

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
619-497-2370

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February 10, 2003

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 NO. 1-02B (ESTATES AT COSTA DEL MAR) (For Public
Hearing and Possible Final Action at the Coastal Commission Hearing of March 4-7,
2003)**

SYNOPSIS

On July 25, 2002, the amendment request was received in the San Diego Area office, as part of a package of LCP amendments including the La Jolla LUP update and some rezonings in that community, and the amendment package was deemed incomplete. Additional information was received on September 3, 2002, and the entire amendment package was deemed filed as of that date. On December 11, 2002, the Commission granted an extension of up to one year. The final date for Commission action is December 23, 2003.

SUMMARY OF AMENDMENT REQUEST

The City is proposing to rezone an existing ten-acre property in the North City community of Carmel Valley from one agricultural residential zone to another. The site is currently zoned AR-1-1, which requires minimum ten-acre lots; the proposed zone is AR-1-2, which requires one acre minimum lots. The property owner can then subdivide and develop the site consistent with the surrounding neighborhood's one-acre lot design. The current land use plan (LUP) designation is split, with open space over much of the lot and very low residential density (0-1 dua) over the remainder. The local approvals include the subject Local Coastal Program (LCP) amendment, rezone, four-lot vesting tentative map, Planned Residential Development Permit, Site Development Permit, Coastal Development Permit, Multiple Habitat Planning Area (MHPA) Boundary Adjustment and certification of a Mitigated Negative Declaration. The associated City-issued coastal development permit is not appealable to the Coastal Commission.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the LCP amendment first be denied as submitted, then approved with modifications. The City has approved the entire site to be rezoned from AR-1-1 to AR-1-2, both agricultural residential zones. However, the most recently certified version of the Carmel Valley Community Plan, which is part of the City's LCP and is the certified Land Use Plan (LUP) for the site, designates a portion of the site for very low density residential development and a portion for open space. Staff recommends the property be rezoned in a manner fully consistent with the LUP. To accomplish this, staff recommends rezoning that portion of the site designated for residential use to AR-1-2, and the portion of the site designated for open space to OC (Open Space-Conservation).

The site has two previously-disturbed flatter areas and the remainder consists of naturally-vegetated steep slopes leading down into Carmel Valley. Portions of the flatter areas of the site have been previously graded pursuant to Coastal Development Permit #6-82-350, and there are existing horse corrals on the site as well. The staff believes a residential and open space zoning split, with all sensitive resources preserved as open space, can afford the necessary resource protection and is therefore consistent with the habitat protection policies of the certified LUP.

The appropriate resolutions and motions begin on page 4. The suggested modifications begin on page 5. The findings for denial of the Implementation Plan Amendment as submitted begin on page 5. The findings for approval of the plan, if modified, begin on page 9.

BACKGROUND

The City's first Implementation Program (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 (LDC) 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 relatively new 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. The City's IP includes Chapters 11 through 14 (identified as the Land Development Code or LDC) of the municipal code.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. 1-02B 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. Since 1988, a number of community plans (LUP segments) have been updated and certified by the Commission.

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 (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC has been in effect within the City's coastal zone since January 1, 2000.

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 No. 1-02B for the North City segment of the City of San Diego certified LCP (Estates at Costa Del Mar), 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 No. 1-02B submitted for the North City segment of the City of San Diego (Estates at Costa Del Mar), and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, 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 No. 1-02B for the North City segment of the City of San Diego LCP (Estates at Costa Del Mar), 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 No. 1-02B for the North City segment of the City of San Diego LCP (Estates at Costa Del Mar), if modified as suggested and adopts the findings set forth below on grounds that the

Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the 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.

1. CHANGE TO RESOLUTION, ORDINANCE AND MAP B-4113 IDENTIFYING THE REVISED REZONE:

The City shall approve a new resolution and rezone to reflect split AR-1-2 and OC zoning on the site, as depicted on Exhibit #7, attached. Also, the referenced zoning map (Map B-4146, attached as Exhibit #3), must be modified to graphically depict the AR-1-2 and OC change required in this suggested modification.

PART IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT NO. 1-02 (Estates at Costa Del Mar), AS SUBMITTED

A. AMENDMENT DESCRIPTION

The subject amendment request proposes to rezone an existing ten acre parcel in the North City LCP Segment (Carmel Valley Community Plan) from AR-1-1 to AR-1-2. These are both Agricultural-Residential zones, but would allow different densities of residential development on the site. The current AR-1-1 zone requires minimum ten-acre lots, allowing no further subdivision of the site, whereas the proposed AR-1-2 zone requires one-acre minimum lots and would allow further subdivision to occur, provided any proposal is consistent with other applicable sections of the LCP. The City reviewed a specific proposal for subdivision of the parcel and subsequent build-out concurrent with processing the rezone. The Commission, however, must address the rezone in isolation and consider the full range of future development that the approved rezone would allow.

B. SUMMARY FINDINGS FOR REJECTION

Briefly, the proposed rezoning does not conform with, nor is it adequate to carry out, the certified Carmel Valley Community Plan. The community plan recognized the resource constraints on the site, and delineated only the flatter, previously-disturbed portions for residential development. The community plan designated those portions of the site consisting of steeper slopes to be preserved as open space. Therefore, an agricultural

residential zone for the entire site is not consistent with the certified LUP designation of open space and residential.

C. 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.

a) Purpose and Intent of the Ordinance. The purpose of the AR zones is to accommodate a range of low intensity agricultural uses while permitting very low density single family residential development. These zones are typically applied to lands that are either in agricultural use or undeveloped and inappropriate for more intense uses. The proposed AR-1-2 zone requires minimum one-acre lots.

b) Major Provisions of the Ordinance.

- Primarily allows agriculture and single family residence, but recreational uses, small group homes, day care facilities, etc. and interpretive centers are also allowed by right, and other uses with discretionary permits.
- Contains development regulations addressing density, lot size, setbacks, floor area ratios, etc.
- Contains regulations addressing lot coverage, street frontage and height limits.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The AR-1-2 zone, by itself, is not adequate to direct future development of this entire parcel of land. A recent (1999) LCP amendment (LCP Amendment No. 1-98C) incorporated a new land use plan map for Carmel Valley south of SR 56 specifically to identify areas appropriate for development and those areas to be preserved as open space. This most-recently certified LUP map identifies a major portion of this property as open space. However, based on the LUP map attached to the City's Report to the Planning Commission, the City apparently relied on an old North City West (former name for the Carmel Valley LCP sub-segment) Community Plan. Carmel Valley was undeveloped at the time, except for agricultural uses and a few scattered homes/farmhouses on multi-acre properties. From that plan exhibit, which was adopted by the City in 1975, the site, superimposed on the map, appears to show only a very low density residential LUP designation, with areas of open space immediately adjacent to the parcel. The map in that plan, however, is at such a small scale, and in rather poor condition, that it is difficult to be sure how accurately the site was drawn onto the map; if it was even slightly inaccurate, the map would show open space areas on the site, since it is completely surrounded by them. Moreover, the City staff reports, which purport to be relying on the old map, identify the site as partially agricultural residential and partially open space in the LUP.

In any event, the Commission relies on the currently-certified LUP, which includes the narrative policies of the North City LCP Land Use Plan Addendum and the updated map

certified in 1999. The map shows both rural residential and open space designations for the site. Again, the small scale makes it difficult to identify the exact boundaries between the two designations on the LUP map alone, but site conditions clearly delineate what should be open space and what residential. It is because of this lack of clarity in the LUP map that large-scale, fully-detailed maps (plans) are required of any applicant and then field-checked by local government and Commission staff. The certified LUP includes many policies addressing protection of the environment, and additional policies specifically addressing Carmel Valley, including those quoted below:

Goal 3, Page 100

- To preserve the natural environment.

Goals, Pages 110 and 111

- In order to promote self containment and community identity, the open space system must be acquired or publically controlled. The great importance of the open space system in determining the structure of North City West while at the same time conserving the natural environment, cannot be overstated. ...
- In order to promote preservation of the natural environment, development of either a public or private nature should not be allowed on lands designated for open space unless the proposed development is compatible with open space use. ...

Proposals, Page 111

- It is proposed that Carmel and Shaw valleys be designated as a major open space system. ...
- It is proposed that a secondary system of open space including lateral canyons and slopes exceeding 25 percent be designated. The purpose of the secondary system is to define neighborhood boundaries and to line the private system to the major systems previously described.
- It is proposed that the third system of open space be provided within planned residential developments. This system is the responsibility of the private development.

LCP Specific Language

- Protect environmentally sensitive habitat areas from significant disruption.
- Protect and preserve significant habitat areas by buffer areas, drainage improvements to avoid adjacent runoff impacts to lagoon areas, adequate fencing

and/or signing to avoid physical disruption, and appropriate setback of adjacent development to provide any necessary buffer.

Proposals, Page 114

- In order to promote preservation of the natural environment, all developments, particularly residential, must be carefully sited.

The subject site, a ten-acre parcel, consists partially of sensitive biological resources, including southern maritime chaparral and diegan coastal sage scrub. These resources are located on the steeper portions of the site, and are intended by the LUP to remain as open space. The site consists of two flatter areas, one near the existing entry drive and one further north and lower in elevation, and slopes (some nearly vertical, but all greater than 25% gradient) which continue north, east and west of the site down into Carmel Valley. The slopes are contiguous with other areas of open space and provide habitat for local wildlife, making them a regionally significant resource. However, no sensitive, rare, threatened or endangered animals have been detected on the flatter portions of the site proposed for future development.

A little less than half the site has been disturbed by grading authorized pursuant to CDP #6-82-350, granted after the fact to the current property owner in 1982. Crude, overgrown building pads exist on the highest point of the property in the southeastern portion of the site. This area is just northwest of the current terminus of Arroyo Sorrento Place and can be accessed from an existing paved driveway that also serves a large single-family home east of the subject site. The lower disturbed area can be reached by a very steep, unpaved road that branches off the paved driveway and trends north/northwest along the eastern edge of the subject site. The lower disturbed area overlooks Carmel Valley, and both disturbed areas overlook the recently-constructed Jewish Academy, which is located much further down the slope. There are scattered single-family homes south of the site, and the community consists mainly of rural residential development on minimum one-acre lots.

The cited LUP policies call for the protection of the portions of the site that have steep slopes with native vegetation as open space. The City-approved rezone applies agricultural residential zoning (AR-1-2) to the entire ten-acre property, and the associated project approved locally does not encroach beyond the existing disturbed areas. However, the City's proposal to apply a single zone to the entire site ignores the intent of the LUP to place a major portion of the site in open space. The Commission must look at the rezoning as an independent action. Even though the City has approved a specific project that honors the intent of the LUP policies, the AR-1-2 zoning could be interpreted to allow creation of as many as ten parcels, each with a single-family home. Therefore, the proposed rezone is inconsistent with the certified LUP.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO
IMPLEMENTATION PLAN AMENDMENT NO. 1-02B (Estates at
Costa Del Mar), IF MODIFIED**

In review of the proposed rezone, the Commission must consider the range of zoning options available in the Land Development Code (LDC) which serves as the certified LCP Implementation Plan. The Commission also recognizes that, regardless of the zone applied to the property, portions of the premises contain environmentally sensitive lands, including sensitive biological resources and steep hillsides. These terms are defined in the LDC as follows:

Sensitive biological resources means upland and/or wetland areas that meet any one of the following criteria:

- (a) Lands that have been included in the City of San Diego Multiple Species Conservation Program Preserve;
- (b) Wetlands;
- (c) Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats;
- (d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (e) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development Manual; or
- (f) Lands containing habitats of covered species as listed in the Biology Guidelines in the Land Development Manual.

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

The site is partially within (slopes) and partially outside (flat areas) the defined Multiple Habitat Planning Area (MHPA) boundaries which delineate the perimeter of the City's habitat protection program responding to state NCCP requirements. The program is not part of the City's certified LCP, although it is referenced in some certified LUPs and portions of the LDC. The subject site proposed for rezoning includes both steep hillsides and sensitive biological resources. There are areas of 25% or greater slopes adjacent to both disturbed areas. These steep hillsides extend from elevation 355 ft. at the highest

point to elevation 205 ft. at the lowest point on-site, then continue down across other private holdings to the valley bottom. The steep slope portions of the site, both vegetated and unvegetated, are entirely within the MHPA, whose boundaries are contiguous with the area designated for open space in the LUP. There are no sensitive vegetation communities within the developable portion of the site.

The Open Space Conservation (OC) zone is very restrictive and does not allow any residential development at all. Thus, the OC zone could only apply to the open space designated portion of the property. The only structural facilities allowed in the OC zone are satellite antennas and nature centers, and these are not allowed by right, but require local discretionary permits. The stated purpose of the open space zones in general is 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” (*emphasis added*). Specifically, 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*.” No residential or residentially-associated uses are allowed within the OC Zone, including vegetation removal for brush management purposes. The City’s certified Open Space Zones are attached to this report as Exhibit #6.

The Commission thus finds the OC Zone an acceptable zone to implement the portions of the site designated open space in the LUP. The Commission further finds that the AR-1-2 zone is appropriate for the disturbed areas on the site and is consistent with the zoning on nearby properties. This zone requires minimum one-acre lots, but also allows clustering through the Planned Residential Development process. Although the zone could allow up to 10 lots/homes on the total 10-acre site, the two flat mesa tops can only accommodate two homes each, including the area required for brush management clearance. Also, with only four future residences, the site will provide adequate area for setbacks to mitigate the small visual impact of future development as viewed from I-5, SR 56, and Carmel Valley Road.

The policy provisions of the certified LUP would also be applicable to future development on the site. Section 126.0708 of the certified LCP (coastal permit regulations) requires the City to make the following findings on any coastal development permit for any proposed development: (a) ... and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; (b) The proposed coastal development will not adversely affect environmentally sensitive lands; and (c) The proposed coastal development is in conformity with the certified Local Coastal Program land use plan

The Commission finds that the split OC/AR-1-2 zones, as certified, can address protection of the various resources on properties like the subject site, and allow the City to make the required CDP findings. The site is partially steep slopes/partially flat, partially designated open space/partially agricultural residential, partially in the MHPA/partially outside. It has a total area of 5.87 acres on the steep slope area of

sensitive biological resources and two mesa top areas totaling 4.18 acres that is flatter and disturbed, thus suitable for development. Exhibit #4, attached, delineates how the split zoning will be applied to the site. Applying the split OC/AR-1-2 zoning, together with application of the LUP policies, will provide an appropriate level of resource protection for the subject site. Suggested Modification #1 requires the City's approval of a revised ordinance that would establish both the OC and AR-1-2 zones on the property, as shown on attached Exhibit #4, referenced above. Therefore, the Commission finds the split OC/AR-1-2 zoning is appropriate for the site, and is consistent with, and adequate to carry out, the policies of the certified North City LCP Land Use Plan addendum.

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. In this particular case, the proposed amendment is being certified with suggested modifications to apply different zoning to the subject site. As noted in the previous findings, the certified LUP is best implemented through an OC/AR-1-2 split zoning, which provides the greatest protection to the assortment of sensitive resources on the site, and thus minimizes to the greatest extent feasible any environmental impacts associated with future development of the site. Thus, the Commission's action is to adopt suggested modifications to apply the OC/AR-1-2 zones to the property. As modified, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan amendment, if modified as suggested, conforms with CEQA.



RESOLUTION NUMBER R- 296133

ADOPTED ON FEB 26 2002

WHEREAS, on April 4, 2000, Leon Perl submitted an application to the City of San Diego for a Vesting Tentative Map, Coastal Development Permit/Planned Development Permit/Site Development Permit, Rezone, Local Coastal Program Amendment, and a Multi-Habitat Planning Area Boundary Adjustment for the Estates at Costa del Mar project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on FEB 26 2002; and

WHEREAS, the City Council considered the issues discussed in Revised Mitigated Negative Declaration, LDR No. 40-0247; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Revised Mitigated Negative Declaration, LDR No. 40-0247, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Estates at Costa del Mar project.

EXHIBIT NO. 1
APPLICATION NO. SDLCPA #1-02B
Resolution and Ordinance
6 pages total
California Coastal Commission

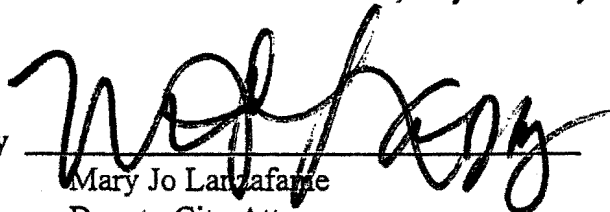
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzaferri
Deputy City Attorney

MJL:lc
02/11/02
Or.Dept:Dev.Svcs.
R-2002-1065
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ORDINANCE NUMBER O- 10038 (NEW SERIES)

ADOPTED ON MAR 18 2002

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 10.0 ACRES, LOCATED AT THE NORTHERN TERMINUS OF ARROYO SORRENTO PLACE, IN THE CARMEL VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 ZONE TO THE AR-1-2 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0404; REPEALING ORDINANCE NO. O-10936 (NEW SERIES), ADOPTED OCTOBER 5, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH; AND APPROVING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM.

WHEREAS, Leon Perl, Owner/Permittee, requested a rezone for the purpose of changing a 10.0 acre site, located at the northern terminus of Arroyo Sorrento Place within the Carmel Valley Community Plan area, from the AR-1-1 zone to the AR-1-2 zone for the purpose of subdividing the site to create four custom-home lots of a minimum one-acre size for custom single-family residences for Estates at Costa del Mar [Project]; and

WHEREAS, the proposed rezone for the Project site is located within the Coastal Zone, therefore this rezone must be certified by the California Coastal Commission as a Local Coastal Program amendment; NOW, THEREFORE,

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

Section 1. In the event that within three years of the effective date of this ordinance rezoning 10.0 acres, located at the northern terminus of Arroyo Sorrento Place, and legally described as portions of Parcels 2 and 3 of Parcel Map No. 11968, in the City of San Diego, County of San Diego, recorded February 26, 1982, more particularly described as follows: being Parcel 2 of Certificate of Compliance Document #95-0522519 recorded November 16, 1995, Lot Line Adjustment Plat 95-150, in the Carmel Valley Community Plan area, in the City of San Diego, California, from the AR-1-1 zone to the AR-1-2 zone, as shown on Zone Map Drawing No. B-4146, the property is subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision or subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] section 131.0404 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the AR-1-2 zone, as described and defined by SDMC

Section 131.0404, the boundary of such zone to be as indicated on Zone Map Drawing No. B-4146, filed in the office of the City Clerk as Document No. OO-6038. The zoning shall attach only to those areas included in the map as provided in this section.

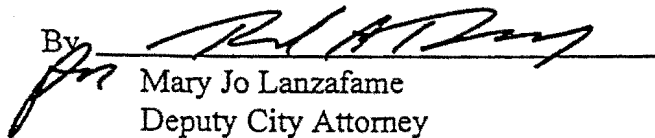
Section 2. That in the event the zoning restrictions shall attach to the land described in Section 1 of this ordinance, Ordinance No. O-10936 (New Series), adopted October 5, 1972, is repealed insofar as it conflicts with the rezoned uses of the land.

Section 3. That an amendment to the Local Coastal Program for this rezone is approved.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: CASEY GWINN, City Attorney

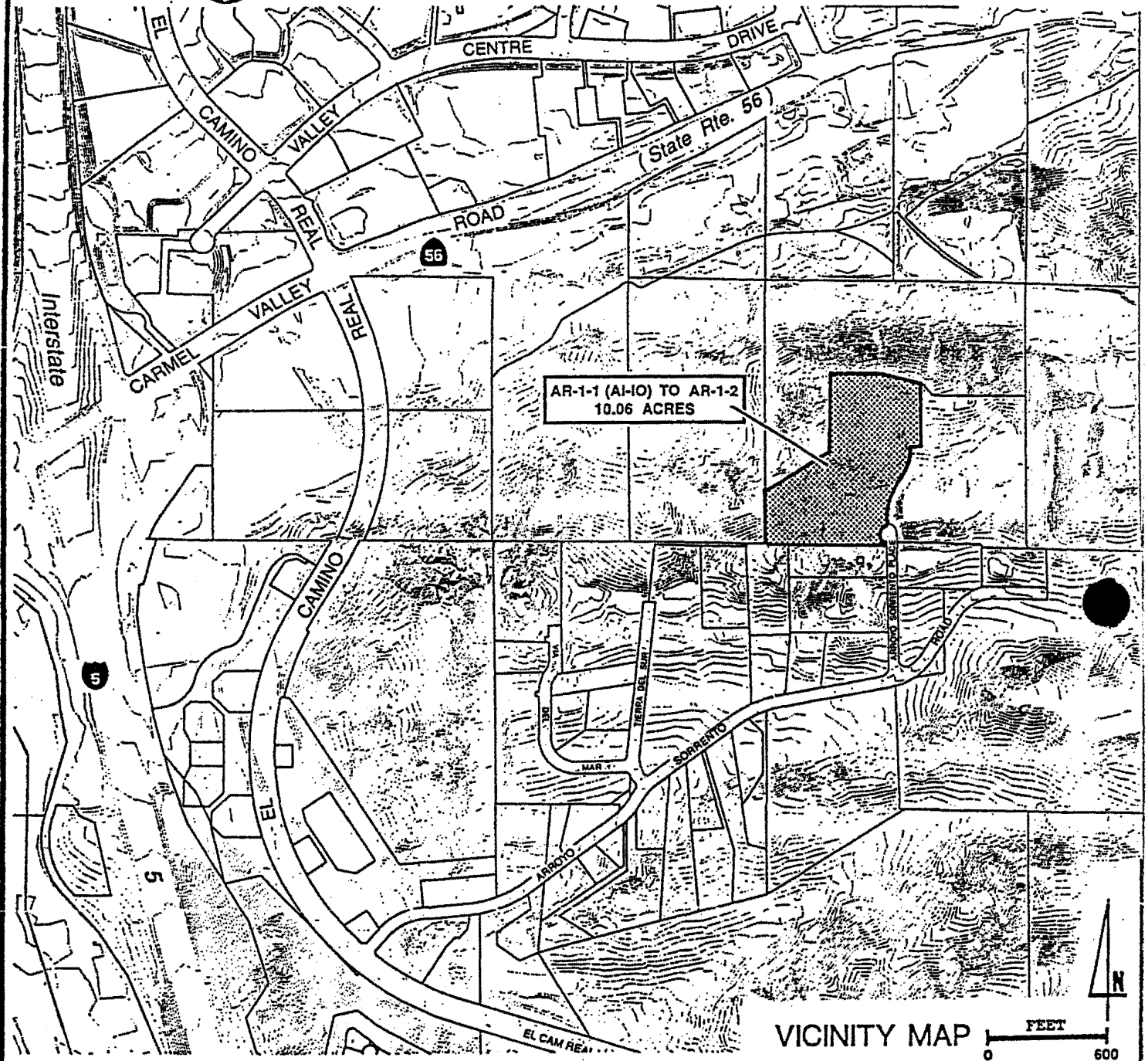
By


Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
02/14/02
Or.Dept:Dev.Svcs.
Case No.40-0247
O-2002-90
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PROPOSED REZONING



VICINITY MAP 0 FEET 600

Por. of SEC. 30 T14S R3W / Pct. 2, PARCEL MAP 11968

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME & NO. _____

REQUEST AR-1-2
 PLAN. COMM. RECOMMENDATION
 CITY COUNCIL ACTION

CASE NO. 40-0247
Van H. Allen
B - 4146
 APN: 307-051-17.
 (279-1699) 5-11-2000 bl.

DOCUMENT NO. *00-11968*
 MAR 18 2002

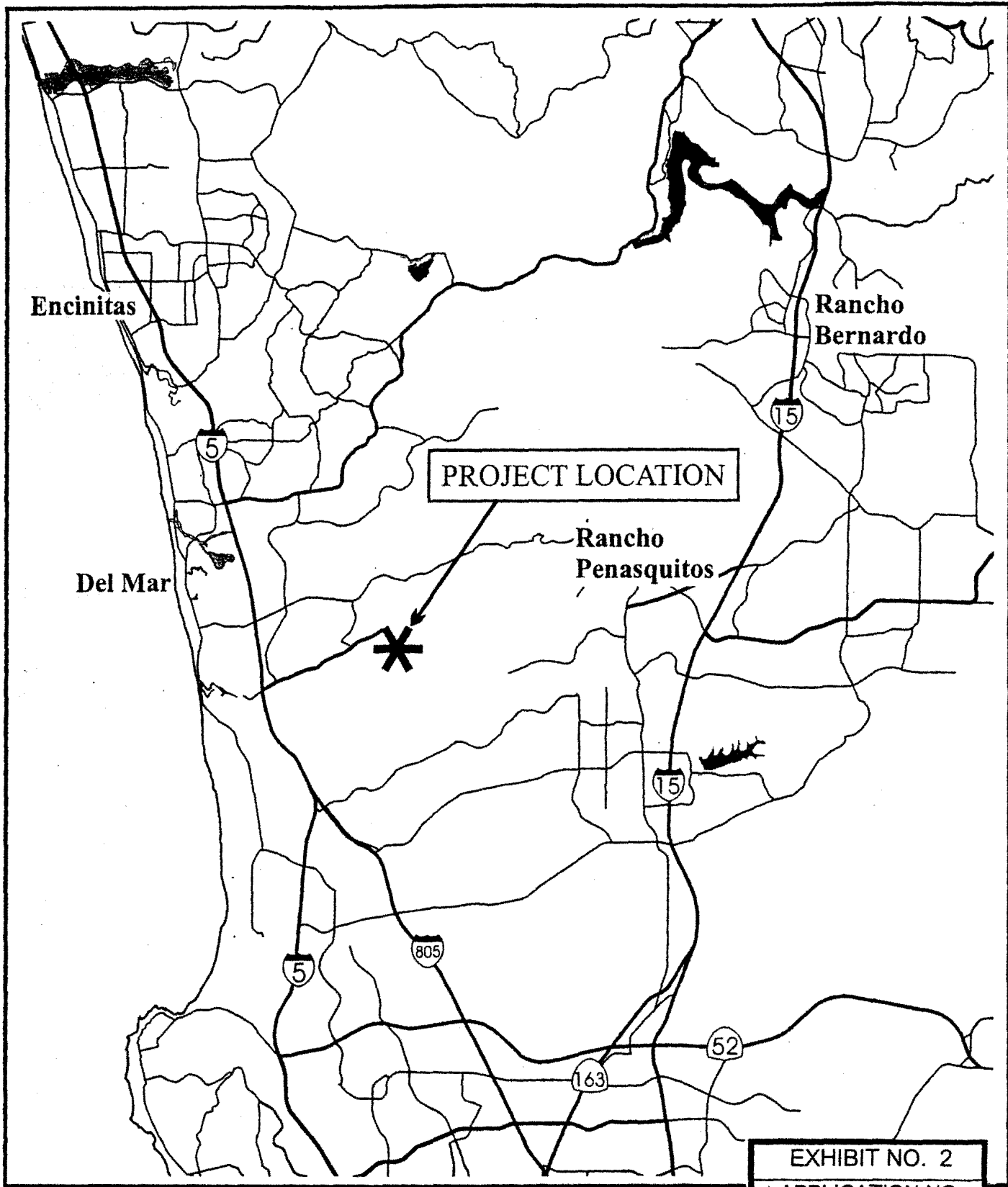
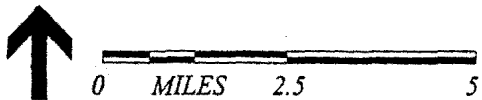


EXHIBIT NO. 2
APPLICATION NO.
SDLCPA #1-02B
Location Map

California Coastal Commission

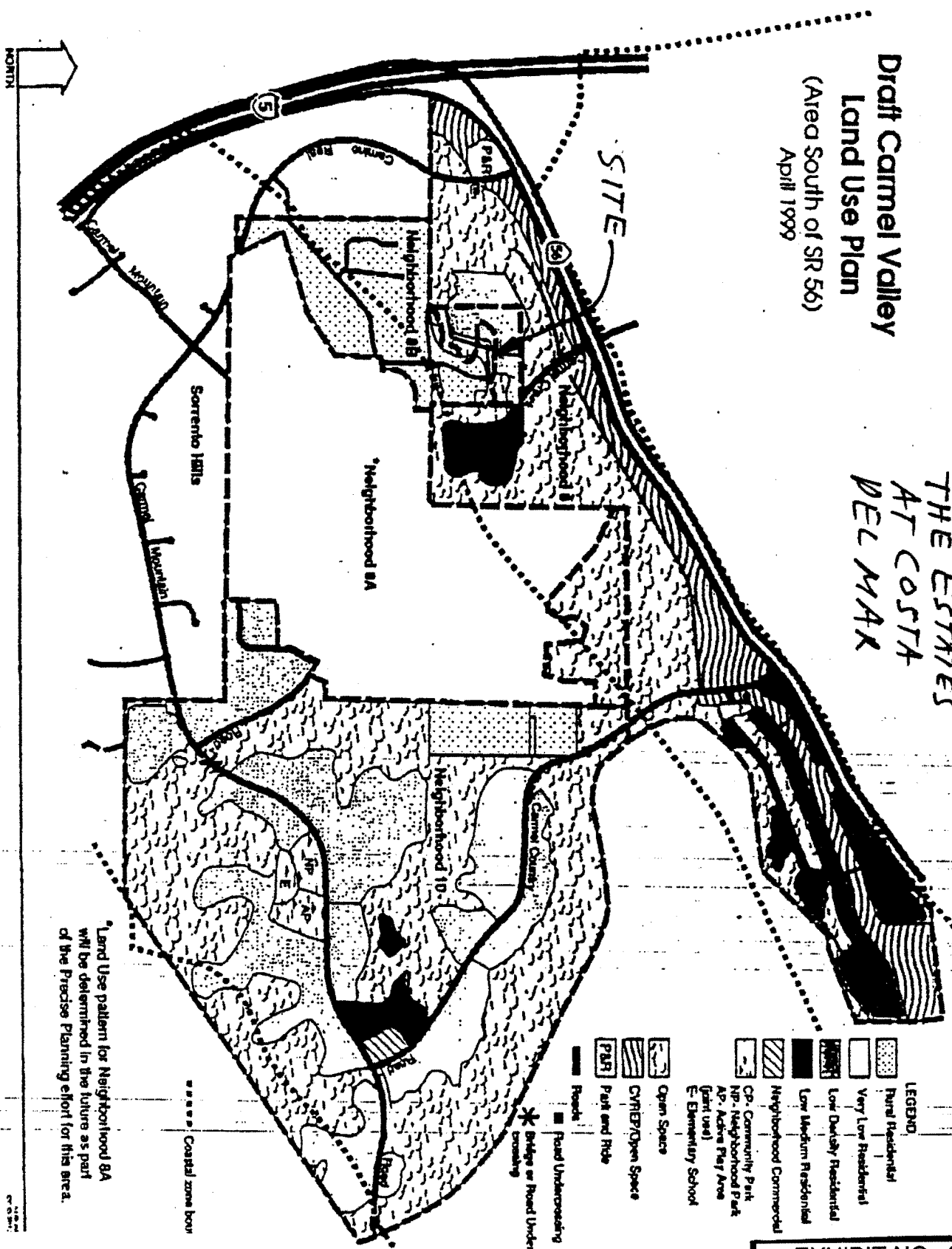


Regional Location of the Project

**Draft Carmel Valley
Land Use Plan**

(Area South of SR 56)
April 1999

*THE ESTATES
AT COSTA
DEL MAR*



*Land Use pattern for Neighborhood 8A will be determined in the future as part of the Precise Planning effort for this area.

- LEGEND**
- Rural Residential
 - Very Low Residential
 - Low Density Residential
 - Low Medium Residential
 - Neighborhood Commercial
 - CP - Community Park
 - NP - Neighborhood Park
 - AP - Active Play Area (joint use)
 - E - Elementary School
 - Open Space
 - CYREB/Open Space
 - PUB - Park and Ride
 - Beach
 - Road Underpassing
 - Bridge or Road Undercrossing
 - Coastal zone boundary

EXHIBIT NO. 3
APPLICATION NO.
SDLCPA #1-02B
Certified LUP map

California Coastal Commission

EXHIBIT NO. 4
APPLICATION NO.
SCLCPA #1-021
Potential Plan for
Split Zoning

California Coastal Commission

ZONING EXHIBIT "A"

THE ESTATES AT COSTA DEL MAR VESTING TENTATIVE PARCEL MAP ARROYO SORRENTO AREA CDP, REZONE, VTPM, PLANNED DEVELOPMENT PERMIT SITE DEVELOPMENT PERMIT VTPM 40-0247

PROJECT DESCRIPTION
 OBTAIN A VESTING TENTATIVE PARCEL MAP, REZONE, COASTAL DEVELOPMENT PERMIT, PLANNED DEVELOPMENT PERMIT, AND A SITE DEVELOPMENT PERMIT FOR AN 10.00-ACRE LOT. THE PROPOSED PROJECT INCLUDES PROCESSING A PARCEL MAP TO SPLIT THE LOT INTO FOUR LOTS, EACH A MINIMUM OF ONE ACRE. THE PROPOSED GRADING IS TO BE ON EXISTING CLEARED, MITIGATED AND GRADED PORTIONS OF THE EXISTING AGRICULTURE/RESIDENTIAL LOT. THERE ARE MINIMAL NEW IMPACTS TO HABITAT. THIS PROJECT IS ADDING A MINIMUM OF 1.33 ADDITIONAL ACRES INTO THE MHFA PRESERVE BOUNDARY.

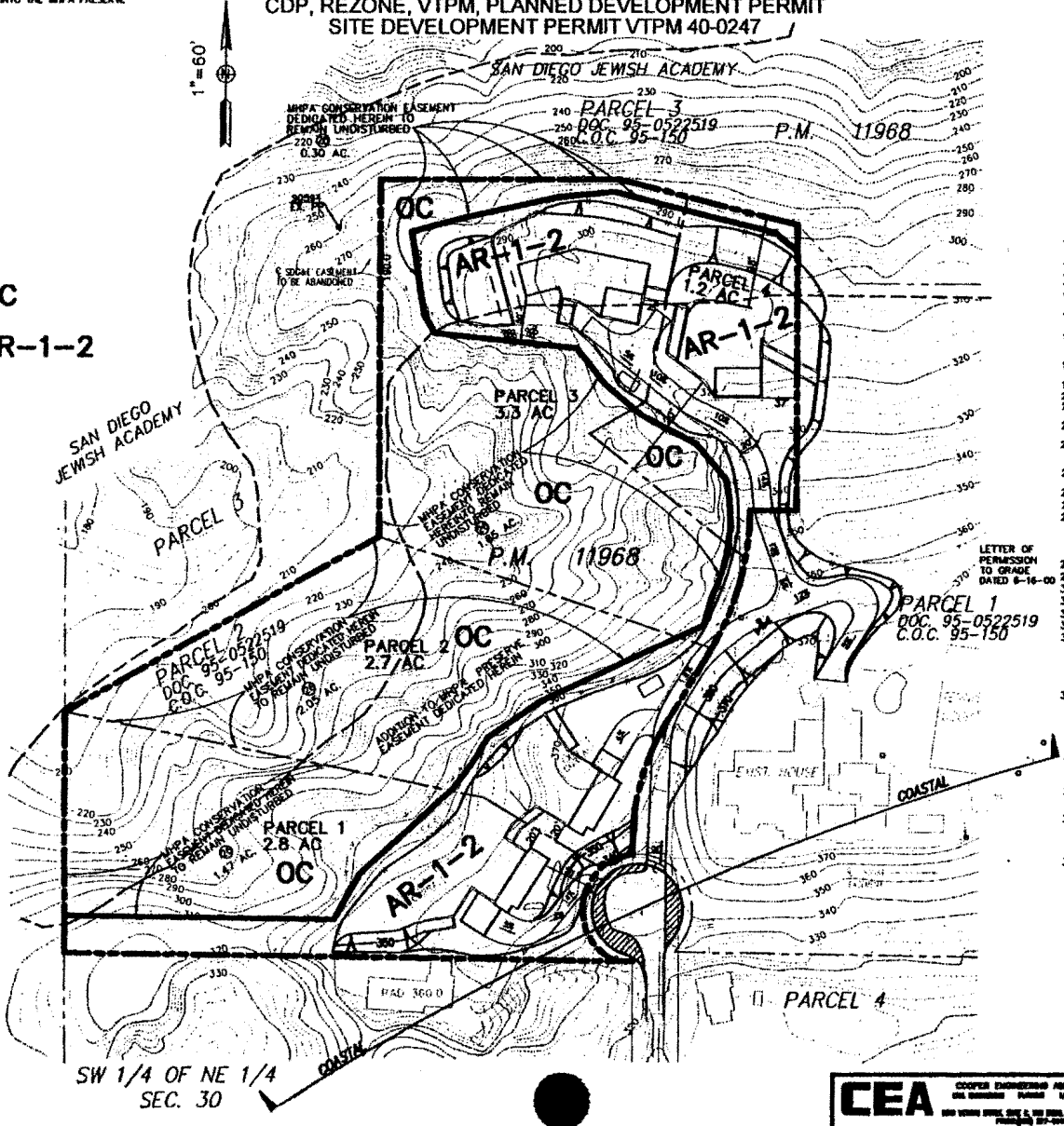
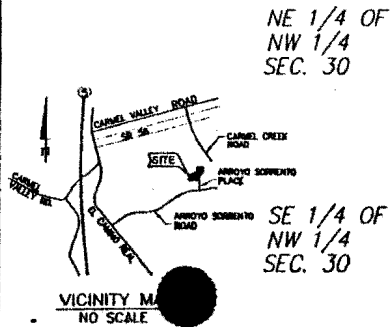
LEGAL DESCRIPTION
 THOSE PORTIONS OF PARCEL 2 AND PARCEL 3 OF PARCEL MAP 11968, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED FEBRUARY 26, 1982, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEING PARCEL 2 OF CERTIFICATE OF COMPLIANCE DOC. 95-0522519 RECORDED NOV. 16, 1995, LOT LINE ADJUSTMENT PLAT 85-150
ENGINEER OF WORK LEON PERI
 COOPER ENGINEERING ASSOCIATES
 8369 WICKERS ST., STE. C
 SAN DIEGO, CA. 92111
 PH. (619) 277-0441
OWNER/APPLICANT BEVERLY HILLS, CA. 90210
 (859) 277-0441

T. ALAN COOPER DATE
 R.C.E. 16685 EXP. 4-30-05

PROPOSED ZONING

- OPEN SPACE CONSERVATION — OC
- AGRICULTURE RESIDENTIAL — AR-1-2
- 1 ACRE MIN. LOT SIZE

- LEGEND**
- PROPERTY BOUNDARY
 - EXISTING CONTOUR
 - FINISH PAD ELEVATION
 - CUT/FILL SLOPES
 - P.C.C. DITCH, D=75
 - RETAINING WALL
 - DIRECTION OF FLOW
 - WATER MAIN
 - PROPOSED SEWER MAIN



- GENERAL NOTES**
1. TOTAL ACRES: 10.00 ACRES
 2. NUMBER PROPOSED PARCELS: 4
 3. EXISTING ZONE: AR-1-1 AGRICULTURE
 4. PROPOSED ZONE: AR-1-2
 5. GENERAL PLAN: CARMEL VALLEY COMMUNITY PLAN DENSITY DESIGNATION OF 0-5 DU/ACRE
 6. SETBACKS FRONT: 25 FT DEPTH REAR: 25 FT DEPTH SIDE: 20 FT WIDTH
 7. MIN. LOT SIZE: 1.0 ACRE
 8. UTILITIES AND SERVICES: WATER AND SEWER CITY OF SAN DIEGO GAS AND ELECTRIC SAN DIEGO GAS & ELECTRIC TELEPHONE PACIFIC TELEPHONE COMPANY CABLE TELEVISION SOUTHWEST CABLE FIRE PROTECTION CITY OF SAN DIEGO POLICE PROTECTION CITY OF SAN DIEGO SCHOOLS DEL MAR UNION SCHOOL DIST. DEL MAR ELEMENTARY CARL WARREN JR. HIGH SCHOOL SAN DIEGO UNION HIGH SCHOOL
 9. EARTHWORK QUANTITIES: CUTS: 36,000 CY FILLS: 3,600 CY IMPORT/EXPORT: 32,400 CY
 10. LAMBERT COORDINATES: 290-1888
 11. ASSESSOR'S PARCEL NUMBERS: 307-051-17
 12. MAX. FILL SLOPES: 2:1 / MAX. CUT SLOPES: 2:1
 13. PARCELS 3 & 4 WILL HAVE RESIDENTIAL FIRE SPRINKLER SYSTEM.
 14. HOUSE ADDRESS WILL BE POSTED AT CUL-DE-SAC
 15. PARCELS 3 & 4 WILL USE PRIVATE SEWER PUMP SYSTEM AND GRANTY TO PUBLIC SEWER IN ARROYO SORRENTO PLACE
 16. PARCELS 1, 2, 3 & 4 WILL RECORD A 34' WIDE PRIVATE DRIVEWAY AND UTILITY EASEMENTS
 17. THE ON-SITE DRIVEWAY IS A PRIVATE DRIVEWAY AND WILL HAVE A PERMIT TO BE OBTAINED FROM THE CITY OF SAN DIEGO FOR MAINTENANCE OF THE PRIVATE DRIVEWAY AND SECURITY GATE.
 18. ALL SINGLE FAMILY DWELLINGS TO BE BETWEEN 4,300 AND 12,000 SQUARE FEET. SEE SHEET 2 AND 3 FOR DETAILS.
 19. ALL DRIVEWAYS ARE PRIVATE WITH GATED ENTRY.
 20. SEE BRUSH MANAGEMENT PLAN FOR PROPOSED ZONES & NOTES.
 21. ENHANCED FENCEMENT WITH PRIVATE DRIVEWAY MAY BE PERMITTED BY SUBDIVISION ENGINEER.
 22. OWNER RESERVES THE RIGHT TO INTERCEPT DRIVEWAY R/W WITH LOT LINES AT GREATER THAN 10 DEGREES FROM PERPENDICULAR OR RADIAL.
 23. FINISH ELEVATIONS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE IN FINAL DESIGN. ALL DISTANCES ARE APPROXIMATE. ALL SLOPES ARE 2:1 UNLESS OTHERWISE INDICATED.
 24. PARCELS 1 THROUGH 4 WILL BE CUSTOM PARCEL SALES AND EACH HOUSE WILL VARY IN ARCHITECTURE.
 - 25.
 26. MHFA CONSERVATION EASEMENT DEDICATED HEREIN.
 27. TOTAL AMOUNT OF SITE GRADED: EXIST. SITE GRADED (OFFSITE): 0.79 AC. EXIST. SITE GRADED (ONSITE): 3.17 AC. PROPOSED ADDITIONAL GRADING: 0.70 AC. TOTAL AMOUNT OF SITE GRADING: 4.75 AC.
 28. PERCENT OF SITE GRADED: 44.7%
 29. EXISTING AMOUNT OF SITE GRADED: 4.06 ACRES
 30. EXISTING PERCENT OF SITE GRADED: 38.2%
 31. AMOUNT OF SITE WITH 25% SLOPES OR GREATER AREA=8.10 AC.
 32. PERCENT OF TOTAL SITE WITH 25% SLOPES OR GREATER: 81.0%
 33. TOPOGRAPHY PREPARED BY CEA ON 2-16-2000, DATUM IS U.S.L.
 34. A VEHICLE STROBE DETECTOR SYSTEM, WITH KNOX KEYSWITCH OVER RIDE, SATISFACTORY TO THE FIRE MARSHAL, SHALL BE INSTALLED ON THE GATED ACCESS ACROSS DRIVEWAY "A". A DIRECTORY IN ACCORDANCE WITH FIRE DEPARTMENT POLICY 1-93-8, SHALL BE PLACED AT THE INTERSECTION OF ARROYO SORRENTO PLACE AND DRIVEWAY "A".
 35. MINIMUM 24 INCH BOX SIZE STREET TREES SHALL BE INSTALLED WITHIN 10 FT. OF THE FACE OF CURB AND IN OPENINGS HAVING A MINIMUM 40-SF. OF AIR- AND WATER-PERMEABLE AREA AS FOLLOWS:
 STREET FRONTAGE NO. OF STREET TREES
 ARROYO SORRENTO PLACE 4
 COASTAL 1
 36. GRADED PAD AREAS SHALL BE HYDROSEDED TO PREVENT EROSION, IN THE EVENT THAT CONSTRUCTION OF BUILDING(S) DOES NOT OCCUR WITHIN 45 DAYS OF FOLLOWING GRADING.
 37. PRIVATE INDIVIDUAL HOMEOWNER IS RESPONSIBLE FOR THE LONG TERM MAINTENANCE OF THE PROJECT AREAS INSIDE THEIR LOT.
 38. RETAINING/CORB WALLS: QUANTITY=5 MAXIMUM LENGTH=210 FEET MAXIMUM HEIGHT=OUTSIDE HOUSE BASEMENT, 12' PAD (OUTSIDE HOUSE WALL) 6'
 39. MAX LOT COVERAGE 20% SITE DEVELOPMENT PERMIT.

VTPM, CDP, REZONE, PLANNED DEVELOPMENT PERMIT

PREPARED BY: NAME: COOPER ENGINEERING ASSOCIATES ADDRESS: 8369 WICKERS ST., STE. C SAN DIEGO, CA. 92111 PHONE NO.: (619) 277-0441	REVISION 1: _____ REVISION 2: _____ REVISION 3: _____ REVISION 4: _____ REVISION 5: _____ REVISION 6: _____ REVISION 7: _____ REVISION 8: _____ REVISION 9: _____ REVISION 10: _____
PROJECT ADDRESS: 11850 ARROYO SORRENTO PL. SAN DIEGO, CA. 92130	PROJECT NAME: THE ESTATES AT COSTA DEL MAR
SHEET TITLE: ZONING EXHIBIT	ORIG. DATE: 2-10-03 SHEET 1 OF 1 PROJECT NO. 8693882-P-1 PERMIT NO. 40-0247



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 agricultural zones established in this division, as shown in Table 131-03A.

EXHIBIT NO. 5
APPLICATION NO. SDLCPA #1-02B
Agricultural Zones Pages 1-13
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 »	AG		AR	
	3rd »	1-		1-	
	4th »	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	
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:					
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 Facilities		-		-	
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 & Dismanting 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* and implement the *MHPA*

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§ 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⁾ -
		1-	2-	1-	1-	1-
		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⁾
Natural Resources Preservation	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⁾ -
	3rd »		1-	2-	1-	1-		1-
	4th »		1	1	1	1	2	1
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 »	3rd »	OP-		OC-	OR ⁽¹⁾	OF ⁽¹²⁾
			1-	2-	1-	1-	1-
	4th »	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-
	3rd »		1	1	1	1	2
4th »		1	1	1	1	1	
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	-	-	-	-	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 primary use:							
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-	
	3rd »	1	1	1	1	1	
	4th »	1	1	1	1	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
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 Density (DU Per Lot)		--	--	--	1 ⁽²⁾	1 ⁽⁵⁾	--
Min Lot Area (ac)		--	--	--	10	10	10
Allowable Development Area (%)		--	--	--	25 ⁽³⁾	25 ⁽⁴⁾	--
Min Lot Dimensions							
Lot Width (ft)		--	--	--	200	200	500
Street Frontage (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

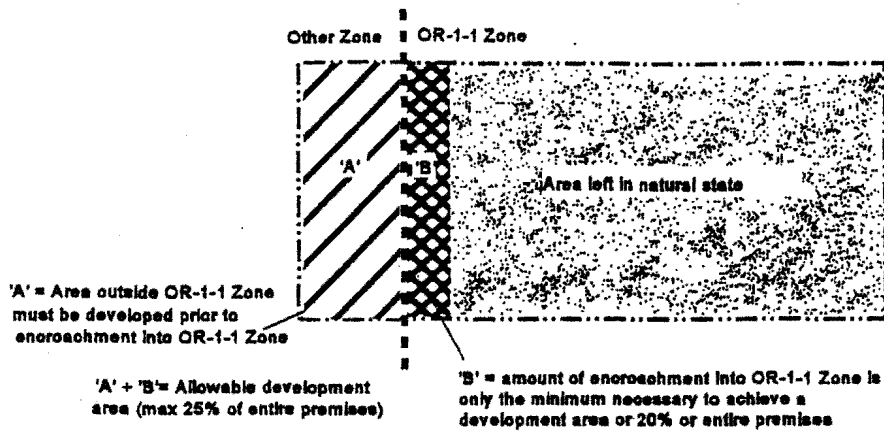
- (a) Within the OR-1-1 zone, an exception to the permitted residential density of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) The proposed *development* shall 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

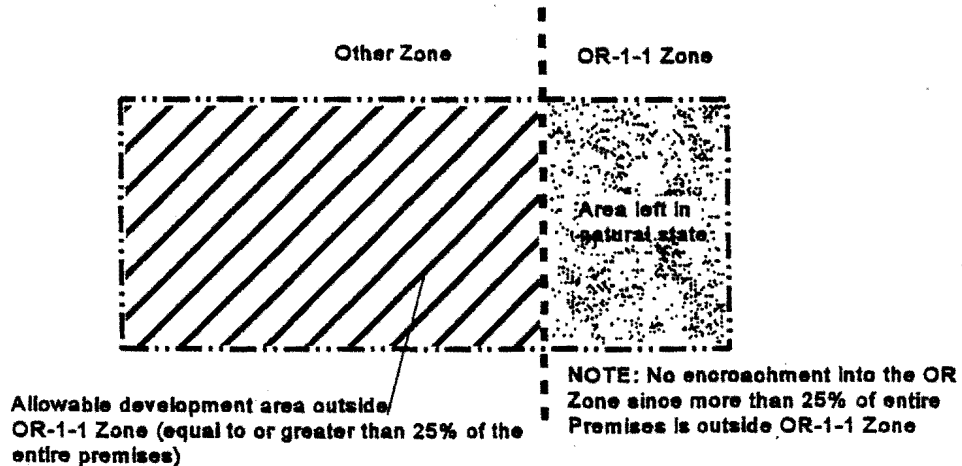
- (a) Within the OR-1-1 zone, up to 25 percent of the *premises* may be developed subject to the following:
 - (1) If 25 percent or more of the entire site is not in its natural state due to existing *development*, any new *development* proposed shall occur within the disturbed portion of the site and 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.

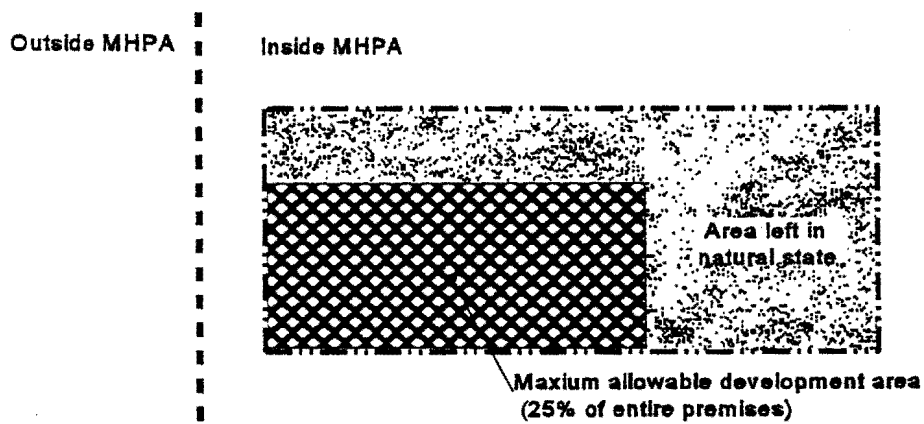
Diagram 131-02B
Allowable Development Area Without Encroachment into OR-1-1 Zone



- (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).

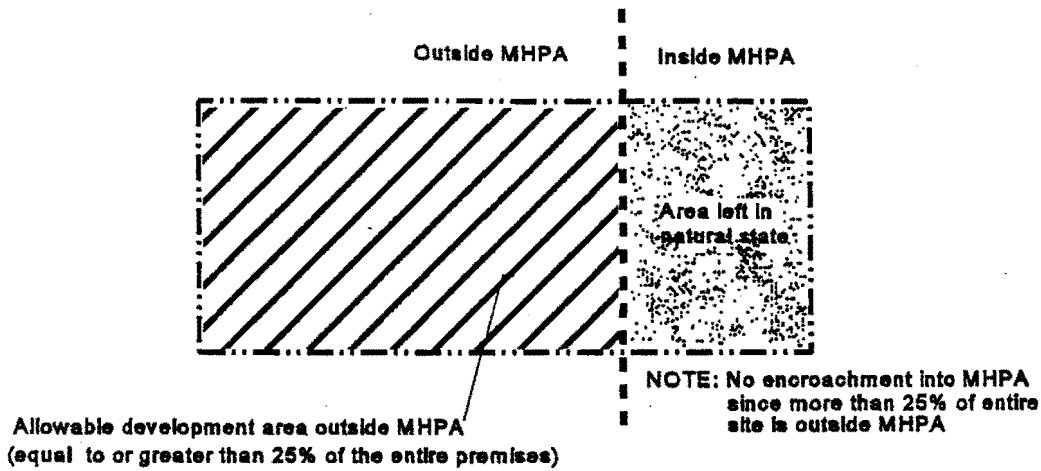
- (b) A *premises* within the OR-1-2 zone, within or partially within the *MHPA* is subject to the following regulations:
- (1) If the *premises* is located entirely within the boundary of the *MHPA*, a maximum of 25 percent of the site may be developed. See Diagram 131-02C.

Diagram 131-02C
Allowable Development Area Entirely Within MHPA



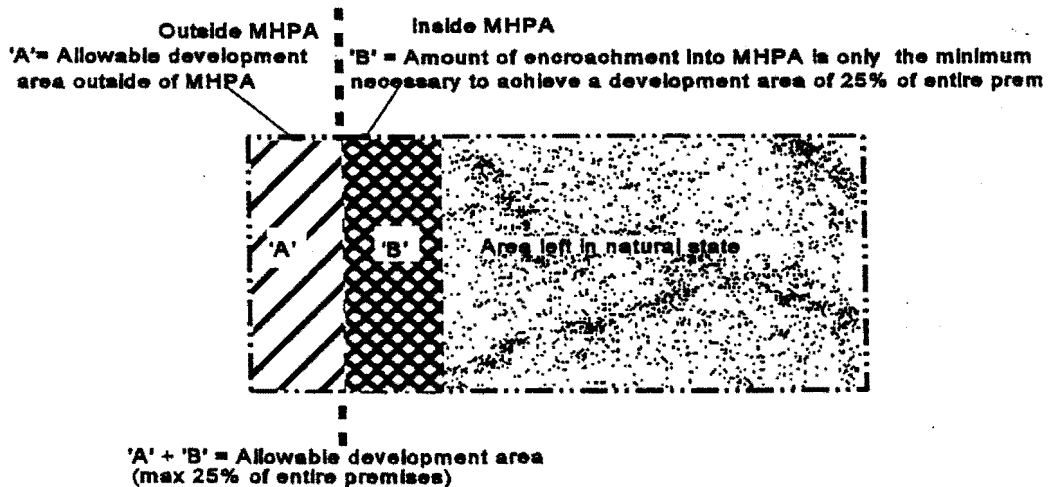
- (2) If the *premises* is located partially within the boundary of the *MHPA*, any *development* proposed must occur on the portion of the *premises* not within the *MHPA*. See Diagram 131-02D. If the portion of the *premises* not within the *MHPA* is greater than 25 percent of the *premises* area, 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).

