

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**Tue 9a****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY COASTAL PROGRAM ANALYST, SAN DIEGO AREA
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT 6-2000-C (Floodplain Regulations LDC Update)(for Public
Hearing and possible Commission action at the Meeting of August 6-10, 2001).**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

This report addresses a portion of the City of San Diego's third major LCP amendment request for 2000. This portion of the submittal addresses only the Implementation Plan (IP), and is identified as LCPA 6-2000-C. Part A addressed both the Land Use Plan and the Implementation Plan, with respect to the redevelopment of the former Naval Training Center and was approved by the Commission in June 2001. Part B included several revisions to the Land Development Code (LDC) as part of the Second Quarterly Update and was approved by the Commission in May 2001. Portions of the Second Quarterly Update were also processed as DeMinimus LCP Amendment # 7-2000 which was approved by the Commission in April 2001. The LCP amendment package was filed on May 10, 2001, thus, a time extension will be required if the Commission does not take action at the August 2001 hearing.

The subject component is also part of the Second Quarterly Update to the Land Development Code. It includes revisions to update all the existing regulations that pertain to development within 100-year floodplains to incorporate reference to the most recent Flood Insurance Study promulgated by the Federal Emergency Management Agency (FEMA). Additionally, the revisions correct all inconsistent terminology in the LDC by defining or redefining terms such as base flood, flood, floodplain fringe, and 100-year flood, etc. and assure the terms are used consistently throughout the LDC.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the implementation plan amendment as submitted, and approval with suggested modifications. As submitted, the proposed changes are intended to reflect references to different studies and maps which are now being used to define the 100-year frequency flood and its associated floodplain. The City contends the

proposed changes do not result in any actual change to the application of the certified ordinances. The FEMA standards have always been the standard utilized for determining the 100-year frequency flood and defining the limits of its floodplain.

However, in review of the certified ordinances relating to development within the flood fringe and floodways, it became apparent to staff that the ordinances, as currently certified, potentially allow for development within several critical floodplain areas of the coastal zone which would be inconsistent with the provisions of the certified land use plans for those areas. The critical floodplains include the San Dieguito River Valley, the watershed of Los Penasquitos Lagoon and Los Penasquitos Creek, Carmel Valley, the Otay River, and the Tia Juana River Valley.

The inconsistencies arise from the use regulations that are applied to these areas in the new LDC. In addition to regulations specifically addressing the design and location of the development allowable within floodplains in the old Municipal Code, the previously certified LCP utilized the A-1-10 zone to provide appropriate zoning for areas that are presently agriculture or open space which are undeveloped but awaiting development, or are premature for development. The intent of the A-1-10 was to allow for reasonable development opportunities while promoting the general maintenance of such areas in open space and agricultural use. Through certification of the LDC to replace the municipal code, all existing A-1-10 zones were converted to the AR zone. In the previous A-1-10 zone, uses were limited to a single family residence on 10 acre minimum lots and various agricultural related uses. Additionally, all Floodway (FW) and Flood Channel (FC) zones were converted to the Open Space Flood (OF) zone. The lands previously regulated through the Flood plain Fringe Overlay Zone are now regulated through the ESL regulations including the floodplain regulations which are addressed in this LCP amendment.

However, the current AR zone would allow for greater development potential than the previous A-1-10 zone; and, the proposed regulations are interpreted by City staff and FEMA to accommodate fill for permanent structures and development if certain standards are met. Staff believes this is inconsistent with the certified land use plan policies and previously certified Floodplain Fringe overlay zone which contain language that limits the development of permanent structures and fill within the floodplain fringe and require that permitted development, when justified, be capable of withstanding periodic flooding and not significantly affect existing habitat areas. The North City Land Use Plan specifically limits development in the San Dieguito River 100 year floodplain to uses permitted under the A-1-10 zone and other underlying zone (Commercial Recreation CR at Surf & Turf and FW zone). Additionally, there are specific provisions which allow for new or expanded roadways only when identified in the certified land use plans, such as Route 56 in Carmel Valley.

The LDC, as certified, has the potential to allow a significant amount and type of development that was not contemplated for these floodplain areas when the land use plans were certified. Additionally, although the new Flood Insurance Rate Maps (FIRM) define, in most cases, the current floodways and flood fringe areas, the City does not intend to rezone the old FW zone areas which are now OF zones to correspond to the

floodway shown on the new FIRM maps. Also, the FIRM maps don't always have a floodway indicated; thus, there is the potential for confusion as to where the OF zone use regulations and the floodplain regulations of the Land Development Code apply.

Staff is recommending the above described discrepancies be remedied through suggested modifications which would identify the specific uses that would not be permitted within the Special Flood Hazard Areas of the AR zoned properties in the critical floodplains of the coastal zone. Staff is also recommending that the rezones necessary to apply the OF zone to current mapped floodway areas occur, prior to effective certification of the proposed LCP amendment, or that changes be made so it is clear the floodplain regulations and OF zone use regulations apply to both OF zoned properties and mapped floodways on the FIRM maps. Staff is also recommending that the word "periodic" not be struck from the criteria for designing structures capable of withstanding periodic flooding as that is the language utilized in the certified land use plans; and that any changes to the FIRM maps be subject to review by the Executive Director to determine whether or not an LCP amendment is required. Any changes to the floodway limits would require an LCP amendment. With these changes, and through City application of the Environmentally Sensitive Lands regulations in review of any development on sites containing environmentally sensitive habitat area, staff believes the LDC will appropriately limit fill and permanent structures within the floodplain and only allow development which is compatible with periodic flooding and the open space values of floodplain areas.

The appropriate resolutions and motions begin on Page 5. The suggested modifications begin on Page 6. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 7. The findings for approval of the plan, if modified, begin on Page 12.

BACKGROUND

The City's first IP was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. While it is newly in operation, the City is reviewing this plan on a quarterly basis, and is expecting to make a number of adjustments to facilitate implementation; most of these will require Commission review and certification through the LCP amendment process.

ADDITIONAL INFORMATION

Further information on the San Diego LCP amendment 6-2000C may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. 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 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, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. 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.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code, and associated documents, as the City's IP, replacing the original IP adopted in 1988.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. **MOTION I:** *I move that the Commission reject the Implementation Program Amendment Number #6-2000(C) for the City of San Diego as submitted*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for and adopts the findings set forth below on grounds that the Implementation Program as submitted does not meet the requirements of and is not in conformity with the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

- II. **MOTION II:** *I move that the Commission certify the Implementation Program Amendment Number #6-2000 C for the San Diego certified LCP if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications will meet the requirements of and be in conformity with provisions of the certified Land Use Plan.

Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added to the language as originally submitted and/or revised by the City:.

1. Add new Footnote 10 to Section 131.0322 Use Regulations Table for Agricultural Zones Table 131-03B to read as follows:

Footnote #10 – Not permitted within the Special Flood Hazard Areas of the AR zoned properties within the floodplains of the San Dieguito River, Carmel Creek, Los Penasquitos Lagoon, Los Penasquitos Creek, the Otay River and the Tia Juana River in the Coastal Overlay Zone.

2. Apply Footnote 10 to the following uses otherwise permitted in the AR zone:

Residential Guest Quarters, Residential Care Facilities; Transitional Housing; Swap Meets and other large Outdoor Retail Facilities; Bed and Breakfast Establishments; Churches; Educational Facilities; Hospitals; Immediate Care Facilities and Nursing Facilities; Small Family Daycare Homes; Helicopter Landing Facilities; Veterinary Clinics and Animal Hospitals.

3. The City shall comply with one of two options as follows: Either process rezones for properties within the floodplains of the San Dieguito River, Carmel Creek, Los Penasquitos Lagoon, Los Penasquitos Creek, the Otay River and the Tia Juana River to define the floodway as shown on the FIRM maps as the OF zone; or, revise Section 143.0145 (d) to read as follows:

(d) The following development regulations and all other applicable requirements and regulations of FEMA apply to all development proposing to encroach into an OF zoned area, and/or a Special Flood Hazard Area, including both the floodway and flood fringe areas or that does not qualify for an exemption pursuant to Section 143.0110(c).

4. Reinstate the word periodic in Section 143.0145 (f) Flood Fringe (1) (B) as follows:

(B) The development is capable of withstanding ~~periodic~~periodic flooding and does not require or cause the construction of off-site flood protective works including artificial flood channels, revetments, and levees nor will it cause adverse impacts related to flooding of properties located upstream or downstream, nor will it increase or expand a FIRM zone;

5. Correct Section 143.0145 (f) (2) to read:

All development that involves fill, channelization, or other alteration of a Special Flood Hazard Area is subject to the requirements for channelization in Section 143.0145 (a)(e) (5) and with FEMA regulations.

6. Add the following as new Section 143.0146 (f):

(f) Map Revisions Approved by FEMA

Any Letter of Map Change (LOMC), Letter of Map Revision (LOMR) and/or Letter of Map Amendment (LOMA) approved by FEMA shall be forwarded to the San Diego District Offices of the Coastal Commission prior to the effective date of the map change. Any changes to the floodway boundaries within the Coastal Overlay Zone shall require an LCP amendment prior to the effective date of the map change. Changes to the flood fringe may require an LCP amendment subject to review and determination by the Executive Director of the Coastal Commission.

7. Clarify that Section 143.0145 of the Environmentally Sensitive Lands Regulations which includes Development Regulations for Floodplains does not apply to the V zones referenced in the definition of Special Flood Hazard Areas, by the following change:

Section 143.0110 When Environmentally Sensitive Lands Regulations Apply

(a) (1) (5) ~~100-year floodplains~~ Special Flood Hazard Areas (except V zones)

**PART IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO
IMPLEMENTATION PLAN AMENDMENT NO. 6-2000C, AS
SUBMITTED**

A. AMENDMENT DESCRIPTION

The City is proposing an update to all the existing regulations that pertain to development within 100-year floodplains to incorporate reference to the most recent Flood Insurance Study promulgated by the Federal Emergency Management Agency (FEMA). As a result, City engineering staff conducted a thorough review of all the existing policies and regulations for flood hazard areas. As currently written, these policies and regulations are scattered throughout various chapters of the Municipal Code, the Land Development Code and in City Council Policy 600-14 Development Within Areas of Special Flood Hazard. The Municipal Code and the Council Policy are not submitted as part of the Local Coastal Program (LCP). The proposed amendments, in summary, include the following:

- Updating the references in the LDC to the most recent Flood Insurance Study prepared for San Diego County;

- Correcting inconsistent terminology in the LDC by defining or redefining terms (base flood, flood, floodplain fringe, and 100-year flood) and using these terms consistently throughout the LDC;
- Correcting references to Flood Hazard Boundary Maps that are no longer applicable;
- Amending Council Policy 600-14 by transferring the regulatory language from the policy into the LDC.

Through changes in the definitions (Section 113.0103), the definitions of 100-year frequency flood and 100-year floodplain are being deleted and replaced by base flood and Special Flood Hazard Area, respectively. A base flood means "a flood having a one percent chance of being equaled or exceeded in any given year (also called "100-year flood")". The previous definition of a 100-year frequency flood indicated "a flood that has a 1 percent probability of occurring in any given year".

The Special Flood Hazard Area (which replaces 100-year floodplain) means "any area inundated during a base flood as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year floodplain)". The 100-year floodplain was previously defined as "the lands adjoining, and including, the channel of a river, stream, water course, bay, or other body of water that is subject to inundation by the flood waters of a 100-year frequency flood. The 100-year floodplain includes the floodway and floodplain fringe as identified in the flood hazard boundary maps."

The definition of the Flood Hazard Boundary Maps is being replaced by the Flood Insurance Rate Map (FIRM) which means "the most current effective maps published by the Federal Emergency Management Agency that delineates the Special Flood Hazard Areas and the risk premium zones applicable to the community".

Other changes in definitions define Floodway as "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot. Floodway also means the area within a Special Flood Hazard Area, as shown on the Flood Insurance Rate Maps". This change is consistent with the previous definition exchanging base flood for 100-year flood, and Special Flood Hazard Area for the 100-year floodplain.

Flood fringe means "all that land in a Special Flood Hazard Area not lying within a floodway, as shown on the Flood Insurance Rate Maps". This change is consistent with the previous definition exchanging Special Flood Hazard Area for 100-year floodplain, and Flood Insurance Rate Maps for Flood Hazard Boundary Maps.

Therefore, the proposed changes only reflect references to different studies and maps which are now being used to define the 100-year frequency flood and its associated floodplain. The City contends that the proposed changes do not result in any actual change to the application of the certified ordinances. The FEMA standards have always been the standards utilized for determining the 100-year frequency flood and defining the limits of its floodplain.

B. SPECIFIC FINDINGS FOR REJECTION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. However, in review of the certified ordinances relating to development within floodplains and floodways, it became apparent that the ordinances, as currently certified, potentially allow for fill within floodplain areas of the coastal zone that would not be consistent with the certified land use plans.

Several land use plan segments of the City of San Diego Local Coastal Program contain specific policies related to development within stream channels and the associated floodplain as follows:

Torrey Pines LUP Segment:

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

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

The design of the development incorporates the findings and recommendations of both a site-specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years, and neither significantly increases sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas. [emphasis added]

North City LUP Segment:

(A). Channelization or other substantial alteration of rivers or streams shall be limited to (1) necessary water supply projects, (2) flood control projects where no other feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing

development, or (3) other development, a primary element of which is the improvement of fish and wildlife habitat. Such development may include new or expanded roads or highways that are essential to the economic health of the region, state or nation, provided they comply with all the provisions of part (B) of this policy and all other applicable policies of this local coastal program. Long-term maintenance of healthy wetlands in Los Penasquitos Lagoon shall be a primary goal of any sedimentation or erosion control measures instituted pursuant to this section.

(B). Any development permitted pursuant to the provisions of Subsection (A) shall do all of the following:

- (1) Incorporate all relevant findings of hydrological studies for the coastal watershed of the affected stream, including but not limited to erosional characteristics, flow velocities, and sediment transport;
- (2) Incorporate mitigation measures designed to assure that there will be no increase in the peak runoff rate from the developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (i.e., the "6-hour, 10-year" design storm);
- (3) Minimize stream scour, avoid increases in and reduce, where feasible, the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, including but not limited through the planting of riparian vegetation in and near the stream; and
- (4) If channelization is determined to be necessary, the floodway of the stream shall accommodate a 100-year flood. To the maximum extent feasible, all artificial channels shall be constructed without removal of riparian vegetation, shall be designed to allow for riparian vegetation regrowth, and shall consist of natural bottoms and sides. [emphasis added]

Tijuana River Valley LUP Segment (as amended)

Similar provisions to those cited above in other LUP segments are contained in this segment.

The Commission-approved LUP policies were drafted in response to Section 30236 which addresses channelization of rivers and streams. The Commission has always considered fill and/or permanent structures which have the potential to alter the flow of a river or stream to be "channelization" addressed by Section 30236 of the Act. As such, the land use plans contain specific policies which limit fill and permanent structures in both the floodways and floodplain areas. These policies in addition to the A-1-10 zoning which was applied to undeveloped areas such as the San Dieguito River valley and the Tia Juana River valley were the controls utilized in the LCP to limit development in floodplains to only those uses which were capable of withstanding periodic flooding. The Commission has always interpreted that language to allow non-permanent development, such as parking lots, nurseries, mobile homes/trailers and stables, which are capable of withstanding inundation that may occur from various storms during the rainy season, without the need for a permanent foundation which would elevate the

development above flood limits. This interpretation is clear from the Commission's findings for denial as submitted of the North City LCP land use plan resubmittal, dated August 19, 1985 which quote from the previous findings adopted by the Commission and found in the March 8, 1984 staff report (excerpt attached as Exhibit 5 to this staff report). The Commission found it has been well documented that development in floodplains can lead to adverse impacts on the environment which could then result in needed flood protective works that could impact or eliminate sensitive habitat areas. Therefore, incremental fill within the floodway should be avoided to minimize the possible cumulative adverse effects and potential need for protection and/or further channelization. In addition, modification of the floodplain not only presents a danger to proposed structures, but also impacts downstream resources through increased sedimentation. It is due to these concerns, that the Commission required policy language in the City's certified LUP segments which strictly limit floodway and floodplain development.

During the review of the LDC, Commission staff believed the LDC had established use regulations for the Open Space-Floodplain Zone which would include the entire 100-year floodplain as the name and purpose implies (ref. Section 131.0205 Exhibit 4. In addition, the significant floodplains within the coastal zone, i.e the floodplains associated with the San Dieguito River, Los Penasquitos Lagoon, Los Penasquitos Creek, Carmel Creek, the Otay River and the Tia Juana River were zoned A-1-10. Through implementation of the LDC, all areas previously zoned A-1-10 were to be converted to Agricultural Residential (AR) zone. Therefore, staff believed it would be a combination of the OF and AR zoning and the floodplain regulations contained within the ESL, that would regulate the types and design of permitted uses within the 100-year floodplain.

The OF zone significantly limits the type of development permitted within the floodway, as did the previous A-1-10 zoning for the entire 100-year floodplain. However, contrary to what the code implies, the OF zone has only been applied by the City to the floodway, not the floodplain. Additionally, the City has indicated it does not intend to rezone and apply the OF zone to the floodway as it is delineated on the FIRM maps. Further, it is evident that the floodway is not mapped on all the FIRM maps. For instance, there is no floodway mapped for the eastern portion of the San Dieguito River valley on the FIRM map; yet, the certified zoning maps include a clear FW zone in the general location of the river channel. Therefore, as submitted, there is the potential for confusion as to where the OF zone use regulations and the floodplain regulations of the Land Development Code would apply.

Also, with the proposed revisions, the regulations would apply to the Special Flood Hazard Areas as mapped on the FIRM maps. There is a process which would allow for revision or changes to these maps to be approved by FEMA if, for instance, site specific mapping confirmed an error and correction is appropriate; or, if approved development actually results in changes to the floodway and floodplain boundaries. As submitted, those changes could occur without review by the Commission as an LCP amendment. While it is possible all changes may not rise to the level of significance to warrant Commission review, the Commission offices should at least be provided with the most up-to-date maps. Additionally, any change to the floodway boundaries should trigger

review by the Commission. Such a requirement may also serve as a disincentive to development which would require an LCP amendment due to significant alteration of the floodplain, consistent with the certified land use plan requirements. Therefore, as submitted, the proposed revisions to the floodplain regulations cannot be found to be adequate to carry out the land use plans, as certified.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO
IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

As previously stated, the Commission finds modification to the floodplain regulations and the Agricultural Residential (AR) Zone are necessary to clarify how they should be implemented in the coastal zone to assure permitted development within the 100-year floodplains is consistent with the certified land use plans.

a) Purpose and Intent of the Ordinance. The ordinance incorporates the recent Flood Insurance Study into the provisions of the Environmentally Sensitive Lands (ESL) Regulations which apply to 100-year floodplains. The purpose of the ESL 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 ESL regulations apply to premises which contain sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and 100-year floodplains.

b) Major Provisions of the Ordinance. Section 143.0145 addresses development regulations for the 100-floodplains. The references to 100-year floodplains throughout the ESL regulations are being replaced by "Special Flood Hazard Area".

Subsection (a) includes regulations for development within floodways. Within the coastal zone, this ordinance prohibits any structures, landform alteration, grading, land division, or placement or removal of vegetation within floodways, except that related to a historic and ongoing agricultural operation. However, parking lots, new roadways, and roadway expansions are allowed if indicated on an adopted LCP land use plan. Also, floodway encroachments for utility and transportation crossings are permitted if offset by improvements which allow the passage of the 100 year frequency flood.

Subsection (b) addresses development allowed within the floodplain fringe, which includes the portion of the Special Flood Hazard Area (previously the 100-year floodplain) located outside the floodway. As written, the ordinance allows development consistent with the underlying zone and specifically states in subsection (1) that permanent structures and fill for permanent structures, roads, and other development are allowed only if certain conditions are met. These conditions include:

- A) The development or fill will not significantly adversely affect existing sensitive biological resources on-site or off-site;
- B) The development is capable of withstanding periodic flooding and does not require or cause the construction of off-site flood protective works including

artificial flood channels, revetments and levees nor will it cause adverse impacts related to flooding of properties located upstream and downstream, nor will it increase or expand a Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) Zone A;

- C) Grading and filling are limited to the minimum amount necessary to accommodate the proposed development, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and wetlands hydrology is maintained;
- D) The development neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in flood flow velocities or volume; and
- E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other sensitive biological resources, and the development is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego;
- F) The design of the development incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.

These floodplain fringe regulations continue and state that all development that involves fill, channelization or other alteration of the Special Flood Hazard Area must meet the specific requirements for channelization that pertain to floodways cited previously in the code. The Commission believes this requirement acknowledges that fill within the floodplain fringe should be held to the same standards as channelization of the floodway. There are also additional specific FEMA regulations which apply to all development within Special Flood Hazard Areas.

This LDC language was certified by the Commission because, along with the Development Regulations for Sensitive Biological Resources, the OF Zone and the AR Zone, it appeared the same protection was provided against significant impacts to hydrology and environmentally sensitive habitat from development within 100-year floodplains that is provided for in the certified Land Use Plans for North City and South Bay. However, upon closer scrutiny, it appears that is not the case.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

Under the certified land use plans and previous municipal code, the floodplains within the coastal zone related to the San Dieguito River, Carmel Creek, Los Penasquitos Lagoon, Los Penasquitos Creek, the Otay River and the Tia Juana River were identified as significant and worthy of protection in their natural state to the maximum possible extent. Therefore, the A-1-10 significantly restricted any development potential of those properties. In addition, the previous municipal code contained a Floodplain Fringe overlay zone (FPF) that established specific criteria for development within the floodplains including, but not limited to, requiring that it be capable of withstanding

periodic flooding and would not require flood protective works. The intent of such policies was to assure that only development that can withstand periodic flooding without requiring fill to elevate the building site above flood elevations should be permitted within the 100-year floodplains of these watersheds.

Through implementation of the Land Development Code (LDC), the A-1-10 zoning was replaced by the Agricultural Residential (AR) zone. The section of the LDC addressing Agricultural Base Zones is attached in its entirety as Exhibit 3 to this report. The Use Regulations Table 131-03B establishes the uses allowed in the agricultural zones. Uses permitted "by right" include active and passive recreation, natural resources preservation, agricultural-related uses, single dwelling units, residential care facilities for 6 or fewer persons, transitional housing for 5 or fewer persons, interpretive centers, and small family day care centers. Many other residential, commercial, institutional and industrial uses, such as, educational facilities and bed and breakfast establishments, are also permitted under limited circumstances and/or through a conditional use permit.

In contrast, the previous A-1-10 zone permitted the following uses: single family dwellings; churches; private stable; all agricultural uses (with no swine, and 10 or more animals requiring 5 or more acres); public utility substations; commercial riding; training or boarding horse stable (on lots not less than 5 acres); harvesting, processing of selling of crops produced on the same premises; one sale stand; accessory buildings customary to the above uses, including lodging of not more than 4 farm employees; construction of living quarters for 5 or more employees provided not more than one bldg. on a minimum of 10 acres; and signs. As the minimum lot size for any parcel in this zone was 10 acres, that served as an additional assurance there would be adequate area to locate a single family residence on the portion of the parcel outside the 100-year floodplain. In the years of implementation of the municipal code, the A-1-10 zoning and the FW and FPF zones were adequate to assure that no fill or permanent structures were permitted within the floodplains of the significant watersheds identified in the certified LUPs as protected.

However, during the recent review of the ESL regulations addressing floodplain development and the implementing OF and AR zones, and through discussions with City staff, it became apparent there is a need to clarify that the Commission does not consider "capable of withstanding periodic flooding" to mean that fill can be authorized to raise the building site above flood elevations in the coastal zone. Therefore, the Commission is suggesting through Suggested Modification #4 that the word "periodic" be retained in the criteria in Section 143.0145 (f)(1)(B) of the floodplain fringe regulations of the ESL which establishes the conditions which must be met in order to allow fill and permanent structures. Elimination of the word "periodic" would not be consistent with the policy language in the certified land use plans. Additionally, City staff has indicated the removal of the word "periodic" is proposed because it is an undefined term that does not convey a specific standard to which development must be designed. The Commission believes the word should be retained to convey that the design standard is that any development approved in the floodplain should be capable of withstanding periodic or intermittent flooding without needing fill, i.e. by their nature, the uses are capable of withstanding periodic or intermittent flooding. Given the low intensity scale of development envisioned for the river valleys, recognizing both their open space values

and biological resources, the kinds of permitted uses were nominal. Limited development was permitted to assure reasonable use, but development was intended to be compatible with some flooding. These findings also clarify the Commission's position regarding how this section should be interpreted and implemented in the coastal zone, consistent with the certified land use plans.

In addition, since the AR zones allows many more uses than envisioned by the previous A-1-10 zone which was applied to sensitive floodplains in the coastal zone to significantly reduce the development potential, there is a need to add a footnote be added to the Table 131-03B which includes the use regulations of the AR zone. Through Suggested Modifications # 1 and 2, the footnote would attach to those uses which are not able to be developed without involving permanent structures and filled or elevated foundations. With this footnote, there would be no inaccurate expectations created by the use regulations regarding permitted uses within the floodplain.

Further, the Commission believes tha the City must address the confusion associated with the fact that the OF zone will not always conform to the floodway as it is mapped on the FIRM maps, and that the FIRM maps do not always include a floodway delineation. The Suggested Modification #3 is suggesting one of two options to be chosen by the City. The first would be to do the rezones prior to effective certification of the LCP amendment that would conform the OF zone to the floodway mapped on the FIRM maps. The City has indicated this is not a preferable option. Therefore, the suggested modification also includes the option of revising the code to make clear that the floodplain regulations apply to all OF zoned properties in addition to the mapped Special Flood Hazard Areas. With this change it will be certain that both the use limitations for the floodway and the floodplain regulations within the ESL regulations are applied to the environmentally sensitive floodplain areas addressed and protected in the land use plans.

Also, the Commission is suggesting Suggested Modification # 6 for the LDC to include language which assures that the Commission San Diego Office has the most up to date FIRM maps and that any changes approved by FEMA be referred to the Executive Director to determine if an LCP amendment is necessary. However, any changes that modify the limits of the floodway would require an LCP amendment. Finally, there is a minor correction to a section reference in Suggested Modification #5, and an acknowledgement that the floodplain regulations do not apply to the V zones shown on the FIRM maps in Suggested Modification #7. The V zones include areas along the ocean shoreline which are addressed by other sections of the ESL regulations. The Commission does not believe the City intends to apply these floodplain regulations to those zones, but as submitted, the regulations would apply to all of the Special Flood Hazard Areas, the definition of which includes the V zones. The suggested modification includes a clarification that the V zones are not subject to these particular regulations. With these modifications, the Commission is assured that the LDC will be implemented in the coastal zone in a manner consistent with the policies of the certified land use plans. Only as so modified can such implementation be assured.

**PART VI. 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. As discussed above and incorporated herein by reference, suggested modifications include measures to assure fill within the floodplain is limited to prevent adverse impacts to downstream resources and environmentally sensitive habitat areas within the critical floodplains of the Coastal Zone. Thus, there are feasible alternatives or feasible mitigation measures proposed through these suggested changes which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strikeout~~
NEW LANGUAGE: Underlined

(SO-2001-64)(REV. 1)

ORDINANCE NUMBER O- 18910

ADOPTED ON Jan 09, 2001

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER VI, ARTICLE 2, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 62.0423; AMENDING CHAPTER 11, BY AMENDING ARTICLE 3, DIVISION 1, SECTION 113.0103; DIVISION 2, SECTIONS 113.0228, 113.0234 AND 113.0273; AMENDING CHAPTER 12, BY AMENDING ARTICLE 1, DIVISION 3, SECTION 121.0309; BY AMENDING ARTICLE 5, DIVISION 5, SECTIONS 125.0530, 125.0540, 125.0630, AND 125.0640; BY AMENDING ARTICLE 6, DIVISION 4, SECTION 126.0402; DIVISION 5, SECTIONS 126.0502 AND 126.0504; DIVISION 7, SECTIONS 126.0704 AND 126.0708; BY AMENDING ARTICLE 7, DIVISION 1, SECTIONS 127.0106 AND 127.0107; BY AMENDING ARTICLE 9, DIVISION 6, SECTION 129.0602; AMENDING CHAPTER 13, BY AMENDING ARTICLE 1, DIVISION 1, SECTIONS 131.0112 AND 131.0125; DIVISION 2, SECTION 131.0205; DIVISION 3, SECTIONS 131.0330 AND 131.0340; DIVISION 4, SECTIONS 131.0422 AND 131.0448; DIVISION 6, SECTIONS 131.0622 AND 131.0631; BY AMENDING ARTICLE 2, DIVISION 4, SECTIONS 132.0402, 132.0403; DIVISION 9, SECTION 132.0902; DIVISION 10, SECTION 132.1002; DIVISION 14, SECTION 132.1402; AMENDING CHAPTER 14, BY AMENDING ARTICLE 1, DIVISION 3, SECTION 141.0306; DIVISION 4, SECTION 141.0405; BY AMENDING ARTICLE 2, DIVISION 1, SECTIONS 142.0133, 142.0134 AND 142.0135; DIVISION 2, SECTION 142.0230; DIVISION 3, SECTIONS 142.0310 AND 142.0340; DIVISION 5, SECTIONS 142.0510 142.0530, AND 142.0560; DIVISION 12, SECTION 142.1210; BY AMENDING ARTICLE 3, DIVISION 1, SECTIONS 143.0110, 143.0111, 143.0130, 143.0145, AND BY ADDING SECTION 143.0146; DIVISION 4, SECTIONS 143.0402, 143.0410, AND 143.0450; BY AMENDING TABLE 143-01A IN SECTION 143.0110(b) BY RENUMBERING SECTION

EXHIBIT NO. 1
SD LCPA #6-2000C Floodplain Regulations
Resolution of Approval/Strike-out Underline Language

143.0145(c) APPEARING WITHIN THE TABLE TO READ
SECTION 143.0146; ALL RELATING TO THE LAND
DEVELOPMENT CODE.

~~SEC. 62.0423 Areas of Special Flood Hazard~~

~~Areas of special flood hazard within the City of San Diego are hereby established in accordance with the report entitled "Flood Insurance Study, City of San Diego, California," dated June 19, 1997, published by the Federal Emergency Management Agency ("FEMA"), on file in the office of the City Clerk as Document No. OO-18453, including any supplements or amendments which are properly promulgated by FEMA or the Federal Insurance Administrator.~~

~~No person shall do or cause to be done any work, development, or construction covered under this division within an area of special flood hazard without having first obtained a grading permit. The issuance of a permit will be predicated upon either completion of flood control works with a capacity to contain the 100-year flood peak flow, the application of and compliance with appropriate floodplain regulatory zoning, or if it can be shown that a proposed development, work or construction complies with the provisions for flood hazard reduction in Council Policy 600-14.~~

~~SEC. 113.0103 Definitions~~

~~*Abutting property* [No change.]~~

~~*Accessory building* means an *accessory structure* which is also a "building" as defined in the California Building Code.~~

~~*Accessory structure through Awning* [No change.]~~

~~*Base Flood* means a *flood* having a one percent chance of being equaled or exceeded in any given year (also called "100-year flood").~~

Base flood elevation means the water surface elevation of a ~~100-year~~ frequency base flood.

Basement through Encroachment [No change.]

Environmentally sensitive lands means land containing *steep hillsides, sensitive biological resources, coastal beaches, sensitive coastal bluffs, or ~~100-year floodplains~~ Special Flood Hazard Areas*.

Excavation through Findings [No change.]

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge; or (4) by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood fringe means all that land in a *Special Flood Hazard Area* not lying within a *floodway*, as shown on the *Flood Insurance Rate Maps*.

Flood Hazard Boundary Map (FHBM) means the most current effective maps as defined by the Federal Emergency Management Agency or Federal Insurance Administration where the boundaries of *flood* and *mudslide-related erosion areas* having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM) means the most current effective maps as defined published by the Federal Emergency Management Agency or Federal Insurance Administration that delineates the areas of *special flood hazards* *Special Flood Hazard Areas* and the risk premium zones applicable to the community.

Flood Insurance Study means the most current report published by the Federal Emergency Management Agency in conjunction with the *Flood Insurance Rate Maps (FIRM)*. The study includes such background data as the *base flood* discharges and water surface elevations that were used to prepare the *FIRMs*.

~~*Flood, 100-year frequency* (See *100-year frequency flood*)~~

Flood proofing [No change.]

~~*Floodplain, 100-year* (See *100-year floodplain Special Flood Hazard Area*)~~

~~Floodplain fringe means all that land in a 100-year floodplain not lying within a floodway, as shown on the Flood Hazard Boundary Maps.~~

~~Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Floodway also means the area within a 100-year floodplain Special Flood Hazard Area, as shown on the Flood Hazard Boundary Maps Flood Insurance Rate Maps, needed to carry a 100-year frequency flood within a theoretical channel without increasing the water surface elevation more than 1 foot at any point from that of a nonconfined 100-year frequency flood in the natural undeveloped floodplain, and having taken into consideration the cumulative effect of all existing and anticipated development in the watershed of the affected watercourse.~~

~~Floor through Off-street parking space [No change.]~~

~~100-year floodplain means the lands adjoining, and including, the channel of a river, stream, water course, bay, or other body of water that is subject to inundation by the flood waters of a 100-year frequency flood. The 100-year floodplain includes the floodway and floodplain fringe as identified in the flood hazard boundary maps.~~

~~100-year frequency flood means a flood that has a 1 percent probability of occurring in any given year, as determined by a statistical analysis of stream flow records available for the watershed and rainfall and run-off characteristics of the region.~~

~~Open fence through Side street [No change.]~~

~~Sign means any identification, description, illustration, or device, illuminated or nonilluminated, that is visible from a public place the public right-of-way, or is located on private property and exposed to the public, and which directs attention to a product, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise with the exception of window displays, and any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information.~~

~~Sign, advertising display through Solid fence [No change.]~~

~~Special Flood Hazard Area means any 100-year floodplain or area inundated during a base flood as shown on the Federal Insurance Rate Map or Flood Hazard Boundary Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year floodplain).~~

~~Specified anatomical areas through Substantial conformance [No change.]~~

Substantial improvement, for the purposes of Section 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which, equals or exceeds 50 percent of the *market value* of the structure before the start of construction of the improvement.

~~Surface mining through Traditional cultural property [No change.]~~

~~Transit area means (1) the area within a one-quarter-mile radius of either public streets identified in Map No. C-846 on file in the office of the City Clerk as Document No. OO-17836 (or its successor maps) as having the location, mix of densities, mix of uses, and *development* patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10- and 15-minute frequency of service); or, (2) existing and proposed trolley stops and major bus transfer centers that have been approved for *development* by the Metropolitan Transit Development Board (MTDB) with identified, available funding, as identified in Map No. C-900 on file in the office of the City Clerk as Document No. OO-_____.~~

~~Unaccepted offer of dedication through Yard [No change.]~~

~~SEC. 113.0228 Determining Existing Grade~~

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

~~[No change to remainder of section.]~~

~~SEC. 113.0234 Calculating Gross Floor Area~~

~~[No change to first paragraph.]~~

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

and any associated documents have been prepared in accordance with the Land Development Manual, the required fees and deposits have been paid, and all other conditions of the *tentative map* and any other associated permits have been met.

(b) The City Manager may enter into all agreements related to the approval of the *final map* in accordance the *Subdivision Map Act*. The City Manager's decision to approve or disapprove any documents or agreements may be appealed to the City Council in accordance with Section 125.0630 and the *Subdivision Map Act*.

(bc) In order to approve a *final map* for a condominium conversion, the City Council Engineer shall find that notice has been given in accordance with Section 125.0431.

SEC. 126.0402 When a Neighborhood Development Permit Is Required

- (a) [No change.]
- (b) A Neighborhood Development Permit is required for *single dwelling unit development* on an individual *lot* that is less than or equal to 15,000 square feet and contains *steep hillsides, 100-year floodplains* *Special Flood Hazard Areas*, or *sensitive biological resources* as described in Section 143.0110.

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

SEC. 126.0502 When a Site Development Permit Is Required

- (a) [No change in first sentence.]
 - (1) [No change.]
 - (2) *Single dwelling unit development* that involves any of the following:
 - (A) [No change.]

(B) *Development on lots greater than 15,000 square feet containing sensitive biological resources, steep hillsides, or ~~100-year floodplains~~ Special Flood Hazard Areas as described in Section 143.0110;*

(C) [No change.]

[No change to remainder of section.]

SEC. 126.0504 Findings for Site Development Permit Approval

[No change in first sentence.]

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

(d) Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

A Site Development Permit required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested from the ~~Federal Emergency Management Agency~~ Special Flood Hazard Area regulations as specified in Section 143.0150(b) may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0504(a) and the supplemental *findings* in Sections 126.0504(b) and 126.0504(c).

(1) The City Engineer has determined that the proposed development, within any designated floodway will not result in an increase in *flood* levels ~~within any designated floodway~~ during the *base flood* discharge; ~~and~~

(2) The City Engineer has determined that the deviation would not result in additional threats to public safety, ~~an~~ extraordinary public expense, or create a *public nuisance*.

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

(b) Within the Coastal Overlay Zone, if a change in use from a *previously conforming* use to another use within the same use category of the Use Regulation Tables of Chapter 13, Article 1 involves any intensification of use, the *previously conforming* rights are not retained for the new use.

(c) [No change.]

SEC. 129.0602 When a Grading Permit Is Required

A Grading Permit is required for the following work:

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

(c) any grading within the ~~100-year floodplains~~ Special Flood Hazard Area.

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

SEC. 131.0112 Descriptions of Use Categories and Subcategories

(a) [No change.]

(1) Open Space Use Category

[No change to first paragraph.]

(A) [No change.]

(B) Light Manufacturing -- Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive; or petroleum ~~or radioactive~~ materials. (This subcategory does not include the assembly of large equipment and machinery.)

(C) and (D) [No change.]

SEC. 131.0125 Accessory Use Regulations for All Base Zones

(a) [No change.]

(b) [No change in first sentence.]

(1) [No change.]

(2) The use must ~~comply~~ be consistent with any use and development regulations applicable to that use in any other base zone in the same type of zone (open space, agricultural, residential, commercial, or industrial);

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

(c) [No change.]

SEC. 131.0205 Purpose of the OF (Open Space--Floodplain) Zone

The purpose of the OF zone is to control *development* within *floodplains* to protect the public health, safety, and welfare and to minimize hazards due to *flooding* in areas identified by the *FIRM* on file with the City Engineer ~~City's floodplain administrator~~. It is the intent of the OF zone to preserve the natural character of *floodplains* while *permitting development* that will not constitute a dangerous condition or an impediment to the flow of *flood* waters. It is also the intent to minimize the expenditure of public money for costly *flood* control projects and to protect the functions and values of the *floodplains* relating to groundwater recharge, water quality, moderation of *flood* flows, wildlife movement, and habitat.

SEC. 131.0330 Development Regulations of Agricultural Zones

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

(d) ~~For development within the Del Mar Mesa Specific Plan area the development regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance 18337 shall apply.~~

SEC. 131.0340 Maximum Permitted Residential Density in Agricultural Zones

(a) [No change in sentence.]

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

(4) Within the future urbanizing area, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process

~~or property. This determination shall be based on a *geotechnical report* containing the results of surface and subsurface *exploration* and analysis by a geotechnical engineer, or a qualified civil engineer and an engineering geologist; or~~

~~(2) The slope shall be revegetated in accordance with a plan prepared by a landscape architect or other professional authorized to prepare landscape plans by the State Business and Professions Code. The plan shall incorporate the recommendations of the *geotechnical report* and the agronomic soils test report.~~

~~(e)(d) Where extraordinary conditions exist to the extent that compliance with the standards of this section would be infeasible, the City Engineer may authorize slopes steeper than those specified in Section 142.0133(b); and (c) and (d). A determination that such steeper slopes are warranted shall be based upon the required soils and geologic investigations *geotechnical report* that clearly demonstrates that the steeper slope will be stable and not endanger the public health, safety, and welfare. Such slopes shall be revegetated in accordance with a plan prepared by a landscape architect authorized to prepare landscape plans by the State Business and Profession Code. Extraordinary conditions include the *excavation of solid rock or street construction within a confined public right-of-way width*.~~

~~SEC. 142.0134 Retaining Walls and Structurally Enhanced Fill~~

~~Reinforced earth or structurally enhanced *fill* slopes shall be considered *Retaining walls* and shall comply with the height limits and construction material requirements in Chapter 14 Article 2, Division 3 (Fence Regulations).~~

~~SEC. 142.0135 Grading Within the 100-year Floodplain *Special Flood Hazard Area*~~

Grading within the ~~100-year floodplains~~ Special Flood Hazard Area shall comply with Chapter 14, Article 2, Division 2 (Drainage Regulations) and Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

SEC. 142.0230 Development Within the ~~100-year Floodplain~~ Special Flood Hazard Area

All ~~development~~ within the ~~100-year floodplains~~ a Special Flood Hazard Area shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

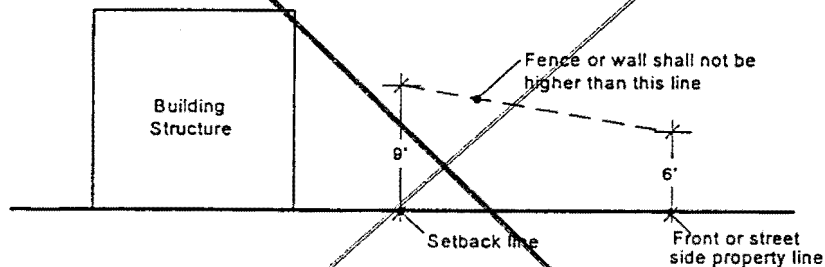
SEC. 142.0310 General Fence Regulations for All Zones

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

(c) *Fence Height in Required Front Yards and Required Street Side Yards*

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

Diagram 142-03C
Open Fence--Height Limit



(3) *Combination (Open and Solid) Fences*

(A) [No change.]

(B) The height of a combination *fence* may increase as the *fence* is placed farther from the front or *street side property line*. No portion of the *fence* shall exceed the height established by a line drawn beginning at a point 6 feet above *grade* at the *property line* and ending at a point 9 feet above *grade* at the *setback line*, as shown in Diagram 142-03D. Where a *visibility area* is required, the beginning point shall

~~non-profit or charitable organizations or agencies. A maximum of 15 percent of the total area of a *sign* containing a public interest message shall include the name of the sponsors or supporters, description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters.~~

~~(E) The following *signs* are also public interest message *signs* but are regulated as secondary *signs*:~~

- ~~(i) *Public utility signs* that are required by law;~~
- ~~(ii) *Directional signs*; and~~
- ~~(iii) *Holiday decorations*.~~

~~[No change to remainder of section.]~~

SEC. 143.0110 When Environmentally Sensitive Lands Apply

[No change in first sentence.]

(a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:

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

(5) ~~*100-year floodplains*~~ *Special Flood Hazard Areas*.

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

SEC. 143.0111 Limited Exception from Environmentally Sensitive Lands Regulations

[No change in first sentence.]

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

(e) *Development* in the OF zone or within any ~~*100-year floodplains*~~ *Special Flood Hazard Area*

(formerly the FW, FC, and FPF zones) in the Mission Valley Community Plan area, is subject only

to the Federal Emergency Management Agency Special Regulations in Section
~~143.0145(e)~~143.0146.

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

SEC. 143.0130 Uses Allowed Within Environmentally Sensitive Lands

[No change in first sentence.]

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

(c) *Floodways*. Uses permitted within the *floodway* portion of a ~~100-year floodplains~~ *Special Flood Hazard Area* are those allowed by the OF zone, as indicated in Table 131-02B.

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

SEC. 143.0145 Development Regulations for ~~Floodplains~~ *Special Flood Hazard Areas*

- (a) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report entitled "*Flood Insurance Study, San Diego County, California*," dated June 16, 1999 and the accompanying *Flood Insurance Rate Maps (FIRM)*, published by the Federal Emergency Management Agency (FEMA), on file in the office of the City Clerk as Document Nos. _____ and _____, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.
- (b) For the purpose of Sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.
- (c) The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside the ~~areas of special flood hazards~~ a *Special Flood Hazard Area* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any

officer or employee thereof, or the ~~Federal Emergency Management Agency (FEMA)~~ FEMA, for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(d) The following development regulations and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into ~~100-year floodplains~~ a Special Flood Hazard Area, including both the *floodway* and *floodplain fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):

(ae) *Floodways*

(1) Within the *floodway* portion of a ~~premises containing a 100-year floodplain~~, development regulations are as set forth for the OF zone, pursuant to Section 131.0231.

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

(4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a ~~100-year frequency~~ base flood, in accordance with the FEMA standards and regulations provided in Section ~~143.0145(e)~~ 143.0146.

(5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.

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

(C) Channels that accommodate a ~~100-year frequency~~ base flood shall do so without increasing the water surface elevation more than one foot at any point from the level of a nonconfined ~~100-year frequency~~ base flood in the natural undeveloped *floodplain*. Channels may accommodate less than a ~~100-year frequency~~ base flood (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.

(D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City ~~Manager~~ Engineer.

(6) [No change.]

(7) [No change in first paragraph.]

(A) [No change.]

(B) *Floodway* encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the ~~one hundred (100)-year~~ frequency *base flood*, in accordance with the FEMA standards and regulations provided in Section ~~143.0145(e)~~ 143.0146.

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

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

(A) [No change.]

(B) The *development* is capable of withstanding *periodic flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a *Flood*

~~Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM)~~ FIRM Zone

A;

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

- (2) All *development* that involves *fill, channelization, or other alteration of a 100-year floodplain* Special Flood Hazard Area is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.

~~(e) SEC. 143.0146 Special Supplemental Regulations as Required by FEMA for~~ Special Flood Hazard Areas

All proposed *development* within the ~~100-year floodplain~~ a Special Flood Hazard Area is subject to the following requirements and all other applicable requirements and regulations of FEMA.

~~(1a)~~ Development and Permit Review

(A1) Where *base flood elevation* data has not been provided by the ~~FEMA Flood Insurance Study for the City of San Diego~~, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the ~~areas of special flood hazards~~ Special Flood Hazard Area, based on the best available engineering or scientific information.

(B2) Proposed *development* in ~~areas of special flood hazards~~ a Special Flood Hazard Area shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. "Adversely affect" as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the ~~100-year frequency~~ base flood more than one foot at any point.

(E3) In all cases where a watercourse, ~~floodplain, or portion of a floodplain~~ is to be altered the

City Engineer shall do the following:

(iA) [No change in text.]

(iiB) [No change in text.]

(iiiC) [No change in text.]

(D4) [No change in text.]

(E5) [No change in text.]

(F6) *Development in a ~~100-year floodplain~~ Special Flood Hazard Area shall not increase or expand a FIRM Zone A.*

(G7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer ~~or architect~~ is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the ~~base~~ base flood discharge.

(2b) Standards for *Subdivisions*

(A1) All preliminary *subdivision* proposals shall identify the ~~flood hazard area~~ Special Flood Hazard Area and the elevation of the ~~base~~ base flood.

(B2) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the ~~100-year frequency flood level~~ base flood elevation, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Manager Engineer.

(C3) [No change in text.]

(D4) [No change in text.]

(E5) [No change in text.]

(F6) [No change in text.]

(3c) Standards of Construction

In all ~~areas of special flood hazard~~ Special Flood Hazard Areas, the following standards apply for all *development*.

(A1) [No change in text.]

(B2) [No change in text.]

(C3) [No change in text.]

(D4) [No change in text.]

(E5) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Manager Engineer before final inspection approval.

(F6) New construction and ~~modification~~ or substantial improvement of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* ~~shall be recorded with the County Recorder, and the *certification* and evidence of recordation~~ shall be provided to the City Manager Engineer before final inspection approval. The City Manager Engineer reserves the right to require a preliminary *certification* before foundation inspection approval.

(G7) New construction and ~~modification~~ or substantial improvement of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the

elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City ~~Manager~~ Engineer before final inspection approval. The City ~~Manager~~ Engineer reserves the right to may require a preliminary *certification* before foundation inspection approval.

(H8) Permitted nonresidential construction shall either be elevated as required by Section ~~143.0145(c)(3)(F) or (G)~~ 143.0146(c)(6) or (7) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City ~~Manager~~ Engineer before final inspection approval. The City ~~Manager~~ Engineer reserves the right to may require a preliminary *certification* before foundation inspection approval.

(I9) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City ~~Manager~~ Engineer before final inspection approval.

(4d) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

(A1) [No change in text.]

(B2) [No change in text.]

(E3) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification shall be recorded with the County Recorder, and the certification and evidence of recordation shall be provided to the City Manager Engineer* before final inspection approval.

(5e) Standards for Utilities

Certification shall be provided to the City Manager Engineer before final inspection approval that the following requirements have been met.

(A1) [No change in text.]

(B2) [No change in text.]

SEC. 143.0150 Deviations from Environmentally Sensitive Lands Regulations

[No change to first paragraph.]

(a) [No change.]

(b) Deviations from the ~~FEMA Special Development Regulations for *Special Flood Hazard Areas* in Section 143.0145(e)~~ Sections 143.0145 and 143.0146 may be granted only if the decision maker makes the *findings* in Section 126.0504(d).

(c) [No change.]

SEC. 143.0402 When Planned Development Permit Regulations Apply

This division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

Table 143-04A Supplemental Planned Development Permit Regulations Applicability

- (g) Air-placed concrete, including gunite or shotcrete, retaining walls, seawalls, fills or other similar erosion control measures shall be permitted only when necessary to protect an existing primary *structure* and when determined to be the least environmentally damaging feasible alternative pursuant to the California Environmental Quality Act. Mitigation for impacts to local shoreline sand supply shall be required.
- (h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
- (i) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by The City of San Diego or other public agency, or on lands subject to the public trust, the *applicant* shall provide written permission from the City Manager or public property owner before approval of any *development permit*. Documentation of this approval shall be recorded with the conditions of *development permit* approval. When an erosion control device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be required to compensate for the use of public property and to mitigate the impacts of the protective device on the public beach.
- (j) Mitigation for impacts on State tidelands or public beach may include, but not be limited to, a mitigation fee to be used for beach and sand replenishment within the littoral cell of the project. The fee shall be roughly proportional to the value of the beach area lost as a result of the protective device and shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

§ 143.0145 Development Regulations for Floodplains

The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside the areas of *special flood hazards* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

The following development regulations apply to all *development* proposing to encroach into *100-year floodplains*, including both the *floodway* and *floodplain fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):

- (a) *Floodways*
 - (1) Within the *floodway* portion of a *premises* containing a *100-year floodplain* development regulations are as set forth for the OF zone, pursuant to Section 131.0231.
 - (2) *Structures* associated with any allowed use shall comply with the following requirements:

EXHIBIT NO. 2
SD LCPA #6-2000C
Floodplain Regulations
Floodplain Regs of
being revised per this
LCPA- Section
143.0145

- (A) *Structures* shall not be attached to a foundation, in order to readily move them in case of *flood*; and
 - (B) *Structures* shall be removed upon imminence of *flooding*, as predicted by the National Weather Service or local public weather broadcast. If a *structure* is not removed and *flooding* occurs, the retrieval or salvage of the *structure* and repair of any damage caused by the *structure* shall be the responsibility of the owner.
- (3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:
- (A) Essential public service projects, where no other feasible construction method or alternative project location exists; and
 - (B) *Flood* control projects, where no other feasible method for protecting existing public or private *development* exists and where such protection is necessary for public safety.
 - (C) Projects where the primary function is the improvement of fish and wildlife habitat.
- (4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a *100-year frequency flood*, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).
- (5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.
- (A) All requirements and relevant recommendations of hydrological studies for the watershed of the affected stream, as approved by the City Engineer, shall be incorporated into the project design and mitigation measures. These requirements include erosional characteristics, flow velocities, volume, sediment transport, and maintenance of hydrology.
 - (B) The channel shall be designed to ensure that the following occur:
 - (i) Stream scour is minimized;
 - (ii) Erosion protection is provided;
 - (iii) Water flow velocities are maintained as specified by the City Engineer;
 - (iv) There are neither significant increases nor contributions to downstream bank erosion and sedimentation of *sensitive biological resources*; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins;
 - (v) Wildlife habitat and corridors are maintained;
 - (vi) Resource management criteria are implemented consistent with applicable *land use plans*; and

- (vii) Groundwater recharge capability is maintained or improved.
- (C) Channels that accommodate a *100-year frequency flood* shall do so without increasing the water surface elevation more than one foot at any point from the level of a nonconfined *100-year frequency flood* in the natural undeveloped floodplain. Channels may accommodate less than a *100-year frequency flood* (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.
- (D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City Manager.
- (6) *Development* shall not significantly adversely affect existing *sensitive biological resources* on-site or off-site.
- (7) Within the Coastal Overlay Zone, no *structure* or portion thereof shall be erected, constructed, converted, established, altered or enlarged, or no landform alteration *grading*, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division shall be permitted, provided:
 - (A) Parking lots, new roadways and roadway expansions shall be allowed only where indicated on an adopted *Local Coastal Program land use plan*.
 - (B) *Floodway* encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the one hundred (100) year frequency flood, in accordance with the FEMA standards and regulations provided in Section 143.0145(c).
- (b) *Floodplain Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:
 - (1) Within the *floodplain fringe* of a *100-year floodplain*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:
 - (A) The *development* or *fill* will not significantly adversely affect existing *sensitive biological resources* on-site or off-site;
 - (B) The *development* is capable of withstanding periodic *flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a *Flood Insurance Rate Map (FIRM)* or *Flood Hazard Boundary Map (FHBM)* Zone A;
 - (C) *Grading* and *filling* are limited to the minimum amount necessary to accommodate the proposed *development*, harm to the environmental values

of the floodplain is minimized including peak flow storage capacity, and *wetlands* hydrology is maintained;

- (D) The *development* neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in *flood* flow velocities or volume; and
 - (E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.
 - (F) The design of the *development* incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.
- (2) All *development* that involves *fill*, *channelization*, or other alteration of a *100-year floodplain* is subject to the requirements for *channelization* in Section 143.0145(a)(5) and with FEMA regulations.
- (c) Special Regulations as Required by FEMA.

All proposed *development* within the *100-year floodplain* is subject to the following requirements and all other applicable requirements and regulations of FEMA.

(1) *Development* and Permit Review

- (A) Where *base flood elevation* data has not been provided by the FEMA Flood Insurance Study for the City of San Diego, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the areas of *special flood hazards*, based on the best available engineering or scientific information.
- (B) Proposed *development* in areas of a *special flood hazard* shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. "Adversely affect" as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the *100-year frequency flood* more than one foot at any point.
- (C) In all cases where a watercourse, floodplain, or portion of a floodplain is to be altered the City Engineer shall do the following:
 - (i) Notify affected, adjacent communities and the California Department of Water Resources of any proposed alteration or relocation of a watercourse and submit evidence of the notice to the Federal Insurance Administration;

- (ii) Require that the *flood* carrying capacity of the altered or relocated portion of the watercourse is maintained; and
 - (iii) Secure and maintain for public inspection and availability the *certifications*, appeals, and variances required by these regulations.
- (D) The *applicant* shall grant a flowage easement to the City for that portion of the property within a *floodway*.
- (E) Appropriate agreements shall be secured between the *applicant* and the City to assure participation by the *applicant* or any successor in interest in financing of future *flood* control works.
- (F) *Development* in a *100-year floodplain* shall not increase or expand a *FIRM Zone A*.
- (G) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer or architect is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the base *flood* discharge.
- (2) Standards for *Subdivisions*
- (A) All preliminary *subdivision* proposals shall identify the *flood* hazard area and the elevation of the base *flood*.
- (B) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the *100-year frequency flood* level, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Manager.
- (C) All *subdivisions* shall be designed to minimize *flood* damage.
- (D) All *subdivisions* shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize *flood* damage.
- (E) All *subdivisions* shall provide adequate drainage to reduce exposure to *flood* hazards.
- (F) The final map shall bear the notation "Subject to Inundation" for those portions of the property with a *grade* lower than 2 feet above the *base flood elevation*.
- (3) Standards of Construction

In all areas of *special flood hazard*, the following standards apply for all *development*.

- (A) All permitted, permanent *structures* and other significant improvements shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (B) All permitted permanent *structures* and other significant improvements shall be constructed with materials and utility equipment resistant to *flood* damage.
- (C) Construction methods and practices that minimize *flood* damage shall be used.
- (D) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located to prevent water from entering or accumulating within the equipment components during conditions of *flooding*.
- (E) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Manager before final inspection approval.
- (F) New construction and modification of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.
- (G) New construction and modification of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.
- (H) Permitted nonresidential construction shall either be elevated as required by Section 143.0145(c)(3)(F) or (G) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval. The City Manager reserves the right to require a preliminary *certification* before foundation inspection approval.

- (I) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Manager before final inspection approval.

(4) Standards for *Manufactured Homes*

All new and replacement *manufactured homes* and additions to *manufactured homes* are subject to the following regulations.

- (A) The *lowest floor* shall be elevated at least 2 feet above the *base flood elevation*.
- (B) *Manufactured homes* shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement.
- (C) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be recorded with the County Recorder, and the *certification* and evidence of recordation shall be provided to the City Manager before final inspection approval.

(5) Standards for Utilities

Certification shall be provided to the City Manager before final inspection approval that the following requirements have been met.

- (A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of *flood* waters into the system and discharge from systems into *flood* waters.
- (B) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during *flooding*.

§ 143.0150 **Deviations from Environmentally Sensitive Lands Regulations**

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

- (a) Deviations from the regulations of this division may be granted only if the decision maker makes the *findings* in Section 126.0504(c).
- (b) Deviations from the FEMA Special Regulations in Section 143.0145(c) may be granted only if the decision maker makes the *findings* in Section 126.0504(d).
- (c) Within the Coastal Overlay Zone, deviations from the Environmentally Sensitive Lands Regulations may be granted only if the decision maker makes the *findings* in Section 126.0708.

Article 1: Base Zones

Division 3: Agricultural Base Zones

§ 131.0301 Purpose of Agricultural Zones

The purpose of the agricultural zones is to provide for areas that are rural in character or areas where agricultural uses are currently desirable. The agricultural zones are intended to accommodate a wide range of agriculture and agriculture-related uses as well as *single dwelling units*.

§ 131.0302 Purpose of the AG (Agricultural--General) Zones

- (a) The purpose of the AG zones is to accommodate all types of agricultural uses and some minor agricultural sales on a long-term basis. Nonagricultural uses are limited in the AG zones in order to strengthen the presence and retention of traditional agricultural uses.
- (b) The AG zones are differentiated based on the minimum *lot* size as follows:
 - AG-1-1 requires minimum 10-acre *lots*
 - AG-1-2 requires minimum 5-acre *lots*

§ 131.0303 Purpose of the AR (Agricultural--Residential) Zones

- (a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the *development* of *single dwelling unit* homes at a very low *density*. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential *development* opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future *development* at urban intensities when and where appropriate.
- (b) The AR zones are differentiated based on the minimum *lot* size as follows:
 - AR-1-1 requires minimum 10-acre *lots*
 - AR-1-2 requires minimum 1-acre *lots*

§ 131.0315 Where Agricultural Zones Apply

On the effective date of Ordinance O-18691, all agricultural zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be amended and replaced with the base zones established in this division, as shown in Table 131-03A.

EXHIBIT NO. 3
SD LCPA #6-2000C
Floodplain Regulations
Agricultural Base
Zones LDC
Ordinance
California Coastal Commission

**Table 131-03A
Agricultural Zone Applicability**

Previous Chapter 10 Agricultural Zone Replaced With New Agricultural Zone Established by This Division	
Agricultural Zone that Existed on December 31, 1999.	Applicable Zone of this Division
A-1-1	AR-1-2
A-1-5, A-1-10	AR-1-1
A-1-20	None
A-1-40	None
No Existing Zone	AG-1-1
No Existing Zone	AG-1-2

§ 131.0320 Use Regulations of Agricultural Zones

The regulations of Section 131.0322 apply in the agricultural zones unless otherwise specifically provided by footnotes indicated in Table 131-03B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

- (a) Within the agricultural zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-03B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0322.
- (b) All uses or activities permitted in the agricultural zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (c) *Accessory uses* in the agricultural zones may be permitted in accordance with Section 131.0125.
- (d) Temporary uses may be permitted in the agricultural zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.
- (e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

Symbol in Table 131-03B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories (See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses)	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
Open Space					
Active Recreation		-		P	
Passive Recreation		P		P	
Natural Resources Preservation		P		P	
Park Maintenance Facilities		-		-	
Agriculture					
Agricultural Processing		p ⁽⁴⁾		p ⁽⁴⁾	
Aquaculture Facilities		P		P	
Dairies		P		p ⁽⁸⁾	
Horticulture Nurseries & Greenhouses		p ⁽⁶⁾		p ⁽⁶⁾	
Raising & Harvesting of Crops		P		P	
Raising, Maintaining & Keeping of Animals		p ⁽²⁾		p ^{(2),(3)}	
Separately Regulated Agriculture Uses					
Agricultural Equipment Repair Shops		C		-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones			
	1st & 2nd »	3rd »	AG		AR	
			1-		1-	
			1	2	1	2
Commercial Stables			L		L	
Community Gardens			L		L	
Equestrian Show & Exhibition Facilities			C		C	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers			L		L	
Residential						
Group Living Accommodations			-		-	
Mobilehome Parks			-		-	
Multiple Dwelling Units			-		-	
Single Dwelling Units			P ⁽¹⁾		P	
Separately Regulated Residential Uses						
Boarder & Lodger Accommodations			L		L	
Companion Units			-		C	
Employee Housing:						
6 or fewer employees			L ⁽⁷⁾		L ⁽⁷⁾	
12 or Fewer employees			L ⁽⁷⁾		L ⁽⁷⁾	
Greater than 12 employees			N		C	
Fraternalities, Sororities and Student Dormitories			-		-	
Garage, Yard, & Estate Sales			-		L	
Guest Quarters			-		N	
Home Occupations			-		L	
Housing for Senior Citizens			-		-	
Live/Work Quarters			-		-	
Residential Care Facilities:						
6 or fewer persons			-		P	
7 or more persons			-		C	
Transitional Housing:						
6 or fewer persons			-		P	
7 or more persons			-		C	
Watchkeeper Quarters			-		-	
Institutional						
Separately Regulated Institutional Uses						
Airports			C		C	
Botanical Gardens & Arboretums			C		C	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
Cemeteries, Mausoleums, Crematories		C		C	
<i>Churches & Places of Religious Assembly</i>		-		C	
Communication Antennas:					
Minor Telecommunication Facility		L		L	
Major Telecommunication Facility		C		C	
<i>Satellite Antennas</i>		L		L	
Correctional Placement Centers		-		-	
Educational Facilities					
Kindergarten through Grade 12		-		C	
Colleges / Universities		-		C	
Vocational / Trade School		-		-	
Energy Generation & Distribution Facilities		C		C	
Exhibit Halls & Convention Facilities		-		-	
<i>Flood Control Facilities</i>		L		L	
<i>Historical Buildings Used for Purposes Not Otherwise Allowed</i>		C		C	
Homeless Facilities:					
Congregate Meal Facilities		-		-	
Emergency Shelters		-		-	
Homeless Day Centers		-		-	
Hospitals, Intermediate Care Facilities & Nursing Facilities		-		C	
Interpretive Centers		P		P	
Museums		-		-	
Major Transmission, Relay, or Communications Switching Stations		C		C	
<i>Social Service Institutions</i>		-		-	
Retail Sales					
Building Supplies & Equipment		-		-	
Food, Beverages and Groceries		-		-	
Consumer Goods, Furniture, Appliances, Equipment		-		-	
Pets & Pet Supplies		-		-	
Sundries, Pharmaceuticals, & Convenience Sales		-		-	
Wearing Apparel & Accessories		-		-	
Separately Regulated Retail Sales Uses					
Agriculture Related Supplies & Equipment		C		C	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
Alcoholic Beverage Outlets		-		-	
Plant Nurseries		C		C	
Swap Meets & Other Large Outdoor Retail Facilities		-		C	
Commercial Services					
Building Services		-		-	
Business Support		-		-	
Eating & Drinking Establishments		-		-	
Financial Institutions		-		-	
Funeral & Mortuary Services		-		-	
Maintenance & Repair		-		-	
Off-Site Services		-		-	
Personal Services		-		-	
Assembly & Entertainment		-		-	
Radio & Television Studios		-		-	
Visitor Accommodations		-		-	
Separately Regulated Commercial Services Uses					
Adult Entertainment Establishments:		-		-	
Adult Book Store		-		-	
Adult Cabaret		-		-	
Adult Drive-In Theater		-		-	
Adult Mini-Motion Picture Theater		-		-	
Adult Model Studio		-		-	
Adult Motel		-		-	
Adult Motion Picture Theater		-		-	
Adult Peep Show Theater		-		-	
Adult Theater		-		-	
Body Painting Studio		-		-	
Massage Establishment		-		-	
Sexual Encounter Establishment		-		-	
Bed & Breakfast Establishments:					
1-2 Guest Rooms		-		L	
3-5 Guest Rooms		-		N	
6+ Guest Rooms		-		C	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
Boarding Kennels		L		L	
Camping Parks		C		C	
Child Care Facilities:					
Child Care Centers		-		C ⁽⁹⁾	
Large Family Day Care Homes		-		L ⁽⁹⁾	
Small Family Day Care Homes		-		P	
Eating and Drinking Establishments Abutting Residentially Zoned Property		-		-	
Fairgrounds		-		C	
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C		C	
Helicopter Landing Facilities		C		C	
Instructional Studios		-		-	
Massage Establishments, Specialized Practice		-		-	
Nightclubs & Bars over 5,000 square feet in size		-		-	
Outpatient Medical Clinics		-		-	
Parking Facilities as a <i>Primary Use</i> :					
Permanent Parking Facilities		-		-	
Temporary Parking Facilities		-		-	
Private Clubs, Lodges and Fraternal Organizations		-		-	
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽⁵⁾		-		C	
Pushcarts					
Pushcarts on Private Property		-		-	
Pushcarts in <i>public right-of-way</i>		-		-	
Recycling Facilities:					
Large Collection Facility		N		N ⁽⁹⁾	
Small Collection Facility		L		L	
Large Construction & Demolition Debris <i>Recycling Facility</i>		-		-	
Small Construction & Demolition Debris <i>Recycling Facility</i>		-		-	
Drop-off Facility		-		-	
Green Materials Composting Facility		L		N	
Mixed Organic Composting Facility		C		C	
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-		-	
Large Processing Facility Accepting All Types of Traffic		-		-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-		1-	
	4th »	1	2	1	2
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-		-	
Small Processing Facility Accepting All Types of Traffic		-		-	
Reverse Vending Machines		-		-	
Tire Processing Facility		-		-	
Sidewalk Cafes		-		-	
Sports Arenas & Stadiums		-		-	
Theaters that are outdoor or over 5,000 square feet in size		-		-	
Veterinary Clinics & Animal Hospitals		C		C	
Zoological Parks		C		C	
Offices					
Business & Professional		-		-	
Government		-		-	
Medical, Dental, & Health Practitioner		-		-	
Regional & Corporate Headquarters		-		-	
Separately Regulated Office Uses					
Real Estate Sales Offices & Model Homes		-		L	
Sex Offender Treatment & Counseling		-		-	
Vehicle & Vehicular Equipment Sales & Service					
Commercial Vehicle Repair & Maintenance		-		-	
Commercial Vehicle Sales & Rentals		-		-	
Personal Vehicle Repair & Maintenance		-		-	
Personal Vehicle Sales & Rentals		-		-	
Vehicle Equipment & Supplies Sales & Rentals		-		-	
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses					
Automobile Service Stations		-		-	
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-		-	
Wholesale, Distribution, Storage					
Equipment & Materials Storage Yards		-		-	
Moving & Storage <i>Facilities</i>		-		-	
Warehouses		-		-	
Wholesale Distribution		-		-	
Separately Regulated Wholesale, Distribution, and Storage Uses					

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones			
	1st & 2nd »	AG		AR		
		3rd »	1-		1-	
	4th »	1	2	1	2	
Impound Storage Yards			-			-
Junk Yards			-			-
Temporary Construction Storage Yards Located Off-Site			N			N
Industrial						
Heavy Manufacturing			-			-
Light Manufacturing			-			-
Marine Industry			-			-
Research & Development			-			-
Trucking & Transportation Terminals			-			-
Separately Regulated Industrial Uses						
Hazardous Waste Research Facility			-			C ⁽⁹⁾
Hazardous Waste Treatment Facility			-			C ⁽⁹⁾
Marine Related Uses Within the Coastal Overlay Zone			-			-
Mining and Extractive Industries			C			C
Newspaper Publishing Plants			-			-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises			C			-
Very Heavy Industrial Uses			-			-
Wrecking & Dismantling of Motor Vehicles			-			-
Signs						
Allowable Signs			L			L
Separately Regulated Signs Uses						
Community Identification Signs			N			N
Reallocation of Sign Area Allowance			-			-
Revolving Projecting Signs			-			-
Signs with Automatic Changing Copy			-			-
Theater Marquees			-			-

Footnotes for Table 131-03B

- 1 This use is permitted only as an *accessory use* to a permitted agricultural use.
- 2 Maintaining, raising, feeding, or keeping of 10 or more domestic animals requires a *premises* of at least 5 acres.
- 3 Excludes maintaining, raising, feeding, or keeping of swine.

- 4 See Section 131.0323(a).
- 5 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- 6 See Section 131.0323(b).
- 7 For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply.
- 8 Dairies require a *premises* of at least 5 acres.
- 9 This use is not allowed within the Coastal Overlay Zone

§ 131.0323 Additional Use Regulations of Agricultural Zones

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

- (a) Agricultural processing is permitted as an *accessory use* subject to the following:
 - (1) The processing must be accessory to a primary agricultural use located on the same *premises*;
 - (2) At least 60 percent of the products to be processed must be produced on the same *premises*; and
 - (3) Killing or dressing of animals other than poultry, fowl, or rabbits raised on the same *premises* is not permitted. Any building used for this purpose shall not be closer than 50 feet to any *property line*.
- (b) Horticulture nurseries are permitted subject to the following:
 - (1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.0503;
 - (2) At least 75 percent of the plants available for sale must be propagated or grown from saplings on the *premises*; and
 - (3) The only buildings permitted on the *premises* are greenhouses, maintenance equipment storage buildings, and one building with a maximum area of 300 square feet for sales transactions.

§ 131.0330 **Development Regulations of Agricultural Zones**

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

§ 131.0331 **Development Regulations Table for Agricultural Zones**

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

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

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd »	AG		AR	
	3rd »	1-	1-	1-	1-
	4th »	1	2	1	2
Max Permitted Residential Density (DU Per Lot)		1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽²⁾	1 ⁽³⁾
Min Lot Area (ac)		10	5	10	1
Min Lot Dimensions					
Lot Width (ft)		200	200	200	100 ⁽⁴⁾
Street Frontage (ft)		200	200	200	100 ⁽⁵⁾
Lot Depth (ft)		200	200	200	150
Setback Requirements					
Min Front Setback (ft)		25	25	25	25
Min Side Setback(ft) (See Section 131.0343)		20	20	20	20
Min Rear Setback (ft)		25	25	25	25
Max Structure Height (ft) [See Section 131.0344]		30	30	30	30
Max Lot Coverage (%)⁽⁷⁾		10	20	10	20
Min Floor Area⁽⁶⁾		applies	applies	applies	applies

Footnotes for Table 131-03C

- ¹ A *single dwelling unit* is permitted only as an *accessory use* to a permitted agricultural use on the same *premises*.
- ² See Section 131.0340(a).
- ³ See Section 131.0340(b).
- ⁴ See Section 131.0342(a).
- ⁵ See Section 131.0342(b).
- ⁶ Each dwelling unit shall have a *gross floor area* of at least 650 square feet, not including the garage.
- ⁷ *Structures* that are used to provide shade areas for growing plants, such as green houses and agricultural shade *structures*, are not included for determining *lot coverage*.

§ 131.0340 **Maximum Permitted Residential Density in Agricultural Zones**

- (a) Within the AR-1-1 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).
 - (2) Dwelling units shall be clustered and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres, except as described in Section 131.0340(a)(4).
 - (3) The remainder of the *premises* shall be left undeveloped until and if complete *development* at urban intensity is appropriate.
 - (4) Within the future urbanizing area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.
- (b) Within the AR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).

- (2) Dwelling units shall be clustered and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per acre.
- (3) The remainder of the *premises* shall be left undeveloped until and if complete *development* at urban intensity is appropriate.

§ 131.0342 **Minimum Lot Dimensions in Agricultural Zones**

- (a) In the AR-1-2 zone, the front 25 percent of a *lot* may be tapered to coincide with the *street frontage* permitted in accordance with Section 131.0342(b) if that *lot* abuts the end of a *public right-of-way* where no provision is made for its future extension.
- (b) In the AR-1-2 zone, the required *street frontage* may be reduced to 60 feet for *lots* located at the end of a *street* where no provision is made for its future extension.

§ 131.0343 **Setback Requirements in Agricultural Zones**

The minimum side *setback* for a legal *lot* that existed on the effective date of this section and that has less than the minimum lot width specified in Table 131-03C, is 10 percent of the width of the *lot* or 5 feet, whichever is greater.

§ 131.0344 **Maximum Structure Height in Agricultural Zones**

A *structure* may exceed the 30-foot *structure height* limit if the front, side, and rear *setbacks* are each increased by 10 feet for each 10 feet, or portion thereof, of *structure height* above 30 feet, except as limited by the regulations in Chapter 13, Article 2 (Overlay Zones).

Article 1: Base Zones

Division 2: Open Space Base Zones

§ 131.0201 Purpose of Open Space Zones

The purpose of the open space zones is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; to control urban form and design; and to facilitate the preservation of *environmentally sensitive lands*. It is intended that these zones be applied to lands where the *primary uses* are parks or open space or to private land where *development* must be limited to implement open space policies of adopted *land use plans* or applicable federal and state regulations and to protect the public health, safety, and welfare.

§ 131.0202 Purpose of the OP (Open Space--Park) Zones

- (a) The purpose of the OP zones is to be applied to *public parks* and facilities, once they are dedicated as park land pursuant to City Charter Section 55 in order to promote recreation and facilitate the implementation of *land use plans*. The uses permitted in these zones will provide for various types of recreational needs of the community.
- (b) The OP zones are differentiated based on the uses allowed as follows:
 - OP-1-1 allows developed, active parks
 - OP-2-1 allows parks for passive uses with some active uses

§ 131.0203 Purpose of the OC (Open Space--Conservation) Zone

The purpose of the OC zone is to protect natural and cultural resources and *environmentally sensitive lands*. It is intended that the uses permitted in this zone be limited to aid in the preservation of the natural character of the land, thereby implementing *land use plans*.

§ 131.0204 Purpose of the OR (Open Space--Residential) Zones

- (a) The purpose of the OR zones is to preserve privately owned property that is designated as open space in a *land use plan* for such purposes as preservation of public health and safety, visual quality, *sensitive biological resources*, *steep hillsides*, and control of urban form, while retaining private *development* potential. These zones are also intended to help implement the habitat preservation goals of the City and the *MHPA* by applying development restrictions to lands wholly or partially within the boundaries of the *MHPA*. *Development* in these zones will be limited to help preserve the natural resource values and open space character of the land.
- (b) The OR zones are differentiated based on the uses allowed as follows:
 - OR-1-1 allows open space with limited private residential *development*
 - OR-1-2 allows open space with limited private residential *development* to implement the *MHPA*

EXHIBIT NO. 4
SD LCPA #6-2000C Floodplain Regulations
Open Space Base Zones LDC Ordinance
California Coastal Commission

§ 131.0205 Purpose of the OF (Open Space--Floodplain) Zone

The purpose of the OF zone is to control *development* within floodplains to protect the public health, safety, and welfare and to minimize hazards due to *flooding* in areas identified by the FIRM on file with the City's floodplain administrator. It is the intent of the OF zone to preserve the natural character of floodplains while permitting *development* that will not constitute a dangerous condition or an impediment to the flow of floodwaters. It is also the intent to minimize the expenditure of public money for costly *flood* control projects and to protect the functions and values of the floodplains relating to groundwater recharge, water quality, moderation of *flood* flows, wildlife movement, and habitat.

§ 131.0215 Where Open Space Zones Apply

On the effective date of Ordinance O-18691, all open space zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be amended and replaced with the base zones established in this division, as shown in Table 131-02A.

**Table 131-02A
Open Space Zone Applicability**

Previous Chapter 10 Open Space Zone Replaced with New Open Space Zone Established by this Division	
Open Space Zone that Existed on December 31, 1999.	Applicable Zone of this Division
OS-OSP	OP-2-1
OS-P, OS-R	OP-1-1
FC, FW	OF-1-1
OS-TDR	None
No Existing Zone	OC-1-1
No Existing Zone	OR-1-1
No Existing Zone	OR-1-2

§ 131.0220 Use Regulations of Open Space Zones

The regulations of Section 131.0222 apply in the open space zones unless otherwise specifically provided by footnotes indicated in Table 131-02B. The uses permitted in any zone may be further limited if *environmentally sensitive lands* are present, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

- (a) Within the open space zones no *structure* or improvement, or portion thereof, shall be constructed, established, or altered nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-02B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity inconsistent with this section or Section 131.0222.

- (b) All uses or activities permitted in the open space zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (c) *Accessory uses* in the open space zones may be permitted in accordance with Section 131.0125.
- (d) Temporary uses may be permitted in the open space zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4 (Temporary Use Permit Procedures).
- (e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

§ 131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

Symbol in Table 131-02B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-02B
Use Regulations Table of Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »		OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd »		1-	2-	1-	1-	1-
	4th »		1	1	1	1	2
Open Space							
Active Recreation	P	P ⁽²⁾	-	-	-	-	P ⁽⁷⁾
Passive Recreation	P	P	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾	P ⁽⁶⁾
Natural Resources Preservation	P	P	P	P	P	P	P
Park Maintenance Facilities	P	P ⁽²⁾	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ .		OF ⁽¹²⁾ .
		1-	2-	1-	1-	1-	
		4th »	1	1	1	1	2
Agriculture							
Agricultural Processing	-	-	-	-	-	-	P ⁽⁵⁾
Aquaculture Facilities	-	-	-	-	P	-	P ⁽⁷⁾
Dairies	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses	-	-	-	-	-	-	-
Raising & Harvesting of Crops	-	-	-	-	P	-	P
Raising, Maintaining & Keeping of Animals	-	-	-	-	P ⁽⁴⁾	-	P ⁽⁴⁾
Separately Regulated Agriculture Uses							
Agricultural Equipment Repair Shops	-	-	-	-	-	-	-
Commercial Stables	-	C	-	-	C	-	C
Community Gardens	-	N	-	-	N	-	L
Equestrian Show & Exhibition Facilities	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-	-	-	L	-	L
Residential							
Group Living Accommodations	-	-	-	-	-	-	-
Mobilehome Parks	-	-	-	-	-	-	-
Multiple Dwelling Units	-	-	-	-	-	-	-
Single Dwelling Units	-	-	-	-	P	-	-
Separately Regulated Residential Uses:							
Boarder & Lodger Accommodations	-	-	-	-	L	-	-
Companion Units	-	-	-	-	C	-	-
Employee Housing:							
6 or Fewer Employees	-	-	-	-	L ⁽¹⁰⁾	-	-
12 or Fewer Employees	-	-	-	-	L ⁽¹⁰⁾	-	-
Greater than 12 Employees	-	-	-	-	-	-	-
Fraternities, Sororities and Student Dormitories	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales	-	-	-	-	L	-	-
Guest Quarters	-	-	-	-	N	-	-
Home Occupations	-	-	-	-	L	-	-
Housing for Senior Citizens	-	-	-	-	-	-	-
Live/work Quarters	-	-	-	-	-	-	-
Residential Care Facilities:							

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
6 or Fewer Persons	-	-	-	P		-	
7 or More Persons	-	-	-	C		-	
Transitional Housing:							
6 or Fewer Persons	-	-	-	P		-	
7 or More Persons	-	-	-	C		-	
Watchkeeper Quarters	-	-	-	-		-	
Institutional							
Separately Regulated Institutional Uses							
Airports	-	-	-	-		-	
Botanical Gardens & Arboretums	P	P	-	-		-	
Cemeteries, Mausoleums, Crematories	-	-	-	-		-	
Churches & Places of Religious Assembly	-	-	-	C		-	
Communication Antennas:							
Minor Telecommunication Facility	L	L	-	L		L	
Major Telecommunication Facility	C	C	-	C		C	
Satellite Antennas	L	L	L	L		L	
Correctional Placement Centers	-	-	-	-		-	
Educational Facilities:							
Kindergarten Through Grade 12	-	-	-	-		-	
Colleges / Universities	-	-	-	-		-	
Vocational / Trade Schools	-	-	-	-		-	
Energy Generation & Distribution Facilities	-	-	-	-		-	
Exhibit Halls & Convention Facilities	P ⁽²⁾	-	-	-		-	
Flood Control Facilities	-	-	-	-		L	
Historical Buildings Used for Purposes Not Otherwise Allowed	-	-	-	-		-	
Homeless Facilities:							
Congregate Meal Facilities	-	-	-	-		-	
Emergency Shelters	-	-	-	-		-	
Homeless Day Centers	-	-	-	-		-	
Hospitals, Intermediate Care Facilities & Nursing Facilities	-	-	-	-		-	
Interpretive Centers	P	P ⁽²⁾	C	-		-	
Museums	P	-	-	-		-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
Major Transmission, Relay, or Communications Switching Stations	-	-	-	-	-	-	-
<i>Social Service Institutions</i>	-	-	-	-	-	-	-
Retail Sales							
Building Supplies & Equipment	-	-	-	-	-	-	-
Food, Beverages and Groceries	-	-	-	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	-	-	-
Pets & Pet Supplies	-	-	-	-	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales	-	-	-	-	-	-	-
Wearing Apparel & Accessories	-	-	-	-	-	-	-
Separately Regulated Retail Sales Uses:							
Agriculture Related Supplies & Equipment	-	-	-	-	-	-	-
Alcoholic Beverage Outlets	-	-	-	-	-	-	-
Plant Nurseries	-	-	-	-	-	-	-
Swap Meets & Other Large Outdoor Retail Facilities	-	-	-	-	-	-	C ⁽⁷⁾
Commercial Services							
Building Services	-	-	-	-	-	-	-
Business Support	-	-	-	-	-	-	-
Eating & Drinking Establishments	p ⁽²⁾	-	-	-	-	-	-
Financial Institutions	-	-	-	-	-	-	-
Funeral & Mortuary Services	-	-	-	-	-	-	-
Maintenance & Repair	-	-	-	-	-	-	-
Off-site Services	-	-	-	-	-	-	-
Personal Services	-	-	-	-	-	-	-
Assembly & Entertainment	p ⁽²⁾	-	-	-	-	-	-
Radio & Television Studios	-	-	-	-	-	-	-
Visitor Accommodations	-	-	-	-	-	-	-
Separately Regulated Commercial Services Uses							
Adult Entertainment Establishments:							
Adult Book Store	-	-	-	-	-	-	-
Adult Cabaret	-	-	-	-	-	-	-
Adult Drive-In Theater	-	-	-	-	-	-	-
Adult Mini-Motion Picture Theater	-	-	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
Adult Model Studio	-	-	-	-	-	-	-
Adult <i>Motel</i>	-	-	-	-	-	-	-
Adult Motion Picture Theater	-	-	-	-	-	-	-
Adult Peep Show Theater	-	-	-	-	-	-	-
Adult Theater	-	-	-	-	-	-	-
Body Painting Studio	-	-	-	-	-	-	-
Massage Establishment	-	-	-	-	-	-	-
Sexual Encounter Establishment	-	-	-	-	-	-	-
Bed & Breakfast Establishments:							
1-2 Guest Rooms	-	-	-	-	N	-	-
3-5 Guest Rooms	-	-	-	-	N	-	-
6+ Guest Rooms	-	-	-	-	C	-	-
Boarding Kennels	-	-	-	-	-	-	-
Camping Parks	C	C	-	-	-	-	C ⁽⁷⁾
Child Care Facilities:							
Child Care Centers	C ⁽²⁾	-	-	-	-	-	-
Large Family Day Care Homes	-	-	-	-	L	-	-
Small Family Day Care Homes	-	-	-	-	P	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property	-	-	-	-	-	-	-
Fairgrounds	-	-	-	-	-	-	C ⁽⁷⁾
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	-	-	C ⁽⁹⁾	-	C ⁽¹¹⁾
Helicopter Landing Facilities	-	-	-	-	-	-	C ⁽¹¹⁾
Instructional Studios	C	C	-	-	-	-	-
Massage Establishments, Specialized Practice	-	-	-	-	-	-	-
Nightclubs & Bars over 5,000 square feet in size	-	-	-	-	-	-	-
Outpatient Medical Clinics	-	-	-	-	-	-	-
Parking Facilities as a <i>primary use</i> :							
Permanent Parking Facilities	-	-	-	-	-	-	-
Temporary Parking Facilities	-	-	-	-	-	-	-
Private Clubs, Lodges and Fraternal Organizations	-	-	-	-	-	-	-
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size ⁽³⁾	C ⁽²⁾	-	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹²⁾ -
	3rd >	1-	2-	1-	1-	1-
	4th >	1	1	1	1	2
Pushcarts:						
Pushcarts on Private Property	L	-	-	-	-	-
Pushcarts in Public-Right-of-Way	N	-	-	-	-	-
Recycling Facilities:						
Large Collection Facility	-	-	-	-	-	-
Small Collection Facility	-	-	-	-	-	-
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-	-
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-	-	-	-
Drop-off Facility	L	L	-	-	-	-
Green Materials Composting Facility	-	-	-	-	-	-
Mixed Organic Composting Facility	-	-	-	-	-	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	-	-	-	-	-	-
Large Processing Facility Accepting All Types of Traffic	-	-	-	-	-	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	-	-	-	-	-	-
Small Processing Facility Accepting All Types of Traffic	-	-	-	-	-	-
Reverse Vending Machines	-	-	-	-	-	-
Tire Processing Facility	-	-	-	-	-	-
Sidewalk Cafes	-	-	-	-	-	-
Sports Arenas & Stadiums	-	-	-	-	-	-
Theaters that are outdoor or over 5,000 square feet in size	P ⁽²⁾	-	-	-	-	-
Veterinary Clinics & Animal Hospitals	-	-	-	-	-	-
Zoological Parks	C	-	-	-	-	-
Offices						
Business & Professional	-	-	-	-	-	-
Government	-	-	-	-	-	-
Medical, Dental, & Health Practitioner	-	-	-	-	-	-
Regional & Corporate Headquarters	-	-	-	-	-	-
Separately Regulated Office Uses:						
Real Estate Sales Offices & Model Homes	-	-	-	L	-	-
<i>Sex Offender Treatment & Counseling</i>	-	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd »	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
Vehicle & Vehicular Equipment Sales & Service							
Commercial Vehicle Repair & Maintenance	-	-	-	-	-	-	-
Commercial Vehicle Sales & Rentals	-	-	-	-	-	-	-
Personal Vehicle Repair & Maintenance	-	-	-	-	-	-	-
Personal Vehicle Sales & Rentals	-	-	-	-	-	-	-
Vehicle Equipment & Supplies Sales & Rentals	-	-	-	-	-	-	-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses:							
Automobile Service Stations	-	-	-	-	-	-	-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use	-	-	-	-	-	-	-
Wholesale, Distribution, Storage							
Equipment & Materials Storage Yards	-	-	-	-	-	-	-
Moving & Storage Facilities	-	-	-	-	-	-	-
Warehouses	-	-	-	-	-	-	-
Wholesale Distribution	-	-	-	-	-	-	-
Separately Regulated Wholesale, Distribution, and Storage Uses:							
Impound Storage Yards	-	-	-	-	-	-	-
Junk Yards	-	-	-	-	-	-	-
Temporary Construction Storage Yards Located Off-site	-	-	-	-	-	-	-
Industrial							
Heavy Manufacturing	-	-	-	-	-	-	-
Light Manufacturing	-	-	-	-	-	-	-
Marine Industry	-	-	-	-	-	-	-
Research & Development	-	-	-	-	-	-	-
Trucking & Transportation Terminals	-	-	-	-	-	-	-
Separately Regulated Industrial Uses:							
Hazardous Waste Research Facility	-	-	-	-	-	-	-
Hazardous Waste Treatment Facility	-	-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone	-	-	-	-	-	-	-
Mining and Extractive Industries	-	-	-	-	C ⁽⁸⁾	-	C ⁽⁷⁾
Newspaper Publishing Plants	-	-	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd »		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹²⁾ -
	3rd »		1-	2-	1-	1-		1-
4th »		1	1	1	1	2	1	
Processing & Packaging of Plant Products & Animal By-Products Grown Off-Premises	-	-	-	-	-	-	-	
Very Heavy Industrial Uses	-	-	-	-	-	-	-	
Wrecking & Dismantling of Motor Vehicles	-	-	-	-	-	-	-	
Signs								
Allowable Signs	P	P	P	P	P	P	P	
Separately Regulated Signs Uses:								
Community Identification Signs	-	-	-	-	-	-	-	
Reallocation of Sign Area Allowance	-	-	-	-	-	-	-	
Revolving Projecting Signs	-	-	-	-	-	-	-	
Signs with Automatic Changing Copy	-	-	-	-	-	-	-	
Theater Marquees	-	-	-	-	-	-	-	

Footnotes for Table 131-02B

- 1 All uses in the OR zone, except passive recreation and natural resource preservation, shall be located within the allowable development area in accordance with Section 131.0250.
- 2 This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan.
- 3 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- 4 Excluding the maintaining, raising, feeding, or keeping of swine. The maintaining, raising, feeding, or keeping of more than 10 domestic animals requires a *premises* of at least 5 acres.
- 5 Excluding storage of vehicles, containers, chemicals, and other items that may be hazards during or after a *flood*.
- 6 The City Manager will determine if a particular use is appropriate as a passive use in conformance with an approved development plan, park plan, or other plans applicable to the property.
- 7 No *structures*, except portable *structures*, are permitted within a *floodway*.

- 8 This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1001 and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).
- 9 No driving ranges or night use are permitted within the *MHPA*.
- 10 For housing 6 or fewer employees, see Section 141.0303 to determine which use regulations apply.
- 11 No fill or permanent structures shall be authorized for such development in the Coastal Overlay Zone.
- 12 Within the Coastal Overlay Zone, no structures are permitted within a floodway.

§ 131.0230 Development Regulations of Open Space Zones

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

§ 131.0231 Development Regulations Table for Open Space Zones

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

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

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator		Zones					
	1st & 2nd »		OP-		OC-	OR-		OF ⁽¹⁾
		3rd »	1-	2-	1-	1-	1-	1-
			4th »	1	1	1	2	1
Max Permitted Residential <i>Density</i> (DU Per Lot)		--	--	1 ⁽²⁾	1 ⁽⁵⁾	--		
Min Lot Area (ac)		--	--	10	10	10		
Allowable <i>Development Area</i> (%)		--	--	25 ⁽³⁾	25 ⁽⁴⁾	--		
Min Lot Dimensions								
Lot Width (ft)		--	--	200	200	500		
<i>Street Frontage</i> (ft)		--	--	200	200	500		

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones					
	1st & 2nd »	OP-		OC-	OR-		OF ⁽¹⁾
	3rd »	1-	2-	1-	1-	1-	1-
	4th »	1		1	1	2	1
Lot Depth (ft)		--		--	200	200	500
Setback Requirements							
Min Front Setback (ft)		--		--	25	25	--
Min Side Setback (ft)		--		--	20	20	--
Min Rear Setback (ft)		--		--	25	25	--
Max Structure Height (ft)		--		--	30	30	--
Max Lot Coverage (%)		--		--	10	10	--
Max Floor Area Ratio		--		--	0.10	0.10	--

Footnotes for Table 131-02C

- 1 Refer to Section 143.0145 for supplemental development regulations for the OF zone.
- 2 See Section 131.0240(a).
- 3 See Section 131.0250(a).
- 4 See Section 131.0250(b).
- 5 See Section 131.0240(b).

§ 131.0240 **Maximum Permitted Residential Density in Open Space Zones**

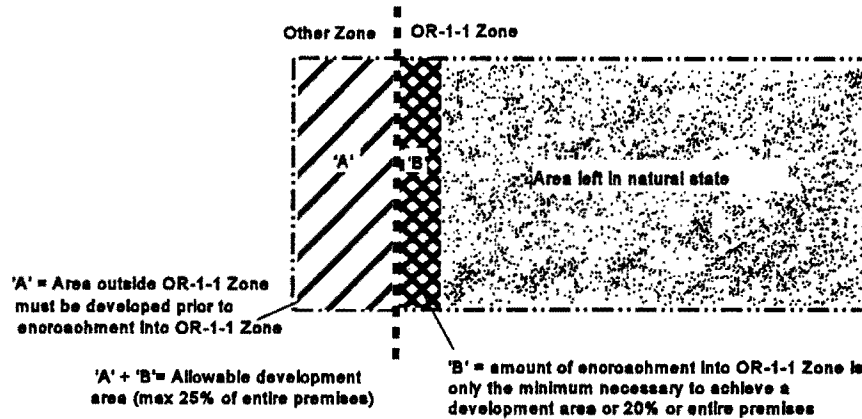
- (a) Within the OR-1-1 zone, an exception to the permitted residential density of one *single dwelling unit* per *lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).
 - (2) Dwelling units shall be clustered within the allowable development area as described in Section 131.0250(a) and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres.
 - (3) The remainder of the *premises* shall be maintained in its natural state.
- (b) Within the OR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit* per *lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:

- (1) The proposed *development* shall comply with Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations).
- (2) Dwelling units shall be clustered within the allowable development area as described in Section 131.0250(b) and need not be located on individual *lots* provided the overall *density* does not exceed one dwelling unit per 10 acres, except as described in Section 131.0240(b)(4).
- (3) The remainder of the *premises* shall be maintained in its natural state.
- (4) Within the future urbanizing area, an increase in *density* of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.

§ 131.0250 Allowable Development Area in OR Zones

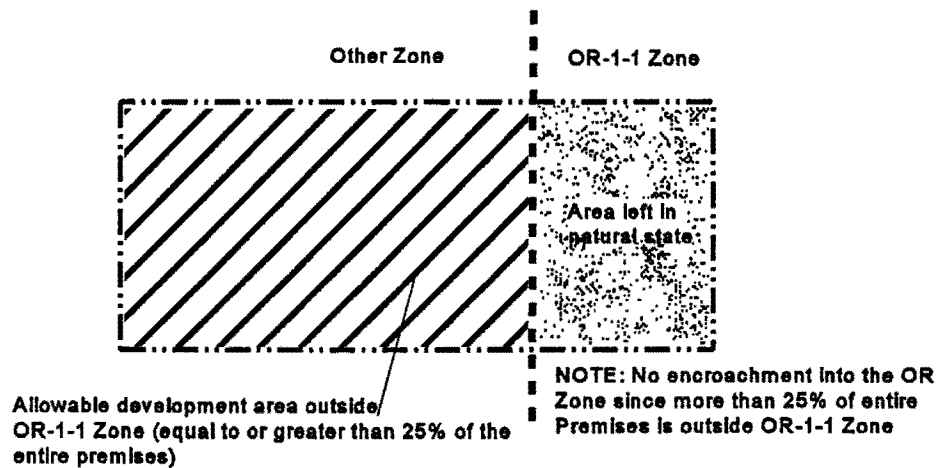
- (a) Within the OR-1-1 zone, up to 25 percent of the *premises* may be developed subject to the following:
 - (1) If 25 percent or more of the entire site is not in its natural state due to existing *development*, any new *development* proposed shall occur within the disturbed portion of the site and no additional development area is permitted.
 - (2) If the OR-1-1 zone applies only to a portion of a *premises*, the following regulations apply:
 - (A) If less than 25 percent of the *premises* is outside the OR-1-1 zone, the portion that is outside the OR-1-1 zone shall be developed before any *encroachment* into the OR-1-1 zoned portion. *Encroachment* into the OR-1-1 zone may be permitted to achieve a maximum development area of 25 percent of the entire site. See Diagram 131-02A.

Diagram 131-02A
Allowable Development Area with Encroachment Into OR-1-1 Zone



- (B) If more than 25 percent of the *premises* is outside the OR-1-1 zone, the area outside the OR-1-1 zone may be developed and no additional development area is permitted. See Diagram 131-02B.

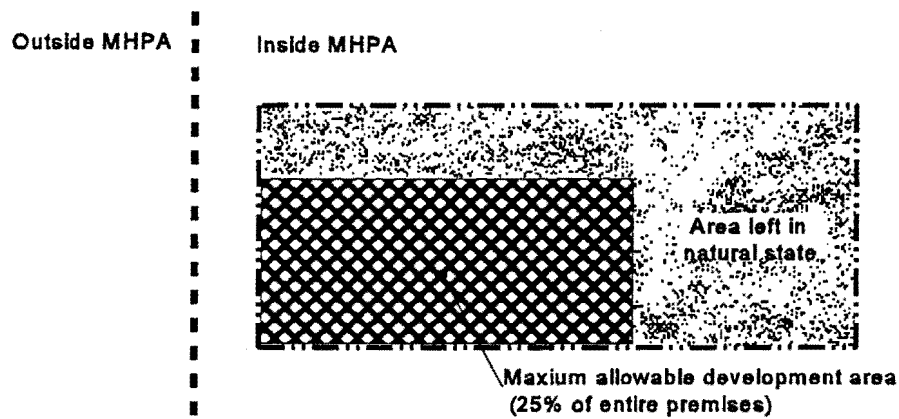
Diagram 131-02B
Allowable Development Area Without Encroachment into OR-1-1 Zone



- (3) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).
- (4) Within the Coastal Overlay Zone, *coastal development* on *premises* with *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

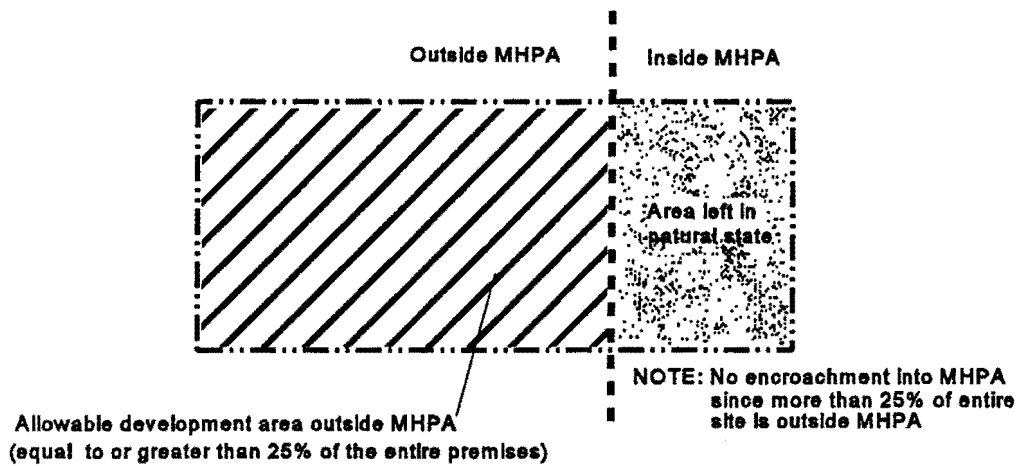
- (b) A *premises* within the OR-1-2 zone, within or partially within the *MHPA* is subject to the following regulations:
- (1) If the *premises* is located entirely within the boundary of the *MHPA*, a maximum of 25 percent of the site may be developed. See Diagram 131-02C.

Diagram 131-02C
Allowable Development Area Entirely Within MHPA



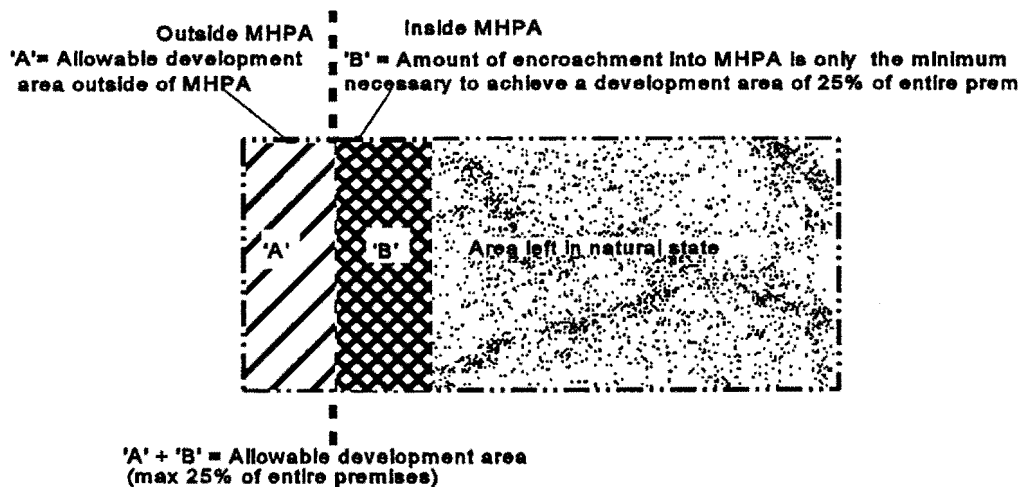
- (2) If the *premises* is located partially within the boundary of the *MHPA*, any *development* proposed must occur on the portion of the *premises* not within the *MHPA*. See Diagram 131-02D. If the portion of the *premises* not within the *MHPA* is greater than 25 percent of the *premises* area, the allowable *development* area may include all of the area outside of the *MHPA*, except as limited by Sections 143.0141(b) and (g) and 143.0142(a)(2).

Diagram 131-02D
Allowable Development Area without Encroachment into MHPA



- (3) If the portion of the *premises* not within the *MHPA* boundary is less than 25 percent of the *premises* area, encroachment into the *MHPA* may be permitted to achieve a maximum development area of 25 percent of the *premises*. See Diagram 131-02E.

Diagram 131-02E
Allowable Development Area with Encroachment Into MHPA



- (4) Up to 5 percent of additional *development* area is permitted to accommodate essential public facilities only, as identified in the applicable land use plan as long as the total *development* area does not exceed 30 percent of the *premises*. This additional development area shall require mitigation.


- (5) The allowable development area shall be 1 acre for a *premises* with a total area of less than 4 acres provided the width of the *MHPA* is at least 1,000 feet where the *premises* is located. Mitigation will be required for any impacts from *development* in excess of 25 percent of the *premises* area.
- (6) The portions of the *premises* within the *MHPA* that are not included in the allowable development area shall be maintained in their natural state and may be used only for passive uses consistent with the *Multiple Species Conservation Program Plan*.
- (7) *Development* within the OR-1-2 zone is subject to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) and the Biology Guidelines in the Land Development Manual.
- (8) Any *development* within the *MHPA* shall occur in the least sensitive areas first, in accordance with the Biology Guidelines in the Land Development Manual.
- (9) Any exception to the allowable development area regulations in this section is subject to Section 143.0150.
- (10) Within the Coastal Overlay Zone, only uses identified in Section 143.0130 (d) and (e) shall be permitted within *wetlands* subject to the provisions of Section 143.0141 (a) and (b).
- (11) Within the Coastal Overlay Zone, *coastal development* on *premises* with *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic hazard on Map C-720, is subject to the encroachment limitations set forth in Section 143.0142(a).

1) FLOODPLAIN DEVELOPMENT. In past submittals of the North City LUP, the Commission found the LUP policy language to be inconsistent with the Coastal Act policy. Quoting from the previous findings adopted by the Commission and as found in the March 8, 1984 staff report:

The filling and other alteration of floodplain areas presents several concerns related to consistency with Coastal Act policies. The most applicable policies would require that the biological productivity and quality of streams be maintained by control of runoff, maintenance of natural buffer areas, and the minimizing of alteration of natural streams (Section 30231); any channelization or other substantial alteration of rivers and streams shall be limited to, among other projects, flood control projects where no other method of protection is feasible and where protection is necessary for public safety or the protection of existing development (Section 30236); development in environmentally sensitive habitat areas shall be limited to uses dependent on such resources and development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent degrading impacts and shall be compatible with the habitat areas (Section 30240); scenic and visual qualities be maintained by the minimization of the alteration of natural landforms (Section 30251); and, the minimization of risks to life and property in areas of high flood and geologic hazard (Section 30253).

The policies proposed by the City of San Diego generally would be consistent with the applicable Coastal Act policies in that fill or permanent structures are not allowed within the 100-year floodplain until a specific plan is developed. Also, in certain cases activity would be allowed now. The North City City LUP states certain criteria which any future Specific Plan must address; however, the City policies do not specifically require review of the specific plans by the Commission as an amendment to the Local Coastal Program.

The City's plan would, however, allow modification of the limitations on floodplain fill without review by the Commission, essentially allowing a change in the kinds, locations, and intensities of use. The City's plan would vest broad authority in the City planning department for reviewing a specific plan and then modifying floodplain limits. The Commission provided

EXHIBIT NO. 5
. SD LCPA #6-2000C Floodplain Regulations
Excerpt from Commission Act on North City LUP Resubmittal 8/19/85 Pages 18-23
 California Coastal Commission

initial planning guidance for the issue of floodplain and wetland protection by commissioning a special study through the California Sea Grant Program. That study, "Stream and Lagoon Channels of the Los Penasquitos Watershed with an Evaluation of Possible Effects of Proposed Urbanization" (1979) prepared by Karen Prestegaard, recommended as the highest priority planning goal preservation of "the major areas of sediment storage identified in field mapping". The study's analysis showed that development of those areas would move sediment deposition areas downstream, ultimately into the lagoon. The special study also recommended careful controls to prevent increases in the rate of runoff, implementing Section 30231.

Both the floodplain policies of the LCP and the proposal to construct Route 56 as a freeway in Carmel Valley could result in major modifications to the stream systems and increased sedimentation of Los Penasquitos and San Dieguito Lagoons. Complete preservation of every bit of the floodplain is not essential to protect the lagoon, rather the portions of the floodplain important for natural sedimentation and for natural runoff velocities need to be preserved. The City's proposal to use the specific planning process to analyze streams in greater detail is a reasonable approach to try to better define what portions of the floodplain must be preserved to protect resources. The problem with the current proposal is that it lacks clear standards for preserving the essential hydrologic functions of the floodplain which are natural sedimentation and transport of runoff and sediment at natural rates. Currently, the City's language only specifies "relevant hydrological studies". Because the results of the specific plan are vital both to protection of the lagoon and to an ultimate determination of the "kinds, location and intensity of land uses", the appropriate forum for consideration of a specific plan is an LCP amendment.

The Commission's concern about modification of the floodplain is not an academic consideration; the Commission's experience convinces it that protection of wetlands requires consideration of the roll of the floodplain. Upper Newport Bay is threatened by rapid sedimentation, and remedial work is being undertaken at great public expense. Studies, including efforts by the Southern California Association of Governments make it clear that the channelization of San Diego Creek

eliminated most natural floodplain sedimentation, and moved the area of sedimentation down in the bay. Similar effects of channelization have been before the Commission in restoration efforts at Carpinteria slough (Conservancy Project CP-1-83) and Mugu Lagoon (CC 22-83).

The proposed construction of Route 56 (while being deferred certification in this submittal) poses a similar threat to the hydrologic functioning of streams tributary to Los Penasquitos Lagoon. A six lane freeway with a 15 foot median would be at least 87 feet wide, exclusive of curbs fill berms. Such a structure, in addition to the approved 4 to 6 lanes configuration of Carmel Valley Road would virtually fill the valley at its narrowest point, confining and accelerating flows and sedimentation. Construction through the valley, such a facility would eliminate many of the key sediment storage areas, further exacerbating sedimentation. As noted above, complete preservation of the floodplain is not absolutely necessary for protection of the Lagoon, and Carmel Valley Road has been approved as a 4 and 6 lane facility, with some encroachment into the floodplain, adequate to meet local transportation needs.

The Commission finds that absent policy language which would require Commission approval of the specific or precise plans, it cannot find the City's policy to be consistent with applicable Coastal Act policies. Section 30108.5 requires that a "Land Use Plan" indicate... "the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions." The contents of any future specific plan are unknown at this time; the Commission does not know what kinds, location and land uses would be proposed or the amount of fill and associated impacts that might be permitted under the provisions at any such specific plan. Therefore, the Commission finds the City proposed language, which does not require Commission approval of the contents of these specific plans, inconsistent with Section 30108.5 of the Coastal Act.

In the current resubmittal, the City has included detailed policy language with regards to the conditions under which Route 56 and development within Carmel Valley may be permitted, and limits development within the 100 year floodplain area of the San Dieguito River to uses permitted in the A-1-10 Zone.

The Commission finds for the following specific reasons that the current North City LUP resubmittal conforms with Sections 30231, 30236, 30240, 30251 and 30253 of the Coastal Act as relates to alteration of floodplain areas.

First, in the City's current resubmittal, channelizations or other alterations of rivers or streams are essentially limited to those defined in Section 30236 of the Coastal Act which state:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

It should be noted that the City's proposed LUP policy language modifies Section 30236 (ref. to page 2 of the City's revisions to the North City LUP, Attachment-A to this report) by changing subsection (3) from stating "developments where the primary function (emphasis added) is the improvement of fish and wildlife habitat" to that which reads:

... (3) other development, a primary element (emphasis added) of which is the improvement of fish and wildlife habitat. Such development may include new or expanded roads or highways that are essential to the economic health of the region, state or nation, provided they comply with all the provisions of part (B) of this policy and all other applicable policies of this local coastal program. Long-term maintenance of health wetlands in Los Penasquitos Lagoon shall be a primary goal of any sedimentation or erosion control measures instituted pursuant to this section.

The Commission finds that the LUP language regarding channelization would be unacceptable if it weren't for two other factors:

1. The only other development permitted within the 100 year floodplain of the San Dieguito River is limited to uses permitted in the A-1-10 Zone. Specifically, LUP policy 5(A) on page 10 of the revisions to the North City LUP states: "Within the 100 year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will only be allowed

if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning (CR zoning for Surf and Turf), is capable of withstanding periodic flooding, and does not require the construction of flood protective works, ..."

2. With regards to Carmel Valley, Sorrento Valley and Route 56, there are detailed provisions which require preparation of and implementation of a Carmel Valley/Los Penasquitos Lagoon Restoration and Enhancement Plan, to be approved by the Coastal Commission through an LCP amendment, before the Route 56/Interstate 5 interchange and associated road improvements may occur.

Because of the above factors the Commission finds that while the LUP policy language regarding channelization of rivers or streams is not considered the most desirable, nevertheless, when taken in conjunction with the above factors it can be found acceptable and in conformity with Section 30236. However, the Commission emphasizes that no new or expanded roads (or other development not specifically permitted by other LUP policies) are included in the North City LUP submittal other than the following: the realignment of El Camino Real, the realignment of Carmel Valley Road east of Interstate-5, the realignment of Via de la Valle east of Interstate-5, the realignment of Sorrento Valley Road and construction of Route 56. Even for the roads just listed, any channelization associated with realignment (or new construction in the case of Route 56) would only be permitted if there is no feasible less environmentally damaging alternative. The channelization policy specifically does not include construction of San Dieguito Drive east of I-5 or the widening of Carmel Valley Road west of I-5. These road improvements are not proposed in the North City LUP; said roads could have major adverse environmental impacts on Los Penasquitos and San Dieguito Lagoons and, if proposed, would have to be part of a subsequent LCP/LUP amendment.

Second, with regards to Carmel Valley and Route 56, there is detailed LUP policy language included on page 12 of the LUP Revisions report, and within the Route 56 and Sorrento Hills sections of the LUP revisions report. The detailed provisions require that development only be permitted when it is found that:

- there will be no increase in peak runoff rates
- it does not adversely impact environmentally sensitive habitats
- the proposal does not adversely impact water quality discharge to wetlands and other environmentally sensitive resources
- Significant new riparian corridors will be planted and maintained

- it is part of an overall Carmel Creek and Los Penasquitos Lagoon Restoration and Enhancement Program shall be developed and implemented
- the capacity of existing natural sedimentation basins shall not be reduced

Many other provisions included within the LUP are specifically designed to insure that any development within the Carmel Valley/Sorrento Valley area will not adversely impact the resource values of Los Penasquitos Lagoon. Thus, the Commission finds the policy language regarding Carmel Valley/Route 56/Sorrento Hills dealing with floodplain development in conformance with Coastal Act policies 30231, 30233, 30236 and 30240 regarding preservation and protection of environmentally sensitive habitats.

Third, as previously mentioned, within the 100 year floodplain fringe of the San Dieguito River development is limited to those uses allowed pursuant to the A-1-10 Zone. Additionally, any such development would be subject to environmental safeguards and design requirements as specified on page 10 of the City's LUP Revisions document. As such, the City's LUP policy language regarding the San Dieguito River Valley is found in conformance with the same Coastal Act policies noted in the previous paragraph.

2) WETLAND PRESERVATION. Sections 30233 and 30240 require preservation and protection of wetland areas. In previous submittals the Commission had found the North City LUP policy language to be inadequate to preserve and protect the wetlands existing within the North City LCP Segment. The current resubmittal resolves most of the previous concerns; however, there are two LUP policies which the Commission must take issue with. First, there is no LUP policy language which specifically states that wetlands shall be preserved. It appears that this may be an oversight in that the previous LUP submittal did include in the draft LCP implementing ordinances language which specifically called for preservation of wetlands and only permitted uses within the wetlands consistent with Section 30233 of the Coastal Act. However, the current LUP resubmittal does not include the draft implementing ordinances; therefore, the LUP must include policy language which clarifies that all wetlands will be preserved.

The second policy issue is more substantive in nature. Revised LUP policy 5(B)(7) states the following:

(7) Any wetland values occurring in the man-made wetland on the property north of the channelized area of Sorrento Valley and immediately east of Interstate

