walls could be utilized to reduce the total amount of grading provided their heights are minimized and they are only used in non-prominent locations.

[SEE DIAGRAM II-17, page 33]

- Alternative forms of retaining systems could be utilized to minimize grading.
- Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.
- The size and shape of lots could be varied in order to maximize the amount of steep hillsides to be preserved.

[SEE DIAGRAM II-18, page 34]

- The use of all areas of the site that do not contain steep hillsides should be maximized prior to encroaching into any steep hillside areas.

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE DIAGRAM II-2, page 28]

- The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE DIAGRAM II-19, page 34]

- Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-20, page 34]

- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 31]

- Breaks between structures could be provided for visual access to steep hillside areas.
- Fence locations should not enclose natural steep hillside areas that are protected by way of easements, conditions of permit, etc.

Standard 5: The placement of structures within the subdivision shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading. Split level and embedded structures should be encouraged.

[SEE DIAGRAM II-8, page 30]

- Structures built on a steep hillside should not project higher than the closest ridgeline above the structure.

[SEE DIAGRAM II-21, page 35]

- Structures built at the top of a steep hillside or on a rim of a canyon should be low in profile and stepped back from the steep hillside area.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Breaks along the street could be provided where no structures will be located.
- Single-loaded streets could be provided adjacent to steep hillside areas and natural open space.

[SEE DIAGRAM II-22, page 35]

- The separation between buildings could be designed to maximize opportunities for view corridors.
- Public view corridors down sloping streets should be maintained.
- Views of steep hillsides should be preserved from public right-of-ways and parks and visual access to open space areas from steep hillside developments should be preserved.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased runoff to the steep hillside areas.
- Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.
- If possible, grading during the rainy season should be avoided. There should be close phasing of grading operations, slope erosion control and building construction to reduce the period when bare

slopes are susceptible to erosion.

- Existing drainage swales and gullies should be retained and incorporated into the design of the development.

(C) Multiple Dwelling Unit Development

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources, and mature trees should be preserved to the greatest extent possible and incorporated into the development design.
- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- Alteration of entire steep hillsides could be avoided by maintaining areas of existing natural topography in the design of the development.

[SEE DIAGRAM II-15, page 33]

- Steep hillside areas should not be mass graded to create a large flat pad. Instead, smaller stepped pads could be used that follow the existing topography.

[SEE DIAGRAM II-23, page 36]

- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

Standard 2: The development shall be designed to minimize impacts to steep hillsides.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- The design of streets and long driveways could be used to minimize the amount of grading, as follows:

Streets and long driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 30]

Streets and driveways could be located along ridges and valleys provided this location is not in conflict with other adopted regulations or policies.

Streets and driveways could be provided that are narrow, single loaded, and/or split level.

[SEE DIAGRAM II-16, page 33]

- Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:

The maximum height for a single retaining wall, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system and shall be landscaped.

[SEE DIAGRAM II-4, page 29]

Retaining walls could be incorporated into the design of the structure so that they become part of the structure.

[SEE DIAGRAM II-5, page 29]

The color of retaining walls should blend with the natural terrain and the color of the structures on the site.

Gravity retaining walls could be used, regardless of the height, provided that landscaping and irrigation is installed in the face of the wall.

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE DIAGRAM II-2, page 28]

- The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE DIAGRAM II-19, page 34]

- Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-20, page 34]

- Development could be located close to the street in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-3, page 29]

- Multiple small parking lots at different levels could be utilized instead of one large parking lot.
- Pools, tennis courts and other features that require large graded areas should be located on the flatter portions of the site.

Standard 5: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures should be designed to fit the natural contour of the site rather than the site being altered to fit a particular structure type. Large flat pads should be avoided in favor of stepped, or split-level structures that follow the general contours of the site.

[SEE DIAGRAM II-7, page 30]

- Structure designs and foundation types should be utilized that are compatible with the existing steep hillside conditions and require less grading.

[SEE DIAGRAM II-8, page 30]

- Structures built at the top of a steep hillside or rim of a canyon should be low in profile and stepped back from the steep hillside area.
- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 31]

- Structures built on a steep hillside should not project higher than the closest ridgeline above the structure.

[SEE DIAGRAM II-22, page 35]

- Raised decks and roof decks could be utilized for outdoor recreational space.
- Parking could be located under the structure on up-sloping lots and on top of structure on down-sloping lots to reduce grading needed for parking lots.

[SEE DIAGRAM II-24, page 36]

Standard 6: Designated public view corridors from public streets and other public property, as designated in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Pedestrian access ways could be provided adjacent to natural open space.
- The separation between buildings could be designed to maximize opportunities for view corridors.
- Structure placement should be oriented to respect designated view corridors.
- Landscaping could be utilized that will enhance and not obscure designated view corridors.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.
- Any increase in run-off from what occurs naturally should be directed away from the steep hillside areas.
- The amount of impervious surfaces should be minimized.

(D) Commercial, Industrial, and Other Non-Residential Development

Standard 1: Development on steep hillsides shall respect existing natural landforms.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Significant natural features such as drainage courses, rock outcroppings, sensitive biological resources

and mature trees should be preserved to the greatest extent possible and incorporated into the development design.

- Development should avoid large areas containing steep hillsides with a natural gradient in excess of 200 percent, except that:

Access to the site may encroach into these steep hillsides only if no other feasible means of access to the property exists.

Development may encroach into these steep hillsides if there are no other areas that are feasible for development or the area with these steep hillsides constitutes a minor portion of the entire site.

- Areas of existing natural topography should be integrated into the design of the development.
- Priority should be given to the preservation of steep hillsides that are located adjacent to areas designated as open space.
- When the top of a steep hillside is cut and fill is placed on the hillside, the fill slope should be blended with the natural steep hillside.

[SEE DIAGRAM II-1, page 28]

Standard 2: The development shall be designed to minimize grading.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Streets and driveways should follow the contours of the natural terrain.

[SEE DIAGRAM II-6, page 30]

- The use of all areas of the site that do not contain steep hillsides should be maximized prior to encroaching into any steep hillside areas.
- Retaining walls could be used to reduce the total extent of grading in the steep hillside areas, subject to the following:

The maximum height of a single retaining wall located adjacent to natural steep hillsides designated as open space or adjacent to major and secondary streets and highways or sidewalks, measured from grade to grade, shall be 10 feet. When the overall retained height would exceed 10 feet, the retaining wall shall be broken into multiple stepped walls, with no individual wall height exceeding 10 feet. A minimum horizontal distance of 3 feet shall be maintained between each individual wall in the stepped wall system and shall be landscaped.

[SEE DIAGRAM II-4, page 29]

Retaining walls could be incorporated into the design of the structure so that they become part

of the structure.

[SEE DIAGRAM II-5, page 29]

Gravity retaining walls could be used, regardless of height, provided that landscaping and irrigation is installed in the face of the wall.

- Narrow, single loaded, and/or split level streets and driveways could be utilized where possible.
- Shared access to adjacent lots could be used to reduce the amount of grading required for driveways.
- Development areas should be located at varying elevations to respect the existing contours of the site.
- The size and shape of lots could be utilized to maximize the amount of steep hillsides to be preserved.

[SEE DIAGRAM II-18, page 34]

Standard 3: Graded areas shall be designed to blend with existing or planned adjacent topography.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- If located adjacent to natural topography or manufactured slopes that are landform graded, newly created manufactured slopes should be landform graded with undulating slopes, irregular/ varying gradients, and with the top (crest) and bottom (toe) of new manufactured slopes rounded to resemble natural landforms.

[SEE DIAGRAM II-2, page 28]

- The transition between manufactured slopes and natural topography should be blended to avoid harsh angular lines.

[SEE DIAGRAM II-19, page 34]

- Landscaping on manufactured slopes adjacent to natural topography should be similar to the vegetation on the natural slopes.
- Slopes that are adjacent to major and secondary streets and highways and slopes in areas designated as significant public view areas should always be landform graded regardless of the adjacent topography.

Standard 4: Site improvements shall be designed and sited to minimize impacts to the steep hillside areas.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Development should be concentrated in the least steep areas of the site in order to preserve as much of the natural terrain as possible.

[SEE DIAGRAM II-19, page 34]

- The design and placement of site improvements should take into consideration the location surrounding developments.
- Parking located near the top of steep hillside areas should be set back from the edge of steep hillsides or buffered with a combination of berms and landscaping.

[SEE DIAGRAM II-25, page 36]

- Parking areas should be terraced to reflect existing topography.
- Parking structures could be used to reduce the amount of graded, surface parking needed.
- Multiple small parking lots at different levels could be utilized instead of one large parking lot.

Standard 5: The design and placement of structures on the site shall respect the steep hillside character of the site.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Structures built at the top of a steep hillside or rim of a canyon should be low in profile and stepped back from the steep hillside area.
- The use of reflective building materials should be minimized.
- Structures could be utilized to screen high retaining walls and extensive manufactured slopes.

[SEE DIAGRAM II-9, page 31]

- When located near the top of steep hillside areas, buildings should be situated so that landscaped parking areas may serve as a buffer between the steep hillside area and the building.
- When a structure is built on a steep hillside, it should be stepped to follow the natural line of the existing topography.

[SEE DIAGRAM II-10, page 31]

- When located on a steep hillside, structures should be set into the steep hillside to help blend the structure into the site.

[SEE DIAGRAM II-11, page 31]

- Underground, tuck-under, rooftop, and/or integrated structured parking could be used in the design of the structures.

[SEE DIAGRAM II-24, page 36]

- Multiple smaller buildings at different elevations could be used as an option to a single large building.
- Decks and other spaces integrated into the building could be used for public space.

Standard 6: Designated public view corridors from public streets and other public property, as identified in the adopted Land Use Plan, shall be provided and maintained.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- Pedestrian access ways could be provided adjacent to natural open space areas.
- Structure placement and orientation could be utilized to maximize opportunities for view corridors.
- Landscaping could be utilized that will complement and not obscure designated view corridors.

Standard 7: Natural drainage patterns shall be respected to the extent feasible.

This standard may be achieved by incorporating into the development design, the following guidelines, as appropriate, for the site conditions and the proposed development:

- There should be no increase in the peak rate or concentration of run-off which results in increased erosion to the steep hillside areas.
- Existing drainage swales and gullies should be retained and incorporated into the design of the development.
- The amount of impervious surfaces should be minimized.

Diagrams for Design Standards

Diagram II-1: Fill Slopes Blended with Natural Steep Hillside

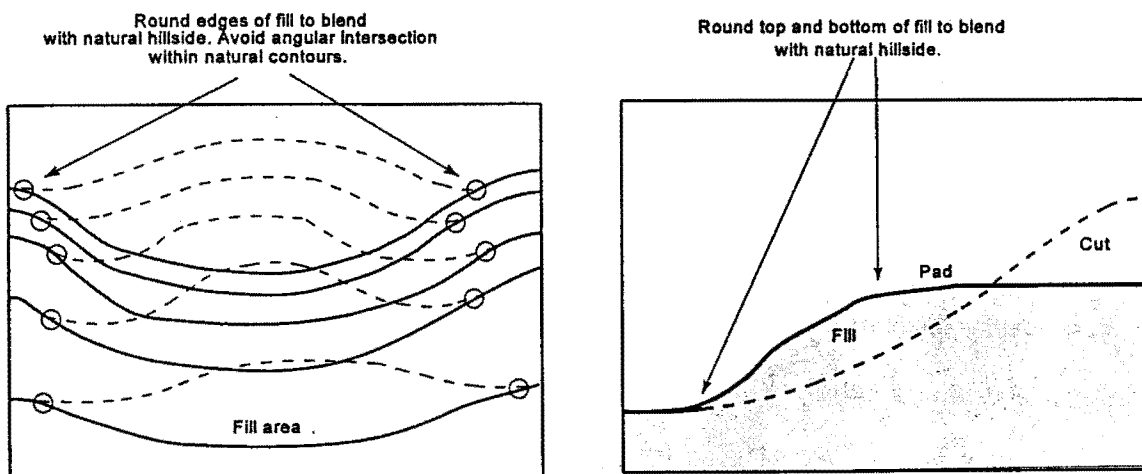


Diagram II-2: Landform Graded Slopes

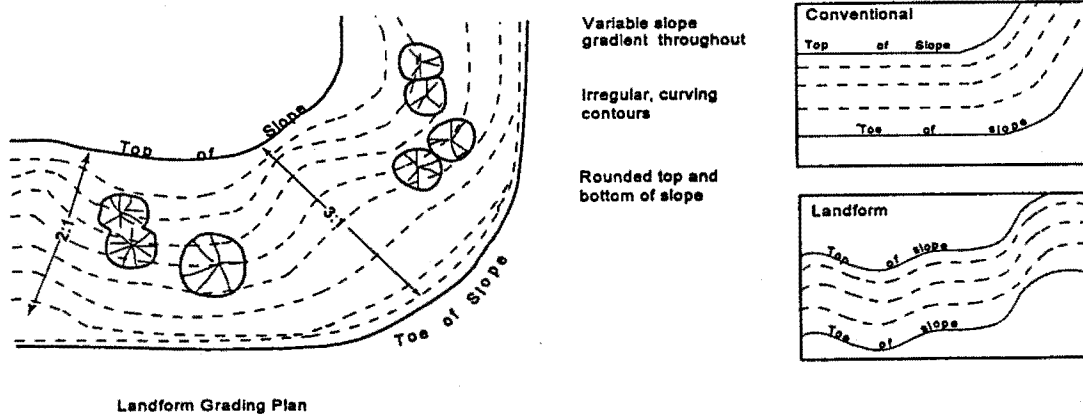


Diagram II-3: Building Locations

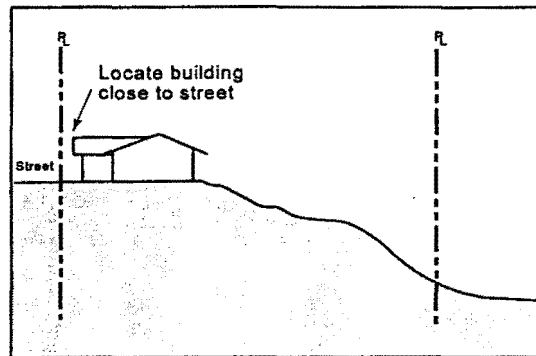
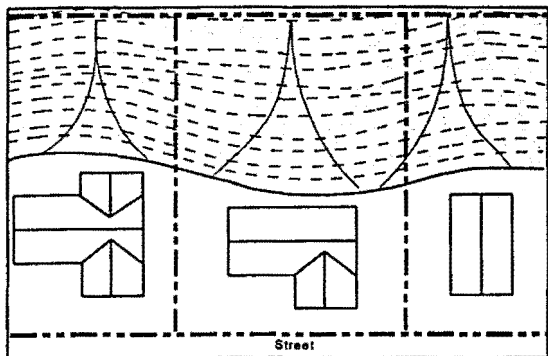
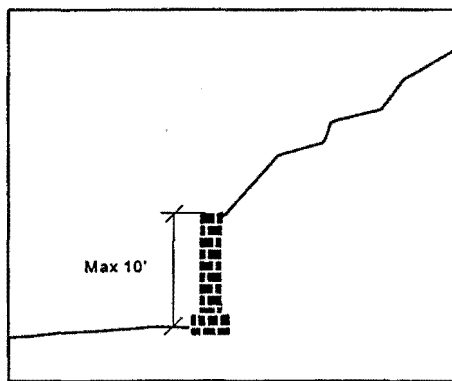
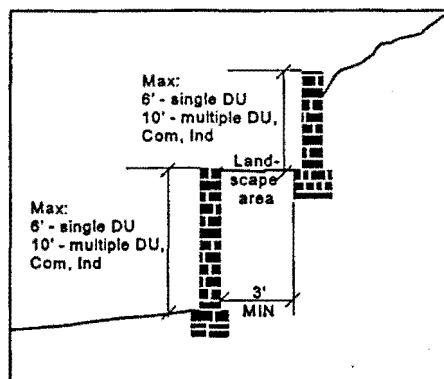


Diagram II-4: Retaining Wall Height



Single wall



Multiple stepped wall

Diagram II-5: Retaining Wall within Structure

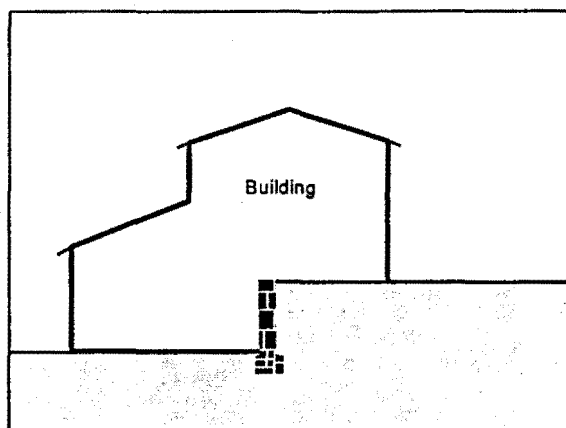


Diagram II-6: Long Driveways

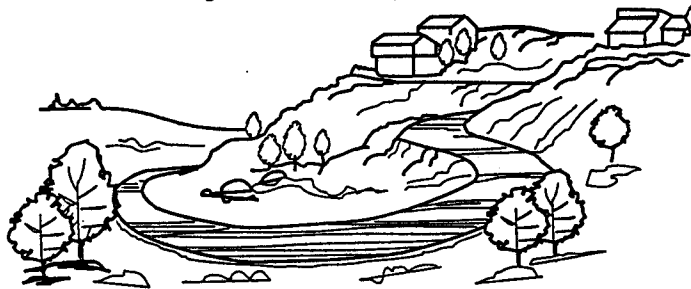


Diagram II-7: Structures that fit Natural Contours

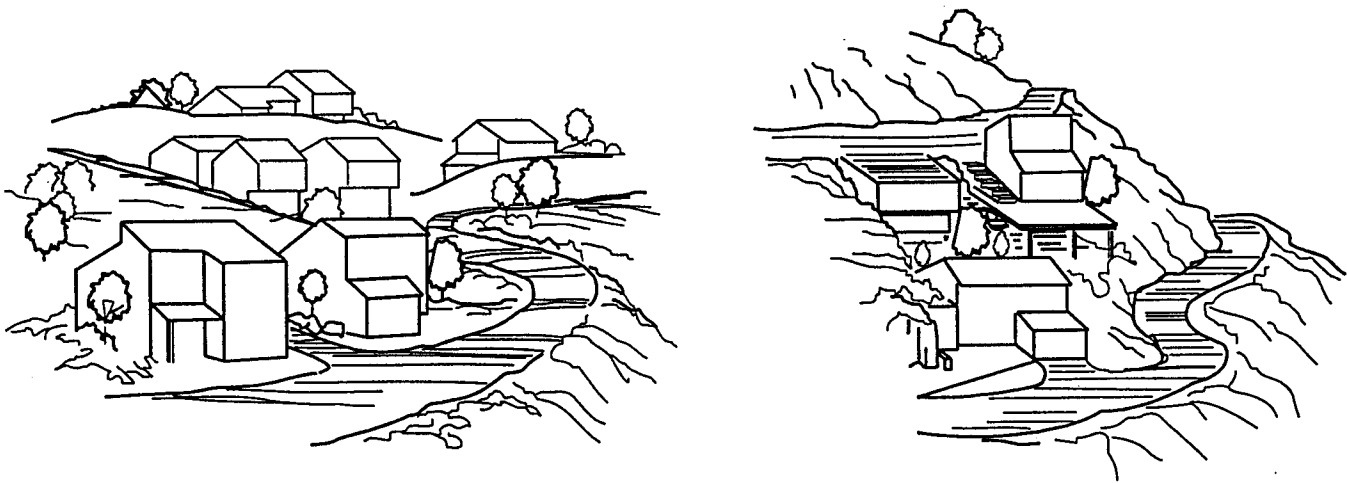


Diagram II-8: Steep Hillside Structure / Foundation types

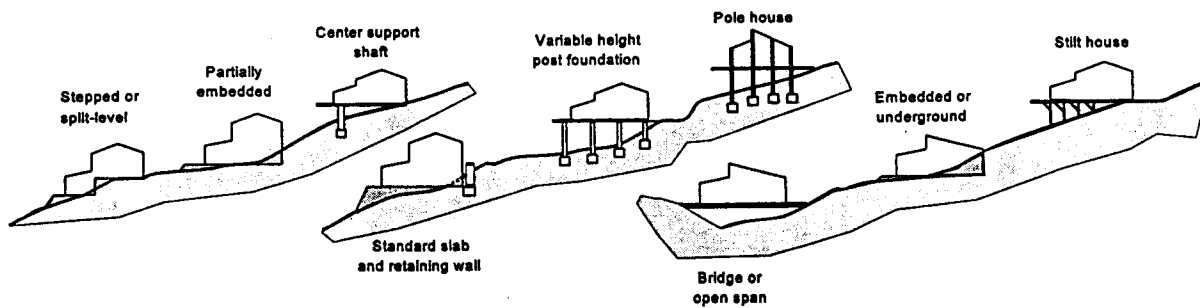


Diagram II-9: Structure located in front of Manufactured Slope

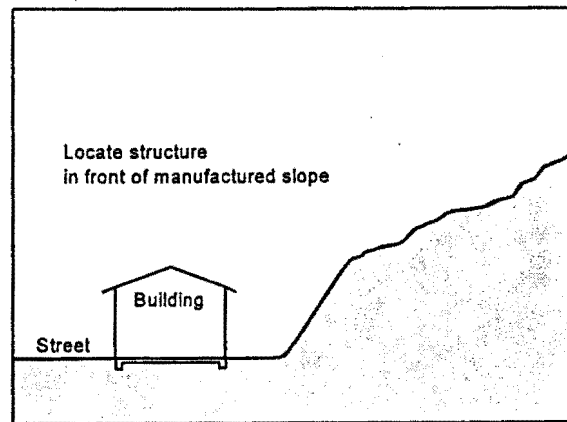


Diagram II-10: Stepped Building

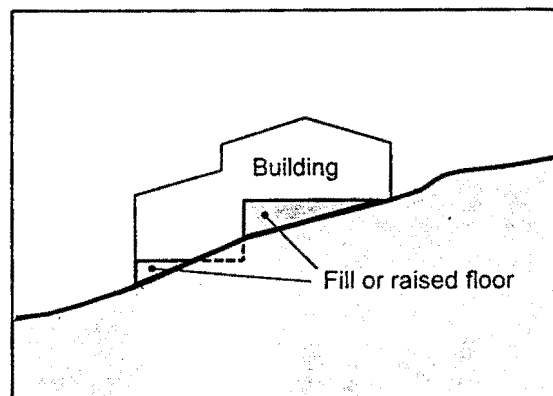


Diagram II-11: Building set into Steep Hillside

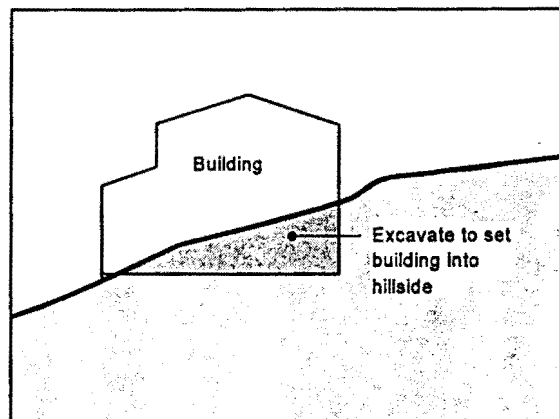


Diagram II-12: Parking on Steep Hillside Sites

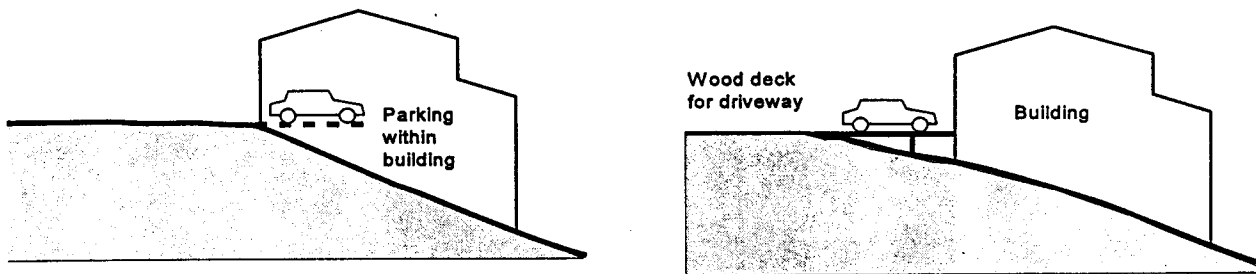


Diagram II-13: Natural Hillside Retained between Development Areas

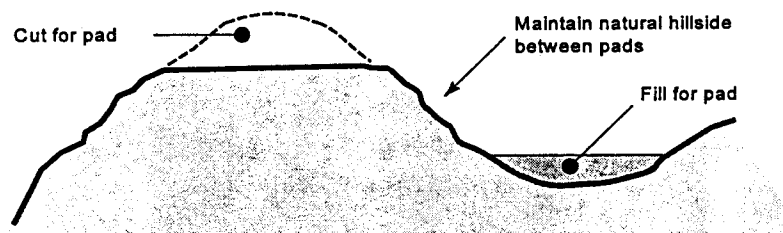


Diagram II-14: Lots that Follow Hillside Contours

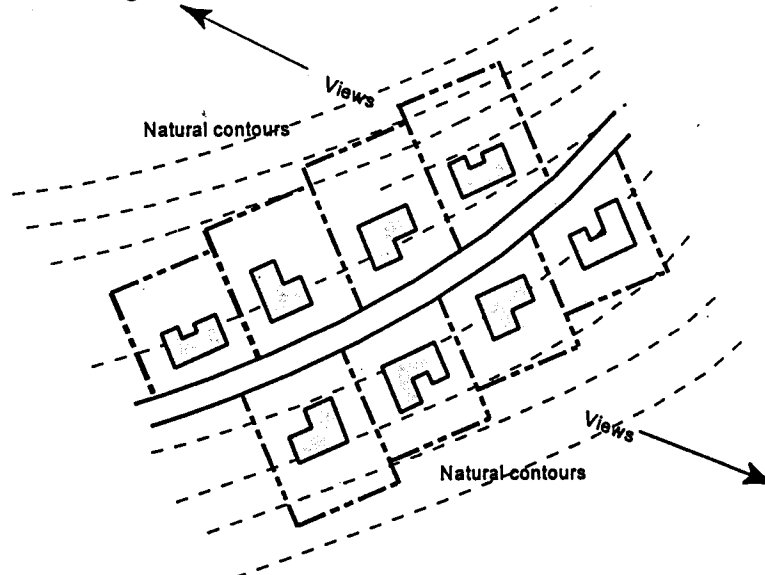


Diagram II-15: Retained Areas of Undisturbed Hillside within Development

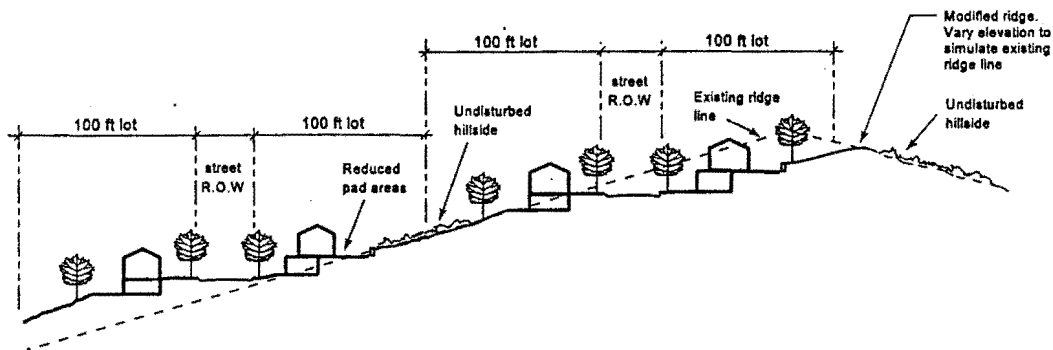


Diagram II-16: Split Level Street

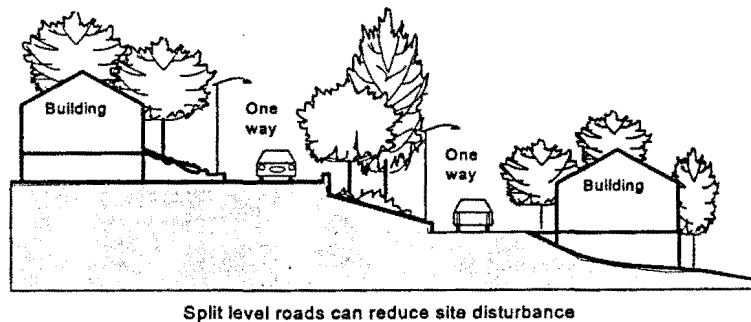


Diagram II-17: Use of Retaining Walls in Hillside Developments

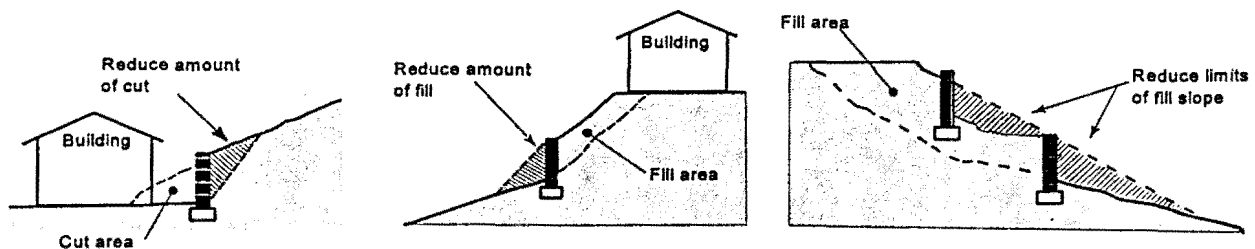


Diagram II-18: Varied Lot Size and Shape

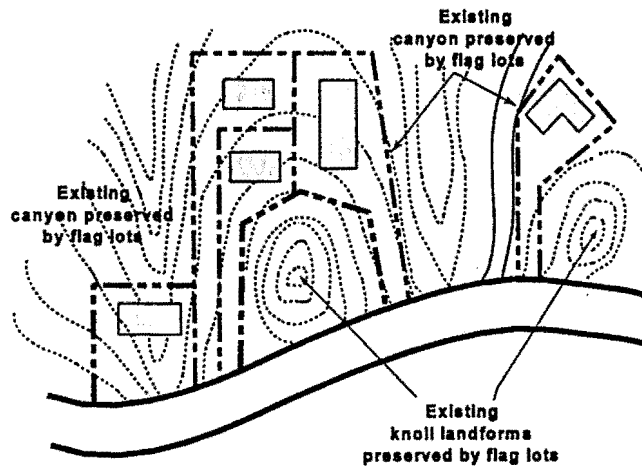
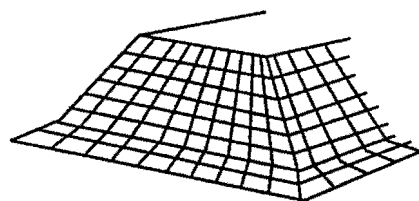
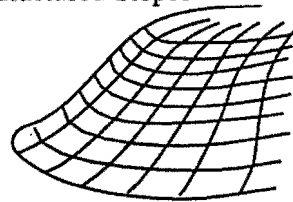


Diagram II-19: Blended Manufactured Slopes

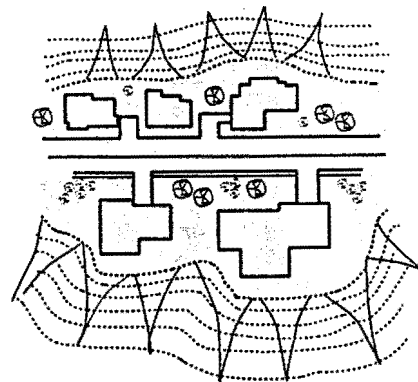
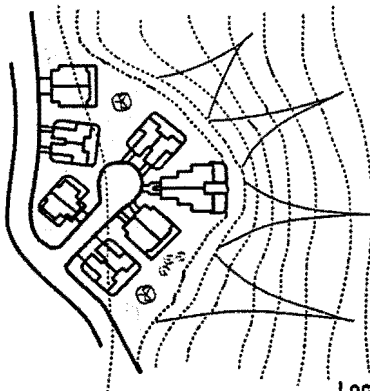


Avoid harsh, easily eroded forms and high, steep banks



Retain smooth flow of ground form

Diagram II-20: Development Located on Least Steep Areas



Locate Development on flatter portions of the site.

Diagram II-21: Building Located near Ridgeline

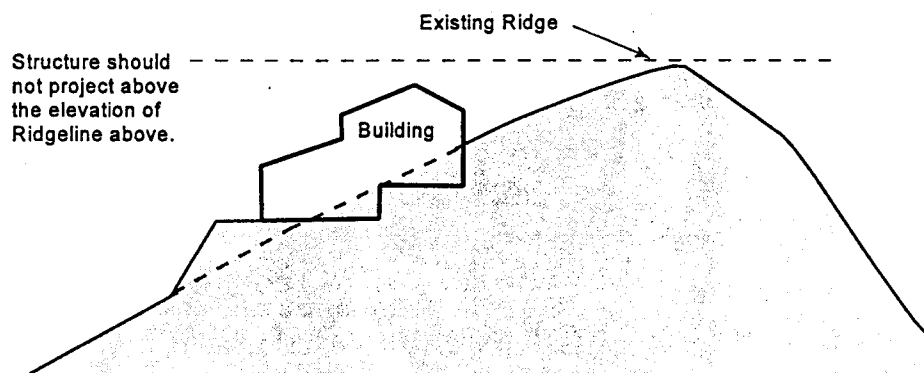


Diagram II-22: Single Loaded Streets

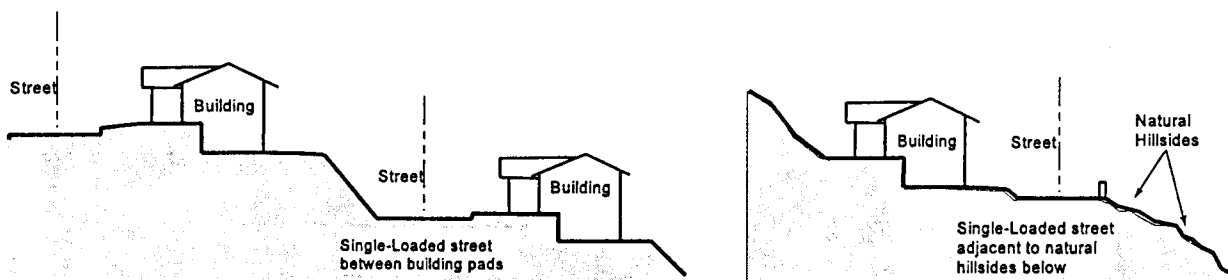


Diagram II-23: Stepped Pads

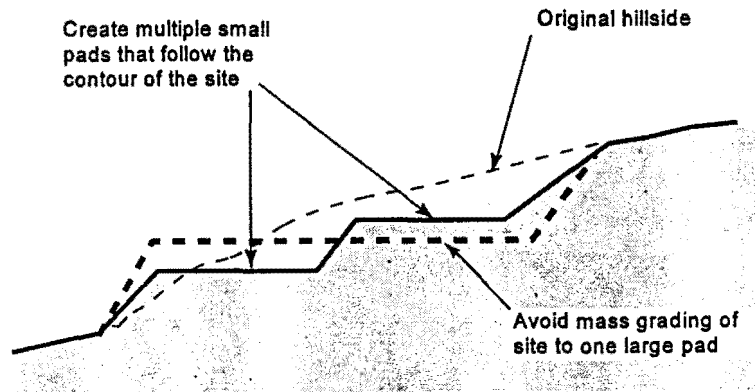


Diagram II-24: Parking for Hillside Structures

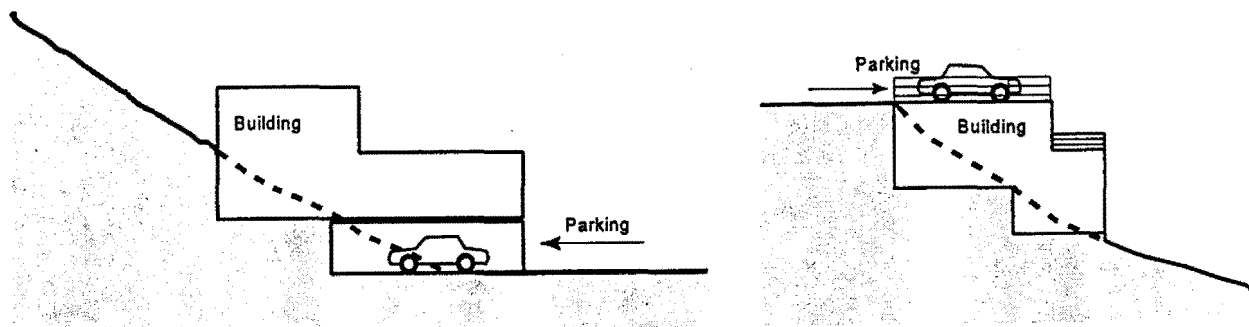
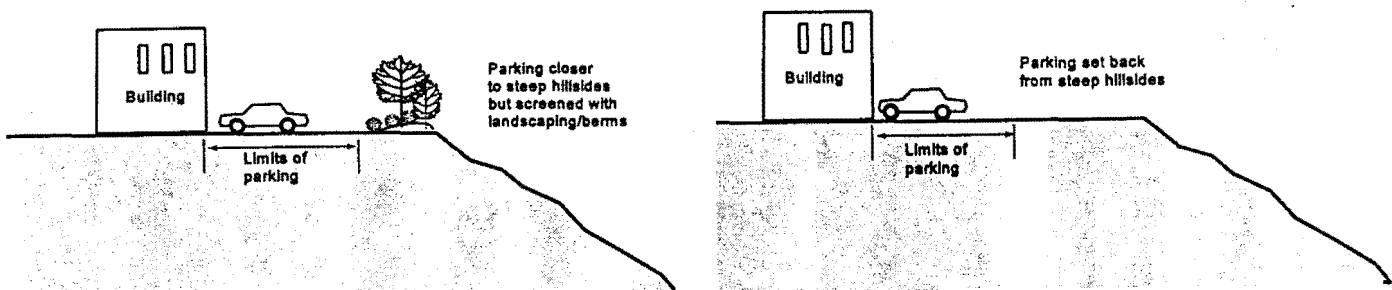


Diagram II-25: Parking Lots Near Steep Hillside



Section III COMMUNITY-SPECIFIC REQUIREMENTS

The following guidelines are recommendations for development on steep hillsides within specific Community Plans that are not addressed elsewhere in the Steep Hillside Guidelines. The recommendations came directly from the indicated Community Plan and conformance is required in order to make the findings for development approval. [Additional recommendations from various Community Plans are not listed in this Section because they are incorporated elsewhere in the Steep Hillside Guidelines and applicable citywide.]

(A) Mira Mesa

Grading over the rim of Los Penasquitos Canyon shall not be permitted.

Clustered units, single-story structures or single-story elements, roofs sloped toward the canyon, or increased setbacks from the canyon rim shall be used to ensure that visibility of new development from Los Penasquitos Canyon Preserve is minimized. Development shall not be visible from the northern trail in Los Penasquitos Canyon or the location of the planned trail in Lopez Canyon at the point that is located nearest to the proposed development. Lines-of-sight from the trails to the proposed development shall be submitted by the applicant.

Fences adjacent to Los Penasquitos Canyon Preserve shall be constructed of wrought or cast iron, or vinyl-coated chain link with a wooden frame.

Landscaping adjacent to Los Penasquitos, Lopez, Carroll or Rattlesnake canyons shall be predominantly native species.

Wherever possible, public access to the rim and view of Los Penasquitos Canyon Preserve should be provided in the form of paths, scenic overlooks, and streets.

(B) Rancho Penasquitos

In the Black Mountain transition zone, as shown in the Community Plan, a gradual transition using landscaping and moderate (50 feet) horizontal and vertical separations should be used.

For the Penasquitos Canyon transition zone, as shown in the Community Plan, in those areas where residential development backs onto proposed open space, a buffer at least 50 feet wide should be created. Layers of the buffer should include the rear yard areas; a consistent fence style along the length of the development; clusters of shrubs and trees offsetting the fence line; and a rounded slope with the landscaping gradually blended into the natural vegetation where manufactured slopes are necessary. The natural vegetation should be replaced whenever possible, except within the Fire Management Zone.

The ridge-canyon relationship should be maintained and not obliterated. While hilltops and valleys may

be graded to permit development, the sense of distinctive landform should remain. Special care should be taken to preserve the landform of the ridgetop in the Black Mountain area and the Camino Ruiz open space corridor in Penasquitos Canyon.

For artificial slopes over 15 feet in height, slopes should be blended, tops of slope banks should be rounded, and contoured or sculptured, grading should be both horizontally and vertically, all artificial slopes should be blended to meet native terrain. The overall effect desired is a natural undulating terrain rather than a manufactured appearance.

Siting of buildings along canyon rims should consider city-wide brush management requirements. Minimum setbacks from top of slope ranging from 20 to 50 feet (depending on fire severity rating) should be required in order to reduce the potentially significant environmental impacts associated with the brush management.

The treatment of rooftops should be varied on sloping sites, rather than consisting of extended horizontal lines. Rooflines should be used to emphasize the variety in shape and flowing character of the hillside instead of masking it.

(C) Miramar Ranch North

Site planning should maintain the topographic relief of the existing terrain and preserve significant views from and of development areas as shown on the 1"-400' scale concept grading plan which may be found in the map pocket of the Community Plan.

It is recognized that in some portions of the Community Plan, substantial cuts and fills are required. These cut and fill areas arise where important streets must meet City engineering standards, such as for grades and curve radii. Three cases in point are Scripps Ranch Boulevard at the western entrance to the community; Spring Canyon road along the ridge between Scripps Ranch and Miramar Ranch North; and the north-south road passing by the eastern elementary school site, through Cypress Canyon, and northward across the power easement. In the detailed engineering of important roads in the Community Plan area, care should be taken to minimize the cuts and fills to the extent feasible while meeting City road standards.

The height difference between ridges and canyons should be retained to the greatest extent possible.

(D) Carmel Mountain Ranch

In general, manufactured slopes should be a maximum grade of 2:1, and no more than 50 feet in height. Exceptions to this standard include the manufactured slopes along North City Parkway and within Units 41, 22, 23, 20, 5, 5A, 6, 6A, 9, 15, and 15A. Special design guidelines for some of these slopes are provided below.

Some of the manufactured slopes in or adjacent to Units 41, 22, 23, 5, 5A, 15 and 15A may be equal to or greater than 50 feet in height.

- Unit 41: A 50-foot vertical separation is likely at the western perimeter of this parcel along Carmel Mountain Road.

- Unit 22: Two cut slopes ranging from 50 feet to 60 feet may be necessary at selected locations along the western perimeter of the parcel.

- Unit 23: The variable topography in this area may require two interior slopes of 50 feet and two fill slopes ranging from 70 feet to 100 feet.

- Unit 5 and 5A: A vertical separation ranging from 50 feet to 60 feet is anticipated between Units 5 and 6.

- Units 15 & 15A: A vertical separation of 50 feet is anticipated between Units 15, 15A and 16. In addition to the general design standards, the following measures are recommended to reduce the scale of tall manufactured slopes:

Slopes should be heavily planted and utilize a variety of plants species and plant heights to modulate the appearance of the slope.

Trees should be planted near the base of slopes to de-emphasize the scale of slopes.

Boulders should be incorporated into the landscaping of slopes to retain the natural character of the site.

If stable rock is uncovered during grading, slopes may be steepened to 1.5:1 and 1:1 to reduce the height of cut as well as provide an interesting visual feature.

(E) Mission Valley

Design roads serving hillside and canyon developments carefully and sensitively.

1. Roads serving residential development near the upper ridge of the south rim of the Valley should be cul-de-sacs or loops extending from existing upland streets. These extensions should be "single loaded" (with structures on one side only and of minimum width).
2. Roads serving Valley development (office, educational, commercial-recreation, commercial-retail) at the base of the steep hillsides should consist of short side streets branching off Camino Del Rio South or Hotel Circle South. These side streets should provide primary access to projects in preference to collector street.

Large scale development (commercial, office, or commercial-recreation) at the base of the steep hillsides should not cut or grade, nor extend above the 150-foot elevation contour on the southern slopes.

All that portion of the Mission Valley Community Plan area located south of Interstate 8 should be incorporated into a South Mission Valley Height Limitation Zone, which established a height limitation of a new or altered buildings of 40 to 65 feet.

The steep hillsides should provide a clear area of demarcation between the Mission Valley Community Plan area and the communities on the mesas above Mission Valley.

Development at the base of slopes should utilize the following design principles:

1. Emphasize a horizontal rather than a vertical orientation for building shape.
2. Step back each successive floor of the structure to follow the natural line of the slope.
3. Utilize building materials and colors which are of earth tones, particularly dark hues.
4. Design roof areas to minimize disruption of views from the crest of the hillsides. Sloped or landscaped roofs and enclosed mechanical equipment can help to achieve this effect.

(Municipal Code/PDO)

Orient development towards the valley and take access to Mission Valley projects from roads that do not extend above the 150-foot elevation contour.

Preserve the natural landform and greenbelt of the southern hillsides and rehabilitate the northern hillsides.

Southern Slopes:

1. Preserve existing steep hillsides and use the steep hillsides as a backdrop and guide to building form.
2. Cluster, contour and terrace structures into sites to preserve the form of the steep hillsides.
3. Cluster development in disturbed or sparsely vegetated portions of the slope.
4. Design automobile access to minimize hillside disruption. To avoid excessive grading, locate automobile access adjacent to street access and separated from habitable building sections. Linkages from the street to the building should be made through pedestrian ways or bikeways.

Northern Slopes:

1. Develop near the base of the slope. Building height and setbacks should be designed to create a band of visible open slope areas landscaped according to City-wide standards between the ridge line and building roofs that mirror the greenbelt effect of the southern hillsides.
2. Development beyond the base of the steep hillsides should be low in profile.
3. Adapt building and parking areas to the terrain. Minimize the visual impact of buildings by terracing them up or down a slope, providing view corridors through them and terracing outdoor deck areas.

(F) Sabre Springs

Fill slopes should be minimized along the creek environments in order to maximize view potentials and minimize erosion from such slopes. This is particularly important along Penasquitos Creek.

Daylight cut and fill methods should be used to the extent feasible in grading of development areas on prominent ridges near Poway Road and Interstate 15, and in the southeast portion of the planning area. Grading in these areas should result in minimal fill slopes, and in retention of steep ridge slopes between ridge top and canyon housing sites in a natural state to the greatest extent feasible.

All manufactured slopes, both temporary and permanent, should be a maximum grade of 2 to 1, and no more than 30 to 50 feet in height. Slopes exceeding the height limit at the freeway interchange, along the southeast boundary, and along the southwest boundary should be specially treated as described in the Community Plan.

Grading should be limited to what is necessary such that spillovers into natural areas such as the creeks are avoided and native vegetation to be preserved is not trampled. The final earth surface of development sites should be watered and rolled to form a hardened, compacted cap of soil which will minimize dust and erosion.

(G) La Jolla

Where the linkage between two areas of designated open space is provided by steep hillsides, such as the steep hillsides that lie between Soledad Open Space Park and La Jolla Heights Park, development will be sited in a manner that preserves that linkage.

Set back large residential structures from the brow of the hillside. This is especially important for those locations that are visible from natural open space systems, park lands and the seashore. The reservation of the natural character of these areas depends upon minimizing visual intrusions.

Provide visual access to open space areas in all large developments that are proposed on steep hillsides. Public views of open space areas can be enhanced by providing roadway turnouts at scenic locations.

Design walls and fences to accommodate existing public vistas, respecting the legitimate needs of privacy and public safety.

Limit public access in hillside areas that contain sensitive resources to scientific or educational use. Confine access to designated trails or paths and no access shall be approved which would result in the disruption of habitat areas.

Lot divisions shall be required to have a portion of each created lot in areas of less than 25 percent gradient. The portion of the lot to be in slopes of less than 25 percent gradient shall be equal to or exceeding the area represented by the Building Size Ratio (floor area ratio) for the zone in which the property is located. This requirement would not apply to parcels restricted to open space uses, either by dedication or transfer of title to The City of San Diego or another responsible public agency.

(H) San Pasqual Valley

Building pads should not be created on the most visible portions of both the ridgelines and the valley floor.

Although the use of retaining walls within view of the valley is highly discouraged, there may be instances in which no alternative is available. In this case, the retaining wall should not exceed six feet in height and should conform to the natural contour of the topography and be screened with indigenous landscaping. Earthtone colors and decorative natural materials such as stone construction should be used to blend with the natural landscape.

Any parcels that have been disturbed by illegal grading should be restored through corrective grading techniques and/or revegetation of the native habitat.

The use of stem walls should be avoided.

The facades of structures should be angled at varying degrees to follow the natural topography of the site.

Rooflines of structures should vary in angle and height to provide a changing profile. Rooflines shall emphasize the natural landforms and help blend the structures into the natural open space environment.

Accessory uses such as tennis courts, gazeboes, and swimming pools that would require retaining walls and/or extensive structural supports visible from the valley should be avoided. Accessory uses should be set back from the ridgeline and properly screened with landscaping to be unobtrusive. In deck construction, large distances between structures and grade shall be avoided.

In subdivisions, open space linkages should be required for pedestrian/bike traffic and equestrian trails linking the project with the valley's proposed trail system.

In subdivisions, projects should be designed to provide appropriately sized open space linkages where deemed necessary to allow for wildlife movement and trail linkages.

To reduce the need for property line fencing on major steep hillsides, subdivisions should be designed to place steep hillsides adjacent to proposed building pads in separate open space lots. Where property lines do transverse steep hillsides, fencing on the steep hillside area should be discouraged; however, where such fencing is required the fencing should be visually unobtrusive in color and material.

Fencing should be unobtrusive, typically open and non-opaque when viewed from public areas of the valley, with natural colors to blend with landscape.

(I) Sorrento Hills

There shall be no grading or development on the bluffs.

In areas adjacent to Los Penasquitos Canyon Preserve, building roof lines should slope in a manner which complements the contours of the natural mesa edge landform. Individual building stories may be staggered contiguous to the mesa edge so as to minimize views of structures from the canyon bottom.

When buildings and landscaping are introduced that can be viewed in the context of the bluffs, form, color and texture should be controlled so that development blends into the foreground and does not visually detract from the bluffs.

(J) Navajo, Tierrasanta, East Elliott (within sub-area 2 of the Mission Trails Design District, in accordance with Chapter 13, Article 2, Division 7)

New developments shall maintain contiguous public access immediately adjacent to Mission Trails park edge or boundaries.

In a conventional subdivision rear property lines shall not be permitted contiguous to Mission Trails park boundary. Access roads or bike paths could be used to buffer park from private yards.

Common recreational/open space areas shall abut Mission Trails park boundary. Private property lines shall not be permitted within 20 feet of the park's edge or boundary.

New developments immediately abutting Mission Trails park should provide open space linkages, bike/pedestrian (and equestrian if in East Elliott) access to the park.

Only clustered development and structures that conform to steep terrain shall be permitted.

Hillside development shall not be permitted on steep hillsides fifty percent or greater. The clustering concept should be applied to avoid those steep hillsides.

Lots and structures should be oriented towards views and vistas of Mission Trails Park. For example, lots should be oriented at right angles to the contour lines in a staggered fashion instead of at right angles to the streets.

Utilize for community or public land use those portions of the steep hillsides most exposed to public view, or from which the widest views are possible.

Site major structures to show only a portion of themselves beyond the hill's brow or profile when viewed from important roads.

Do not obscure the hillside foot at the end of streets perpendicular to Mission Trails Park, with the exception as outline, except as follows:

Only buildings of significance to the entire community should be allowed at the ends of streets perpendicular to Mission Trails Park.

The paved surface ground in a given development shall not exceed forty-five percent of the total development areas, in order to support the natural system of drainage. Paved surface ground includes structure foundations, driveways, patios, sidewalks, parking areas, and streets.

At least three of the following techniques shall be employed to limit the amount of paved surface and further reduce interference with the natural drainage system:

- a) Clustered design as previously described.
- b) Grading of foundation area only, open type foundations as previously described.
- c) Raised wood decks instead of concrete slabs for patios, driveways and parking.
- d) Common driveways or cul-de-sacs, and narrow street for access.
- e) Elimination of paved sidewalks. Provision of street sidewalks should be a response to need rather than to arbitrary policy.
- f) Design of garage/parking space either under or over the structure depending on whether the lot is uphill or downhill from the street.

Streets should follow and/or end in views from the crest of steep hillsides. Wherever possible development facing the park should be set below road grade to preserve public views of the park from the roadway.

Aim streets directly at Mission Trails Park to create sightlines for maximum visual impact.

(K) Clairemont Mesa and Linda Vista (areas adjacent to Tecolote Canyon)

Structures should be set back or placed at staggered distances from the canyon rim to avoid a "wall effect" along the rim. In cases where the Tecolote Canyon Natural Park boundary is at a lower elevation than the canyon rim, structures should still maintain setbacks from the rim and utilize the area between the rim and park property lines as a landscaped buffer.

The facades of structures should be angled at varying degrees to follow the course of the canyon rim. When viewed from the opposite rim Tecolote canyon, the structures should emphasize the line of the canyon rim.

Rooflines of structures should vary in angle and height to provide a changing profile along Tecolote canyon rim when viewed from the opposite rim. A changing roofline will emphasize the verticality of the canyon walls and help blend the structures into the natural hillside environment.

In larger scale development projects, pedestrian facilities rather than auto facilities should be located adjacent to Tecolote canyon rim as the scale of pedestrian facilities is more adaptable to the varying land forms of the canyon rim.

Larger scale developments should provide appropriate pedestrian access to Tecolote canyon rim. Pedestrian facilities, such as lookout points and pathways, should be located in areas adjacent to the canyon rim, but should not provide access into Tecolote Canyon Natural Park.

Where it is appropriate to locate roadways and driveways along Tecolote canyon rim, they should follow the natural course and contours of the rim. Landscaping should be provided to buffer roadways and driveways from the canyon. These buffered roadways and driveways would then provide open edges between the canyon and development.

Where it is appropriate to locate parking facilities adjacent to the rim, they should be minimal in size and buffered from the canyon by landscaping.

Traffic flow should be parallel to or directed away from the canyon rim. Adequate access for service and emergency vehicles into Tecolote Canyon Natural Park must be considered, but illegal off-road vehicles shall be excluded. Street layout and design should not create any pressure to construct new public roads through any part of Tecolote Canyon Natural Park.

Grading should not occur within Tecolote canyon. If any areas within the canyon are disturbed by grading occurring adjacent to the canyon, or by minor grading necessary for the provision of services such as sewers or runoff control facilities, the disturbed areas should be repaired to blend in with natural slopes

and contours and should be revegetated with native plants. Additionally, grading operations should not occur during the rainy season between October 1 and April 1 of any year.

(L) Uptown

The permitted floor area for lots partially within open space areas should be based only upon that portion of the lot outside of the open space designation. As a minimum for lots predominantly or entirely within open space, the permitted floor area should assume a lot depth of 100 feet rather than the true lot depth in computing the lot area. In designing the project, the garage should not be eliminated in an effort to reduce the floor area.

Developments which are on any portion of a property within designated open space should maintain existing views and public access to canyon areas, and adapt to the natural terrain.

Developments on corner lots of existing streets which serve as public view corridors for vistas and open space need special design considerations such as being required to setback from the corner or terrace away from the street.

Limit the development intensity in hillside locations where emergency access may be hampered by narrow, curving streets.

Only very low residential development density (1-2 D.U./Acre) should be allowed on a site in the biological/geological zone, as shown in the Uptown Community Plan Hillside Evaluation Model, which includes any slope of 25 percent gradient or greater, and the canyon bottoms. No grading or vegetation removal should be permitted within the undeveloped portion of this zone, unless required due to the necessity to stabilize other areas of the site.

The Urban Design Zone, as shown in the Uptown Community Plan Hillside Evaluation Model, is a transition zone designed to preserve the open space character of the neighborhood and afford public views to the open space system. This zone includes steep hillsides at the canyon rim plus other slopes that are not as highly sensitive geologically or biologically as the Biological/ Geological Zone. Development density allowable on-site in this zone should be very low density (3-5 D.U./Acre). Development encroachment into this zone should be moderate, with minimal

grading. Location of development should be such that public views from public streets into the open space, or surrounding panorama, are not impeded, but rather are enhanced.

The hillside development criteria in Table 6 of the Uptown Community Plan should be utilized to determine the appropriate residential dwelling unit densities for any given hillside site.

Whenever encroachment into open space areas occur, the density of the project site should be limited to between 1 and 4 D.U./Acre. The appropriate density within the 1-4 D.U./Acre range would be determined based upon the hillside/canyon evaluation criteria in Figure 15, and the Open Space Priority Matrix in Appendix D, as shown in the Community Plan.

Section IV FINDINGS, DEVIATIONS AND ALTERNATIVE COMPLIANCE

Development on a site containing steep hillsides 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 and Site Development Permit are listed in Sections 126.0404(a) and 126.0504(a), respectively. In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing steep hillsides requires that six additional findings be made that are specific to the environmentally sensitive lands present. Section (A), below, identifies the additional six required findings (found in Sections 126.0404(b) and 126.0504(b)) and what will be considered in making the findings.

A Coastal Development Permit will be required in addition to a Site Development Permit or Neighborhood Development Permit for all coastal development which does not qualify for an exemption pursuant to Section 126.0407. 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.

Outside of the Coastal Overlay Zone. If a deviation from any of the Environmentally Sensitive Lands regulations is requested pursuant to Section 143.0150, two additional findings (found in Sections 126.0404(c) and 126.0504(c)) must be made in addition to the general Neighborhood Development Permit or Site Development Permit findings and the additional six findings for Environmentally Sensitive Lands. Section (B), below, outlines some of the situations in which a deviation could be considered and identifies the two additional deviation findings and what will be considered in making the findings.

Within the Coastal Overlay Zone, if a deviation from any of the Environmentally Sensitive Lands regulations is requested pursuant to Section 143.0150, additional findings (found in Section 126.0708(e)) must be made in addition to the findings for a Coastal Development Permit, the findings for a general Neighborhood Development Permit or Site Development Permit and the additional six findings for Environmentally Sensitive Lands.

If alternative compliance is requested for the steep hillside development area regulations pursuant to Section 143.0151, three additional findings (found in Section 126.0504(e)) must be made in addition to the general Site Development Permit findings and the additional six findings for Environmentally Sensitive Lands. Section (C), below, outlines some of the situations in which alternative compliance could be considered and identifies the three additional alternative compliance findings and what will be considered in making the findings.
Alternative compliance from the environmentally sensitive lands regulations is not applicable within the Coastal Overlay Zone.

(A) Additional Development Permit Findings for Environmentally Sensitive Lands:

- (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.*
 - The proposed development complies with the development area regulations, where applicable pursuant to the Environmentally Sensitive Lands regulations.
 - The proposed development conforms with the design standards for structure design and site improvement. Design concepts are incorporated into the development where feasible.
- (2) *The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.*
 - The proposed development conforms with the design standards for grading, landform alteration, and site improvement. Design standards are met and design concepts are incorporated into the development where feasible.
 - The proposed development complies with the regulations for drainage and erosion control measures and incorporates drainage guidelines.
 - The use of retaining walls in the proposed development is minimized and conforms with the design guidelines for retaining walls.
- (3) *The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.*
 - The proposed development conforms with the design standards for the type of development proposed.
 - The proposed development conforms with the specific requirements for steep hillside developments for the Community in which the development is located.
- (4) *The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.*
 - If within or adjacent to the MHPA, the proposed development will be in conformance with any recommendations regarding development location and siting.
 - Steep hillsides which contain sensitive biological resources will be regulated through the sensitive biological resource regulations and the Biology Guidelines and conformance with other goals of the Subarea Plan will be required.

- (5) *The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

[This finding is only applicable if the site contains sensitive coastal bluffs or coastal beaches unless drainage from the site will significantly impact such 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.*

[This finding is primarily applicable to sites that contain sensitive biological resources; however, compliance with the Steep Hillside Regulations and Steep Hillside Guidelines may involve impacts to sensitive biological resources.]

(B) Criteria and Findings for Deviation from Environmentally Sensitive Lands Regulations:

Outside the Coastal Overlay Zone. Deviations from the steep hillside regulations may be considered for, but is are not limited to, the following:

- Development that proposes to exceed the maximum allowable development area. Exceeding the allowable development area must be tied to existing site conditions or a unique development design that necessitates additional encroachment into steep hillsides.
- An alternative drainage design that may not comply with every aspect of the regulations but is consistent with the intent.
- An alternative revegetation plan that meets the intent of landscape regulations.

Deviations should 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.

Deviations should not be considered for economic hardship in complying with the regulations.

Additional Development Permit Findings for Deviations from Environmentally Sensitive Lands Regulations:

- (1) *There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.*
- Potential alternative development design options have been considered.
 - Other regulations and guidelines for steep hillsides will be complied with so that the overall

development design will conform to the intent of the Steep Hillside Regulations and Steep Hillside Guidelines.

(2) *The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions applicable to the land, not of the applicant's making.*

- Natural topographical features or conditions exist that make the regulations infeasible for a particular site. These do not include past grading or development activities that present constraints to desired ultimate site development.
- The deviation is only from those regulations necessary to make the project feasible in light of the special circumstances that exist on the site. Alternative methods for achieving the goals of those regulations are presented in the development design.

Within the Coastal Overlay Zone, deviations from the steep hillside regulations may be considered when application of the regulations would result in denial of all economically viable use of the premises. A deviation application shall be accompanied by all of the information required in the Submittal Requirements for Deviations from the Environmentally Sensitive Lands Regulations Within the Coastal Overlay Zone located in the Land Development Manual. The decision maker shall utilize the information to determine if a deviation from the provisions of Section 143.0142(a)(4) is required to allow an economically viable use of the premises.

The deviation process within the Coastal Overlay Zone is not intended to be utilized to achieve the maximum allowable development area as permitted by the Environmentally Sensitive Lands regulations. Rather it is intended to provide relief when development in accordance with the Environmentally Sensitive Lands regulations would result in no economically viable use of the premises.

Additional Development Permit findings for Deviations from Environmentally Sensitive Lands Regulations Within the Coastal Overlay Zone:

- (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 Local Coastal Program with the exception of the provision for which the deviation is requested.

(C) Criteria and Findings for Alternative Compliance for Steep Hillside Development Area Regulations:

Alternative compliance from the steep hillside development area regulations may be considered only for the following:

- Development, other than a single dwelling unit on an individual lot, that proposes to exceed the maximum allowable steep hillside development area. Such developments are proposing to encroach into the steep hillside area more than the amount permitted by the steep hillside development area regulations.

Alternative compliance is not available for a single dwelling unit on an individual lot.

Alternative compliance is not available for a premises that is designated as open space in the applicable Land Use Plan or that is zoned OR-1-1 or OR-1-2.

Alternative compliance shall not be used for consideration of deviations from any other environmentally sensitive lands regulations (other than steep hillside development area found in Section 143.0142(a)).

Additional Site Development Permit Findings for Alternative Compliance for Steep Hillside Development Area Regulations:

(1) *The proposed development is in conformance with the Steep Hillside Guidelines.*

- The development complies with all aspects of the Steep Hillside Guidelines

(2) *The proposed development conforms to the applicable Land Use Plan.*

- The development complies with the type of development recommended by the Land Use Plan for this location.
- The Land Use Plan recommends development of the subject premises at the intensity levels proposed.

(3) *Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.*

- Limiting the amount of development area would be inconsistent with recommendations in the applicable Land Use Plan.
- Other City policies or programs will be jeopardized by limiting the development area on the subject premises.