

11/10/97

RESOLUTION NUMBER R- 289458

ADOPTED ON NOV 18 1997

A RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT (EIR) NO. 96-0333 AND ADDENDUM NO. 96-7897 TO EIR NO. 96-0333, AND ADOPTING FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE APPROVAL OF THE LAND DEVELOPMENT CODE.

WHEREAS, on May 23, 1996, The City of San Diego initiated review of the proposed Land Development Code pursuant to the California Environmental Quality Act of the 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations section 15000 et seq.); and

WHEREAS, the Land Development Code 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 October 28, 1997, and continued to November 18, 1997; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report (EIR) No. 96-0333 and Addendum No. 96-7897 to EIR No. 96-0333; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in Environmental Impact Report No. 96-0333/SCH No. 96081056 and Addendum No. 96-7897 to EIR No. 96-0333, 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 reports reflect the independent judgment of The City of San Diego as Lead Agency and that the information contained in said reports, 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 Development Code and related implementing actions.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk as Document No. RR- 289458-1, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk as Document No. RR- 289458-2, and incorporated herein by reference, with respect to the project.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

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City of San Diego
Development
Services
Department



Land Development
Review Division
(619) 236-6460

Environmental Impact Report

DEP No. 96-0333
SCH No. 96081056

SUBJECT: Land Development Code. Various CITY COUNCIL actions including the ADOPTION of the proposed Land Development Code to be incorporated as Chapters 12, 13 and 14 of the Municipal Code; AMENDMENT and RE-ADOPTION of previously adopted Chapter 11; REPEAL and AMENDMENT of certain chapters of the Municipal Code, including Chapter 10 and portions of Chapters 2, 5, 6 and 9; AMENDMENT of the non-conforming use and premises regulations and renaming to "previously conforming" uses and premises; AMENDMENT of the Local Coastal Program implementing ordinances and other documents in the Local Coastal Program; ADOPTION of categorical exclusions within the Coastal Zone; MODIFICATION of existing planning and zoning support documents and ADOPTION of new support documents; AMENDMENT of zone regulations; and READoption of the Uniform Building Code, the National Electrical Code, the Uniform Mechanical Code and the Uniform Plumbing Code.

Applicant: City of San Diego.

CONCLUSIONS:

Subsequent to preparation of the Draft EIR, revisions to the proposed Land Development Code and Land Development Manual have been made. A summary of the revisions is provided in the Preface to the Final EIR following these conclusions. In addition, several comment letters received on the Draft EIR contained accepted revisions which resulted in changes to the Final EIR text. The revision to the project and Final EIR do not include significant new information and would not result in a new significant environmental impact or a substantial increase in the severity of an environmental impact and do not include a new feasible project alternative that would lessen the environmental impacts of the project. Therefore, recirculation of the EIR is not required consistent with CEQA (Public Resources Code section 21092.1) and section 15088.5 of the State CEQA Guidelines.

The Municipal Code is an important tool for implementation of the City's Progress Guide and General Plan. Currently the planning, zoning, engineering and building regulations are located throughout Chapters 2, 5, 6, 9, 10, and 11 of the Municipal Code. The proposed Land Development Code is the location within the Municipal Code for definitions, procedures, zones, and regulations which are used in the development of property other than within the planned districts.

The Municipal Code was revised in 1991 to add Chapter 11 as Phase I of a comprehensive update. The first phase streamlined and reduced the processing

procedures for development actions and standardized the application and noticing requirements. The current proposed project is the second phase of the comprehensive update and includes revisions and reformat of several chapters of the Municipal Code relative to the development process.

The proposed Land Development Code consolidates all development regulations into a sequence of four chapters of the Municipal Code. Technical manuals, standards and guidelines are being consolidated into a Land Development Manual. The Planned Districts have not been substantively revised as part of the proposed project and remain in Chapter 10 of the Municipal Code.

In reports to the City Council, the City Manager identified the overall goals of the Code update project:

Clarity

To write land development regulations which are easy to understand

Objectivity:

To write land development regulations that mean the same thing to everyone

Consistency:

To eliminate contradictions among all land development regulations

Predictability:

To make it clear what land development regulations apply to a project and what to expect from following them

Simplicity:

To reduce the complexity of land development regulations

Adaptability:

To allow for tailoring of land development regulations to fit unique features of the City

Progressiveness:

To use new ideas while retaining the best of existing land development regulations

Integrity:

To develop a code framework which is standardized but which is flexible enough to accommodate future changes

The proposed Code includes changes to existing citywide zones: name changes; changes to permitted uses; and changes to development regulations. There are several new zones that are created to implement existing land use policy; however these new zones would not be applied until: requested by a property owner; proposed as part of a land use plan adoption process; or proposed as part of land use plan consistency rezoning.

There are several proposed procedural changes. The revisions to use regulations include revisions to accessory use regulations. There are proposed revisions to Decision Process 2 which include making it a discretionary review and approval process. Proposed revisions to permit types include reducing the number from more than 80 to 14; variance procedures remain unchanged. The project proposes changes to the regulations for previously conforming uses and premises.

The proposed project includes changes to the development regulations as part of the zone changes. In addition, the project proposes changes to resource protection regulations: there are new Environmentally Sensitive Lands Regulations

which protect sensitive biological resources and hillsides, coastal bluffs and beaches and wetlands. The project includes proposed Historical Resource Regulations, revisions to the Parking Regulations, and revisions to the Landscape regulations.

This EIR analyzes the potential effects to existing on-the-ground conditions if the proposed project were to be implemented. The analysis does not include a comparison between the existing regulations and the effects of implementation of the proposed regulations (plan-to-plan analysis). Descriptions of the existing regulations are included in both Chapter II, Environmental Setting, and Chapter III, Project Description of the attached EIR.

Natural Communities Conservation Plan

On March 25, 1993, the U.S. Fish & Wildlife Service listed the California gnatcatcher as a threatened species under the federal Endangered Species Act (ESA). On December 10, 1993, the federal ESA Section 4(d) rule became effective, affecting projects at all stages of the development process. Where future projects include take of California gnatcatcher and/or its habitat, a permit will be required: either from the USFWS (pursuant to ESA section 7 or 10(a)), or from the City (pursuant to ESA section 4(d)). The Section 4(d) permit process is tied to the state's Natural Communities Conservation Program (NCCP).

The City is enrolled as a participating agency in the state's NCCP, which requires tracking of impacts on coastal sage scrub habitat. (The City's Multiple Species Conservation Program has been accepted by the state as an equivalent to the NCCP.) The NCCP allows the City to approve the loss of up to five percent of existing coastal sage scrub habitat. Approval must also comply with the state NCCP Process Guidelines, which require findings relative to the affect on regional preserve planning, and require that mitigation be adopted. The NCCP Conservation Guidelines have indicated that a five percent loss of coastal sage scrub habitat is acceptable within any individual subregion during the preparation of a subregional NCCP or its equivalent (e.g. MSCP Subarea Plan). Within the City of San Diego, the five percent cumulative loss allowed is 1186 acres of coastal sage scrub.

Total loss allowed:	1186.00 acres
Cumulative actual loss to date:	488.85 acres
Loss due to this project:	0.00 acres
Total cumulative loss:	488.85 acres
Remaining loss allowed:	697.15 acres

Note: Planned loss to date (i.e. approved projects for which grading permits have not yet been obtained) is 530.57 acres.

Approval of the proposed project does not constitute approval of an actual specific development project whereby there would be known loss of coastal sage scrub. Future development in accordance with the proposed regulations would require a permit, either through the City or through the USFWS if loss of coastal sage scrub would result from the proposed activities.

Multiple Species Conservation Program

The Draft Multiple Species Conservation Program (MSCP) is a comprehensive habitat conservation planning program which addresses the habitat needs for 87 covered species and the preservation of natural communities for a 900-square mile area in southwestern San Diego County. The proposed preserve system would replace the currently fragmented, project-by-project biological mitigation areas, which by themselves do not contribute adequately to the continued existence of sensitive species or the maintenance of natural biodiversity. The program creates a process for the issuance of federal and state permits and other authorizations according to the state and federal Endangered Species Acts and the NCCP Act of 1991.

Several of the elements of the proposed project are designed to implement the MSCP. The Environmentally Sensitive Lands Regulations, the Biology Guidelines, and the OR-1-2 zone contain regulations for the protection of sensitive biological resources as identified in the City's Subarea Plan for the MSCP.

The issue of the proposal's effect on long-term conservation of biological resources is analyzed in terms of meeting the goals and objectives of the Multiple Species Conservation Program. Thus, only target species are considered with regard to long-term adverse effects on conservation. This EIR provides no independent analysis whether the design of the MSCP preserve will achieve long-term conservation. The analysis of that issue is provided in the EIR for the MSCP. This EIR uses as a baseline assumption the conclusion of the MSCP EIR that the preserve design and the associated implementation program is adequate for long-term conservation of the covered species. Thus there are two parts of the analysis in this EIR with regard to long-term conservation of biological resources: (1) whether the proposed project adequately achieves the goals and objectives of the MSCP for long-term conservation of covered species and (2) how non-covered species will be affected by the proposed regulations.

Alternatives

There are four alternatives analyzed in the EIR. Alternative 1 is the No Project alternative. Alternatives 2 and 3 concern resource protection regulations and Alternative 4 describes language alternative to the proposed regulations, which, if adopted would avoid or lessen impacts of the proposed project. Therefore, Alternative 4 is environmentally superior to the proposed project. The project alternatives are described more fully below and in Chapter VIII of the EIR.

SIGNIFICANT IMPACTS

Implementation of the proposed Land Development Code would result in unavoidable impacts: those effects which would result from implementation of a project as proposed in spite of the best efforts to minimize environmental effects. Since the proposed project is limited to ordinance language, guidelines and standards, there are no conditions of approval upon which to attach mitigation measures. The only way to avoid the potentially significant effects, as identified in the attached EIR, is through the adoption of one or more alternatives. The following have been identified as potentially significant effects of implementation of the proposed project.

Land Use: inconsistency with environmental goals of adopted land use plans relative to the protection of important and sensitive resources; loss of important agricultural land and mineral resources due to regulations for implementation of the Multiple Species Conservation Program preserve.

Biological Resources: lack of wetland buffer regulations; potentially significant losses of populations of species not covered by the MSCP preserve design and the City's Subarea Plan; potential preclusion of adequate wildlife corridors for species not covered by the MSCP preserve design and the City's Subarea Plan.

Landform Alteration: loss of existing natural landforms, which are considered sensitive resources, through future grading consistent with the regulations of the proposed Code.

Historical Resources: loss of archaeological resources and historical buildings, structures, objects and landscapes consistent with regulations of the proposed Code.

Paleontological Resources: the proposed regulatory scheme does not provide for detection, investigation, collection or preservation of paleontological resources; therefore, there could be a significant loss of resources where projects are not subject to environmental review.

Human Health and Public Safety: potential impacts related to mosquito-borne diseases as mosquito breeding may increase due to drainage/sediment control structures required by the proposed regulations.

In addition to the effects directly attributable the project (project-specific impacts), the project would result in effects on an incremental basis, which when added to other past, present, and reasonably foreseeable future projects would be cumulatively significant. The following are effects of the project which would incrementally contribute to an impact that would, in combination with other effects, be cumulatively significant.

Soils/Erosion Hazard: New development anticipated to occur in accordance with the proposed project would result in increased erosion from exposed soil areas; the resulting sediment ultimately affects downstream wetland and lagoon areas.

Air Quality: There would be new development in accordance with the proposed regulations which would result in increased emissions from traffic and commercial and industrial activities.

Hydrology/ Water Quality: The proposed regulations do not include provisions to control volume or pollutant tolerance levels of runoff from urban areas. With a greater amount of impervious area, there is increased runoff and increased volume of pollutants carried by the runoff.

Biological Resources: There would be losses of species currently identified as sensitive, as well as loss of populations not currently identified as sensitive;

increased pressure to develop outside the MSCP preserve would have cumulatively significant effects on biodiversity and population levels.

Land Use: With development pressure shifted to areas not within the MSCP preserve, there may be increased urbanization or intensification of land use not presently subject to these kinds of development pressures. This pressure could result in potentially significant secondary and cumulative impacts on historical, biological and landform resources.

Transportation/Circulation: New development in accordance with the proposed regulations would increase traffic volumes in the City; the incremental increases in traffic as a result of future projects would be cumulatively significant.

Landform Alteration: The proposed regulations would result in loss of landforms including hillsides; the incremental loss of these unique landscape features would be cumulatively significant.

Historical Resources: Development pressure from implementation of biological conservation programs may result in development of areas with significant historical resources that may otherwise have been left undisturbed; the incremental losses of historical resources would be cumulatively significant.

Paleontological Resources: Since the proposed project contains no regulations to protect paleontological resources, fossil resources would only be detected and researched when development projects are subject to environmental review. There would be incremental losses of fossil resources both because there are no regulatory protections, and due to development that is likely to occur in accordance with the proposed regulations.

ALTERNATIVES FOR SIGNIFICANT IMPACTS:

There are four project alternatives that would avoid or lessen the significant impacts identified above. These alternatives are described in greater detail in Chapter VIII of the attached EIR.

1. No Project

According to this alternative, the City Council could reject in full the proposed Land Development Code and not take the associated actions. This alternative would result in a continuation of existing zoning and regulations.

If this alternative is adopted, the goals of the zoning code update project would not be met. The proposed changes to the Code which would make it easier to understand and use would not be effected and the benefit of a more uniform organization of regulations would not be realized.

2. Alternative Biological Resource Protection

According to this alternative, the specific elements of the proposed project which would implement the Draft MSCP would not be adopted; however, all the other elements of the proposed resource protection regulations would be retained and adopted. That is, the following proposed regulations would remain: the hillside regulations; the landscaping regulations; the historical resource regulations; regulations for development in floodplains and sensitive coastal resource areas;

and coastal beaches and bluffs regulations. As proposed, the protection for wetland buffers would be eliminated.

This alternative includes elimination of the distinction between lands within the MSCP preserve and outside the preserve boundary. This alternative would most closely approximate the biological resource protection regulations that exist currently. Protection of sensitive biological resources would be achieved by applying citywide biological resource protections that are proposed to apply only in the MSCP preserve.

Adoption of this alternative would mean that the MSCP would not be implemented. Protection of biological resources would continue to be effected in a piecemeal fashion, rather than being directed toward a large contiguous landholding as a preserve.

3. Retain Existing Resource Protection Regulations

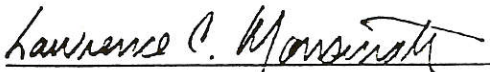
With this alternative, all of the proposed resource regulations would be rejected, including the Environmentally Sensitive Lands Regulations, the Historical Resource Regulations, the OR-1-2 Zone, and portions of the Biological Guidelines. The existing regulations would be retained, including Resource Protection Ordinance, the Sensitive Coastal Resource Overlay Zone, and the Hillside Review Overlay Zone. The protection of wetland buffers would be retained.

This alternative would avoid impacts to sensitive biological, hillside and historical resources that would occur with implementation of the proposed project.

4. Alternative Language for Specific Sections of the Proposed Project

Since the project is primarily changes to ordinances, guidelines and standards, there are no conditions of approval upon which to attach mitigation measures. Thus, avoidance of significant impacts of the proposed regulatory scheme can be achieved by revising the regulatory language such that significant effects would not result. This alternative provides, in concept, regulatory language that would avoid the impacts in the areas of paleontological resources, historical resources, biological resources (wetlands and wetland buffers), and human health/public safety.

Unless project alternatives are adopted, project approval will require the decision-maker to make Findings, substantiated in the record, which state that: a) project alternatives are infeasible, and b) the overall project is acceptable despite significant impacts because of specific overriding considerations.


Lawrence C. Monserrate
Principal Planner
Development Services Department

December 6, 1996
Date of Draft Report

April 8, 1997
Date of Final Report

Analyst: Baker

PUBLIC REVIEW:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency:

City of San Diego

Mayor Susan Golding (MS 11A)
Councilmember Mathis, District 1 (MS 10A)
Councilmember Wear, District 2
Councilmember Kehoe, District 3
Councilmember Stevens, District 4
Councilmember Warden, District 5
Councilmember Stallings, District 6
Councilmember McCarty, District 7
Councilmember Vargas, District 8
Community and Neighborhood Services Bus. Ctr.- Betsy McCoulloch (MS 4A)
Community and Neighborhood Services Bus. Ctr.- Nancy Acevedo (MS 37)
Public Works Bus. Ctr. - Frank Belock (MS 9B)
Public Works Bus. Ctr. - Richard Hayes (MS 1102-A)
Public Works Bus. Ctr. - Mike Steffen (MS 51A)
Community & Economic Development - Kurt Chilcott (MS 9A)
Park & Recreation - Marcia McLatchy (MS 9A)
Assistant City Manager - Penelope Culbreth-Graft (MS 9A)
Deputy City Attorney Prescilla Dugard (MS 59)
Development Services - Tina Christiansen (MS 9A)
Wetlands Advisory Board - Robin Stribley (MS 37C)
Public Works Bus. Ctr. - Cruz Gonzales (MS 9B)
Public Works Bus. Ctr.- Susan Hamilton (MS 905)

Federal Agencies

SW Division, Naval Facilities Engineering Command (12)
NAS Miramar (14)
USMC - Col. Pender, Marine Air Base, El Toro
Army Corps of Engineers (26)
Border Patrol, William Pink (22)
Fish and Wildlife Service (23)
Department of Agriculture (25)
Bureau of Land Management, 6221 Box Springs Boulevard, Riverside, CA 92507
EPA Region 9
Marc Ebbib, Dept. Interior, Asst. to Secretary
600 Harrison Street #545, San Francisco, CA 94107

Vicki Kingslien, Director, Resource Management Division,
425 "I" Street NW #2060, Washington D.C. 20536
Tom Stahl, Asst. U.S. Attorney, 880 Front Street #6293, San Diego 92101
Pete Stine, National Biological Survey, 1920 20th Street
Sacramento, CA 95514
Lynn Cox, Office of the Solicitor, Dept. Interior, 2800 Cottage Way #2753
Sacramento, CA 95628

State of California

California Coastal Commission (47, 48)
State Clearinghouse (46)
CALTRANS (31)
Fish and Game (32)
Park and Recreation (40)
Regional Water Quality Control Board (44)
Native American Heritage Commission (56)
Department of Conservation (61)
Lands Commission (62)
Forestry
Office of Historic Preservation

County of San Diego

Board of Supervisors, Chair, 1700 Pacific Highway, San Diego 92101
DPLU- Tom Oberbauer (MS-065)
Public Works - Tom Garibay (MS 0336)
Parks and Recreation - Mike Kemp (MS -065)
Agriculture (MS -01)
Environmental Services Unit - Anna Noah (MS -0385)
County Health Department

Cities

Chula Vista (94)
Del Mar (96)
El Cajon (98)
Escondido (98)
Imperial Beach (99)
La Mesa (100)
Lemon Grove (101)
National City (102)
Poway (103)
Santee (104)
Solana Beach (105)
Carlsbad, 1200 Carlsbad Village, 92008
Encinitas, 505 S. Vulcan, 92024
Oceanside, 300 N. Hill St. 92054
San Marcos, 1 Civic Ctr. Dr., 92-69
Vista, P.O. Box 1988, 92085
Coronado (95)

The Public Notice and/or Draft EIR is also distributed to the:

MSCP Working Group
Zoning Code Update Citizens' Advisory Committee
Zoning Code Update Mailing List
Recognized Community Planning Groups
Main and Branch City Libraries

Other Interested Parties

County Water Authority (73)
San Diego Association of Governments (108)
San Diego Gas & Electric (114)

San Dieguito River Park JPA (116)
UCSD Library (134)
Sierra Club (165)
S. D. Natural History Museum (166)
San Diego Audubon Society (167)
California Native Plant Society (170)
Ellen Bauder (175)
SW Center for Biological Diversity (176)
Citizens Coordinate for Century III (179)
Endangered Habitats League (182)
San Diego Historical Society (211)
San Diego Museum of Man (212)
Save Our Heritage Organization (214)
San Diego County Archaeological Society (218)
California Indian Legal Services (225)
San Diego City Schools, Mel Roop, 4100 Normal St., San Diego, CA 92103
Opal Trueblood, 13014 Caminito del Rocio, Del Mar, CA 92014
La Jolla Town Council, 1055 Wall Street, Suite 110, La Jolla, CA 92038

Copies of the draft EIR, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but the comments do not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.
- (X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.

PREFACE TO THE FINAL EIR FOR THE PROPOSED LAND DEVELOPMENT CODE AND ASSOCIATED ACTIONS

Subsequent to preparation of the Draft EIR, revisions to the proposed Land Development Code and Land Development Manual have been made. Strikeout/redline versions of the revised Code and Manual have been prepared and are available for public review. In addition, several comment letters on the Draft EIR contained acceptable revisions which resulted in changes in the Final EIR. The Responses to Comments indicate where revisions have been made. The Final EIR reflects revisions made in response to public comment and changes in the project. Major changes to the EIR and in the project are summarized below. The revisions to the project and Final EIR do not constitute significant new information and recirculation of the EIR is not required.

FINAL EIR

- The Biological Resources analysis was revised to delete the discussion regarding Biological Survey Reports. It was determined, subsequent to preparation of the Draft EIR, that the requirements for Biological Survey Reports would not have a significant impact on biological resources.
- Alternative 4 was expanded to include more specifics with regard to alternative regulatory language which, if adopted, would avoid or reduce the significant impacts identified with the proposed project language. The Final EIR includes greater detail on alternative language in the areas of biological resources, brush management, and landform alteration. The Final EIR does not include alternative language relating to marine industrial uses because the regulations were revised since preparation of the Draft EIR.

LAND DEVELOPMENT CODE

Chapter 11

- Diagram 112-05A (Decision Processes With Notices) has been revised to reflect that community planning groups receive notice and to reformat the key for clarification.
- Various defined terms have been added, deleted, and modified. The term Archaeological Site has been deleted. The definition of Coastal Bluff Edge has been modified to be more consistent with the existing Municipal Code by including reference to changing downward gradient. The terms Designated Historical Resource, Historical Building, Historical District, Historical Landscape, Historical Object, Historical Structure, and Important Archaeological Site have been modified for clarity and to be consistent with the revised Historical Resources Regulations. MHPA has been added as a defined term to replace MSCP Preserve and means the multiple habitat planning areas as identified by the City of San Diego MSCP Subarea Plan. The MHPA includes areas to be preserved and areas where development may occur. MSCP Preserve was deleted as a defined term. MSCP Subarea Plan was added to describe the plan. The Sensitive Biological Resources definition was modified to delete habitat of species of special concern and California fully protected species. The term Significant Archaeological Site has been deleted. SRO Hotel Room was revised so that it may not contain a kitchen and may have shared sanitary facilities. Wetlands depicted on Map C-713 (coastal wetlands) have been included in the

definition of a wetland.

- Various Rules for Calculation and Measurement have been modified. Bluff rounding and erosional processes were added in determining the coastal bluff edge which is consistent with the existing Municipal Code. In determining existing grade, added grade that existed on March 4, 1972 will be considered existing grade, when a premises is disturbed. The grading proposed with a tentative map will be used as existing grade when the map is approved. In determining proposed grade, the highest floor of a multi-floor basement will be used. Limitations were added to the calculation of gross floor area for enclosed space built over open, at-grade space. Clarification of regulations for measuring structure height when a basement is proposed.

Chapter 12

- Revisions to Neighborhood Use, Conditional Use, Neighborhood Development and Site Development Procedures to be consistent with changes in Chapters 13 and 14 were made. A finding for environmentally sensitive lands was added which requires consistency with the MSCP Subarea Plan. A new finding was added for those developments that are requesting deviations as part of the Planned Development Permit. Thresholds and findings for disturbance of Class II historical resources have been deleted. The remaining supplemental findings for historical resources were revised to be consistent with revised regulations.
- Categorical Exclusions from a Coastal Development permit were deleted. An exemption was added for demolition and alteration of a structure within the coastal zone if it is not a historical resource. An exemption was added for single dwelling unit development in the coastal zone if it does not exceed 80 percent of the allowable floor area ratio and height. The decision process for a Coastal Development permit was changed from Process Three to Process Two.
- Language was added to clarify the loss of previously conforming rights a premises or use is brought into conformance. References to previously conforming parking and landscape regulations that are contained in Chapter 14 were added.

Chapter 13

- Revisions were made to the use categories and subcategories for base zones and minor revisions were made to the use regulations tables. Clarifications were made to the mobile home park, multiple dwelling unit, and single dwelling unit use subcategories to better link the definition to the lot or premises. Repair, distribution and assembly were deleted from the retail sales use category. Photographic services was added to the business support use subcategory. New commercial services subcategories were added for funeral and mortuary services and radio and television studios. The public assembly and entertainment subcategory was revised for clarity. The light manufacturing subcategory was revised to exclude any uses that utilize explosive, petroleum, or radioactive materials.
- Child care centers and private recreational facilities were added as conditional uses in the OP-1-1 zone and park maintenance facilities were added as permitted uses in the OP-2-1 zone. Minor telecommunication facilities are a limited use in those zones where they are allowed. Golf course driving ranges are limited within the MHPA. Revisions to the regulations for development area

were made to clarify that all of the area outside of the MHPA can be developed unless otherwise limited. Clarifications were added explaining when the additional 5 percent development area may be utilized.

- Interpretive centers were added as a permitted use in the AG zones and energy generation and distribution facilities were added as a conditional use in the AR zones. Minor telecommunication facilities are a limited use in the AG, AR and all residential zones.
- Development regulations for parking lot orientation were clarified. Many uses that were previously shown as permitted or conditionally permitted are no longer permitted when they are not consistent with other uses allowed in the particular zone or may now require a conditional use permit. Marine industry was deleted as a permitted use in the CR, CV and CC-5 zones. Funeral and mortuary services and radio and television studios have been added as permitted uses in all CR, CC, IL-2-1, IL-3-1, and IH-2-1 zones.
- Radio and television studios have been added as permitted uses in all industrial zones except the IP-1-1 and IH-1-1 zones. Sports arenas and stadiums have been added as conditional uses in the IP-2-1, IL-2-1, IL-3-1, and IH-2-1 zones. Camping parks have been deleted as a conditional use from all industrial zones. Impound storage yards have been revised from a conditional use to a permitted use in the IL-2-1, IL-3-1, and IS-1-1 zones and deleted from the IP-1-1 and IP-2-1 zones. Marine industry and marine related uses have been added as a permitted use in the IL-2-1 zone.

Chapter 14

- Parking standards for uses not covered in the Parking Regulations were added. Employee housing and communication antenna regulations were revised. The decision process for automobile service stations was changed from Process Two to Process Three. Processing and packaging of plant and animal products was moved from agricultural use category to industrial use category.
- The applicability table for Landscape Regulations was clarified. The plant point schedule increased and plant material, irrigation, and area requirements were clarified. Yard planting area and point requirements were revised to include the existing Municipal Code planting point reduction. Overall plant point requirements were reduced. Revegetation requirements were revised to reflect requirements from the Landscape Technical Manual. Minor clarifications to brush management and water conservation requirements were added.
- Text was added to clarify parking requirements for previously conforming premises and to provide for a Neighborhood Development permit for uses that have been discontinued for more than two years. Parking requirements were added for transitional housing, botanical gardens, exhibit halls, convention facilities, funeral parlors and mortuaries, and vehicle sales and rentals.
- The Site Development Permit exemption for interior or exterior modifications was revised to require a 40-foot setback from the coastal bluff edge for any second-plus story addition to a structure on a sensitive coastal bluff. A Site Development Permit exemption was added for minor improvements for existing structures on steep hillsides, consistent with the existing

Municipal Code. A Site Development Permit exemption was added for habitat restoration projects. The development area exemption for mining and extractive industries with the MHPA was deleted. An exemption from the development area limitations for sensitive biological resources for zone two brush management was added. Code enforcement regulations have been added for unlawful development in environmentally sensitive lands. Revisions were made to the emergency permit regulations to acknowledge that only authorization is necessary to impact environmentally sensitive lands in the event of an emergency and that a subsequent Site Development Permit will only be required if the impacts are permanent. The requirement for consultation with the wildlife agencies was revised to require that the applicant confer with the agencies. The regulations for unavoidable impacts to wetlands were revised to reference impacts associated with a deviation instead, since a deviation is the only way impacts to wetlands can be considered. The requirement to avoid impacts to narrow endemic species was revised to only apply inside the MHPA. Measures for protection of narrow endemic species outside the MHPA were added and specific mitigation requirements were deleted. A regulation requiring consistency with the City of San Diego MSCP Subarea Plan was added. Regulations for grading during wildlife breeding seasons were added. A clarification was added that the setbacks from the coastal bluff edge also apply to additions to existing structures.

- Regulations for Class II historical resources were deleted and regulations for remaining historical resources were reorganized. Minor modifications were made to the applicability text and table for clarification and consistency with revisions to regulations. Minor modifications were made to site-specific survey requirements to clarify language and allow areas to be exempted by the City Manager or Historical Resources Board. An exemption was added which provides for substantial alteration of a non-contributing structure located in a historic district. The exemption for an important archaeological site was modified to require a 100-foot setback with no discretion. Minor modifications were made to the general development regulations for clarification and to reference the Historical Resources Guidelines of the Land Development Manual. The requirement for Covenants of Easements was deleted.
- A Neighborhood Development Permit was added to the regulations applicability table for previously conforming parking for a discontinued use. In the regulations applicability table, the Site Development Permits for the Airport Approach Overlay Zone, the Airport Environs Overlay Zone, and the Clairemont Mesa Height Limit Overlay Zone were corrected to indicate a Process Three rather than a Process Five decision.
- The title and applicability of the general development regulations for Planned Development Permits (Section 143.0410) were revised so that they do not apply to those Planned Development Permits within Land Use Plans that require the permit in conjunction with another discretionary action. If deviations from any base zone development regulations are proposed, a requirement for compliance with the general development regulations was added. Some of the regulations in the general development regulations section were revised to state that they “should” be complied with, rather than “shall” be complied with, in order to provide flexibility in how a development can achieve compliance. The maximum permitted building coverage for residential projects was increased to 60 percent. Other minor revisions for clarification were made to other Planned Development Permit regulations.
- The purpose and applicability of the SRO hotel regulations was revised to include rehabilitation

of existing SRO hotels and rooms. The housing replacement requirement for new SRO hotel rooms to contain a sink and screened toilet was deleted in favor of revisions to the definition of SRO hotel room. Other minor revisions for clarification were made to other SRO hotel regulations.

LAND DEVELOPMENT MANUAL

Biology Guidelines

- The Development Regulations for development in the MHPA were revised to require avoidance of express impact-producing activities within specified distances of nesting sites of certain raptors, known locations of southwestern pond turtles, or occupied burrowing owl burrows. Regulations were added for protection of narrow endemic species outside the MHPA. Restrictions were added with regard to grading activities during the breeding seasons of several bird species.
- The procedures for impact analysis and mitigation were modified to clarify that a biological survey report is required for all proposed development subject to the ESL regulations or where a CEQA initial study has resulted in the determination that there may be a significant impact on biological resources considered sensitive pursuant to CEQA. Further, the guidelines were revised to clarify that the survey report must identify impacts to Sensitive Biological Resources and to other significant biological resources as determined pursuant to the CEQA process. The guidelines were revised to state that mitigation may be required for sensitive species not covered by the MSCP, pursuant to CEQA.

Coastal Bluffs and Beaches Guidelines

- The Guidelines are revised to reflect the revisions made to the definitions of coastal bluff edge and reference to the geology and rounding of the bluff edge was added to the explanation of this definition. The explanation of the definition of coastal bluff face was revised to include reference to a rounded bluff edge. New diagrams were added for the definitions of coastal bluff edge and coastal bluff face. The description of the bluff edge setback regulations were revised to clarify that the basic 40-foot setback is a minimum and that a setback of more than 40 feet could be required. A statement was added that future erosion control measures will not be permitted if a reduced bluff edge setback is utilized. The regulations for view corridors and access easements were separated. In the Bluff Measurement Guidelines section, the interpretation of the coastal bluff edge definition was deleted since this information was included in the explanation of the definitions section. A clarification of the bluff edge examples was added. The bluff edge regulations for gullies and coastal canyons were revised and explanations of each of these land forms was added.

Historical Resources Guidelines

- The sections on San Diego History and Consultant Qualifications were made appendices to the Guidelines and other appendices were added. Revisions to clarify and better organize the text and incorporate public review comments were made. The Introduction and Development Review Process sections were modified to reflect the changes to the Code. Regulations for Class II historical resources were deleted. Areas to be exempted from the requirement for a site specific survey for the identification of a potential historical building or historical structure were added. Requirements for notification and consultation with the Native American Community were added. Requirements for curation of historical materials were added.

Landscape Guidelines

- Modifications to the revegetation requirements were made to be consistent with changes to the Code. Tree planting and maintenance requirements in the public right-of-way were added.

Steep Hillside Guidelines

- Clarification was added as to what is included as existing development area for a premises. The Findings and Deviations section was revised to address the revisions that were made to the Site Development Permit and deviation findings. Other minor revisions were made to terms for clarification.

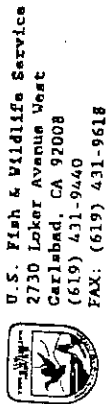
LAND DEVELOPMENT CODE LETTERS OF COMMENT AND RESPONSES

Letters of comment to the draft EIR were received from the following agencies, groups, and individuals. The letters of comment and the responses follow.

U. S. Fish and Wildlife Service/California Department of Fish and Game
State of California, Governor's Office of Planning and Research
Sierra Club
Endangered Habitats League
Alliance for Habitat Conservation
San Diego Audubon Society
California Native Plant Society
Southwest Center for Biological Diversity
Centre City Development Corporation
La Jolla Town Council
Torrey Pines Community Planning Group
Hewitt & McGuire, LLP
Save Our Heritage Organisation
San Diego County Archaeological Society
Brian F. Smith & Associates
California Indian Legal Services
Surfrider Foundation
River Valley Preservation Project
Beatrice Hughes
Florence Shipek
Earth Media, Inc.
Gibbs Flying Service
San Diego Gas & Electric
City of San Diego, Park and Recreation
Carmel Valley Community Planning Board
County of San Diego, Public Works

The following letters of comment were received after the close of public review and are included here for information purposes only. Where these letters addressed the Land Development Code, the comment has been referred to the Project Manager for inclusion in the responses to comments on the project.

Kearny Mesa Planning Group
La Jolla Shores Association
La Jolla Traffic and Transportation Board



U.S. Fish & Wildlife Service
2730 Loker Avenue West
Carlsbad, CA 92008
(619) 431-9440
FAX: (619) 431-9618



CA Dept. of Fish & Game
1616 Ninth Street
PO Box 944209
Sacramento CA 94244-2090
(916) 653-9767
FAX: (916) 653-2588

February 6, 1997

Mr. Lawrence C. Monarrate
City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, MS 501
San Diego, CA 92101

**Draft Environmental Impact Report for the City of San Diego's Land Development Code
Amendment and Re-adoption (LDR No. 96-0333, SCH No. 96081056)**

Dear Mr. Monarrate:

The California Department of Fish and Game's (DFG) Natural Community Conservation Planning (NCCP) and U.S. Fish and Wildlife Service (Wildlife Agencies) staffs have completed their review of the Draft Environmental Impact Report (DEIR) for the City of San Diego's Land Development Code Amendment and Re-adoption, and offer the following comments. The Wildlife Agencies have attended numerous meetings with City staff over the past two years to discuss the City's proposed changes to its Land Development Code, and how best to integrate those changes into the regional habitat planning taking place through the Multiple Species Conservation Program (MSCP).

The proposed project attempts to streamline, simplify and consolidate the rules and regulations of development for lands under the City's jurisdiction, and for implementing the City's Progress Guide and General Plan. Among other changes, the project would eliminate the current Resource Protection Ordinance and address biological resource issues through a new Environmentally Sensitive Lands Ordinance and accompanying Biology Guidelines. In addition, new open space zoning designations would be implemented which would also provide protection for sensitive biological resources. The Environmentally Sensitive Lands Ordinance, Biology Guidelines, and open space zoning will contribute to the implementation of the City's MSCP Subarea Plan.

The Wildlife Agencies concur with many of the proposed changes to the City's regulations and ordinances that address biological resources. The implementation of the City's MSCP Subarea Plan depends upon the establishment of the OR-1-2 open space zoning with its

"allowable development area" limit of 25 percent of a project site. We support the proposed tiering of habitats for mitigation evaluation, the proposed mitigation ratios outlined in the Biology Guidelines, and the out-of-kind mitigation options that are discussed. The Wildlife Agencies also support the modification of the brush management regulations and guidelines to allow for the two-zone system of fuel modification, with Zone 2, which allows 50 % clearing, being permitted to encroach into the MSCP preserve. Zone 2 would be considered impact neutral, thus requiring no mitigation for the impacts, but not being available for mitigation credit either.

The Wildlife Agencies still have the following issues of concern and recommendations:

1. The protection of wetlands habitats is a high priority for the Wildlife Agencies. The Environmentally Sensitive Lands Ordinance and Biology Guidelines propose changes from the current Resource Protection Ordinance (RPO) that may weaken wetlands protections. Two issues of concern are: 1) change in the definition of wetlands to be more restrictive, thus potentially reducing the level of protection; and 2) elimination of the requirement for wetland buffers.

- a. Wetland Definition: The Wildlife Agencies would encourage the City to maintain the wetland definition under the current RPO, whereby only one of the three wetlands criteria (i.e., hydrophytic vegetation, hydric soils, and appropriate hydrology) would have to be met. Because of the small amount of wetland habitat remaining in the City, preservation should be encouraged and no-net-loss of wetland function and value should be the City's policy. The DEIR indicates that the City's proposal to change the definition of wetlands would result in a significant unmitigated impact to wetlands. The Wildlife Agencies concur that the impact would be significant and unmitigated. The DEIR does not provide adequate discussion on the magnitude of the impact from the proposed change. Vernal pools and intermittent streams will still adhere to the one-of-three criteria rule for being defined as a wetland, and we concur with this.

It should be pointed out that federal and State wetlands regulations and policies are not as rigid as implied in the DEIR. The State, under Streambed Alteration Agreements, is not limited to defining wetlands based upon all three criteria being present. Federal wetlands regulations are also flexible in allowing for disturbed lands to be defined as wetlands even if not all criteria are present. Although federal and State wetlands regulations will continue to be applied, we recommend that the City retain flexibility in defining wetlands, as this will provide for consistency and continuity with federal and State regulations, and will achieve the nationwide goal of preserving wetlands.

1. The City has no data with respect to the difference in the amount of wetlands that would be subject to regulation according to the "three parameters required" approach versus the "single parameter required" approach. Thus if the magnitude of the impact would be measured by a comparison between an existing approach to a proposed approach, there is no data on which such a determination can be made. The conclusion presented in the EIR is based on a plan-to-ground analysis; that is, an analysis of impacts on existing physical conditions if the proposed project is implemented.

Alternative 4, the environmentally superior alternative, has been revised to more specifically describe alternative language which, if incorporated into the Code, would avoid or reduce significant impacts.

2. Comment noted. Revised Alternative 4 suggests conceptual language that would achieve the goal of the comment.

b. Wetland Buffers: The current approach to wetlands protection has been a beneficial component of the RPO. The DEIR identifies the removal of the wetland buffer requirement as a significant unmitigated impact (page IV-B-7), which would compromise the viability of any wetlands set aside for preservation. The Wildlife Agencies concur with this assessment. To maintain the function and value of wetlands systems, an upland or terrestrial component is usually required. This can relate to the watershed needs of the wetland, reduction of human intrusion into the wetland, and the need for many species associated with wetlands habitats to have available the use of adjacent uplands for foraging or breeding. Without a relatively undisturbed terrestrial transition zone between wetlands and human development, the long-term viability of wetland habitats is seriously in question.

The main argument given in the DEIR for the elimination of the wetland buffer is the inability to accurately identify the wetland-upland boundary, and therefore the buffer zone location. This is not an accurate statement. Wetland delineations are a common requirement for projects seeking federal or State permits for impacts to wetlands. For the City to assess impacts to wetlands and mitigation requirements, a project will still be required to delineate the wetlands on a project map. This map can be used to delineate a buffer zone as well. Federal and State agencies will still be seeking conservation of upland areas adjacent to wetland habitats through their respective wetlands permitting processes, and we recommend that the City take an approach that is consistent with these agencies. In addition, management conditions for coverage and requirements for certain MSCP covered species that occupy wetland habitats require the protection of upland areas adjacent to wetlands (e.g., least Bell's vireo, refer to Table 3-5, MSCP Vol. I and II Revisions, December 1996) to sustain permit coverage.

2. The Environmentally Sensitive Lands Ordinance and Biology Guidelines both include the definition of "sensitive biological resources" which is used to delineate those lands under the jurisdiction of the Environmentally Sensitive Lands Ordinance. This definition should be expanded to include habitat supporting any of the MSCP covered species, and not just those species on the State or federal Endangered Species Lists, or candidates for those lists. All covered species should be treated as if they were listed species.

3. Chapter 14 [Section 143.014(c)] in the proposed Land Development Code states that impacts to narrow endemic species will be avoided both inside and outside the

3. Comment noted.

4. The statement in the EIR regarding the exact line of demarcation between wetlands and non-wetlands was intended to explain the changing nature and qualities of wetlands to the reader. The City acknowledges that wetland delineations are required by regulatory agencies, and that it is possible to identify the wetland - non-wetland boundary and appropriate buffer zone.

The remainder of this comment addresses the proposed Code language and has been referred to the appropriate staff.

5. This comment addresses the proposed Code language rather than the adequacy of the EIR. It has been referred to appropriate staff.

This comment addresses the proposed Code language rather than the adequacy of the EIR. It has been referred to appropriate staff.

MSCP preserve system. The Wildlife Agencies concur with this statement, but this needs to be stated clearly in the Biology Guidelines under Section II.A.3 (page 6) concerning development outside of the preserve.

- 4 The DEIR makes several statements regarding the impacts of the Environmentally Sensitive Lands Ordinance upon species outside of the MSCP preserve. Based upon this information it appears that impacts to MSCP covered species outside of the preserve system would be significant but unmitigated. Likewise, impacts to biological resources from the implementation of an impact neutral Zone 2 for brush management would be significant and not adequately mitigated. The impact analysis in the DEIR does not include a discussion of the benefits to biological resources from the City's MSCP Subarea Plan. The Final EIR should reference the EIR/EIS for the MSCP Subregional Plan and the City's Subarea Plan as to the significant biological benefits of the plan. The DEIR appears to approach impact analysis solely from a project-by-project perspective, instead of regionally. While it is true that for one particular project sensitive species may be lost outside of the proposed preserve, or from brush management activities, the effects are mitigated through the creation of the multi-habitat preserve system. Assurance of long-term habitat and covered species preservation are much higher through the mechanism of the MSCP preserve system then through project-by-project review. The DEIR should incorporate the analyses completed for the MSCP EIR/EIS into the portions of the DEIR that address the Environmentally Sensitive Lands Ordinance and Biology Guidelines.
- 5 The Environmentally Sensitive Lands Ordinance and Biology Guidelines should reference the species specific avoidance, mitigation, and management requirements listed in the MSCP covered species analysis (Table 3-5, MSCP Plan). For the City to obtain coverage for certain species, the required avoidance and management conditions must be implemented by the City.
- 6 The Biology Guidelines potentially allow the use of biological data generated for the MSCP program to be used for individual project analysis (page 8, Section 3.A.1.). The City must assure that the biological survey report for a project is of sufficient detail and accuracy at the project level to allow adequate assessment of biological impacts, to ensure avoidance of the most sensitive portions of parcels within the preserve planning area, and to determine the appropriate tier and mitigation ratio to be employed. MSCP-generated habitat maps and species locations were meant to be used strictly for regional planning purposes. Not only is the project level accuracy of the mapping questionable, but the currentness of the information is also of concern. The accuracy of any biological mapping should always be verified in the field.

- 7 Page IV-B-3 of the DEIR states that the MSCP will meet public and private mitigation needs on a regional level; it further states that the MSCP includes a preserve system to replace the current approach which creates fragmented mitigation areas.

The MSCP is a separate project which is fully analyzed in a separate EIR/EIS, as the commentor noted. Since the MSCP has not been analyzed as part of the proposed Land Development Code project, the analysis for that project is not incorporated; however, the conclusion is accepted that implementation of the proposed MSCP preserve design is adequate for long-term conservation of the covered species. The EIR for the proposed LDC addresses impacts to species that are not covered under the MSCP preserve design.

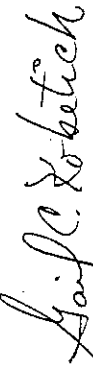
- 8 This comment addresses the proposed Code language rather than the adequacy of the EIR. It has been referred to appropriate staff.

- 9 The comment does not refer to the adequacy of the EIR. It refers to the requirements for contents and basis of future biological technical reports on a project-by-project basis and is consistent with the proposed Biological Guidelines.


Mr. Lawrence C. Monserrate
February 6, 1997
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7. The DEIR states that species not covered by the MSCP plan will be significantly impacted, with the impacts unmitigated, through the implementation of the Environmentally Sensitive Lands Ordinance and Biology Guidelines. Although there is some potential for this for species outside of the preserve that are not State or federally listed, the DEIR makes certain assumptions that did not fully consider the biological benefits of establishing a regional preserve system. The MSCP is an ecosystem-based habitat preserve system. The preserve will provide preservation to a wide array of uncovered species that occur in the same vegetation communities as the covered species. Project specific California Environmental Quality Act document analyses should consider the conservation benefits for those species by the MSCP preserve when determining the significance of impacts.

In conclusion, the Wildlife Agencies support many of the changes proposed in the amended Land Development Code, and specifically the Environmentally Sensitive Lands Ordinance and Biology Guidelines. However, the above-listed issues of concern remain. We believe that the DEIR impact analysis needs to be revised to take into account the biological benefits of the City's MSCP Subarea Plan. Also, the final version of the Land Development Code needs to accurately reflect agreements reached with the Department of Fish and Game and U.S. Fish and Wildlife Service concerning how biological resources will be assessed, impacts analyzed, impacts mitigated, and resources managed in the MSCP. If you have any questions please contact Bill Tippets, Department of Fish and Game, at (619) 467-4212 or Sherry Barrett, U.S. Fish and Wildlife Service, at (619) 431-9440. Thank you.


Gail Kobetich
Field Office Supervisor
U.S. Fish and Wildlife Service

Sincerely,


Ron Rempel
NCCP Program Manager
Department of Fish and Game

cc: Department of Fish and Game

Mr. Bill Tippets
Mr. David Lawhead
San Diego

U.S. Fish and Wildlife Service

10. As stated under the existing conditions of the Biological Resources Analysis section of the DEIR, the MSCP preserve is a regional system which is designed to improve the current approach to mitigation and resource preservation. It is acknowledged that the preserve will protect a side array of non-covered species that occur in the same vegetative communities as the covered species. It is not known, however, how many and which non-covered species will not be protected. The preserve was expressly designed to provide adequate habitat for the covered species.
11. This comment addresses the proposed Code language rather than the adequacy of the EIR. It has been referred to appropriate staff.

Mr. Lawrence C. Monserrate
February 6, 1997
Page 6

Ms. Sherry Barrett
Ms. Nancy Gilbert
Carlsbad Field Office

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State of California
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO 95814



PETE WILSON
GOVERNOR

January 28, 1997

JANET BAKER
THE CITY OF SAN DIEGO
CITY DEVELOPMENT SERVICES
1222 1ST AVE. 5TH FLR., MS 501
SAN DIEGO, CA 92101

Subject: LAND DEVELOPMENT/ZONING CODE UPDATE (CITY OF SAN DIEGO)
SCH #: 96081056

Dear JANET BAKER:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

12. Comment noted.

'12



Sierra Club, San Diego Chapter

3820 Ray Street
San Diego, CA 92104
Phone: 299-1741; Fax 299-1742

FAX TO: 236-6620

February 6, 1997

Lawrence C. Monserrate
Developmental Services Department
Land Development Review Division
CITY OF SAN DIEGO
1222 First Avenue, Mail Station 501
San Diego, CA 92101

SUBJECT: San Diego Sierra Club Comments on the Draft Environmental Impact Report
for the LAND DEVELOPMENT CODE, LDR No. 96-0333, SCH No. 96081065

Dear Mr. Monserrate:

The following comments are offered on behalf of the San Diego Chapter of the Sierra Club
in response to your circulation of the Draft Environmental Impact Report for the LAND
DEVELOPMENT CODE.

The comments are organized to present::

- Overall Conclusions
- A Summary of General Concerns
- Recommendations for Major Areas of Improvement to the DEIR
- Comments on Specific Sections of the DEIR

CONCLUSIONS

The basic conclusion of the Draft Environmental Impact Report for the Land Development
Code—that the project's environmental impacts are significant—are clear and unassailable.
The Sierra Club is in strong agreement with the conclusions detailed in the DEIR—in fact,
we feel the conclusions of "significant environmental impact" are, in several respects,
underestimated. Specifically, we agree that:

The proposed Zoning Code Update would have significant unavoidable direct and
cumulative impacts on the environment.

The project would have significant direct impacts with respect to land use, biological
resources, landform alteration, historical resources, paleontological resources and human
health and safety. In addition, the project would have cumulatively significant effects on
soils/erosion hazard, air quality, hydrology/water quality, biological resources, land use,
transportation/circulation, landform alteration, historical resources, paleontological
resources and human health/public safety.

These conclusions are supported by an analysis that highlights with great clarity that the Code Update proposal does NOT simply rearrange, simplify and clarify land regulations in the City of San Diego, but instead, makes major substantive changes to the City's underlying procedures and regulations, for managing the City's anticipated growth, that will have significant impacts on the environment.

There are major policy choices for decision makers in their consideration of the Zoning Code Update—not simply a rearrangement and streamlining of existing policies. These policy changes are reflected in the long series of "policy discussions" that the Land Use and Housing Committee of the Council have held on this subject, in the series of workshops by the Planning Commission. In the comments made in response to this draft report and throughout the process of developing the draft Zoning Code Update.

Overall the quality of the environmental analysis, on what was a challenging assignment, is high. The City is to be especially commended for the fact that the DEIR clearly reflects the feature of "Independent" analysis required by CEQA.

GENERAL CONCERNS

As presented, the DEIR analysis traces the direct impacts of the proposed land development regulations for the City. In this respect, it does a clear, technically sound and comprehensive job of highlighting what, to date, has not been made clear—exactly what will be changing under the proposed 700-plus-page replacement of the existing city land development regulations with the proposed new Zoning Code Update.

In this respect, the DEIR does a great service to the public, and to decision makers, in helping them to understand what is being proposed and the significant impacts—on the environment and community—of the proposed changes. Whatever its limitations (much of which is inherent in the sweeping scope of the proposed change and its wide-ranging potential for impacts), the DEIR provides a valuable contribution to the public understanding and discussion of this important, and difficult to comprehend and assess, set of proposals contained in the Zoning Code Update.

While the DEIR is refreshingly direct in its approach and conclusions, it can be improved in a number of respects, as outline below.

Since the project is a proposed change in the rules for land development, the potential impacts should include a comparison of the likely environmental results under the proposed regulations compared to the existing code.

The DEIR (Page 2 of the cover Executive Summary) reports that its impact analysis is limited to the potential effects of the proposal on "existing on-the-ground conditions if the proposed project were to be implemented." Furthermore, the DEIR indicates that it provides a comparison of the proposed project relative to the existing regulations in the Environmental Setting and Project Description Chapters. However, the DEIR indicates that the analysis "does not include a comparison between the existing regulations and the effects of implementation of the proposed regulations (plan-to-plan analysis)."

13. The EIR presents analysis of the potential environmental effects of the proposed Land Development Code on the existing physical conditions consistent with Section 15121 of the State CEQA Guidelines and case law (Environmental Planning and Information Council of Western El Dorado County, Inc. v. County of El Dorado).

In addition, the project description of the EIR provides a comparison of the existing Municipal Code sections with the proposed Code. By providing this comparison, the EIR achieves the intent of the commentor's desire to show how the existing regulations would change if the proposed regulations are adopted.

Further, the environmental impact of the existing regulations has been evaluated as the regulations have been adopted over time. It would be duplicative effort to re-analyze the impacts of the existing Code, and such analysis is not within the scope of the proposed project.

In the case of this project, which is a change in regulations, the "ground" that should provide the basis for comparison is the present regulations. The essence of the choices facing decision makers is a comparison of the impacts of the proposed code changes to the existing code. An impact analysis limited to an evaluation of the potential impacts compared to present on-the-ground conditions does not sufficiently contribute to the clear objective of CEQA "to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (CEQA Public Resources Code, 21002)

The impacts in this case that are significant for considered decision making involve a comparison of the environmental impacts that would result from the present land development code of the city compared to the impacts reasonably anticipated under the proposed project changes to the existing code.

As discussed below, Chapter IV Environmental Analysis should be supplemented to evaluate the impacts of the proposed code update project compared to those that would occur with the existing city land development code.

Viewed from either perspective—a comparison to existing ground conditions or a comparison to the likely environmental conditions under the existing regulations—the proposed Zoning Code Update will have significant environmental impacts.

Failure of the DEIR to evaluate the potentially significant environmental impacts of major procedural changes to development review and approval included in the Zoning Code Update

While the analysis explores the implications of specific substantive regulatory proposals, the DEIR does not examine the potential impacts of the major procedural shifts proposed in the project—away from community involvement in the land development decision process and the potential indirect effects of such reduced community input on the environment. By stopping short of an evaluation of this reduction in community involvement, the analysis understates the extent and magnitude of the negative impacts on the environment.

Frankly, these indirect impacts would be difficult to quantify, but their general direction and results can be easily anticipated and should be presented, even if qualitatively, for decision maker consideration. The general direction of impacts are clear: a reduction in community involvement in decision making will favor project proponent's interests in "maximizing development potential" at the expense of community interests and the environment. This level of analysis is clearly "reasonably feasible." Even if there are points of disagreement on these types of impacts, the disagreements should be identified, since these "impact issues" may be at the heart of the decision making process the EIR is intended to enhance.

The thrust of the Zoning Code Update proposal is to significantly shift the present balance between community involvement and the well-recognized bureaucratic-development alliance in the direction of a "streamlined" developer-as-customer-oriented bureaucratic

14.

The comment is that the proposed project will result in a reduction in the involvement of the community in influencing land use decisions, and that the reduced community involvement will result in environmental impacts. The impacts of a project will continue to be identified through the environmental review process as they are now analyzed. The nature of these impacts will continue to be communicated to the decision makers as they are now communicated.

Since Process 2 is a process which involves a discretionary decision, projects which are required to have that level of review are also subject to environmental review pursuant to CEQA. Thus even if the level of decision making has been lowered, the same type and amount of environmental review would be required as for higher levels of decision making. A "reduction" in the process level will not make a project more significant in its impact on the environment. The decision making process is not considered to have an impact on the environment.

The actual issue is whether decision makers will continue to have the same discretion to approve or deny projects as they have now, and the level of community involvement in the decision making process. The level of community involvement will not affect the analysis of significance of impacts associated with a proposed project, nor will it change the effectiveness of communication to decision makers about the impacts.

The level of community involvement may affect the land use decision making process; however, it would be without foundation if the EIR concluded that the land use decisions made by elected officials would be harmful to the environment if made with less community involvement.

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decision making. This shift in balance will be aggravated by the recent City reorganization moves reflected in the creation of the Department of Development Services with its "business friendly" policy direction, which will exercise much of the expanded bureaucratic discretion outlined in the proposal.

Alternative 4, the "environmentally preferred alternative" should be more specifically detailed and presented in more practical terms, so that it can be fairly considered by the decision makers.

Among the specific provisions that should be added to the "environmentally preferred alternative" include:

- Retention of hillside review as a Process 3 decision
- Elimination of the categorical exemption proposed for demolitions within the Coastal Zone and all development within the nonappealable area of the Coastal Zone
- Establishment of a "land use plan consistency" policy and the inclusion of plan AND plan design consistency criteria for all discretionary decision processes, Processes 2, 3, 4 and 5.
- Retention of the present Resource Protection Ordinance definition of "wetlands."
- Provisions for functional buffer protections for biologically sensitive areas.
- Procedures to balance the protection of biological AND landform resources within the MSCP preserve.

Failure of the DEIR to identify and evaluate the cumulative impacts of the Zoning Code Update on community plans and on environmental resources, when combined with many other changes to the planning and development review process in the city recently adopted or in the process of being implemented.

The DEIR fails to adequately identify and to evaluate the cumulative effects of the proposed Zoning Code--in light of a whole series of actions and proposals, particularly by the City Manager, to reduce the scope and limit the effectiveness of the planning function and planning process in the City of San Diego as it has traditionally functioned. Specifically, the DEIR fails to identify the following changes already adopted, proposed or in the process of implementation that will reduce the significance of community planning and the involvement of community planning groups in the land use decision making process and to evaluate the cumulative impacts of these changes, along with the proposed Zoning Code Update:

1. The recent decision NOT to have a "planning director" for the City.
2. The reorganizations of the planning function of the City and planning staff reductions to the effect that San Diego is maybe the only large city in the country that could make the claim that it has, "no planning department."
3. The failure to provide for the timely update of community plans.
4. The reduction in the level of staff support for community planning activities (with some recent efforts to add back some of these reductions)

15

15. For the impacts that were identified as potentially significant in the EIR, Alternative 4 suggests alternative Code language that would alleviate or avoid a significant impact. Alternative 4 has been expanded in the Final EIR to provide more specific language which would be environmentally superior to the proposed project.

16

16. The actions mentioned in the comment are not part of the proposed project and are not projects as defined by CEQA. The Cumulative Impacts section identifies projects, which when taken together with the proposed Land Development Code project, could result in cumulative effects on the environment. The projects considered in the cumulative analysis include community plan updates and 1996 Regulatory Relief items.

5. The redefinition of the framework for community planning that reduces the scope of such plans and eliminates aspects of community plans, such as Urban Design Elements.
6. The recent emphasis by the City Attorney (presumably with the concurrence of the City Manager) of the point-in-law that the City of San Diego, as a Charter City, is not bound, in its land use decision process, to consistency with provisions of its General Plan, including its community plan components. Previous policy commitments were to ensuring such "plan consistency."

The Zoning Code Update is part of this fabric of reduced planning, especially at the community planning level, that will cumulatively have a significant effect on the environment, particularly with respect to "adopted environmental plans and goals of the community." (Appendix G, Significant Effects in the CEQA Guidelines.)

MAJOR AREAS FOR PROPOSED CHANGES AND IMPROVEMENTS TO THE DEIR

1. Land Use Impacts, while identified as "significant", have been underestimated, because the DEIR does not identify or analyze the reduction in significance of community plans, and of community planning involvement, in the proposed land development approval process.

Given the scope of the proposed project evaluating the impacts on 39 community plans is indeed a daunting task. However, the scope of the proposal does not limit the need to assess the impacts on specific community plans. The analysis is very generalized but still concludes that there will be "significant impact related to inconsistency/conflict with environmental goals or policies of adopted land use plans." Hopefully, the review of individual community groups will provide the more detailed analysis of impacts on individual community plans that can not reasonably be expected from a small team of environmental analysts.

For example, the major shift of philosophy from the present concept of "phasing out" "non-conforming uses" to "accommodating previously conforming uses for the indefinite future" could significantly impact communities which have concentrations of such non-conforming uses and where communities intend to bring such situations into closer conformance with their present plans.

As a specific example of the projects impacts on community plans, note that the Carmel Valley Local Coastal Program (summarized on Page IV-A-19) calls for, "Design buffer areas to prevent impacts which would significantly degrade environmentally sensitive habitat areas." No recognition is given that the Environmentally Sensitive Land Regulations, which are intended to implement the Multiple Species Conservation Program, essentially eliminate the concept of "buffers" under the scientifically unsupportable slogan of a "line is a line." A similar reference in the San Dieguito River Park Concept Plan is noted on Page IV-A-28. No impacts of this clear conflict with a community plan policy is identified or evaluated in the DEIR.

17. Comment noted. Please refer to Response 14 which addresses the perceived reduction in community involvement in land use planning and decision making.

18. Comment noted.

19. Comment noted.

The reduction in the application of "community plan consistency" findings in the proposed code is acknowledged (on Page III-9, "Revisions to Types of Permits), but there is no evaluation of the potential impacts of this critical change. The elimination of these "plan consistency" requirements is especially significant in light of the recent expressions by city officials that land use decision making in the City of San Diego is not governed by the general "plan consistency" requirements of California state law because of its Charter City status.

The effect of reducing the involvement of community planning groups in the decision making process and of limiting the significance of community plans as a basis of consistency determination for land use decisions and appeals has only been partially identified and has not been fully evaluated.

2. Impacts with respect to LANDFORM ALTERATION are not adequately detailed and are significantly underestimated.

The "Impacts" discussion acknowledges that the proposed regulations will allow for encroachment into sensitive landforms and, as a result, will be "in conflict with the environmental goals of adopted land use plans which include recommendations to protect steep hillside from further alteration." However, this rather tautological conclusion misses the real-world impacts of the proposed change.

As described but not analyzed, the project proposes to eliminate the present 25% encroachment limit with respect to single-family developments within the Coastal Zone. This reduction in landform protections for a general plan identified critical resource could have a significant impact on the environment and should be carefully analyzed. Again, the key choice facing the decision makers is between the present regulations and their proposed replacement. Therefore, it is appropriate, and necessary, that the environmental impacts be evaluated in terms of these proposed changes.

In a similar vein, no analysis is conducted and therefore, no significance of impact is attributed to the fact that the project proposed a MAJOR modification in the process that will be used to determine the degree and appropriateness of development in steep slope areas—specifically, the process level is proposed to be reduced from Process 3 to Process 2. Under this change community involvement will be significantly limited because the timetables for Process 2 preclude the type of community evaluation and discussion that has characterized hillside review to this point. In addition, the shift of the appeals venue from the Planning Commission to the Zoning Board of Appeals has the potential for significant impact, especially since the nature of the findings, and therefore the basis for an appeal, under Process 2 eliminate the reference to "community plan consistency" applying under the present hillside review procedures.

Yes, there would be significant impacts for allowing any development in steep hillsides, which is what the analysts concludes. But, the real key for decision making—and the appropriate focus of the Environmental Impact Report—is the fact that compared to the existing regulation of hillsides, the proposed code changes would significantly INCREASE the level of impacts to landforms expected, especially within the unique coastal resources of the City.

20. Comment noted. Please refer to Response 14 which addresses the perceived reduction in community involvement in land use planning and decision making.

21. There is no mapping available as a basis for determining the degree of the impact on sensitive landforms. As noted, the EIR does identify a potentially significant impact. Please refer to Response 13 which addresses the issue of plan-to-plan analysis and plan-to-ground analysis.

Alternative 4 has been expanded in the Final EIR to provide greater detail as to the type of language that, if adopted into the Code, would reduce or avoid the impact on steep hillsides which is anticipated as a result of implementation of the proposed regulations.

22. Please refer to Response 14 which addresses the potential environmental impact of a "reduction" in decision making process.

23. One aspect of the comment is that the choice before the decision makers is a choice between retaining existing regulations and adopting the proposed regulations, rather than a choice between adopting the proposed regulations or not adopting them and thereby having no system in place. In making the choice, the commentator states that the decision makers should be aware of the degree of impacts involved in implementation of the proposed compared with the degree of impacts involved with implementation of current regulations.

As stated above, the focus of the EIR is analysis of the proposed project itself, rather than a comparison of the proposed project to a previously approved project (i.e. the existing Code). By looking at the No Project alternative, the decision makers are informed that continued implementation of the current Code would result in continuing impacts in certain areas.

3. The potential impacts resulting from a significant number of decision process changes, the effect of which is to reduce and limit community involvement in land development decisions, is not identified or analyzed. 24

The project includes a number of changes in the processes for decision making which could have a potentially significant effect on the environment, because many of them reduce the ability and extent of the community to participate in the process. The DEIR acknowledges some of these changes ("Revisions to Discretionary Land Development Review"; Page. III-10), but the DEIR does not analyze their potential impacts in reducing protections for key resources and ensuring consistency with community environmental plans and goals.

These changes, which have been summarized in city staff analyses, "Land Development/Zoning Code Update Development Other Than Previous Conditional Uses Proposed for Process Two (dated 2/8/96) and a 01/2696 Attachment entitled, "Existing CUP's Proposed For A Reduction In Process" include:

Development Regulation	Proposed ZCU Change
Single dwelling on 20,000 square feet or less with steep slope or sensitive biology	Change from Process 3 to Process 2
Single dwelling on more than 20,000 square feet with steep slope	Change from Process 3 to Process 2
Employee and restaurant tandem parking	Change from Process 3 to Process 2
Request for Map Waivers	Change from Process 4 to Process 2
CUP for Automobile Service Stations	Change from Process 3 to Process 2
CUP for Guest Quarters	Change from Process 3 to Process 2
CUP for Transmission or Relay Station	Change from Process 4 to Process 1, 2 or 3
CUP for Research, Development & Testing Facility	Change from Process 3 to Process 1
CUP for Tennis Court Lighting	Change from Process 3 to Process 2
Modifications of over 50% of value for "previously conforming" use	Change from Process 3 to Process 2
Expansion of "previously conforming" use not consistent with use or density	Change from Process 3 to Process 2
Reduction of 20% from required setback for expansion of "previously conforming" use	Change from process 3 to Process 2
Expansion of "previously conforming" use up to 20%	From "not permitted" for sometimes by variance) to Process 2

The effect of these proposed changes will be to reduce the extent and nature of community involvement in land use decision making. There is a clear potential that these changes will result in conflicts with community environmental plans and goals. This potential should be identified and addressed in the EIR. 25

24. Please refer to Response 14 which addresses the potential environmental impact of less community involvement in land use planning and decision making.

25. Please refer to Response 14 which addresses the potential environmental impacts of less community involvement in land use planning and decision making.

4. The clear policy intention of the project—to discourage the further additional use of Planned District Ordinances (PDOs) and to encourage the conversion of existing PDOs to the system of city-wide base zones—is not acknowledged or are its implications evaluated.

26 The stated intention of the sponsors of the Zoning Code Update has been to discourage the development of additional Planned District Ordinances (PDOs). Since Planned District Ordinances have been an important tool for implementing community plans, the adoption of the Zoning Code Update may potentially impact the ability of communities to develop plans that can be effectively implemented.

Traditionally, zones districts were developed to implement community plans. The Zoning Code Update suggests that development of community plans is to be limited to a process of selecting from, and compiling, a limited series of city-wide zones. The Zoning Code Update is silent on whether additional zones can be developed to implement specific objectives of community plans. However, the implication is clear that new zones should NOT be created and that community plans should depend on the city-wide zones for implementation. This approach could seriously limit the ability of communities to develop plans and to implement their plans.

- 27 The Zoning Code Update proposal leaves unanswered the critical question of the future of existing PDOs. How are existing PDOs to be updated? What will happen to the existing zoning categories which are referenced in the PDOs? The failure of the Zoning Code Update proposal to address these issues could have a critical impact on the ability of community's both to develop and to implement community plans.

5. The DEIR acknowledges the potential impacts associated with the proposed exemption of natural areas outside the MSCP preserve from direct protection, but it fails to adequately describe the impacts on community environmental goals and plans.

28 The proposed exemption from any encroachment limits of natural areas outside the MSCP preserve will, as identified, have a significant impact on the "long-term conservation of biological resources", but it also will have a significant negative impact with respect to "inconsistency/conflict with environmental goals of adopted land use plans."

29 At least some of the community plans have open space elements which include objectives relating to the protection of community-level biological systems (for an example see the Uptown Community Plan which included a biological evaluation as a key element in the designation of "open space" areas). Most of the biological resources that are of community-level concern involve species which are not endangered or not targeted for consideration under the MSCP. These community plans for protecting open space depend, in large measure, on the existing Resource Protection Ordinance for their implementation. The proposed code update eliminates what protections presently exist for these community biological resources by providing that areas of natural habitat outside the MSCP preserve will have NO limits on encroachment and will be regulated for their biological values only to the extent that mitigation will be required for their loss.

26 The intent of the Land Development Code is not to discourage the development of additional zones. The use regulations tables and the development regulations tables have been set up to easily add more zones if warranted. Many of the proposed new zones were based on the planned district zones; therefore, some planned districts could be replaced by the new zones. However, as each planned district is comprehensively analyzed to determine whether the new zones provide the desired level of regulation, new use packages, development regulations packages, or overlay zones may be added if needed.

- 27 In accordance with City Council direction, the planned districts have not been incorporated into the Land Development Code. The schedule of updating the planned districts will be determined by the City Council as part of a separate work program.

28. Comment noted.

29. The Biological Resources and Land Use sections of the EIR have been revised. There may be a potentially significant effect with respect to land use as a result of the proposed project in that "sensitive" biological resources which are outside the MSCP preserve boundary would not be protected by encroachment limits.

The degree of impact will vary from community to community depending on the specificity of the land use plan language with respect to protection of resources. It is acknowledged that the protection provided by RPO will be modified: the proposed regulations provide resource protection, but with a different approach than under existing regulations. The EIR identifies the significant impacts on land use where implementation of the proposed regulations would conflict with the environmental policies and goals of adopted land use plans.

In addition, the existing protections provided for natural habitats outside the MSCP preserve under the California Environmental Quality Act (CEQA) will be impacted by the proposed change. Presently, the primary measure to protect environmentally significant resources, under CEQA, is "avoidance." Under the proposed changes, the official policy of the City with respect to natural areas outside the MSCP preserve will become that are "expendable" and their loss need only be "mitigated."

The argument is being made that natural areas, with biological values outside the MSCP will receive adequate protection because of the continuation of hillside regulations. In the first place, not all natural areas outside the MSCP preserve are coincident with "steep hillsides." Furthermore, the draft Hillside Guidelines do not include criteria to provide any direct consideration of biological values associated with steep slopes. The DEIR should evaluate these contending perspectives.

SELECT SECTION-BY-SECTION COMMENTS

II. ENVIRONMENTAL SETTING

Planning and Regulatory Context/Existing Zones/Underlying Zones (Page II-11)

COMMENT: The implications of that the list provided is comprehensive of all the zones in present city land development ordinance. It is not. For example, there are a much wider variety of commercial zones that are applied in Planned District Ordinance areas and are critical to the implementation of community plans.

III. PROJECT DESCRIPTION

Proposed Land Development Code and Land Development Manual (Page III-3) COMMENT: 33 There is no clear description of how the various "guidelines" would be "approved"—by Council action or at the discretion of the Manager?

Definition Changes and Newly Defined Terms / 5. Previously Conforming (Page III-7) COMMENT: The "description" of the change from "non-conforming" to "previously conforming" misses the point that there is a basic change of philosophy being proposed. Previously the concept was that uses and structures that are not consistent with present regulations should be brought into compliance or should be phased out. The project proposal would establish a "presumption" in favor of the continuation, and even the expansion, of uses and structures that do not conform with present community plans and implementing provisions. This change could result in changes in "conflict with adopted environmental plans and goals of the community where it is located" (from Appendix G, Significant Effects, CEQA Guidelines).

Definition Changes and Newly Defined Terms / 6. Sensitive Biological Resources (Page III-7) COMMENT: The discussion fails to point out that the definition of Types II, II and III habitats as "Sensitive Biological Resources" in areas outside the MSCP preserve provides no "protection", since 100% encroachment is permitted.

Definition Changes and Newly Defined Terms / 7. Steep Hillsides (Page III-7) The discussion that, "The proposed Code would continue to regulate steep hillside landforms that are not regulated..." is misleading. It implies that the regulation is unchanged. There

30. Discretionary projects will be subject to environmental review pursuant to A, as they are under the existing regulations. CEQA does not in and of itself "protect" natural habitats in the sense of prohibiting or precluding development which threatens a loss of such resources. Section 15370 of the Guidelines defines mitigation and the states that "Mitigation" includes: (a) Avoiding the impact altogether by not taking a certain action or parts of an action... The significance of a particular impact may be mitigated, alleviated, offset or reduced by any number of measures, one of which may be avoidance.

The EIR states that there would be significant impacts related to the anticipated loss of resources outside the MSCP preserve boundary.

31. The EIR does not claim that biological values outside the MSCP boundary will receive adequate protection because of continuing hillside regulations.

32. The document states clearly that the list of zones beginning on page II-11 is comprehensive as to the city-wide zones. On page II-21, the EIR describes the project in terms of zoning modifications and how the proposed regulations would affect planned districts. Zones specific to each planned district are not identified, primarily because they are not substantially affected by the proposed project. The language in the EIR describes that a planned district includes specialized zoning that pre-empt citywide zoning. The characteristics of each planned district are described in the EIR.

33. Chapter III, the Project Description, includes a section in which the discretionary actions of the proposed project are presented. In addition, there is a separate section which presents details of the Land Development Manual. In the section regarding the discretionary actions, the Land Development Manual is mentioned; all of the details about the Land Development Manual are in the subsequent section, including the adoption and amendment process. The EIR has been revised to refer the reader to the subsequent section for additional information on the Land Development Manual.

34. The Lead Agency relied on section 15124 of the CEQA Guidelines in preparing the Project Description. The guideline provides that certain information must be provided, and the document should not supply extensive detail beyond that needed for evaluation and review of the project. Specifically, the section presents changes in definitions from the existing regulations. It is not the intent to include analysis of the proposed change in the project description; however, it is not anticipated that the proposed change in previously conforming regulations would result in a substantial adverse impact.

35. The analysis of encroachment into Sensitive Biological Resources is analyzed in Chapter IV-B of the EIR.

36. It was not intended that the EIR should imply that the regulations with regard to those landforms would not change. Chapter IV-E presents an analysis of the proposed changes in regulations with respect to steep hillsides. The statement was intended to inform the reader that the same landforms would continue to be regulated. It is acknowledged that the landforms would not be regulated in the same way. In addition, please refer to the response to comment 34 with respect to the scope and intent of the Project Description.

are changes, including the removal of encroachment limits in the Coastal Zone and major changes in decision process levels.

37 Revision to Decision Process 2 (Page III-9) COMMENT: There is important missing "context" here. Many of the decisions under Process 2 were moved from higher decision levels under Phase 1 of the Zoning Code Update.

Procedural Changes/Revisions to Types of Permits (Page III-9) COMMENT: The "Project Description" discussion reports that "With the proposed Code, the review for Neighborhood and Site Development Permits would be limited to an evaluation of land use consistency with no review of the project's consistency with community plan design guidelines."

38 Procedural Changes/Revisions to Discretionary Land Development Review (Page III-11) COMMENT: In discussing the current Resources Protection Ordinance, the draft indicates that, "the applicability of supplemental resource regulations has been modified." The meaning of this reference and its potential significance is unclear.

39 Zone Changes/Rezoning, Zone Amendments and New Zones 1. Residential Zones (Page III-12) COMMENT: The draft includes the conclusory statement, "the proposed regulations would adjust the allowable building envelope to keep structures in scale with the lot on which they are located." The problem with this conclusion is that it fails to acknowledge that "bulk and scale" is most usually interpreted with respect to the surrounding conditions in the neighborhood, not with respect to lots. The discussion is silent in this respect. Specifically, unlike many of the sections in the Project Description, this discussion fails to compare the proposed code to the existing land regulatory rules and procedures.

40 Zone Changes/Planned District Ordinance Changes (Page III-17) COMMENT: Since there are numerous references to citywide zoning ordinances and regulations in Planned District Ordinances (PDOs) and since, as the report itself attests, there are many changes to these citywide provisions, it is not clear that there will be no significant impact on PDOs.

41 Regulations/Revisions to Resource and Hillside Regulations (Page III-41) COMMENT: This is, by far, the best comparison of the proposed changes to the existing situation. But, it still lacks clarity, especially the "Background" discussion.

42 Land Development Manual/How Documents in the LDM Would Be Adopted and Changed (Page III-47) COMMENT: The "minor amendment" definition seems to be very open-ended and could permit significant changes WITHOUT meaningful public notice and opportunity for public review and comment and WITHOUT appropriate decision maker consideration—and with the potential for significant impacts.

37 The EIR presents an analysis of the current phases of modification to the Municipal Code. There was appropriate environmental review of changes to the process at the time the earlier phases of changes to the Municipal Code.

38 The statement in the EIR is correct. The distinction is made between land use and design. With the processing of Neighborhood and Site Development Permits, there would not be any review of a project's consistency with community plan design guidelines. There would be a review of the consistency between the community plan designated land use and the land use of the proposed project.

39 The EIR has been revised to clarify this language. The term "supplemental" derived from the Environmentally Sensitive Lands Regulations and the Historical Resources Regulations being located in Chapter 14, Article 3 entitled "Supplemental Development Regulations". The statement in the EIR is that in addition to process level changes, there are changes to the manner in which the resource regulations are applied.

40 The concept of bulk and scale is regulated through requirements of the zone.

41 Where a P.D.O. references a city wide regulation or is silent on a specific topic, the proposed Land Development Code would apply. The significance of the proposed regulations have been evaluated on a city wide basis.

42 Comment noted.

43 Comment noted. Lack of meaningful public notice, opportunity to be heard or appropriate decision maker consideration may affect the quality of the decision to make the minor amendment, but are not considered to have an effect on the environment within the scope of a review pursuant to CEQA.

IV. ENVIRONMENTAL ANALYSIS

Page IV-A-1 A Chapter Page for "IV. Environmental Analysis" and an introduction to the various analysts sections would be helpful for the reader.

44

A. LAND USE/Existing Conditions/Specific Environmental Goals and Policies/Community Plans (Page IV-A-17) Why is there no discussion of the Uptown Community Plan. When the Uptown Community Plan was updated in 1988, it was identified as the "model" for future community plan updates. The Uptown Plan includes policies that stress "tailored zoning" approaches to implementing the community plan.

45

B. BIOLOGICAL RESOURCES/Impacts/Wetlands/Wetland Buffers (Pages IV-B-6 to 9) COMMENT: There is no discussion of the history and justification for the present Resource Protection Ordinance definition of "wetlands" which is tailored to the specific conditions of San Diego and which was developed after extended review and consideration. Generally, this discussion is accurate and thorough and the previously unacknowledged impacts of the proposed definitional change are clearly identified. One improvement would be the addition of information concerning the extent of the loss of wetlands in San Diego and the values they provide.

46

E. LANDFORM ALTERNATION/NEIGHBORHOOD CHARACTER/Impacts/Landform Alteration (Page IV-E-3) COMMENTS: There is no discussion of the potential impacts of the proposed elimination of encroachment limits for certain types of development on steep slopes in the Coastal Zone. This is especially surprising and disturbing because the "Existing Conditions-Landform" section of this chapter reports that, "The nearly twenty miles of San Diego shoreline must be given a top rank among the City's valuable assets."

47

In this same respect, it is unfortunate that there is no discussion of the policy relating to the Coastal Zone which underlies many of the proposals in the Zoning Code Update—specifically, that "environmentally sensitive lands will be regulated consistently citywide" (to quote a frequent Manager's Report reference). If there is presently a difference of regulation between the Coastal Zone and the rest of the City, it is reasonable to assume there is a different level of protection. If the areas of the City are to be homogenized in terms of resource protection, is the present level of resource protection in the Coastal Zone being lowered to be "consistent" with the rest of the City or is resource protection in the rest of the City being raised to the level of the Coastal Zone?

48

There is no discussion of the changes in the proposed code that would essentially eliminate regulations related to landform alternation for areas within the MSCP preserve. As proposed developed restrictions would relate only to protection of biological resources and could result in a significant loss of land form features. This element of the project could have a significant impact and should be identified. (Also, there should be an option identified in the "environmentally preferred alternative" to better balance landform and biological resource protections within the MSCP preserve.)

49

44. Comment noted.

45. The EIR has been revised to include the recommendations of the Transportation Element and the Open Space and Recreation Element of the Uptown Community Plan.

46. According to the San Diego Audubon Society, the region has lost more than 90 percent of wetlands due to development. The EIR does contain a paragraph that describes the value of wetlands.

47. The Project Description in the EIR has been revised to clarify that the encroachment limit for steep slopes in the Coastal Zone on single-unit lots would be eliminated for lots smaller than 20,000 square feet. The proposed regulations would apply citywide and include an encroachment limit on steep slopes occurring on single-unit lots greater than 20,000 square feet, regardless of where the lot is located. The conclusion of the EIR would not change in that the proposed regulations would have a significant effect on landforms in the city.

48. The EIR does not compare existing "levels" with proposed "levels" of protection of resources. Since there has been no mapping to quantify the acreages of areas which were "protected" or regulated under the existing regulations versus the proposed regulations, it is not within the scope of the EIR to make such an assessment or comparison. The EIR addresses the proposed regulations and identifies and analyzes the potential impacts and the significance of those impacts.

49. The analysis in the EIR addresses the impact of the proposed regulations citywide; the impact is significant on a citywide basis. Contributing to the significance of the impact are the regulations that apply in the MSCP preserve area. This factor is as important in contributing to the significance as are the impacts outside the MSCP preserve.

E. LANDFORM ALTERNATION/NEIGHBORHOOD CHARACTER/Impacts/Neighborhood Character (Pages IV-E-3,4) COMMENT: The "Impacts" discussion does not give adequate attention to the effects of reducing community involvement in the land development decision making process—which are documented in other sections of the DEIR—on neighborhood character. 50

The discussion in the first paragraph that, "According to the proposed Code, development could occur citywide by right, including within the Coastal Overlay Zone" is very puzzling. Is this a significant change or not? How is it related to the question of impact on "neighborhood character"? 51

As discussed earlier, there is no clear analysis of the fact that "bulk and scale" is proposed to be regulated with respect to lot size in contrast to the present emphasis on treating "bulk and scale" in terms of "neighborhood character" (which is the topic of this discussion). 52

E. LANDFORM ALTERNATION/NEIGHBORHOOD CHARACTER/Significance of Impacts (Page IV-E-5) COMMENT: We DISAGREE with the conclusion that, "there would be no significant impact on neighborhood character." Throughout the DEIR there are discussions of how the involvement of the community will be reduced and how the plan and design standards in community plan will be limited in their applications. These changes are sufficiently documented to conclude that, "there will be a significant impact on neighborhood character." 53

VIII. ALTERNATIVES/Alternatives to the Project/4. Alternative Language for Specific Sections of the Proposed Project (Page VIII-5.6) COMMENT: As highlighted earlier in our discussion of "Major Areas for Proposed Changes", the "environmentally preferred alternative" needs to be further detailed. In its present form it is too general to be seriously or fairly considered by the decision makers. 54

Specifically, among the following additions that should be added to the list of alternative provisions included in the draft are the following:

- Retention of hillside review as a Process 3 decision
- Elimination of the categorical exemption proposed for demolitions within the Coastal Zone and all development within the nonappealable area of the Coastal Zone
- Establishment of a "land use plan consistency" policy and the inclusion of plan AND plan design consistency criteria for all discretionary decision processes, Processes 2, 3, 4 and 5.
- Retention of the present Resource Protection Ordinance definition of "wetlands."
- Provisions for functional buffer protections for biologically sensitive areas.
- Procedures to balance the protection of biological AND landform resources within the MSCP preserve

These alternative provisions and the ones included in the DEIR should be further detailed so they can be fairly considered.

50. Please refer to above responses which address this same issue. Although there may be an effect on land use decisions and in some cases a perceived effect in the quality of those decisions, there would not be an environmental effect within the scope of CEQA.

51. The statement which the comment quotes merely provides background information. It is intended to convey the idea that development would continue to occur throughout the city, by right if the owner complies with zone regulations.

52. The focus of the neighborhood character analysis was on whether a significant impact would result from build out of the urbanized communities under the proposed zone regulations. It was determined that by limiting floor area ratio, height and setbacks relative to lot size infill development consistent with the proposed regulations would not result in significant impacts to neighborhood character.

53. Please refer to response 14.

54. Please refer to response 15.

Thank you for considering these comments on the Draft Environmental Impact Report.
Any questions or needed clarifications can be directed to me at 299-1741.

Respectfully,



Craig Adams
Chapter Coordinator
San Diego Sierra Club

ENDANGERED HABITATS LEAGUE

Dedicated to the Protection of Coastal Sage Scrub and Other Threatened Ecosystems

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February 10, 1997

Lawrence C Monserrate, Principal Planner
Development Services Department, MS501
City of San Diego
1222 First Avenue
San Diego, CA 92101

Regarding: Zoning Code Update, Draft EIR Comments
LDR NO 96-0333

Dear Mr. Monserrate,

The Endangered Habitats League would like to offer the following comments on proposed changes to the City of San Diego Zoning Code. We will focus for now on proposals effecting regulatory protections for wetlands within the City of San Diego.

The historical losses of the irreplaceable wetlands heritage of San Diego is now over the ninety percentile, and protections presently afforded wetlands habitats by the City have barely stemmed severe negative impacts and wetlands losses in recent years.

Rather than responsibly protecting the remaining 10% by *increasing* wetlands protections, changes proposed in the Zoning Code Update would dramatically and inexcusably increase losses by *reducing* protections. Two essential and fundamental components of those protections are proposed to be eliminated.

1) Proposed Elimination of Wetland Buffer Requirement.

A wetland is a dynamic living system. The components of that system include soils, subsurface hydrology, watersheds, and the plants and animals living within the system. These components are interrelated. It is essential therefore, if indeed it is goal of the City of San Diego to protect wetlands, that the component parts of the system are understood and valued according to their function. As is the case for all biological systems, the integrity of wetland system components and functions must be maintained at a sustainable threshold, or the system will collapse.

A critical component part of the system are the watersheds and buffer zones that nourish and support the more obvious "wet" components of the system. If adopted, the proposal to eliminate the buffer areas will reduce the wetland areas to static displays of wet - land. Wetland *functions* will be lost.

55. Comment noted.

56. Comment noted. The EIR states that there would be a significant effect on wetlands as a result of the proposed regulations.

Wetland buffers are areas within which wetland processes adapt to a changing environment. Plants secure and buffer the inundated areas while providing refuge, foraging, and breeding habitat for the animals that depend upon the system. The buffers essentially allow a dynamic system to remain dynamic.

It is simply not possible to eliminate wetland buffers and maintain a living, functioning, wetland system (a channel for instance, is not a stream). The burden of proof of insignificance falls on a proposal that would "disqualify" wetlands buffers as essential components of a wetlands system. The DEIR makes no such case.

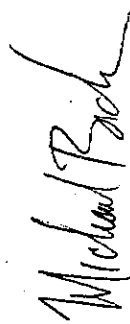
It is the function of the DEIR to accurately assess the implications of removing such a fundamentally essential component of existing wetland system protections. This assessment and an appropriate significance determination is not properly documented in the DEIR.

2) Proposed Changes to Wetlands Definition

The National Academy of Sciences has proposed that existing national wetlands definitions be regional, not national in scope. The reason for this is quite basic and founded in common sense: a wetland area in the Pacific northwest is distinctly different than a wetland in the southwest, or northeast for that matter. Rainfall amounts, periods of inundation, regionally unique fauna and flora, and distinctive geologic forms and soil types all contribute to regional uniqueness. Amount of rain or "wetness" is not a constant and has significant implications on soil characteristics and regional as well as local flora and fauna.

This circumstance dictates an analytical approach acknowledging the interrelationship of the three defining parameters (period of inundation, characteristic soils, vegetation) proposed for change in the City Zoning Code Update DEIR. The document does not adequately assess the impacts of changing the definition of wetlands from the single parameter to a multiple parameter requirement. The essential question concerning the significance of the quantifiable loss of wetlands in the City of San Diego from the status quo is left unanswered.

We appreciate the opportunity to comment.



Michael Beck,
San Diego Director

57. The city has not undertaken mapping to quantify the amount of wetland that would be regulated according to the existing definition versus the amount that would be subject to regulation according to the proposed definition. Based on the available information, the EIR presents the conclusion that there would be a significant impact if a wetlands definition requiring three parameters to be satisfied is adopted. In addition, please refer to Response 1 regarding wetlands.

ALLIANCE FOR HABITAT CONSERVATION

416 University Avenue, Suite 200
San Diego, CA 92103
(619) 296-4394

February 6, 1997

City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, MS 501
San Diego, CA 92101
Attention: Lawrence C. Monseratte

**Re: Draft EIR for Proposed Land Development Code
LDR No. 96-0333**

Dear Mr. Monseratte:

The Alliance for Habitat Conservation has reviewed the EIR prepared for the Proposed Land Development Code and would like to offer the following comments.

The EIR identifies several findings of potentially significant biological impacts which, we believe, are based on incomplete analysis. In effect, this EIR, which analyzes the impact of new regulations (Environmentally Sensitive Lands Ordinance and Biological Guidelines) which are designed specifically to implement and achieve the goals of the City's Multiple Species Conservation Plan, fails to acknowledge the positive biological impacts that these MSCP implementing ordinances will have. As a result, the analysis of potential impact of these new MSCP implementing tools is often inconsistent with the findings in the MSCP EIR/EIS.

• Wetlands

The Zoning Code EIR concludes that significant impacts to land use will result because requirements for wetland buffers are eliminated and the criteria for defining a wetland are changed (pages IV-A-36 and IV-B-8). However, in reaching this conclusion the EIR fails to recognize that although no specific buffer requirements are quantified in the new regulations, the Biological Guidelines require that there be "no net loss of wetland habitat value and function". It is through this process that both qualitative and quantitative analysis will be undertaken to determine what level of protection is required by specific projects in order to meet the objective of "no net loss." The new Biological Guidelines

58

58. The project which is the subject of this EIR is the proposed Land Development Code. The implementing ordinances were not the subject of the MSCP EIR. Those ordinances are independently and singularly analyzed in the Land Development Code EIR. The LDC EIR does not have inconsistent conclusions with respect to the MSCP EIR because the two EIRs present analysis of different projects.

59

59. The proposed regulations are silent with respect to wetland buffer requirements. Since there would be no express requirement for the buffers, a worst-case analysis (as required by CEQA) indicates that buffers would not occur. Admittedly as a practical matter, in some cases buffers may be required. However, since the regulations are silent, the Lead Agency cannot predict how often or under what circumstances buffers would be required.

and accompanying ESL Ordinance do not eliminate wetland buffers, they simply no longer place an arbitrary buffer requirement on all projects and instead provide greater flexibility to achieve the no net loss standard.

In addressing the issue of altering the current City definition of wetland, the Alliance believes that although a change in definition has been proposed, this does not in and of itself create a significant impact to wetlands resources. The impact of this change in the City's regulation has, in effect, a *de minimis* - not significant - impact: *duplicative* review is curtailed, but in fact, wetland resources which meet the federal definitional test and warrant protection, will continue to be fully and adequately protected.

• **Brush Management**

On page IV-B-9 the EIR concludes that brush management as proposed in the new regulations would have a significant biological impact. Contradicting this finding, the MSCP EIR/EIS finds that the proposed treatment of brush management as proposed by the new regulations is impact neutral. In fact, any potential impact which may result from implementation of the new brush management regulations is mitigated through creation of the MSCP preserve - the purpose for which the new Biological Guidelines and ESL regulations are designed. In addition, the proposed new regulations work in tandem with the MSCP subarea plans, which provide for site-specific handling of brush management in areas of special concern.

• **Long-term Conservation of Biological Resources**

The zoning code EIR on page IV-B-10 states that the MSCP EIR considered impacts only for species which will receive coverage through the MSCP Plan. In fact, the MSCP analyzes direct, indirect and cumulative impacts to covered species, vegetation communities/habitats, uncovered non-wetland sensitive species and wetland species. The MSCP EIR finds that direct and indirect impacts to covered species, vegetation communities and non-covered sensitive species are less than significant after mitigation as provided for in the MSCP Plan (page 4.3-214 MSCP EIR). All other impacts were considered to be insignificant.

• **Wildlife Movement**

This draft EIR concludes that significant impacts to wildlife will occur as a result of the project (page IV-B-11). This directly contradicts the MSCP EIR which states "In summary, no direct impacts to wildlife movement are expected from the City of San Diego Subarea Plan" (page 4.3-227 MSCP EIR). In fact, the MSCP and its attendant implementing regulations are specifically designed to meet the needs for wildlife movement, contrary to current environmental regulations which do not provide for habitat connectivity.

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60. The Lead Agency has frequently established regulations that go beyond federal protections when it has been determined to be in the best interest of the city. Federal standards may be considered to be a baseline in terms of regulation, but may not be considered as adequate for the city.

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61. The MSCP preserve is considered to mitigate impacts to covered species. There are losses to biological resources other than covered species which would occur as a result of the thinning and pruning allowed under Brush Management Zone 2. The worst case analysis indicates that a significant impact to non-covered sensitive species could be significant. The preserve is designed to mitigate impacts to covered species; it is unknown whether impacts to non-covered species would be mitigated by implementation of the preserve to below a level of significance pursuant to the CEQA analysis conducted by the City.

62

62. The EIR has been revised to clarify that the MSCP EIR concludes that although there would be significant impacts to covered species as a result of the program, those impacts would be mitigated by establishment of the preserve.

The MSCP EIR draws the above conclusion for covered species only. It does not draw a conclusion with respect to non-covered species. Wetlands are not addressed in the MSCP because a premise of the program was that there was adequate protection through local, state and federal programs for those resources.

63

63. This EIR does not address the MSCP Subarea Plan but rather addresses the Land Development Code which, at the time that the Draft EIR was prepared, did not include any incorporation of the Subarea Plan. The conclusion that significant impacts would occur to wildlife movement was based on the lack of design control in the Code which could result in development within narrow corridors without regard to wildlife movement. The Code has been revised to include a requirement that development within the MSCP be consistent with the Subarea Plan and, therefore, this impact is not anticipated to be significant. See the Preface to the Final EIR for a summary of proposed changes to the Code since public review of the Draft EIR.

• **Conclusion**

The conclusion of this draft EIR that the proposed new regulations will have a significant impact on biological resources because there is no limit on encroachment into biologically sensitive lands outside the MSCP neglects to acknowledge the mitigation requirements imposed by the MSCP on all sensitive habitat types, both inside and outside the preserve, and fails to display any understanding of the very concept of the MSCP which these regulations are designed to implement. The adoption of the MSCP and these attendant implementing regulations will result in the creation of a contiguous, interconnected preserve to meet the regional need for species and habitat preservation. The very purpose for creating the preserve is to mitigate for impacts of development outside its boundaries. Thus, any potential biological impacts are clearly mitigated through implementation of the MSCP and these new land development regulations.

The Alliance is hopeful that these comments and concerns will be addressed in the final EIR. Thank you for providing the opportunity to comment.

Sincerely,



Laurie J. McKinley
Executive Director

64. This EIR presents analysis only of regulations as proposed. The MSCP EIR presented an analysis of the plan. This EIR states as clearly as possible the relationship between the MSCP and the implementing ordinances.



SAN DIEGO AUDUBON SOCIETY

2321 Morena Boulevard, Suite D • San Diego CA 92110 • 619/275-0557

2-5-97

Development Services Department
Land Development Review Division
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Draft EIR: Land Development Code

We appreciate the candor of this document, pointing out as it does the significant (and negative) impacts to biology; land use; neighborhood character/aesthetics; historical resources; paleontological resources; human health/ public safety; and cumulative impacts to soils/erosion; air quality; and hydrology/ water quality.

Clearly this project is a major step backward from conservation goals. We were led to believe it was a simple "update," sorely needed. Clearly it is not. It includes drastic changes of policy, most of these changes detrimental to the environment and to the quality of life of present San Diego residents, but even more harmful to the quality of life of our children, putting at risk, as it does, unique natural habitats, sensitive resources, open space, and even our economic health.

We object strongly to the use (abuse) of the MSCP by assuming that it will meet all its goals and objectives. This is far from certain, and the MSCP has not yet been approved. We also object to using the MSCP as an excuse to relax, or drop, local regulations, such as the Resource Protection Ordinance, and protection of special coastal zone resources. The success of the MSCP depends upon, not only the California Environmental Quality Act (CEQA) and the Endangered Species Act (ESA), but also our local protections.

We are chagrined that, since this project is allegedly limited to change of ordinance language, guidelines, and standards, there are no mitigation conditions of approval. This is a major and potentially fatal loophole.

We are concerned about land use impacts, especially the loss of agriculture lands.

We are especially concerned about the loss of wetland buffers regulations, and the redefinition or wetlands. Please see and heed Jim Peugh's letter.

We object to the potentially significant losses of populations of species not covered by the MSCP. We also object to the failure to protect adequately

65. Comment noted.

65

66. Mitigation measures are attached to a project, that is "enforced", either by incorporation as project features, or as conditions of a permit required to implement the project. They are measures which the applicant agrees to with respect to the proposed project. In this case, the proposed project is essentially a new ordinance. There would be no permit upon which to attach mitigation measures as conditions. The City Council will either adopt the new Code as proposed, adopt an alternative, or not adopt the project at all. Since the impacts of the project are related to the proposed language, the only way to reduce or avoid the potentially significant impacts is to change the language which would cause the impact. This "alternative" language is presented as Alternative 4.

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67. Comment noted.

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68. Comment noted.

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69. Comment noted.

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wildlife corridors for species not covered by the MSCP preserve design and the City's Subarea Plan.

We object to the loss of existing natural land forms.

Though San Diego Audubon Society is primarily concerned about bird habitat, we are also residents, citizens, and taxpayers. We are not happy about the potential loss of historical and paleontological resources, or the threat to public health and safety, air quality, and hydrology/ water quality.

The negative impacts to biology are simply unacceptable. I quote: "There would be losses of species currently identified as sensitive, as well as loss of populations not currently identified as sensitive; increased pressure to develop outside the MSCP preserve would have cumulatively significant effects on biodiversity and population levels" True.

These changes are in direct opposition to what we all now know about the critical importance of biodiversity, ecosystem protection, wetlands protection, open space protection, to ensure, not only biodiversity and all of its values, but the quality of life and economic health of the entire San Diego region.. These benefits have been proved, over and over, by responsible studies, including "Beyond Sprawl," by Bank of America and others.

We request a thorough comparison between the effects of implementing these proposed regulations with existing regulations (p.1-2).

We request that the proposed categorical exclusions (p. 111-31) from a Coastal Permit for 1) development in the nonappealable area of the coastal zone, and 2) demolition, in whole or in part, of a structure within the coastal zone, be dropped.

Exactly what the proposed OR zones would do is not clear. (111-14)

We request that the proposed repeal of HROZ and the Resource Protection Ordinance (RPO) be dropped, along with no limits on encroachment into sensitive lands outside the MSCP preserve (111-42), and no protections of species not covered by MSCP. Floodplain restrictions (111-43) should be tightened, not relaxed, and channelization prohibited, as experts are pointing out, looking at the floods on the Mississippi River, and, more recently, in Northern California.

Brush management should take place in a buffer area outside the MSCP preserve, not inside.

70. Comment noted.

71. Comment noted.

72. Comment noted.

73. Comment noted.

74. Please refer to Response 13 regarding plan-to-plan analysis and plan-to-ground analysis. The environmental impacts of existing regulations have been previously analyzed as each new regulation was considered for adoption.

75. Comment noted. Please see the Preface to the Final EIR for a summary of proposed changes in the project since public review of the EIR.

76. The proposed Code identifies two Open Space - Residential zones; the OR-1-1 allows open space with limited private residential development potential; the OR-1-2 allows open space with limited private residential development in order to implement the MSCP preserve.

77. Comment noted. Please refer to Response 75.

78. Comment noted.



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79. Comment noted.

79

The Biology section (IV-B 1-12) is clear, well written, and alarming. We find all negative impacts listed on p. IV-B-11 unacceptable.

80. Comment noted.

80

We are concerned about growth inducement, and even more about the reasons for it (V-1): relaxation of restrictions and regulations, and reduction in the level of decision making for many types of development.

81. Comment noted.

81

The cumulative effects are extremely serious and testify to the fact that this project should not go forward as written. We are especially concerned about erosion and sedimentation; urban runoff and pollution; direct impacts to covered species; and direct and indirect impact to species not on the list and outside the preserve; loss of sensitive species, habitats, and corridors; negative impacts to land use, land forms, cultural resources, and human health and safety.

82. Comment noted.

82

The significant irreversible environmental impacts (VII-1) are unacceptable.

None of the alternatives support the stated goals of this project. Back to the drawing board! Our future environmental, physical, and economic health are at stake.

83. Alternative 4, the environmentally superior alternative, has been expanded in the Final EIR.

83

Thank you for the opportunity to comment.

Norma Sullivan

Norma Sullivan, Conservation Chair





SAN DIEGO AUDUBON SOCIETY

2321 Morena Boulevard, Suite D • San Diego CA 92110 • 619/275-0557

February 5, 1997

Lawrence C. Monserrate, Principal Planner
Development Services Department, MS501
City of San Diego
1222 First Avenue
San Diego, California 92101

SUBJECT: LAND DEVELOPMENT CODE EIR, DEP NO. 96-0333, WETLAND ISSUES

The San Diego Audubon Society has reviewed the subject document. We concur with the document's conclusion that the proposed changes will result in a significant loss of wetland value within the City.

However, we feel that the EIR does not provide the decision makers and the public with sufficient information to allow them to clearly evaluate the full adverse impact if this code were to be adopted. This information should be in the form of quantitative estimates of the loss of wetlands that would result from adopting the Code and estimates of habitat loss, increased risk of damage and peril from flood impacts, reduction in ground water recharge, and reduction of water quality in our streams, rivers, bays and beaches.

There is very little wetland remaining in San Diego, roughly 0.5% of the land area. Reducing this small area will have no appreciable positive impact on the economy, housing, employment. However our region has lost more than 90% of our wetlands due to development. Any further reduction will result in significant additional negative impacts in the form of: increased risk of property damage and loss of life due to flooding, further declines of water quality at our beaches and bays, loss of ground water recharge and ground water quality, and loss of wildlife and wildlife oriented recreation. These losses will have significant negative economic, infrastructure, quality of life, and ecological long term impacts on our region. These losses are substantially greater than the minimal short term benefits that can be derived from facilitating that very small amount of additional development.

CANDIDATE CHANGE IN WETLANDS DEFINITION

Development, erosion, sedimentation, and dumping have significantly degraded much of the remain wetlands in our region. These impacts may obscure one or more of the three wetland indicators (soil, vegetation, and hydrology) in existing wetlands. In these cases the functions of the wetlands might recover naturally if left alone or could be readily restored. Filling and developing over them would effectively eliminate this possibility.

In the recent Stallions Crossing EIR, the current definition identified 20.8 acres as being wetlands. The proposed definition would have identified only 4.9 acres. Much of the 15.9 acre difference may be attributed to human related disturbances having eliminated at least one of the wetland indicators.

With the high level of development in our City, heavy levels of erosion and downstream sedimentation are typical as a result of rains and of dry weather runoff. Our wetlands are also impacted by casual grading practices, off road vehicle activity, mining, channelization, and dumping. These tend to mask one or more of the three indicators. A definition that requires the presence of all three indicators will not be sensitive to these disturbances.

To evaluate whether, and how, our current wetland definition needs to be changed requires some systematic analysis. There have been allegations that the existing single indicator definition has caused insignificant road cuts to be identified as wetlands. No specific examples have been identified. These alleged problem situations should be identified and then analyzed. This Code revision appears to be written to solve anecdotes, not a well defined problem.

84. Please refer to Response 1 regarding the lack of availability of data on which to conduct a quantitative analysis of wetlands impacts according to the proposed regulations or existing regulations.

85. Comment noted.

86. Comment noted. Although such an analysis was conducted for a specific project with a limited boundary, mapping and data are not available on a citywide basis to include in the EIR. The results of the comparison on Stallion's Crossing may be indicative of the results of a citywide comparison.

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There may be cases where wetland indicator vegetation exists outside of natural wetlands because of human caused year-round water sources. The best solution to that problem is not necessarily to change to the three out of three definition. There are a lot of other possibilities that might be far more appropriate for our climate, level of development, flood control needs, etc. The specific problems and a range of alternative solutions should be identified and analyzed prior to any change in the City's wetland definition. This document does not satisfy CEQA in that it does not present such alternatives and their impacts.

PROPOSED ELIMINATION OF THE WETLAND BUFFER REQUIREMENT

There are many reasons for maintaining a buffer around a wetland. Some of the wetland animal life need to be out of the water some or all of the time. When water levels are high, they need a high water refuge. If that refuge does not exist, they will not survive. An adequate buffer above the high water level is essential for the survival of much wetland wildlife. The wetland delineation under the proposed Code revision will protect only area that is routinely inundated. This impact is not identified in the EIR.

The soil immediately adjacent to a wetland is often considerably less stable than soils at a distance. A buffer helps to discourage building in an area that is at risk due to erosion, unstable soils, or flooding. Requiring a buffer saves large amounts of public and private money in reduction of damaged property, lower insurance rates, reductions in emergency services, and reduction in loss of supporting infrastructure. These impacts were not identified nor the costs estimated in the EIR.

Typically development on the edge of a wetland gradually spills material into the wetland. The runoff from immediately adjacent development typically runs into the wetland with no conditioning causing significant degradation. Shadowing from development at the edge of a wetland impacts plants and animals. A buffer is required to reduce these impacts to the function and value of the wetland as a habitat. We urge that the requirement for a wetland buffer be retained.

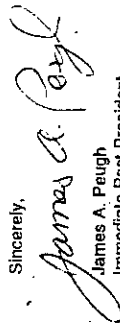
EFFECTIVE PROTECTION OF WETLANDS IS NEEDED

Currently a large portion of the wetlands in the City are being degraded from sediments from their watersheds. To minimize this requires additional protections in the form of landscaping, construction on slopes, construction site erosion prevention, better storm drains, sediment traps, and other means. The current codes and/or enforcements are clearly and totally inadequate to protect the function and value of our remaining wetlands. In the MSCP the City has committed to protect the full function and value of wetlands inside and outside the preserve. Instead the proposed Code will weaken the existing protections. As such the wetland provisions of the proposed Code will directly conflict with the City's obligations under the MSCP.

SUMMARY

If verifiable problems are identified that show that the current wetland protections are too onerous, a responsive range of alternative solutions should be developed and presented in an adequate EIR before any decisions are made. The Code should actually be revised to include measures that will better protect and restore the function and value of our remaining wetlands. This EIR clearly does not provide adequate information or analysis to justify weakening the protection of our wetlands.

Sincerely,


James A. Peugh
Immediate Past President

87. The EIR has been revised to identify the impact as stated in the comment. Please see the Biology Impacts section of the Final EIR.

88. The MSCP EIR did not address impacts on wetlands. It is stated in the Plan that wetlands would continue to be protected by the same regulations as are in place now and the program does not change or influence those regulations in any way. Thus, there are no obligations with regard to the MSCP and wetlands.

89. Comment noted. Please see the expanded Alternative 4 which provides alternative Code language which, if adopted, could reduce or avoid the potentially significant impacts on wetlands.

California Native Plant Society

San Diego Chapter P.O. Box 1390 San Diego, CA 92112

February 10, 1997

Lawrence C. Monserrate
City of San Diego
Development Services Department
1222 First Ave
San Diego, CA 92101

Re: Land Development Code
SCH No. 96081056, LDR No. 96-0333

Dear Mr. Monserrate:

The San Diego Chapter of the California Native Plant Society (CNPS) has reviewed the draft EIR for the Land Development Code. We question the legality of some of the proposed changes to the Land Development Code and request that sections be altered.

In environmental documentation for the Multiple Species Conservation Program, MSCP, CNPS has repeatedly requested information concerning impacts of the program on non-covered sensitive plant species. We requested this information at the NOP stage and as comments concerning the adequacy of the draft EIR (both the first and second draft EIRs). Analysis of impacts of the program on non-covered sensitive plant species has never been provided and the final MSCP EIR states that impact analysis will be performed on a project by project basis per CEQA. In the draft EIR for the Land Development Code (page IV-B-10-11), it is stated that biological survey reports to identify impacts to non-covered species outside the MSCP preserve will not be required. CEQA requires disclosure of impacts to sensitive species and mitigation or findings of overriding consideration for those impacts. There has been no CEQA analysis of impacts to the majority of non-covered sensitive plant species and in fact there is MSCP CEQA analysis for some non-covered species that concludes protections provided by the MSCP preserve are inadequate to protect the species adequately.

We had hoped the MSCP CEQA analysis would provide information for determining which of the currently known sensitive plant species are adequately protected by the MSCP preserve design. The list of species that has not undergone adequate CEQA analysis with MSCP documentation are: *Chorizanthe polygamoideae* var. *longispina*, *Hordeum intercedens*, *Lepidium latipes*, *Artemisia palmieri*, *Azolla mexicana*, *Bergia texana*, *Iva haysiana*, *Frankenia palmieri*, *Hemizonia parryi*, *Juncus acutus*, *Lashenia glabrata*, *Suaeda estroea*, *Suaeda taxifolia*, *Hemizonia purpurea*, *Holocarpha virgata*, *Isocoma menziesii*, *Microseris douglasii*, *Chorizanthe oerckii*, *Quercus dumosa*, *Ambrosia chenopodiifolia*, *Berberocactus emoryi*, *Euphorbia misera*, *Abronia maritima*, *Nemacaulis denudata*, *Orobancha parishii*, *Atriplex confertifolia*, *Calandrinia maritima*,

90. The EIR has been revised; the Guidelines do require future surveys to identify impacts to non-covered species.

91. This EIR does not address the MSCP. It is acknowledged that several non-covered species will both be protected and lost as a result of the MSCP.

90

91



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Camissonia lewisii, *Coreopsis maritima*, *Lashenia coronaria*, *Lepidium latifolium*, *Orobanchaceae peruviana*, *Achnantherum diegensis*, Dean's milk vetch, *Atriplex pacifica*, *Cilindropuntia brevifolia*, *Chamaechaetia australis*, *Chorizanthe leptostachya*, *Chorizanthe procumbens*, *Chorizanthe delicata*, *Comarostaphylos diversifolia*, *Convolvulus simulans*, *Corethrogyne filaginifolia* var. *incana*, *Dichondra occidentalis*, *Fremontodendron mexicanum*, Mission Canyon blue-cup, *Harpagophytum palmieri*, *Heterotheca sessiliflora*, *Horkelia truncata*, *Lathyrus splendens*, *Lepidium virginicum*, *Machaeranthera juicea*, *Amelanchier clevelandii*, *Monardella hypoleuca* ssp. *lunata*, *Mucrona californica*, *OphioGLOSSUM californicum*, *Ornithostaphylos oppositifolia*, *Perideridia gairdneri*, *Phacelia stellaris*, *Pholistoma racemosum*, *Ribes viburnifolium*, *Romneya trichocalyx*, *Satureja chandleri*, *Senecio aphanactis*, and *Stylocline citroleum*. We believe that analysis would show that many of these species are adequately conserved with the MSCP preserve design but CEQA analysis has not demonstrated this. Will the policy of non-analysis drive any of these species to extinction?

The California Department of Fish and Game requires wetland buffer zones to implement the state policy of no net loss of wetlands. The proposed regulations do not include any requirement for buffer zones between wetlands and development (page IV-B-7). San Diego has numerous examples of building in floodplains that results in economic impacts to businesses and housing (Viagenc and J&W Redwood in Sorrento Valley, Fashion Valley by the San Diego River, and the Tijuana River Valley). By failing to provide protection of wetlands through wetland buffer requirements, the City negatively impacts wetland habitat while placing its citizens in jeopardy. Current practices that have not utilized appropriate wetland buffers and protections have been demonstrated to negatively impact sensitive plant resources such as the state endangered species Willoway monardella in Marian Bear Natural Park (due to inadequacy of landfill buffering) and in Lopez Canyon (due to inadequacy of runoff control from Camino Santa Fe).

The impact of changes in wetlands definition to Army Corp requirements were seen in the draft EIR for Stallions Crossing. The current definition identified 20.8 acres whereas Army Corp definition identified 4.9 acres. Given that San Diego receives little rain, it does not seem reasonable to change to criteria designed for a wetter habitat. Wetlands vegetation supports wildlife whether it can meet the other Army Corp requirements or not. Conversely, degraded or converted riparian habitat needs to be protected from development as evidenced by flooding associated damage in San Diego. As building continues to occur in upstream drainages throughout the region, flooding problems downstream can be expected to increase. A buffer and a looser policy on criteria will help prevent damage in the future.

The Biology Guidelines do not provide sufficient guidance for preservation of vernal pool watersheds (page IV-B-9) although the guidelines state that a sufficient amount of the watershed will be avoided. Mima mound topography and macro drainage patterns must be avoided to assure that the requirements for preservation are met.



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92. Comment noted.

93

93. Comment noted. Refer to Response 86.

94

94. Comment noted.

California Native Plant Society

No avoidance criteria has been incorporated into the brush management zones as was suggested by wildlife agencies. Since many sensitive species will be found within the brush clearance zones of development, pruning and avoidance recommendations should have been incorporated in the Land Development Zone language. *Dudleya blechnoides* ssp. *brevisifolia* may fall well within a brush clearance zone for development of the species. Del Mar manzanita, Warty-stemmed ceanothus, *Quercus dumosa*, and Summer holly will all be impacted by future brush clearance in Neighborhood 8A. Specific regions should have pruning guidance for these sensitive plant species with brochures sent explaining brush clearance requirements for areas adjacent to the preserve.

Mitigation to reduce or avoid the significant impacts of these regulations suggest alternative language could avoid or reduce potentially significant impacts to biological resources (page IV-B-12). The reviewer is referred to Chapter VIII for Alternative Language that would mitigate the significant impacts of the regulatory changes. We could find no specific language on page VIII-6, only the same list included on page IV-B-12 to mitigate impacts. Please provide clear regulatory language that will mitigate impacts to below a level of significance.

Sincerely,

Cindy Burrascano

Cindy Burrascano
Chapter President

95. The conclusion of the EIR for the MSCP is that the significant impacts from Zone 1 brush management within the bounds of the MSCP preserve are mitigated by implementation of the MSCP. The EIR further concludes that Zone 2 brush management within the bounds of the MSCP preserve would not have significant impacts. No special guidance has yet been developed for brush management activities. The comment has been forwarded to appropriate staff.

The DEIR for the proposed Land Development Code concluded that there are potentially significant impacts related to brush management outside the bounds of the MSCP preserve.

96. Alternative 4 in the Final EIR has been expanded to include more specific language.



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Southwest Center for Biological Diversity



4772 Coronado Ave.
San Diego, CA 92107
TEL: 223.9218

CITY OF SAN DIEGO
Development Services Department
1222 First Avenue, 5th Floor
San Diego, CA 92101
Attn: Larry Monserrate

RE: Comments on the Draft EIR for the Zoning Code Update

Dear Ms. Winterrowd:

The Southwest Center for Biological Diversity appreciates the opportunity to comment on the proposed changes to the Land Development Code for the City of San Diego. We recognize that biodiversity issues are inextricably linked to, and indicative of, our quality of life. The Center is concerned with the protection and conservation of biological resources in our region, and to that end we have participated in the Multiple Species Conservation Program (MSCP) planning efforts. As portions of the Land Development Code will effectively act as the implementing ordinance for the MSCP, we would like to offer some comments on disturbing trends we have observed in these coevolving processes.

Primarily we are concerned with proposed changes that reflect what we believe is a misperception of the goals of a habitat conservation plan such as the MSCP. Proposed changes in the Zoning Code seem to indicate the assumption, on the part of the City, that the MSCP is the only mechanism we need to conserve species and associated biological resources. This assumption is false. The MSCP preserve was never meant to address all of the land-use and species issues in our region. It was meant to be a new tool to promote habitat protection and economic growth by precluding the need to list some species, but it was never intended to be the only tool. The MSCP program supplements and improves on conventional administration of existing species protection laws and local land-use regulations, it cannot be substituted for them.

First and foremost, the plan evolved in response to the listing (as threatened) of the California gnatcatcher. The initial focus of the program was the habitat utilized by the gnatcatcher - the coastal sage scrub community. As such, the first additional species to be brought into the scope for planning were those that fell under the umbrella of coverage afforded by increased coastal sage scrub protection. Although other associated vegetation communities are now also being addressed in this planning approach, it is important to remember its original intent and stated goals which are not all-encompassing. If species other than

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97. Comment noted with regard to over-reliance on the MSCP for protection of biological resources. The comment mainly addresses the MSCP. While the proposed ordinance changes incorporate regulations necessary to implement the MSCP, there would continue to be environmental review pursuant to CEQA for all discretionary projects.

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the covered species become sensitive in the future, there is no assurance, or even assumption, that the preserve has been designed to adequately protect those species.

Proposed changes in the Zoning Code Update overestimate the scope and intent of the MSCP. The direction taken seems to reveal an intention by the City to use the MSCP as the only tool for regulating biologically important lands in the region. The result is policy that provides some protection inside the preserve and no protection outside the preserve. In addition, the alternatives offered in the Zoning Code Update EIR to offset significant impacts are equally inflexible (to be explained in more detail below; see # 7). Overall we feel this narrow view of land regulation will result in an approach to land-use in the region that does not serve the people of San Diego or ensure a high quality of life. Specifically, we offer the following concerns and comments:

1. NO ANALYSIS OF IMPLICATIONS FOR NON-COVERED SPECIES

The changes to the Land Development Code assume that the land set aside in the MSCP preserve will function to conserve a viable amount of all of San Diego's sensitive resources and species, not just those covered by the plan. This is illustrated by the fact that the Zoning Code Update states that "outside the preserve, there would be no limit on the allowable loss of biologically sensitive lands," and simultaneously chooses not to evaluate how non-covered species will be affected. It seems that the underlying assumption is that the preserve protects more than covered species; that in itself, the preserve lands and species that benefit from their conservation, will offset any encroachment into biologically important lands in the rest of the City. The MSCP cannot, nor does it claim to, address the needs of all of the species and sensitive resources in San Diego. Again, its scope is limited.

The MSCP preserve can only claim to provide for the conservation of the species on the covered species list. By its very intent, to offset impacts to gnatcatcher habitat, it is limited in scope. By choosing not to regulate biologically sensitive lands outside of the preserve now, the City is relinquishing future local control to federal and state governments. For example, if a species (not covered by the MSCP preserve) begins to decline, as is a likely scenario in light of the limited control proposed over future development impacts outside of the preserve, we would not be able to rely on local government to regulate land-use without turning to the Endangered Species Act. Shirking the responsibility to plan wisely and regulate growth outside of the preserve now, almost guarantees that we will need to rely on the safety net provision of the ESA for "critical care" of species in the future.

FAILURE TO ADDRESS ENVIRONMENTAL LAND-USE ISSUES OUTSIDE OF THE PRESERVE

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Similarly, the statement that "outside the preserve, there would be no limit on the allowable loss of biologically sensitive lands, although any loss would be required to be offset by mitigation," does not adequately address land-use issues outside of the preserve that require regulation, rather than mere mitigation (as called for in Chapter 14: the ESL Development Regulations). The ESL only calls for the avoidance of *wetlands* outside of the preserve, everything else can be encroached upon as long as it is mitigated. We cannot state strongly enough that mitigation does not replace avoidance regulations for the protection of some biological resources and species.

For instance, many of the stated goals in the 39 community plans in San Diego would require specific regulations, such as encroachment limits on sensitive lands, if they were to be achieved. Mitigation for the loss of biologically sensitive lands (currently the only proposed provision to regulate outside of the preserve) would not achieve the goals desired by the communities. Current proposals offer an unsuccessful token attempt to assuage losses, rather than prevent them.

Offered as an example to support this statement are some of the common goals contained in almost every community plan that could not be achieved outside of the preserve via the proposed regulations alone:

- ✓ "Prohibit land uses adjacent to sensitive habitats that negatively impacts those areas. . ."
- ✓ "Minimize or eliminate development impacts on rare, threatened, endangered, or candidate species."
- ✓ "Design the construction or improvements of roadways adjacent to biologically sensitive areas or open space to avoid impacts, especially in wetlands and wetlands buffer areas."
- ✓ "Design roads serving hillside and canyon developments carefully and sensitively."
- ✓ "Reduce or eliminate impacts to road improvements that traverse sensitive areas."

3. INAPPROPRIATE CHANGES TO THE WETLANDS DEFINITION

The changes proposed for the Land Development Code with respect to wetlands, relinquish local control of our unique resources by deferring to state and federal definitions. If the City should adopt the three-criteria method for defining wetlands, our local wetland resources will be subject to the equivalent of state and federal land-use controls that were not designed nor intended to protect our unique conditions.

Furthermore, the changes proposed will defer to methods that do not account for impacts to watersheds or natural complexes. In effect, this would mean that vernal pools, one of our most endangered habitat-types, would be considered individually and in isolation. This approach to protection of vernal pools would have dire consequences for the species the pools support. In order for vernal pool species to maintain genetic variability and structure they must occur in complexes where pools are in relatively close proximity. This allows for gene flow between pools, whereas isolated populations of species will ultimately support essentially no genetic variability.

4. NO BUFFERS FOR WETLANDS

Buffers are vital for the conservation of critical wetlands. More so than any other habitat-type, wetlands are directly impacted and affected by the state of the surrounding watershed. They are a habitat-type defined not only by vegetation, but by the water that flows into them. It is stated in the EIR for the Land Development Code that protecting wetland buffers is proposed to be abandoned because wetlands and their buffers are too difficult to define.

Obviously it is the case that nature in its complexity can be difficult to predict. Most are more than willing to acknowledge how little we know about the functioning of ecosystems, however, limited knowledge or complex circumstances must not be used as an excuse for doing nothing. Wetland buffers must be maintained even if it requires the most current biological information available or a case by case determination. Based on this change to wetlands protection alone, we would not be able to support the proposed regulations.

5. INADEQUATE REGULATION FOR WILDLIFE CORRIDORS

In Section 131.0250(b)4 of the ESL portion of the Zoning Code Update, it states that "The allowable development area shall be one acre for a premises with a total area of less than four acres provided the width of the MSCP PRESERVE is at least 1,000 feet. . . ." Similar language should be included in the Land Development Code to establish a minimum width for wildlife corridors outside of the

preserve because of the critical need to maintain gene flow for the conservation of species. This criteria could be used to regulate the occasional unusual circumstance when a development proposal comes forward that, on its own, could preclude the viability of a wildlife corridor.

6. **BRUSH MANAGEMENT ZONE 2 AS AN ADDITIONAL IMPACT**

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It is stated in the Land Development Code that Zone 2 of the brush management zone will not be considered part of the allowable 25% development area. This is an unreasonable additional encroachment upon sensitive resources. The limit should be set at 25% total so as not to further whittle away at our already limited open space lands. The City staff has previously done an analysis to determine the average amount of land conserved by projects processed through RPO. It was the conclusion of Dr. Jun Onaka (4/17/95) that the average development permitted on lands identified as sensitive under RPO was approximately 20.6%. This indicates that the allowable 25% is in fact less restrictive than existing regulations, therefore it is not unreasonable to draw the line at 25% total allowable impact area.

7. **INFLEXIBLE ALTERNATIVES OFFERED**

The alternatives offered to the proposed project do not constitute a reasonable range. With the alternatives provided we have been offered "all or nothing" with respect to the implementation of the MSCP. Essentially we are given three options: (1) support the current proposal; (2) go back to existing regulations; or (3) demand more biological resource protection but "adoption of this alternative would mean that the MSCP would not be implemented." Why are we not offered a reasonable alternative that allows for implementation of the MSCP while including provisions to offset some of the significant environmental impacts that would result from the current proposal? The fact that a choice of this type is precluded indicates a narrow focus and inflexibility. We believe another alternative should be offered.

We hope you will consider our comments in drafting the Final EIR. Thank you for your time and consideration. If any questions arise, please don't hesitate to call 223-9218.

Sincerely,



Allison Rolfe
Projects Coordinator - So. Calif.

103. Comment noted. The recommended change has not been incorporated in the project.

104. Alternative 4, the environmentally superior alternative, is a reasonable alternative to the project that would include MSCP implementation.

Centre City
Development
Corporation

February 6, 1997

Mr. Lawrence C. Monserrate, Principal Planner
CITY OF SAN DIEGO
Land Development Review Division
1222 First Avenue, MS 501
San Diego, CA 92101

SUBJECT: COMMENTS ON THE DRAFT EIR FOR THE LAND
DEVELOPMENT CODE

Dear Mr. Monserrate:

The Centre City Development Corporation (CCDC) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Land Development Code. CCDC has the following comments on the Draft EIR, and will be preparing separate comments on the Land Development Code by the public review deadline of February 21, 1997:

City Conclusions (page 1) and elsewhere: The Draft EIR states in several places that no substantive changes have been made to the Planned Districts. We agree that the references to revised sections of the Municipal Code do not represent substantive changes. However, a comprehensive list of revised Municipal Code sections was added to each of the three Planned District Ordinances (PDOs) which govern development in 1,500 acres of downtown-Centre City, Gaslamp and Marina. This is a substantive change in that there may be changes to these Sections of the Municipal Code that conflict with CCDC procedures or policies. For example, the proposed amendments to the Centre City PDO mandate the application of Chapter 11, 12 and Article 3 of Chapter 14, the combination of which might revoke the Centre City PDO provisions pertaining to the regulation of historic resources and other categories of property. This would be a substantive change.

City Conclusions (page 2) and elsewhere: The Draft EIR states that a plan-to-plan analysis was not conducted nor analyzed in the EIR. Why? The reasons for the City's decision not to conduct a plan-to-plan analysis needs to be substantiated. The Municipal Code is a planning and procedures document. The changes to this document should be compared to the existing language in order to identify the significance of the changes. How can the City substantiate a conclusion that no substantive changes occur to the Planned District's if there

105. See the Preface to the Final EIR for a summary of proposed changes to the PDOs.

106. See Response 13.

has been no comparative analysis of the impact of incorporating new Municipal Code language into the PDOs? Do any of the changes to the Municipal Code impact the Centre City Community Plan?

City Conclusions (page 8): We note that CCDC was not noticed of the preparation of the Draft EIR or availability of the Draft EIR. CCDC implements redevelopment activity (on behalf of the Redevelopment Agency) in the Centre City Redevelopment Project that covers a total of approximately 1,500 acres in downtown. Three PDOs (Centre City, Gaslamp and Marina) will be affected by the proposed changes to the Municipal Code. CCDC would appreciate being included on the distribution list to receive future notices of any City activity that may affect redevelopment in the Centre City Redevelopment Project Area.

Introduction (page 1-1): The Draft EIR states that "a future phase is anticipated that would include reformatting and revisions to the Planned Districts and other substantive changes." CCDC respectfully requests being included in the preparation of any such revisions to the PDOs governing development within the Centre City Redevelopment Project Area.

Page II-9: The eighth paragraph addresses the Urbanized tier and identifies the areas where there is the strongest redevelopment opportunity. CCDC is unaware of a "Columbia Street area". The referenced "Marina area" is a Planned District which is a part of the larger Centre City Redevelopment Project. In addition, the majority of the Horton Plaza Redevelopment Project Area has been redeveloped. In this instance, it would have been more accurate to refer to the downtown San Diego redevelopment areas as the "Centre City Redevelopment Project Area" which encompasses the area addressed by the Centre City, Gaslamp and Marina PDOs. These areas have the strongest redevelopment potential.

Page II-19: This page identifies the Centre City Overlay Zone as an existing zone that implements the Centre City Community Plan. It is our understanding that this overlay zone was repealed when the Centre City Community Plan was update and adopted in 1992. Therefore, it wouldn't be an existing zone. If it has never been repealed then this would be an action to describe in Section III, similar to the repeal of the Centre City East PDO.

Page II-23, III-1, III-2 and III-5: The Centre City East Planned District should have been repealed with the adoption of the Centre City Planned District. The Existing Conditions and Project Description sections which state that there are "no substantive changes" to Chapter 10 of the Municipal Code should state the exception of the repeal of the Centre City East Planned District (Chapter 10, Article 3, Division 16 of the Municipal Code).

107. The City apologizes for the oversight in noticing and will add the Centre City Development Corporation to the distribution list for the Final EIR.

108. Comment noted.

109. The Final EIR reflects the corrections as stated in the comment.

110. The Final EIR reflects the corrections; the Centre City Overlay Zone was repealed.

111. The Final EIR reflects the corrections; the Centre City East Planned District Ordinance has been repealed.

Page III-7: From the discussion of historical resources in the Draft EIR it appears that the more generalized definition of historical resources would subject non-designated properties to strict regulation, where RPO currently does not regulate non-designated structures. A comparative analysis of the differences between the application of RPO and the new Land Development Code on historic resources would be helpful in this section.

Page III-43: The first sentence under *Proposed Historical Resources Regulations* should read that RPO as well as the Historical Site Ordinance regulate historical resources.

A comparison of Table 143-02A in the new Land Development Code indicates that there are three classes of historic resources, whereas this page of the Draft EIR addresses two classes. Please explain.

Page III-43/44: Our interpretation of the new historic regulations differs from statements made in the Draft EIR. The Draft EIR accurately states that regulations will only allow minor alteration of Class I resources, but we feel that the Draft EIR is inaccurate when it states that any loss of a Class I resource can be offset by mitigation. The regulations will permit only "minimum disturbance" to a Class I resource; no "loss" of a Class I resource is permitted. This is a significant change from the current regulation of such resources and should be explained in this section.

Page IV-A-12: The Centre City Community Plan was updated and adopted in April 1992. The City should replace the specific objectives referenced from the 1990 version with those of the 1992 version.

Page IV-D-4: The statement that RPO defines significant prehistoric and historic sites and resources" should be limited to prehistoric or historic districts, sites, buildings, structures or objects included in the State Landmark Register...." implies that RPO currently allows flexibility in the definition of significant resources. RPO states that its regulations "shall be limited to" designated properties. In terms of the built environment, RPO does not regulate non-designated properties. The proposed regulations would regulate non-designated properties. This difference should be addressed in this section.

Page IV-D-8: It is our understanding that the proposed regulations would only allow minor alteration of a Class I or designated historical resource. This is different from current regulations which allow alteration, including demolition, of designated structures under certain circumstances. The more strict regulation of designated or Class I resources should be discussed as it relates to the physical environment. Strict regulation of designated structures could discourage property owners from seeking designation and discourage

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| 112. | See the Preface to the Final EIR for a summary of changes to the historical definitions and regulations. |
| 113. | The regulatory provisions of the Historical Site Ordinance were superseded by the adoption of the Resource Protection Ordinance. See Response 112. |
| 114. | A designated historical resource or other historical resource could be lost through the deviation process which is consistent with the current RPO regulations. |
| 115. | The Final EIR reflects the goals of the Centre City Community Plan adopted in April 1992. |
| 116. | Refer to Response 112. Regulation of non-designated historical buildings and structures has been deleted. |
| 117. | The proposed regulations for designated historical resources is the same as the current RPO regulations. A deviation process is proposed for demolition or substantial alteration when there is an economic hardship. |

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investors from investing in already designated structures. When property owners are advised that they can never remove designated structures in the future (under any circumstance), they could lose their motivation to maintain the properties. As investment dollars are directed away from historic resources, similarly, they won't be maintained. Ultimately, it seems that voluntary investment in such structures would decline (socioeconomic impact) which would result in the loss of more historical structures than would be saved (physical impact). It appears that similar impacts might occur with Class II, non-designated historic resources, as well. These impacts were not analyzed in the EIR.

We look forward to your response to these issues. We would appreciate receiving a copy of the Final EIR when completed.


BEVERLY SCHROEDER
SENIOR PLANNER



February 6, 1997

HAND DELIVERY

Lawrence C. Monserrate

Principal Planner

CITY OF SAN DIEGO

Development Services Division

Land Development Review Division

1222 First Avenue, Mail Station 501

San Diego, California 92101

Re: Draft Environmental Impact Report, Land Development Code (DEP No. 96-0333; SCH No. 96081056)

Dear Mr. Monserrate:

The La Jolla Town Council hereby submits the following objections to and comments on the December 9, 1996, Draft Environmental Impact Report ("DEIR") for the proposed amendment of the Land Development/Zoning Code (the "Zoning Code Update" or "project").

GENERAL COMMENTS AND OBJECTIONS

The Town Council has twice sought an extension of time for review of the DEIR, without receiving any written response. On December 27, 1996, we indicated our view that it was virtually impossible to compare the current zoning code with the massive proposed update, since there is no redlined version showing changes. We have requested that the City make a redlined version available immediately, showing the differences between current law and proposed law, so that there can be meaningful public review of the document.

Alternatively, we sought extension of public review for a minimum of 90 days. We also asked that you make the proposed code available in electronic form, either on disc or by posting it to the City's Internet site. Additionally, we noted that the November 15 notice promised that the period for review of the draft environmental impact report would be 60 days and that the document would be available for distribution on

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118. The required public review period for an EIR of this type is 45 days. The EIR was available for public review on December 9 as indicated on the public notice. Because of the complexity of the project, the review period was extended to 60 days.



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December 2, 1996. Since the document was not actually available for distribution until December 16, we asked that that the comment period be extended accordingly. This request never received a response.

Moreover, by letter dated January 13, 1997, we noted that the DEIR had been unavailable for review in at least one branch of the City of San Diego Public Library. In response to comment 5k-6 on the Update's Second Draft, the City had promised to distribute the DEIR in public libraries. Our request for an extension because of the failure to honor this commitment (or the lateness in doing so) never received a written response.

The Change Summary distributed with the November 1996 package is not sufficient to meet our objections. Its provisions are not explanatory, particularly about changes in substance, and are often incorrect or misleading.

Because of the massive nature of the update materials, we believe we have not had sufficient time to review this material adequately. We reserve our right to submit additional evidence and comments at a later time.

We also adopt and incorporate by reference all correspondence and comments on the Zoning Code Update and the MSCP previously submitted by the Town Council, other community groups, the Sierra Club, James Ragsdale, Courtney Coyle, and Opal Trueblood.

In responding to these comments, please use specific references to code sections and legal authority so that the public is able to understand and evaluate the responses.

119. As soon as it was aware of the problem with distribution, the City made its best attempts to cure the problem. The City was diligent in its attempts to make the document available to the public.

120. Comment noted. The Draft EIR provided a comprehensive summary of the project comparing the proposed regulations with the existing code.

121. Comment noted.

122. The referenced materials do not address the adequacy of the Draft EIR.

123. Comment noted.



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SPECIFIC DEFICIENCIES IN THE DEIR

A. THE DEIR DOES NOT ADEQUATELY IDENTIFY AND ADDRESS THE ENVIRONMENTAL IMPACT OF ADOPTION OF THE ZONING CODE UPDATE.

1. The DEIR Fails To Explain or Analyze Many of the Substantive Protections Set Forth In Community Plans.

The DEIR does not discuss the inconsistencies between the proposed project and existing general plans and regional plans, including . . . regional land use plans for the protection of the coastal zone. (CEQA Guidelines, sec. 15125(b).) While the DEIR spends a good deal of effort on summarizing the various plans, it makes little or no connection between the project and those specific plans. (DEIR, p. IV-A-5-32.) The failure to make this connection contributes to the failure of the DEIR to explain the environmental impacts of the project in a way that is meaningful to the public and decisionmakers.

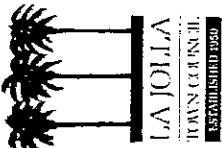
All of the existing community plans have been written and approved by the City Council under discretionary review, after CEQA approval, and pursuant to existing ordinances. To change the Zoning Code Update now, without first asking communities to update their community plans and their capital facilities plans would not only violate the rule of Leshier Communications Inc. v. City of Walnut Creek (1990) 52 Cal.3d 531, but would pose the likelihood that the DEIR will miss on the ground impacts in its analysis.

At the outset, the City should explain its position on whether it ever intended zoning laws to be subject to the restrictions of the General Plan and the Community Plans. We understand from statements at various public hearings, including the Zoning Code

124. The EIR identifies that there are coastal elements of the land use plans for coastal communities. The coastal elements of the land use plans and the implementing ordinances make up the Local Coastal Program. The Impacts section of the Land Use analysis identifies inconsistencies between the proposed project and adopted land use plans including regional plans.

125. The case cited, Leshier Communications v. City of Walnut Creek, 52 Cal.3d 531 (1990), addressed the applicability of Government Code section 65860(a) which requires consistency between land uses authorized in the zoning regulations and the objectives, policies, general land uses and programs specified in the general plan. Charter cities, except for Los Angeles, are exempt from the zoning consistency mandate since Government Code section 65803 provides that the provisions of the zoning chapter (Government Code 65800-65912) shall not apply to charter cities. Other statutory consistency requirements, for example between zoning ordinances and he land use plans of a local coastal program and between tentative maps and general plans do apply in the City of San Diego.

126. As to which document controls, the General Plan and its component parts are planning documents and serve as guidelines for future land use regulation and development in the City. If there are inconsistencies between the plan documents and the zoning regulations, the zoning regulations would govern.



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Forum on February 1, 1997,¹ that the City believes that in enacting this Zoning Code Update, it is not bound by the General Plan or the Community Plans. Further, we understand that the City believes that any inconsistencies between the Zoning Code, on one hand, and the General Plan or Community Plans, on the other hand, must be resolved in favor of the Zoning Code. Please confirm the City's legal view on this issue. It will certainly come as a great shock to the many communities that have worked and struggled so diligently over their community plans,² that those plans will be subordinate to this Zoning Code Update except on the issues of land use and density, which the Update incorporates by reference. More fundamentally, for the purposes of CEQA, it is not possible for the City or the public to gauge the environmental effect of the Update if they cannot discern which of the Zoning Code, General Plan and Community Plans trumps the other.

Community Character and Public Views. The current community plan consistency evaluation encompasses both land use and design (community character). The proposed code would eliminate consideration of design for Neighborhood and Site Development Permits. Apparently, upon adoption of the proposed code, any protection of open space, sensitive resources, historical resources, or aspects of community character agreed to within a community will no longer be protected unless they have been "incorporated into various aspects of regulations in base zones and in Chapter 14." What is the impact of this? What open spaces are affected? What hillside, environmentally sensitive resources, and historical resources are affected by this change?

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127. The EIR analyzes each of these issues.

¹ The La Jolla Town Council asks that the proceedings of that forum, which were recorded on videotape, be included in the administrative record of these proceedings.

² The Community Plans and their CEQA documentation should be included in the administrative record of these proceedings.



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The La Jolla Community Plan has identified a number of factors comprising community character, all of which would be effectively eliminated by the project. The La Jolla Community Plan states that:

"In an effort to maintain neighborhood character, the following elements shall be preserved:

2. Bulk, scale and volume -- with regard to surrounding structures or geological conditions only;
3. Street landscape -- with regard to size and shape or generalized type of planting materials;
4. Hardscapes -- with regard to pavement types, patterns or lack of patterns, colors, widths, colors and contours;
5. Street fixtures -- with regard to type size and location;
6. Site fixtures -- with regard to height, type, material and location (fences, walls, retaining walls, curb cuts and driveways);
7. Curbs, gutters and street pavements -- with regard to types of materials;
8. Public views as identified in Figure 9." (Community Plan, p. 71-72, emphasis added.)

In light of these Community Plan requirements, it is misleading and untruthful for the DEIR to assert that neighborhood character will be protected after approval of the project. The DEIR states that since development would be compatible in bulk and scale, "there would be no significant impact on neighborhood character." (IV-E-5) This is certainly not accurate in La Jolla, where almost all of the components of community character, listed above, will be written out of the Zoning Code.

Development in La Jolla Affecting Open Space and Sensitive Resources. The DEIR gives a misimpression of the change in policy toward development in La Jolla affecting open space areas. The DEIR

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The EIR analyzes the potential impacts to neighborhood character based on the proposed zone and supplemental development regulations and concludes there would not be a substantial adverse effect.

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Rezoning of private property to the OR zone is not part of the current project. The EIR analyzes the proposed regulations relative to biological and historical resources and landforms and concludes that significant impacts would occur.

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missitates an important policy in the La Jolla Community Plan, at p. IV-A-10. There is no policy to:

"Limit encroachment of new development in designated Open Space areas to 25% slope encroachment."

The actual policy is much more restrictive:

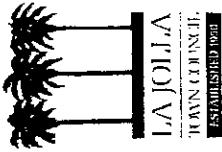
"The City shall ensure, to the fullest extent possible, that sensitive resources such as coastal sage scrub and mixed chaparral that are located in designated as well as dedicated open space areas and open space easements will not be removed or disturbed." (LJ Comm. Plan, pp. 33, 40.)

It is not clear how the City can assure the public that "[t]he Open Space Residential (OR) zone would preserve privately owned property that is designated as open space in a land use plan while retaining private development rights." (DEIR, p. III-14.) How much development potential does this represent? Will areas designated open space in the La Jolla Community Plan remain unbuildable or not?

Failure To Discuss Many of the Most Important Policies In the La Jolla Community Plan. Many of the most environmentally significant policies in the La Jolla Community Plan, which were fought for by the community and approved by the City Council, have been omitted from the DEIR discussion of community plans without explanation. (DEIR, p. IV-A-10.) Among these are the requirement that the City undertake environmental assessments of developments that would affect slopes or important environmentally sensitive resources (LJ Comm. Plan, p. 40), the requirement that the City would conduct a survey of historic and architecturally significant sites eligible for historic designation (p. 106), and the policy that the City would ensure the protection of sensitive resources in designated and dedicated open space.

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130. The Final EIR reflects these policies of the La Jolla Community Plan as stated in the comment.



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131 Omission of La Jolla Planned District. The La Jolla PDO has been omitted from the discussion of the PDOs around the City. (DEIR, p. II-22-24.)
132 Additionally, the proposed new "Urban Village Overlay Zone" does not appear to be delineated or mapped. It is misleading to say that there will be no substantial revisions to the PDOs (DEIR, p. III-1), then to change the PDO parking requirements to eliminate compact spaces. (DEIR, p. III-40.) Will this change cause increased circulation problems in already congested areas as more cars fight for fewer (if larger) spaces? Will this exacerbate air quality concerns? Will this adversely affect public access? Shared parking seems to be illusory mitigation in La Jolla's experience, and may have worsened our congestion problems.³

2. The Zoning Code Update Will Effectively End Community Planning In San Diego

Even if the substantive neighborhood-by-neighborhood protections negotiated and agreed to in community plans throughout the City were retained, the procedures set forth in the proposed Code would ensure that they would be ignored. The DEIR fails to consider the effect of greatly relaxed enforcement that will result from the proposed Code.

The Update will effectively eliminate the ability for the community to ensure conformance with community plans, or to participate in any way in decisionmaking on any number of development projects. Many of the formerly discretionary actions, for which public notice and CEQA determinations would be required, have been made ministerial.

³ We ask that the "San Diego Shared Parking Study July 1996" be included in the administrative record of these proceedings.

131 The Final EIR includes a description of the La Jolla Planned District.

132 The Urban Village Overlay Zone is not delineated because it has not been applied to any property. The adoption of this overlay zone will enable the city or a property owner to propose this zone for property that will be developed in accordance with the Transit-Oriented Development Guidelines.

133 Please refer to Response 14 regarding the environmental effects of "reduced" enforcement relating to community plan goals and policies.

134 EAS has not identified any areas in which the opportunity for environmental review pursuant to CEQA would be lost, as compared to existing regulations. In addition, as discussed in Response 13, the focus of the EIR is a plan-to-ground analysis rather than a plan-to-plan analysis.



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The Update assures that the general community will be unaware of most development applications, which will be handled under processes One, Two and Three.⁴ Under the Update, no public notice is required for Process One. For processes Two and Three, notice of an application is given only to the applicant, owners and tenants within 300 feet of the subject property, the recognized community planning group, and "any person who has submitted a written request for notification about the proposed development to the Department processing the application." (112.0302(b).) However, there will be no way for anyone to know that anyone has made an application for a development; persons cannot be expected to seek information about a project if they do not know the application has been made. Previously, residents might have expected notice to be posted on the property to be developed. However, any requirement for posted notice has effectively been repealed by section 112.0304(d), which provides that "errors in posting" will not be the basis for invalidating the approval of an application. Since there are no consequences for failure to post notice, one should expect that no notices will be posted.

If a community member happens to discover that a development application has been made, he or she will be lucky to be able to have any input into that decision because of the extremely short time deadlines. Process Two requires that a decision be made by the City as little as eleven days after notice is sent to the recipients designated in section 112.0302. Notice of the decision can be mailed two days after the decision date (112.0503(b)), leaving as little as ten days to file an appeal (112.0504(b).) The time is even shorter for an appeal of a

⁴ Several proposed reductions from discretionary to ministerial review are ludicrous. Automobile service stations (usually including "mini-marts"), communications antennae, tennis court lighting, and resource and hillside decisions can cause tremendous impacts in communities; their approval will now generally be shielded from community input. (DEIR, p. III-10.)

135. Comment noted. This comment does not address the adequacy of the EIR.

136. Comment noted. This comment does not address the adequacy of the EIR.



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Process Three decision. (112.0506(h))allowing appeal ten days after administrative decision rather than twelve days, as allowed for Process Two.) Even designated planning groups, which meet monthly or bimonthly, will find it difficult to consider and comment upon these projects, let alone authorize appeals. Those citizens who have been excluded from the "recognized planning groups" will certainly find it impossible.⁵

Appeal, even by the designated planning groups, has been made virtually impossible by the imposition of overly strict procedural deadlines; it has been hampered also by the elimination of certain substantive safeguards. Previously, the code provided the purpose and intent of each different regulatory plan - grading (62.0401), coastal development (105.0201), resource protection (101.0462), sensitive coastal resources (101.0480). Each of these sections explain the environmental reasons for their existence, and can serve as a guide to their interpretation. However, these purpose and intent sections would be eliminated by the proposed Update. The only source for administrative interpretations of the Code is the Board of Zoning Appeals, a politician-appointed group which will have no standards but patronage to guide it in making its judgments.

137

137. Comment noted. This comment does not address the adequacy of the EIR.

⁵ There is strong reason to believe that the designated planning groups are not populated by residents primarily interested in good planning. Many or most have become dominated by participants in the development industry, who have a vested interest in seeing projects built. (See "Community Planning Groups In San Diego: The Need For Reform, PLAN Subcommittee on Community Planning Group Reform" (Feb. 1990.)



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Instead of addressing the long-standing problem with the City's enforcement of the existing rules⁶, the Update would exacerbate it.

The Code provides only that it "may" be enforced by the City Manager, not that it "shall" be. Thus, the duty is discretionary on the part of the City, not mandatory, and it could not be enforced by private parties through writ of mandate. (Code of Civ. Proc. Sec. 1085.) Even where there is a clear and intentional violation of the code, remedies are weak under the Update. Mitigation or restoration of preexisting conditions can be required by the City only if it proves that mitigation or restoration is "reasonable."⁷ (121.0312.) The penalty for Code violations has been eliminated. (121.0202.) These reductions in enforcement may lead to widespread refusal to obey laws and would not promote the stated goal of removing subjectivity from the Code.

It is foreseeable, even probable, that the effect of the reduced enforcement of the laws will be rampant development loosely bound, at best, by law. The environmental impact of this should be evaluated in the EIR.

1. The DEIR Fails To Explain or Analyze Various Significant Environmental Effects That Will Result From Adoption Of The Code Update.

⁶ In evaluating these enforcement provisions, the City decisionmakers should consider the City's record in litigation alleging it has failed to enforce existing zoning and land use laws. We ask pursuant to the Public Records Act that all judgments and settlement agreements reached in the past five years in lawsuits alleging failure by the City to enforce or comply with the zoning laws be produced and included in the administrative record of these proceedings.

⁷ Ironically, this introduces uncertainty into the project, which purports to exist only to eliminate uncertainty.

138.

Penalties for code violations have not been eliminated. The Land Development Code, like current Municipal Code Chapter X, references and incorporates the enforcement provisions of Chapter 1 of the Municipal Code. Penalties for violations of the Land Development Code were specifically incorporated into each Division as redundant measures to ensure notice of enforcement of violations.

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Reduction In Area Subject to Protection As "Coastal Zone"
The proposed code eliminates restrictions on development in the area that is currently in the City's Coastal Zone, but is not subject to the jurisdiction of the California Coastal Commission. What is the effect of this deregulation on traffic, parking, views and community character in the current Coastal Zone?

Categorical Exclusion of Certain Actions From Coastal Permit Requirements. Section 126.0703 would categorically exclude from Coastal Development Permit requirements all development in the nonappealable portion of the Coastal Overlay Zone and demolition of any structure in the nonappealable portion of the Coastal Overlay Zone. What is the environmental impact of this? How can the City claim under these circumstances that these developments are already "planned for"—they have never before been excluded from regulation. What is the impact of the exclusion for demolition on historical resources? How can the City answer that question without having completed the various registers of historical sites on which the proposed Code relies? That inventory should be part of the EIR.

Nonconforming Uses. The proposed Code would legalize a variety of what are now considered "nonconforming" uses, through a new concept of "pre-existing uses." New uses will be allowed if they are similar to surrounding uses; not only does this policy allow the continuation of nonconforming uses, it makes them a standard for new development. The DEIR should discuss the impact of this change on community character.

Companion Units. The proposed Code would revise standards for construction of Companion Units and Guest Quarters. The proposed Code would eliminate the prohibitions applicable to the Coastal Zone, and would remove the restrictions tied to vacancy rates. (DEIR, p. III-10) The DEIR completely fails to discuss the impact of this on parking and traffic.

139

139.

As identified in the EIR, citywide there would be no limitation on encroachment into steep hillside when the development is proposed on a single-unit lot less than 20,000 square feet. The effects would be the same citywide (including the coastal areas); a potentially significant impact with respect to landform alteration. The EIR presents an analysis of the regulations as they apply citywide.

140

140.

See the Preface to the Final EIR for the proposed changes to the Coastal Development regulations.

141

141.

The Code is proposing limited expansion and continuation of previously conforming uses and structures which are by definition legal. The use or structure is already in existence and adoption of the Land Development Code would not result in any physical change in the environment and would not significantly affect the community plan or neighborhood character.

142

142.

The analysis in the EIR considered the proposed regulations for companion units related to parks and traffic.



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Water supply and quality. The DEIR fails to explain the impact of the project on water quality and supply. The DEIR should explain the impacts of the project on stormwater discharges to the oceans, which have already often closed our beaches to swimming, and on water supplies. The DEIR should also indicate whether these water issues threaten the viability of development. The anticipated infill development and intensified redevelopment will increase the demand for water, which will certainly require increased water supply and wastewater capacity. However, this impact is dismissed by the DEIR.

143

Loss of Sensitive Resources Outside The MSCP Preserve. The new definition of "environmentally sensitive resources," limited with limited exceptions to the MSCP Preserve, is in conflict with the preservation of urban coastal biological areas. Outside the preserve, there is no longer any limit on the loss of biologically sensitive lands, although the losses would have to be offset by mitigation. (III-43) The DEIR does not adequately explain the location of the biologically sensitive lands which have been removed from protection? There should be maps or diagrams that show this in the DEIR. What is the predicted impact of the removal of these restrictions to bobcats, hawks and other species that may not be threatened or endangered, but are important to urban San Diego's quality of life?

144

Where must the mitigation for the loss of urban biologically sensitive lands take place? Must developers replace biologically sensitive lands lost from areas outside the MSCP preserve by acquiring and dedicating other land outside the preserve? Or will it be sufficient for them to acquire replacement lands inside the MSCP preserve, outside the City, or outside the County? If so, will this not gradually lead to the loss of biologically sensitive lands outside the preserve? Will this project not result in a net loss of open space in the urban areas where it is most needed?

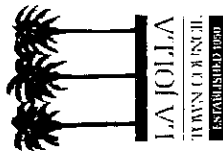
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143. The project does not propose changes to density, growth patterns as shown on the General Plan map would not be amended as a result of this project. (Changes to growth patterns and housing that relate to the MSCP are identified in the documents for that program.) The proposed ordinance change, if implemented, would not affect water supply or wastewater capacity.

Future development projects, built in accordance with any zone scheme that is adopted, may have such impacts. Decision makers will be informed of the potentially significant direct, indirect, cumulative and project-specific impacts related to those projects as they are proposed.

144. As stated in Response 13, a plan-to-plan analysis was not conducted; therefore, there would be no comparison of existing with proposed protections. The Final EIR addresses in greater detail the potential impact of the proposed Biology Guidelines on the future CEQA analysis of development effects on non-covered sensitive species.

145. The Biology guidelines provide requirements for mitigation.



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It does not appear that this DEIR can adequately explain the environmental impact on biologically sensitive lands throughout the City without also analyzing the proposed MSCP project. If the City does not adopt the MSCP (or if it is not adequately funded), but nevertheless adopts the project; this would appear to result in an abandonment of all protection for biologically sensitive lands, wherever they are located. Moreover, the City has not even identified the boundaries of the preserve to which it is assigning responsibility for protection of biologically sensitive land. It is another reason this project and the MSCP are irrevocably linked, and should be analyzed together. (See discussion below, at sec. D.) 146

146. Comment noted. The MSCP EIR has been certified by the City Council.

Elimination of Findings Required For Coastal Development.
Current law (section 105.0208) requires that certain findings be made before any permit is issued for coastal development. The City has claimed that the findings have not been eliminated; they have been relocated in the ZCU so that all resources -- hillsides, wetlands, etc. -- are dealt with in the same manner, whether or not they are in the coastal zone. However, that explanation does not stand up to analysis. Following is a comparison of the existing findings in the municipal code with the provisions that purport to replace them. 147

147. The EIR adequately analyzed the potential impacts of the proposed regulations which do not allow unrestricted development.

Comparison Of Existing Coastal Development Requirements With Supposed Replacements

Section 105.0208 -- Findings

"An application for a Coastal development permit may be approved or conditionally approved in accordance with Section 111.1205 if all of the following findings of fact are made:



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EXISTING LAW - SEC. 105.0208

" 1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted local coastal program land use plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

" 2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

PROPOSED NEW LAW

The proposed *coastal development* will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a *Local Coastal Program land use plan*; nor will it significantly obstruct identified views to and along the ocean and other scenic coastal areas from public vantage points as identified in a *Local Coastal Program land use plan*. (Proposed Sec. 126.0708(a), emphasis added.)

"The proposed *coastal development* will not adversely affect sensitive coastal resource areas." (Proposed Sec. 126.0708(b).)

Note: "sensitive coastal resource areas" is not defined.



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" 3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

Eliminated.

Eliminated.

" 4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

Eliminated.

" 5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.



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" 6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

Eliminated.

" 7. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

Eliminated.

" 8. The proposed development will conform with the General Plan, the Local Coastal Program, or any other applicable adopted plans and programs."

The proposed coastal development will conform with the General Plan, the Local Coastal Program." (Proposed Sec. 126.0708.)

The DEIR fails to explain the environmental impacts of these proposed changes to coastal development. What will be the impact on views from these changes? What will be the impact on community character of unrestricted development?

Elimination of Coastal Hillside Regulations. Coastal hillside regulations have been omitted from the Zoning Code Update, with major impacts on the visual, geological and biological qualities to be preserved through coastal hillside regulations. This impact should be explained in the DEIR.

148. The impact has been identified in the EIR as it applies citywide. There would be a significant impact on sensitive landforms due to no limits on development of steep hillsides on single-unit lots less than 20,000 square feet. The effect is a visual quality impact which is termed "Landform Alteration." The intent of regulating development on steep hillsides is to protect a visual asset. Other regulations are in place with respect to geologic hazards and biological resources.



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Purpose and Intent Clauses. The purpose and intent clauses for a number of regulations, which serve as guidelines for interpretation by staff and reviewing courts, have been deleted. These include coastal development permits, hillside review⁸, sensitive coastal resource⁹, grading and the resource protection ordinance¹⁰. What will be the

149

149. It is not anticipated that the proposed purpose and intent clauses would have a significant environmental impact.

⁸ The purpose of hillside regulations is "to provide supplementary development regulations to underlying zones to assure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety and general welfare by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems and severe cutting or scarring. It is the intent of this zone to encourage a sensitive form of development and to allow for a reasonable use which complements the natural and visual character of the City." (101.0454.)

⁹ The purpose of Sensitive Coastal Resource regulation is "to protect, maintain and enhance the overall quality of the coastal zone environment and its natural resources; to promote balanced utilization and conservation of coastal zone resources; and to maximize public access to and along the shoreline consistent with sound resource conservation principles and the rights of private property owners. More specifically, these regulations are designed to ensure that new development within this SCR Zone protects public beaches from erosion and adverse impacts on local shoreline sand supply, maintains the geologic integrity of the coastal bluffs, protects identified wetland areas, and provides for physical and visual public access to and along the shoreline." (101.0480.)

¹⁰ The purpose of the Resource Protection Ordinance is "to provide supplementary development regulations to underlying zones to assure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health,



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environmental impact of the elimination of these provisions from the zoning law? Why not leave in these guides to interpretation in case the black letter of the new law is not ultimately so clear as the City hopes?

Historical Resources. Currently, significant prehistoric and historic resources cannot be removed, altered, destroyed without a Resource Protection Permit. (DEIR, IV-D-4) Significant prehistoric and historic sites and resources are defined in the RPO as locations that possess unique cultural, scientific, religious or ethnic value of local, regional, state or federal importance. Oddly, the DEIR concludes, without analysis, that this protection:

"should be limited to prehistoric or historic districts, sites, buildings, structures or objects included in the State Landmark Register, or the City of San Diego Historical Sites Board List, or included in or eligible for inclusion in the National Register of Historic Places. (DEIR, IV-D-4.)

Where is the list of districts, sites, buildings, structures or objects that will qualify for protection?" Have they been identified by the City as it has promised to do? What showing must be made to add resources to these lists? How is it reasonably possible for any resource that may qualify for protection but has not been listed to be protected within the very short 10-day deadline, particularly under the

safety and general welfare by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems and severe cutting or scarring. It is the intent of this zone to encourage a sensitive form of development and to allow for a reasonable use which complements the natural and visual character of the City." (101.0454.)

¹¹ These lists should be included in the administrative record of these proceedings.

150. The quoted language is not a conclusion of the EIR; it is a quote from the Resource Protection Ordinance. The ordinance actually states "shall be limited to" rather than "should be limited to."

This section of the EIR is merely providing background as to the existing regulatory framework. The EIR is not analyzing the Resource Protection Ordinance.

151 and 152.

The EIR concludes that significant impacts to historical resources would occur. See the Preface to the Final EIR for proposed revisions to the Historical Resources Regulations.



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Neighborhood and Site Development Permit rules? Won't these short deadlines assure that these resources will not be protected?

The same questions apply for archaeological resources. The DEIR concedes that no inventory has been completed for La Jolla although it is a community with the highest priority for such an inventory. (DEIR, p. IV-D-5.) How can the impact of the increased development allowed by the project be assessed before the inventories are completed? 152

Geological Resources. As more homes are built on hillsides and on marginal property, density will be increased on seismically active areas. The DEIR admits that no provisions have been made for long-term maintenance of slopes and erosion controls, which is increasingly problematic in certain areas of the city, such as the Torrey Pines Science Park area. (DEIR, p. VII-2.) As building intensifies on bluffs and hillsides, natural and human-induced erosion will certainly increase. The final EIR should discuss this impact in detail. 153

Recreational Uses. The DEIR admits that development will now occur where previously it was permitted. What is the plan to increase park land and recreational bike trails and pedestrian trails accordingly?

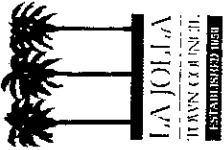
B. THE DEIR IMPERMISSIBLY RELIES ON A "PLAN-TO-PLAN" ANALYSIS OF ENVIRONMENTAL IMPACTS RESULTING FROM THE PROJECT, RATHER THAN A "PLAN TO GROUND" ANALYSIS. 154

In a number of places, the DEIR baldly claims that there will be no environmental impacts from the project, since the project is merely facilitating development that has already been approved. For instance, the Land Use section of the DEIR states that its purpose is to "evaluate the project in view of the land use plans and policies for the city and 155

153. Effects on geological resources or related to seismic/geologic hazards would not result from this ordinance change. Development would occur under some form of adopted zone scheme, and the effects of each individual project would be analyzed when submitted.

154. The comment does not address the adequacy of the EIR.

155 and 156. Overall the EIR presents a plan-to-ground analysis and is fully consistent with El Dorado. El Dorado does not prohibit plan-to-plan analysis. The statement in the Transportation section was included in response to a comment submitted in response to the Notice of Preparation.



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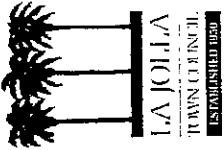
whether there may be potential environmental impacts relating to land use." (DEIR, p. IV-A-1) With respect to density, the DEIR states:

"The proposed project does not include density or land use designation amendments to the General Plan or community plans that would indicate anticipated growth beyond what is currently planned. There are no proposed changes to provide for new roadways, sewer or water service. However, the project would remove obstacles to growth by changes in development regulations, and is therefore considered to be growth inducing." (DEIR, p. V-1)¹²

With respect to transportation impacts, the DEIR states that "[t]he proposed project does not include changes to patterns of growth or development as described in the General Plan." (DEIR, p. IV-C-3) Thus, the DEIR concludes that "[t]he proposed project would not have a significant adverse effect on projected traffic volumes or on the ability of the existing circulation system to function as planned." (DEIR, p. IV-C-4) Similarly, the DEIR concludes that the project "will not alter the planned location, distribution, density or growth rate of the population of the city." (DEIR, p. VII-2.)¹³

¹² Here, the DEIR also asserts that changes in grading regulations "may permit development that may have been restricted under existing regulations." However, the DEIR fails entirely to explain what areas would be affected by this change in grading regulations, and how.

¹³ At the same time, the DEIR states: "[w]ith development pressure being shifted from preserve areas to non-preserve areas, increased urbanization or intensification of land use may occur in areas not presently subject to these kind of development pressures." (DEIR, p. VI-8) Thus, the DEIR appears internally inconsistent.



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These analyses are fundamentally insufficient, as they are "plan-to-plan," rather than "plan-to-ground" analyses. They compare the differences between the new plans and the old plans.¹⁴ Instead, the DEIR must concern itself with the proposed project's effects on the "existing physical conditions" in the "actual environment upon which the proposal will operate." Environmental Planning and Information Council v. County of El Dorado (3d Dist. 1982) 131 Cal.app.3d 350. 354. Otherwise, it is impossible for the public to ferret out information regarding actual physical impacts. Any analysis of changes in zoning designations must compare the effect of the project with "existing physical conditions," not with what the City planned years ago that physical conditions might be. (See also San Joaquin Raptor, etc. v. County of Stanislaus (5th Dist. 1994) 24 Cal. App.4th 713, 722-729 [Inadequate "environmental setting" discussion]; Christward Ministry v. Superior Court (Christward 1)(4th Dist. 1986) 184 Cal. App.3d 180, 190-91; CEQA sec. 15125.) A discussion of outdated planning documents is particularly useless here in San Diego, where we expect the region's population to grow from 2.6 to 3.8 million by 2015. 156

C. THE DEIR HAS FAILED ADEQUATELY TO ANALYZE SIGNIFICANT ALTERNATIVES.

The DEIR indicates that a "clean-up" of the existing code was rejected, because it would not have met the major objectives to provide "clarity [easy to understand], objectivity [mean the same thing to everyone], predictability [what regulations apply to a project and what to expect from them], and simplicity [reduced complexity of land 157

157. Comment noted.

¹⁴ This already fatal problem is compounded by the lack of information on the old plan. For instance, a table showing the amount of developed and undeveloped acreage in each zone does not indicate what amount of acreage in each zone has already been "pipelined" out of consideration, meaning that rights to future development have been fully secured. (DEIR, p. II-14-17.)



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regulations].” (VIII-1; report p. 2) This statement, however, simply does not explain why the procedures for development in the Code cannot be fixed without changing the substance of those regulations.

The DEIR fails to consider a specific alternative for achieving such streamlining. By letter dated May 21, 1996, the La Jolla Town Council advanced a suggestion for an Administrative Coastal Development Permit. That letter suggested that many projects that required a discretionary Coastal Development Permit could be accomplished through a ministerial process without jeopardizing coastal resources. The process would rely on a ministerial review of identified resources and key issues, with only those projects not passing ministerial review going through a discretionary decisionmaking process. This type of permit, in conjunction with the improvement of definition of terms, would be clear, objective, predictable, simple, and streamlined. It must be considered as an alternative to dismantling protection of coastal and other environmental resources.

158

The DEIR's discussion of alternative approaches to companion units is also inadequate. The alternative of retaining the 5% vacancy rate limitation and coastal zone prohibition was apparently rejected solely "so that use on a citywide basis would be more available." (DEIR, p. VIII-2.) What is the inherent benefit to "use on a citywide basis," especially at the expense of additional coastal traffic and congestion? Is a continuation of a prohibition of companion units in the coastal zone difficult to understand or implement? Most fundamentally, what are the environmental impacts of dropping the 5% vacancy rate limitation or the coastal zone prohibition? What impact will there be on parking in the coastal zone? What impact will there be on traffic in the coastal zone? The discussion of this alternative is plainly inadequate.

159

The discussion of alternatives related to protection of sensitive lands is inadequate. The alternative of retaining "existing inconsistent regulations of hillside based on location within or outside of the

160

158. See the Preface to the Final EIR for a summary of proposed changes to the Coastal Development Permit regulations.

159. These alternatives are not included as alternatives which may address significant environmental effects. The section on "Alternatives Considered but Rejected" is included to inform the public about project alternatives that were considered during the planning process but rejected. The alternative referred to in the comment was presented in the section "Alternatives Considered but Rejected." It was likely rejected because there was no inherent benefit.

160. Please refer to Response 159.



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Coastal Zone" is rejected without explanation. The DEIR's only statement on rejection of this alternative is that "A simplified and citywide approach to hillside and other resource regulation based on resources was chosen." Why was this approach chosen? Is it necessary, in the name of permit streamlining, for protections of hillsides in the coastal areas have to be abandoned? What would be the environmental effect of adopting an alternative including the continued protection of hillsides in the coastal zone?

Instead of abandoning protection of all sensitive vegetation outside of the MSCP Preserve, the DEIR should have analyzed the alternative of a clear and understandable limitation on encroachment into sensitive vegetation.

Finally, the discussion of the alternatives offered is inadequate. Two of the four assume the passage of the MSCP program.¹⁵ If the MSCP fails to pass, only two alternatives remain, including the no project alternative. There is no alternative language actually prepared for the alternatives, and it appears that the public is left to do the drafting; this is confusing and unacceptable. Finally, we note that there are no findings of infeasibility for the alternatives.

D. THE ENVIRONMENTAL ANALYSIS FOR THE PROJECT HAS BEEN IMPERMISSIBLY SEGMENTED.

Since "several of the elements of the projected project are designed to implement the MSCP," the DEIR should cover both, or

¹⁵ This again illustrates why the two projects are too intertwined to be analyzed in separate EIRs. (See discussion at section D.)

161. Alternative 2 (Alternative Biological Resource Protection) provides this analysis.

162. The Final EIR expands Alternative 4 and provides greater detail with regard to what language should be incorporated into the Code in order to avoid or reduce significant impacts.

163. Many of the "initiatives" as mentioned are not projects according to CEQA and are therefore not subject to environmental review. The Cumulative Impacts section of the subject EIR includes recent and reasonably foreseeable projects that are "projects" pursuant to CEQA, including the MSCP. In addition, each of those initiatives that are projects within the purview of CEQA have undergone independent CEQA review.



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there is impermissible piecemealing.¹⁶ (See Bozong 13 Cal.3d at 283-84.) Other City initiatives, namely, Project 2000, Community Planning Updates, Regulatory Relief (including categorical exclusions), the Renaissance Commission, and the Livable Neighborhoods program seem to be intertwined with the Zoning Code Update project. Moreover, the DEIR states that the PDOs will be separately dealt with (DEIR, p. I-1) and that the proposed sister document, the Land Development Manual, is not fully developed. Each of these other projects and items is dependent on the Zoning Code or vice-versa. Therefore, the Zoning Code Update project should be analyzed in conjunction with all of these other projects.

E. THE DEIR'S DISCUSSION OF MITIGATION MEASURES IS INADEQUATE

Although CEQA requires agencies to implement feasible mitigation measures or feasible alternatives in EIRs for projects that will otherwise cause significant adverse impacts (Pub. Res. Code sec. 21002, 21081.), the DEIR generally disclaims the ability to mitigate against the environmental effects of the project. However, there are numerous mitigation measures that could be implemented by the City.

The loss of biologically sensitive lands outside the MSCP preserve could be prevented by retaining existing law.

Historical resources could be protected from destruction if the City would perform a survey of historical resources, including public

¹⁶ The DEIR has under-advertised the connection between the project and the MSCP. The paucity of comment letters received from the public regarding the notice of preparation compared to the volumes of letters submitted on the MSCP project underscore the lack of effective notice.

164

164. Please refer to Response 66 regarding mitigation and alternatives.

165

165. Existing law allows for loss of biologically sensitive lands.

166

166. Alternative 4 provides alternative regulatory language that could reduce or avoid impacts on historical resources that would occur if the proposed Code is implemented. The alternative refers to the requirement for a citywide survey of historical resources.



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input, and publish comprehensive resource inventories covering each community in the City.

167 The general degradation of the quality of urban life in San Diego, which will result from a combination of the growth in population to 3.8 million in less than 20 years and the enactment of this Update, which will abandon various environmental protections, could also be addressed by the reinstatement of the City's Planning Department. A new Planning Department should be given an adequate budget and unfettered power to enforce the Zoning Law, consistent with the General Plan and Community Plans. Moreover, it should be free from political pressures to get projects approved no matter what¹⁷; perhaps the Planning Department should report directly to the City Council.

168 Finally, the City could adopt a resolution that would affirm the supremacy of the General Plan and the Community Plans over the Zoning Code. This would assure communities throughout the City the ability to have input into and influence over the way their communities are developed. This will inevitably reduce adverse environmental impacts.

169 By deferring the need to mitigate until projects (many of which will be subject only to ministerial review) are actually designed and built, the project contemplates "post-approval mitigation measures," which are impermissible per Sundstrom v. County of Mendocino (1988) 202 Cal.App. 3d 296.

¹⁷ The administrative record should include records of political contributions made to City Council members by real estate developers, and others whose businesses rely on real estate development, such as land planners, surveyors and engineers.

167. Comment noted.

168. Comment noted.

169. Sundstrom is not applicable in the instant circumstances. In Sundstrom the court was concerned with conditions of approval which were identified as mitigation measures subsequent to approval of a project for which a mitigated negative declaration was prepared. In contrast, an EIR has been prepared for this project; the EIR does not propose mitigation measures for a construction project (as in Sundstrom). The proposed project is instead a set of municipal regulations. Rather than being able to mitigate the impacts through "conditions of approval," the solution is to change the language of the regulations to avoid the impacts. Alternative 4 contains such alternative language.



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Any statement of overriding considerations finding that mitigation is not feasible or warranted should be supported by empirical evidence of the economic impacts of the project. That evidence should include an assessment of the business and productivity lost as a result of increased traffic and congestion, as well as the adverse effects of increased pollution. The City must also assess the adverse impact of the long term loss of tourism because of the anticipated degradation of what is now the Coastal Zone, through increased traffic congestion, greater difficulty in finding parking, and the aesthetic degradation through loss of hillside views, community character and historical resources.

170. Comment noted.

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Sincerely,

Paul Kennerson
President



TORREY PINES COMMUNITY PLANNING GROUP

City of San Diego
Land Development Review Division
1222 First Avenue, Mail Station 501
San Diego, CA 92101

February 5, 1997

RE: Comments on Draft EIR for the revision of The City of San Diego Land Development Code (EIR No. 96-0333), dated December 9, 1996.

The Torrey Pines Planning Group has had the opportunity to review the Draft EIR for the above-referenced project. We have reviewed the Draft EIR specific to our local planning area and in particular to the Torrey Pines Community Plan (TPCP) as accepted by the City of San Diego on April 16, 1996. Specifically our comments address 1) whether the proposed Zoning Code Update (ZCU) is consistent with the TPCP, and 2) whether the EIR properly analyzes the existing conditions, impacts, and mitigations measures associated with the ZCU.

Consistency with the TPCP

The Torrey Pines Planning Group is concerned that there are a number of significant inconsistencies between the proposed ZCU and our Community Plan. These include:

1. No public notification of development for single family residences within portions of our planning area. A categorical exclusion is proposed that is inconsistent with our current Plan (page 71). The TPCP was developed to reflect the unique nature of our community and we have found that the local design/development review process has been successful to maintain the character of our community.
2. The provisions for hillside development cited in the TPCP (pages 114-115) appear to be more strict than those provided in the ZCU.
3. The provisions for protection of wetlands, and controls upon urban runoff and sediment generated during grading, (pages 115-118) versus those presented in the ZCU.

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171. Comment noted.

EIR Issues

The Draft EIR provides for an analysis of existing conditions, and a discussion of potential impacts. Because the EIR provides the basis for future project review and policy, we are concerned that the analysis of existing conditions cited in the Draft EIR reflect existing conditions. The most prominent of these relevant to our planning group is the recent Base Realignment and Closure (BRAC) action taken at Naval Air Station Miramar. Based upon the recent BRAC action, the activity within the airspace and the area of impact surrounding NAS Miramar has been substantially changed. Our TPCP is based upon the San Diego Association of Government (SANDAG) Comprehensive Land Use Program (published in 1990) that identifies land use compatibility based upon noise and accident potential zones. Similarly, the Draft EIR is based upon outdated information (for example, refer to Figure 4, page III-9). We would request that the

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172. The subject EIR presents an analysis of the proposed Land Development Code. The Code project does not encompass land use changes at N.A.S. Miramar. Therefore, the EIR does not address such changes. The proposed Code would not affect the City's ability to make revision to the Airport Environs Overlay Zone if necessary to deal with noise impacts from N.A.S. Miramar.

EIR analysis be revised to incorporate the 1996 NAS Miramar Environmental Impact Study data to allow the City of San Diego and our planning group to properly evaluate future planning issues and to reflect the relative impact of the changes in the use of NAS Miramar. Revision of the Airport Environs Overlay Zone maps may be required in the future to help deal with the potential noise impacts of NAS Miramar following completion of the BRAC process.

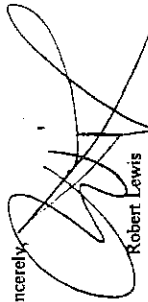
We recognize that there are no direct mitigation measures because, as noted in the Draft EIR, there are no conditions of approval associated with the regulatory program upon which to attach mitigation measures. However, the Los Peñasquitos Natural Reserve is an ecologically sensitive area that is within our Planning area. There is a watershed restoration and enhancement fee that, in effect, acts as mitigation for development within the watershed. Currently, Torrey Highlands and the upper reaches of the watershed are being intensively developed and significant sedimentation is infilling the Reserve. Much of this area is not subject to the restoration and enhancement fee. We request that the City of San Diego and the Coastal Commission review the assessment area defined by the watershed to more fully incorporate the watershed area of the lagoon.

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173. Comment noted.

Thank you for the opportunity to review the Draft EIR.

Sincerely,



Robert Lewis
Chair, Torrey Pines Community Planning Group

13713 Recuerdo Drive, Del Mar, CA 92014
Ph: 481-1331

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February 6, 1997

VIA FACSIMILE AND U.S. MAIL

City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, Mail Station 501
San Diego, CA 9201
Attention: Lawrence C. Monseratte

Re: **Draft EIR for Proposed Land Development Code - LDR No. 96-0333**

Dear Mr. Monseratte:

This firm represents Pardee Construction Company ("Pardee"), which owns a substantial amount of land in various stages of development within the City of San Diego ("City"). The proposed modifications to the City's land use regulations analyzed in the above-referenced EIR will have a significant effect on Pardee, and Pardee appreciates this opportunity to comment on the EIR.

Pardee's primary concerns are that: (i) the project seems to be inappropriately segmented; (ii) the draft EIR does not substantiate its conclusions regarding the potentially significant impacts of the project; and (iii) certain conclusions in the draft EIR appear to be both internally inconsistent and in conflict with conclusions tentatively reached in the draft MSCP EIR/EIS with respect to the City's Subarea Plan. These concerns are discussed in more detail below.

I. Improper Segmentation of Planned Changes in the City's Zoning

The project proposes the establishment of new zoning categories without actually rezoning any parcels. Thus, at page III-12 and page III-14, the EIR reads as follows:

There are several new zones that are created to implement existing land use policy; however, these zones would not be applied until requested by a property owner; proposed as part of a land use plan adoption process; or as part of a land use plan consistency

174. Only limited rezonings are proposed as part of the current project.

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rezoning. This project would only result in the creation of new zones, but would not result in the implementation of these new zones. The analysis of potential environmental impacts would occur in the future when the zones are proposed for application on a particular property. Future environmental analysis will be required when particular properties are rezoned to apply newly created zones.

* * *

By adoption of the proposed Code, the City Council would create the OR-1-2 zone. The zone would be applied to particular parcels by future action of the City Council. The future action would be subject to further environmental analysis. The current proposed project would create the zone, and this project analyzes implementation of the proposed Code on a citywide basis. This DEIR does not address the potential effects of application of the OR zone on any particular parcel (emphasis added).

It is highly unusual to create new zoning categories without actually designating at least some areas that would be subject to the new category, and creating such "floating" categories makes it virtually impossible to analyze the impacts of the new zoning. Evidence of this fact can be found in the statement that the EIR analyzes the implementation of the new zones on a citywide basis but not with respect to any particular parcels. How is this possible?

With respect to the OR-1-2 zone in particular, the City already knows which parcels it expects to designate OR-1-2 as part of implementing the MSCP, and the MSCP is anticipated to be adopted prior to City action on this project. Indeed the EIR, at page VI-5, briefly discusses the number of parcels anticipated to be rezoned to OR-1-2, but then goes on to state that the "[rezones] would be subject to environmental review at the time each rezoning is brought forward for action by the decision makers." The EIR elsewhere implies again that the rezoning of parcels to OR-1-2 will be done, if at all, on a piece-meal basis. For example, at IV-A-35, the EIR reads: "regardless of whether a property is ever rezoned to the OR-1-2 zone, if the MSCP preserve boundary is adopted, lands within the preserve would be subject to the development regulations for the OR-1-2 zone." Please clarify what is meant by this, and please clarify whether and when the City intends to undertake the comprehensive rezoning of the 700 or so parcels in the City anticipated to lie within the preserve boundaries of the MSCP.

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Rezoning specific parcels to the OR-1-2 zone is not part of the current project. The Environmentally Sensitive Lands regulations apply to the MSCP preserve regardless of the zone.

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Because the City will know exactly which properties are to be rezoned to OR-1-2 by the time the City Council considers this project, this EIR should analyze the actual consequences of rezoning such land to OR-1-2 and include the comprehensive rezoning of the preserve as part of this project. This would allow the City to analyze the effects of converting 20,000 acres of land currently designated for various uses such as residential, commercial, industrial and agricultural to the OR-1-2 zone. Only then will the public truly understand the effects of the OR-1-2 zone.

II. Analysis of Land Use Impacts

To better understand the discussion of potential Land Use impacts in the EIR, it would be helpful if the EIR included a discussion about the relationship between the proposed Environmentally Sensitive Lands Regulations and adopted Community Plans. For example, if the proposed changes to the way the City addresses wetlands and "quasi-wetland" resources are adopted, will the changes automatically apply to areas with adopted Community Plans? The discussion in the third full paragraph on page IV-A-34 is not clear on this point and appears to be circular in its reasoning. Is development allowed to occur if it is inconsistent with an applicable Community Plan? If not, then is the EIR analysis treating the possibility of future revisions to existing Community Plans as creating incompatibilities with approved land use plans? Frankly, Pardee does not understand how the EIR arrives at the conclusion that changes in the City's regulations will result in incompatibilities with existing land use plans.

Also, please explain in more detail the distinction the EIR makes between potential impacts to agricultural productivity and mineral extraction, on the one hand, and housing production on the other. At page IV-A-36, the EIR indicates that the proposed new restrictions and limitations on farming and mineral extraction in the MSCP preserve area could significantly impact production in these areas, but at page VII-2, the EIR concludes that the proposed project would not have a significant effect on housing "since it would not reduce the amount of housing available, nor create additional demand for housing." Is it not the case that creation of the OR-1-2 zone and its application to the MSCP preserve will reduce the amount of land available on which housing could be produced? How can rezoning approximately 20,000 acres of land to OR-1-2, much of which was anticipated to convert to residential uses, not impact the availability of future housing?

III. Analysis of Biological Impacts

At page IV-B-2, the EIR states that San Diego County contains over 200 plant and animal species that are federally and/or state endangered, threatened, or rare. This is inaccurate. Per the MSCP, only 33 (and with the recent fairy shrimp listing, 34) species have any federal and/or state designation as endangered, threatened or rare. Please correct the document.

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The proposed project does not include parcel-by-parcel rezones. The required environmental review will be conducted for the rezoning of specific parcels to the OR-1-2 Zone when such rezones are proposed. The effects of the OR-1-2 zone regulations are analyzed in the EIR.

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State law does not require consistency between land use plans and zoning regulations for charter cities except Los Angeles. The proposed Environmentally Sensitive Lands Ordinance, part of which implements the MSCP, does not protect resources as stated in the environmental goals of many adopted land use plans. The conflict between goals of land use plans with the proposed regulations, combined with the potential for those conflicts to have direct or indirect effects on resources is considered a significant land use impact.

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The comment focuses on the MSCP and the rezoning that will be required to implement the preserve. The MSCP EIR/EIS addressed the effects on housing and public facilities. The MSCP project included community plan amendments where the anticipated buildout would change as a result of implementation of the program.

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"Currently over 200 plants and animals are listed or proposed to be listed by federal or state governments as endangered, threatened or rare. In addition, a number of plants and animals are of local concern due to declining populations." ("INFO: Natural Habitats in the San Diego Region", San Diego Association of Governments, January-February 1995, p.2.)

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The EIR identifies several potentially significant biological impacts that will result from implementation of the proposed project without conducting a sufficient analysis to reach these conclusions and in contradiction to the tentative conclusions of the MSCP EIR/EIS. For example, the EIR concludes that the project will have a significant impact to wetlands because the City's criteria for delineating an area as a wetland will be revised to match the Federal standard and because the project does not include a wetland buffer requirement. However, in reaching this conclusion, the EIR dismisses language in the proposed Environmentally Sensitive Lands Regulations and the Biology Guidelines which require that there be no loss of wetland habitat value and function.

Pardee respectfully submits that the language proposed in the Environmentally Sensitive Lands Regulations and Biology Guidelines do require adequate protection from and/or mitigation for wetland impacts and that the change in definitional criteria to more closely match the Federal scheme will focus efforts on those resources deserving of protection. While the existing ordinance may prohibit more landowners from legally using their property, it does not protect functioning wetlands. There is simply no support provided for the assertions made that the changes to the City's wetland regulations will have a significant effect. There is no documentation that resources have suffered when regulated in accordance with the State and Federal regulatory schemes or will suffer in the future under these schemes and under the proposed City regulations. Concluding that more and overlapping regulation in the area of wetlands protection would result in better protection of sensitive resources is neither supported nor supportable.

In addition, it is important to consider the fact that the MSCP EIR covers a great many wetland species. In order for a species to be considered covered under the MSCP, enough habitat for those species must be preserved to ensure their long term viability. The MSCP accomplishes this through the creation of the preserve and through additional protections of habitat outside the reserve through language that requires avoidance or mitigation such that there is "no net loss of function and value" for impacts to those wetlands that cannot be avoided. This language assures that wetland habitat will be adequately protected through means that are appropriate in the circumstances. The new approach is more flexible than current requirements for arbitrary buffers and will result in better protection and mitigation for those resources that are truly wetlands and warrant protection.

The EIR also concludes that brush management in the manner proposed by the project will result in significant unmitigated impacts to sensitive habitats and species. However, no analysis is presented to show why the brush management program will result in significant impacts. The draft MSCP EIR/EIS concludes that brush management is impact neutral. Please explain how the conclusion of significance was made in this EIR, particularly when the MSCP preserves thousands upon thousands of acres of sensitive habitat.

180. Section 143.0141 of the proposed Code states that unavoidable impacts to wetlands should be "... mitigated in accordance with the Biology Guidelines of the Land Development Manual. Mitigation shall achieve the goal of no net loss and retain in-kind functions and values." The proposed Biology Guidelines state
- "Three methods for wetlands mitigation are generally recognized to achieve a 'no-net-loss': enhancement, restoration, and creation. Acquisition of existing wetlands may be used as partial mitigation, if combined with enhancement, restoration, or creation at a minimum of 1:1 to achieve a no net loss of wetland habitat."
- Requiring a mitigation ratio of 1:1 achieves a 50 percent net loss. The loss of area is not offset by no loss of habitat value and function.
181. Comment noted.
182. This comment addresses the MSCP rather than the adequacy of the subject EIR. Comment noted.
183. The MSCP EIR concluded that Zone 2 brush management is impact neutral within the preserve. The subject EIR has concluded that brush management outside the preserve could have significant impacts on sensitive biological resources.

Lawrence C. Monseratte
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The conclusion in the draft EIR that the proposed regulations will have a significant impact on biological resources because there is no limit on encroachment into biologically sensitive lands outside the MSCP preserve makes no sense. With respect to "covered" species and their habitats, the very purpose for establishing the preserve was to mitigate for expected impacts outside the preserve, and the draft MSCP EIR/EIS states that the preserve, properly managed, will mitigate such impacts adequately. The MSCP EIR/EIS also analyzed non-covered sensitive species (contrary to the statement in the second paragraph of page IV-B-10 of this EIR), and concluded impacts would be less than significant after mitigation (see MSCP EIR/EIS p. 4.3-214). Please explain in more detail the basis for this conclusion or modify the EIR accordingly.

Along the same lines, clarification is needed with respect to the seemingly contradictory conclusions reached by this draft EIR and the MSCP EIR/EIS with respect to wildlife corridors. Whereas the draft EIR concludes that there would be significant impacts to wildlife movement (Page IV-B-11), the MSCP EIR concluded that "no direct impacts to wildlife movement are expected from the City of San Diego Subarea Plan" (page 4.3-227).

The draft EIR states that the Biology Guidelines only require survey reports to address indirect and cumulative impacts to covered species. This is incorrect. The Biology Guidelines (page 8) state that "The Biological Survey Report must identify and map all biological resources present on the site...." The analysis requirements (page 9) state that "The Biological Survey Report must identify all potential impacts from the development...to sensitive biological resources and evaluate the significance of these impacts." This section goes on to state that direct impacts will be mitigated per certain tables and that indirect and cumulative impacts to covered species need not be repeated if the MSCP analysis is adequate. Thus, it appears that the draft EIR describes the exact opposite of what will be required.

Finally, the draft EIR discussion of the NCCP should but does not address the NCCP Conservation Guidelines and the findings that are required pursuant to them.

IV. Impacts to Paleontological and Historic Resources

Pardee respectfully disagrees with the draft EIR's conclusion that the absence of an affirmative regulatory regime in the Land Development Code to address potential impacts to paleontological and historical resources is an impact of the proposed project. The City's current regulatory scheme with respect to paleontological and historical resources will not change; thus it makes no difference whether the project is adopted or rejected. The notion that the City "actions" result in significant impacts every time it chooses not to adopt a comprehensive regulatory regime to tackle a perceived issue is a novel interpretation of CEQA. In this context, a "plan-to-plan" analysis is the more appropriate approach.

184. The MSCP EIR presents the conclusion that the preserve will mitigate indirect impacts to non-covered species within the preserve.

185. Please see Response to Comment No. 63.

186. The section regarding Biological Survey Reports has been deleted from the EIR.

187. NCCP refers to the State of California's Natural Communities Conservation Program Act of 1991, which addresses the loss of coastal sage scrub and coastal sage scrub-dependent species and is intended to comply with the Federal Endangered Act Special Rule for take of the California gnatcatcher, effective December 10, 1993. The NCCP Findings are required to be made in order for the City to issue an Interim Habitat Loss Permit. The proposed project does not involve issuing an Interim Habitat Loss Permit, and therefore the analysis to support the NCCP Findings is not required.

188. CEQA and case law require a plan-to-ground analysis. Since the proposed project is a comprehensive update to the zoning regulations it is appropriate to conclude that the lack of regulation of resources may result in significant impacts.

Lawrence C. Monserratle
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V. Traffic and Cumulative Impact Analyses

Pardee is troubled by the reasoning throughout the EIR that leads to a conclusion that removing some "obstacles to development" that the City has already authorized (or will expressly authorize pursuant to future development applications) is a significant adverse environmental effect of this project. In the area of traffic in particular, there is no substantiation that the project will increase traffic to any constrained roadways or intersections, or that any projects will be relieved of the standard and uniform requirement to provide appropriate circulation improvements to address traffic issues. In addition, the project also includes new Environmentally Sensitive Lands Regulations that will create significant "obstacles to development." In short, Pardee does not believe the EIR assumption that the project is growth inducing is correct, empirically or logically. The use of this improper assumption throughout the draft EIR in turn leads to the incorrect conclusion that the project will have cumulatively significant impacts in various areas (*i.e.*, soils/erosion hazard, air quality, hydrology, water quality, biological resources, etc.).

Thank you for considering these comments.

Very truly yours,

Mark McGuire

Mark R. McGuire

MRM/cit

189.

Comment noted with regard to the conclusion that the project is growth-inducing. While there is no substantiation that the project will increase traffic to any constrained roadways or intersections, there is no substantiation to the contrary. Thus, in the absence of data that permits the lead agency to draw the conclusion of "no significant impact", the lead agency assumes worst case, and presents analysis on that premise.

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Save Our Heritage Organisation

Lawrence C. Monserrate, Principal Planner
City of San Diego
Development Services Department
Land Development Review Division
1222 First Ave., Mail Station 501
San Diego, CA 92101

Re: Draft EIR for Land Development Code
LDR No. 96-0333
SC11 No. 96081056

Dear Mr. Monserrate:

Thank you for the opportunity to comment upon the above-referenced draft EIR. Save Our Heritage Organisation (SOHO) will restate its comments to Section D, Historical Resources, of the environmental document draft prepared for the City of San Diego's Land Development Code update. Following are such comments, arranged according to page:

IV.D-1: Existing Conditions

The second sentence of the first paragraph should also contain references to "ships, locomotives, railroad cars and streetcars."

IV.D-2: "Historic Periods" - The national/political categories (Spanish, Mexican, American) may not be the only divisions of large significance. In particular, the period of the second world war and post-war transformed San Diego.

IV.D-3: In the last paragraph of this section, the comment on [loss of] "neighborhood-level architectural integrity" could be easily misinterpreted and should be revised to reflect the fact that much development in San Diego's older neighborhoods took place over a period of many decades, and the mixture of 1890's, 1920's and 1930's actually reflects infill-type housing, not removal of older structures to make way for newer ones. While there are significant historic master-planned communities (such as Rancho Santa Fe, pockets such as the area surrounding the Marston House, and the La Jolla "cultural district" of Gill cubism), the evolution of most areas of San Diego is documented through its structures. This "time made visible" is the cultural document itself. Page IV-F-3 contains a statement recognizing this community character as "eclectic." The structures in historic districts such as Sherman Heights and Golden Hill document San Diego's development from the founding of "new San Diego" through the 1930's.

The recognized styles section needs revision. A statement on adobe should be added, which could be as follows: "Mexican Period and Early American Period adobe houses are usually defined by the floor plan, and as American influence increased, they are most often described by the architectural

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190. The Historical Resources Guidelines have been revised to include the suggested language.

191. Comment noted.

192. Comment noted.

193. The Historical Resources Guidelines have been revised to include the additional information and the EIR has been corrected.

styles applied to their exteriors." Further, "Pre-Railroad New England" is not an architectural style, nor does it relate to San Diego history or the influence of the railroad in San Diego; the term should be removed. Both "Greek Revival" and "Gothic" should be added. The term "National Vernacular" does not describe anything, and should be eliminated. Both this term and "Folk Victorian" should be removed, and replaced simply with the term "Vernacular." "Victorian Italianate" is redundant; the term should be "Italianate." "Eastlake" should be added to "Stick," so that the term reads "Stick/Eastlake." "Mission" should be "Mission Revival," and "Spanish Eclectic" should be "Spanish Revival."

IV-D-4: The description that R.P.O. review "should be limited to" (emphasis added) already designated resources highlights a problem of this program which the ordinance update should address: in the absence of a comprehensive city-wide inventory (see page IV-D-5), resources that have not been identified and designated are not protected and can become highly politicized (e.g., the Aztec Brewery/Savego Fire Factory in Barrio Logan, demolished and the La Jolla Arts and Crafts landmark Easton Bungalow, moved to Poway). Failing a comprehensive survey (see page IV-D-5), some city-wide evaluation program should be considered, especially in unsurveyed areas.

We note that communities in Barrio Logan and Southeastern San Diego are not listed as priority for survey. In the interest of "equal protection" these communities should not be excluded from the City's cultural resources program.

IV-D-6: Paragraph 4, in discussing the Mills Act, it should be noted that this program is in its second year and is one of the most successful in the state. Participation in this program can be a significant incentive.

The City should continue to actively promote and develop incentive programs, including lobbying state and federal government to adopt proposed tax credit programs to benefit homeowners.

On the same page, Service Incentive No. 3 states that a plaque is required. SOHO does not believe this should be a requirement. Plaques should be available to historic site owners free or at low cost. In the past, the City sign shop was able to economically provide free plaques to interested property owners. Although currently the City does not provide this service, the Council could direct that the program be resumed.

IV-D-8: In the first paragraph, the use of nonreciprocity consistent with other local, state and federal uses is discussed. This is important both for the utility of the ordinance and to meet the goals of the land development code.

The creation of two classes of resources by ordinance is an approach which goes beyond the stated goals of the Land Development Code update: clear criteria and public participation, including neighborhood, community planning, and cultural resources groups will be needed to assure appropriate designation and protection.

At the bottom of this page, the development of consistent (emphasis added) mitigation, including documentation and salvage, will improve current practice.

IV-D-9: The discussion at the top of this page raises the important issue of economic hardship. It has been the position of SOHO that the City should implement such a process vis-a-vis regulatory

194. The proposed Code addresses the lack of a city wide survey through the required city wide review of building permits for substantial alteration of structures more than 45 years old. See the Preface to the Final EIR for a summary of revisions to the Historical Resources Regulations.

195. Comment noted. The priority list was determined by the Historic Sites Board.

196. Comment noted.

197. Comment noted. Please see the Preface to the Final EIR for a summary of revisions to the Historical Resources Regulations. Note that the regulations for Class II resources have been deleted.

198. Comment noted.

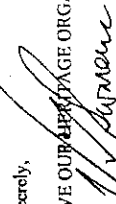
areas not specific to historic/cultural resources only. Demolition review as proposed in the second paragraph of this page can address, in the absence of a comprehensive survey, concerns expressed by earlier comments.

VII.3: The Preservation Ordinance Review Committee are discussed herein. SOHO was represented on this committee. However, our Board voted to support the Zoning Code Update proposal prior to its consideration by City Council committee, and that group's recommendations. We were disappointed by the limitation on Historical Sites Board participation by owners of historically-designated property. Past members of this body who owned such property have served with distinction, and responsibly avoided potential conflicts. The City attorney further ruled that there was an absence of any general conflict of interest.

A revision of the City's cultural resources ordinance has long been anticipated, and land use development update is an appropriate context for this action. The new ordinance should take its place alongside the three previously adopted elements for a truly comprehensive preservation program.

Sincerely,

SAVE OUR HISTORIC PAGE ORGANISATION


David Swatons, President

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199. Comment noted.



San Diego County Archaeological Society

Environmental Review Committee

February 6, 1997

To:

Ms. Cathy Winterrowd
Land Development Review Division
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject:

Draft Environmental Impact Report
Land Development Code
LDR No. 96-0333

Dear Ms. Winterrowd:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

We have comments on both the DEIR and the Code (particularly the Historical Resources Guidelines) itself. The latter will be submitted separately, to Ms. Broughton, prior to the February 21st deadline.

The DEIR acknowledges that it presents a plan-to-ground analysis of the proposed Code, and notes that CEQA requires such an analysis. However, Given the complexities of the subject, inclusion of a plan-to-plan comparison as well would have contributed greatly to the public understanding of the project which is the implicit purpose of CEQA's requirement for an EIR in the first place. The omission of a comprehensive plan-to-plan comparison leads only to a suspicion that either such a comparison has not been made, or has been felt better to not be made too clear. Hints of undescribed adverse effects appear in such places as the "Retain Existing Resource Protection Regulations" section on page 7 of the Conclusions section of the DEIR, where it states that "This alternative would avoid impacts to sensitive biological, hillside and historical resources that would occur with implementation of the proposed project." The total of only 5 1/2 pages of discussion of all four alternatives include a total of four paragraphs to the "Retain RPO" alternative, of which the two sentences on historical resources disclose no more information than the conclusions.

We draw the implication that the categorical exclusion of demolitions in the coastal zone would override the sensitivity maps, etc., which are discussed elsewhere. Is this true? This holds great potential for damage to historical resources, yet the DEIR glosses over it. Please clarify the need for this change and present the required analysis of its impacts. Why could this particularly threatening provision not be eliminated from the changes?

200. Please see Response to Comment No. 13 regarding the plan-to-ground analysis. The Project Description provides a comparison of the existing and proposes historical resources regulations. See also the Preface to the Final EIR for a summary of revisions to the Code since public review of the Draft EIR.

201. Additional language has been added to Alternative 4, the environmentally superior alternative.

202. Please see the Preface to the Final EIR for a summary of revision to the Coastal Development regulations. The Historical Resource Sensitivity Maps for archaeological sites and the 45 year old review of structures are applicable city wide, except in some PDOs that have more stringent regulations. If historical resources are present on a premises within the Coastal Zone, demolition and development would not be exempt and both a coastal development permit and a neighborhood or site development permit would be required.

Another area of concern regarding the failure of the DEIR to disclose potential impacts derives from the admission, in the response to the La Jolla Town Council's letter on the Notice of Preparation, that "Past mitigation measures will be affected by the proposed project." Please clarify and quantify which "past mitigation measures" for historical resources will, in effect, be rescinded by the proposed Code? Why is it impossible to retain the mitigation actions determined, in good faith, in previous projects?

203

203. The proposed Code does not rescind or change any past mitigation measures relative to historical resources.

There are significant concerns which arise from moving the protection of historical resources from an ordinance to "guidelines". RPO was enacted because a previous City Council recognized that it was in the City's collective interest to protect sensitive resources, including historical resources. Removing that protection and making preservation of sensitive historical resources subject only to guidelines, and the pressure which some project proponents may be able to exert, is also an impact which the DEIR fails to clearly disclose.

204

204. The proposed Land Development Code includes specific regulations for historical resources (Chapter 14, Article 3, Division 2) as described in the Project Description and Section IV D of the EIR. The Historical Resources Guidelines accompany the Code and are part of the Land Development Manual.

Considering the above, please address the possibility of retaining the existing RPO coverage for historical resources by severing that portion of RPO from those portions which would be superseded by the Environmentally Sensitive Lands Regulations.

205

205. See Response to Comment No. 204.

Finally, faithful implementation of the new Code, or of the existing ordinances and regulations, is dependent upon having certain expertise available on the City's staff. As regards archaeology, the situation now is a vast improvement over what existed, say, 15 years ago. What commitment does the City intend to make to maintain this specialized expertise on staff and to utilize it effectively?

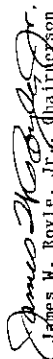
206

206. Comment noted.

As mentioned earlier, we will be submitting comments on the Code and the Historical Resources Guidelines under separate cover.

Thank you for affording us this opportunity to comment upon this project's DEIR.

Sincerely,


James M. Royle, Jr.
Chairman
Environmental Review Committee

cc: SOCAS President
file



BRIAN F. SMITH AND ASSOCIATES
ARCHAEOLOGICAL/HISTORICAL CONSULTING
14628 DEK COURSE
SAN DIEGO, CALIFORNIA 92170
(619) 484-0915
FAX (619) 484-0948

February 5, 1997

Cathy Winterrowd
Environmental Analysis Division
Land Development Review Division
Development Services Center
City of San Diego
1222 1st Avenue
San Diego, California 92101

Re: Public review of City of San Diego Historical Resources Regulations, Guidelines, and Environmental Analysis.

Dear Ms. Winterrowd:

Thank you for including us in your distribution of the above-referenced draft documents. We appreciate the opportunity to comment on the important revisions contained therein. This is an important step in the developing environmental review process and it represents a significant contribution by City staff towards refining a cumbersome procedure. The final regulations and procedures will revise the environmental review process for all projects, both public and private, thereby improving municipal responsiveness to project applicants and CEQA.

Foremost among our concerns as professional archaeologists and historians are the protections afforded cultural resources in Chapters 11, 12, and 14 of the City of San Diego Historical Resources Regulations. We are apprehensive about the possible adverse effects to those historical resources which might result from encroachment as described in § 143.0251 (c), (1) and (2). We assume that § 143.0251 (c), (3) will cover the mitigation of impacts represented in § 143.0251 (c), (1) and (2); however, this is not clear. Perhaps in the introduction to § 143.0251 (c), you could emphasize the need for compliance with § 143.0251 (c), (3) for any permitted development in a significant site. Moreover, any loss of cultural resources without corresponding mitigation which could result from the imposition of special circumstances, as described in § 143.0260 (b), would be undesirable. It remains to be seen what adverse effects might result from such encroachments or the imposition of special circumstances such as the "financial hardship" clause in actual practice. Assurances that cultural resources would not suffer as a result of these regulations could be incorporated in the Historical Resources Guidelines. Please note a small change is needed on page 6, third paragraph under Land Redevelopment Code, tenth line down. After "an important archaeological," insert "resource" or "site."

It is to the credit of the City of San Diego that they have undertaken the revision of these three important documents for the purpose of improving the procedures and fairness of historic resource regulation. Public review and comment is an important element in that revision process. We appreciate the opportunity to provide our thoughts and suggestions in this regard.

If you have any questions, please do not hesitate to call me at (619) 484-0915 or Larry Pierson at (619) 486-0245.

Sincerely,

Brian F. Smith
BFS:lp

207. Development regulations for important archaeological sites have been reformatting and renumbered to Section 143.0253.
208. The potentially significant impacts to specific historical resources that would result from the deviation process will be determined on a case-by-case basis with future development permits.
209. The Historical Resources Guidelines have been corrected.

207

208

209

CALIFORNIA INDIAN LEGAL SERVICES

120 WEST GRAND AVENUE, SUITE 204
ESCONDIDO, CALIFORNIA 92025
(619) 746-8941 TELECOPIER (619) 746-1815

JAMES E. COHEN
DIRECTING ATTORNEY
NANCY S. BARK
LAWRENCE C. MONSERRATE
RENEE M. DODGE
STATE ATTORNEYS
CLAUDE L. HUNTING
LEGAL FELLOW
RENEE M. DODGE
PARALEGAL

RECEIVED
DEC 20 1996
DEVELOPMENT SERVICES

December 17, 1996

Lawrence C. Monserrate, Principal Planner
City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue M.S. 601
San Diego CA 92101

Re: LDR No. 96-0333; SCJ1 No. 96081056

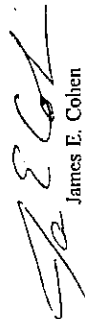
Dear Mr. Monserrate:

Thank you for forwarding material related to the aforementioned project. California Indian Legal Services is always interested in development-related information which might potentially impact the rights of Native Americans and Tribes.

California Indian Legal Services does not currently represent any person or party specifically in relation to the matter described in your materials. Please be aware that your transmission of information to California Indian Legal Services, while appreciated, does not serve as notice to any potentially interested party affected by the project or action you described. Moreover, we are not in a position to provide notice or assist you in providing notice to tribes or individual parties whose interests are or might be affected by the action(s) contemplated.

Please do not hesitate to contact our office if you have further questions or if you believe that you have received this letter in error.

Sincerely yours,


James E. Cohen
Directing Attorney

/h/z

5 100ms w/p

210. Comment noted. Notices of the Draft EIR and/or copies of the Draft EIR were distributed to the local Native American tribes and individuals that have requested such information.

210



Surfrider Foundation San Diego County Chapter

National Office:
122 El Camino Real, Box 67
San Clemente, CA 92672
E-mail: Surfrider@aol.com
1-800-743-SURF

City of San Diego
Mayor Golding and City Council Members
202 C Street
San Diego, California 92101

February 4, 1997

c.c. City of San Diego Development Services Department
Land Development Review Division
1222 First Avenue, (Mail Station 501)
San Diego, CA 92101

RE: Land Development Code DEIR, LDR No. 96-0333

Dear Mayor Golding and City Council members:

The San Diego County Chapter of the Surfrider Foundation, (membership 1,700), would like to thank you for the opportunity to comment on the above referenced Land Development Code DEIR. We respectfully request that you retain existing resource protection regulations for coastal zone bluff, wetland buffers, and wetland protections and definitions.

WETLANDS, WATER QUALITY, RECREATION and WATER RESOURCES

The Hydrology/Water Quality Section, states, "The proposed regulations, do not include provisions to control the volume of pollutant tolerance levels of runoff from urban areas..." . Pollution and runoff volume increases because of "...the greater amount of impervious area..." (VI-7.8) According to the State of the Marine Environment, UN Environmental Program (UNEP) Regional Seas Reports and Studies, (#115, 1990), "runoff and discharges from land contribute 44% to total coastal pollution by weight".

The proposed regulations which remove wetland buffer zone requirements and which alter the wetland definition would result in loss of historic wetlands. This would serve to compound the adverse effect of increased polluted runoff as wetlands and wetland buffers serve to filter pollution out of urban runoff. (IV-B-7.8)

Please consider the Importance of water quality at our beaches. Tourism is San Diego's number one industry. According to the National Survey on Recreation and the Environment (1994-95), swimming in lakes, rivers, and the ocean has increased 38% in the last 12 years -with a population increase of only 13.4%. Consider how numbers of beach closures impacts our local economy. We had 339 beach closures in San Diego County in 1995. A published study by USC epidemiologist Robert Haile confirmed that "those who swim or surf within 100 YARDS of storm drain outlets are 50% more likely to contract sore throats, coughs, cold symptoms and gastrointestinal disorders than those swimming 400 yards away." (May 9, 1996 - The Bay News)

211. Comment noted.

212. Comment noted.

WETLANDS, WATER QUALITY, RECREATION and WATER RESOURCES, (continued)

The DEIR fails to analyze the "adverse effect over the long term" to tourism, and marine users, resulting from increased polluted runoff and decreased wetland and wetland buffer pollution filtration, and resulting increased beach closures, and illnesses. The DEIR also fails to submit any mitigation measures for the above adverse impacts of the proposed regulations.

213

The more wetlands we preserve, the better they will be able to perform their water cleansing functions. Wetlands are also extremely valuable for new water reclamation schemes.

213. Comment noted.

FLOODING

These wetland habitats, including the buffers, also serve to control flooding. They allow rivers to spread out, slow down, and absorb into the ground. In central California, this year alone, we've had over \$2 billion in flood damages and thousands were evacuated from their homes. San Diego is not exempt from catastrophic flooding. It is only just a matter of time before we receive the full impact of a "Pineapple Express". Consider the federal deficit and the billions of dollars spent in federal emergency relief (FEMA) for flood damages every year. It does not make physical or fiscal sense to continue development in the floodplains.

214

214. Comment noted.

COASTAL BIO DIVERSITY

Under "Operating Principles" the Surfrider Foundation By-Laws state: "SURFRIDER recognizes that the bio diversity and ecological integrity of the planet's coasts are necessary and irreplaceable. SURFRIDER is committed to preserving natural living and non-living diversity and integrity of the coastal environment." (ARTICLE I SECTION 3, (1))

As discussed above, the elimination of wetlands and wetlands buffers results in greater urban runoff pollution reaching our estuaries and coastal waters. This pollution impacts the marshes and sensitive coastal wetlands reducing their functionality as fish nurseries and other species habitat.

215

215. Comment noted.

The proposed wetland definition change sets the qualification for wetlands protections as requiring three of three wetlands characteristics, (vegetation, hydrology, and soil), replacing the current definition requiring only one of three. Many of our HISTORIC wetlands have been degraded by encroachment, erosion sedimentation, and the interruption of natural water flows. For these reasons, many of our last remaining HISTORIC wetlands may not meet all three standards. As wetland habitats and many species within them are already endangered, the proposed new definition would accelerate losses of wetland biological resources and potentially preclude recovery for wetlands species-defeating the purpose of the MSCP. The DEIR states, "requiring all three criteria be met in order for an area to be designated as a wetland would not result in loss of regulatory protection of wetland. However, the three-criteria rule may result in loss of protection for sensitive areas on disturbed landscapes." (IV-B-8)

Date: February 4, 1997

Letter to: Mayor Golding and San Diego City Council

RE: Land Development Code DEIR, LDR No. 98-0333

The first statement is contradicted by the proposed regulation. Replacing a "one of three criteria" with a "three of three criteria" for wetland qualification/protection would obviously result in "loss of regulatory protection for wetlands." The second statement hints at the truth in terms of "loss of protection" but using the term "disturbed landscapes" does not mask the fact that the regulation concerns loss of protection for "disturbed wetland habitat". Where we have between 4% and 8% of our historic wetlands left in our region, encroachment, modification, and disturbance of wetlands habitat is the norm.

BUFFERS & BIO DIVERSITY

At the January 30th, 1997 City Planning Commission hearing regarding the MSCP, Commission staff said that they were under direction from City Council to eliminate wetland buffer requirements, (and change the wetland definition), in order to conform with the Federal Clean Water Act definition/requirements. When attending representative and Biologist Sheryl Barnett of the U.S. Fish & Wildlife Service was asked about requirements for buffers in the CWA guidelines she answered, "When it's necessary to preserve the net functioning value of the wetlands we require buffers." It would be counter-productive to the MSCP for the City Council to adopt a policy to eliminate wetland buffers protections and lose more "net functioning value" of an already endangered habitat. The buffers are essential to many species in the wetlands for homes, foraging and for surviving floods.

The DEIR fails to identify quantities of wetlands that have one or two of the three criteria, that would no longer qualify for protection under the proposed regulations and fails to identify the impacts to sensitive and endangered biological resources within our "disturbed" wetland habitats. Furthermore, the DEIR fails to identify, quantify, and propose comprehensive mitigation for impacts to biological resources that would result from proposed "no buffer" regulations and the compound adverse effects of increased urban runoff, (with increased pollution) and loss of wetlands and wetland buffers pollution filtration benefits. Thus, requirements of CEQA are not met by the proposed regulation and the project may result in violations of the CWA and Endangered Species Act. The DEIR requires additional information and re-circulation.

COASTAL ZONE & BLUFF PROTECTIONS

The DEIR Alternative 3 states that currently, "Every lot in the coastal zone has limits on encroachment into steep slopes regardless of zoning and size of lots.... According to proposed regulations the regulations would be citywide with no distinction between coastal and non-coastal zones." (pages VIII-4 and -5)

Buildings on shoreline coastal bluffs exacerbates cliff erosion and property owners inevitably wind up applying to construct sea walls and riprap revetment protections at the foot of coastal bluffs. This practice results in loss of beach, (often the rare pocket beach), beach sand, and increased erosion damages to adjacent beaches. Please retain current levels of protections for Coastal Zone bluffs.

216. Comment noted.

216

217. Please refer to Response 1 regarding the unavailability of wetlands mapping data.

217

218. Comment noted.

218

Page 4 of 5
Date: February 4, 1997
Letter to: Mayor Golding and San Diego City Council
RE: Land Development Code DEIR, LDR No. 96-0333

CONCLUSION

In May 1996, the San Diego County Board of Supervisors voted 4 to 1 to maintain all wetlands protections in our Resource Protection Ordinances as the RPOs were undergoing consolidation and updating. We ask that the City now follow this same prudent example of valuable resource protections. Please maintain current wetlands definitions and protections, wetland buffering regulations, and coastal zone bluff protections.

219

Thank you for considering our comments and requests.

Sincerely,

219. Comment noted.

The Executive Committee
San Diego County Chapter of the Surfrider Foundation
(See attached signature sheet)

FROM: San Diego County Chapter of the Surfrider Foundation
(Executive Committee)

Letter to: Mayor Golding and San Diego City Council

DATE: February 4, 1997

RE: Land Development Code DEIR, LDR No. 96-0333

NAME	CITY	STATE
Tyler Callaway	La Jolla	CA
Drusilla Cursi	La Jolla	CA
Jeff Gertsch	San Diego	CA
Oscar Gonzales	San Diego	CA
Cyndi Heady	Cardiff	CA
Quetta Jones	Cardiff	CA
Jude Lapinto	Solana Beach	CA
Felge Wassig (Chair)		



RIVER VALLEY PRESERVATION PROJECT

• Working to preserve our Wetlands, Floodplains, and Greenbelt areas •

DEVELOPMENT SERVICES

February 5, 1997

FEB 06 1997

RECEIVED
City of San Diego Development Services Department
Land Development Review Division
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Land Development Code DEIR, LDR No. 96-0333

Comments of the River Valley Preservation Project (RVPP)

General Land Use Comments

"The proposed project does not include changes to pattern of growth or development as described in the General Plan. The project does not propose changes to land use designations which would result in intensified land uses. The adopted land use plans reflect anticipated development at a time in the future when a community would be considered built out.... The project proposes zones to implement the land use designations of adopted plans." (p. IV-C-3, par. 4, 6)

Does this mean that land use plans were adopted that were inconsistent with existing codes? Why would new zones be needed to implement land use plans adopted years ago? Also, the above quote has the appearance of contradicting DEIR statements regarding zoning changes which are cited below.

"The proposed Code includes changes to existing citywide zones. These include...changes to permitted uses, and changes to development regulations....This project would only result in the creation of new zones, but would not result in the implementation of these zones. The analysis of potential environmental impacts would occur in the future when the zones are proposed for application on a particular property. Future environmental analysis will be required when particular properties are rezoned to apply newly created zones." This appears to violate CEQA which mandates that an EIR analyze reasonably foreseeable impacts (zone changes) of a project (See Laurel Heights Improvement Assn. v. Regents of the University of California, 1988).

It is ironic that while clarity is a goal of the new Codes, this summation is so vague one cannot be sure what the impacts might be. How much up-zoning (density increases) could occur due to these zone changes?

220. The statements in the EIR mean that the proposed zones are designed to implement the adopted land use plans; this does not imply that the zones are proposed to cure a problem of consistency.

221. The proposed project includes creation of new zones. Some of the new zones will not be applied to particular parcels (that is, they will not be applied through rezoning of specific parcels) as part of the proposed project. Just as this project does not encompass every rezoning to be applied for in the future by private applicants, it likewise does not encompass every future rezoning which may be initiated by the City. Those would be considered separate projects according to CEQA, and analyzing them as separate projects would not violate the intent of cumulative analysis of CEQA.

222. The project does not include density increases.

223 "Air Quality: There would be new development in accordance with the proposed regulations which would result in increased emission from traffic and commercial and industrial activities." (p. 5, par. 6) Why is there no Chapter on Air Quality? This is a major deficiency/omission in the DEIR and an Air Quality analysis should be conducted and this DEIR recirculated.

224 The DEIR states that 15,900 acres of land in the City is now zoned for agricultural use (p. IV-H-1, par. 5). With the project, would any of this acreage be up-zoned or given increased density? If so, how many acres will have what density, what will be the minimum parcel sizes in each zone, and what impacts would this cause? Any significant impacts should be analyzed and recirculated in a revised DEIR. Would any land now zoned agricultural be rezoned with more intense uses (other than the low density residential use cited on p. III-13, Par. 5)? If so, this needs comprehensive analysis in a recirculated DEIR.

225 While the new Code proposes a Residential-Townhouse zone that could be applied in Mid-City, Ocean Beach, and Pacific Beach, (p. IV-E-4, par. 8), nothing is said about the impacts this may have on traffic, neighborhood character, and air pollution. Why? How much density would this zone add to the aforementioned areas of the city? Other areas? If this zone would add significant impacts, the DEIR should be recirculated with a clear picture of the project given to the public.

226 The DEIR states: "The proposed project includes development regulations that affect bulk and scale of development in residential zones. There would be a rezoning of single-family zones in the urbanized communities in order to address issues with bulk and scale." (p. IV-E-4, par. 4) This sounds like increasing the density of residential zones. Please clarify what this important statement means. Assuming there would be density increases, how much, where, and what are the impacts? If these are significant, the DEIR should be recirculated for further public review.

227 This same page (par. 3) states "According to the proposed Code, development could occur citywide by right, including within the Coastal Overlay Zone." Again, the meaning is unclear. Is this an up-zone and if so what are the impacts?

228 How many acres of land would be up-zoned (increased density) as a result of the proposed Code changes? Please answer this for each alternative.

229 Please estimate how much the value of affected property would increase for each alternative. If this is largely a financially driven project motivated mostly by developer and land owners who stand to profit from the new Code, the public has a right to know this in their assessment of environmental impacts and project purpose.

230 Why would the OS-TDR zone (transfer of development rights) be eliminated? (p. III-14, par. 1) In certain cases, transferring development rights may be used as a method to preserve recreational open space or sensitive lands.

223. The page referred to in the comment is a page from the Conclusions, which serves as a summary of the Environmental Impact Report. Air Quality is addressed in the Cumulative Impacts section (Chapter VI).

224. The project does not include any increases in density of land which is now zoned or designated for agricultural use.

225. Rezones to the Residential-townhouse zone are not proposed. If proposed in the future either on a community or individual lot basis environmental review would be required.

226. The proposed rezoning would not increase the density. The density would remain as it currently is, the development regulations of the new zone would change.

227. This is not an "up-zone". The statement in the EIR is a statement of the right of each landowner to develop his or her own property in accordance with the regulations of the zone within which it lies. Property owners will continue to develop currently vacant land in this way.

228. There is no proposed change in density.

229. Comment noted.

230. Although the OS-TRD zone exists in the Municipal Code it has never been applied to property. Transfer of development rights for preservation of open space is currently achieved through the planned development process and can continue to be achieved through the same process under the proposed Code.

"The Open Space-Residential (OR) zone would preserve privately owned property that is designated as open space in a land use plan while retaining private development potential." That sentence is amusingly vague and ambiguous. Why? How can the regulation "preserve" the open space and "retain development potential"? Again, the public needs to see the actual Code, not this ambiguous summation. How would this zone compare to existing zoning? Is this a zone change allowing increased density? If so, what are the impacts?

How do the Environmentally Sensitive Lands Regulations (which would regulate land outside of the MSCP) differ from existing codes? Would this amount to increased density and if so estimate acreage and analyze impacts.

What is a hillside with "a gradient of 200 percent or steeper"? (p. III-7, final par.)

Why is there no Visual Quality Chapter? The Neighborhood Character is the closest to such analysis, but it is minimal. This is a glaring omission in light of the admission that there would be loss of "natural landforms" through land alteration. (p. 4, final par.)

The DEIR states: "The Code may only be modified or deviated from by adoption of an ordinance by the City Council or by a procedure provided for in the Code." (p. III-47, par. 1) What is "a procedure provided for in the Code?" Exemptions, variances? In what parts of the Codes?

The DEIR acknowledges the project is growth inducing (p. V-1). Yet there is an apparently contradictory assertion that the project would "not have a significant adverse effect on water conservation." (p. IV-F-3, par. 7) Even though residential uses are less than industrial, wouldn't the increased growth from the project result in a significant impact to water supplies/conservation? If so, this would need to be addressed in a recirculated DEIR.

How can one make informed comment on these proposed Codes without reading them for oneself? Reading someone else's summation of the Codes is not a reliable means of establishing intelligent comment on such Code changes. When laws are changed as part of ballot measures, the existing language is given to the voters along with portions struck-out and added-to. While we realize that this would entail a much thicker EIR, isn't this absolutely necessary, especially when an avowed goal of the Code is clarity? It seems clear to us that the public is entitled to the same kind of presentation that is done in voters pamphlets when laws are changed. We therefore are requesting recirculating the DEIR with the actual Code changes reprinted with old Codes "struck out" and new language added. In support of this, please consider the following:

231.

This comment addresses the Code and has been referred to appropriate City staff. The statement is a quote from the proposed Code with regard to the purpose and intent of the OR zone.

232.

Please refer to Response 13 regarding the environmental analysis being focused on plan-to-ground impacts rather than plan-to-plan. In addition, please refer to the Project Description of the EIR which provides an overview of the existing regulations and the proposed regulations. The EIR presents an analysis of the effects of implementation of the proposed regulations, but not an analysis of one regulatory scheme versus another regulatory scheme.

233.

It means one foot of horizontal distance for every two feet of vertical change.

234.

It can be inferred from the analysis of Landform Alteration (Chapter IV-E) that this would be an effect on visual quality.

235.

In order to provide a framework in which to place the environmental analysis, the EIR must include a description of the project. It is an overview; for specific details of the Code, the reader is referred to the Code itself.

236.

The project as proposed would induce growth, but not necessarily growth in excess of that anticipated by the General Plan. There are no aspects of the project which would increase permitted density.

237.

The Code was available for public review during approximately the same period as the EIR.

I had to approach the city for the proposed revisions to the flood prevention codes since they are not in the DEIR but are only briefly summarized (p. III-43, par. 4; III-14, par. 1). Upon reading the actual proposed code language, it appears that there may be a loosening of existing flood prevention codes since some key language is repealed. (This is elaborated on later.)

Where is the analysis of the infrastructure that would be needed to service the substantial growth that would follow the code changes? Why isn't this zoning code update being presented to voters? This project appears to have far greater cost implications Citywide than the stadium expansion in which voters have expressed strong interest in deciding. This "project" may in fact be a circumvention of Proposition 13 and other tax restricting laws because its adoption will lead to higher taxes (for infrastructure) without a vote.

COMPARING EXISTING FLOOD CONTROL CODES WITH THE PROPOSED CODES
AND WHETHER PROPOSED CODES WOULD BE LESS RESTRICTIVE

The First San Diego River Improvement Project (FSDRIP)

An April 28, 1994 Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) states: "However, the BFES [base flood elevations] do increase by a maximum of 2 feet from just upstream to approximately 2,500 feet upstream of Mission Center Road." (p. 2, par. 4) Page 3 of this letter has a table comparing existing BFES to BFES as a result of the FSDRIP project. This table states that the aforementioned 2 foot rise in the 100 year flood is "just upstream of Mission Center Road". This project violates the very definition of "floodway". A "floodway" is that width of floodplain needed to pass the 100 year flood within "confined levees" without raising the flood elevation by more than one foot. (See Code 143.0145 Ch. 14, Art. 3, Div. 1, p. 16 for definition of floodway) How FSDRIP was approved by City and FEMA is a mystery. In recent conversation with a FEMA consultant, he expressed worry over this issue and the fact that the 2 foot flood rise is in the area of man-made breaches in the FSDRIP levees.

Mission Center Road bridge breaches the levees to allow flood waters to flow over the road and this breach is well below the levee tops. While this bridge design is intended to fail only once every 10 years, in the last 10 years we have had a dozen or more road closures due to flooding of the bridge. In the relatively small floods since FSDRIP's completion in the '80's, (the largest was 6,400 cfs in 1991 according to Boyle Engineering Hydraulic Analysis for West Mission Valley LRT, 1994, p. 13), floodwaters have spread through these levee breaches up Mission Center Road, into adjacent parking lots and approaching what is now a restaurant on the north side of the levees. It would not take a 100 year flood (49,000 cfs), which FSDRIP was built to contain, to cause substantial damage to the Hazard Center area due to the Mission Center Road levee breaches and aforementioned base flood level rises "just upstream".

238. Comment noted.

239. The EIR does not make a statement as to the degree of growth that would be induced as a result of implementation of the proposed project, nor whether that growth would be good or bad. The rest of the comment is noted.

This Code states:

"No structure shall be constructed or substantially improved within any area of special flood hazard prior to one of the following: 1. Completion of flood control works with a capacity to contain the 100 year flood peak flow. 2. It can be shown that a proposed structure or substantial improvement to an existing structure complies with the provisions for flood hazard reduction in Council Policy 600-14." Council Policy 600-14 states: "variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result." (p. 11)

240 Would the proposed Code repeal the sentence "variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result."?

Are there variances or exemptions for proposed Code 143.0145 which states:

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

241 If so, there are major implications which should be analyzed in a revised and recirculated DEIR since increasing flood levels would become "legal".

242 Is an architect allowed to make such hydraulic analyses under the present Code? Under the proposed Code, how can an architect, who may not have hydraulic training, be considered an appropriate expert?

243 The following projects are in violation of the existing Code 91.8901 because hydraulic studies document their base flood increases (or lack of study showing no net rise); also they do not contain the base flood (as required by the current Code):

1. West Mission Valley Light Rail Transit (WMV LRT). Metropolitan Transit Development Board (MTDB) acknowledges that this project is in a designated floodway and does not contain the 100 year flood (base flood). Also, the LRT causes rises in the base flood levels according to a July 9, 1996 letter from FEMA to Mayor Golding: "The proposed conditions HEC-2 model indicates that the project is causing increases in the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) in excess of that permitted under paragraph 60.3(d)(3) of the National Flood Insurance Program (NFIP) regulations." This project still has base flood rises at 38 cross sections (from the LRT bridge over the San Diego River to Fashion Valley Road--from .01 to .04 foot) according to the most recent MTDB/Boyle Engineering analysis (December 1996).

240 - 242.

The regulation would not make legal increased flood levels. The regulation would prohibit any encroachment (defined and described in the regulations) unless a registered architect or engineer provides certification to the city that such encroachment would not increase flood levels. If an encroachment is proposed by an applicant, it will be prohibited unless there is certification by a registered professional that flood levels would not increase as a result.

243. This comment does not address the adequacy of the Draft EIR.

Handlery Hotel management informed me that this hotel may seek monetary damages due to increased flooding from the LRT as evidenced in a study by their hydraulic engineer.

2. Stardust Golf Course Reconfiguration. This project is in the same designated floodway as the LRT. It resulted from the WMV LRT bisecting the golf course and also has rises in the 100 year flood according to Mr. John Fisher, the City planner/project manager. FEMA at present is unable to determine the extent of rises from the combined effects of these projects.

3. FSDRIP project does not contain the 100 year flood for reasons mentioned above (levee breaches) and causes rises in 100 year flood as previously noted.

4. Fashion Valley Expansion is in the same designated floodway as the LRT route through the Fashion Valley parking lot. This project is in violation because it is proceeding without a hydraulic study showing no net base flood rises in floodway. A June 20, 1996 letter from FEMA to Mayor Golding regarding the Fashion Valley Expansion states:

"The BFEs in the revised conditions HEC-2 model are higher than those computed in the corrected effective HEC-2 model by a maximum of 1.21 feet. Under Paragraph 60.3(d)(3) of the National Flood Insurance Program (NFIP) regulations, no increase is permitted. It is not clear whether the BFE increases are caused by the proposed project or by modifications within the floodplain since the date of the effective HEC-2 model." Since FEMA is unable to determine whether the base flood rises are a result of the project or other projects, this project has not demonstrated compliance with this "no net rise" City Code.

MUNICIPAL CODE 101.0403.1 PPF Zone (Floodplain Fringe)

This Code states that developments in the floodplain fringe shall "be reviewed to ensure that development will not constitute an unreasonable, undesirable or unnecessary obstruction to flood flow and that said development occurs in such manner as will not create a hazard to life, private or public property and to the public health, safety and general welfare." Since I have not been able to find this language in the proposed Code, I assume it has been deleted. Why? Is it true that the proposed Code changes loosen restrictions on floodplain fringe development? If so, these changes need analysis in a revised and recirculated DEIR.

In spite of existing Codes, developments in the San Diego River floodplain have created a hazard to "life, private or public property." Examples:

The DEIR for the WMV LRT states: "Any increase in 100-year water surface elevation would be significant because the flood situation has already worsened without the project due to upstream development in the San Diego River watershed. Buildings and roads which were above the 100-year flood elevation at one time are now subject to inundation." (p. 4.1-10, par. 3) The magnitude of such flooding rises (5.8 feet) is described in this same DEIR: (Nolte 1991, p. 4.1-14, par. 6)

February 5, 1997 letter from RVPP
RE: Land Development Code DEIR, LDR No. 96-0333

The western part of the valley, from Morena Blvd. to Fashion Valley Road, has 100-year flood rises of 2 to 2.8 feet "due to upstream development in the watershed." (P. 4.1-3, final par.)

Since this DEIR, further studies by Boyle Engineering have shown rises of up to 3.3 feet just upstream of Morena Blvd. according to FEMA's July 9, 1996 letter to Mayor Golding (p. 1, final par.)

In the event of a major flood, City liability would be immense.

Would the aforementioned Mission Valley projects also be in violation of the proposed Codes on flood prevention? Or are there exemptions and variances that would enable these massive developments to be "legal" in spite of the project-specific hydraulic information cited above?

Would the proposed Floodplain Fringe Code prohibit development which causes any increases in the elevation, width or speed of the 100 year flood?

Since the goal of these Codes is clarity, please clarify the following paragraph from the proposed Code:

"Proposed development in areas of a special flood hazard shall not adversely affect the flood carrying capacity of areas where base flood elevations have been determined but the floodway has not been designated. 'Adversely affect' as used in this section means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the 100-year frequency flood more than one foot at any point."
(143.0145(B))

This sounds like the proposed Code makes it legal to raise the 100 year flood levels if you are developing in the floodplain fringe--so it could be legal to increase flooding to a neighbor's property.

Does the present or proposed Codes allow flood increases to surrounding property as long as it originates from a floodplain fringe development? Isn't the proposed Code a loosening of existing Code? If so, the EIR needs to be recirculated with an expanded chapter on hydrology. This DEIR doesn't address increased flood levels from more floodplain fringe development but only increased runoff from more impervious surfaces.

The list of agencies to whom this DEIR was sent does not include the Federal Emergency Management Agency. Why?--since they are the federal agency with the most oversight of local flood prevention codes. This appears to be a major oversight and their comments should be solicited and in a recirculated DEIR which includes the present and proposed Codes on floodplains.

245. The comment does not address the adequacy of the subject EIR.

246. See Response to Comment No. 244.

247. The proposed Code would not allow development that could increase flooding to an adjacent property. All other existing and anticipated development must be considered in the decision.

248. The proposed Code is not a loosening of floodplain development regulations. Any alteration of the floodway must be contained within the 100 year floodplain fringe and flooding of upstream or downstream property is not permitted.

249. The Final EIR will be sent to the Federal Emergency Management Agency. The City's Floodplain Engineer was involved in reviewing the proposed Code language and staff met with FEMA representatives while preparing the draft Code.

Are there any penalty provisions for not enforcing existing or proposed floodplain codes? We advocate penalty provisions that include substantial fines and criminal prosecution of all decision makers who violate them. A simpler, clearer approach that we advocate is keeping all buildings out of the historic 100-year floodplain--which is the evolving policy of the federal government--stemming from the massive Mississippi/Missouri River floods in 1993.

Another hydraulic issue: "The proposed regulations do not include provisions to control volume or pollutant tolerance levels of runoff from urban areas. With a greater amount of impervious area, there is increased runoff and increased volume of pollutants carried by the runoff." (p. 5) What kind of mitigation is offered, if any, for the water quality and hydraulic impacts?

The code changes propose to eliminate compact parking spaces and increase their minimum size. This requirement alone would add about 15% to paved parking surfaces for each new development. This obviously exacerbates the polluting affects of wide-spread impervious surfaces as cited above. Given the trend toward economy cars with fuel efficiency, why don't these new regulations allow for compact parking spaces and support a beneficial trend?

BIOLOGICAL RESOURCES

The EIR states: "The proposed project does not include protection for wetlands by use of wetland buffers which is identified as a resource policy and goal of many adopted land use plans. Therefore, the project could result in significant impacts related to inconsistency/conflict with environmental goals or policies of adopted land use plans." (IV-A-36, par. 1) Since the goals of this Code is clarity and integrity, how could it possibly adopt something so contradictory to adopted land use plans? It is ludicrous to eliminate wetland buffers as this Code proposes. It is also contrary to Department of Fish & Game policy which requires wetland buffers. (IV-B-7) This also amounts to an up-zoning even though previous statements in the DEIR claim no density increases would occur. (p. IV-C-3, par. 4)

Could it be that decision makers may be using this full scale wetland habitat destruction policy as a bargaining chip for environmental groups and distracting them from other negative impacts of the new Code?

According to internationally recognized wetlands expert Dr. Joy Zedler, every acre of existing wetland is needed to maintain biodiversity. The value of "created wetlands mitigation" has not been proven. When will our elected officials listen? The whole concept of the Multiple Species Conservation Plan (MSCP) is lost if we don't yet recognize that wetlands species have seen all the encroachment they can stand... and much more.

250. Comment noted.

251.

The impacts on hydrology and water quality were identified as potentially significant in the Cumulative Effects chapter of the EIR (Chapter VI). The Alternatives section provides alternatives which could address (reduce or avoid) project-specific impacts. Cumulative effects could only be reduced or avoided by careful and appropriate land use decisions on future development projects which would be considered according to the adopted Code.

252.

The Code provides for decreases in parking requirements in certain circumstances and limits the maximum amount of parking in some zones which compensates for the change in space dimensions.

253.

The EIR states that there would be a significant impact related to wetlands. Please refer to Response I.

254. Comment noted.

If the proposed Code were adopted, how many acres of what is now wetland would be rezoned for development? The federal Clean Water Act policy requiring three wetlands criteria instead of one will disqualify many important wetland habitats from protections, and is simply an inappropriate standard for San Diego.

For example, a four acre stand of rare wetland/riparian woodland habitat stood adjacent to the Hanalei Hotel in Mission Valley -next to the San Diego River. It was listed as wetlands in several EIRs for projects in the area as well as the Mission Valley Community Plan. It had been degraded over the years by stacked tree trimmings from the Stardust Golf Course, river channeling and fill. When the Army Corps of Engineers was determining impacts to wetlands from the Metropolitan Transit Development Board (MTDB) trolley project through this same area, they determined that these wetlands were no longer "jurisdictional wetlands" as the hydrology criteria was "no longer present", because of "channelization of the San Diego River....". (Please see attached Wetland Assessment, RVPP Exhibit A, page A-4)

Later, as mitigation for the taking of a discovered pair of the endangered least Bell's vireos, MTDB was required to fund monitoring studies to determine the existence of the vireos throughout Mission Valley along the trolley alignment. A nesting pair of vireos were found in the remaining riparian woodland adjacent to the Hanalei. Present was the "Tujunga sand-hydric" wetland soil, the river, the old riparian woodland trees and wetland vegetation, and a nesting pair of vireos -but the area did not qualify for wetland protection!

It was non-jurisdictional vireos habitat!

The DEIR fails to adequately determine the loss of endangered wetland habitat that would result from the proposed wetland definition changes and buffering regulations, and it fails to propose any mitigation for that loss. This would violate CEQA, the Clean Water Act, and potentially the Endangered Species Act.

The DEIR states: "Although none of the development anticipated with the proposed project would individually be expected to have a significant adverse effect on hydrology or water quality, the incremental effects from new development could have a significant adverse effect over the long term on hydrologic and water quality." (IV-C-3) (The same scenario can be applied to air quality.)

Despite this warning, this project proposes to eliminate one of the only effective mitigations for such urbanization. It proposes to allow the paving over of wetlands and wetlands buffers which are extremely valuable for controlling flood waters, -allowing them to spread out, slow down, and absorb into the ground. This process also provides a natural filtration and removal of pollution in borne in urban runoff waters. The trees along our river corridors and in our "wetlands buffers" filter pollution out of the air as well.

255. Please refer to Response I regarding wetlands definitions and mapping.

256.

In conducting the environmental analysis, the City did not have quantitative data, and therefore assumed a worst case. With a worst case analysis, the EIR presents a conclusion of significant effect.

257. The EIR states such an impact. Comment noted.

SUMMARY


The "Cumulative Effects" chapter lists the incremental effects of implementation of the proposed project -stating that the project could/would "have a significant adverse effect, over the long term, on" Soils/Erosion Hazards, Air Quality, Hydrology/Water Quality, Land Use and Biology which states that "[t]here would be losses of species...".

This chapter discusses the MSCP and makes no determination that the MSCP mitigates any of the above except "to mitigate the direct biological impacts of mandated improvements to the region's sewage treatment facilities and potential secondary impacts associated with these improvements."

Thus, the project fails to submit any reasonable, comprehensive mitigation measure... other than "alternative regulatory language" (V-I-4) for cumulative impacts. Addressing the environmental impacts, one project at a time, is "segmenting" an illegal practice under CEQA, and it is unacceptable -especially in areas where currently protected endangered habitat is at issue.

While we support the goals of integrity, consistency, and clarity in implementing City Codes, we do not support any Code changes which cause the impacts proposed in this DEIR. This so-called "vision" would likely result in large increases in density, congestion, air and water pollution, and massive wetlands/wildlife, landscape and view-shed losses. It would result in increased flood hazards. It would also result in substantial tax increases. Since the very landscape of the City would be forever be altered as a result of this Code, it should be submitted to the voters along with alternatives that do not cause significant environmental impacts. This DEIR is incomplete as it lacks chapters on Air Quality, Visual Quality, and any comprehensive hydrology considerations. As such it needs to be finished and recirculated.

Sincerely,


Randy Berkman
President
River Valley Preservation Project

258. Comment noted.

259. The proposed project is an entire project in and of itself. It has not been segmented for the purpose of reducing the show of impacts and therefore is not in violation of the intent of CEQA.

260. These issues are adequately discussed in the chapter on Cumulative Effects.

KVPP

Attachment A

Re: LDR No. 96-0333 MISSION VALLEY WEST
LIGHT RAIL TRANSIT PROJECT
WETLAND ASSESSMENT

RECEIVED

FEB 06 1997

DEVELOPMENT SERVICES

Focused field surveys have been conducted for the small drainage that flows between the River Valley and Stardust golf courses and a stand of riparian woodland trees west of the drainage, immediately north of the San Diego River. The surveys were conducted by Ogdan wetland biologists Stacey Baczowski, Bonnie Hendricks, and Paula Jacks on September 19 and December 7, 1994.

Surface hydrology in the area investigated consisted of flows along a small drainage channel from a culvert under Friars Road south into the San Diego River. The majority of this drainage is contained within a narrow (approximately 3 feet wide), shallow concrete channel. No wetland vegetation borders the concrete channel. The drainage is uncontained at a point approximately 1,000 feet north of the river where flow continues south within a shallow, earthen drainage. Where the concrete channel terminates, the earthen channel widens to approximately 20 feet and disturbed wetland habitat has developed along an approximately 350-foot long segment. This wetland is characterized by species such as cocklebur (*Xanthium strumarium*), wild radish (*Raphanus sativus*), sedge (*Cyperus* sp.), evening primrose (*Oenothera hookeri*), horsetweed (*Conyza canadensis*), and cattail (*Typha* sp.). Along the remaining length of the drainage to its confluence with the San Diego River the channel noticeably shallower and vegetation is virtually absent within the drainage.

At a point approximately 800 feet north of the river, fill soil has been formed into a berm that parallels the western edge of the drainage. The berm is approximately 4 to 5 feet in height, and although it is lower at points, it remains an effective barrier between the drainage and a stand of riparian woodland tree species west of the berm. It is presumed that the stand of woodland trees is a remnant of a more extensive woodland that occurred in the area prior to the development of the golf courses. Currently, the stand forms a triangular area that widens towards the river bank. Detailed mapping of the woodland was conducted with the aid of a 1"=50' scale color aerial photograph of the area dated July 1994. With the use of the detailed photograph, the area was mapped at the individual tree level (Figure 1).

Much disturbance has occurred within the woodland. Two dirt roads braid through the trees and appear to be used by the golf course landscape maintenance crews. The most prominent disturbance is several large piles of landscape trimmings. In the central portion of the stand of trees, pruned tree branches have been piled in areas 30 to 50 feet across and stacked to a height of 5 to 6 feet. In the broader areas, the lower layers of trimmings may have been deposited on formerly cleared areas; these expanses are apparent on the aerial photograph. However, the pilings have also been stacked densely adjacent to mature cottonwood and willow trees, which has destroyed any understory that may have occurred there and since has precluded the development of an understory. Landscape trimmings are present throughout much of woodland in this latter manner which is not apparent from the aerial photograph, only being detectable from a field assessment. In addition to the trimmings and dirt roads, sizeable areas have also been invaded by the nonnative giant reed (*Arundo donax*) and 5 eucalyptus trees (*Eucalyptus* sp.) are scattered throughout the woodland. Little herbaceous cover and no evidence of native tree recruitment were detected during the surveys. At a few locations, however, young palm saplings (*Phoenix* sp.) were noted. Aside from the disturbance and nonnative elements, the woodland is dominated by mature cottonwood (*Populus fremontii*), black willow (*Salix gooddingii*), and arroyo willow (*S. lasiolepis*) trees. The ratio of areas of disturbance to riparian woodland canopy cover is approximately 50/50.

An assessment of the area was performed using criteria in accordance with the Corps of Engineers Wetlands Delineation Manual (ACOE 1987). Because of the history of disturbance throughout the woodland, the maintenance of the neighboring golf courses, the contained channel, and the presence of the berm, the area was viewed as an atypical situation. The area vegetation, soils, and hydrology are presented below.

Vegetation

As discussed above, the stand of trees is dominated by mature cottonwoods, willows, and giant reed. These species are recognized as indicators of wetlands (Reed 1988), each occurring typically in areas that pond, retain, or receive water at a duration sufficient to create anaerobic conditions, exclude the neighboring upland species that are intolerant of such conditions, and create wetlands. However, also as noted above, no evidence of recruitment of the wetland trees was observed. It is assumed that the woodland was established when different physical conditions existed at the site, i.e., prior to the channelization of the San Diego River, the containment of the small channel between the

two golf courses, the berm, filling and grading associated with the development of the golf courses, and the subsequent stacking of landscape trimmings within the woodland. Under earlier conditions the wetland trees became established and the hydrology within this patch of woodland was subsequently altered. Sufficient water is presumed to be supplied by the existing water table (see below) to the mature trees (40 to 60 foot height). The habitat is dominated by hydrophytic vegetation, hence the vegetation criterion for determination of a wetland is met. However, the field evidence indicates that regeneration is not occurring and the mature woodland may ultimately die out.

Soils

The area is mapped as being underlain with Tujunga sand in the Soil Survey for San Diego County (USDA 1973). Tujunga sand is considered a hydric soil in the county. In addition, soils were examined in the field at a total of eight soil pit locations throughout the woodland; a ninth soil pit was examined near a eucalyptus tree approximately 40 feet west of the woodland. At all locations coarse to fine sands were discovered at depths of 15 to 20 inches. At a few of the soil pits, fill soils were noted for the top several inches and casual observations throughout the area revealed soil fill piles and debris in several locations. Because the Tujunga sand that underlies the woodland is recognized as hydric, the soil criterion for determination of a wetland is met. However, the dense stacking of landscape trimmings function as fill throughout much of the area, and the berm and other isolated areas of fill have negatively affected the soils in the area.

Hydrology

Hydrologic indicators in this area are somewhat unclear. Flood mapping for the area indicates that the woodland is at an approximately 2-year flood elevation. Typical drainage flows are contained within the shallow drainage east of the woodland and separated from the woodland by the berm that parallels the drainage. Water table data indicate that the water table lies 8 to 9 feet below ground surface in the area of the woodland. One small isolated area, approximately 80 feet north of the river bank, has been excavated to a depth of approximately 6 feet. At this location, shallow, standing water was present during the December survey. Known information indicate that wetland hydrology is not met within the woodland. Again, it is presumed that the wetland trees were able to establish during past favorable conditions when wetland hydrology was present; once the tree roots reached

the water table, the subsequent alteration of the surface hydrology did not affect the established trees.

In summary, the present dominance by hydrophytic vegetation is a remnant of past conditions. Regeneration of the woodland with young willows and cottonwoods is not expected under the current conditions. As such, the vegetation criterion is expected to not be met after the existing trees die out. The woodland is underlain by the hydric Tujunga sand; however, the piling of tree trimmings, placement of fill soils, and construction of a berm has negatively affected the soils criterion. Finally, surface flows have been altered through the presence of the berm and channelization of the San Diego River and the drainage onsite. Wetland hydrology is no longer present within the woodland. The area is characterized by riparian woodland trees; however, it is not functioning as a wetland.

REFERENCES

- Reed, P.B., Jr. 1988. National list of plant species that occur in wetlands: California (Region 0). U.S. Fish Wildl. Serv. Biol. Rep. 88 (26.10). 135 pp.
- U.S. Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.
- U.S. Department of Agriculture. 1973. Soil Survey San Diego Area, California.

City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, Mail Station 501
San Diego, CA 92101
Attn: Ms. Cathy Winterrowd

RESPONSE TO DRAFT EIR 96033 OF DECEMBER 1996

Specifically addressed are the La Jolla Community Plan/LCP area and impacts on older communities of the City.

This writer concurs with the significant impacts identified in the EIR conclusions, but sees the need for additions to the substantiations and recognition of impacts not evaluated as follows:

There will be significant impacts

1. "due to inconsistency with environmental goals of adopted land use plans." (EIR p. 2)

For the sake of clarity it should read:

...inconsistency with the General Plan, adopted land use plans and Local Coastal Programs, which were adopted to comply with it and the Coastal Act. (This is pointed out on EIR p. II-8-9-10-11.)

2. "due to potential preclusion of wildlife corridors for species not covered by the MSCP Preserve design."

Please explain: Why do none of the maps show Mount Soledad's sensitive hillsides, which have some of the best stands of coastal sage scrub/chaparral in the City, numerous wildlife corridors, both to be protected by the La Jolla LCP? It is disturbing if their existence is not even considered in environmental review.

261. Comment noted.

262. The comment appears to address the MSCP preserve, and has been referred to appropriate City staff.

3. "due to loss of existing natural land forms, which are considered sensitive resources, through future grading consistent with the proposed code."

Why is map C720 not included? Also, why are La Jolla's seismic risk and fault zones, natural drainage systems of Mount Soledad and landslide areas omitted in the discussions? Please explain why page II-6, under Topography and Drainage Systems, refers to the coastal mesas in the Torrey Pines and La Jolla areas, but totally omits Mount Soledad, San Diego's highest mountain in the Coastal Zone which is still rising due to plate action. ? Mount Soledad determines the topography and drainage systems of the La Jolla community, is subject to seismic risk and faulting, but is also a major scenic amenity. Mount Soledad also determines the street systems, climate and general layout of neighborhoods, and makes the area unique. How can it be excluded for environmental considerations or referral to Community Plan LCP specifications in such a major document?

263

263. The EIR is a document that addresses a project that is citywide in scope. There are many important features of the city that were not included because the document had to kept to a reasonable length.

4. "due to loss of archeological resources and historical buildings due to the regulations of the proposed code."

5. "due to loss of paleontological resources, since the proposed code does not provide for detection."

Please note: on EIR page II-5, under Historical Resources, it states "The earliest known occupation was about 10,000 years ago..." But on page II-6, paragraph 2, only three historic periods in the history of San Diego are referred to, starting in 1769. It would appear for the sake of clarity that earlier cultures need to be included as historic periods.

264

264. The earlier periods are considered prehistoric periods.

6. "On human health and public safety"

The following additional reasons need to be addressed:

A.	The cumulative impact of traffic increase is considered significant (EIR p.5, bottom) but the impact on human health is not. (Growth Inducement and 193,000 acres to be developed by 2015)	265	265.	Comment noted.
B.	The impact of loss of open space, private or public, is not considered. (The General Plan Open Space Element, as stated on EIR page IV-A-3, requires approximately 20 acres of urban recreation land for each 1000 city residents city wide. This is not nearly achieved in La Jolla. The General Plan also includes air quality, scenic and visual enjoyment, preservation of hazard areas such as seismic risk and fault zones, hillsides and canyons, natural drainage systems and all natural resources as a tool to control urban form and to preserve open space for human health.) There are no maps included or EIR conclusions for this, nor any impacts on the livability of this City.	266	266.	The project does not include amendments to any land use plans which would change designations of open space.
7.	"due to soil erosion hazards"			
8.	"on air quality"			
10.	In addition: Increase in traffic volumes and aircraft traffic, loss of open space and vegetation, on public and private land, need to be listed as cumulative, significant impacts on air quality.	267	267.	As the cumulative analysis of air quality indicates, any additional development would result in increased emissions into the air. It should be inferred that the increased emissions would be the result of additional trips that would be generated. Thus, the EIR does address the issue presented in the comment.
9.	"on hydrology/water quality"			
10.	"on biological resources"			
	Maps?	268		
11.	"due to land use"			
12.	due to transportation and circulation"		268.	Comment noted.

Specific attention needs to be given to the impact on sub-standard (narrow, winding, steep) hillside streets in the older sections of the City which will lose their aesthetic qualities due to unrestricted development of smaller hillside lots, and the likely yielding to subdivision of lots above R1-20,000. If only engineering solutions are to be considered, they will become unlivable.

269

Comment noted.

13. "due to land form alteration, loss of land forms including hillsides."

See comment on 12 above.

14. "due to cumulative effects"

Which concern all the above.

Impacts not sufficiently evaluated in this EIR

Planned Districts

EIR page 1, last paragraph, states: "Planned Districts have not been substantially revised." But, on page I-1, last sentence, "A future phase is anticipated that would include reformatting and revisions to Planned Districts and other substantive changes."

270

It is submitted that: future impacts of such changes need to be assessed as part of the whole project in the environmental review.

Please note: EIR page II-22 omitted the La Jolla PDO.

270. The EIR has been revised to include the La Jolla PDO.

Neighborhood Character

On the front page summary of the Draft EIR, the list of significant impacts includes neighborhoods character/aesthetics, but on EIR page IV-4, it is concluded that there would be no significant

Impacts due to proposed regulations.

It is submitted that this statement needs to be reevaluated, since it conflicts with the conclusion that there would be significant impacts on traffic, land form, biological resources and scenic quality. In addition, the predicted, but not evaluated loss of PDO restrictions needs to be addressed. Air quality and aesthetics also play an important part.

Impacts of redevelopment in a community like La Jolla need to be a major consideration.

Example: small houses in old neighborhoods, with substandard street systems, are to be replaced with, or remodeled into much larger structures (the usual case). This can be a neighborhood with vintage trees and vegetation, and/or on a hillside. It may include subdivision of lots under the new code. Public input is eliminated.

271

Community Plan/LCP mitigating ordinances are no longer regarded. Engineering solutions will strive to accommodate the new development which may be a remarkable achievement, but not with regard to the ambience or values of established older neighborhoods or neighbors. So streets will be widened, new driveways created, trees and hillsides cut. Result: concrete, pavements, steep walls, more and faster traffic, noise and glare due to loss of vegetation, new drainage problems, decrease in air quality and aesthetics. In other words, deterioration of living conditions.

Water Conservation

The EJR states: No mitigations are required.

EJR page IV-F-1 states: "To reduce San Diego's dependence on imported water, the Water Conservation Program has been established..." "It consists of ultra low flush toilets and other water saving devices..." "Also landscaping regulations which

271.

The public notice was incorrect. It should have stated "landform alteration" instead of neighborhood character.

encourage the use of native and naturalized plants..." The EIR also states "90% of all water is imported."

It must be pointed out, if water is to be conserved, the program needs to include replacement of antiquated water pipes, to prevent future major breaks such as on Torrey Pines Rd. last month (pipes were installed in 1920). It also needs to include renovation of storage tanks. Please note: the two in La Jolla on Mount Soledad are reported dilapidated.

If the City has not or cannot make investments to keep up with the present population's needs, how can growth inducement plans be justified?

Furthermore, if 193,000 acres of land are to be developed in the near future, the water conservation plans described in the EIR would play a very insignificant part in water consumption savings.

Impacts not considered significant in the EIR

Geology

The EIR concludes there would be significant impacts due to land form alterations, soil erosion hazard and on biology. Also, the proposals do not conform to adopted plans and their implementing ordinances. (Adopted to make local mitigations.)

The EIR does not include or acknowledge the existence of maps of hazard areas, such as seismic risk and fault zones, landslide areas, sensitive hillsides and canyons. (All existing in La Jolla.) Page II-6, under Drainage Systems, does not even acknowledge the existence of Mount Soledad. Since there is a proposed increase of building on hillsides, which are in such hazard areas, the question is:

How can the conclusion that there would not be exposure of

272. Comment noted.

273.

The EIR correctly concludes that the regulatory scheme that is adopted by the City of San Diego will not affect the occurrence of seismic or other natural events. Regulating development and construction merely means that there is a system of controls to reduce (and avoid to the extent possible) the harm caused when these natural events do occur. The regulations are not intended to (and cannot) eliminate exposure of people or property to harm. The proposed project would not have significant effect on exposure to such harm because the project includes controls and regulations to reduce the harm when natural events occur.

273

people or property to geologic hazards, particularly since there is a history of such occurrences, be substantiated?

Noise

It is submitted that: if increase in traffic is significant, the increase in noise usually is aggravated by loss of vegetation, increased density and loss of open space. Also, due to increased air traffic by low flying planes, as is occurring already.

274. Comment noted.

Recreational Resources

It has not been established that the recreational opportunities in the City are sufficient now, carry out the General Plan or could meet future needs.

275

The loss of private open space and vegetation, hillsides and canyons is also a loss of an important passive recreational resource and associated air quality.

275. Comment noted.

Population

The EIR states on page VIII-2, "The proposal will not alter the planned location, distribution, density or growth rate of the population of the City." This is in contradiction to the findings above of significant impacts.

276. Comment noted.

Public Services

Page VIII-2 of the EIR states: "...the project will not result in a need for new or altered governmental services in any of the following areas, fire protection, police protection, schools, park recreational facilities."

277. Development that occurs according to any zone scheme adopted by the city could itself have an effect on schools. The effect is from the development, not from the zone scheme.

This statement is disturbing. The recent high losses due to fires, the

crime rate and vandalism and need for citizen patrols do not indicate that there is no need now for better services. The schools should be discussed.

Utilities

EIR page VII-2, last paragraph, "The project is not anticipated to result in a need for new or improvements to existing, power utilities, drainage or communication systems."

It must not be ignored that some utility lines are very old and need replacement now. In La Jolla and other areas there are frequent power failures which make everything stand still for hours. (Sec. also, comments under water conservation.) Unrestricted development and redevelopment, particularly on smaller hillside lots, would certainly result in drainage problems. And a rush to buy and subdivide larger hillside lots would only serve to increase those problems. It must be noted, drainage problems are all around us now. Beaches have been closed frequently due to hazardous drainage, including sewer breaks. The sewer system's adequacy for densification and future expansion, including the Tijuana outfall, have not been addressed.

278. Comment noted.

Other Issues

Growth Inducement

EIR page V-1 gives the definitions - they make it clear that the changes to the code are a growth inducement.

The question must be asked, in view of the identified impacts, and the statement that 193,000 acres are available for development in the near future. How can growth inducement that will cause such significant impacts be justified? What could qualify as an overriding consideration?

279. Since the EIR does not include a statement regarding whether growth inducement would be beneficial or adverse, Findings and a Statement of Overriding Considerations is not required for growth inducement.

Promise of No Substantive Changes

It needs to be in the record that the public in the beginning was told that there would not be any substantive changes to the code, just simplification and streamlining. No one objects to that, but major substantive changes have been made including changes to certified LCPs. In its present form, the document is difficult to read, while it raises many questions.

Since the review process has been made very difficult to follow, the public is not informed. To obtain documents such as this draft EIR, each of which costs \$18,000, one must go in person to City Hall. Participation has been kept to a minimum. Since the project also applies to the Coastal Zone, it needs to be recognized that the Coastal Act encourages maximum public participation in planning.

280

280. Comment noted.

Alternatives

It is submitted that the approved and certified Community Plans and LCPs already contain mitigations and alternatives. Since specific constraints governing the La Jolla area are not addressed in this EIR, the La Jolla Community Plan/LCP and their implementing ordinances need to be retained. Wildlife corridors, coastal sage/chaparral and open space need to be protected also in La Jolla and other urbanized areas, not only in the urbanizing areas.

281

281. Comment noted.

In Conclusion

Re: Eight goals of the Code Update identified on EIR page 2. "Clarity, objectivity, consistency, predictability, simplicity, adaptability, progressiveness, integrity."

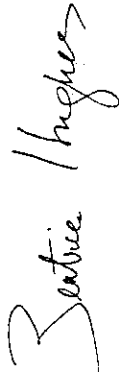
It is submitted that:

Clarity is taken away, not achieved, if existing Community Plans and LCPs with their implementing ordinances, which are the clarification and specification of the General Plan and Coastal Act, can now be ignored or changed in substance. Needless to say, it took many years and great cost to the taxpayers to establish these plans, on which the vision of Greater San Diego rests. A statement of the city manager, that the General Plan will have to be changed to fit the new code, makes it clear that the intent is to disregard more than 25 years of planning in the absence of a qualified planning director. This may create a certain objectivity, predictable, a certain simplicity, which can adapt to anything in the future, which is certainly progressive. But a code framework, so standardized and flexible, so ready to accommodate any short term or expedient changes at the cost of specific past good planning, does not create, but erases integrity and public trust.

282

282. Comment noted.

Respectfully submitted,



Mrs. Beatrice Hughes
7520 Hillside Drive
La Jolla, CA 92037

cc. California Coastal Commission

From: Florence C. Shipck, Ph.D.
2932 Lawrence Street
San Diego, CA 92106

For Draft Environmental Impact Report: EIR No. 96-0333; Dec.196

Received by me on January 6, 1997

Also the DRAFT: City of San Diego: HISTORICAL RESOURCES GUIDELINES.

ETHICS :

Prior to describing details I find incorrect in these drafts, I must point out the improper nature of the entire Environmental Impact Process. The City (and the County) have placed the "scientist" (botanist, archaeologist, historian, etc.) in a most unethical position. As long as the "developer" directly hires the "scientist", in order to remain working and receiving new contract, the "scientist" must PLEASE the developer. If the scientist finds too much that will delay or cause major changes in the plans, the scientist will end up unemployed. Therefore rather than doing true scientific research, the "scientist" must fudge to keep the developer happy. The city has placed the "scientist" in a conflict of interest position, an entirely unethical procedure. THUS the entire system requires changing - the scientist should not be dependent upon developers for their livelihood. They do not do science, they do a bare minimum of "mitigation". This system needs changing before there is absolutely nothing left! We are almost at that point now - so little is left in both our city and the entire county.

283. Comment noted.

BIAS in Language:

This is in response to the City of San Diego Planning Department outline of this region's cultural history and especially the concepts describing the Kumeyaay culture and pre-Spanish history as well as the "definition" of an "archaeological site". Both are approximately 90% to 100% erroneous, that is incorrect.

Many archaeologists, botanists, historians, both city and county continue to parrot and propagate the Spanish opinions and prejudices without taking the time to realize the Spanish bias (and lack of knowledge except for European concepts and techniques) and their prejudices combined with the "need to conquer and excuse their robbery of other peoples land" put a negative prejudice on all their opinions. It is absolutely essential to read the Spanish and even Early American Settler descriptions of the land and people living on the land. Then one realizes that a great difference exists between their opinions (which are prejudiced), and the actual land, its biota and its people. Unfortunately most historians, some early archaeologists merely reproduced the Spanish biases. I would suggest that you all read Dr. Lowell Bean's article, "The Language of Stereotype, Distortion and Inaccuracy" in THE INDIAN HISTORIAN, Fall 1969, Vol 2 No.3. Or you would do well to study Hayakawa or another text on Semantics in general. The prejudice is obvious to one who pays attention!

WILL this city and county and archaeologists continue to spout and reiterate these prejudices? Or will they finally begin to acknowledge the truth of the culture of the First People of San Diego and the consequent theft, enslavement and force used against the original inhabitants. Have we honestly protected their religious rights when two historic cemeteries were dug up against their wishes and the remains from only one of the cemeteries reburied properly. Do we protect their "religious temples" or known Sacred Mountains.

284-
297 These comments address the Historical Resources Guidelines, primarily the chapter on San Diego history. The Guidelines have been revised to incorporate the information provided in the letter.

A SITE

As the CITY and some archaeologists define a "site", they are merely locating the trash dump of each family's house, and of each town center or religious and meeting area. They have defined away the existence of house floors, religious centers and other feature by calling the people "wanderers" and nomads. Thus many real house floors and religious centers have already been destroyed with no recovery of knowledge because the "DEFINITION" does not allow and cannot recognize what actually still exists in some places.

The Kumeyaay, like the Cahulla and Luiseno, valued cleanliness and neatness very highly. The second they finished any work, food preparation or tool making, they swept the debris to their trash pile, well away from their house. Religious and meeting areas were also swept immediately after use. In sweeping, they generally dampened to remove dust and rehardened their floor.

285

The "SITE" for the Kumeyaay was actually the whole valley with each home located on the lower side slope of that family's own fields. They had a "town center" where the Kwanypaay (captain), his lookouts and couriers, and several other assistants lived, a religious and meeting central area with an altar, and off to one side a place where visitors, traders, or ceremony attendees would stay while visiting the Band.

HOUSES:

The Kumeyaay were not "nomadic" or "wandering". Each family had a house on its own inheritable family land, generally in a coastal or near coastal village; they also owned a house in the mountains and possibly one in the desert. We call such people, like the Marston, or Fletcher who own three houses in these different environments "rich". Some Kumeyaay owned 3 or 4 houses (and fields) in different environments, others had only one, two or three houses and fields. Each family owned its own land and also generally a spring or water source on that land. Other water sources belonged to the band as a whole and could be used by all band members.

The Kumeyaay had several classes of land and land ownership - national land included Silver Strand, Point Loma, Mission Beach Strand, some specific locations in the Laxunas, La Rumerosa and some desert land as well as a some sacred religious areas and the roads between all regions. Each band owned a primary river valley up to the drainage divide on each side and from 10 to 30 miles in extent - or until the valley narrowed. Within that the band as a whole owned some land (such as city or county land) but most of the land was divided into inheritable family lands. In addition both the band and most families also owned some specific lands in other ecological zones - such as the mountains, the mountain-desert edge, or New River irrigation land. The also owned the trees and crops they had planted on their land. Thus some trees were open to all for harvesting, others open only to one band, still others only to the one extended family. After all their grandparents and parents had planted the trees and they themselves expected to plant young trees to replace any dying trees, or simply to increase their own supply of nut trees (acorn or pine nuts) or mesquite bean trees.

They were not "hunting and gathering" but harvesting what they had planted and landed. They knew where the game animals were normally because they had planted the food that each animal ate - thus they knew where to look for their deer, antelope, or big horn sheep - like going out to pasture for a steer.

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OTHER ARCHAEOLOGICAL FEATURES:

In addition to the HOUSE FLOORS, a much larger religious ceremonial or meeting BUILDING (hardened floor) with a stone ALTAR, large HEARTH, postholes and other possible, but as yet unknown, features. These have not been explored because most archaeological EIR contracts do not "allow" the archaeologist to widen the trenching to discover the outer edges and features of such floors. The Sweet lodge floor would have a larger hearth and some stones for heating. Rock walled rooms existed in some hilly or mountainous locations.

ROCK ALIGNMENTS, CIRCLES, and DAMS:

Rock alignments were formerly placed along (paralleling) steep slopes, staying on a level entering and arcing around small side drainages and making contours across main drainages. Unfortunately some archaeologists attributed them to Basque shepherders, (not having read the descriptions written by Rivera y Moncada. Rock alignments were also placed across the alluvial fans of small drainages. These acted to slow erosion due to the occasional heavy rainfalls. Repeated lines of rock crossing a drainage slow and spread the water; they also retain more soil behind the rocks creating better places for planting early spring greens.

Rock circles are generally related to observations of the movements of the sun, moon and stars. Solstices and equinoxes as well as eclipses were observed with special ceremonies. HAVE ANY OBSERVATORIES BEEN PROTECTED-ED?

Most DAMS have already been destroyed by either Spanish (Padre Dam) or American (Cuyamaca, San Vicente) concrete dams - or simply allowed to gradually disintegrate without repair after storms. Up through 1850 all the descriptions and early topo maps of our inland valleys (as well as coastal valleys) have either a marsh, or pond and marsh at the lower end of each valley. The Kumeyaay had gradually piled boulders in each narrows in order to hold more water within the valley.

SUBSISTENCE

The Kumeyaay were not "wandering hunter-gatherers". Instead, each family owned and managed its own land - under the advice of scientific specialists who watched the weather and different crop responses to variation in sun, rain and drought patterns for each small location. The Kumeyaay experimented and planted some of every plant which produced food or medicine in every small ecotone from the Colorado River across desert and mountains to the ocean. They planted varieties of oak trees (note those reported as in rows like an orchard), pinyons in the mountains, Torrey Pines along the coast; even mesquite, cacti and manzanita in some coastal locations. They regularly used control burning to clear fields. However, the Spanish did not recognize that as an "agricultural technique", but thought it was done to deny the Spanish use of the "pasture". However it was the most effective way to manage this land. Each area was spot burned at its appropriate time such that no fuel mass existed for "wildfires".

The native grain they broadcast after each control burn seems to be extinct but may yet be found dormant in the soil and sprouting after a modern Euro-American induced "wildfire". The grain seed was mixed with the seeds of a variety of annuals. Some would sprout and produce greens before the grain was harvested but others would sprout only after the oddly timed rain in extreme drought years; thus there was always some plant food on their own lands. They planted corn inland where summer storms or perennial rivers provided irrigation. Other areas with special soils grew crops commercially -

such as onions, and other root crops along the Olay Mountain slopes which were harvested and sold for shell money or traded for specialty crops from other areas.

You do not "gather" from the nut trees your grandfather planted nor from the fields you and your parents planted - You HARVEST. You do not search and hunt deer or antelope when you and your grandfathers planted and tend the food they eat and the crops in which they shelter from the sun. They also managed bighorn sheep and their food sources that the sheep were also in the coastal hills when the Spanish arrived. The Kumeyaay also managed the food for the edible birds - quail, dove, and migratory ducks and geese. The edges of wet meadows, marshes (fresh and salt water) were burned annually before nesting seasons or the migratory birds arrived. They also collected eggs and raised some birds in cages. Pairs of rabbits were kept in pens.

Archaeologists need to do flotation - and in suitable locations, pollen analysis. This must be a basis requirement.

BEFORE and SINCE 8500 B.C.

Because the entire San Diego County and Northern Baja California coastline which existed BEFORE 7000 B.C. is now under the ocean, it is impossible for archaeologists to know what use was made of the coastal resources prior to that time, 7000. They do know that a number of off shore sites (from Point Loma to Encinitas at least) exist where stone bowls have been found and of one site off La Jolla Shores which appears to have been the manufacturing area for the bowls (Masters).

The Kumeyaay pre-Spanish history can only partially be traced through archaeology as presently practiced. For just the house aspect alone, unless the archaeologists can trench the land level with or slightly above the level of the trash dump, the excavator cannot locate house floors, religious areas, or town centers - such as Cosoy. Next, finding a hardened level, the excavator must be able to expand on that surface and find the edges of the floor or ceremonial area. Then they could describe the variety of sizes, shapes, hearths, postholes used in houses. One Spanish description mentions buildings of 14 or 15 varas long, that is, approximately 38 to 42' long - not exactly small brush shelters - but rather large building with beams for supports.

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The history repeated by the Kumeyaay elders describes the Creators coming up out of the ocean - this fits an earlier period that is now under the ocean. There are also a number of other histories which describe a variety of geologic events - such as the sudden changing of the course of the Sweetwater River; the rapid rise of the Salton Sea (Blake Sea or Lake Cahulla), drowning towns and separating them from their relatives across the Colorado River long enough for the languages to be different when the water went down again (Michael Waters 1980 Lake Cahulla: Late Quaternary Lacustrine History of the Salton Trough, California: U. of Arizona Masters Thesis). The renewed contact with their River relatives fits the time the archaeologists ASSUME the Kumeyaay entered this land. Instead the Kumeyaay ancestors were here all the time changing and learning new technologies as the environment was constantly changing and requiring the search for new sources of food. Those along the east side of the sea were learning new techniques from their contacts further inland. When the sea dried and they could visit again, each had new techniques, "artifacts" and information to trade.

Any examination of the linguistic map of all California indicates an extremely early Hokan speaking population occupied the coast and inland - probably having arrived along the shore when one could walk along land that is now at least 400' below sea level. Then peoples speaking different language families moved in and separated the Hokan speakers (Chumash, Kumeyaay, for example) who gradually developed language differences - such as French, Castilian, Portuguese, Catalan in Europe.

Again based on creation histories, the Luiseño (a Takic speaking people) came from inland across the mountains to the coast, probably by two to four thousand years ago. The entered slowly by marrying into already existing Hokan speaking groups and gradually increased to become the dominant language.

"Scientific Archaeology"

Until the Folsom finds in the mid 1930 period, it was "scientific" to believe that the American Indians only arrived in the America's sometime after 8000 years ago, that humans did not exist on this continent with the mammoth and other Pleistocene animals. Thus no good scientist looked! From then until the present it has been "scientific" to assume that all American Indians entered by way of the ice-free passage onto the northern Great Plains about 12,000 years ago and spread out from there across both continents. However we now have excellent dates and work for human activity and complex buildings in Southern Chile at 13,000+ years.

Competent Searching for evidence of Early Humans on this coast has never been a high priority due to this type of controversy. Truly competent archaeologists have avoided the controversy - and especially now with EIR requirements. I have yet to see one honestly searching in the correct locations for possible material - at least two sites that contained what Rogers termed San Dieguito I, and a desert culture have been destroyed since 1980.

None of the goals mentioned on page 10 and 11 for can be accomplished unless the archaeologist is also a geologist, or working closely with a geologist who has specialised in "recent" geology (Holocene or post-Pleistocene geology).

Cultural History - again the same people were here - followed by their direct descendants, but due to the relatively rapid changes of sea level, deep embayment of many river entrances, new and different tools were needed for new opportunities and thus developed in the constantly changing and locally variable climate of Southern California.

Further, the "finding" of site will always depend upon what the researchers think they "know" about the people and how the researcher looks. But it will also depend upon the post European increased erosion - destroying some and covering others. I have seen too many EIR's and CH's where the archaeologists totally missed the features that were present - such as rock wall, rock alignments and houses.

Tools needed and used in one location were not carried to a different location. Tools needed for prying and breaking shellfish are not carried to the mountains. Instead, when they went to their mountain home, a family place the door on the outside of their coastal home doorframe to indicate that no one was at home. No other person would touch it, or disturb their possession inside, until the Spanish and later Americans came.

The description of Kumeyaay "moving and camping" (p.13-14) reflects only the "refugee" period when the Spanish took over and destroyed the fields of the coastal bands and then after 1850 when the Americans made large numbers into refugees. Many coastal people became refugees in Northern Baja California where the influx of many people from other part of Mexico did not occur until mid-century. Others had married into inland bands and survived there. Some people from inland bands also moved south. 292

Page 14 - your kinship band description applies to the Luiseno and Cahulla but not to the Kumeyaay. The Kumeyaay had a "sib" system (Luomala 1963) and did not practice "band" exogamy, because each band was composed of people from at least 5 to 15 sibs at the time the Spanish arrived. The priests began taking people into the missions, baptizing and marrying already married couples in Spanish "rites." The same sib names appear in a majority of the bands. The sib or "shimul" was the exogamous unit, not the band.

Within each band the local lineage of a shimul (sib) owned a strip of land, often both sides of the central drainage and up to the divide on each side. Other sibs owned the land on either side of them. Deer and other animals could be hunted across another sib's land within the overall band boundaries, but plants on another sib's land could not be harvested without permission. After all, it was up to your family to "manage, plant and burn your own land. Touching the crop of another family was a major cause for quarrel. 293

Most of the important towns that existed when the Spanish arrived have been known for at least 40 years. I (Shipek) made a map for San Diego State Anthropology Dept. use at that time. Many of those sites have now been destroyed. What might still exist are underground or the refugee spots in all the side canyons leading into Mission Valley and those in Balboa Park from which the refugees were expelled to finally "beautify" the park with exotic species from other lands.

Page 15. The "research" for the ethnohistoric period has primarily been accomplished for a number of legal cases. With the close of all the cases, it will now be possible to publish it. Some has already been published in various journals. A few gaps remain and I (Shipek) am willing to instruct young persons who are truly willing to do in-depth research. 294

P. 16:- You have neglected to indicate that only after the Spanish had a supply of "neophyte" (or, more appropriately slave) labor, did they build the adobe buildings and walls. All the fish and shellfish the Spanish acquired was "bought" from the Kumeyaay. The Kumeyaay fishermen and shell fish gathers of Point Loma remained the only "free" Kumeyaay near the coast because the Spanish needed their knowledge and skills for food.

The "new world domesticates" were already in California but the Kumeyaay and other Coastal people knew that the frequent fogs and coolness of summer damaged corn and squash. The possibly domesticated grain was a much more reliable and prolific crop (after all it disappeared when no longer planted and tended by the Kumeyaay - this is characteristic of domesticates, not of "wild natural plants.) 295

Band, Town or State would be a better term than "Rancheria" because that the latter is a Spanish term and was regularly used in at least two different ways by the Spanish priests and explorers; it requires careful examination of the Spanish report to discover the meaning intended in each case.

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BIOTA

There was NO NATURAL landscape when the Spanish arrived. Read their descriptions, not their opinions of what they saw. The valley flats, low slopes, steep slopes, and mesa tops were all described as "excellent pasture" when Major Uti arrived he called it the best grassland since Kansas and with others, promptly put hundreds of thousands of sheep all over Southern California. You do not put sheep on scrub or chaparral! The land was termed "pasture only dotted here and there by a shrub" again and again in the Spanish reports. Oaks covered the top of Point Loma and filled Rose Canyon. Groves of oaks were repeatedly reported, many in rows like an orchard. Other specific crops mentioned are "common beans" and "calabashes" (a gourd grown for its oil seeds), and grape vines looking like a vineyard in Mission Valley. The Torrey Pines formerly extended at least as far south as the UCSD and north across on the Del Mar side of the slough. There were no areas of chaparral or coastal scrub described - it was all "pasture".

The descriptions indicate an annual burn sequence in the valley bottoms and in the pine and oak grove areas. The slopes and mesas indicate a 5 to 20 year control burning sequence (see Shipek and others in: Blackburn and Anderson: Before the Wilderness: Environmental Management by Native Californians:1993, Ballena Press)

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See also: "The Valley of the Moon"

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February, 6, 1997

VIA FAX to: 236-6620

TO: **Carolyn Chase**, Principal Planner

Development Services Department, MS501

City of San Diego

1222 First Avenue

San Diego, California 92101

FROM: Carolyn Chase, Editor, *San Diego Earth Times*.

SUBJECT: Comments on Draft EIR for the City's Zoning Code Update
LDR No. 96-0333; SCH No. 96081056; DEP No. 96-0333

City staff is to be commended on the presentation and content of this DEIR.

1. The "proposed project" is so comprehensive in scope and size, and the project documents themselves so lengthy, and executive summaries and useful comparisons lacking, that it seems imprudent not to extend time for public review. Therefore my first request is for an extension of time for comments to be submitted to the DEIR and subsequent review processes. Please notify me if this request is granted. 298

2. Typos: on page IV-C-1 two typos - "potions" instead of portions and El Cajun Boulevard instead of El Cajon. This error is also found on the next page IV-C-2 "from San Diego to El Cajun" Typo on page IV-A-35 "approximate." Typo on Page II-20 "have a test one room..." Typo on page VII-1 "various effects were found not be significant" (delete the word "be"); Omitted word on page VII-2. Section under Housing reads "the project would not a significant adverse effect..." Add the word "have." 299

3. On Page IV-C-3 under TRANSPORTATION, IMPACTS, Parking: "The proposed project would eliminate compact parking spaces. The size of standard spaces and aisles would be modified...for retail uses about 17% greater area would be required...for all other uses, about 13.5% greater area would be required.

This is said to be offset by: 10-20% reduction in the Urban Village Overlay Zone, 10-20% reduction for very low income housing projects and designated transit areas, reduction by 50% for very low income SROs, and the "likelihood" of increases in shared parking use. Other factors noted are a maximum amount of parking and the option of providing less parking with the approval of a Transportation Demand Management Plan.

and finally: "The opportunities for reductions in parking requirements would offset the increase in parking space dimensions such that the total area dedicated to provide parking citywide would not be substantially increased."

This conclusion is not warranted by evidence cited in the documents. Opportunities are distinct from requirements. Certainly parking requirements should be reduced in the areas mentioned. However is not evident that the impact of requiring an increase in all other spaces in the City is being sufficiently offset nor is it analyzed in the land use section. This impact should also be analyzed with respect to increased land use impact including likely increased runoff, and competition against other land uses. 300

298. The public review period was 60 days instead of the required 45 days.

299. The identified typographical errors have been corrected in the Final EIR.

300.

An environmental impact related to land use arises as follows. There is a conflict between land use designations and the proposed land use, or there is a conflict between the proposed project and the goals or policies of an adopted land use plan. Then, as a result of the conflict, there is an environmental impact.

Since the conclusion was that, ultimately there would be no greater impervious area than planned for in community plans, there would not be a significant effect on hydrology due to increased runoff.

4. Page IV-A-33 LAND USE IMPACT states: "...a policy and recommendation common to all community plans is that roadway improvements should be designed to avoid impacts to wetlands and wetlands buffers. Another recommendation common to all community plans is to minimize or eliminate development impacts on rare, threatened or endangered species....Land development projects that would be approved consistent with the proposed Code may be inconsistent with resource recommendations of many adopted community plans....there would be significant landform alteration through the development process....in conflict with the environmental goals of adopted land use plans.

The list goes on and on and on and yet repeatedly under MITIGATION sections it states: "Mitigation for this project consists primarily of alternative regulatory language that would reduce or avoid the significant impacts...." I would point out that this hardly qualifies as mitigation. Offering alternative language, language which need not even be adopted means that essentially the impacts are unmitigated. Why are there no suggestions for on-the-ground mitigation for significant impacts? What exactly is the new relationship between Community Plans and the ZCU? It appears as if Community Plans are not to be abided by and extensive investments in these Plans could be in jeopardy by adoption of the project. The impacts to Community Plans and processes is not sufficiently analyzed.

5. Problems with Plan-to-Plan analysis, versus plan-to-ground analysis. Throughout the DEIR you read that because we are just changing regulations and not actually either changing zones at this time or actually applying them at this time, then the impacts may be insignificant. This seems disingenuous at best. Because the City believes that this is essentially a "Program EIR" CEQA (Guidelines apply, Section 151168(b)(4) states that a Program EIR can provide the advantage that the lead agency can "consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." The City does not appear to be giving serious consideration of alternatives to deal with the far-reaching and lengthy list of Significant Impacts" nor providing access to any plan-to-ground analysis which makes it impossible to really assess reasonably what the impacts on the ground will be. nevertheless, it is therefore alarming to see the long list of admitted significant impacts, without any proposed mitigation, and without plan-to-ground analysis. Has any such analysis been forecast and can the public have access to it?

6. Inadequate wildlife corridors. Page IV-B-11 states: "where wildlife corridors are narrow, the development areas of adjacent parcels may preclude wildlife movement. Thus there could be a significant impact on wildlife movement as a result of proposed regulations which do not prohibit development in designated wildlife corridors." This is most alarming given that one of the main purposes of the MSCP and years of planning has been to provide viable wildlife corridors. To read after all that has been done that we are not even designing something where this can work is dismaying to say the least. Something must be done about this. Adequate buffers must be provided for these most important areas. This is something which cannot be adequately mitigated. A corridor either works or it doesn't and it needs to be designed to work or we're all wasting a lot of time and money and for all the trouble, wildlife will end up as road kill. How can this be changed?

7. Page II-17 an "SR" Zone is listed but never referenced or defined in the text that I could find. What is an SR Zone? Is it changing? Should this be "SCR"?

8. Changes in Processes including changing categories of developments for Processes and the timing of notices. In the name of streamlining and flexibility, the times for review and comment are reduced so as to effectively eliminate the participation of Community Planning Groups (meeting monthly) in project design and implementation issues of importance to the community. This is likely to result in significant, unanalyzed and unmitigable impacts.

9. Lack of reasonable comparisons with current ordinances. On January 30th I appeared before the Planning Commission to request that a brief comparison of resource protections (wetlands, steep slopes, flood plains and biological resources) under the current RPO against changes to resources in the project. This has yet to be prepared. While the RPO is a relatively concise and condensed

301. Please refer to Response 66 regarding mitigation for projects of this type.

302. This project does not propose a plan for multiple phases of ultimate actual development. It does not involve approval for a development project. CEQA requires plan-to-ground analysis and that is what is presented in the EIR, along with, in occasional instances, plan-to-plan analysis.

303. Comment noted.

304. The current SR zone is Scientific Research. It would be changed to the IP (Industrial Park) zone according to the proposed project.

305. Please refer to Response 14 regarding community involvement and process level changes.

306. Comment noted. Please refer to the Project Description in the EIR for a brief description of the existing and proposed resource regulations.

ordinance, the corresponding resource protections have been either eliminated or reduced in the cases of wetlands or wetlands buffers and steep slopes or spread into separate places in the code and into "Guidelines". It is hard to see how this even begins to comply with the stated goals of the ZCU. It makes it difficult if not impossible to discover the extent of the impacts of the changes.

10. Significant changes were made to the most recent draft of the proposed project which have were not evaluated in this DEIR. One that I have noted is the changes to Findings in at least Neighborhood Use Permit where the findings: "The proposed DEVELOPMENT will not affect the applicable LAND USE PLAN or LOCAL COASTAL PROGRAM" has been eliminated and the finding: "The proposed DEVELOPMENT will not be detrimental to the health, safety, and general welfare of persons living or working in the area. has been changed to the much broader "The proposed development will not be detrimental to the public health, safety and welfare." These changes would allow for increased impacts in many local areas that are not accounted for in any cumulative fashion and are not analyzed or mitigated.

Have other changes to findings been made between drafts and not analyzed? What other significant changes have been made between drafts and not analyzed in the EIR?

11. Establishment of definition of substantial conformance. While a major change is noted by reporting the new definition, the impacts of the new definition are insufficiently analyzed and unmitigated. The new definition reported in the DEIR, if in place in the City, would have lead to substantially increased and unmitigable impacts in Neighborhood 8A alone. What is in place to protect the neighbors from projects proceeding on preliminary map and drawings without specific impacts being disclosed and mitigated?

12. The City is seeking to abandon local, scientifically determined definitions for wetlands even though federal government has stated that the most appropriate response to achieve no net loss of wetlands, would be to develop local standards representing the diversity of an area's wetlands. There is no way to properly mitigate these impacts. While I understand the City will undertake the negotiation of wetlands permits under the Clean Water Act with the Army Corps of Engineers, there is no assuring that this will result in protection for San Diego's unique and few remaining wetlands. An Environmentally preferable alternative of retaining current City ordinance definitions and protections of wetlands and wetlands buffers should be retained.

13. Elimination of "project's consistency with community plan design guidelines." Where is the analysis of the impacts of this? There are a great many pages devoted to listing the hundreds of ways in which the project conflicts with existing land use plans. Why is there no projectwide mitigation proposed to deal with these impacts? Some type of mitigation or alternative should be adopted. This is likely to result in significant, unanalyzed and unmitigable impacts and should be addressed better in the EIR.

14. Inconsistencies with the General Plan and lack of analysis of impacts of same. On page IV-A-3 under the section "General Plan" it states "The Progress Guide and General Plan includes the following recommendations, policies and guidelines which are distinct from these guidelines which are common to all planning policy documents."

- Apply permanent agricultural zones in areas....
 - Retain premium agriculturally productive lands in agricultural usage"
 - "This is not being done. Where is this addressed? What are the impacts to agriculture? Given that "about 26% of the City is within an agricultural zone" (page IV-A-1), it would seem that this project would have significant impact to the environment by virtue of its impact on agriculture. This should be analyzed in the EIR and mitigation required for impacts to ag lands.
 - Require approximately 20 acres of urban recreation land for each 1,000 resident citywide.
- But it never states what we have not and what the proposed project will provide, therefore you cannot judge whether the General Plan is being complied with
- Conserve in their entirety the largest and most unique prehistoric sites...
 - Instead it appears they are being eliminated.
 - prohibit filling of canyons

307. It was not determined that the proposed Findings for the Neighborhood Development Permit would have a significant impact on the environment.

308. The project proposes "substantial conformance" to mean that a proposed revision to an approved permit or tentative map complies with the objectives, standards and conditions of the approved permit or tentative map. It was not determined that such a definition would have a significant impact on the environment.

309. Comment noted. Please refer to Response I regarding wetlands.

310. A significant land use impact arises when the conflict between a proposed development project and the environmental goals of an adopted land use plan result in a significant impact on the environment. In this particular case, significant environmental impacts are identified in the appropriate individual chapter, as well as in the Land Use Impacts chapter where there are associated conflicts with goals of adopted land use plans. By changing the regulatory language, the environmental impacts could be avoided or reduced below a level of significance, thereby eliminating the significant land use impacts.

311. The effects of the proposed project on agriculture and mineral resources are addressed in Chapter IV-II of the EIR.

Instead, plans call for future siting of a landfill in Elliott Canyon

312 On page IV-B-1: "Animal species which are proposed for federal listing...include Quino checkerspot butterfly and the San Diego fairy shrimp." I believe both these species have been listed. This may require new analysis of the impacts to these species, especially in light of the significant changes and impacts to wetlands.

313 Codifying of Non-conforming Uses. By changing the term to "Previously conforming" the City is limiting it rights to resolve, improve and require mitigation for significant impacts. The City should consider requiring incompatible land uses, even if "previously conforming" to be stopped or mitigated. One of the most short-sighted of these uses is found described on page IV-1-4 Marine Industry Section where in the CR, CV and CC-5 zones emissions will be allowed which are admitted to pose health hazards to "potential sensitive receptors" i.e. "tourists" or residences. The proposal allows permitting marine industry uses by right in these zones leading to incompatible land uses next to each other. The City is not even proposing to regulate the distance between marine industry uses and residential or visitor accommodation uses - which the EIR at least recommends to help mitigate this conflict. The City should require environmental review of emissions and impacts and be able to require control or mitigation of emissions or other impacts in industrial zones next to tourist areas or neighborhoods.

314 On Page III-42 it states "One of the key changes that would occur is the method for calculating the amount of the premises that may be occupied by development. There would not be encroachment limits into resources with the proposed regulations, rather there would be a maximum development allotment." But there is no accompanying analysis or quantification of what the changes in the method would amount to, and their significance is impossible to measure without this.

Just below that it states: "For single-unit lots that are smaller than 20,000 square feet, development would be subject to design guidelines only." Would CEQA review apply? Would any public review apply? Is this a change? How many lots qualify for this category? How many acres? It is impossible to determine significance without this information.

315 On Page VI-6 related to previous regulatory relief actions: Item 5... "a reduction in street tree requirements," sounds like it could have a significant environmental impact because of trees contribution to temperature reduction, and potential air pollution reduction and therefore should not have been exempted from CEQA. There is an insufficient level of analysis in the EIR to make this determination.

316 "ASSESSMENT OF CUMULATIVE EFFECTS" Throughout this section you find the words: "Although the proposed project does not include changes in development or growth patterns, implementation of the project would result in ..." It is hard to imagine how someone could hold this position as valid given the extent and scope of the proposed changes. The ZCU allows for gross changes and rezones to change development patterns. This is part of the main goal of the MSCP and required to comply with protections for species listed under the ESA.

317 Page IV-E-5 The suggested MITIGATION for "implementation of the proposed project would result in grading of steep hillsides" which is to require discretionary review of all development proposed on lots with steep hillsides and application of development area limits on single-unit (sic) less than 20,000 square feet should be required.

318 Page VII-2 CEQA MANDATORY DISCUSSION AREAS In Section A it states the "potentially significant effects that are identified in Chapter IV of this EIR may be offset or mitigated as conditions of approval." Where are standards for the conditions of approval stated exactly? Can these conditions be required to mitigate for the long list of significant impacts?

312. Both species were listed as endangered by the federal government during the public review period for the Draft EIR. The Final EIR reflects the change in status. No additional analysis is required for the project because of the change.

313. Marine industry uses have been deleted from the CR, CV and CC-5 zones as permitted uses. See the Preface to the Final EIR for a summary of changes to the proposed Code since public review.

314. The requirements for review pursuant to CEQA would not change. Comment noted.

315. There was environmental review for the approved Regulatory Relief items.

316. This project does not include land use changes as did the MSCP project.

317. Comment noted.

318. The sentence quoted is stating that the potentially significant effects identified in this EIR may be offset or mitigated through conditions of approval of future development projects.

In Section B it states "The growth would occur not as a result of the proposed project, but in accordance with the proposed regulations." But the regulations are the project! The regulations allow for the growth and development to occur insignificantly different ways and in different areas than before the project. This is part and parcel of the project. Therefore this statement is untrue the related conclusions erroneous. There is no question that growth will occur and it will occur faster and in different places than without the project. I find it hard to believe that an analysis of "Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should it Be Implemented" on a project of this scale can be properly addressed in only 161 words - much less these 161 words.

319

In Section C "Effects Found Not To Be Significant" Under "Population" is states "The proposal will not alter the planned location, distribution, density or growth rate of the population of the City. The project is not anticipated to have significant effect on the city's population such that there would be any resultant significant environmental impacts." How can this be true? As the implementation vehicle for the MSCP, the purpose is to redirect growth, location, distribution and density away from biologically sensitive areas - therefore the above analysis is false. In addition, the easing of development rules would likely stimulate development and increase rate of population growth in the city. This could have a significant impact which should require mitigation.

320

22. On page III-47 the EIR discusses the "Types of Support Documents." "I am concerned about the legal standing and enforceability of the "Guidelines" including Guidelines for Steep Hillsides, Coastal Bluffs and Beaches, and Landscaping. Significant protection that used to be in ordinance form are being moved into these "Guidelines."

321

According to a brief conversation about the legal status of the Guidelines on 2/5/97 with Rick Duvenay at the City Attorney's Office: "They are not part of the Code but they are referenced in the Code. The Guidelines will be adopted by the City Council by resolution. An ordinance requires two hearings, and a resolution has a different process. Both are legislative acts. The only way they can be amended would be to bring it back before the Council."

But cross-checking in the Draft EIR I found the following on page III-47
"Types of Support Documents "Guidelines: Guidelines are statements of policy or conduct that are not required but are encouraged. (emphasis added). They may provide acceptable methods of satisfying a regulation but other methods may be considered acceptable by the decision maker."
ALSO "Support documents only have authority granted to them by the Municipal Code or policy documents."

Just below in the Section "How Documents... Would Be Adopted and Changed" "the Guidelines contained in the LDM (Land Development Manual) would shape the implementation of ordinances and regulations. Over time, the factors and considerations that are the basis of the guidelines fluctuate and change. Future changes to portions of the LDM will be divided into two categories: 1) Major Amendments and 2) Minor Amendments.

Major Amendments are proposed to be made in accordance with Process 5... actions... considered major Amendments would include the creation of new standards or guidelines, elimination or reduction in existing ones or wholesale revisions.

Minor Amendments... would be approved by the City Manager after a public review process. This would include a posting of the proposed change a minimum of 30 days in advance of a change becoming effective. Copies of the change would be made available to those who request it... staff will prepare a written response to any comments... Actions that would be considered Minor Amendments include changes to clarify language or concepts, to reformat or reorganize the guidelines or standards to them easier to use, or changes to reflect new or outdated technology or techniques."

What and where are the requirements for "posting" notice?

319. The regulations are not proposals for development for which approvals are required.

320. While the EIR states that the project is growth inducing, there is no determination as to the degree or significance of the growth. The MSCP project will affect land use, and possibly the patterns of development. The proposed project does not include a General Plan change.

321. The Land Development Manual is a series of guidelines, some of which will be adopted by City Council as part of the Code update project. Some proposed regulations require consistency with specific guidelines. The decision of whether a development complies with this provision is discretionary, to be made by the decision maker at the time the development is proposed. Section 111.0106 sets out the authority for the Land Development Manual and amendment process. The LDM states that adequate opportunity for public review and comment shall be provided as part of the processing of a minor amendment. The details of noticing the minor amendment will be clarified during the adoption process for the LDM. Major amendments will require a Process Five decision and will be noticed as required. It is not anticipated that minor amendments would significantly affect environmental protection provided by the Code or guidelines, as adopted.

Shouldn't language be added clarifying threshold levels of significance for changes and impacts more specific than currently reported here? Where is the ordinance level support for this amendment process and definition of Guidelines? Without ordinance level protection there is the probability that amendments to Guidelines could be made over time to erode resource protections leading to significant impacts that were not mitigated.

IN CONCLUSION:

On page 2 of the Draft Environmental Impact Report for the City Zoning Code Update and in several other places in the EIR and other documents it states the following:

"In reports to the City Council, the City Manager identified the overall goals of the Code update program:

Clarity

To write land development regulations which are easy to understand.

Objectivity:

To write land development regulations that mean the same thing to everyone

Consistency

To eliminate contradictions among all land development regulations

Predictability

To make it clear what land development regulations apply to a project and what to expect from following them

Simplicity

To reduce the complexity of land development regulations

Adaptability

To allow for tailoring of land development regulations to fit unique features of the City

Progressiveness

To use new ideas while retaining the best of existing land development regulations

Integrity

To develop a code framework which is standardized but which is flexible enough to accommodate future changes"

I can find no evidence in the DEIR that any of these goals have been met. And the more I work with and reference the ZCU itself, the more dismayed I am becoming. And while I realize the scope of the EIR is not to address the overall goals of the program, but the impacts, one cannot help but wonder, how the program has gotten so far afield, I can't help but note that the significant impacts described in this EIR need not naturally follow from the goals above.

Based on the goals above there is little doubt that the project could be improved to both reduce impacts and increase fulfillment of the project goals. I hope that the City will find ways to reduce and further mitigate the great impacts of this far-reaching proposal.

Thanks you for considering my comments and I am looking forward to your responses.

Carolyn Chase

322. Comment noted.

322

Gibbs FLYING SERVICE, Inc.

8906 AERO DRIVE
MONTGOMERY FIELD
SAN DIEGO, CA 92123
(619) 777-0167

February 5, 1997

Land Development Review Division
Development Services Division
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Re: EIR Land Development Code
LDR: 96-0333
SCH: 96081056

Dear Mr. Monserrate,

I have reviewed the Draft EIR with particular interest in the Airport sections. I take exception to the line on Page II-4 "San Diego's airspace is extremely congested." Compared to what? Los Angeles, Chicago, Atlanta, New York, Denver, Dallas all have significantly more aircraft traffic and are more "congested". Flying in San Diego is not congested. If we compared aircraft operations at each airport today, I would expect traffic to be much less than 20 years ago. Is it still congested?

323

Comment noted.

Page II-18 discusses overlay zones of which two, the "Airport Environs Overlay Zone" and "Airport Approach Overlay Zone", pertain to airports. In the past these "overlay" zones have been ineffective in preventing incompatible land uses from being developed in the Airport Environs or Approach zones. The most recent example is the Hawthorne Center west of Montgomery Field. Another earlier example is the Laurel Travel Center at Lindbergh Field. Overlay zones are not regularly checked when applicants request zoning clearance. I believe that the underlying zone, not overlay zones, should reflect the present and future airport impacts. Land should be rezoned reflecting changed CLUP's, regularly updated, thereby protecting the public, who will occupy future incompatible development, from airport noise and other influences.

324

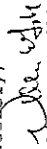
Terminology is also an issue. CLUPs use terms as "Flight Activity Zones" and "Runway Protection Zones" not Environs or Approach Zones. The Airport uses FAA defined terms as Runway Protection Zones and Part 77 Obstruction Hazards. The descriptive language of the new zoning codes should be consistent in all documents.

325

Page IV-A-33 lists "Issues for discussion". Issues 1 and 2 are probably NO, but 3 is a definite yes, further analysis of affected areas are needed. Issue 4 regarding "accident potential" again is terminology problem. The military airports use "accident potential zones" to describe land areas that statistically have varying occurrences of accidents. Civilian airports do not use that methodology. Our Runway Protection Zone (clear zone), while probably having the highest potential for an accident, is actually an area kept free of objects that could interfere with aircraft operations based upon the category of landing approach. Consistent terminology is needed in each document, Zoning Codes, CLUPs and FAA.

326

Sincerely,


William E. Gibbs

324 The draft Land Development Code does not propose any changes to the Airport Environs Overlay Zone or the Airport Approach Overlay Zone, other than format changes. Any changes to the substance of the regulations would need to be directed by the City Council under a separate work program.

325 See response to number 324.

326 Comment noted.



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P.O. BOX 1811 • SAN DIEGO, CA 92112-4190 • 619 / 596-2000

February 11, 1997

FRE NO

Lawrence Monserrate, Principal Planner
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Land Development Code Draft EIR

Dear Mr. Monserrate:

San Diego Gas & Electric (SDG&E) has reviewed the Draft EIR for the Land Development Code. Our following comments refer to the Human Health and Public Safety Section, Electromagnetic Fields, on page IV-I-1:

The fourth paragraph

- The first published epidemiological report was published by Wertheimer and Leeper.
- It is not true that the statistical conclusion of this study was not significant.

327

The last paragraph

- The latest major review was conducted by the National Academy of Science of the National Research Council in October of 1996. SDG&E recommends that this new report be included in this EIR and future EIR's. A copy of the report is enclosed.

328

Thank you for the opportunity to comment on the Draft EIR for the City of San Diego's Land Development Code. If you have any questions, please contact me at 696-2415.

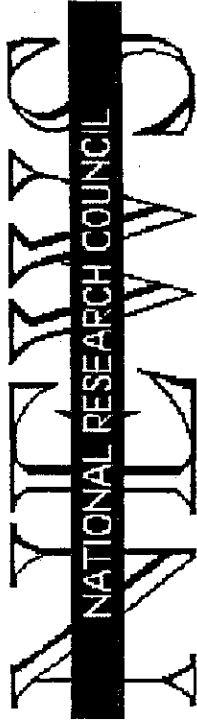
Sincerely,

Kim Seibly
Kim Seibly
Associate Land Planner

Enclosure

327. The Final EIR reflects the correct information.

328. Comment noted. Appropriate changes are reflected in the Final EIR.



NATIONAL ACADEMY OF SCIENCES NATIONAL ACADEMY OF ENGINEERING INS
Office of News and Public Information • 2101 Constitution Avenue, N.W., Washington, D.C. 20418 • (

Date: Oct. 31, 1996

Contacts: Dan Quinn, Media Relations Associate
Shannon Flannery, Media Relations Assistant
(202) 334-2138; Internet <news@nas.edu>

EMBARGOED: NOT FOR PUBLIC RELEASE BEFORE 11 A.M. EST THURSDAY, OCT. 31

No Adverse Health Effects Seen From Residential Exposure to Electromagnetic Fields

WASHINGTON -- No clear, convincing evidence exists to show that residential exposures to electric and magnetic fields (EMFs) are a threat to human health, a committee of the National Research Council has concluded in a new report. * After examining more than 500 studies spanning 17 years of research, the committee said there is no conclusive evidence that electromagnetic fields play a role in the development of cancer, reproductive and developmental abnormalities, or learning and behavioral problems.

"The findings to date do not support claims that electromagnetic fields are harmful to a person's health," said committee chair Charles F. Stevens, investigator, Howard Hughes Medical Institute, and professor, Salk Institute, La Jolla, Calif. "Research has not shown in any convincing way that electromagnetic fields common in homes can cause health problems, and extensive laboratory tests have not shown that EMFs can damage the cell in a way that is harmful to human health."

Concern about the health effects from EMFs arose in 1979 when researchers showed that children living close to high concentrations of certain types of electrical wires were 1.5 times more likely to develop leukemia. Because it is difficult, time-consuming, and expensive to measure electric fields in a home over a long period of time, researchers relied on a substitute to estimate the levels of electromagnetic fields to which residents may have been exposed. Using factors such as the size of wires going past the home and distance between the home and power lines, researchers estimated the fields inside.

The Research Council committee's report says that studies in the aggregate show a weak but statistically significant correlation between the incidence of childhood leukemia, which is rare, and wire configurations. It never has been demonstrated that this apparent association was caused by exposure to electromagnetic fields, however. Outside wiring correlates poorly with measurements of actual fields inside the home, in that it accounts for only a fraction of the fields inside. Scientists have tried unsuccessfully to link leukemia to EMFs by measuring fields inside of homes of children who had the

disease. The results "have been inconsistent and contradictory and do not constitute reliable evidence of an association," the report says.

The weak link shown between proximity to power lines and childhood leukemia may be the result of factors other than magnetic fields that are common to houses with the types of external wiring identified with the disease. These possible factors include a home's proximity to high traffic density, local air quality, and construction features of older homes that fall into this category, the committee said.

Cells, Tissues Unaffected

To try to explain and expand on the knowledge gained from early epidemiologic studies, researchers have studied the potential effects of EMFs on individual human cells or tissues, and on animals. To date, they have found no evidence to show that EMFs can alter the functions of cells at levels of exposure common in residential settings. Only at levels between 1,000 and 100,000 times stronger than residential fields have cells shown any reaction at all to EMF exposure, and even these changes -- mainly in the chemical signals that cells send to each other -- are not a clear indication of the potential for adverse health effects. In fact, exposure may actually help the body in some subtle ways, for example by speeding up the healing process after a bone is broken.

Most important, there has been no case in which even tremendously high exposure to EMFs has been shown to affect the DNA of the cell, damage to which is believed to be essential for the initiation of cancer. Similarly, no animal experiments have shown that EMFs, even at high doses, can act as a direct carcinogen or can affect reproduction, development, or behavior in animals.

Future Research

Electromagnetic fields are generated by wires or electrically powered devices, and dissipate quickly, like light. When assessing potential impact of EMFs on health, scientists focus mainly on magnetic fields produced by power lines and electric appliances, which can pass through the body and generate small electric currents. Unlike magnetic fields, electric fields themselves lose most of their strength when they pass through metal, wood, or even skin. In fact, the strongest of either fields that the body encounters are the electric currents produced naturally when the heart beats, or as nerves and muscles function, the report says.

The committee focused on the health studies of low-frequency electric and magnetic fields common in homes. Sources of exposure include transmission and distribution lines and electric appliances, including shavers, hair dryers, video display terminals, and electric blankets. The committee did not study in detail occupational exposures, such as those experienced by electrical workers close to higher-frequency power lines.

New research is needed to answer some of the questions that linger after nearly two decades of intensive research, the committee said. Most compelling is the need to pinpoint the unexplained factor or factors causing a small increase in childhood leukemia in houses close to power lines. The precise factors that are related to an increased number of childhood leukemia cases need to be identified.

The committee also called for more research into the relationship between high exposures to EMFs and breast cancer in animals already exposed to other carcinogens, and on reasons why electromagnetic fields seem to affect the levels of the hormone melatonin in animals, an effect not reproduced in humans.

This congressionally requested study by the National Research Council was sponsored by the U.S.

Department of Energy. The National Research Council is the principal operating arm of the National Academy of Sciences and the National Academy of Engineering. It is a private, non-profit institution that provides science and technology advice under a congressional charter.

Pre-publication copies of *Possible Health Effects of Exposure to Residential Electric and Magnetic Fields* are available from the National Academy Press at the mailing address in the letterhead; tel. (202) 334-3313 or 1-800-624-6242. The cost of the report is \$45.00 (prepaid) plus shipping charges of \$4.00 for the first copy, and \$.50 for each additional copy. Reporters may obtain pre-publication copies from the Office of News and Public Information at the letterhead address (contacts listed above).

[This news release is available on the World Wide Web at <<http://www2.nas.edu/whatsnew/>>.]
#

NATIONAL RESEARCH COUNCIL
Commission on Life Sciences
Board on Radiation Effects Research

Committee on the Possible Effects of Electromagnetic Fields on Biologic Systems

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- (2) Member, National Academy of Engineering
- (3) Member, Institute of Medicine

City of San Diego
MEMORANDUM

Date: February 6, 1996
To: Cathy Winterrowd, Senior Planner, Development Services Department
From: Marcia C. McLatchy, Park and Recreation Director
Subject: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAND DEVELOPMENT CODE (DEP #96-0333)

In response to the Draft Environmental Impact Report for the Land Development Code, we have reviewed the subject document and forward the following comments. If any of the comments are not acceptable to Development Services Department, it is requested that we be advised of the reasons therefor.

OPEN SPACE

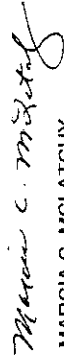
General

The EIR does not address the Mission Trails Regional Park Master Plan, Tecolote Canyon Master Plan, the Marian Bear Memorial Park Master Plan, and the Marian Bear Memorial Park Resource Management Plan.

PARK DEVELOPMENT

There are no population-based issues to address at this time.

329. The referenced park plans are recognized as adopted land use plans. They are included in the MSCP preserve and it is not anticipated that there would be conflicts between the proposed project and the goals and policies of those plans.


MARCIA C. MCLATCHY
Director, Park and Recreation

MM:NA:jch

cc: Jeff Harkness, Senior Park and Recreation Planner, Northern Parks Division,
MS 804A
Stan Fye, Park and Recreation Project Assistant, Northern Parks Division,
MS 35

CARMEL VALLEY COMMUNITY PLANNING BOARD
12760 High Bluff Drive, Suite 160
San Diego, CA 92130
PH: (619) 794-2500/FAX: 259-6173

February 11, 1997

Lawrence C. Monserrate, Principal Planner
Land Development Review Division
Development Services Business Center
City of San Diego
1222 First Ave., Mail Station 501
San Diego, CA 92101

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR:

THE CITY OF SAN DIEGO LAND DEVELOPMENT CODE
(EIR No. 96-0333)

Dear Mr. Monserrate:

The 700+ pages of the zoning code changes are complex and they address the central policy question of how the city will plan its future. More so than usual, the public and decision makers will rely heavily on the final EIR to summarize, interpret, and evaluate the intent of these proposals. We believe the final EIR must clearly explain that the proposals for the land development/zoning code go beyond "streamlining" and, in fact, constitute major changes in City policy towards development. This explanation should focus on two major areas: (1) the sweeping conversion of community-plan and environmental regulation-based planning to city-wide zones, removal of existing environmental regulations, and proposed new implementing tools; and (2) the reduction in process of land use decisions, reducing public and community planning board participation

(1) SWEEPING CONVERSION OF COMMUNITY PLAN- AND ENVIRONMENTAL REGULATION-BASED PLANNING TO CITY-WIDE ZONES; REMOVAL OF EXISTING ENVIRONMENTAL REGULATIONS; AND PROPOSED NEW IMPLEMENTING TOOLS;

In general, the DEIR is concise and helpful as an overview of the technicalities of the proposed changes. It is almost an encyclopedia of the tools used for planning. Just as the stated purpose of the update of the land development manual is "to clarify" and "to streamline", unwieldy documents, the project DEIR clearly lays out the technical changes in zoning and processing development applications.

However, with few exceptions, missing is the substantive analysis of environmental impacts accompanying these changes. The DEIR reads almost like an outline, with blanks where discussion of the real results should be.

Example: III-40, "Revisions to Resource and Hillside Regulations":

"The proposed environmentally sensitive lands regulations... consolidate all resource regulations... However, there would be different regulations applied depending on whether the project site is located within the MSCP preserve or outside of the preserve boundary."

In a more detailed discussion of the catch-all draft "environmentally sensitive lands" (ESL) ordinance originating with this update:

III-42 "Biologically Sensitive Lands. It is important to note that all lands within the MSCP preserve would be designated as biologically sensitive. Therefore, a maximum of 25 percent of the site would be permitted to be developed... the OR-1-2 zone... Development regulations for biologically sensitive lands outside of the MSCP preserve would be found in the (ESL) regulations. Outside of the preserve, there would be no limit on the allowable loss of biologically sensitive lands, although any loss would be required to be offset by mitigation." (emphasis added)

Commendably, the DEIR spells out the real policy change proposed in the update regarding regulations for sensitive lands in San Diego: land earmarked for the MSCP preserve will have encroachment limits and all land outside will not. This clarifies the choice decision makers will be making: replace the entire structure of open space planning in San Diego with a specific "preserve" approach to satisfy federal and state endangered species acts, or modify the existing environmental regulations.

However clear the DEIR is on this policy change, the void in the DEIR is that it does not adequately describe and then evaluate the radical effects on (1) the role of community plans and community planners in determining what is important open space, biology, or landforms to be preserved, and (2) the kinds and location of open space to be preserved under the new rules versus existing policies.

As the DEIR says, the City's 39 community plans "are consistent with the General Plan but address the unique issues which challenge specific areas of the City. Each community plan provides long-range physical development guidelines which includes more specific land use designations and policies than does the General Plan." [II-10] In another section the DEIR actually lists "specific environmentally related recommendations and goals" of community plans.

A feature of the Carmel Valley Local Coastal Program cited is "design buffer areas to prevent impacts which would significantly degrade environmentally sensitive habitat areas." And the Carmel Valley Community Plan has specific objectives to guide development decisions, for example, "In a basic sense, the open space is the most important land use aspect of the Carmel Valley community since it determines community structure while conserving the most important features of the natural environment." [92]

While the DEIR points to significant changes and environmental impacts that would result from the new land development policies, it does not take the next critical step of describing and evaluating the effects of these changes. This is a major deficiency and its resolution would go far in making the final EIR serve as a thorough window into the full meaning of these changes.

The farthest it goes is to make categorical summaries of impacts. For example, regarding the replacement of existing hillside and resource protection regulations with the ESL regulations, it states on IV-A-34:

"Land development projects that would be approved consistent with the proposed Code may be inconsistent with resource recommendations of many adopted community plans...many adopted land use plans identify preservation of hillsides and unique landforms as an environmental goal. However, there could be potentially significant landform alteration through the development process...in conflict with the environmental goals of adopted land use plans."

Recommendation:

While it may be difficult to quantify the changes in environmental protection that would result from Code adoption, what is needed is more than a general summary statement that the Code may significantly impact land use planning with community plans as the basis, which is San Diego's historical approach. For example, the DEIR should assess the overall shift away from community- or land use plan-based resource protection. If the code and MSCP are adopted, how will the face of natural areas change in San Diego's communities? Is this a wholesale demise in the role of communities in determining what is valuable open space? If the ESL will protect only lands in the "preserve", and this will conflict with San Diego's community plans, will these plans no longer be used as a basis on which to determine consistency?

Another area where only a summary statement of impacts is used is the discussion of significant land use impacts on buffers and wetland buffers: "the proposed project does not include protection for wetlands by use of wetland buffers..." [IV-A-36]

An important corollary to this summation is that the ESL regulations would all but eliminate "buffers", underscoring the MSCP concept that "a line is a line" and no preservation efforts would take place outside of the hardline "preserve." A comprehensive discussion of this subject should be provided. City staff are currently working on language in the MSCP to address "land use adjacency" issues, i.e., to add development procedures for lands adjacent to the preserve. Whether these are sufficient, and whether buffers should be maintained for the preserve to be really maintained, should be included. This DEIR does not even mention the removal of buffers from resource protection in San Diego, except for the brief mention of the impacts on approved plans because wetland buffers are to be excluded from the ESL.

Again, the effect of this change on community plan-based open space should be featured. For example, the Camel Valley Local Coastal Program says "Design buffer areas to prevent impacts which would significantly degrade environmentally sensitive habitat areas." The final EIR should follow any discussion of removal of preservation of buffers with an analysis of how this could diminish sensitive areas. Excellent

331-
335.

Please refer to Responses to Comment Nos. 1, 13, 14, 21, 29, 57, and 59 regarding the role of community planning groups in the decision making process, wetlands and wetland buffers, steep hillsides, and non-MSCP open space.

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language on the role of buffers appears in the Appendix to the North City Future Urbanizing Area Framework Plan. While the final EIR can't relate this impact to all community plan areas, a few sample community plans could be referred. Since the City currently believes that sensitive habitat depend on buffering to prevent encroachment (General Plan, RPO, etc.), at least an attempt at assessing this change in policy should be made.

Since the MSCP headline preserve is mapped, and all open space not specifically selected for inclusion in the preserve would no longer be protected from development, why not provide maps of all community plans showing currently designated open spaces, with an MSCP overlay? This would give a graphic answer to the question: which open spaces does the ESL protect and which ones will not be protected? Even though mitigation will still be required when development occurs on hillsides, canyons, riparian areas, etc. anything outside of the "preserve" must be seen as developable, if the ESL is approved. An area map showing these demarcations should be provided, even if it has to be broken down into segments.

Finally, we believe the final EIR should go beyond saying "The proposed project would permit potentially significant landform alteration, which would be a conflict with environmental goals of adopted land use plans. [IV-A-36] The overriding impact of the land development code revisions is that a zone-based approach seeking "uniformity" is being pushed. Planning with community plans as the guide to where development can or cannot occur is being ushered out. The uniqueness of each community's landforms, development style, and selected sensitive habitat is the basis of today's General Plan. Under this proposal the City is attempting to "tighten regulations" but, for sensitive habitat areas, this comes down to protecting the negotiated geographic preserve and removing protections for all else.

The EIR should thoroughly discuss this change in philosophy, along with graphic and text explanations of what this philosophy will mean for canyons, hillsides, wetlands, wildlife, trails, wildlife corridors, and all elements which community plans now deem important for preservation.

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(2) THE REDUCTION IN PROCESS OF LAND USE DECISIONS, REDUCING PUBLIC AND COMMUNITY PLANNING BOARD PARTICIPATION

333

Under "Procedural Changes" [III-8] the document summarizes the changes proposed in the level of review of development. In previous code update drafts we have written of our concern that the reduction in conditional use permits (CUP) from processes 3-5 to a level 2. Our belief is that it is in the "gray areas", which CUPS address, that a community is the best judge of how a use can or cannot work in a specific area of a specific community.

Just a few of the CUP uses under the proposed code which would no longer be reviewed at the planning board level are: transmission or relay towers; requests for map waivers; automobile service stations and accessory uses; employee and

restaurant tandem parking; single dwellings on 20,000 sq. ft. or less with steep slope or sensitive biology; and single dwellings on 20,000 sq. ft. or less with steep slope.

Under the new code, applications for these uses would be decided by City staff with no public hearing, but appealable to city staff. Environmental review would be done by staff with no community input as to the level of review (negative declaration, supplementary EIR, etc.)

This change would have immediate potential impacts for communities such as Carmel Valley. In fact, the same board meeting for code update consideration includes applications for a service station expansion which could have a major impact on traffic throughout Carmel Valley's commercial center. We also are hearing a map amendment. The previous month we heard an application for a "PacBell Antenna Structure" and we have heard applications for single dwellings on large lots in sensitive areas.

While these uses do not have the potentially major impacts that large PRDs have, the / still are issues which can affect our community plan and the quality of life in Carmel Valley. While we usually recommend approval of these applications, we still have the opportunity to do site-specific analysis, which is what CUP's were established to do. In one location a proposal for a CUP would be better conditioned on something. For example, a CUP for a recreational facility could be conditioned on hours of operation, or lighting, if it is adjacent to residences or natural areas.

The point is: our board carefully reviews these applications and fairly assesses the potential impacts. Our community should continue to have a voice in these decisions. The noticing and appeal procedure proposed would not accomplish this.

Under the revised code, these decisions would be made by a staff person, or an appointed committee, who may never have set foot in Carmel Valley. The DEIR states these decisions would be appealable, but it does not analyze the process of appeal. In our January 9, 1998 review of "Second Public Review Draft" we summarized the concern that this change in process would, effectively, prevent the public and planning boards from participating in any way in Process 2 ministerial decisions because.

"112.0301-0309 Types of Notice. Also relates to 112.0503 Process Two and 112.0308 Process Three and Four appeals.

A consistent concern we've reported...is that while we support 'streamlining' and consolidating, we do not support the clear reduction in participation by community representatives in land use decisions which are, appropriately, still discretionary (e.g., interpretations of community plan goals and objectives; application of the Resource Protection Ordinance, etc.)

The proposed noticing procedures run counter to General Plan empowerment of planning boards and the City's own 'Renaissance Commission' and 'Livable Neighborhoods' programs, fostering more 'partnership' between the Council and communities

Process 2 Example. With proposed reduction to Process 2 conditional use permits, map amendments, variances, etc. recognized community planning boards will be closed out of the decision-making. Further, the shrunken window of opportunity to both be noticed of and to appeal these staff decisions will make it impossible for community and other groups meeting monthly to participate. A 'Notice of Future Decision' will be mailed... indicating a non-public hearing... not less than 11 days after the date... of the notice. Requests for notice of the hearing results must be received by the City 'no later than 10 days' after the 'Notice of Future Decision' has been mailed....

Appeals: (ref. 112.0503-4) File an application 'no later than 12 days after the decision date' (no such deadline for how long after the decision the City must mail the decision, so the turn-around time can be very short.) Appeals hearing scheduled 'no later than 10 days' after application filed and generally held 'within 60 days following the filing...'. This hearing is noticed only in the newspaper.

Processes 3 and 4 Example. Notice sent 'no later than 10 days before the date of the hearing'. And, appeal of Process 3 decisions must be made 'no later than 10 days after the date of the hearing officer's decision'.

These constraints will deny community groups' opportunity to disseminate, study, act on, and then report on the proposal.

We strongly recommend that there be a minimum of 30 days between noticing and holding all processes 2-5 to respect the integrity of recognized community planning boards; that process 2 applicants appear before community planning boards with their proposals; that there be a minimum of 30 days after all processes 2-5 hearings to allow response periods for the public and for these boards."

In addition, we were concerned about the "conversion of existing discretionary actions to Processes 1 and 2... community planning debates center on the interpreting of regulations. On paper, these levels of discussion may appear 'minor', but in some neighborhoods they can have a great impact."

There is clear reduction in community participation in decision making; yet, the DEIR simply concludes [IV-A-32-35] that the ESL and land use policies in the proposal "may result in significant land use impacts" or "conflict with the environmental goals of adopted land use plans." There is no reference to the overall shift in policy toward facilitating development by reducing public hearings and seriously reducing the role of the public and its elected planning board. City staff have defended these changes on the basis that:

"The City Council considered the options and selected 10 working days. The suggestion of adding 30 working days after a hearing for public response would be adding an additional month to most project processing times and would be contrary to the goals of the code update project..." [LD/ZCU staff response to January 9, 1996 Carmel Valley Community Planning Board letter]

We will repeat a concern in all previous communications to the City regarding Process 2 decisions. However, the focus extends to even higher processes with public hearings because the reduced response time in processes 3-5 would have the same impact.

"A published letter from the City...states that Process 2 decisions 'are considered to be discretionary' because they can be conditioned. This conditioning would be done at the staff level, with no community input because 'There would be no requirement for conformance with the community plan...since the type of development that would be proposed for this process would be consistent with the community plan in both land use and in the development regulations applied'.

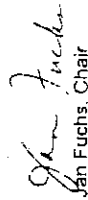
The Carmel Valley Community Plan is a very generalized document. For example, overall goals include 3. To preserve the natural environment.' Interpretations of this basic element strongly relate to simple discretionary decisions such as 'Neighborhood Development Permit' uses. We strongly believe that those who live in a community are the most informed as to whether a particular proposal would have an impact and should be part of this determination."

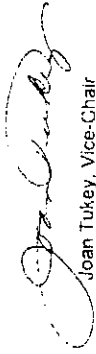
The board was saying we believe that the community plan interpretations are discretionary and that is why proposals are evaluated for consistency with community plans in public hearings, where informed debate can occur. The zoning code update appears to be guided by the philosophy reported in workshops by City staff that 'projects will be discretionary; city staff will have the discretion to decide if a proposal is in substantial conformance with a community plan. The public can rely on strengthened regulations in the manual to protect their interests'.

This is a clear change in approach and reasonable people can disagree on whether this is the right course for San Diego. However, the EIR is the place where a full discussion of these two views should be reported. If the EIR staff don't agree that community involvement is being reduced, that can be substantiated. However, if the disagreement over the revised code's resulting impacts isn't described, an analysis of this potential impact can't be made.

We believe that the final EIR should attempt to analyze the effects of reducing public response time to proposals on all process levels. This is an impact of the proposal. If community planning boards operating under City rules for noticing hearings cannot function in the timetable proposed, then land use decisions will be made in a vacuum. This should be addressed in the final EIR because this will have far-reaching effects on decision-making, and the EIR is supposed to provide the basis of analysis for how the code update will affect land use decision making.

At the least, the final EIR should lay out the rationale for reducing project review time and, let the debate center on whether or not the Council still favors this philosophy.


Jan Fuchs, Chair


Joan Tukey, Vice-Chair



County of San Diego

DEPARTMENT OF PUBLIC WORKS

5555 OVERLAND AVE. SAN DIEGO, CALIFORNIA 92123-1295

TOM GARIBAY
DIRECTOR
OFFICE: (619) 744-1411
FAX: (619) 744-1411
LOCATION CODE 550

COUNTY ENGINEER
COUNTY PLANNING
COUNTY ROAD COMMISSIONER
TRANSIT SERVICES
COUNTY SURVEYOR
FLOOD CONTROL
WASTE AND WASTE MANAGEMENT
SOLID WASTE

February 6, 1997

Ms. Janet Baker
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, CA 92101

Dear Ms. Baker:

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR LAND DEVELOPMENT CODE
LDR NO. 96-0333, SCH NO. 96081056

The County of San Diego Department of Public Works (DPW) has reviewed the above referenced document and provides the following comments for your consideration.

The document does not appear to respond to the DPW letter, dated August 29, 1996, sent to the City of San Diego in response to the Notice of Preparation. Therefore, the DPW believes that the Draft EIR should address/incorporate the following information into the traffic section so that traffic impacts on County roads can be clearly assessed.

Trails

The document does not respond to comments relative to trails set forth in DPW letter dated August 29, 1996. The document needs to respond to these comments.

Traffic/Circulation

Incorporate the following in the traffic section:

1. Projects which generate 200 ADF or more that may impact County Roads need to submit a Traffic Study to the Route Locations section of DPW for review and comment. Incorporate the following in the Traffic Study:
 - a. Address the County Circulation Element of roads and Bicycle Network.

336 - 341.

Comment noted. Please refer to the Appendix of the DEIR regarding the County's responses to the Notice of Preparation. Note that the project is not a General Plan Amendment. Please also note that the project proposes no increase in density. In addition, please note that a plan-to-ground analysis was conducted.

Ms. Baker

-2-

February 6, 1997

- b. The County Level of Service Standards need to be used in defining project impacts to County Circulation Element roads. The County has established Level of Service "C" or better as the standard for operation of County Circulation Element roads. Mitigation, if required, should reflect these standards. 338
- c. Incorporate SANDAG traffic generation rates. 339
- d. In order to clearly assess traffic impacts in the unincorporated areas, include tables and map exhibits that clearly display existing traffic, project traffic, existing plus project traffic, buildout traffic, and per cent traffic splits to all existing and future County Circulation Element roads and other roads in the unincorporated area. The buildout year is approximately 2020. 340
- e. Identify traffic impacts and provide traffic mitigation measures as necessary for any identified traffic impacts to County Circulation Element roads and other roads in the unincorporated areas. 341

The DPW Route Locations section needs to see future documents on this project.

If you have any questions regarding these comments, please contact Robert Hoglen of the DPW Route Locations section at (619) 694-3244.

Very truly yours,



DAVID S. SOLOMON, Deputy Director
Department of Public Works

DSS:JMQ

cc: Dwight Smith (0336)
Kent Johnson (0336)

CALIFORNIA
PACIFIC
HOMES
OF SAN DIEGO

February 18, 1997

Mr. Ty Miller, Chairman
Kearny Mesa Planning Group
Collins Development Company
11750 Sorrento Valley Rd., Ste. 254
San Diego, CA 92121

RE: Review of Land Development Code, Draft Environmental Impact Report (DEIR)

Dear Ty:

I apologize for sending these comments to you later than I expected. I trust these comments will be helpful, although frankly my review of the excerpts I was given was based on the very limited amount of information provided in the DEIR and focused on those issues thought to be most controversial.

Review of DEIR (EIR No. 96-0333)
The City of San Diego
Subject: Land Development Code

1. Pg. III-7 Steep Hillside
Revise last sentence to read at least 30 feet, not 10 feet high as now written.
2. Pg. III-45 Revision to Parking Regulations
Tandem parking should be permitted.
3. Pg. IV-A-8-K Kearny Mesa Community Plan
Add the following pertinent policies:
 1. Ensure the continued development of Kearny Mesa as a regional employment center, containing a mix of industrial, office, retail and compatible housing.
 2. Encourage the provision of a multi-modal transportation system which provides access to the entire community as efficiently as possible.
 3. Create a sense of community identity by encouraging the provision of high quality urban design, complementary mixed uses, and the provision of focal points which advertise Kearny Mesa as a regional employment center, consumer destination, and the mix of other complimentary uses that support these primary uses.
 4. Promote high quality, more intense development as appropriate in a City core area.

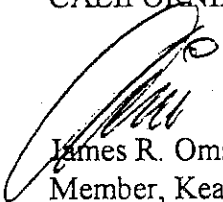
Mr. Ty Miller
Kearny Mesa Planning Group
Collins Development Company
February 18, 1997
Page 2

5. Promote a diversity of compatible uses that support and sustain a higher quality, more integrated community.
6. Provide for important public facilities that are now lacking in the community like parks and a library.
7. The portion of the Draft Environmental Impact Report and the accompanying Public Notice of the Draft Environmental Impact Report showed a very strong bias in discussing and projecting unsubstantiated adverse environmental impacts. For example, the Public Notice summarizes all the projected negative impacts, as speculative as they are, with statements of "would result" instead of "may result". Also, the three pertinent policies of the Kearny Mesa Plan cited on page IV-A-8 are all policies that speak to natural environmental conditions and are not, to the best of this reviewer's knowledge, policies espoused by the Kearny Mesa Planning Group and are not priorities of the Planning Group.

These brief comments should be timely in meeting the February 21, 1997 deadline for comments on the DEIR.

Very truly yours,

CALIFORNIA PACIFIC HOMES



James R. Omsberg
Member, Kearny Mesa Planning Group

LA JOLLA TRAFFIC AND TRANSPORTATION BOARD

5670 Linda Rosa, La Jolla, CA 92037
(619) 456-2357 FAX: (619) 459-3760

January 28, 1997

Mr. Kelly Broughton
Development Services Department
1222 First Avenue, Fifth Floor
San Diego, CA 92101

Subject: Comments on changes in parking requirements
Transportation section
December 1996 draft EIR on the Zoning Code Update

Dear Mr. Broughton:

The La Jolla Traffic and Transportation Board has reviewed the proposed changes in parking requirements in the Zoning Code Update, and our comments are provided below. This Board was created by the La Jolla Town Council, Promote La Jolla and the Community Planning Association to coordinate the traffic and transportation activities of the three community groups and to interact with the city as appropriate.

We note that a reorganized Parking Impact Overlay Zone is proposed for La Jolla to provide supplemental parking regulations for beach and campus areas. We understand that the proposed changes will do the following:

1) Eliminate compact parking spaces and modify the size of a standard space.

The dimensions of a compact space are 7.5 x 15 ft., while the dimensions of the modified standard space are 8.25 x 18 ft. for retail uses, and 8.0 x 18 ft. for other uses. This increase of over 20% in the required area will reduce the number of cars that can be parked in a given area by 13 to 17%, depending on the use.

2) Reduce the parking requirements to compensate for (1) above.

For La Jolla, this appears to mean:

- * Generally, a reduction in the required parking by about 15%.
- * Liberalization of shared parking regulations.
- * Still further reductions in parking requirements if approved by the Transportation Demand Management Plan.
- * 10 to 20% reduction for residential development located in a designated transit area.

3) Change the Planned District Ordinances.

The new parking regulations would replace those in existence in two La Jolla PDO's, the La Jolla Shores PDO and the La Jolla PDO, the latter applicable to the downtown area, per Zoning Code Update, Pages 3-40.

Comment 2f

Mr. Kelly Broughton
February 19, 1997
Page 2

The La Jolla Traffic and Transportation Board opposes the adoption of the new parking requirements for La Jolla for several reasons:

1) Parking near the beaches and in downtown La Jolla is frequently difficult, especially during the summer and on weekends and holidays. A reduction in the number of spaces would have the following negative effects:

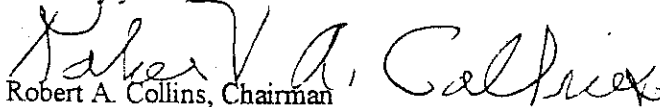
- * Arriving cars would be driven into surrounding residential areas.
- * To find a parking space, drivers would circulate in the downtown, beach and residential areas, increasing congestion and the agony of both driver and resident.

2) The parking requirements in both PDO's were arrived at after long and thoughtful deliberations within the community and with the city. The parking situation in La Jolla is in many respects unique, and a change which might be appropriate for other parts of San Diego would not be right for La Jolla or other ocean-front communities. Examples of some of these unique features are:

- * In the La Jolla Shores commercial center, the lots are so small that off-street parking is, in most cases, impossible. On-street parking is at a premium.
- * In the La Jolla Shores beach area, parking frequently spills over into the surrounding residential areas, sometimes by as much as to 6 to 8 blocks from the beach. Compact parking spaces are important in reducing this spill-over.
- * In downtown La Jolla one- and two-hour parking limits are the norm. A reduction in the number of spaces wherever that reduction might take place should exacerbate the problem.
- * Parking garages in downtown La Jolla used to provide a reservoir of parking places for busy days. That is no longer the case; parking garages are now being fully utilized.
- * UCSD student parking in residential areas is a long-term, continuing problem. A reduction in the number of parking spaces in university and other private lots to students, staff, etc., would further exacerbate the problem.
- * A reduction in the number of parking spaces will have an adverse impact on the economy of La Jolla, particularly the downtown area.

We hope that you will consider the issues raised herein and drop the proposed parking changes as they apply to La Jolla and the UCSD area.

Sincerely yours,


Robert A. Collins, Chairman

Comment 2f

Mr. Kelly Broughton
February 19, 1997
Page 3

cc: Janet Baker, Development Services Dept. Land Development Review Division
1222 First Avenue, Mail Station 501, San Diego, CA 92101
Sherri Lightner, Chairman, La Jolla Shores Association
Paul Kennerson, President, La Jolla Town Council
Mark Lyon, Chairman, Community Planning Association
Bill Price, Chairman, Promote La Jolla

Comment 2f

LA JOLLA SHORES ASSOCIATION

Post Office Box 64

La Jolla, CA 92037

February 6, 1997

Mr. Kelly Broughton
Development Services Department
202 C Street
San Diego, CA 92101

Subject: Comments on changes in parking requirements
Transportation section
December, 1996 draft EIR on the Zoning Code Update

Dear Sir:

The La Jolla Shores Association has reviewed the proposed changes in parking requirements in the Zoning Code Update, and our comments are provided below.

We note that a reorganized Parking Impact Overlay Zone is proposed for La Jolla to provide supplemental parking regulations for beach and campus areas. We understand that the proposed changes will do the following:

1). Eliminate compact parking spaces and modify the size of a standard space.

The dimensions of a compact space are 7.5 x 15 ft., while the dimensions of the modified standard space are 8.25 x 18 ft. for retail uses and 8.0 x 18 ft. for other uses. This increase of over 20% in the required area will reduce the number of cars that can be parked in a given area by 13 to 17%, depending on the use.

2). Reduce the parking requirements to compensate for (1) above.

For La Jolla, this appears to mean:

- * Generally, a reduction in the required parking by about 15%.
- * Liberalization of shared parking regulations.
- * Still further reductions in parking requirements if approved by the Transportation Demand Management Plan.
- * 10 to 20% reduction for residential development located in a designated transit area.

3). Change the planned district ordinances.

The new parking regulations would replace those in existing in the La Jolla Shores PDO.

The LJSA opposes the adoption of the new parking requirements for several reasons:

1) Parking at the beaches is frequently difficult, especially during the summer and on weekends and holidays. A reduction in the number of spaces would force arriving cars into surrounding residential areas.

2) The parking requirements in the PDO were arrived at after long and thoughtful deliberations within the community and with the city. The parking situation in the Shores is, in many respects, unique and a change which might be appropriate for other parts of San Diego would not be right for La Jolla or other ocean front communities. Examples of some of these unique features are:

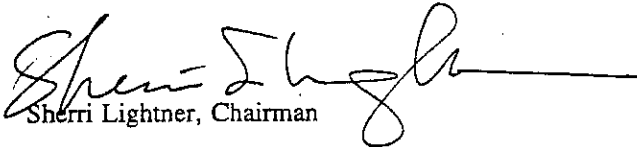
- * In the La Jolla Shores commercial center, the lots are so small that off-street parking is, in most cases, impossible. On-street parking is at a premium and must not be reduced.
- * In the La Jolla Shores beach area, parking frequently spills over into the surrounding residential areas, sometimes by as much as 6 to 8 blocks from the beach. Compact parking spaces are

important in reducing this spill-over.

- * In some areas, one and two-hour parking limits are the norm. A reduction in the number of spaces would exacerbate the problem of people parking all day in these time limited spaces by moving their car slightly every hour or two.
- * UCSD student parking in residential areas is a long term continuing problem. A reduction in the number of spaces available to students will exacerbate this problem.

We hope that you will consider the issues raised herein and drop the proposed parking changes as they apply to La Jolla Shores and the UCSD area.

Sincerely yours,



Sherri Lightner, Chairman

cc

Janet Baker, Development Services Dept., Land Development Review Division,
1222 1st Avenue, Mail Station 501, San Diego, CA 92101
Bob Collins, Chairman, La Jolla Traffic and Transportation Board

EMPLOYMENT OPPORTUNITY

#T1761 MANAGEMENT TRAINEE: \$2318 to \$2800, Monthly
#T1762 MANAGEMENT INTERN: VARIES FOR PAID POSITIONS

APPLY: FIRST DATE: April 18, 1997

LAST DATE: June 4, 1997

Additional application filing periods may be announced. Applications must be received no later than 5:00 p.m. on the last date of this application filing period. Applications received before or after the filing period will be rejected.

MANAGEMENT TRAINEE IS THE ENTRY-LEVEL POSITION FOR PROFESSIONAL ADMINISTRATIVE, BUDGETARY, COMMUNITY DEVELOPMENT, CRIME ANALYSIS AND RESEARCH, DATA SYSTEMS MANAGEMENT, ECONOMIC, ORGANIZATION EFFECTIVENESS, PERSONNEL, AND REAL ESTATE CAREER FIELDS.

REQUIREMENTS: You must meet the following requirement on the date you apply.

College graduates with a Bachelor's Degree. You must submit proof of graduation with your application.

Graduating seniors in their last year of college may apply and be considered for employment, but will be placed inactive until proof of graduation is submitted with transcripts showing completed units and expected date of graduation which must be completed before expiration of the eligible list.

NOTE: Relevant professional experience may be substituted for lack of education on a year for year basis. For substitution purposes one year of full-time professional experience equals one year of education (30 semester or 45 quarter units.) If substituting a combination of professional level experience and education, you must provide transcripts showing coursework completed. **Professional experience must include at least one of the following as a primary duty:** preparing and analyzing budget requests; analyzing department expenditures and making fiscal projections; performing cost effectiveness and productivity studies or organizational interventions; conducting special administrative or personnel studies and analysis including research and analyses of data, development of solutions, and recommending appropriate courses of action; conducting test validation studies; preparing examination announcements and test items; conducting classification and salary studies; performing data systems management, systems problem solving, and program design on major computer systems; performing workload/staffing studies; developing econometric models to measure and forecast revenues; performing cost-benefit analyses of various programs; conducting research and analysis; analyzing and presenting law enforcement data in both oral and written forms; acting as a liaison between staff and the community on community development programs; assisting in the development of community development programs; or real property experience in appraisal/valuation, acquisition and relocation, property management, or marketing/sales.

INTERNSHIPS: This list can be used to select candidates for paid and unpaid internships by various departments. The City of San Diego maintains a Management Intern classification in the Unclassified (at-will employment) Service which provides on-the-job-work experience to students. Many of the work-study internships are arranged on a voluntary (unpaid) basis. However, some paid internships are available. Your Internship Interest Form will be retained for one year.

HOW TO APPLY: Complete and submit the City's **Special Application, Supplemental Questionnaire and Internship Interest Form (the original and one copy)** for these position(s). The Supplemental Questionnaire will be made available to hiring departments. You **MUST** check **ALL** positions for which you wish to apply on the application. If you wish to apply for both positions, separate application packages are not necessary. Submit requested materials **ONLY**.

SCREENING PROCESS: The screening process will consist of a review of the application materials and a Written Test. The Written Test may include the following factors: 1) **Reading Comprehension:** Ability to comprehend factual or technical information; 2) **Interpretation of Numerical Data:** Ability to draw inferences and interpret numerical data presented in graphs, charts, diagrams, or tables; 3) **Written Communication:** Ability to correctly use grammar, punctuation, and spelling and to transition smoothly between narrative passages; 4) **Mathematics:** Ability to perform basic mathematical operations such as addition, subtraction, multiplication, division, percentages, and fractions; 5) **Interpretation of Narrative Data:** Ability to draw inferences and distinguish between relevant and irrelevant issues presented in written form; and 6) **Decision Making:** Ability to determine the most appropriate course of action based upon available information and guidelines. **WEIGHT 100%**
Waiver:

1) Former City employees who have passed probation at the Journey (e.g., Associate) level in positions underfilled by Management Trainee can waive the Written Test and will be placed in Category One.

WRITTEN TEST DATE: Approved applicants will be notified of the date, time, and location of the Written Test. All qualified applicants who pass the Written Test will be placed on a one category eligible list, which is effective for one year. All candidates will receive written notice of their eligibility expiration date. As needed, the hiring department will interview individuals from the eligible list.

Administrative Trainee (Recruiting Title: Management Trainee)
Administrative Intern (Recruiting Title: Management Intern)

Tim Howey, Assigned Analyst
DOC. 5024

April 18, 1997 Class 1108; Class 2103

DRAFT ENVIRONMENTAL IMPACT REPORT

for

**The City of San Diego Land Development Code
(EIR No. 96-0333)
(SCH No. 96081056)**

December 1996

Prepared by

**Environmental Analysis Section
Land Development Review Division
Development Services Business Center
City of San Diego**

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1. Notice of Preparation and Scope of Work for Draft EIR
2. Public Comments
3. City Responses to Public Comments

I. INTRODUCTION

This Environmental Impact Report (EIR No. 96-0333) addresses the environmental effects associated with implementation of the proposed City of Diego Land Development Code, and related regulation amendments and repeals. This document is informational in nature and is intended for use by City of San Diego decision makers, other responsible or interested agencies and the general public in evaluating the potential environmental effects of the proposed project. This EIR has been prepared by the City of San Diego in compliance with the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code, section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, section 15000 et seq.), and the City of San Diego Guidelines and Format for Environmental Impact Reports (June 1992). The City of San Diego is the lead agency for the proposed project, pursuant to Article 4 of the State CEQA Guidelines.

BACKGROUND

An important implementation tool of the City's General Plan and the community plans is the Municipal Code. Currently the Municipal Code has planning, zoning, engineering and building regulations located throughout Chapters 2,5,6,9,10 and 11. The proposed Land Development Code is the location within the Municipal Code for definitions, procedures, zones, and regulations which are used in the development of property other than within the planned districts.

The Municipal Code was revised in 1991 to add Chapter 11 as Phase I of a comprehensive update. This first phase streamlined and reduced the processing procedures for development actions and standardized the application and noticing requirements. The current project is the second phase of this comprehensive update and includes revisions and reformatting of several chapters of the Municipal Code relative to the development process. A future phase is anticipated that would include reformatting and revisions to Planned Districts and other substantive changes.

SCOPE OF THE EIR AND NOTICE OF PREPARATION (NOP)

This EIR evaluates the potentially significant environmental issues as determined by the City of San Diego during the Initial Study process. In accordance with Section 15060 of the State CEQA Guidelines, a preliminary review of the project clearly indicated that an EIR would be required. Consequently, a formal Initial Study was not prepared. The City found that due to the proposed project there may be potentially significant environmental effects related to: land use, biological resources, transportation/circulation, cultural resources, neighborhood character/aesthetics, water conservation, paleontological resources, natural resources, and agricultural lands.

For each issue, the EIR contains a discussion of the existing conditions, potential impacts, an analysis of significance of the impact, and proposed mitigation measures for those impacts identified as significant. Growth Inducement is addressed in Section 5, Cumulative Impacts are addressed in Section 6, other CEQA Mandatory Discussion Areas are discussed in Section 7, and Alternatives to the Project are provided in Section 8.

Pursuant to State CEQA Guidelines, the environmental analysis is based on potential effects of implementation of the proposed project on the existing physical environment (i.e., the existing ground conditions). The analysis does not include a comparison between the effects of implementation of the existing regulations and the effects of implementation of the proposed regulations (plan-to-plan analysis). Descriptions of the existing regulations are included in both Chapter II, Environmental Setting, and Chapter III, Project Description. In limited cases, the analysis of impacts from implementation of the proposed project includes a comparison of the existing regulations with those proposed.

As Lead Agency, the City of San Diego circulated a Notice of Preparation (NOP) of an Environmental Impact Report to numerous interested agencies, groups and individuals on August 15, 1996 including the State Clearinghouse, requesting comments on the scope of the EIR. The issues the City found to be potentially significant were identified in the Scope of Work that was attached to the Notice of Preparation.

The following persons, agencies and organizations responded to the NOP:

- Navajo Community Planners, Inc.
- United States Border Patrol
- San Diego City Schools
- San Diego Gas & Electric Company
- County of San Diego Department of Public Works
- Ms. Opal Trueblood
- La Jolla Town Council

A copy of the NOP, the public comments and the City's responses to the public comments is contained in Appendix A of this EIR.

USES OF THIS EIR

The Land Development Code EIR is being prepared and processed concurrently with the adoption of the Code and other implementing actions. The decision makers will consider the information contained in the EIR when considering the proposed project. The discretionary actions associated with the proposed project include City Council adoption of the Land Development Code, amendments to the Municipal Code, rezoning of specific property, and amendments to the Local Coastal Program. These actions are detailed in Section 3 of the EIR which describes the proposed project.

For future project-level review, it is anticipated that this document would be incorporated by reference to the extent possible in order to reduce paperwork, avoid duplicative reconsideration of basic policy considerations, and to ensure consideration of cumulative impacts that might be slighted on a case-by-case basis. (CEQA Guidelines sec. 15168(b)(1995). Pursuant to CEQA Guidelines section 15152, agencies are encouraged to tier EIRs which are prepared for separate but related projects. When tiering is used, the later EIRs or Negative Declarations shall refer to the prior EIR. The later environmental documents should state that the Lead Agency is using the tiering concept and that the EIR is being tiered with the earlier EIR.

The project will not be effective within the Coastal Zone until certification by the State Coastal Commission. In addition, those portions of the proposed Code related to the Multiple Species Conservation Program will not be effective until adoption of that program.

II. ENVIRONMENTAL SETTING

REGIONAL and LOCAL CHARACTERISTICS

The San Diego region covers over 4,200 square miles in the southwest corner of the continental United States, bordered by Mexico and the Pacific Ocean. (Figure 1) It consists of 18 incorporated cities and many unincorporated communities. All 18 cities and 99% of the population are located in the western half of the region. About 2.7 million people reside in the San Diego region.

Although urbanization has spread rapidly over the past 20 years, it has consumed only about 12% of the region's total land area. More than half of the San Diego region remains vacant and undeveloped, although much of this land is not available for development because of physical and/or public policy constraints. The remaining 31% of the land is devoted to park and recreation areas and agriculture. It is estimated that 193,000 acres of land will be developed between 1990 and 2015, with 90% being devoted to residential uses. ("Profiling the Region's MSA", SANDAG (1995))

The City of San Diego's corporate limits contain about 325 square miles. The metropolitan area is bounded approximately by Escondido on the north, the foothills of the coastal mountains on the east, the Mexican border on the south, and the Pacific Ocean on the west. (Figure 2)

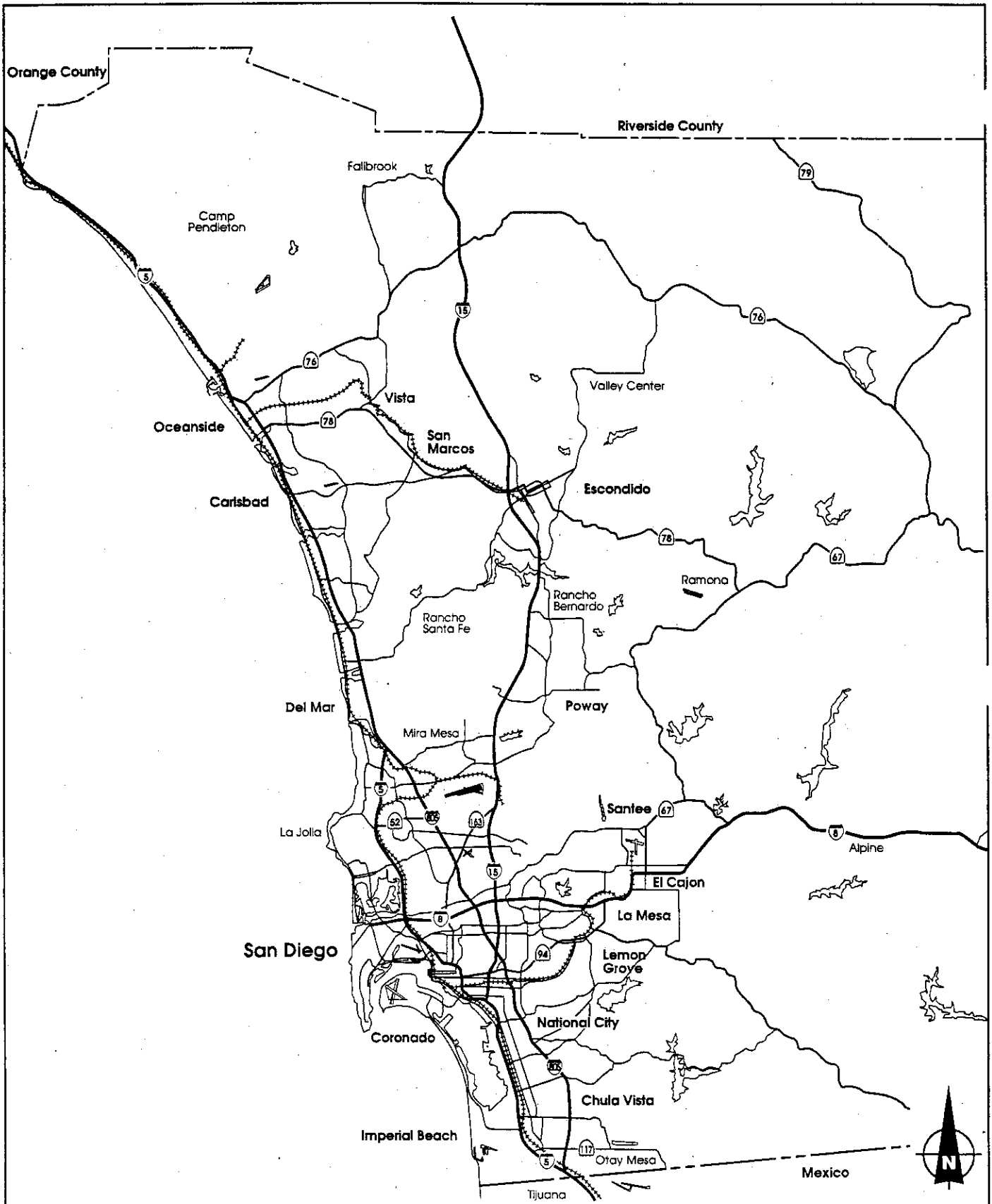
The City of San Diego is the largest city in the region and sixth largest in the nation. It houses nearly 1.2 million people, or 44% of the region's population. ("Profiling the Region's MSA" - SANDAG, 1995)

TRANSPORTATION

The San Diego region contains a major military port for the United States. Navy ships enter the bay to dock at the Naval Air Station at North Island. Aviation facilities in the region include San Diego International Airport (Lindbergh Field), four public general aviation airports, three military airports, and a number of recreational and private airfields. The Port of San Diego plays a key role in international trade, with cargo ships entering on a regular basis.

The planning and/or provision of streets and highways within the San Diego area is mainly the responsibility of CALTRANS, SANDAG, and the cities and county. Their efforts are coordinated through the state and regional transportation planning processes, as well as the general and community plans and capital improvements programs of each of the cities and county.

The street and highway system in the City of San Diego includes freeways, expressways, and arterial streets. They provide a reasonable level of mobility and accessibility within the City, as well as between San Diego and other cities in the metropolitan area. Many of San Diego's streets and highways traverse areas of great scenic beauty, but in recent years, there has been a decline of aesthetic qualities of these roads. This is due to the lack of regard for the natural environment, roadside developments, outdoor advertising (i.e. signs, billboards), and the increase in the number of people using these roads. (Progress Guide and General Plan, 1989)



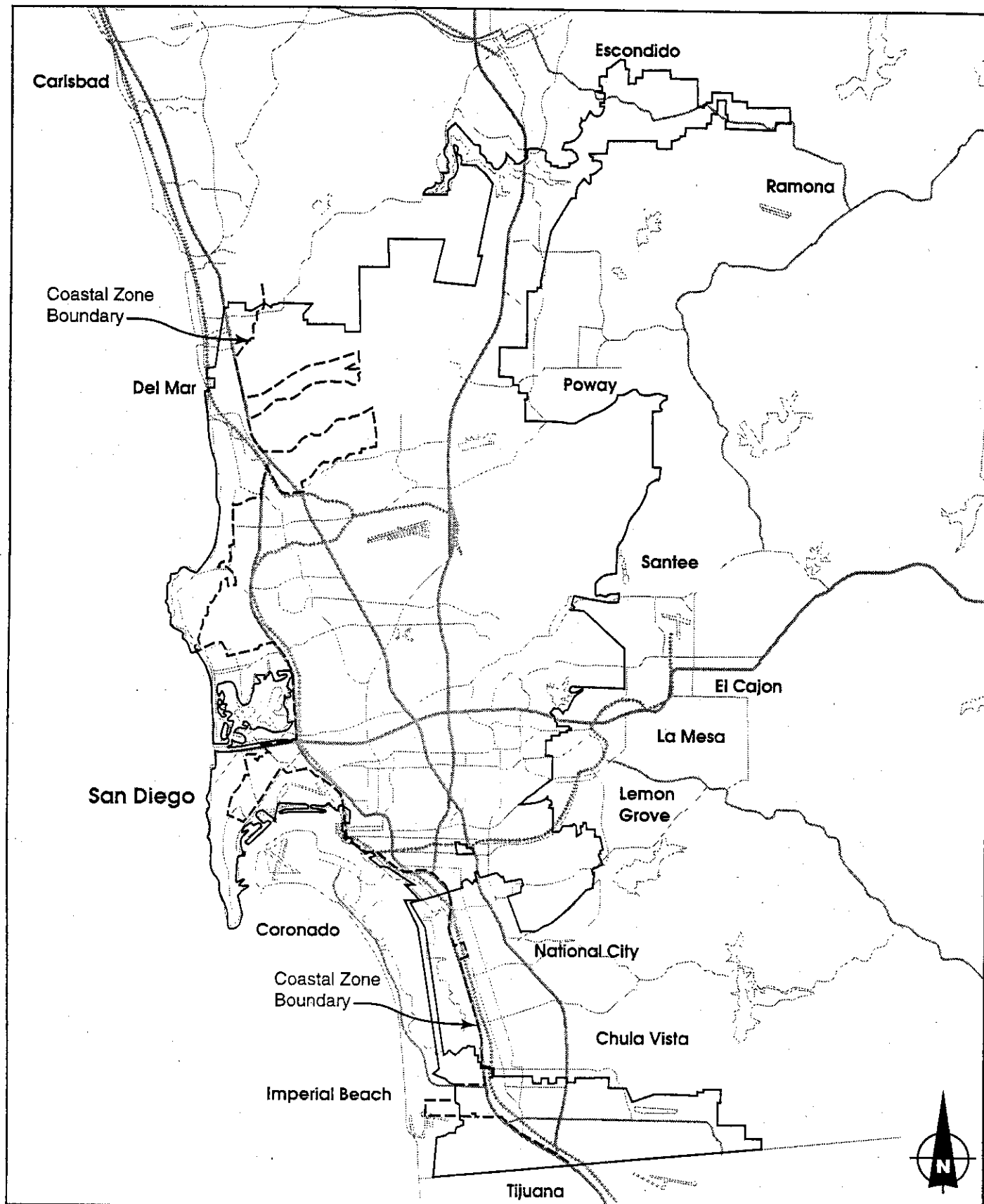
6-96 pl. areas JA

Figure
1



Regional Location Map Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT



6-96 pl. areas JA



**City of San Diego
City Limits and Coastal Zone Line
Environmental Analysis Section**

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

**Figure
2**

The widespread ownership and use of personal motor vehicles among San Diego residents requires a significant commitment of land and financial resources to development of parking facilities. Much of the city's prime urban land is devoted almost exclusively to parking, preempting what are generally considered as more desirable land uses and adding greatly to the cost of development. Surface lots, parking structures, and on-street parking are dominant visual features in many neighborhoods and detract from the aesthetic qualities of the area. Frequently, shopping centers and employment sites devote more land to parking than to their total building area. (Progress Guide and General Plan, 1989)

Increasingly, mass transit is recognized as an essential public service which provides important benefits to the entire community. The San Diego Trolley, Inc. provides light rail or "trolley" service from downtown to the international border and to the eastern part of the city and north to Old San Diego. There are several companies that provide bus services, offering different routes throughout the city. The Coaster, an express rail service runs between the city of Oceanside and downtown San Diego. Light rail transit service is currently being expanded to Jack Murphy Stadium through Mission Valley. Additional rail service corridors have been identified, but land use changes are needed to make a major investment in transit facilities and services cost-effective. (Transportation-SANDAG, 1996)

Airports, because of their associated environmental impacts, are seldom regarded as desirable community assets by the people living and working nearby. Nonetheless, civilian air transportation and military aviation are important components of San Diego's economy. The San Diego International Airport (Lindbergh Field) is the region's principal commercial airport and is owned and operated by the San Diego Unified Port District. The airport serves more than 12 million passengers each year, and there are future plans for expansion. There is a Navy aviation facility at Miramar, general aviation facilities at Montgomery Field in Kearny Mesa, and at Brown Field in Otay Mesa. San Diego's airspace is extremely congested. There are a large number of airports and helicopter landing sites in close proximity to each other, some having overlapping control areas.

HOUSING

The late 1980's was a period of rapid growth. Population increased by an average annual growth rate of 3.7%. Then suddenly, a recession hit and the trend reversed. Each year since 1990 has produced a progressively smaller increase in the region's population. By 1994, growth slowed to just a 1.2% increase over the prior year. This is the lowest increase in both numeric and percentage terms in decades.

There are two components to population growth: natural increase (births minus deaths) and net migration (people moving into region minus those leaving). Migration-related growth is directly linked to jobs, in that people migrate to places where they can find employment. During the economic boom years of the late 1980's migration accounted for two-thirds of our population growth. As the region lost jobs during the early 1990's, fewer people moved here, population growth slowed, and a steadily larger portion of our growth was due to natural increase.

As of January 1, 1995, there were a total of 452,313 housing units in the City of San Diego. There were: 244,294 single-family units; 195,668 multi family units; 5,725 mobile homes; and 6,626 military units. Six percent (27,861 units) of the total housing units were vacant.

The region's population has been projected to grow to 3.8 million by 2015, with civilian employment of 1.5 million (Growth Management Forecast by SANDAG, Series 8, May 1995). This represents average growths of 1.7% and 1.1% per year, respectively, in population and employment. In allocating the forecast growth to the cities and communities of the region, the local jurisdictions and SANDAG found that implementation of the existing general plan would accommodate residential growth to around 3.3 million people which is forecast to be reached by 2005.

Local jurisdictions have been working with SANDAG to formulate a regional Growth Management Strategy to accommodate residential growth beyond 2005 and to meet quality of life objectives of improved transportation access, reduced congestion and improved air quality. The strategy, if adopted and implemented by the local governments would substantially reduce pressure to convert lands that currently support natural habitats to lands that would be developed to urban uses. Some of the measures of the strategy include focusing growth around major transit services, providing mixed-use districts as community centers and locating residences within major employment centers.

BIOLOGICAL RESOURCES

The San Diego region has one of the most biologically diverse environments in the continental United States, supporting a variety of species and habitat types. This is partially due to the region's varied topography, climate, and soils. This region supports many types of environments and areas such as deserts, coasts, mountains, and maritime communities. Each of these areas supports a unique assemblage of plant and animal species. There are roughly 1,700 plants, 80 mammals, 435 birds, 75 reptiles and amphibians, 125 butterflies and over 10,000 terrestrial and aquatic invertebrates in the region.

The growth in the San Diego region has had tremendous effects on the environment. In addition to destruction and loss of habitat and decline in the number of species, the region's remaining habitats have been fragmented, particularly in the coastal areas. Currently, over 200 plants and animals are of local concern due to declining populations. The region is faced with the challenges of balancing the need to protect natural resources and providing land required for future economic growth. Three subregional habitat conservation programs have been initiated to help promote ecologically sustainable development. They are the City of San Diego's Multiple Species Conservation Program (MSCP), the North County Multiple Habitat Conservation Program (MHCP), and the County of San Diego Multiple Habitat Conservation and Open Space Program (MHCOS).

Almost 41% of the area within the western region is already devoid of natural habitats. Of that 41%, 28% of it is already developed, 10% is in agricultural production, and an additional 3% of the area is so disturbed that the original habitat cannot be identified. Fifty-nine percent remains covered by natural habitats.

HISTORICAL RESOURCES

The San Diego region has a diverse cultural background. The earliest known human occupation was about 10,000 years ago. Prehistoric cultures were nomadic hunters and gatherers. Some of the cultures migrated between the mountains and the coast on a seasonal basis, generally using the major drainageways as travel corridors. Shellfish and plant foods from riparian areas were gathered in the coastal regions. Projectile points that have been found indicate that early cultures hunted to provide materials for food and clothing. There are many questions about the

prehistoric cultures including determinations about changes in modes of subsistence and the relationship of coastal cultures to the inland cultures.

There are three historic periods in San Diego history. The historic periods refer to the time after Spanish colonization and include the study of non-indigenous cultures. The Spanish Period was from 1769 to 1822. The Mexican Period was from AD 1822 to 1846, and the American Period was from AD 1846 to the present.

San Diego is a city that is rich with history. Since 1977, seventeen surveys have been performed, identifying 2,036 properties as potentially historic. However, the actual number of properties is considerably less due to multiple listings. The areas of Grant Hill and Sherman Heights areas are designated in their entirety as historic districts. There are a large amount of identified properties in the communities of Uptown and Golden Hill. Many measures have been taken to help preserve these historical sites.

San Diego's built environment reflects over 200 years of architectural history. Examples of every major period and style remain, although few areas retain neighborhood-level architectural integrity due to several major building booms when older structures were demolished prior to preservation movements.

TOPOGRAPHY/ DRAINAGE SYSTEMS

Geographically, the metropolitan area consists of a complex topographic succession: a broad stream-dissected coastal plain extending from the Pacific Ocean about 10 to 15 miles inland to foothills which provide a transition to the mountain and valley relief of the eastern county.

The coastal plains are characterized by several extensive terraces or mesas that extend from the interior foothills and mountains to near the coast. In the northern part of the city, Del Mar Mesa extends from the San Dieguito River Valley to Los Peñasquitos Canyon and includes the coastal mesas in the Torrey Pines and La Jolla area. Kearny Mesa is a large terrace that is roughly bounded by Interstate 15 on the east, Mission Valley on the south, Interstate 5 on the west and Clairemont and Serra Mesas as well. Although most of the mesas have been developed, there are still large areas of undeveloped lands on or near N.A.S. Miramar. South of the San Diego River, the Mid-City communities, Southeast San Diego, and Skyline-Paradise Hills have developed on the large mesa that extends between Mission Valley and the Sweetwater River. Otay Mesa extends from the Otay River valley south to the U.S.-Mexico border, and from the western base of the San Ysidro Mountains west to the Tijuana Estuary.

Areas within the City contain portions of several drainage basins. The surface streams in the region are predominantly intermittent, flowing only during periods of high rainfall. Much of the area is steeply sloped, leading to potentially high rainfall runoff rates and flood hazards as well as landslide hazards.

In the northern portion of the City, the San Pasqual Valley is broad alluvial floodplain located east of Lake Hodges. West of Lake Hodges, the San Dieguito River Valley widens progressively until it opens into the San Dieguito Lagoon. To the south, Carmel Valley, Poway Creek, and Los Peñasquitos Creek carry water from the foothills and coastal terraces into Los Peñasquitos Lagoon.

The San Clemente and Rose Creeks originate in the foothills south of the City of Poway and receive runoff from those areas as well as draining Kearny and Clairemont mesas. These canyons are characterized by well-drained valley floors bordered by steep slopes to the south.

The San Diego River has its headwaters in the Cuyamaca Mountains. The river is constricted into a deep gorge (Mission Gorge) near Cowles Mountain, then flows through a broad valley (Mission Valley) before emptying into the ocean just south of Mission Bay.

The Otay River is the major drainage system west of the Lower Otay Reservoir. The Otay River drains the Jamul and San Ysidro Mountains, as well as Otay Mesa, west to the South San Diego Bay.

The Tijuana River Valley is the southernmost major drainage in the area. It is characterized by a broad alluvial floodplain bordered by steep canyon walls where it dissects the San Ysidro Mountains and Otay Mesa. Nearer the coast, in the City of San Diego, the floodplain widens and the valley opens in to the Tijuana Estuary. Steep hillsides border the estuary to the south along the U.S. - Mexico border; the land to the north is primarily flat coastal lowland.

Along the coastline the relief varies from flat, low-lying areas to coastal bluffs that range from 60 to 100 feet above mean sea level. The lowlands are bays, lagoons, and estuaries as well as coastal dunes. The major estuarine systems, San Dieguito Lagoon, Los Peñasquitos Lagoon, and the Tijuana Estuary, occur at the mouths of several of the major east-west drainages. Estuarine wetlands were probably also present at the mouths of the other major drainages prior to urban and industrial expansion in those areas.

CLIMATE

The climate is a Mediterranean-type, characterized by moderate temperatures. On average the sun shines seven out of ten days. Climatic zones closely correspond to topography, and the interaction of topographic/geologic and climatic systems has resulted in a broad range of soil types occurring within the region which in turn supports many vegetation associations. Human activities have modified many of these plant communities and replaced native vegetation with agriculture and urban development in many areas. The surviving native vegetation types provide habitat for a wide range of wildlife and plants including some threatened and endangered species.

MODERN CULTURAL FEATURES

The City of San Diego is famous for its distinct cultural features. There are several institutions of higher learning, including San Diego State University, University of San Diego, and University of California at San Diego. Tourists from all over the nation come to see the museums of Balboa Park, and to visit the San Diego Zoo.

PLANNING AND REGULATORY CONTEXT

GENERAL PLAN AND TIERS

The City of San Diego Progress Guide and General Plan was adopted by the City Council on February 26, 1979. It was amended on October 1, 1990 to include Guidelines for Future Development. It was amended again on October 1, 1992 to incorporate the Environmental Tier.

The General Plan may be considered a public document embodying a realistic appraisal of where we are as a City; a careful determination of where we want to go; and a forthright program for getting there. (City of San Diego Progress Guide and General Plan, (June, 1989) In legal terms, the General Plan is defined in State Planning and Zoning Law as ". . . a comprehensive, long-term . . . plan for the physical development of the . . . city and of any land outside its boundaries. . . which bears relation to its planning." (Government Code, sec. 65300) This plan "shall consist of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals." (Government Code, sec. 65302)

The City's General Plan includes the following elements:

Housing Element. This element consists of standards and plan for the improvement of housing and for the provision of adequate sites for housing. It provides for the housing needs of all economic segments of the community through a Fair Share Allocation Plan.

Transportation Element. This element combines the statutorily required elements of Noise, Circulation and Scenic Highways. It provides a framework for developing a comprehensive and coordinated system for the movement of people and goods. In addition, this element provides standards for land use compatibility in relation to vehicular noise.

Commercial Element. This element guides the location, timing and quality of future commercial development in new and built-up areas of the City.

Industrial Element. This element establishes the goals, standards and recommendations for San Diego's industrial development, in recognition of the fact that the land allocations needed for industry are preceded in importance only by the allocations for conservation and open space.

Public Facilities, Services, and Safety. This element provides for publicly-managed services such as police protection, fire protection, sanitation and flood control. In addition, it provides for facilities such as schools and libraries.

Open Space Element. This element guides the City in making plans for the preservation of open space, for the conservation of natural resources, for the managed production of resources, for outdoor recreation, and for public health and safety.

Recreation Element. This element guides the City in developing standards for public recreational facilities, including population-based parks, resource-based parks and facilities such as sports fields and concourses.

Redevelopment Element. This element provides guidance for restoration of property to a condition of physical, social and economic vitality. The concept of redevelopment emphasizes conservation and rehabilitation with selective clearing of existing development.

Conservation Element. This element provides for the conservation, development and utilization of natural resources including water, forests, soil, agriculture, rivers, wildlife, minerals and other natural resources.

Energy Conservation Element. Through this element the City recognizes its potential impact and influence on energy consumption patterns. The City's policies concerning air quality, growth,

transportation, and residential densities affect energy consumption. This element documents local supply and demand, utilization and conservation, as well as alternative energy sources such as solid waste conversion.

Cultural Resources Management. Through this element the City develops an inventory of cultural resources and creates a comprehensive program for historic and archaeological preservation.

Seismic Safety. This element consists of identification and appraisal of seismic hazards such as susceptibility to surface ruptures or to the effects of seismically induced waves such as tsunamis. The seismic safety element also includes an appraisal of mudslides, landslides and slope stability as geologic hazards that must be considered simultaneously with other hazards.

Urban Design Element. This element deals with the preservation, rehabilitation and re-use of existing man-made facilities as well as the integration of new development with the natural landscape or within the framework of an existing community, with minimum impacts on that community's physical and social assets.

The program for guiding City growth recommends the division of the City into planning areas, or tiers, which for reference purposes have been designated the Urbanized, Planned Urbanizing, Future Urbanizing, and Environmental Tiers.

The Urbanized tier is the denser, mostly built-out communities where the strongest development opportunities are for redevelopment. These redevelopment project areas include: San Diego City College Area; the Centre City Redevelopment Project Area which encompasses the Centre City, Gaslamp and Marina Planned Districts; Dells Industrial Park; Linda Vista Community; and the Market Street Industrial Park area.

The Planned Urbanizing tier is the newly developing communities where land has been opened for urbanization in a staged, usually contiguous manner through the orderly extension of public facilities and the provision of housing for a variety of income levels. The Planned Urbanized communities are generally located in the north city area and along the Interstate 15 corridor.

The Future Urbanizing tier includes land which is presently primarily vacant and for the most part zoned for agriculture. This land has been held as "urban reserves" with the intent that it will be released for development as the planned communities are built out or as opportunities to implement the balanced housing or land use goals of the City arise. There are five Future Urbanizing Areas in the City. A sixth FUA, the Naval Training Center in the Midway area, was shifted to Planned Urbanizing by a vote of the people in March 1996. The other five are: the North City FUA, described above; the Beeler Canyon FUA located northeast of N.A.S. Miramar; the southern portion of the Peninsula Community; the Tijuana River Valley in the southwesternmost part of the City; and the San Pasqual Valley area in the northeasternmost part of the City. For the most part, these areas are within the A-1-10 zone which has been used as a "holding" zone or urban reserve. Phase shifting from Future Urbanizing to Planned Urbanizing requires voter approval because of Proposition A, a voter initiative effective August 1, 1984.

The largest of the Future Urbanizing Areas is the North City Future Urbanizing Area (NCFUA). NCFUA is a 12,000 acre irregularly-shaped area within the City, stretching from I-5 on the west almost to I-15 on the east, with Los Peñasquitos Canyon at the southernmost edge, and

Santa Fe Valley and Lake Hodges to the north.

The Environmental Tier was adopted in 1992 in order to identify important sensitive biological and cultural resources in the North City Future Urbanizing Area. The Environmental Tier is reflected with actual physical geographical boundaries, rather than reflecting a planning phase as are the other tiers.

COMMUNITY PLANS

The City has 39 community planning areas which provide more localized land use planning goals and policies. The community plans that are required for each community planning area, are consistent with the General Plan, but address the unique issues which challenge specific areas of the City. Each community plan provides long-range physical development guidelines which includes more specific land use designations and policies than does the General Plan. The community plan recommendations are, however, guidelines which cannot be implemented by the adoption of the plan alone. Concurrent with or subsequent to plan adoption, a series of implementation programs must be begun if the recommendations of the plan are to become a reality. Zoning controls, a public facilities financing plan, the Capital Improvements Program, and monitoring of new development projects by the community and the City are all methods of implementing community plans.

There are five characteristics of a community plan. First of all, a community plan must be comprehensive. The plan should address all aspects of community development such as transportation, commercial and industrial development, public facilities, image of the community and environmental issues. Secondly, the plan should make recommendations to guide long-range development. The plan must be based on not only what the community is today but what development factors will likely occur in the future. Thirdly, the community plan must address not only issues within the community, but also City-wide issues as they relate to the community. Another requirement, is that the plan must be a vision of the future. It is to guide the community toward the future, and anticipate what the changes will be. The community plan must also be implementable. The plan must identify what implementation methods are needed and must include recommendations for any new legislation which might be necessary to implement this plan.

The community plans and the general plan designate land uses and define policies to guide development in the City. In order to implement those comprehensive plans, the City has adopted a zone plan. The plan is a combination of written regulation found in Chapters 10 and 11 of the Municipal Code, and on maps that reflect the properties located in each zone. The following section describes the current zone plan for the City.

EXISTING ZONING

Like most other cities, the specified uses of San Diego are regulated, restricted, and segregated by zones. Parts of the City are designated different zones, and the uses within the zone are bound by certain regulations.

The City of San Diego is divided into many different zones. The single biggest one is an agricultural zone, A-1-10, occupying about 28% of the City. All of the residential zones combined, take up about 38% of the land. Of those areas within residential zones, only 61% has been developed. The remaining third of the land in San Diego, is either agricultural zones, industrial, commercial, floodway, open space, and a few other designations.

Underlying Zones

Underlying Zones limit, control, and/or guide development and uses in a particular zone. Overlay Zones are used in conjunction with these. They provide additional regulations that supplement the Underlying Zones, and are tailored to certain geographic areas.

A-1 Zones are agricultural, and the purpose is to provide appropriate zoning for areas that are presently in agricultural or open space use, or which are undeveloped and are either awaiting development or premature for development at urban intensities. The number following the designation of A-1, determines the number of acres of the minimum size. In Zone A-1-1, there is a minimum of one acre for each dwelling unit. In Zone A-1-5, there is to be a minimum of five acres for each dwelling unit, except in the case of Planned Residential Developments and Rural Cluster Developments within the FUAs. This applies to Zones A-1-10, A-1-20, and A-1-40 also. The A-1-10 designation is the predominant zone in many communities such as: Tijuana River Valley, Otay Mesa, the urban reserve (also known as Future Urbanizing Areas), San Pasqual Valley, and Miramar Ranch North. In the Fairbanks Country Club area, the dominant zone is A-1-1.

An **Open Space Zone (OS)** is designed to provide open space in the form of parks, historic, cultural, and natural resources. Typically, these zones have been applied to public lands only and to preserve natural spaces for scenic and visual enjoyment. There are different types of Open Space Zones such as OS-P, OS-R, and OS-OSP. These designations apply only to particular lands. In an Open Space Zone, no structure, or portion of a structure is to be erected, converted, constructed, established, altered, enlarged, or be used. There are some exceptions which are for one or more of the following purposes: parks, recreation centers, community centers, facilities for park and recreation purposes, public improvements, uses deemed similar in character by the Planning Commission, any use which doesn't degrade the quality of the lands, and single family dwellings (if they have been determined to be compatible with the individual Open Space plans). In Old San Diego, the designation of Open Space-Park (OS-P) is the predominant zone.

The purpose of the **Floodway Zone (FW)** is to regulate and control development in these areas. The flood hazard can be high in these places, and control of them are for the protection of the citizens. Currently, the Floodplain Fringe Zone, is not being applied to any part of the City of San Diego.

R1 Zones are designed to provide for areas of one-family residential development at varying levels of low and low-medium densities. There are minimum lot dimensions for this zone, which are correlated with the number following the R1 designation. A site zoned R1-5000, would be required to have a minimum 5,000 square foot lot. There shall also be no more than one dwelling per lot, with a minimum gross floor area of 650 square feet.

In the communities of San Ysidro, Otay Mesa-Nestor, Skyline-Paradise Hills, Peninsula, Southeast San Diego, Clairemont Mesa, Uptown, Linda Vista, Greater North Park, Rancho Peñasquitos, Rancho Bernardo, Serra Mesa, University, College Area, and Navajo, the R1-5000 Zone is predominant. Another dominant residential zone is R1-20000 in the La Jolla Community Plan area, occupying 1137 acres. The R1-6000 Zone is predominant in the Via de la Valle-Flower Hill area. The East Elliott Community is entirely within the R1-40,000 Zone.

Another residential designation is the **R Zone**, which is intended to provide for multiple family residential development at varying densities. The number of dwelling units permitted on any lot in this zone, is determined by dividing the area of the lot by the number of square feet required for each dwelling unit. Some of the communities with the greatest amount of multi-family residential zoning include San Ysidro (32% of the community), Greater Golden Hill (82% of the community), Ocean Beach (75 % of the community), and Sorrento Hills (31% of the community).

The **Residential Visitor Zone (RV)** is for relatively small scale hotel and motel developments and medium density, multiple-family residential developments which accommodate both short- and long-term visitors, and permanent apartment dwellers. This zone is intended to be located in close proximity to commercial zones which can meet the convenience and service needs of visitors and residents.

The **Commercial Parking Zone (CP)** is intended to provide off-street parking areas for cars on surface lots and in parking structures. Usually, this zone will be applied in conjunction with established commercial areas in order to provide needed or required off-street parking.

Providing for establishments catering to the lodging, dining and recreational needs of tourists and others, is accomplished through the **Commercial Recreation Zone (CR)**. This zone is usually placed adjacent to main tourist routes, interstate highways, major recreational areas, and important tourist attractions.

The **Commercial Office Zone (CO)** is primarily intended to provide for business and professional offices and certain allied services normally associated with such offices. It will usually be applied to encourage grouping of these office uses adjacent to such institutional facilities as hospitals, clinics and research complexes, or next to a major concentration of commercial activities.

Another commercial zone is the **Neighborhood Commercial Zone (CN)**. This zone is primarily intended to accommodate shopping areas that provide convenience goods and services for residential neighborhoods. The commercial activities in CN Zones must coexist with the surrounding residential land uses in an atmosphere of compatibility and restraint.

The **Commercial Visitor-service Zone (CV)** provides for establishments catering to the lodging, dining and shopping needs of visitors. It will usually be applied adjacent to major recreational resource areas and along major access routes leading to such areas. This zone is similar to the RV Zone, in that they are both designed to be visitor-serving. The difference, is that this zone satisfies commercial needs, while the RV Zone offers housing needs.

The **Community Commercial Zone (CC)** is to accommodate shopping areas which provide goods and services for residential areas in older, established communities. This zone is intended to provide standards and regulations which are designed to minimize conflicts between new and existing development.

A zone that accommodates community and regional shopping centers, which typically serve large areas of the city is the **Area Shopping Center - Restricted Residential Zone (CA-RR)**. This zone is intended to allow development of commercially zoned properties with typical commercial uses while permitting residential uses under special permit only. The purpose of the

CA-RR Zone is to ensure development of adequate commercial facilities to fulfill a need of the surrounding residential community. The Midway community is predominantly within this zone.

The focus of the **Area Shopping Center Zone (CA)** is to accommodate community and regional shopping centers, which typically serve large areas of the City. The protective standards contained in this zone seek to minimize any adverse effects of the center on nearby properties, and to provide for safe and efficient operation of the shopping centers themselves. Residential uses are permitted in this zone by right.

The **General Commercial Zone (C)** is primarily intended to accommodate establishments providing a full range of consumer goods and services. This zone also permits wholesaling and warehousing activities on a limited scale. The C Zone is adaptable to older commercial centers as well as to strip commercial developments. Residential uses are allowed in this zone, provided they comply with the R-1500 zone requirement of one dwelling unit per 1,500 square feet of lot area. Development exceeding this limit may still be permitted according to the Planned Commercial Development Permit Process.

The **Central Business Zone (CBD)** was created to accommodate establishments providing a full range of consumer goods and services. In addition, the zone permits high density residential development with reduced parking regulations to encourage a mixture of residential and commercial uses within the CBD Zone. According to recent zone mapping conducted by the Development Services Department, this zone has not been applied to any land in the City.

The zone that provides areas for scientific research and administration, for limited manufacturing of related products, and uses the Planning Commission determines similar or compatible to these uses is called the **Scientific Research Zone (SR)**. Some examples of these uses are research laboratories, supporting facilities, headquarters or administrative offices and personal accommodations, and related manufacturing activities.

The purpose of the **Manufacturing-Light Industrial Zone (M-LI)** is to provide land for a wide range of manufacturing uses and a limited range of certain other uses compatible to manufacturing development. It is the intent of this zone to ensure efficient manufacturing land use through the provision of minimum standards of development and parcel size. The zone precludes commercial, wholesale distribution, warehousing, service and certain office uses, and other non-industrial uses.

The **Manufacturing-Industrial Park Zone (M-IP)** is intended for industrial parks. Restrictions on permitted uses, property development and off-street parking regulations and the performance standards of the zone are intended to insure high quality of industrial development. This zone will normally be applied to areas that are at least fifty acres under one or more ownerships. Such areas will generally adjoin freeways or other major vehicular thoroughfares.

Light industrial uses and certain "heavy" commercial uses, such as lumber yards, which are not uses commonly found in shopping centers are permitted in the **M-1B Zone**. The standards and regulations in this zone are designed to permit the development and uses of property within the zone in a manner consistent with efficient industrial operations, while providing proper safety to the adjoining industrial and non-industrial property and the community in general. Kearny Mesa is predominantly within this zone.

The **Manufacturing-Small Industry Zone (M-SI)** is for small and medium sized industrial developments. Currently, this zone is not being applied anywhere in the City of San Diego.

In an **M-2 Zone**, buildings and land may be used for any purposes as long as it is not in conflict with any ordinance of the City of San Diego regulating nuisances.

The following table shows the approximate amount of developed and undeveloped acreage in each underlying zone in the City of San Diego.

ZONE	ACREAGE	DEVELOPED
A-1-10	8469.2	YES
	45995.6	NO
A1-1	1491.6	YES
	1224	NO
A1-5	47.4	YES
	272.7	NO
C	313.5	YES
	84.3	NO
C-1	451.4	YES
	54.2	NO
CA	1338.7	YES
	324	NO
CA-RR	189.3	YES
	79.6	NO
CC	20.3	YES
	42.2	NO
CN	237	YES
	87.2	NO
CO	294.2	YES
	136	NO
CP	7.5	YES
	7.6	NO
CR	196.1	YES

ZONE	ACREAGE	DEVELOPED
	37.8	NO
CSX	87.1	YES
	22.2	NO
CV	14.2	YES
	8	NO
FC	171.3	NO
FW	563.4	YES
	1364.9	NO
M-1	94.2	YES
	520.7	NO
M-1A	2080.5	YES
	2033.3	YES
Mb	3289.6	YES
	1329.4	NO
M-2	17.8	YES
	294.4	NO
M-2A	60.6	YES
	582.5	NO
M-IP	899.5	YES
	1001.4	NO
M-LI	115	YES
	101.1	NO
OS-OSP	.62	YES
	563.2	NO
OS-P	542.8	YES
	291.3	NO
OS-R	1080.1	YES
	1522.3	NO
R-1000	1158.9	YES

ZONE	ACREAGE	DEVELOPED
R-1000	201.9	NO
R-1500	1621.7	YES
	530.5	NO
R-1750	219.6	YES
	36.3	NO
R-2000	89.8	YES
	64.5	NO
R-2500	32.7	YES
	17.8	NO
R-3000	3648	YES
	833.8	NO
R-400	19.5	YES
	248.6	NO
R-600	134.7	YES
	15.5	NO
R1-10000	1486.2	YES
	554.8	NO
R1-15000	132.8	YES
	358.6	NO
R1-20000	1252.8	YES
	884.2	NO
R1-40000	1977.5	YES
	16895.9	NO
R1-5000	30913.6	YES
	7295.4	NO
R1-6000	971.8	YES
	614.4	NO
R1-8000	364.4	YES
	137.5	NO

ZONE	ACREAGE	DEVELOPED
RV	17	YES
	.5	NO
SR	414.6	YES
	569.2	NO
TIDELAND	1095.5	YES
	505.6	NO
UNZONED	2767.3	YES
	3829.7	NO

Overlay Zones

There are ten Overlay Zones in San Diego. The **Airport Environs Overlay Zone** may be applied to any property lying within an area determined to be affected by airport operations. The permitted uses of this area include all uses permitted by the underlying zone or by Conditional Use Permit, or by a special permit. However, this excludes uses which are incompatible with the noise/land use compatibility matrix or accident potential zone/land use compatibility matrix of the Comprehensive Land Use Plan.

The purpose of the **Airport Approach Overlay Zone** is to establish a procedure designed to ensure that before a building permit is issued within the overlay zone, certain requirements are met. The obstruction evaluation programs of the Federal Aviation Act of 1958 and when applicable, the provisions of California Public Utilities Code Section 21659 are to be satisfied. The San Diego Unified Port District is to be given the opportunity to participate in the evaluation process conducted by the Federal Aviation Administration and the California Department of Transportation. Lastly, minimum vertical buffers are to be provided between FAA designated air corridors and structures constructed within the airport approach overlay zones. The only buildings, structures, and uses are those permitted by the underlying zone, any approved discretionary permit, and any overlay zone which may be on the property. These shall be subject to the provisions of this overlay zone. Any buildings, structures, and uses not exceeding thirty feet in height shall be exempt from the procedures of this overlay zone, except that area located west of Interstate 5, north of Ivy Street, and south of Nutmeg Street, where no buildings, structures, or uses shall be exempt.

The **Hillside Review Overlay Zone (H.R.)** was created to provide supplementary development regulations to underlying zones to assure that development occurs in such a manner as to protect the following:

1. The natural and topographic character and identity of these areas;
2. Environmental resources;
3. The aesthetic qualities and restorative value of lands; and
4. The public health, safety and general welfare by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring.

The intent of the zone is to encourage a sensitive form of development which complements the natural and visual character of the City. Where it is applied, the zone covers slopes with a natural gradient in excess of twenty-five percent (twenty-five feet of vertical distance for each one-hundred feet of horizontal distance) and a minimum elevation differential of fifty feet.

The **Small Lot Overlay Zone (SL)** provides for the diversity of design in small-lot residential development.

The **Community Plan Implementation Overlay Zone (CPIOZ)** provide supplemental development regulations to the underlying zone, to assure that development occurs in a manner

consistent with adopted Community Plans and with the guidelines and standards, which relate to the properties over which this zone is applied. In order for the zone to be applied, either:

1. The site is designated in the community plan as being subject to specific development design standards and the site is within an area designated in the community plan as needing specific implementing administrative action; or
2. The site is within an area as designated by the community plan as requiring a Planned Development Permit and where the issues to be address through the permit process are identified.

CPIOZ is applied to the following areas:

1. Clairemont Mesa Community: areas on Clairemont Mesa Boulevard, Genesee Avenue, and Clairemont Drive;
2. College area: a few areas near San Diego State University;
3. Linda Vista Community: along Linda Vista Road, and an area bounded by Interstate 5, Friars Road, and Tecolote Road;
4. Centre City: on California Street and Kettner Boulevard;
5. Navajo Community: along Mission Gorge Road and Friars Road;
6. Pacific Beach: along Mission Boulevard and the coast;
7. Peninsula Community: along Rosecrans Street and Nimitz Boulevard;
8. Rancho Bernardo Community: next to Interstate 5, along Rancho Bernardo and Bernardo Center Drive;
9. Rancho Penasquitos: one site on Penasquitos Drive;
10. University area: most of the area north of Rose Canyon; and
11. Uptown Community: east of Highway 163.

The **Pedestrian/Commercial Overlay Zone (PCOZ)** is intended to provide the means to accomplish three goals:

1. To implement pedestrian oriented commercial districts as proposed in adopted community plans;
2. To preserve and encourage a compact and continuous pedestrian environment in selected commercial areas by creating street frontage conditions conducive to a pleasurable walking experience; and
3. To establish criteria and standards for the location and development of new buildings, and for the location of parking vehicular access in a way that minimizes disruption of pedestrian continuity.

The Pedestrian/Commercial Overlay Zone may be applied to any commercially zoned property in the City which is designated for pedestrian-oriented uses in adopted community plans. Only those property frontages abutting a pedestrian-oriented street are subject to the requirements of this Overlay Zone. The PCOZ has been applied to several areas of the City.

It is the purpose of the **Institutional Overlay Zone** to preserve and enhance areas for institutional land uses until it is determined through a General Plan and/or Community Plan amendment and a rezone that the appropriate long term use of the site is not institutional in nature.

The **Single-family Rental Overlay Zone** was created to provide regulations which insure a safe and adequate living habitat for residents of single-family neighborhoods, where a predominant portion of the homes are rental properties. The overlay zone is intended for application to specific areas of the city where nuisance problems have been identified. These nuisance problems include inadequate on-site and public street parking, excessive noise, litter and lack of adequate maintenance. It is the intent of the overlay zone to reduce the nuisance problems derived from overcrowding by mandating certain property development regulations on single-family detached dwellings where the unit or rooms may be rented. Development regulations require the following:

1. That each dwelling unit have at least one room with a minimum of 150 square feet of floor area;
2. There is a minimum on-site parking requirement for the R-1 Zones of one space per car used by the occupants, minus one, or whichever is greater; and
3. Only one curb cut in the front yard of each dwelling unit is permitted.

This Overlay Zone is applied to the San Diego State University area, and a few other places in the City. However, it is not currently being enforced.

The purpose and intent of the **Sensitive Coastal Resource Overlay Zone (SCR)** is:

1. To protect, maintain, and enhance the overall quality of the coastal zone environment and its natural resources;
2. To promote balanced utilization and conservation of coastal resources; and
3. To maximize public access to and along the shoreline consistent with sound resource conservation principles and the rights of private property owners.

More specifically, these regulations are designed to ensure that new development within this SCR Overlay Zone protects public beaches from erosion and adverse impacts on local shoreline sand supply, maintains the geologic integrity of the coastal bluffs, protects identified wetland areas, and provides for physical and visual public access to and along the shoreline.

Special Area Land Use Regulations

Coastal Zone

The Coastal Zone is a zone established by the State. To develop within the Coastal Zone, a Coastal Development Permit is required from either the City or the State, depending on the location of the site. In some areas, the City has received State Coastal Commission certification of a Local Coastal Program. Where the Coastal Commission has not relinquished control to the City, the Commission retains jurisdiction and makes development decisions.

The Local Coastal Program permits the City local control over protection of coastal areas. The Local Coastal Program is two elements: the land use plan policies and guidelines for development; and the implementing ordinances. The regulations relating to the issuance of Coastal Development Permits in the areas over which the City has jurisdiction are located in Chapter 10, Article 5, Division 2 of the existing Code. Within each zone, there may be additional development regulations that apply for properties when that zone is also in the Coastal Zone.

Resource Protection Ordinance

The purpose of this ordinance is to provide for the protection, preservation and restoration of environmentally sensitive lands. These lands include wetlands, wetland buffers, floodplains, hillsides, biologically sensitive lands and significant prehistoric and historic resources. The ordinance defines these protected resources and identifies types of land uses permitted in each of the areas. In addition, the ordinance provides limits on development encroachment into the sensitive resources.

There are certain areas of the City to which the Resource Protection Ordinance does not apply. Specifically, it does not apply in the Coastal Zone. In addition, there are community exclusions and permit exemptions for specific types of development. The ordinance includes methods for alternative compliance when strict application would result in unnecessary hardship to the applicant, or create conflicts with City Council policy, the General Plan or any community plan.

Zoning Modifications

City wide zoning may be modified in specific areas by two different methods. Planned Development Permits and the variance process allow flexibility in the regulations of citywide zones. In other words, a development project may require some flexibility in the regulations that would otherwise be required for citywide zones. The flexibility is permitted pursuant to the Planned Development Ordinance, and results in "tailored" zoning for the particular defined area of the project boundary. Planned Development Permits modify zoning regulations through a permit process on an individual project basis.

The second method by which citywide zoning may be modified is through Planned Districts. Planned Districts are created with special zones, policies, and regulations that apply to a delineated district or community. Generally, the district was established to address unique features or a particular planning purpose of that particular area. The special regulations pre-empt citywide zoning and create a "tailored" zone plan. Planned Districts are described below.

Planned Districts

The City has established Planned Districts which are defined geographic areas with special land use control measures which are different in some respect from the City-wide ordinances. These districts have been set up to achieve the following goals: preservation and enhancement of a neighborhood having special importance as historical areas or because of their being older established communities; or systematic implementation of a comprehensive plan for the phased growth of a substantially undeveloped area of the City. The current Code provides the types of development controls that may be enforced by a Planned District. (MC section 103.0101)

The purpose of the **Old Town San Diego Planned District** is to replicate, retain and enhance the distinctive character of the Old Town San Diego historic area that existed prior to 1871.

The goal of the **La Jolla Shores Planned District** is to protect property from deteriorating in value, to maintain the distinctive residential character, and to retain and enhance the open seascape orientation.

The **Gaslamp Quarter Planned District** was created to retain and enhance the distinctive architectural character that existed in downtown San Diego from 1880 to 1910. Businesses that can enhance this historic environment have been encouraged to locate in the Gaslamp Quarter.

Mission Beach Planned District provides restrictions on the construction or alteration of residential and commercial development related to the small-lot size and the urbanization pattern of the Mission Beach community. The intent is to implement the adopted Mission Beach Precise Plan.

The goal of the **Carmel Valley Planned District** is to establish distinctive development controls and requirements for capital improvements and public facilities needed to systematically implement the phased growth of Carmel Valley.

Golden Hill Planned District is southeast of Balboa Park, bounded by Interstate 15 on the west, and Highway 94 to the south. It was designed to ensure that the development and redevelopment of multi-family and commercial neighborhoods in the area will be accomplished in a manner that will preserve and enhance the community's diverse architectural, historical and cultural characteristics.

The **Barrio Logan Planned District** provides development criteria and urban design standards for the construction of quality residential, commercial, industrial, public and quasi-public developments related to the small lot configuration and the urbanization pattern of the area. This District is located on the bay, west of Interstate 5, and south of Centre City.

The first purpose of the **Mount Hope Planned District** is to allow for the integration of residences, commerce, industry and recreation. Another is to preserve and upgrade residential neighborhoods and to encourage the development of new retail and commercial uses. Mount Hope Planned District is in the Southeast San Diego Community, south of Mid-City, bounded by Interstate 805 to the east and Interstate 15 to the west.

The idea behind the **Otay Mesa Development District** is to create and promote the development of the City's largest and potentially most significant industrial area. The purpose of this District is to control the use, development intensity, and development design of a primarily industrial area which includes a large commercial subdistrict and a border station mixed use subdistrict. It intends to provide for a full range of industrial uses emphasizing base sector manufacturing and also including wholesaling and distribution, assembly operations, and necessary support services.

The **La Jolla Planned District** is within the boundaries of the La Jolla Community. The purpose of the planned district is to protect the unique character of La Jolla. The planned district ordinance includes the following goals: to maintain and encourage of diversified and balanced land use pattern including adequate levels of community retail services and residential development within the commercial areas while limiting additional office use; to encourage small lot development in keeping with the traditional rhythm and spacing of buildings along the major retail-oriented streets; the protection of historically and culturally significant structures; the preservation of traditionally diverse and harmonious architectural styles reflecting the community's history.

The **West Lewis Street Planned District** was created to maintain compatibility of the existing commercial strip with the surrounding single-family residential area while permitting flexible and feasible commercial development options. The focus of the District is to have new uses, new structures, and modifications to existing structures within this District complement the community

in terms of parking requirements, compatible use, and visual quality of buildings. This Planned District is located in the **Uptown Community**, on the north and south sides of Lewis Street between Stephens Street and Lark Street.

The goal of the **Cass Street Commercial Planned District** is to retain the existing mix of residential and commercial uses on Cass Street. It is also to provide for establishments catering to the lodging, dining, shopping and service needs of the adjacent single-family and multi-family residential neighborhoods with the inclusion of adequate parking facilities. This zone is intended to encourage a pedestrian-oriented scale and aesthetically pleasing environment that is compatible with the surrounding single-family and multi-family residential development. This District is located in the Pacific Beach Community.

The purpose of the **Mid-City Communities Planned District** is to assist in implementing the goals and objectives of the adopted community plans for older, developed communities. Additionally, the purpose of this District is to accommodate commercial establishments that provide a full range of consumer goods and services and which are of a scale and design that is compatible with surrounding and planned development. The intent of the alternating scheme of commercial zones is to provide high intensity, pedestrian-oriented development mixed in with multiple uses. The communities of College Area, Mid-City, Greater North Park, and Uptown are included in this District.

Providing development criteria for the construction or alteration of quality residential, commercial and industrial development is the purpose of the **Southeast San Diego Planned District**. The intent is to implement the Southeast San Diego Community Plan through the use of the applied urban design standards contained in this Planned District.

The purpose of the **Centre City Planned District** is to establish design and development criteria to implement the Centre City Community Plan. This District is intended to establish development standards that will:

1. Reinforce Centre City as the regional center for office, finance, government and cultural events;
2. Create neighborhoods with a residential emphasis;
3. Produce distinct mixed-use developments with the amenities and services necessary to support a vibrant urban center;
4. Maximize access, use and enjoyment of the waterfront;
5. Encourage gracefully designed buildings with sculptured, articulated building tops to achieve a more interesting and varied skyline; and
6. To provide a pedestrian environment.

The goal of the **Marina Planned District** is to establish development controls that will:

1. Create discrete neighborhoods;
2. Encourage new housing;
3. Conserve heritage buildings;
4. Permit mixed-use developments;
5. Provide opportunities for both large- and small- scale development;
6. Guide the location of high-rise development intensity and land use characteristics;
7. Establish strong linkages to the waterfront; and

8. To establish a strong sense of pedestrian orientation at the street level.

The **Mission Valley Planned District** was established with the intent of insuring that development and redevelopment in Mission Valley will be accomplished in a manner that enhances and preserves sensitive resource areas; improves the vehicular, bicycle, pedestrian and public transit circulation network; and contributes to the aesthetic and functional well-being of the community.

Unzoned Areas

The city wide zone plan does not apply in all areas within the city's jurisdiction. There are areas with "tailored" zoning and no zoning. In addition, the future zoning in the Future Urbanizing Areas (FUA) is a specialized situation as discussed above.

Naval Air Station Miramar is entirely within the limits of the City of San Diego. Because it is federal property it is unzoned. It is the largest portion of open space in the City of San Diego. NAS Miramar covers nearly 24,000 acres and is thirteen miles north of downtown San Diego. Interstate 805 marks the western edge of the station, and Interstate 15 divides the station into west and east halves. It is bordered by the San Diego communities of University City, Clairemont, Mira Mesa, Tierrasanta, Kearny Mesa, Scripps Ranch, and the City of Santee.

III. PROJECT DESCRIPTION

INTRODUCTION

The preparation of the Land Development Code was initiated as part of the city's effort to simplify the development process. The Land Development Code is one of the tools used to implement the Progress Guide and General Plan and the community plans, which establish the pattern and intensity of land use throughout the city. Currently the planning, zoning, subdivision, and building regulations are scattered throughout several chapters of the Municipal Code. Additional requirements are contained in Council Policies and support documents, such as technical manuals and development guidelines.

The proposed project includes adoption of Chapters 11 through 14, separately known as the Land Development Code, into the Municipal Code as replacement for the current planning, zoning, building and subdivision regulations, with the exception of the Planned District Ordinances.

The proposed Land Development Code consolidates all development regulations into a sequence of four chapters of the Municipal Code. Technical manuals, standards and guidelines are being consolidated into a Land Development Manual. There would be seven discretionary permits under the proposed Code.

Planned District Ordinances are currently adopted and provide special zoning regulations for certain geographic areas of the city. The Planned Districts have not been substantively revised as part of the proposed project, and remain in Chapter 10 of the Municipal Code. Although these Ordinances remain in effect, where they refer to citywide zoning, subdivision, or building regulations, the new Chapters 11 through 14 would apply.

The following description of the proposed project focuses on the changes between existing regulations and proposed regulations. There are changes in substance, and changes in organization and format. The goals and objectives identified below were the driving forces behind the proposed changes.

GOALS AND OBJECTIVES

In reports to the City Council's Land Use and Housing Committee, the City Manager identified the overall goals of the Code Update:

Clarity:

To write land development regulations which are easy to understand

Objectivity:

To write land development regulations that mean the same thing to everyone

Consistency:

To eliminate contradictions among all land development regulations

Predictability:

To make it clear what land development regulations apply to a project and what to expect from following them

Simplicity:

To reduce the complexity of land development regulations

Adaptability:

To allow for tailoring of land development regulations to fit unique features of the City

Progressiveness:

To use new ideas while retaining the best of existing land development regulations

Integrity:

To develop a code framework which is standardized but which is flexible enough to accommodate future changes

DISCRETIONARY ACTIONS

The proposed project involves discretionary actions by both the City of San Diego City Council and the California Coastal Commission. The following discretionary actions would be required from the City of San Diego in conjunction with the proposed project.

1. ADOPTION of the Land Development Code to be incorporated as Chapters 12, 13, and 14 of the Municipal Code.
2. AMENDMENT and RE-ADOPTION of previously adopted Chapter 11.
3. REPEAL of certain chapters of the Municipal Code: all of Chapter 10, except for the Planned District Ordinances (sec. 103 et seq. which remains with amendments); portions of Chapters 2, 5, 6 and 9.
(See below.)
4. AMENDMENT of the non-conforming premises and use regulations and renaming to "previously conforming" premises and uses.
5. AMENDMENT of the Local Coastal Program ordinances and support documents.
6. MODIFICATION of existing Planning and Zoning support documents.
7. ADOPTION of new support documents.
8. AMENDMENT of zone regulations.
9. RE-ADOPTION of the Uniform Building Code (1994), the National Electric Code (1993), the Uniform Plumbing Code (1994), and the Uniform Mechanical Code (1994).

Full implementation of the proposed project would require certification of portions of the proposed code which is a modification to the Local Coastal Program.

Proposed Land Development Code and Land Development Manual

The proposed Code (November 1996) consists of revised Chapter 11, and new Chapters 12, 13 and 14. Chapter 11 is Land Development Procedures; Chapter 12 is Land Development Reviews; Chapter 13 is Zones; and Chapter 14 is General Regulations. Chapter 14 adopts by reference the regulations of the Uniform Building Code.

Chapter 11 includes the steps in processing land development permits; that is, the fees and deposits, the noticing, the public hearings and the decision making process for various permits.

In addition, the chapter includes definitions and the rules for calculations and measurements. These rules have been separated from the definitions of terms, and are located in a separate division. The method by which the location of the coastal bluff edge is determined would be included in the Land Development Code. This codification would assure consistency in determination of where the coastal bluff edge is located.

Chapter 12 includes information on the type of review that is required for the different types of projects and enforcement remedies when land development review requirements are violated. In addition, the chapter includes information on the adoption and amendment of land use plans and the local coastal program. Information on zoning and rezoning, the procedures for designation of historical resources, and subdivision procedures is also included. Requirements for processing the various development permits and construction permits are included in this chapter. Provisions for developing on previously conforming premises and for expansion of previously conforming uses are located in this chapter. In addition, Chapter 12 includes the City's procedures for implementing the California Environmental Quality Act.

The project proposes new and different development permit types from the existing Code and consolidates the construction permits. The proposed Code would have the following types of permits: Neighborhood Use Permit; Conditional Use Permit; Neighborhood Development Permit; Site Development Permit; Planned Development Permit. In addition, the project includes procedures for considering and granting variances. The following construction permits are proposed: Building, Electrical, Plumbing/Mechanical, Demolition, Right-of-Way Signs and Grading. Coastal Development Permits would continue to be required in certain circumstances in the appealable area of the Coastal Overlay Zone. However, there would be categorical exclusions to the requirement for a CDP that do not currently exist.

The proposed categorical exclusions from the requirement for a Coastal Development Permit include:

- (A) all development in the nonappealable area of the coastal zone;
- (B) demolition, in whole or in part, of a structure within the coastal zone;

Chapter 13 provides information on the proposed Base Zones and Overlay Zones. This information includes permitted uses and when a use requires a permit. The proposed Zone designations are different from the current designators. The proposed zone designation scheme is a 4-element system which groups zones by type (residential, industrial etc.), then combines a list of uses with a set of development regulations. Alternative combinations of uses and development regulations make up different zones.

Chapter 14 includes information on regulations for separately regulated uses. In addition there are citywide regulations that address various issues including: grading and drainage; fences and walls; landscaping; parking; outdoor storage; signs; refuse and recycling centers. The resource and supplemental development regulations provide guidance for development on environmentally sensitive lands, development where historical resources are present, and supplemental development regulations for Neighborhood and Site Development Permits. Subdivision, building, electrical, plumbing and mechanical regulations are also included in this chapter.

The proposed Land Development Manual contains guidelines which include supplemental information on applications, processing permits and development review; the Manual would not include development regulations. The Manual is not fully developed yet, and only certain portions would be approved with the project. Specific guidelines that would be included now are: Biology Guidelines, Coastal Bluffs and Beaches Guidelines, Historical Resources Guidelines, Landscape Guidelines and Steep Hillside Guidelines. Existing guidelines that are not being proposed for change will be included in the appendix of the Land Development Manual. Please refer to the subsequent section for additional information about the Land Development Manual (Page III-45).

Repeal of Regulations

Implementation of the proposed project would involve City Council repeal of sections of the current Code and the replacement of those revised provisions to new sections of the Code. The following shows the current location and the proposed location of those provisions that would be repealed. In the following discussion, the language "new provisions" means that existing provisions have been relocated and in some cases there may be modifications or revisions of the existing provisions.

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| Chapter 2- | Chapter 2, Article 6, Division 6 related to the Historical Sites Board would be repealed and related provisions would be found in Chapter 14, Article 3, Division 2. |
| Chapter 5- | Chapter 5, Article 4, sections 54.0120, 54.0120.1 through 54.0120.10 related to Excavation Permits would be repealed and new provisions relating to Grading Permits would be found in Chapter 12, Article 9, Division 6. |
| Chapter 5- | Chapter 5, Article 5, sections 55.0889.0201(p)(1) - (17) which are related to brush management around structures would be repealed and new provisions relating to brush management would be found in Chapter 14, Article 2, Division 4. |
| Chapter 6- | Chapter 6, Article 2, sections 62.0101 - 62.0116 related to Permits for Work in the Public Right-of-Way, sections 62.0201 - 62.0210 related to standards for public improvement work, sections 62.0301 - 62.0306 related to encroachments, sections 62.0401 - 62.0423 related to grading, section 62.0501 related to street benches, sections 62.0600 - 62.0616 and section 62.0801 related to street trees, and sections 62.1001 - 1013 related to newsracks would be repealed. Some of the provisions would be moved to new sections within Chapter 6, and new provisions relating to public improvements would be found in Chapter 12, Article 9 and in Chapter 14, Article 2. |
| Chapter 6- | Chapter 6, Article 9, related to the City's implementation of the California Environmental Quality Act would be repealed and new provisions would be found in Chapter 12, Article 8. |
| Chapter 9- | The sections of Chapter 9 related to the Uniform Building Code would be repealed and relocated to Chapter 14, Articles 5, 6 and 7. Construction Permit processes would be found in Chapter 12, Article 9. Specific |

Procedures for Abatement of Unsafe, Dangerous or Substandard Buildings or Structures would be found in Chapter 12, Article 1, Division 4.

Chapter 10- Chapter 10, Article 1 related to Zoning would be repealed; proposed Chapter 13 contains the new Zone Plan for the City including descriptions of Base Zones and Overlay Zones; proposed Chapter 12, Article 3 contains zoning and rezoning procedures; Zoning Use Certificate procedures would be in Chapter 12, Article 3, Division 3; citywide development regulations for specific types of development activities would be in Chapter 14, Article 2.

Chapter 10, Article 2 related to Subdivisions would be repealed; proposed Chapter 12, Article 5 contains map process procedures and proposed Chapter 14, Article 4 contains regulations pertaining to the design and improvement of subdivisions.

Chapter 10, Article 4 related to La Jolla Commercial and Industrial Sign Control District and the Ocean Beach Sign Enhancement District would mostly be repealed and new provisions relating to sign violations, sign permit procedures and sign uses as a separately regulated use would be located in: Chapter 12, Article 1, Division 5; Chapter 12, Article 9, Division 8; and Chapter 14, Article 1, Division 10. In addition, Chapter 14, Article 2, Division 12 would include citywide development regulations pertaining to signs.

Chapter 10, Article 5 related to Coastal Development Permits and the Los Penasquitos Watershed Fees would be repealed. Coastal Development Permit procedures and the Los Penasquitos Watershed Fee requirements would be located in Chapter 12, Article 6, Division 7; adoption and amendment of Local Coastal Programs would be found in Chapter 12, Article 2; the proposed Coastal Height Limit Overlay Zone is in Chapter 13, Article 2; Coastal Development Permit exclusions would be located in Chapter 12, Article 6; Coastal Zone affordable housing replacement regulations would be located in Chapter 14, Article 3, Division 8.

Chapter 10, sec. 101.0462 (Resource Protection Ordinance) and sec. 101.0454 (Hillside Review Overlay Zone), and sec. 101.0480 (Sensitive Coastal Resource Overlay Zone) would be repealed. The proposed Environmentally Sensitive Lands Regulations and the Historical Resources Regulations in Chapter 14 would address development where biological, historical and hillside resources are present.

Chapter 11- Chapter 11, Article 1 related to administration and procedures would be repealed and replaced in entirety with the proposed Code because of extensive changes in format and content.

Definitions Changes and Newly Defined Terms

As the Land Development Code project progressed over the course of time, many of the definitions of terms were revised and some new terms were added. The revisions in many cases were for syntax, grammar, plain language and clarification. Previously many definitions included

regulatory language. The proposed project removes regulatory language from definitions and puts regulatory language in regulations and restricts definitions to explanation of the particular term. Many terms are defined in several places in the current Code; the proposed project consolidates definitions into one section of the Code (Chapter 11, Article 2).

Some terms may have a plain language meaning and also be a term of art when used in a specific context. For those terms, in the proposed Code generally the term of art is defined and appears throughout the text in *italicized* letters.

Thus, many of the definitions changes would have no effect on the implementation of regulations. Some changes in definitions and some newly defined terms, however, could have an effect on what is regulated in the sense that a regulation may apply more broadly or narrowly depending on how the issue that is being regulated is defined. The changes in definitions that are described below are those that have been identified as potentially having an effect on the scope of regulation.

In addition to these modified definitions and newly defined terms which would be located in Chapter 11, definitions are located in other areas in the proposed Code. These would be specialized terms that apply in specific disciplines. For example, definitions relating to the Building Code would be in the Articles of Chapter 14 containing the City's building codes.

1. Development

The term "development" is defined in the proposed regulations. It applies to activities on both public and private property. The term is comprehensive to include construction, demolition, relocation, filling, excavation, and disturbance of any existing vegetation.

2. Gross Floor Area

The proposed definition is the total of the horizontal square footage of all existing, proposed, and phantom floors of a structure. Detailed regulations for calculation of gross floor area would be located with the Rules for Calculation and Measurement in Chapter 11, Article 3, Division 2. With the proposed regulations, there are some elements of a building that are not included in the calculation or are calculated differently so that less total floor area could be included as gross floor area. Therefore, even if the allowable floor area ratios do not change, a structure could be built bigger according to the proposed Code because there is less of the structure included as the basis for the ratio. The rules for calculation of gross floor area would be in Chapter 11, Article 3, Division 2.

3. Historical Resource

The current Resource Protection Ordinance defines "significant prehistoric and historic sites and resources" as locations of prehistoric or historic resources that possess unique cultural, scientific, religious or ethnic value of local, regional, state or federal importance. The more generalized term "historical resource" is used in the proposed project to be consistent with other local, state and federal nomenclature and includes each of the following defined terms: historical building, historical structure, historical object, important archaeological site, significant archaeological site, historical district, historical landscape, and traditional cultural property. The definition of each of these terms includes the concept of significance or importance of the resource.

4. Multiple Species Conservation Program Preserve

This area is all lands identified for biological resource preservation under the City's preserve plan. The MSCP preserve system would augment the currently fragmented, project-by-project biological mitigation efforts, which by themselves do not contribute adequately to the continued existence of sensitive species or to maintenance of natural biodiversity.

5. Previously Conforming

This is the proposed term to apply to circumstances that used to be referred to as non-conforming. It is the situation where a use, structure, or premises complies with all applicable state and local laws when it was first built or came into existence, but was later not in conformance with regulations because the regulations or zone changed. The purpose in changing the term is to use a term that is a more accurate representation of the situation.

6. Sensitive Biological Resources

The current Resource Protection Ordinance defines "Biologically Sensitive Lands"; that definition includes sensitive vegetation communities and sensitive species. The proposed project includes a definition of "Sensitive Biological Resources". The term applies to upland and/or wetland areas that meet certain criteria. In addition, all wetlands are sensitive biological resources and all lands that are within the MSCP preserve are sensitive biological resources. The term has not been previously used and prior regulations did not include the MSCP preserve.

7. Steep Hillside

The current Code applies specific protections and development regulations for hillsides, landforms that exceed two criteria: have a gradient steeper than 25 percent and are at least 50 feet high. The proposed Code would continue to regulate steep hillside landforms that are now regulated, and in addition would apply special protections and development regulations for landforms that exceed two additional criteria: have a gradient of 200 percent or steeper, and are at least 10 feet high.

8. Substantial Conformance

This term is not defined according to the current Code. The proposed Code defines it as the circumstance under which a revision to a previously approved project complies with the objectives and conditions of the prior issued permit or map.

9. Wetlands

The current definition is located in MC sec.101.0462, the Resource Protection Ordinance. To be considered a wetland within this definition, the area must have one or more of the following characteristics:

- a. at least periodically, the land supports a predominance of hydrophytes;
- b. the substrate meets criteria for hydric soils, including aquic soils, as described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" (January 1989);
- c. the substrate is saturated with water or covered by shallow water at some time during the growing season of each year, or if the hydrologic conditions meet the criteria in the above referenced federal manual.

The proposed Code defines wetlands in Chapter 11, Article 3, Division 1. To be considered a wetland within this definition, the area must have all of the following characteristics, except in

the case of vernal pools or naturally formed streams with intermittent flow which may be considered a wetland if the area contains one or more of the following:

- a. at least periodically, the land supports a predominance of hydrophytes;
- b. the substrate meets the criteria of hydric soils, including aquatic soils, as described in the above referenced federal manual;
- c. the substrate is saturated with water or covered by shallow water at some time during the growing season of each year, as described in the above referenced federal manual.

The proposed definition imposes a higher standard in order for a land to be subject to jurisdiction by the City of San Diego as a wetland; therefore fewer areas would be designated as wetlands with the proposed definition than with the current definition.

Procedural Changes

Revisions to Use Regulations

Currently conditional uses are treated in the Code in three ways:

- a. Permitted in almost every zone, only by conditional use permit (CUP).
- b. Permitted by right in some zones, by CUP in others, and not permitted in some zones or areas of the City.
- c. Permitted only in a few zones, only by CUP.

Currently, all CUPs are granted through Process 3, 4, or 5. Typically development criteria are not included in the CUP ordinance. However there are circumstances under which some conditional uses include no development criteria or guidelines; in other situations there are very detailed regulations and sometimes regulations are included in guidelines.

Development regulations have been added to the Code for each proposed conditional use. None of the uses that are currently permitted by CUP only would be permitted "by-right" in all zones according to the proposed Code.

The regulations for accessory uses would be changed so that uses not permitted by right as a primary use may be permitted as an accessory use. Even as an accessory use, the use would be subject to all regulations as if it were a primary use.

Revision to Decision Process 2

Currently Process 2 is ministerial and consists of an initial staff decision with no public hearing and an appeal which is a second staff decision with no public hearing. There is no environmental review for projects in this process.

The proposed Process 2 would retain the initial staff decision, made after full public notice, and if appealed there would be public notice of the appeal hearing. Decisions made according to the proposed Process 2 are discretionary and therefore would be subject to environmental review.

Revisions to Types of Permits

Currently there are more than 80 different permits for developing private property in the City of San Diego. The proposed project would organize the current permits into two general categories, ministerial Construction Permits and discretionary Development Permits.

The 45 current discretionary permits would be consolidated into six development-related permits and the variance:

- a. Neighborhood Use Permits
- b. Conditional Use Permits
- c. Neighborhood Development Permits
- d. Site Development Permits
- e. Planned Development Permits
- f. Coastal Development Permits
- g. Variances

"Use Permits" and "Development Permits" are both within the category of Development Permits. Site Development Permits are distinguished from Planned Development Permits on the basis that each is applied under different circumstances and to achieve separate purposes. The Neighborhood and Site Development Permits would be used when a discretionary permit is required by the City for specific reasons as identified throughout the proposed Code. These permits would require conformance with the underlying base zone and supplemental development regulations. Discretionary review would be limited under these two permits.

Currently, a community plan consistency evaluation would include an evaluation of land use and design consistency. With the proposed Code, the review for Neighborhood and Site Development Permits would be limited to an evaluation of land use consistency with no review of the project's consistency with community plan design guidelines. However, community plan development guidelines have been incorporated into various aspects of regulations in base zones and in Chapter 14.

The Planned Development Permit could be initiated by an applicant when the proposed project would deviate from the applicable regulations. Deviations from the base zone regulations may be requested and thus, a project would be subject to full discretionary review. The full discretionary review would include assessment of a project's consistency not just with the land use designation of the community plan, but also with the design guidelines and criteria of the applicable plan.

Revisions to Permits for Companion Unit and Guest Quarters

Currently Companion Units and Guest Quarters require a Process 3 Conditional Use Permit in all cases. A companion unit is a separate dwelling unit (permitted to have a kitchen) that can be rented or leased separately, but may not be sold separately from the main unit on the premises; a guest quarters (does not contain a kitchen) is attached or detached supplemental living space to be used exclusively by occupants of the primary dwelling. Currently, conditional use permits for companion units are prohibited unless the citywide average rental vacancy rate is below 5 percent; in addition, companion units are prohibited in the Coastal Zone.

The proposed Code would not relate the issuance of companion unit permits to rental vacancy rates. The proposed Code does not contain a prohibition for companion units in the Coastal Zone. Companion units would continue to be reviewed according to Process 3. Guest quarters would be reviewed according to Process 2.

Revisions to Implementations Procedures for CEQA and the State CEQA Guidelines

These implementation procedures have been reformatted and expanded to include mandatory language as required by the California Environmental Quality Act and to delete policy language.

The Development Services Director is responsible for determinations of exemptions and appropriate environmental documents consistent with CEQA and for preparation of environmental documents. Procedures for use of a previously certified environmental document, NEPA document, or joint CEQA-NEPA document have been added. Noticing requirements consistent with CEQA have also been added. The procedures for preparation of Findings and Statement of Overriding Considerations have been deleted. The requirement for adoptions of Findings and Statement of Overriding Considerations consistent with CEQA has been retained.

Revisions to Discretionary Land Development Review

1. Conditional Use Permit Process Level Changes

Ten uses are proposed for a reduction in the decision level in certain zones. The decision making process levels are proposed as follows:

- three uses (automobile service stations, guest quarters, and tandem parking) are proposed to be reduced from Process 3 to Process 2;
- five uses (miniature golf courses, communications antennae, mobile homes for watchmen, scientific research and development testing laboratories and facilities, and tennis court lighting) are proposed to be reduced from Processes 3 and 4 to Process 1 [Process 1 is non-discretionary.];
- two uses (flea markets and historic site uses) are proposed to be reduced from Processes 4 and 5 to Process 3.

2. Resource Protection, Hillside Review and Sensitive Coastal Resource Process Level Changes

Currently, a Resource Protection Ordinance permit is a Process 4 level decision, a Hillside Review Overlay Zone permit is a Process 3 level decision and a Sensitive Coastal Resource Overlay Zone permit is a Process 4 level decision. The Land Development Code proposes Process 2, 3 and 4 decisions depending on the resources present, type of development proposed, and level of impact to historical resources and environmentally sensitive lands. In addition, the applicability of resource regulations has been modified.

Previously Conforming Use Provisions

In the current regulations, previously conforming use situations are dealt with in a variety of ways; some situations allow improvement by right, some by variance, and some are not allowed at all. Applications for improvement or expansion of previously conforming uses are processed by: Process 1; by variance procedures; and some are not considered at all.

Process 1 currently applies in the following situations:

- previously conforming structures that do not increase the degree of non-conformity and are less than 50 percent of fair market value of the structure.
- total reconstruction of a previously conforming structure.
- a previously conforming use being replaced with another previously conforming use considered "equal or lesser" in intensity.

Variance procedures currently apply in the following situations:

- repairs and alterations of a previously conforming structure if the improvements are in excess of 50 percent of fair market value.
- proposed expansion of an existing structure that is previously conforming in its structural envelope and conforming with current use and density regulations.

The following situations are currently not allowed:

- expansion of a previously conforming use
- resumption of a previously conforming use which has been abandoned for more than two years.

The term "nonconforming" is being changed to "previously conforming" to clarify that the processes only apply to situations that are legal, where the City changed the rules, and that are not the fault of the property owner or applicant.

The proposed project would modify the existing rules in the following ways:

Where reconstruction of structures involving previously conforming non-residential uses exceeds 50 percent of fair market value, a Neighborhood Development Permit decided by Process 2 would be required.

Replacement of one previously conforming use with another would be limited to uses within the same use subcategory, rather than evaluating the change according to the intensity of use.

Expansion of an existing structure would be allowed as long as the new construction conforms with all current development regulations. Such expansion would be subject to the Process 1 decision process.

Expansion of up to 20 percent of the gross floor area of the existing structure related to a previously conforming use would be permitted if approved through the Process 2 Neighborhood Development Permit, decided by Process 2.

The proposed project could allow resumption of previously conforming uses that had been abandoned for more than two years with a Neighborhood Development Permit decided by Process 2.

Zone Changes

The proposed Code includes changes to existing citywide zones. These include zone name changes, changes to permitted uses, and changes to development regulations. There would be zone amendments that would occur if the City Council adopts the proposed code changes. The type of amendments that would occur include across-the-board name changes, technical rezones (due to changes in the development regulations), and repeals. There are several new zones that are created to implement existing land use policy; however, these new zones would not be applied until: requested by a property owner; proposed as part of a land use plan adoption process; or as part of land use plan consistency rezoning. This project would only result in the creation of new zones, but would not result in the implementation of these new zones. The analysis of potential environmental impacts would occur in the future when the zones

are proposed for application on a particular property. Future environmental analysis will be required when particular properties are rezoned to apply newly created zones.

Rezones, Zone Amendments and New Zones

1. Residential Zones

Property located in the urbanized communities which is currently zoned R1 would be rezoned to a corresponding RS-1 zone. The proposed zone amendments include a distinction for single-unit zones that is based on whether the premises is located in a planned urbanizing or urbanized community. The distinction provides different regulations to address bulk and scale issues that arise with infill development in urbanized communities. In urbanized communities, the proposed regulations would adjust the allowable building envelope to keep structures in scale with the lot on which they are located. The regulations for zones in the planned urbanizing communities emulate the zoning regulations for existing zones.

For multiple-unit residential development, there is a threshold for the number of units that would trigger the requirement for a Site Development Permit. The threshold for the requirement depends on the number of dwelling units requested and whether the project involves lot consolidation.

Two new residential base zones are proposed: the Residential Estate (RE) and the Residential Townhouse (RT) zones. They are created for future use; this project does not propose application of these zones. The Residential-Estate (RE) zone is proposed to accommodate large lot development with a rural character. The Residential-Townhouse (RT) zone would allow for attached single dwelling units on very narrow, separate lots.

The Residential-Small Lot (RX) zone is a third residential zone proposed to allow single unit projects on smaller lots without a discretionary permit. The new RX-1-2 zone would be applied to areas currently within the R1-5000/Small Lot Overlay Zone.

2. Agricultural Zones

Currently the A-1 zone is used to promote agricultural uses, estate residential development, open space, and to implement the urban reserve concept of the Future Urbanizing Area tier designation of the Progress Guide and General Plan.

The proposed zone scheme would have two agricultural zones: Agricultural-General (AG) and Agricultural-Residential (AR). The Agricultural-General (AG) zone would limit non-agricultural uses in order to strengthen the presence and retention of traditional agricultural uses. Residential development would only be allowed as an accessory use.

The AR zone would accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. This zone is intended to be applied to lands that are presently in agricultural use or that are undeveloped and not yet appropriate for more intense zoning. Residential development would require a Planned Development Permit for increased density development.

The AG zone would be created for future use; it would not be applied to any particular property with the proposed project, but may be applied with rezones accompanying future community plan updates.

3. Open Space Zones

Historically, open space zones were applied to public lands only. The subdistricts were applied based on whether the use was a population-based park, a resource-based park, an open space park, or the use was private land where all or a portion of the development rights had been transferred to another site.

Currently the A-1-10 Zone and the R1-40,000 zones are used for open space on private land; both zones could allow additional development within the area designated as open in the community plan.

The proposed Code would apply open space zones for protection of lands for outdoor recreation and education, for scenic and visual enjoyment and for controlling urban form even where these needs occur on private lands.

The Open Space-Park (OP) zone would be applied to public parks and facilities. The Open Space-Conservation (OC) zone would be applied to preserve natural and cultural resources and environmentally sensitive lands. The Open Space-Floodplain (OF) zone is to control development within the floodplains in order to protect public health and to minimize hazards due to flooding. The Open Space-Residential (OR) zone would preserve privately owned property that is designated as open space in a land use plan while retaining private development potential. The OS-TDR (transfer of development rights) zone would be eliminated and the concept would not be replaced by a new zone.

The proposed OR zone deserves special note. It is intended to help implement the habitat preservation goals of the Multiple Species Conservation Program (MSCP). An important element of the MSCP is the creation of a habitat "preserve". Lands would be designated as being within the preserve through a future City Council action to rezone the majority of those lands to the OR-1-2 zone. This would apply development restrictions to lands within the preserve in order to protect natural resource values. All lands within the preserve boundary would be defined as "sensitive biological resources". Development regulations for lands within the preserve are located within the OR-1-2 zone regulations (Chapter 13). This is distinguished from lands outside of the preserve that have resources that meet the criteria for environmentally sensitive lands: development regulations for those properties are located in the proposed Environmentally Sensitive Lands Regulations (Chapter 14).

By adoption of the proposed Code, the City Council would create the OR-1-2 zone. The zone would be applied to particular parcels by future action of the Council. The future action would be subject to further environmental analysis. The current proposed project would create the zone, and this document analyzes implementation of the proposed Code on a citywide basis. This DEIR does not address the potential effects of application of the OR zone on any particular parcel. A separate EIS/EIR is being prepared for the MSCP through a joint effort by the City of San Diego and the U.S. Fish and Wildlife Service.

4. Industrial Zones

Currently there are numerous industrial zones each of which includes a variety of other uses such as distribution, commercial and office. Many of the current industrial zones are repetitious in their purpose and intents, permitted uses and development regulations.

The proposed Code includes four industrial zone categories: heavy industrial; industrial park; light industrial; and small lot industrial. A major focus of the proposed changes is on the permitted uses of the individual zones. The changes would clearly identify which uses are permitted in each zone. Some non-industrial uses would be limited or eliminated from those industrial zones where the intent of the zone is to provide for industrial land uses. As is consistent with the overall project, additional regulations are proposed to be added to address a number of issues that are currently addressed only through discretionary review.

Primary uses in the Heavy Industrial (IH) Zone would include general manufacturing, wholesaling and distribution. General commercial and accessory office uses would be permitted by right subject to restrictions on size, location or relationship to a primary use. Multi-tenant office uses would be prohibited.

The Industrial Park zone is intended for research and development, regional offices and light manufacturing. Accessory office uses are limited; multi-tenant offices and medical offices are prohibited in certain use packages.

The Light Industrial zone is intended for light industrial, heavy commercial and multi-tenant office structures. In some zone packages, medical offices are prohibited and general commercial is allowed by right with limitations.

The Small Lot Industrial zone is intended for general manufacturing, wholesaling and distribution, general commercial and multi-tenant office structures on smaller industrial lots.

5. Commercial Zones

Commercial development in the City currently conforms to one or more of the following forms of regulation: ministerial citywide zones that contain less detailed property development regulations; planned district ordinance zones that contain more detailed regulations; or discretionary permits that often require negotiation and a more lengthy timeline before permit issuance. There currently are 11 citywide commercial zones. These include the Commercial Parking (CP) zone that has no permitted uses other than parking, and the Commercial Business District (CBD) zone which is only applied in downtown San Diego and is administered by the Centre City Development Corporation.

The current C-1 zone would be replaced by one of the CC (Community Commercial) zones. The C-1 zone is intended to accommodate not only a full range of commercial goods and services, but also wholesaling and warehousing activities. In addition, the existing C (General Commercial), CA (Area Shopping Center), and CC (Community Commercial) zones would be replaced by one of the CC zones.

The designations of Commercial-Office (CO) and Neighborhood Commercial (CN) which currently exist are zones in the proposed Code.

The existing CR (Commercial Recreation) and CV (Commercial Visitor-Service) zones would each be replaced by a proposed CV (Commercial-Visitor) zone.

The CBD (Central Business District) zone would be amended by name change to one of the CR (Commercial-Regional) zones.

An important change is that none of the proposed commercial zones would allow development consisting solely of residential uses. Manufacturing could be permitted in the proposed commercial zones as an accessory use.

Commercial Neighborhood (CN) Zone

The purpose of the CN Zone is to provide residential areas with access to a limited number of convenient retail and personal service uses. The CN zone is intended to provide areas for smaller scale, lower intensity developments that are consistent with the character of the surrounding residential areas. The zone varies in terms of permitted lot size and pedestrian orientation and may include residential development. Property within the CN zone will be primarily located along local and selected collector streets.

Commercial-Regional (CR) Zone

The purpose of the CR zone is to provide areas for a broad mix of business/professional office, commercial service, retail, wholesale and limited manufacturing uses. The intent of this zone is to accommodate large scale, high intensity developments. Property within this zone will be primarily located along major streets, arterial, and major public transportation lines.

Commercial-Office (CO) zone

The purpose of the CO zone is to provide areas for employment uses with limited, complementary retail uses, and medium to high density residential development. This zone is intended to apply in larger activity centers or in specialized areas where a full range of commercial activities is not desirable.

Commercial-Visitor (CV) Zone

The purpose of the CV zone is to provide areas for establishments catering to the lodging, dining and recreational needs of both tourists and the local population. This zone is intended to apply to areas located near employment centers and areas with recreational resources or other visitor attractions.

Commercial Parking (CP) Zone

The purpose of the CP Zone is to provide off-street parking areas, surface or structured, for usable passenger automobiles. Usually, the CP zone will be applied in conjunction with established commercial areas to provide needed or required off-street parking.

Commercial Community (CC) Zone

The purpose of the CC zone is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The intent of this zone is to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Some of the CC Zone

may include residential development. Property within the areas within the CC zone will be primarily located along collector streets, major streets, and public transportation lines.

The proposed Code includes property development regulations for the commercial zones. The regulations address a variety of treatments, options, exceptions and bonuses. There are requirements for the amount of glazing (transparency) and building articulation. There are floor area bonuses for day care and residential projects. There are landscaping and parking requirements for all zones, and pedestrian-orientation requirements for some zones.

6. Overlay Zones

Currently the City has several overlay zones, as described in the Existing Zoning section of this EIR. Several of the overlay zones would be retained as overlay zones, and some would be repealed with the regulations moved to other parts of the proposed Code (that is, regulations currently located in an overlay zone would be located in Resource and Supplemental Development Regulations of the proposed Code). In addition, the proposed Code includes reorganized overlay zones (which exist as various regulations in the current Code) and new overlay zones.

The overlay zones that would be retained include the following:

- Airport Approach Overlay Zone (Figure 3)
- Airport Environs Overlay Zone (Figure 4)
- Clairemont Mesa Height Limit Overlay Zone (Figure 13)
- Community Plan Implementation Overlay Zone (Figures 14-24)
- Mission Trails Design District (Figure 12)
- Mobilehome Park Overlay Zone (Figure 8)
- Sensitive Coastal Resource Overlay Zone (Figure 7)
- Coastal Height Limit Overlay Zone (Figure 6)

Reorganized overlay zones include the following:

- Parking Impact Overlay Zone (Figure 9)
- Tandem Parking Overlay Zone (Figure 10)
- Transit Area Overlay Zone (Figure 11)
- Coastal Overlay Zone (Figure 5)

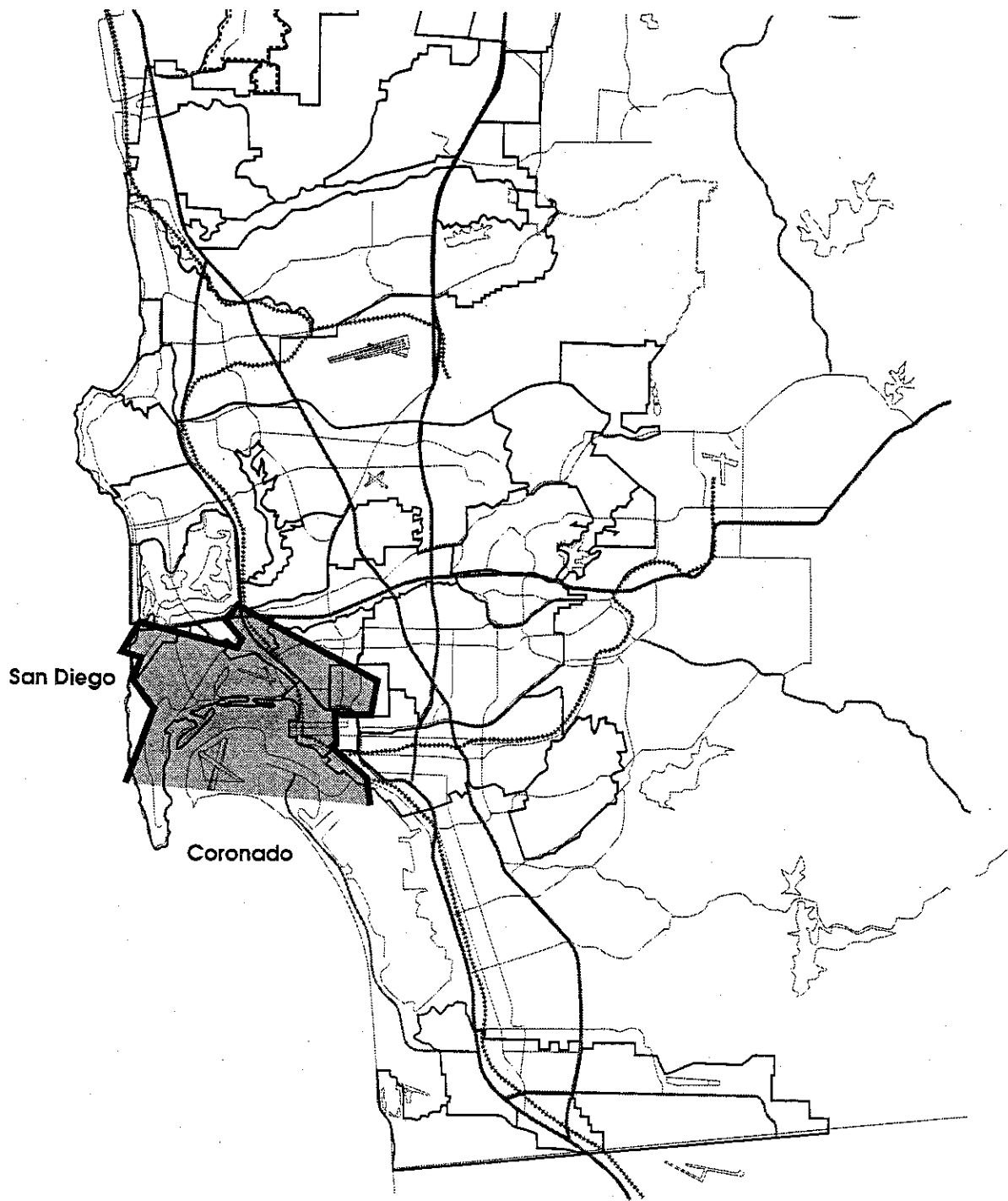
A proposed new overlay zone is the Urban Village Overlay Zone.

The purpose of the Parking Impact Area Overlay Zone is to provide supplemental parking regulations for beach and campus areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly. The beach aspect of this overlay zone would apply to property located in the Beach Impact Areas.

The Residential Tandem Parking Overlay Zone is to identify the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking.

The Transit Area Overlay Zone is to provide supplemental parking regulations for areas receiving a high level of transit service. The intent is to lower off-street parking requirements where there is reduced parking demand because there is more transit and pedestrian orientation.

The Coastal Overlay Zone is applied in coastal areas. The purpose of the overlay zone is to protect and enhance the quality of public access and coastal resources.



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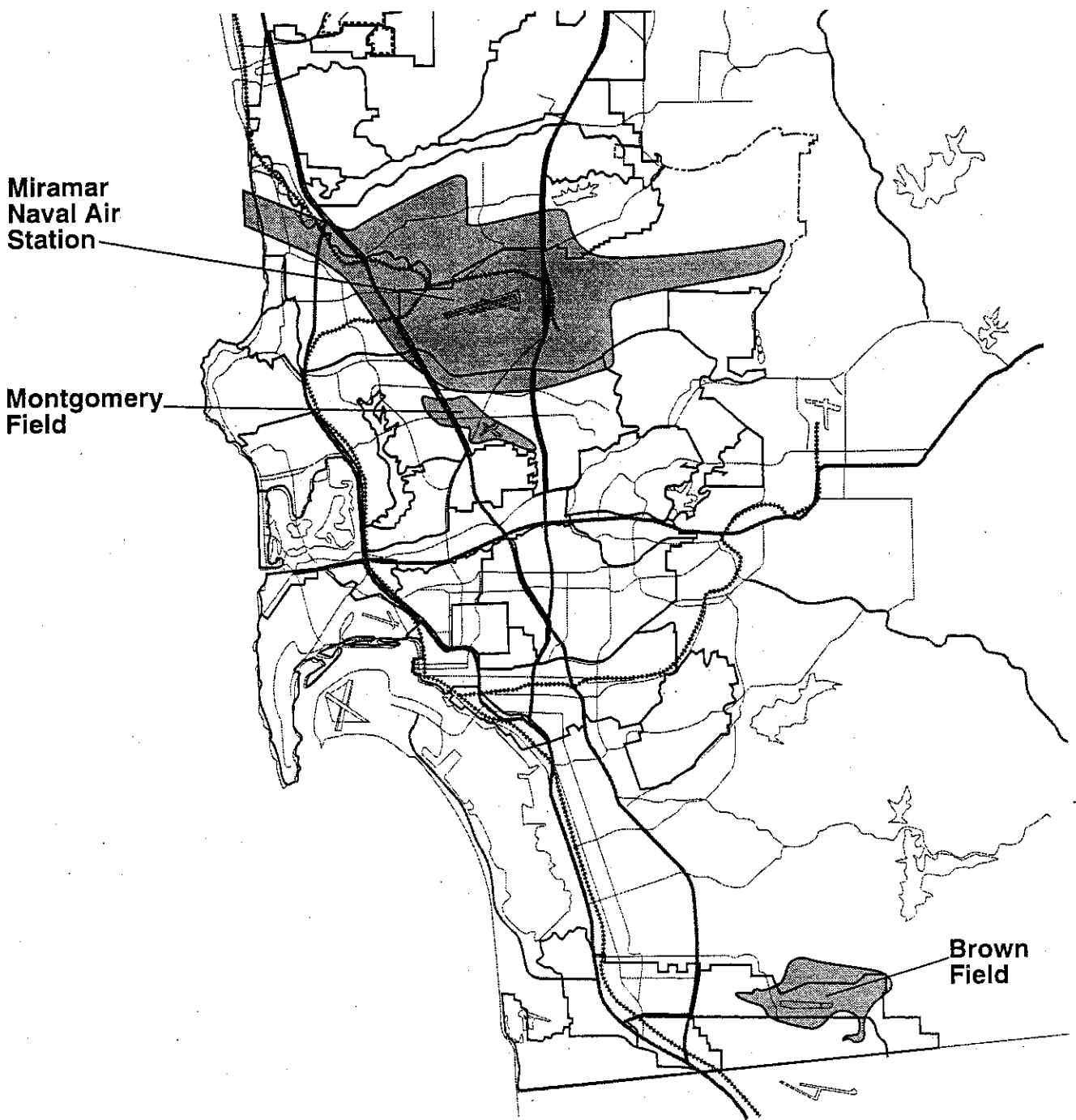


Airport Approach Overlay Zone Environmental Analysis Section

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**Figure
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Airport Environs Overlay Zone Environmental Analysis Section

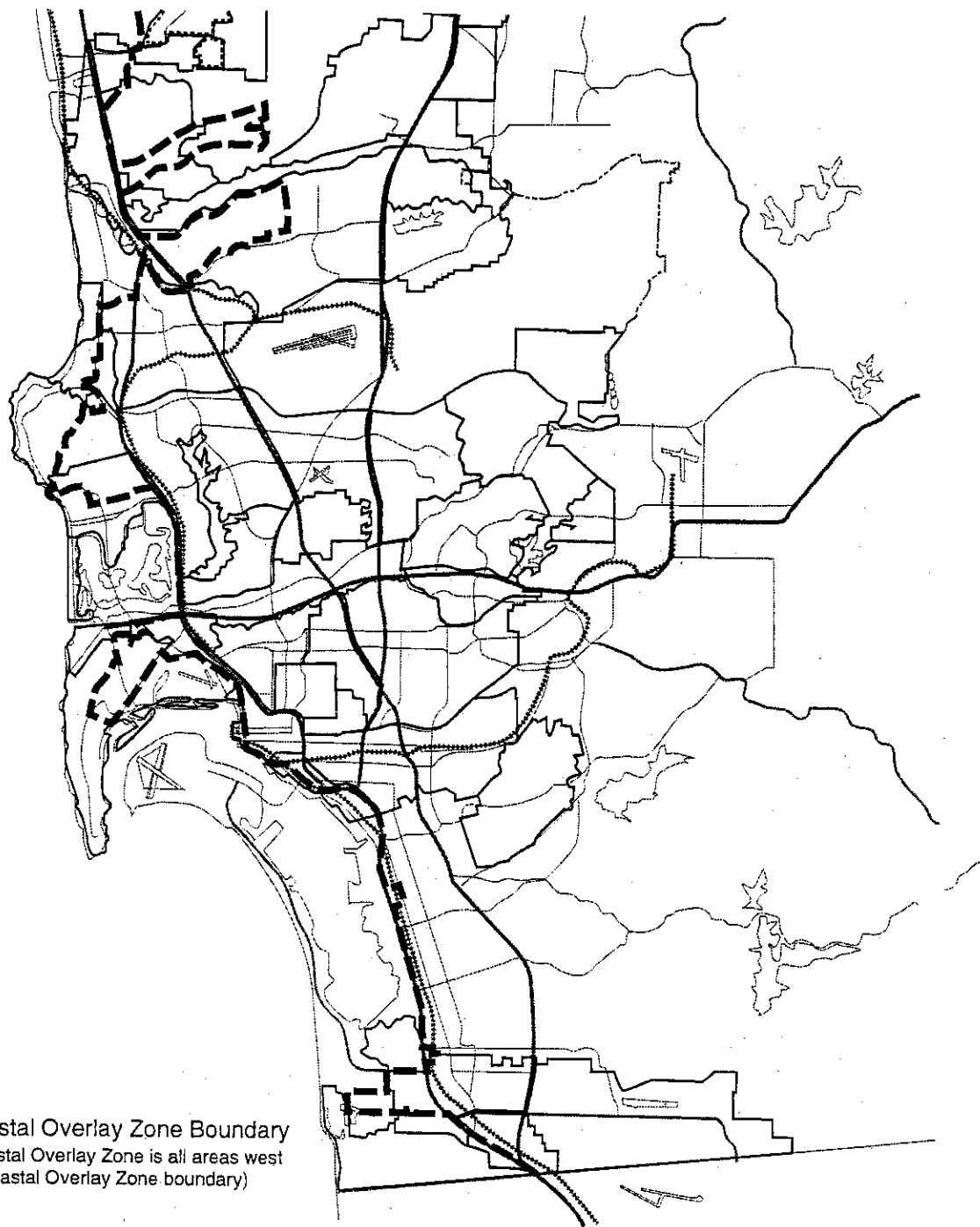
CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

III-18

Figure

4

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----- Coastal Overlay Zone Boundary
 (Coastal Overlay Zone is all areas west
 of Coastal Overlay Zone boundary)

This is a reproduction of the Coastal Overlay Zone Boundary, as
 shown on the official zoning maps, for illustration purposes only.



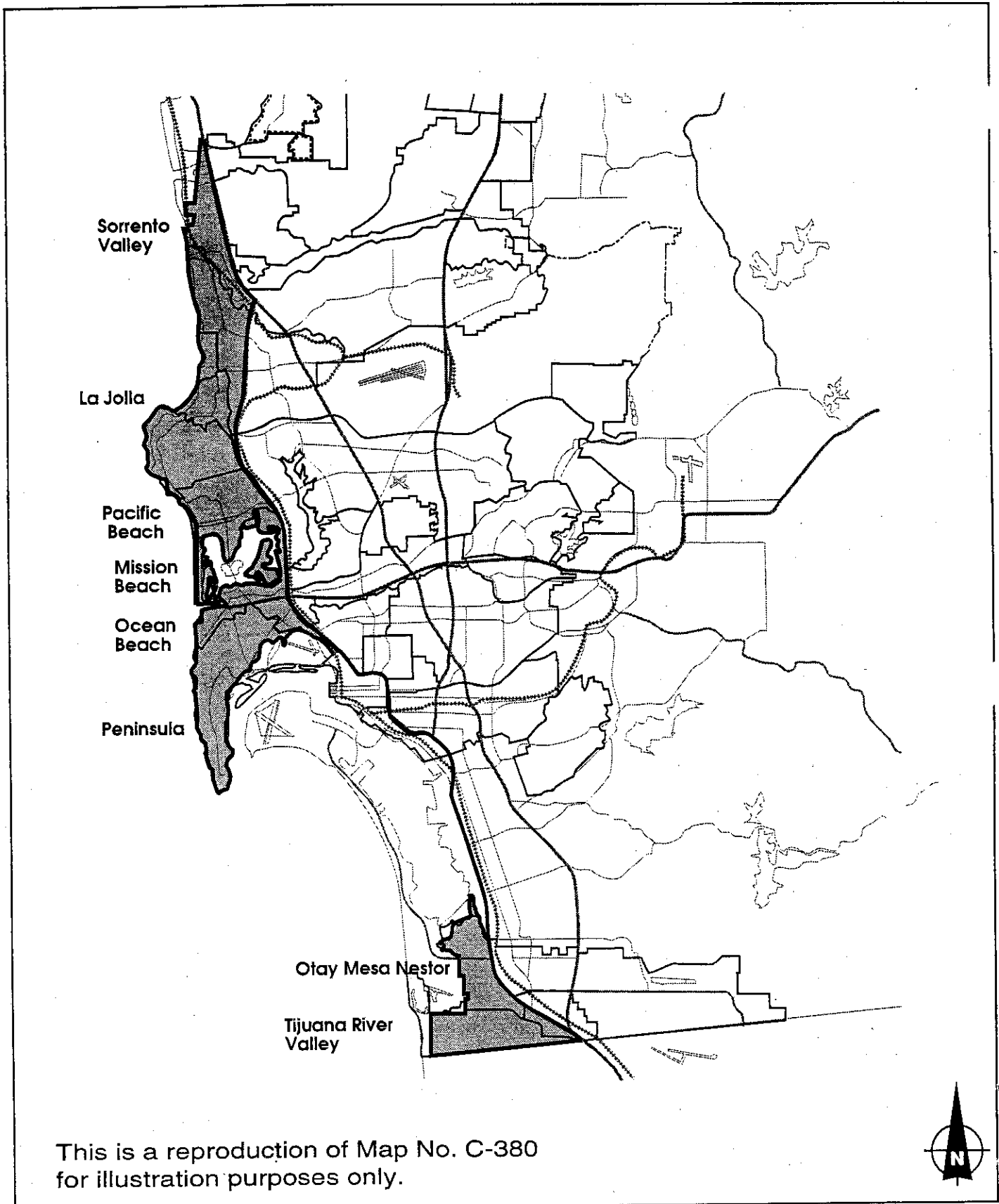
Coastal Overlay Zone Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Figure

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Coastal Height Limit Overlay Zone Environmental Analysis Section

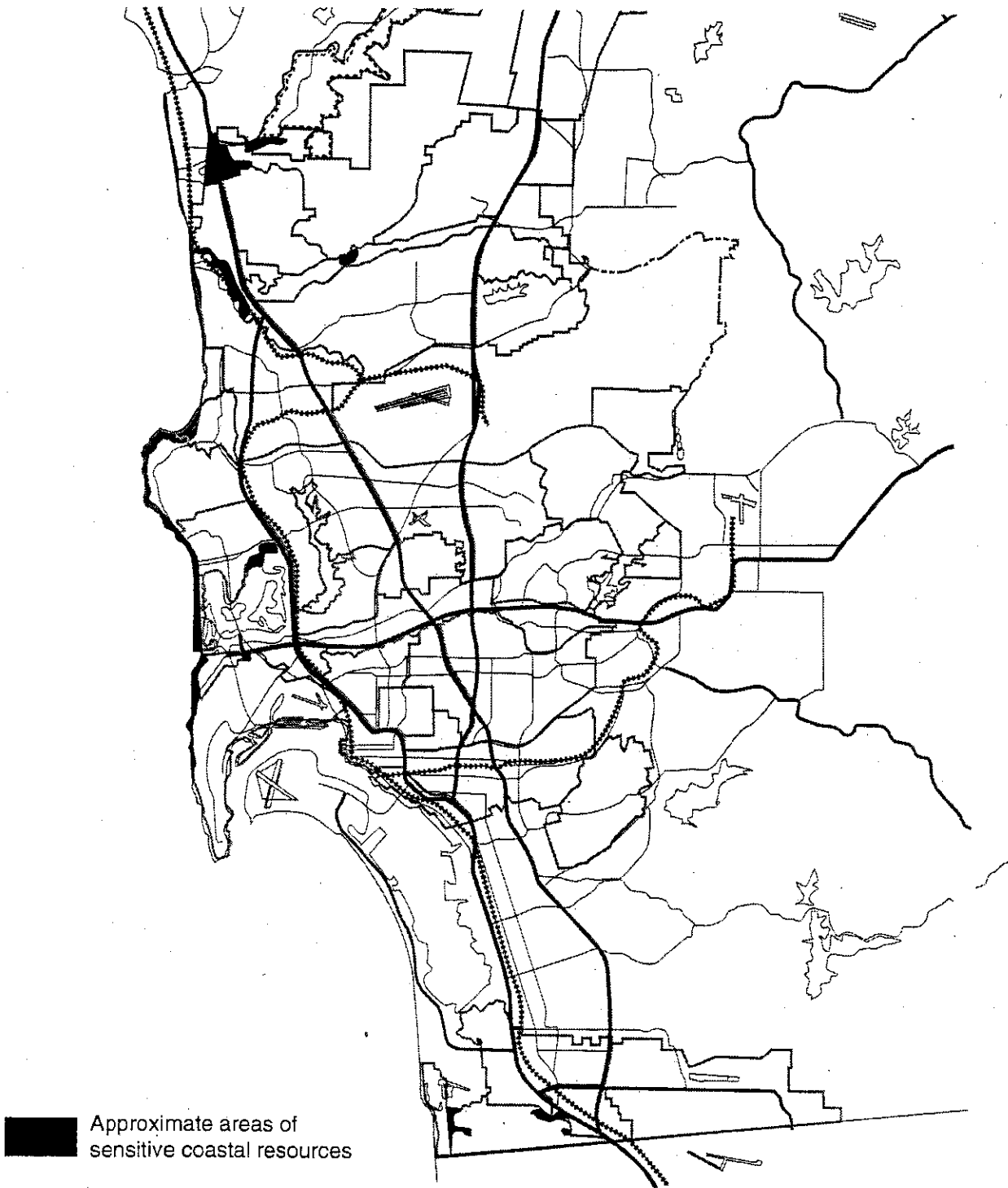
CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

III-20

Figure

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Sensitive Coastal Resources Environmental Analysis Section

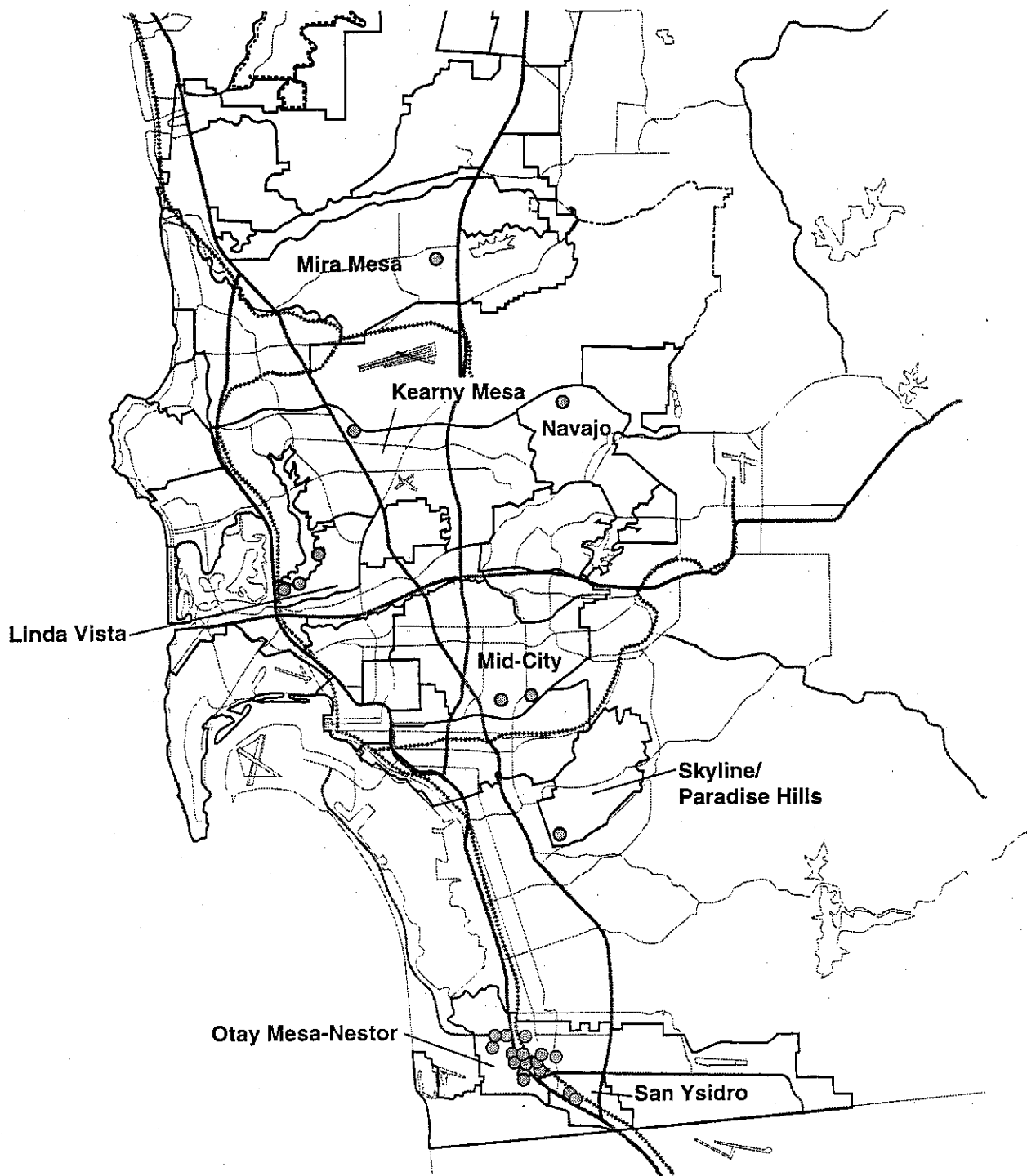
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III-21

Figure

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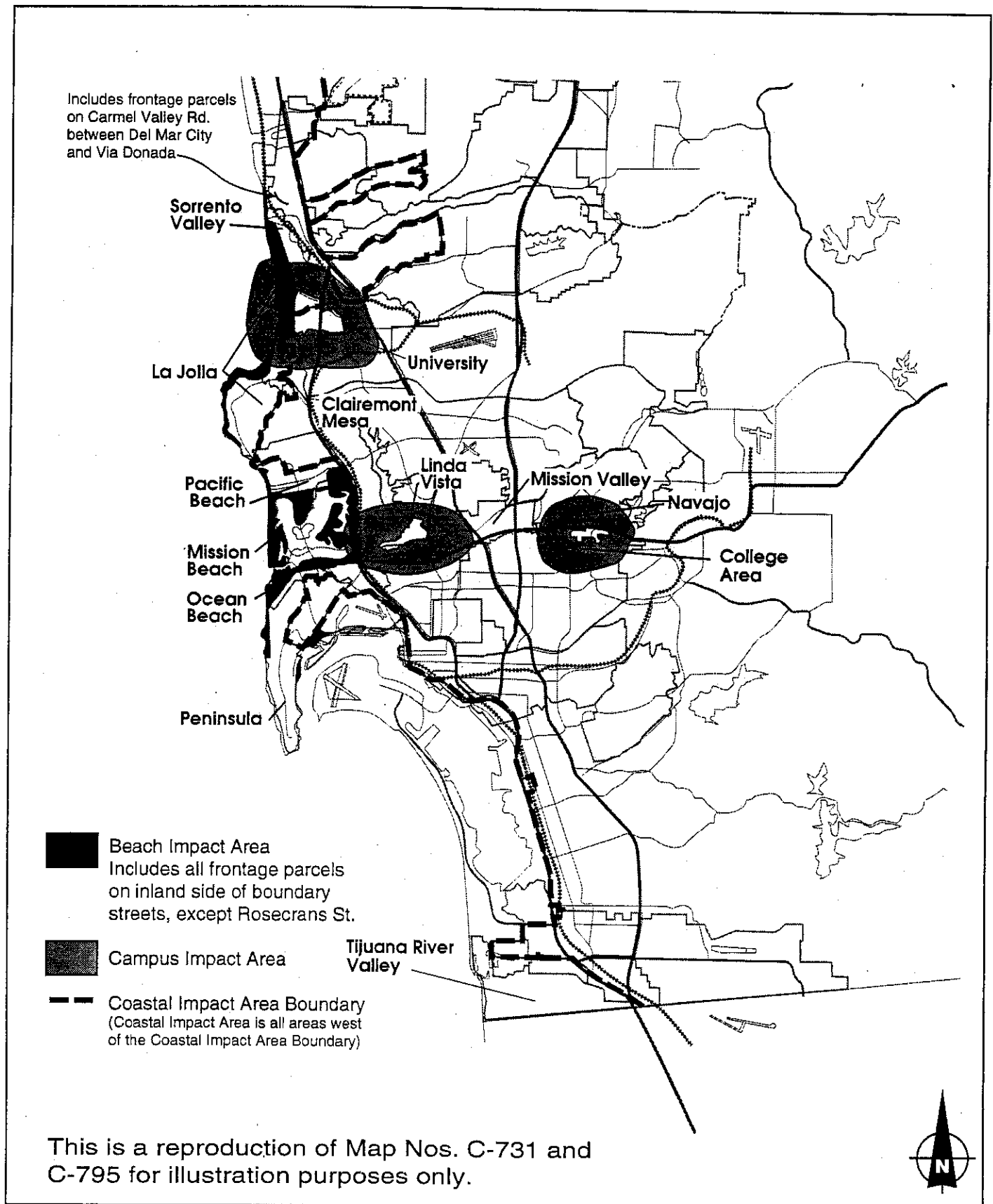
Mobilehome Park Overlay Zone Environmental Analysis Section

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Figure

8

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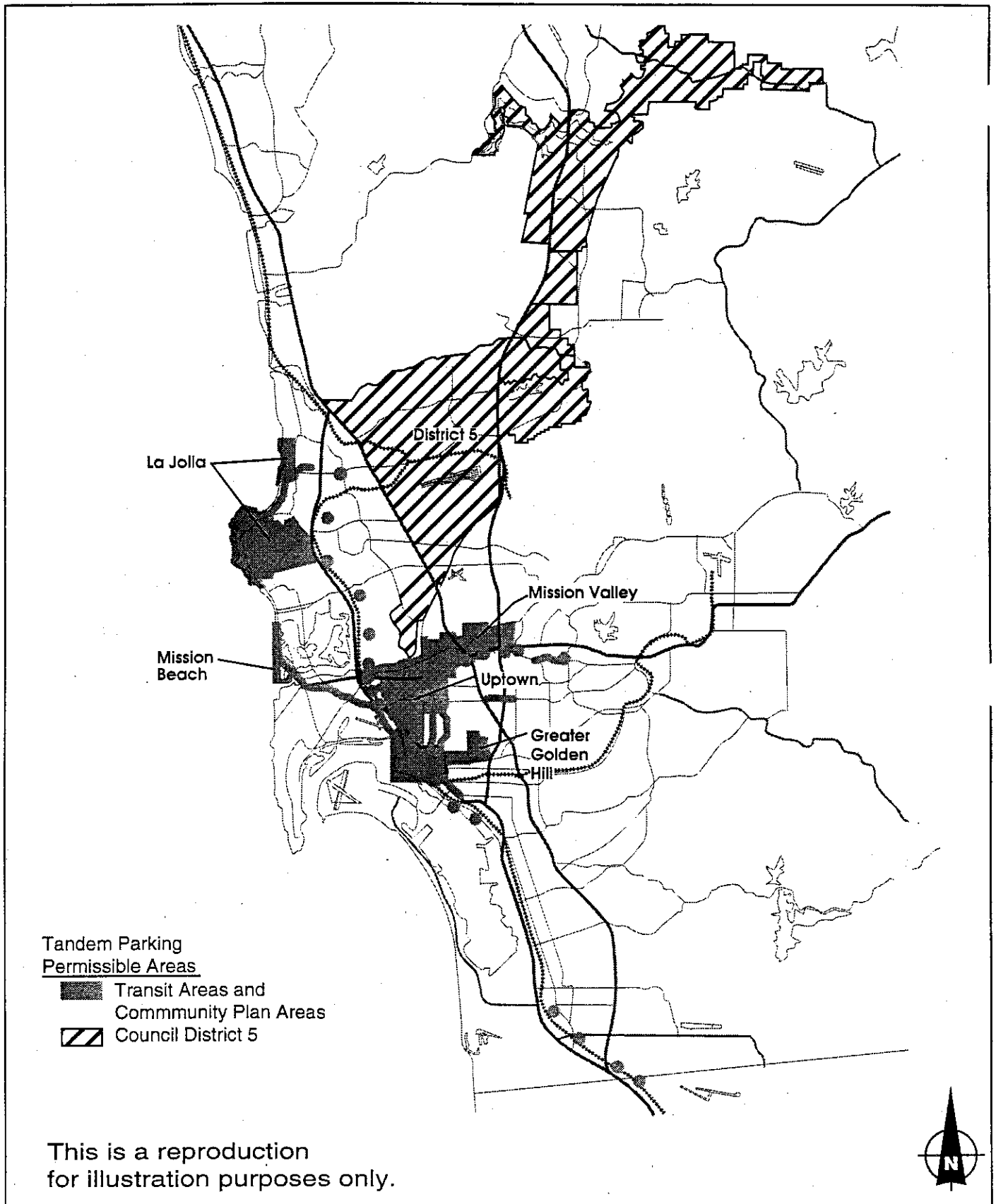
Parking Impact Overlay Zone Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Figure

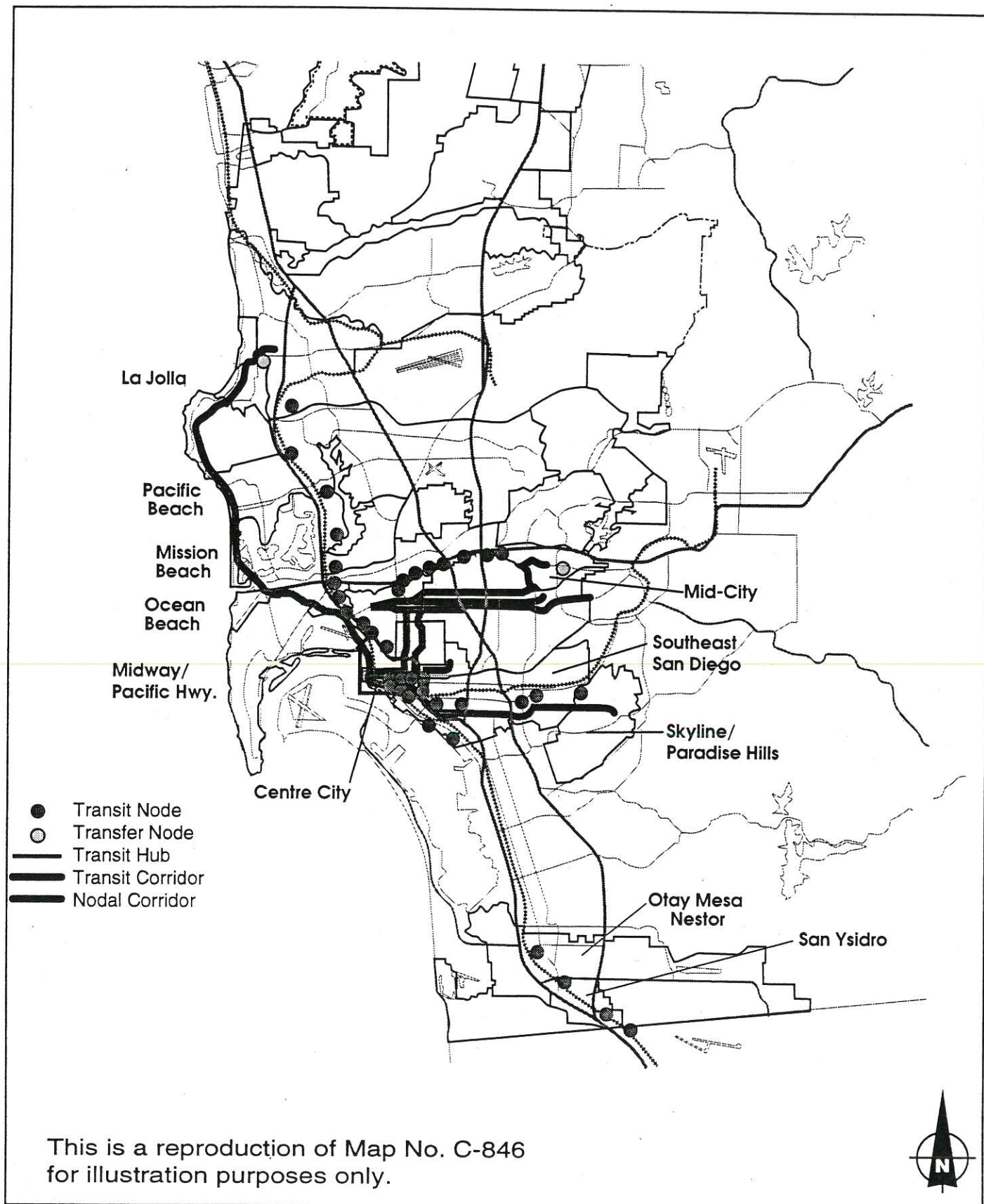
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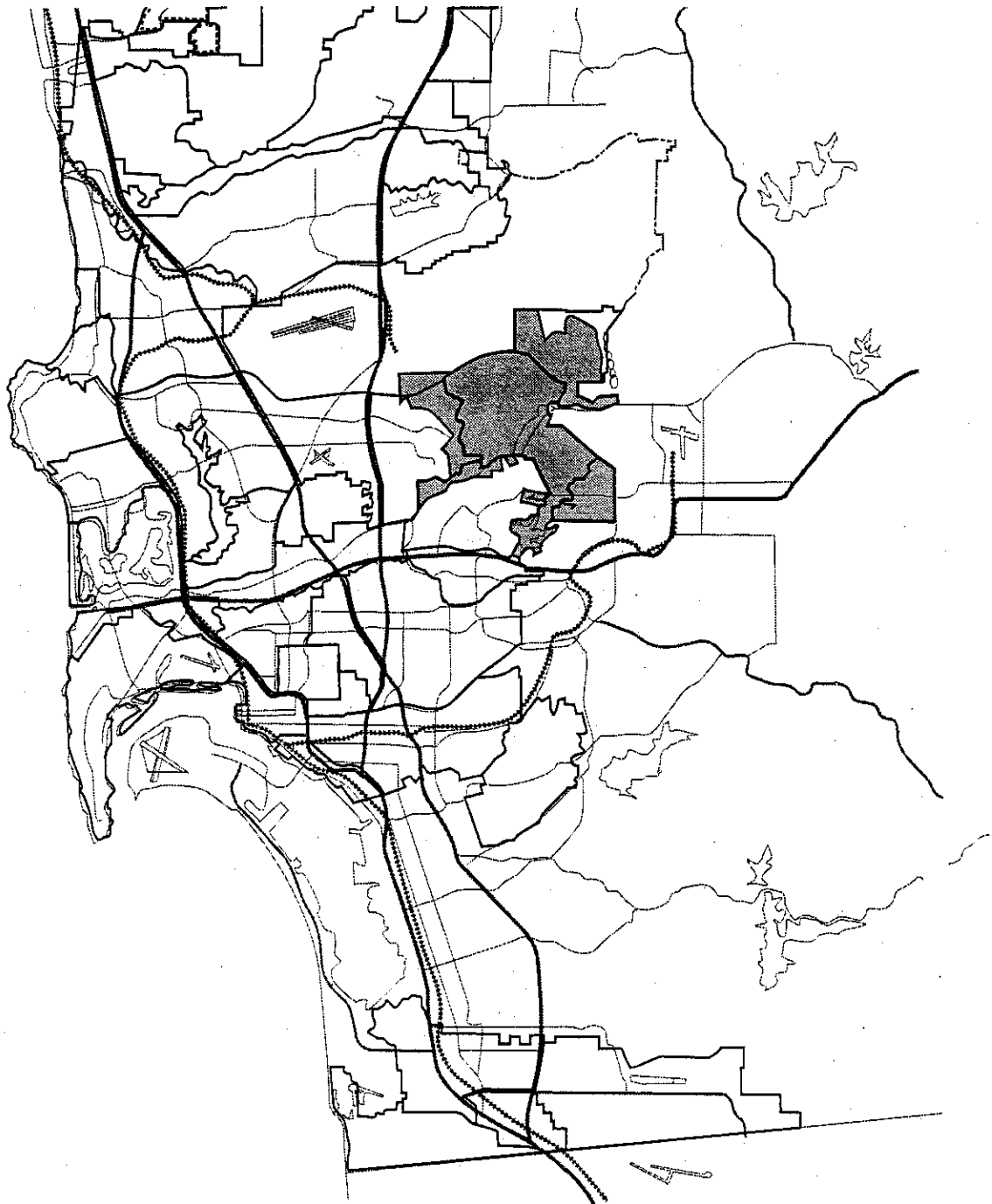
Residential Tandem Parking Overlay Zone Environmental Analysis Section

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Transit Area Overlay Zone Environmental Analysis Section

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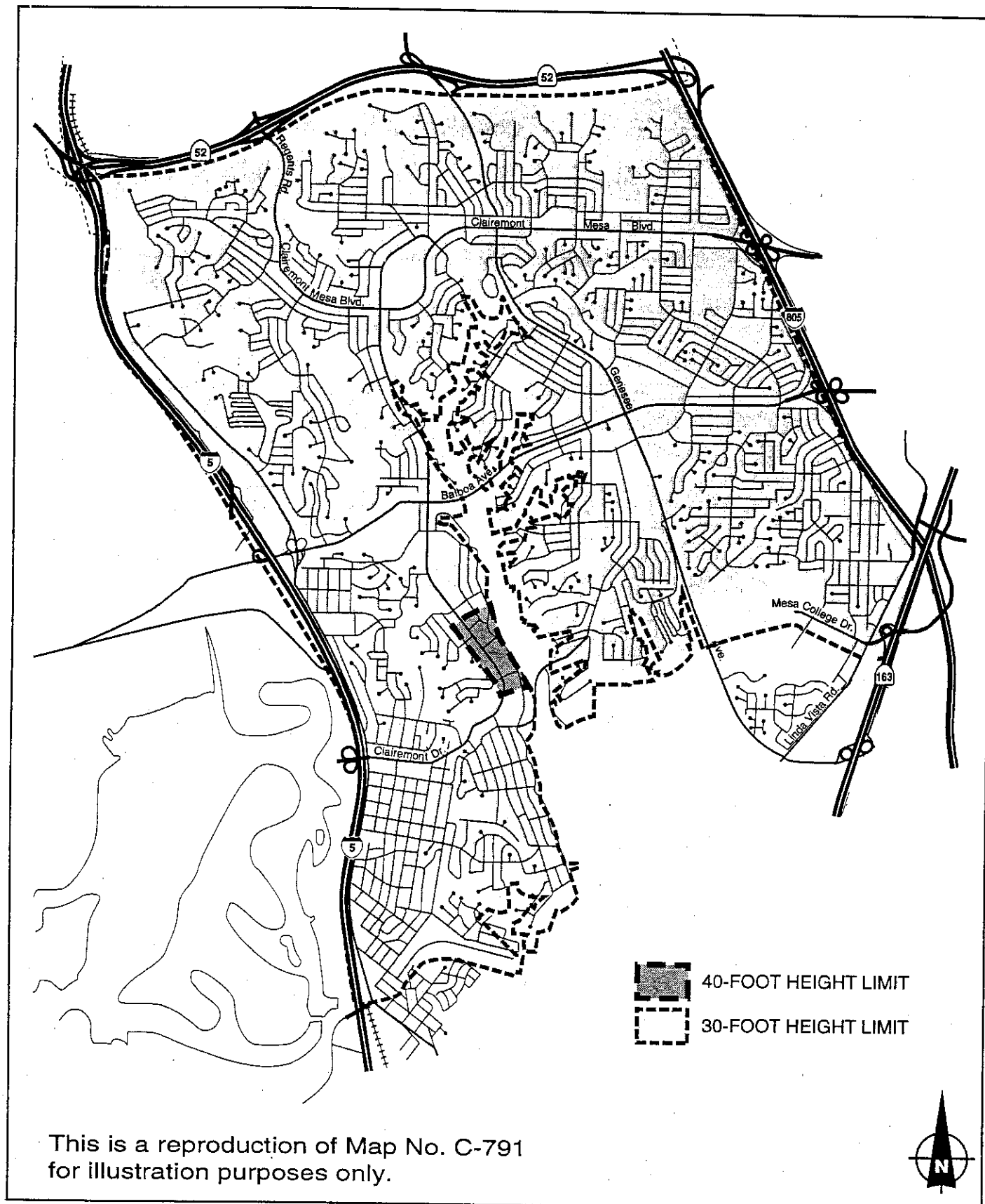
Mission Trails Design District Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

III-26

Figure
12

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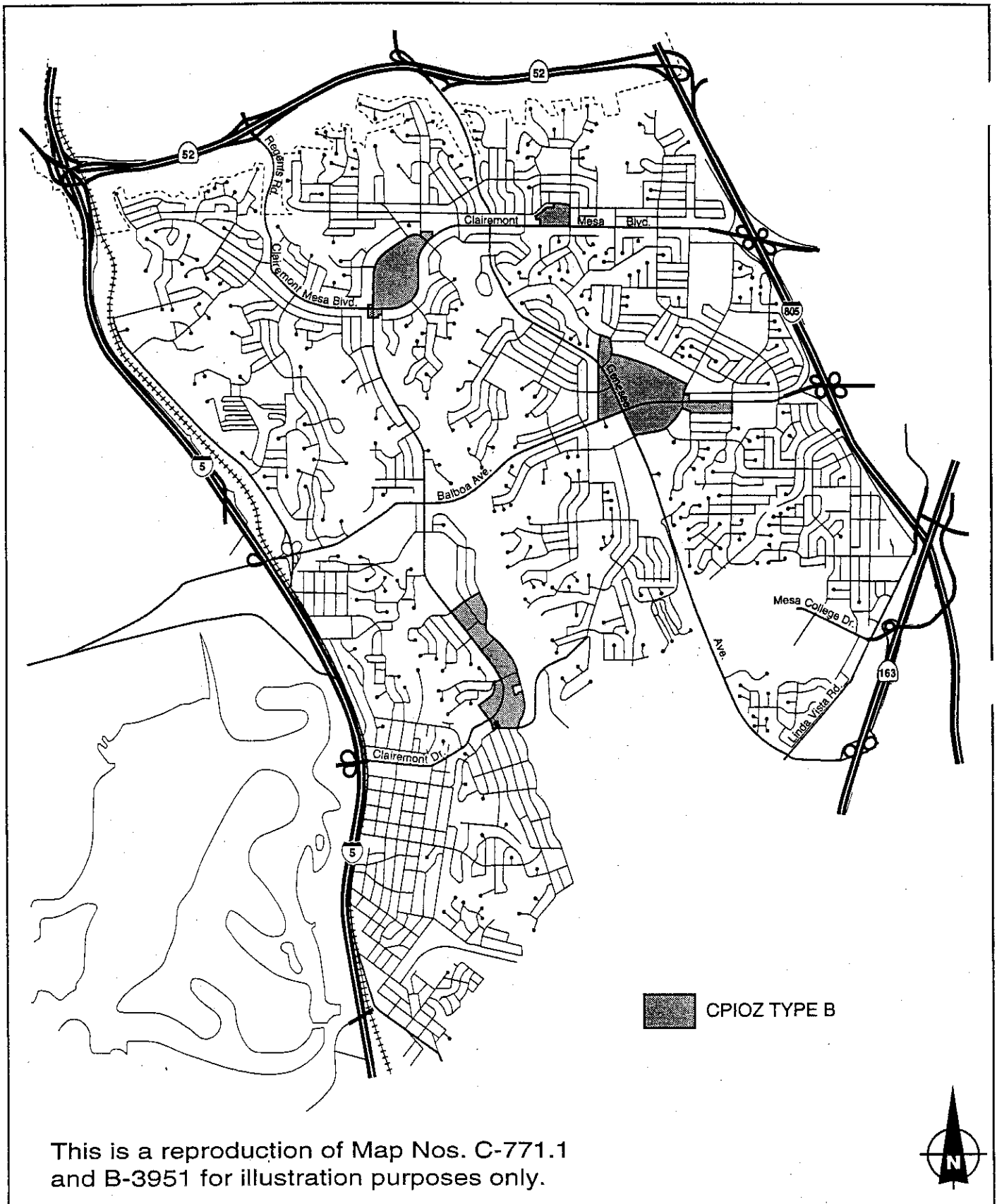


**Clairemont Mesa Height
Limit Overlay Zone**
Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Figure
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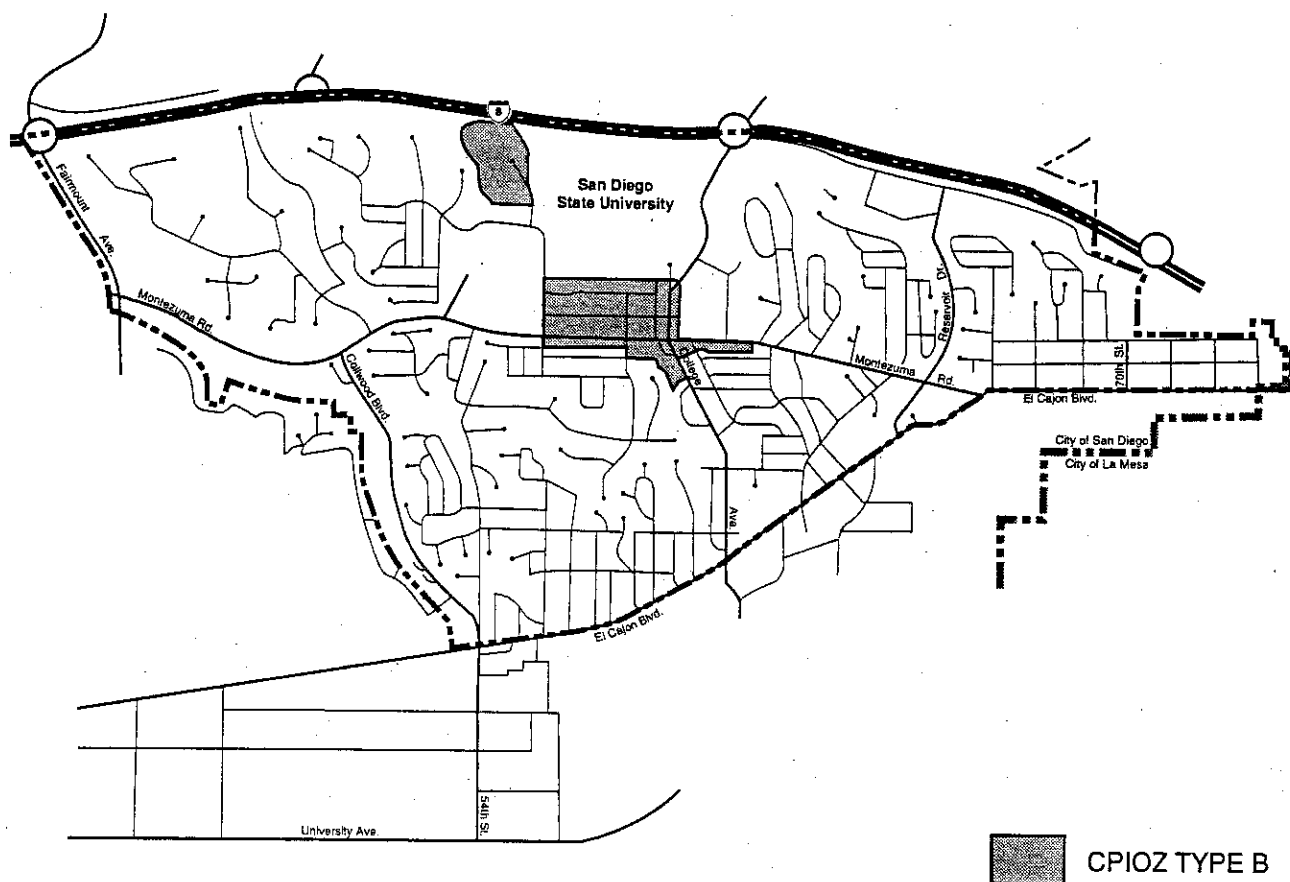


**Clairemont Mesa
Community Plan Implementation Overlay Zone
Environmental Analysis Section**

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Figure
14

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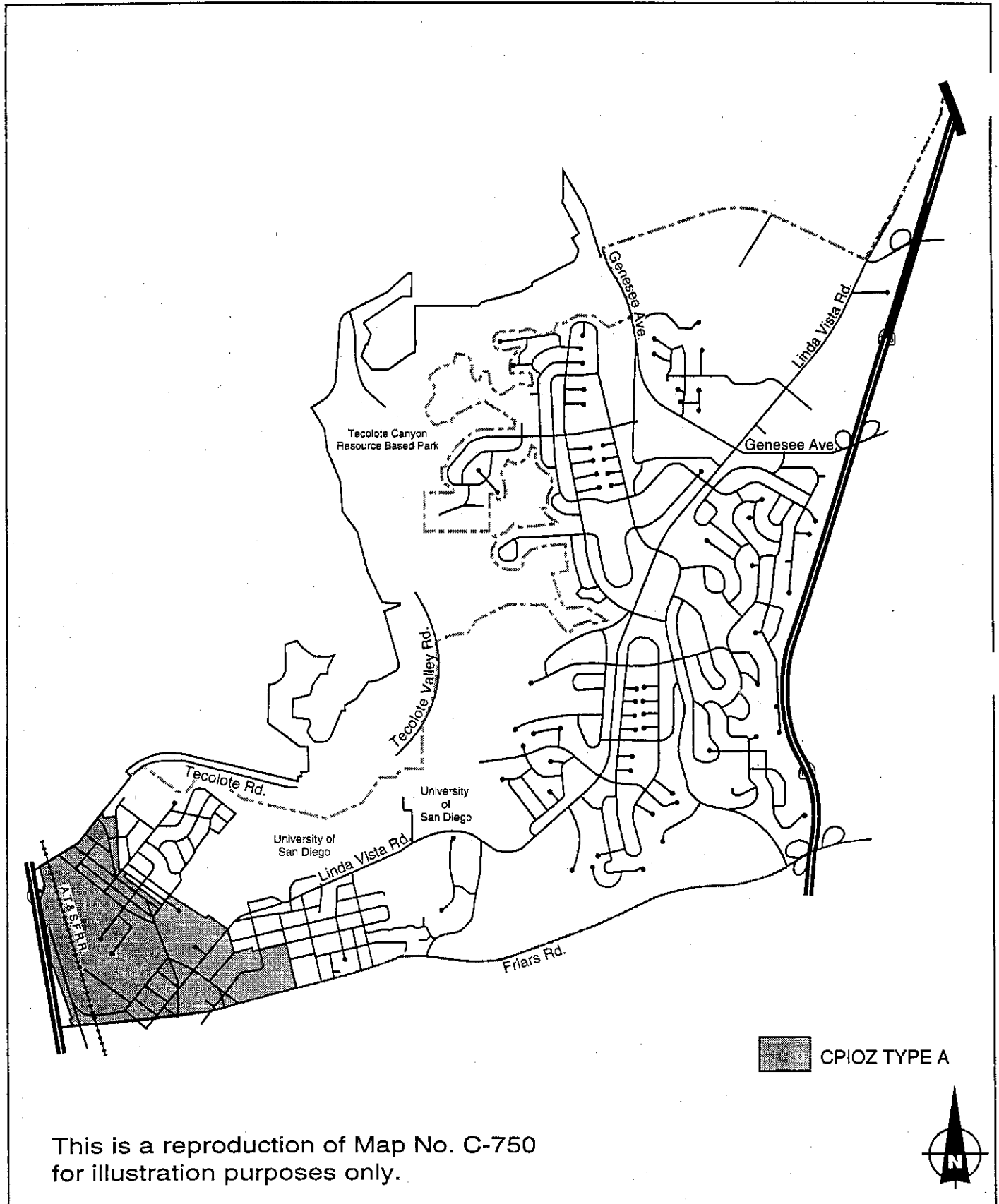


College Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
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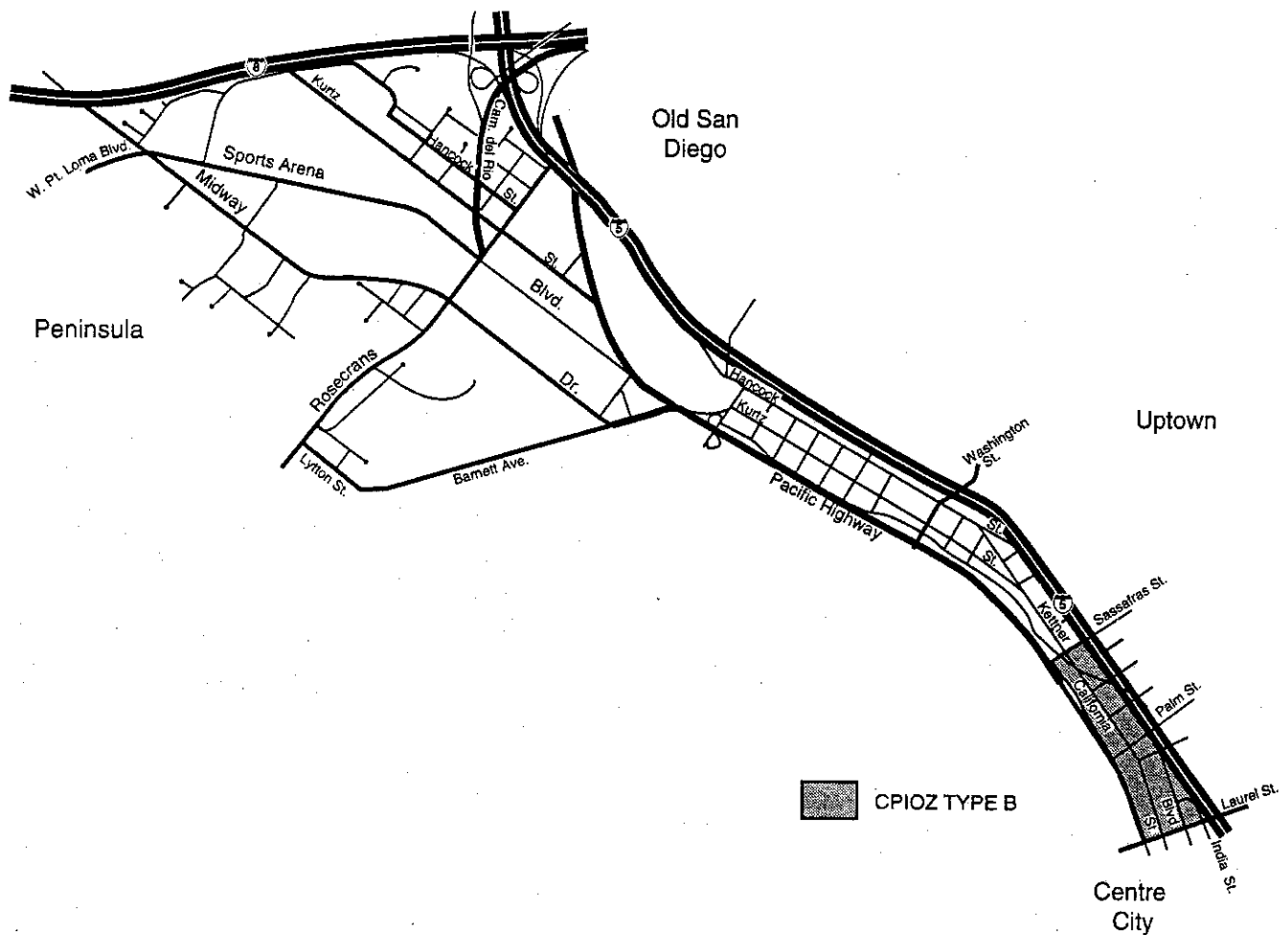


Linda Vista Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
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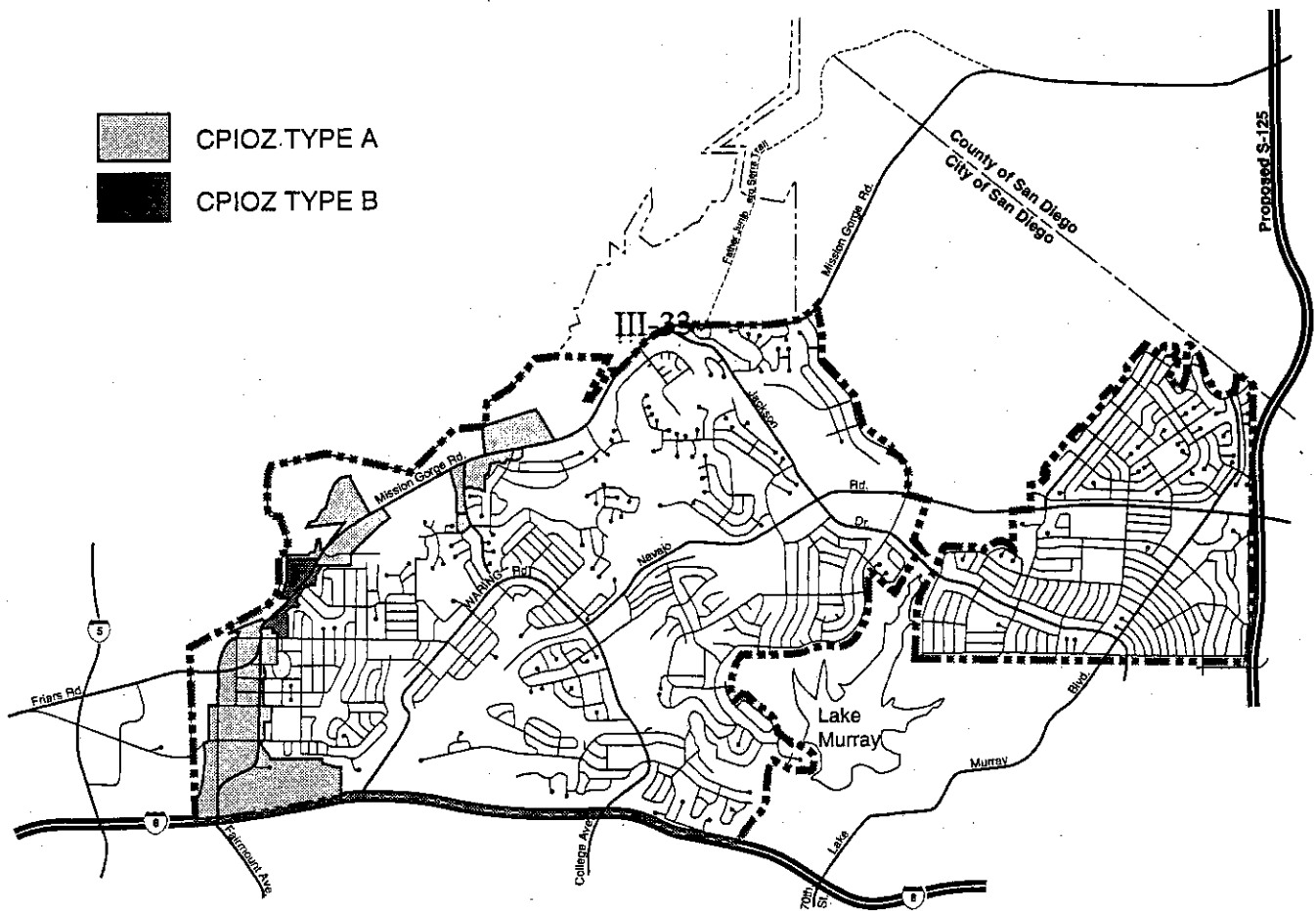


Midway/Pacific Highway Corridor Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
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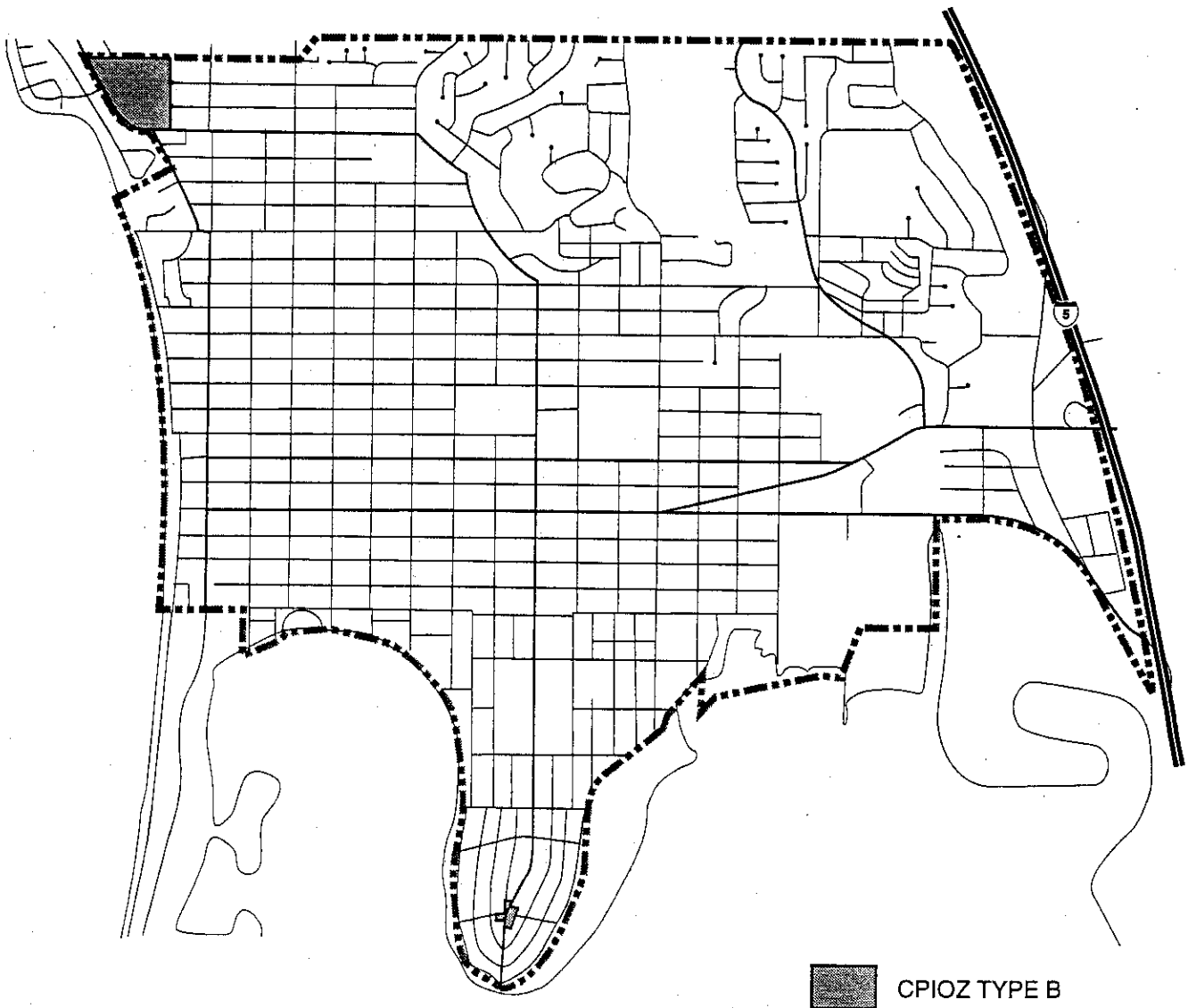


Navajo Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
18



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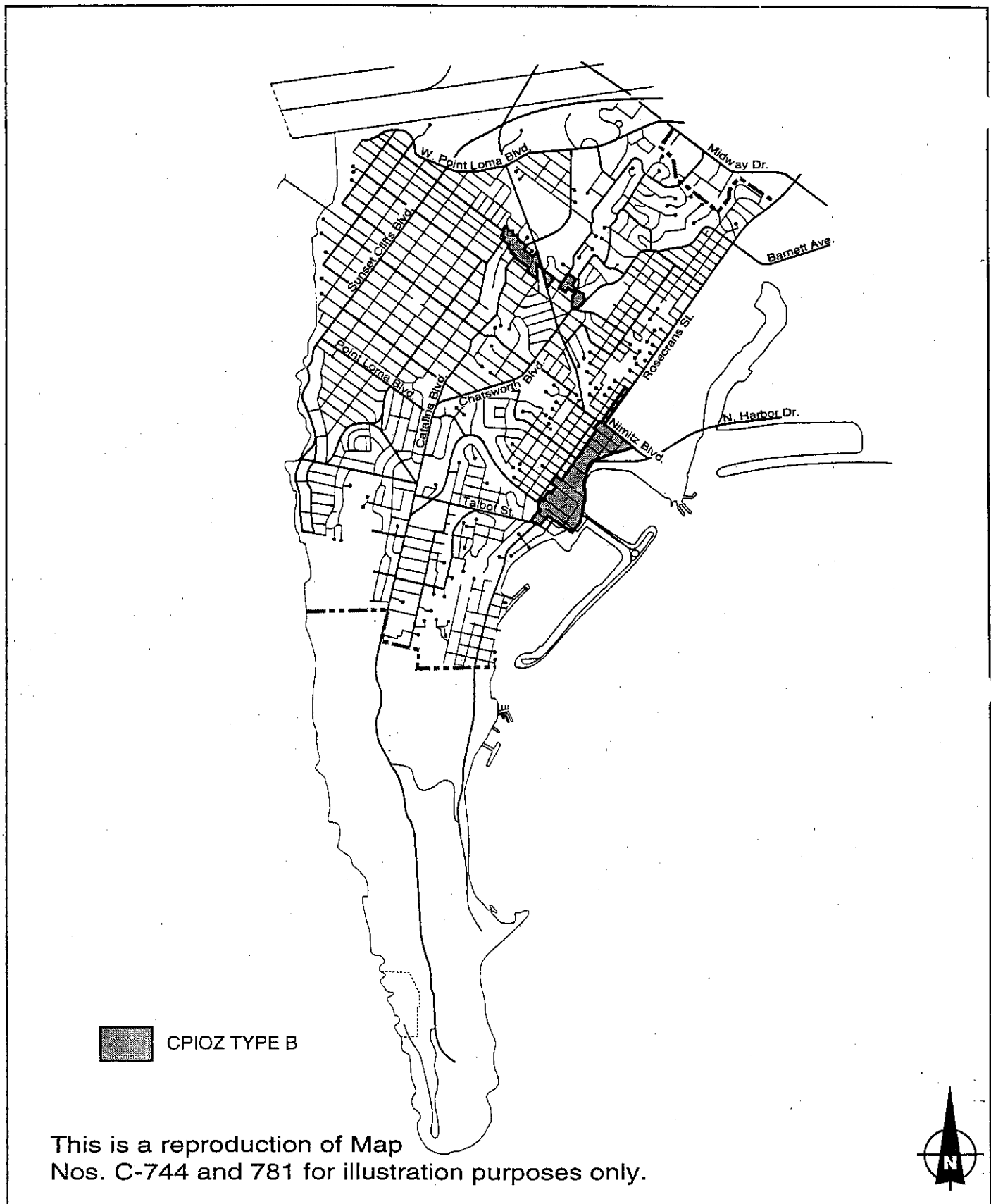


**Pacific Beach Community Plan
Implementation Overlay Zone
Environmental Analysis Section**

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

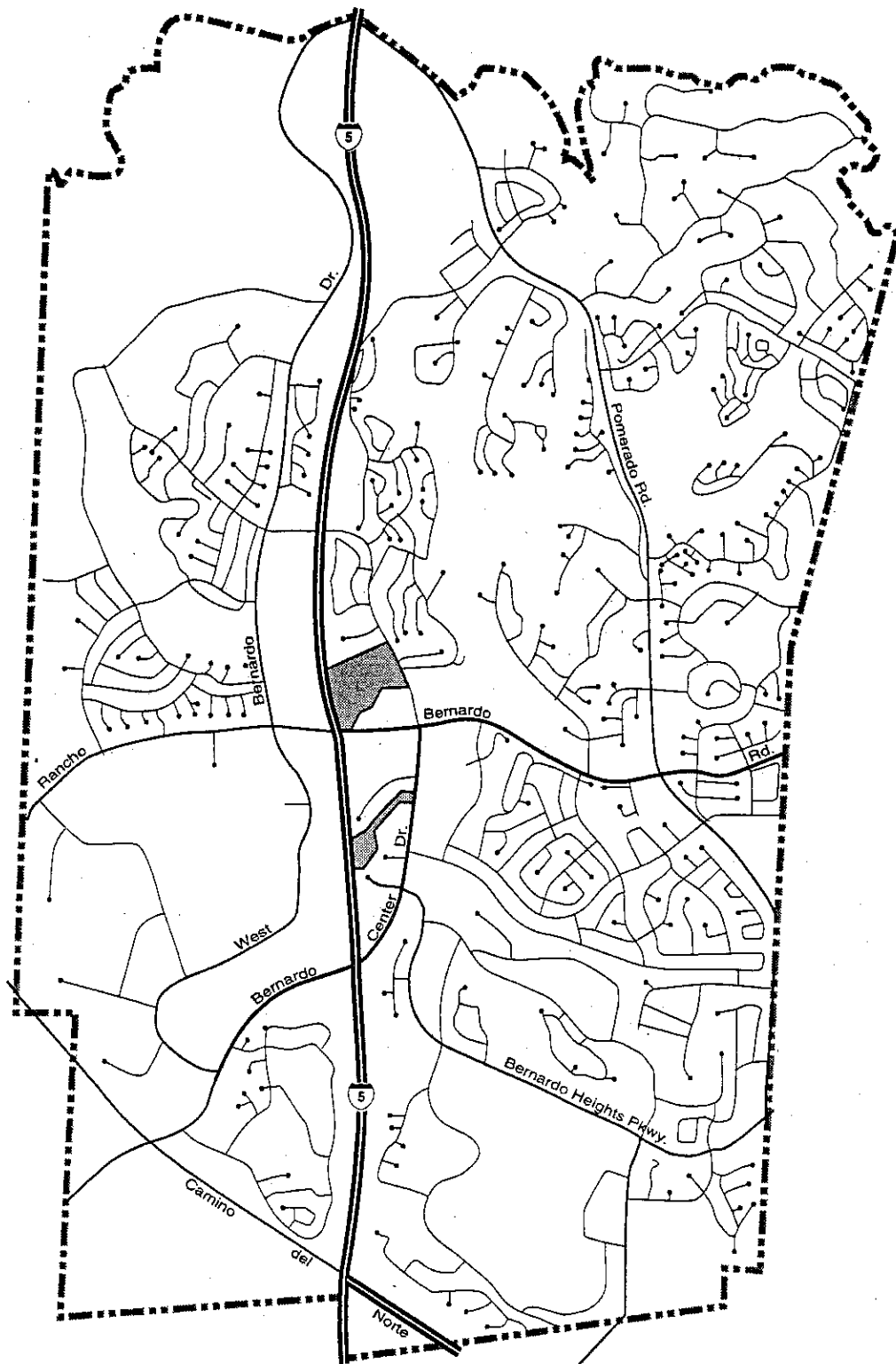
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**Peninsula Community Plan
Implementation Overlay Zone
Environmental Analysis Section**

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CPIOZ TYPE B

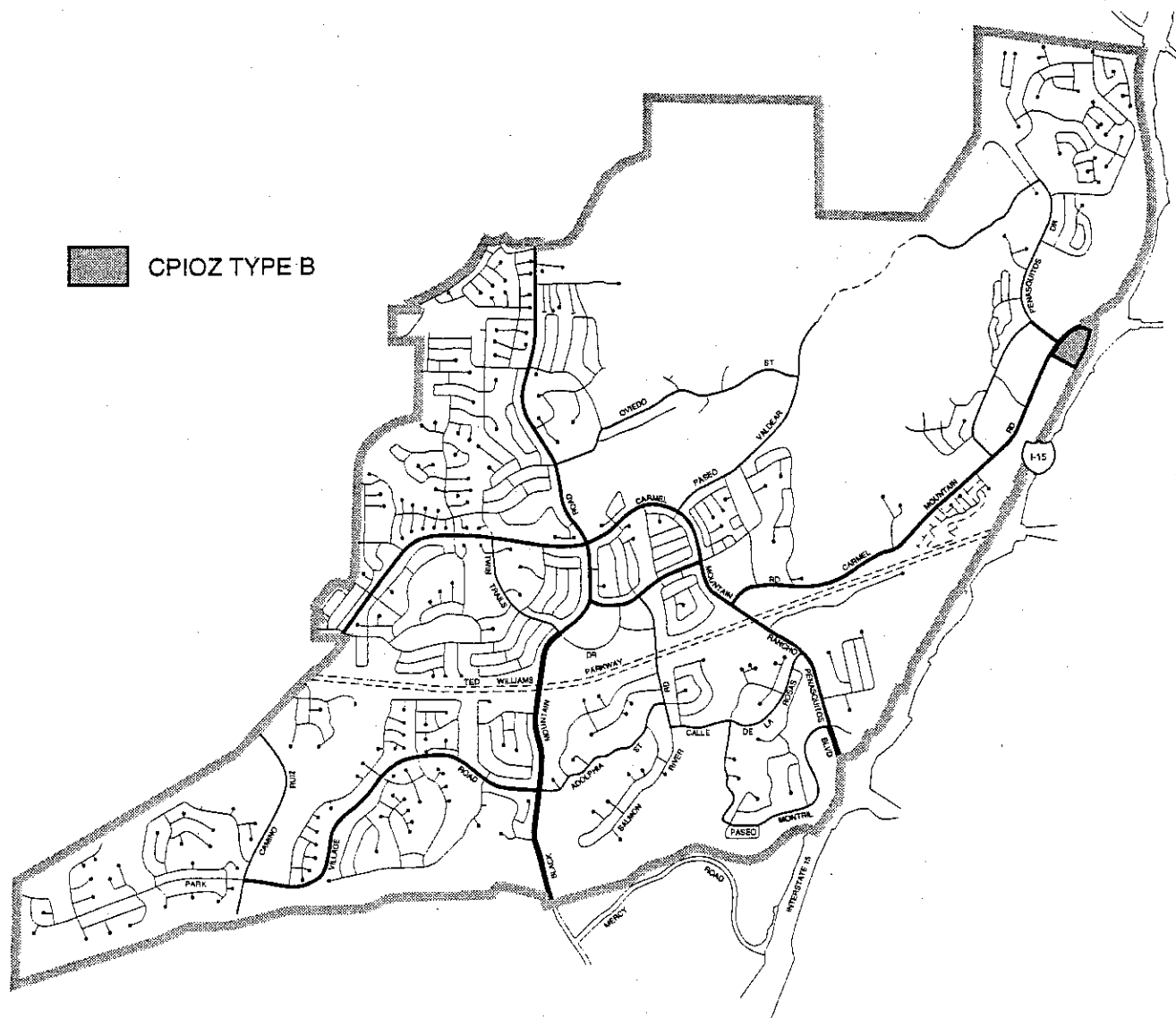


Rancho Bernardo Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
21

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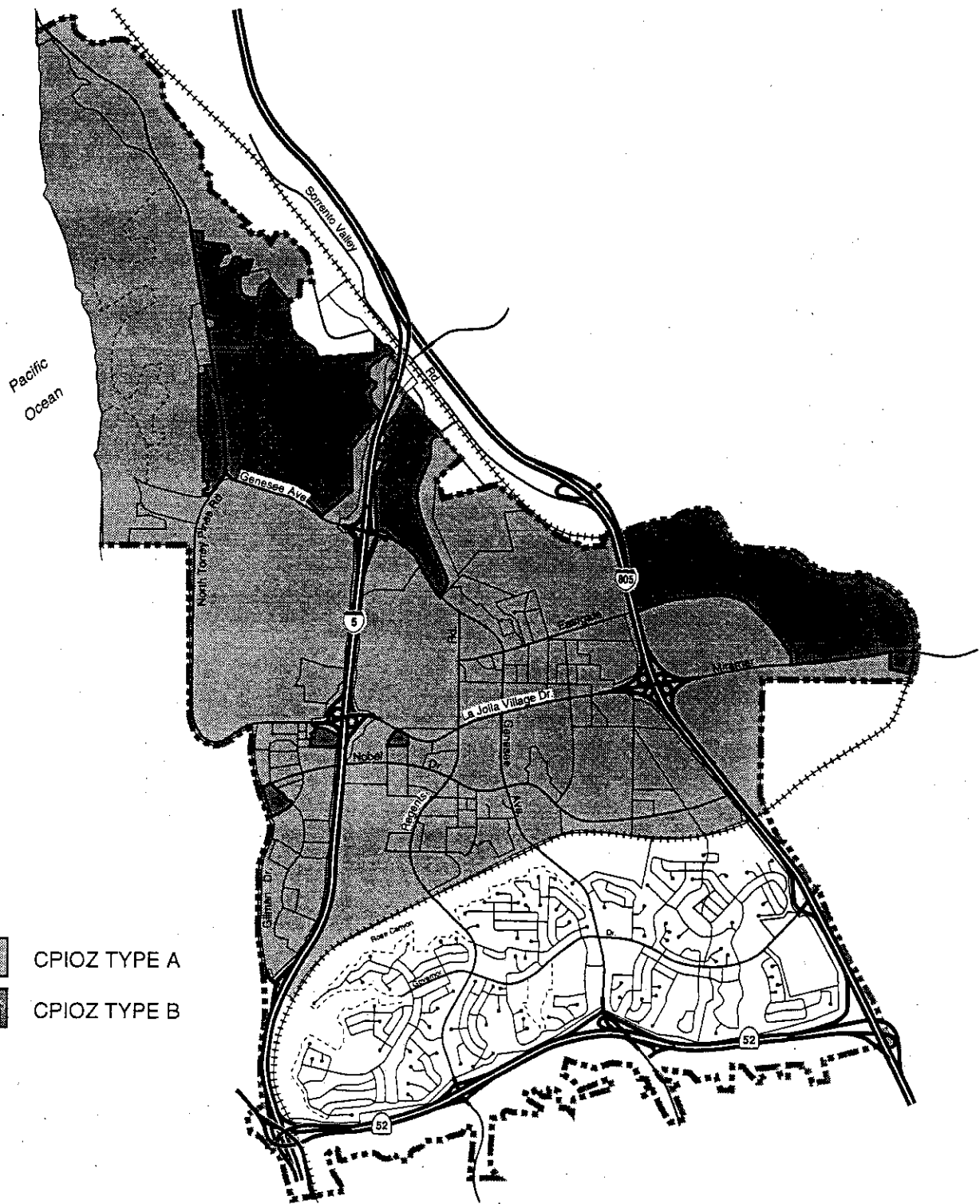


Rancho Peñasquitos Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
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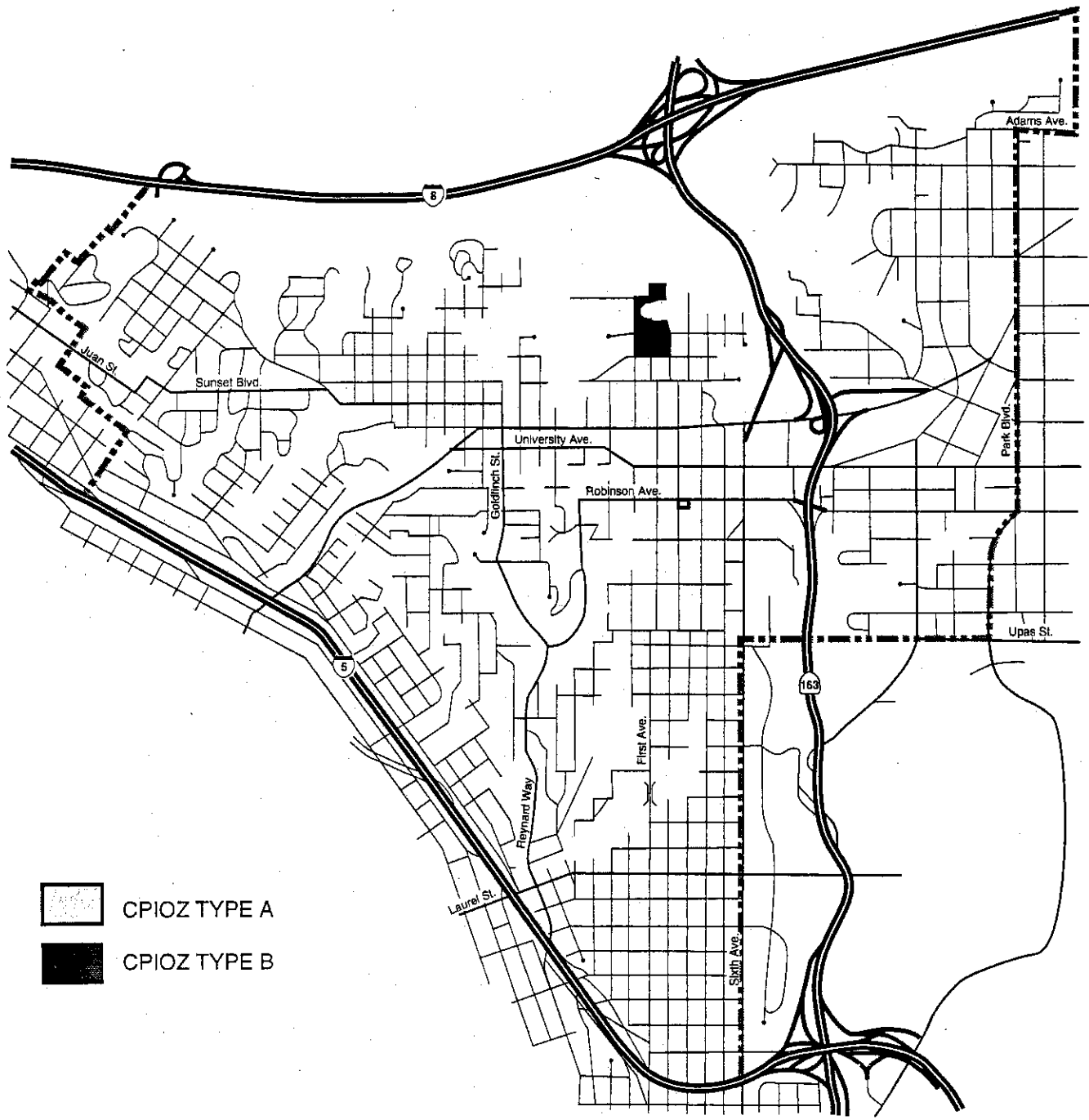


University Community Plan Implementation Overlay Zone Environmental Analysis Section

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Figure
23

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Uptown Community Plan Implementation Overlay Zone Environmental Analysis Section

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The Urban Village Overlay Zone would be applied in either commercial or residential base zones and provide opportunities for mixed use development. The zone provides the percentages of the mix of different types of uses. The regulations provide development bonuses and allow reductions from the base zone parking requirements.

Planned District Ordinance Changes

The project proposes no substantive changes to the planned districts. Where the planned districts refer to citywide zoning ordinances and regulations, the references would be updated to be consistent with the proposed Code. Where the planned districts contain their own version of these kinds of regulations, they would not be changed with the proposed project. An exception is parking. Most Planned District parking regulations are replaced with the exception of the Mission Beach and Centre City Planned Districts. However, proposed regulations are very closely patterned after the existing zones, including zones for Planned Districts.

If the proposed Code is adopted, discretionary planned district permit applications would be processed as Neighborhood Development Permit applications if the appropriate process is currently identified as a Process 2, and as Site Development Permit applications if the appropriate process is currently identified as a Process 3, 4 or 5. The findings required for approval of permits would be those required by the Planned Districts, in addition to those required for either a Neighborhood Development Permit or Site Development Permit, whichever is being granted.

With regard to conditional uses in the planned districts: most planned district ordinances currently refer to Municipal Code Chapter 10 for Conditional Use Permit regulations. The uses currently listed in this section of the current Code would be redistributed to be included in the planned district regulations. In addition, where planned districts contain their own lists of uses that can be considered through the CUP process, these will remain in the planned district.

Regulations

Property Development Regulations

The existing property development regulations are located throughout Chapter 10 of the current Code. Property development regulations are the requirements or specifications affecting the design and location of buildings and associated site improvements. Some of the development regulations currently are specifically addressed in the underlying zone and others are addressed only under a discretionary review process.

The proposed Chapter 14 Development Regulations include divisions with regulations for mechanical equipment, outdoor storage and display, landscape, grading, parking, drainage, environmentally sensitive lands, historical resources, fences and walls, and signs.

In addition to the consolidated location of the development regulations, some changes are proposed to the regulations themselves. Modifications are proposed so that some issues that were previously addressed only during the discretionary review process would be addressed through ministerial review.

Revisions to Resource and Hillside Regulations

The existing regulations pertaining to environmentally sensitive lands are located in various sections of the current code and in City Council policies. Some types of resources are

regulated through more than one set of regulations, many of which differ between coastal and non-coastal areas.

The proposed environmentally sensitive lands regulations and historical resources regulations consolidate all resource regulations into one location in the Code (Chapter 14). The major change proposed with these regulations is the method of calculating how much of a project site and what type of resource can be impacted by development. Resources would be regulated consistently in both coastal and noncoastal zoned areas. However, there would be different regulations applied depending on whether the project site is located within the MSCP preserve or outside of the preserve boundary. The applicability of regulations and the required review process would be based on project type and lot size, and the type of resource present, rather than the geographic location of the project site.

City Council Policy 600-40 would be replaced by aspects of the Historical Resources Regulations and the ESL Regulations. The purpose of 600-40 is to provide direction for how to apply the RPO to long-range planning efforts. The proposed regulations provide direction for how to apply the new regulations to land use plans under two scenarios. The first is when the applicant proposes to obtain a Site Development Permit (SDP) concurrent with adoption of the land use plan; in this instance, future development projects within that precise plan area would be subject only to a substantial conformance review. The second scenario is when the applicant is not pursuing a SDP at the time of processing the land use plan; in this instance, the regulations describe the language the land use plan is required to incorporate in order to provide for protection of these resources with subsequent projects within that plan area.

Background of Existing Resource and Hillside Regulations

The Hillside Review Overlay Zone (HROZ) is applied on a citywide basis, including the Coastal Zone. Areas within the HROZ generally includes slopes with gradients greater than 25 percent; the overlay zone also include some flatter areas to provide buffers for the hillsides and due to mapping procedures and scale. Not every slope in the city with a gradient greater than 25 percent was included in the HROZ mapping.

The development regulations for the HROZ are different depending on whether the property with the overlay zone on it is located in the Coastal Zone or not. If a property is both in the Coastal Zone and is within the HROZ, there are both slope encroachment limits and project design criteria. If a property is not in the Coastal Zone but is within the HROZ, there are no limits on steep slope encroachment; however, there are project design criteria. In other words, the steep slope encroachment limits of the HROZ only apply in the Coastal Zone. Until the Resource Protection Ordinance was adopted, and amended in 1990, this was the regulatory scheme for development on steep slopes.

The Resource Protection Ordinance (RPO) regulates development on lands with wetlands, wetland buffers, biologically sensitive lands, development in floodplains, development on steep slopes (slopes mapped in the HROZ as well as unmapped slopes that meet the definition of 25 percent or greater gradient and more than 50 feet high), and development in areas with significant historic and prehistoric sites. RPO regulations do not apply in the Coastal Zone; however, in issuing a Coastal Development Permit, the decision maker is required to make a finding that the proposed project is consistent with the biological and historical regulations of RPO. In addition, development on single-family lots, as defined in the ordinance, is exempt from

the ordinance. Although development on single-family lots is exempt from the Resource Protection Ordinance, it is still subject to the regulations of the HROZ.

Proposed Environmentally Sensitive Lands Regulations

The proposed project would repeal the HROZ and the Resource Protection Ordinance. Resources would be regulated without regard to whether or not the property is located in the Coastal Zone. The regulations for development on lands with resources targeted for protection would be in the new Environmentally Sensitive Lands regulations (Chapter 14). This includes all of the types of resources currently protected by the HROZ, and the Resource Protection Ordinance except for historical resources and wetland buffers. Regulations for historical resources would be located in a separate division of Chapter 14. Protection for wetland buffers would be eliminated. Another important change is that the proposed regulations would apply to development on single-family lots, as distinguished from the current RPO which does not apply to that category of development.

Implementation of the ESL regulations would occur through the Neighborhood or Site Development Permit (SDP) process. The proposed Code will identify the circumstances and situations under which a proposed development project would be required to obtain a NDP or a SDP. There are circumstances under which development on a premises with environmentally sensitive lands would be exempt from the requirement to obtain a NDP or a SDP.

One of the key changes that would occur is the method for calculating the amount of the premises that may be occupied by development. There would not be encroachment limits into resources with the proposed regulations; rather there would be a maximum development area allotment. (See the separate discussions below for biologically sensitive lands.) The least sensitive portions of the site would be required to be developed with priority over the sensitive portions. Development which would encroach into sensitive resources would only be permitted to the extent it is required to achieve a maximum development area of 25 percent of the site.

Hillsides

Currently, all single-unit lots in the Coastal Zone are subject to an encroachment limit into steep slopes occurring on the site. (Note that single-unit development is exempt from the Resource Protection Ordinance; thus, only in the Coastal Zone was all single-unit development subject to steep slope encroachment limits.) The proposed regulations would not differentiate between Coastal Zone and non-Coastal Zone areas. The following regulations would apply citywide.

For single-unit lots that are smaller than 20,000 square feet, development would be subject to design guidelines only. For lots that are greater than 20,000 square feet, development is subject to the development area limitations (that is, only the encroachment necessary to achieve 25 percent development area would be permitted), as well as design guidelines. Single dwelling units on large lots (over 20,000 square feet), all multiple dwelling projects, and all commercial and industrial development would be subject to a Process 3 permit and the 25 percent development area limitation.

The proposed regulations could result in a maximum encroachment into steep hillsides of 25 percent if the site is 100 percent steep hillsides. However, for sites where 75 percent or less of the area is steep hillsides no encroachment would be permitted. These regulations

would apply except in certain circumstances. There are situations under which deviations would be granted from the requirement for a Neighborhood or Site Development Permit.

Biologically Sensitive Lands

As stated above in the discussion of the changes to open space zones, it is important to note that all lands within the MSCP preserve would be designated as biologically sensitive. Therefore, a maximum of 25 percent of the site would be permitted to be developed. Development regulations for lands within the MSCP preserve are found in the OR-1-2 zone which was created for implementation of the MSCP preserve. Development regulations for biologically sensitive lands outside of the MSCP preserve would be found in the Environmentally Sensitive Lands regulations. Outside the preserve, there would be no limit on the allowable loss of biologically sensitive lands, although any loss would be required to be offset by mitigation.

Wetlands

The proposed Biology Guidelines and Environmentally Sensitive Lands regulations address wetlands and do not require wetland buffers. With regard to wetlands, the regulations require consultation with state and federal resource agencies prior to obtaining any permits from the City. In addition, the regulations require avoidance of wetland impacts except in certain limited circumstances.

Beaches and Coastal Bluffs

The Environmentally Sensitive Lands regulations provide development regulations for both sensitive coastal bluffs and coastal beaches. The regulations provide guidance for landscaping and irrigation for development adjacent to these areas. The regulations include provisions for drainage, grading and location of development, as well as setbacks from the bluff edge. In addition, the regulations address beaches.

Floodplains

The Environmentally Sensitive Lands regulations include provisions for development in 100-year floodplains, including floodways and floodplain fringe areas. The regulations are supplemental to the requirements of the OF (Open Space-Floodplain) zone. Channelization and permitted types of development are addressed for both floodways and floodplain fringe areas. Standards are included for subdivisions located within flood hazard areas. In addition, the regulations include standards of construction for structures to be located in flood hazard areas.

Proposed Historical Resources Regulations

Historical resources are currently regulated by the Resource Protection Ordinance which would be repealed by the proposed action. Historical resources regulations are proposed as supplemental regulations within Chapter 14 of the Land Development Code. For development that would impact a historical resource, as defined by the revised Code, a discretionary Neighborhood or Site Development permit would be required. If development would not impact a historical resource or if the type or location of development meets the exemption criteria, then a ministerial construction permit would be required. Additionally, a site-specific survey to determine the existence, precise location and class of historical resource may be required prior to issuance

of a construction or development permit if development is proposed in an area identified as sensitive on the Historical Resource Sensitivity Maps or for a parcel containing a structure that is 45 or more years old.

The proposed regulations identify two classes of historical resources. Class I historical resources consist of designated historical resources, historical districts, important archaeological sites and traditional cultural properties. The regulations allow only minor alteration of, or limited encroachments into, these resources, with the focus being on preservation. Class II historical resources include historical buildings, structures, objects and landscapes, and significant archaeological sites. Class II resources are considered less important and therefore preservation is not required. Any loss of historical resources, Class I or II, is required to be offset by mitigation. The Historical Resources Guidelines of the Land Development Code provides guidance for identification and evaluation of historical resources and mitigation for impacts when the effect on the resource cannot be avoided.

Revisions to Landscape Regulations

Currently, landscape requirements are located in the Municipal Code (sec. 101.1701 et seq.), and implementation guidelines are located in the Landscape Technical Manual. The proposed landscape regulations would be located in Chapter 14, and the current Municipal Code regulations would be repealed. The Landscape Technical Manual would be incorporated into the Land Development Manual. The changes to both the landscape regulations and the Landscape Technical Manual are described below.

The proposed Landscape Regulations would incorporate all the planting, irrigation and landscape regulations. Most of the conditions that require compliance with the regulations are the same as the existing code. Others, such as the circumstances when an increase in parking will require compliance with the landscape regulations, have been changed to trigger the planting and irrigation requirements in fewer instances than in the current code.

The planting materials point schedule was revised to include existing plant materials. The Street Yard and Remaining Yard requirements were changed in both the planting area and points required. Requirements were reduced in some instances and raised in others. Greater flexibility would be provided in planting requirements where commercial vehicles use the site in order to reduce conflicts between planting material and large vehicles. Greater emphasis would be provided on planting requirements where the landscaping would be visible from public rights-of-way. The requirements for rear and side yards would be reduced. Where an increase in requirements is proposed, it is to offset reduced requirements for architectural design and a reduction in the discretionary review process.

Industrial yard planting area and point requirements are proposed to be increased to offset reduced requirements for architectural design and a reduction in the discretionary review process, and to address projects with loading docks facing streets. In commercial areas, the proposed regulations are more accommodating for commercial vehicles which need larger area for turning and backing. The required planting points were increased to offset reduced requirements for architectural design and a reduction in the discretionary review process.

A new section clarifies an interpretation of the current Code relative to temporary parking areas. The current Code does not distinguish between permanent or temporary parking; the same

standards apply in both situations. The proposed Code reduces the requirements for planting when parking lots are going to be used for less than five years.

For planting and irrigation work in the public right-of-way, the quantity of required streets trees is reduced. The proposed regulations include a minimum size for trees in the right-of-way.

The proposed regulations require a proportion of an already developed property to meet the landscape regulations equivalent to the percentage of increase in area of structure or number of parking spaces on the property.

The proposed regulations simplify and reduce brush management requirements in most instances. Brush management zones would be reduced from three to two and the widths of the required zones have been reduced. According to the proposed regulations, brush management zone width requirements would be based on whether the property is located either east or west of Interstate 805 and El Camino Real. For properties located west of I-805 and El Camino Real, the maximum width of Zone 1 would be 25 feet and the maximum width of Zone 2 would be 30 feet. For properties east of I-805 and El Camino Real, the maximum width of Zone 1 would be 35 feet and the maximum width of Zone 2 would be 50 feet. Minimum zone widths would be permitted when projects include special flammability reduction measures.

The Landscape Technical Manual would be revised, and many of the sections would be relocated in the Code or to another support document. Most importantly, the section on the Brush Management Program will be revised in accordance with Council direction on the implementation regulations for the Multiple Species Conservation Program. Portions of the section include different examples of how brush management is applied. Additional explanation of brush management will be retained in the Landscape Technical Manual. The rest of the provisions will be moved to the Landscape Regulations in Chapter 14 of the proposed Code as described above.

Revisions to Parking Regulations

The proposed project would make few changes to minimum parking requirements. However, parking requirements would be based on use rather than by zone as current regulations require. Changes from the existing code are limited to those necessary to consolidate regulations but retain the different needs for different communities. The proposed parking regulations incorporate standards recommended in the adopted Transit Oriented Development Design Guidelines (approved by City Council August 1992).

One change that would occur is a change in the required dimensions for parking spaces. Currently, compact spaces are 7.5 feet wide X 15 feet long, with an 18-foot aisle; standard spaces are 8.5 feet wide X 20 feet long, with a 21-foot aisle. The proposed parking regulations would eliminate compact spaces. Parking spaces for retail land uses would be 8'3" wide X 18' long; for other types of land uses, the dimensions would be 8 feet wide X 18 feet long. The required aisle width would be 24 feet in all cases.

Designated transit corridors are all within urbanized communities. The proposed regulations include parking requirements near transit areas based on a Shared Parking Study that confirmed a reduction in parking requirements in the transit areas of urbanized communities (San Diego Shared Parking Study July 1996).

In addition, the proposed Code includes reductions from the basic parking requirements for very low income projects. The very low income parking ratio applies to dwelling units limited to occupancy by very low income households and that have entered into an agreement with the Housing Commission for an affordable housing density bonus.

The existing Code has a provision permitting off-premises parking for all permitted uses in the C-1 zone within 25 feet of the premises, for apartments in the C zone within 600 feet of the premises, and for shared parking if the parking facility is within 600 feet of the uses served. Shared parking is generally for multiple uses on the same parcel (such as a regional shopping center). The proposed Code expands this flexibility for off-premises parking to help accommodate small businesses where the business is located in neighborhoods deficient in parking.

The proposed Code includes required parking for areas within identified impact areas: the Coastal Impact area, the Beach Impact area, and the Campus Impact area.

The proposed Code provides for deviations from the parking regulations under certain circumstances. For example, a project may exceed the maximum permitted automobile parking requirement subject to certain conditions attached to a Process 2 Neighborhood Development Permit. As another example, a project may deviate from the parking standards if there is an associated Transportation Demand Management Plan and a Process 3 Site Development Permit. In addition, there are small lot exemptions from the regulations.

LAND DEVELOPMENT MANUAL

As the land development regulations contained in the City Municipal Code have grown in quantity and complexity, so have the supporting documents that help the property owner, community, and staff to interpret and implement them. The proposed project includes consolidation of support documents which are used in the implementation of the Municipal Code into one physical location, called the Land Development Manual (LDM). In addition, the project includes revisions to some of the documents and reorganization to improve consistency and clarity in how the support documents relate to the regulations. Ultimately, the manual will contain all City documents that are not modified, but that are relied on to aid in the development of land in the City.

The proposed project includes adoption of the following support documents: Biology Guidelines for the Environmentally Sensitive Lands Regulations (ESL) and the Open Space Residential (OR-1-2 Zone), and the California Environmental Quality Act (CEQA); Guidelines for Coastal Beaches and Bluffs; Historical Resource Guidelines; Steep Hillside Guidelines; and the Landscape Guidelines. These support documents will be the initial documents included in the Land Development Manual. Other existing guidelines and manuals that will not be changed but that help implement the Code will be included in the appendix of the Manual.

Relationship of Support Documents to Policy and Regulations

Support documents do not replace adopted land use plans or Municipal Code language. The

support documents do guide the way policies and ordinances are implemented and they provide information to the public. Following are definitions of the terms:

- *Policy Documents:* Policy documents are adopted by resolution and include the City Council Policies and land use plans such as the Progress Guide and General Plan, and community plans. Policy documents provide the overall goals and objectives of the City. These policies may be modified or deviated from by resolution of the City Council.
- *Regulations:* Regulations are ordinances, such as the Municipal Code, adopted by legislative act. The Code may only be modified or deviated from by adoption of an ordinance by the City Council or by a procedure provided for in the Code.
- *Support Documents:* Support documents are currently created by a wide variety of methods from Council resolution to memo by City staff. There are a wide range of documents including adopted standards, City Manager's administrative regulations, department instructions and policies, design guidelines, determinations, and users guides for staff and applicants. Support documents only have authority granted to them by the Municipal Code or policy documents.

Types of Support Documents

- *Design Standards:* These are established as minimum acceptable standards required for city approval. Standards may be deviated from for just cause.
- *Guidelines:* Guidelines are statements of policy or conduct that are not required but are encouraged. They may provide acceptable methods of satisfying a regulation but other methods may be considered acceptable by the decision maker.
- *Process Manuals:* Process manuals are user manuals for applicants. They establish requirements for submittal and processing of applications for permits and other approvals.
- *User Information Tools:* These include users guides, information bulletins, newsletters, or brochures that do not establish requirements or regulations but that simply organize information so that it is easier to use by applicants and staff.
- *Administrative Procedures:* These are user manuals for staff. These are rules established by the City Manager for how staff shall conduct the development review process.

How Documents in the LDM Would Be Adopted and Changed

The Guidelines contained in the LDM would shape the implementation of ordinances and regulations. Over time, the factors and considerations that are the basis of the guidelines fluctuate and change. Future changes to portions of the Land Development Manual will be divided into two categories: 1) Major Amendments and 2) Minor Amendments.

Major Amendments are proposed to be made in accordance with Process 5. This would include public noticing as described in the Municipal Code, a recommendation hearing before the Planning Commission, and final decision by the City Council. Actions that would be considered Major Amendments include the creation of new standards or guidelines, elimination or reduction in existing ones, or wholesale revisions.

Minor amendments to the Land Development Manual would be approved by the City Manager after a public review process. This would include a posting of the proposed change a minimum of 30 days in advance of a change becoming effective. Copies of the change would be made available to those who request it and will include information that identified the appropriate person to direct their questions and comments to. Staff will prepare a written response to any comments received indicating how those comments have been addressed. Actions that would

be considered Minor Amendments include changes to clarify language or concepts, to reformat or reorganize the guidelines or standards to make them easier to use, or changes to reflect new or outdated technology or techniques.

A. LAND USE

INTRODUCTION

The City of San Diego encompasses about 207,000 acres. About 26 percent is within an agricultural zone. Commercially zoned land is about two percent, and industrially zoned land is about six percent of the city. Approximately 35 percent of the city is within residential zones. The balance of land uses include open space, flood way and flood channels, and tidelands. Portions of the city are unzoned, such as N.A.S. Miramar.

Land use and growth patterns of the city are guided by land use plans such as the Progress Guide and General Plan. The land use plans are implemented, and development is regulated by, the sections of the Municipal Code relating to the zone plan for the city, and the building and subdivision codes.

The purpose of this section of this DEIR is to evaluate the proposed project in view of the land use plans and policies for the city and whether there may be potential environmental impacts related to land use. The proposed project, the Land Development Code and associated support documents, would be relied on for continued implementation of the land use plans. The following existing conditions section includes environmentally related goals and recommendations from land use plans and special area management plans used in the City of San Diego. The subsequent section on impacts presents an analysis of whether implementation of the proposed project is likely to result in conflicts with stated environmental goals and policies of land use plans, management plans, or the Comprehensive Land Use Plan for N.A.S. Miramar (accident potential zones) and whether the proposed project would result in incompatible or inconsistent land uses.

EXISTING CONDITIONS

COMMON ENVIRONMENTAL GOALS and POLICIES

In addition to the General Plan, there are 39 community plans in San Diego. There are special area planning documents for parks, special resource areas and specific plan areas. While each of the plans addresses unique issues and concerns, they also address many similar environmental goals and contain similar policies. Most plans have an overall goal of preserving and enhancing the high quality and character of the area. The following recommendations, objectives, goals, and/or policies regarding the environment are contained in almost all of the plans:

1. Prohibit land uses adjacent to sensitive habitats that negatively impacts those areas; if there are impacts, the new development is responsible for the restoration and enhancement of the area.
2. Minimize or eliminate development impacts on rare, threatened, endangered, or candidate species.
3. Limit public access in areas of sensitive habitats to low-intensity recreational, scientific, or educational use.

4. Control or confine access to designated trails or paths, and no access shall be approved which results in disruption of habitat.
5. Restore sensitive habitat area that is degraded by human activity, or compromised by the presence of exotic or invasive plant species.
6. Preserve and enhance all open space with non-building or negative open space easements.
7. Design the construction or improvements of roadways adjacent to biologically sensitive areas or open space to avoid impacts, especially in wetlands and wetlands buffer areas.
8. Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas.
9. Preserve hillsides and treat them sensitively.
10. Require that development constructed on natural hillsides preserve and enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features.
11. Design roads serving hillside and canyon developments carefully and sensitively.
12. Require access roads to follow the natural topography, whenever possible, to minimize cutting and grading.
13. Enhance public access to the beach, bay, and park areas along the shoreline to benefit community residents and visitors.
14. Preserve the beach and shoreline areas through appropriate erosion control measures that will maintain the natural environment, yet allow for the effective drainage of surface water.
15. Develop sufficient and convenient parks and recreational facilities to serve the existing and future residents of the community.

In addition, most plans contain a Circulation/Transportation Element. Generally, the goal of that element is to provide a circulation system to safely and adequately accommodate traffic within the community and establish linkages with other parts of the City. Goals that are typical of the transportation elements include the following:

1. Mitigate potential impacts to environmentally sensitive areas due to road improvements through the restoration and enhancement of that open space system to the maximum extent feasible.
2. Reduce or eliminate impacts to road improvements that traverse sensitive areas.
3. Improve public transit service and provide regular bus service, light rail transit and commuter rail should link the community with the regional transportation network.

4. Provide bikeway and pedestrian paths that link all areas within the community.
5. Require that street improvements be compatible with the surrounding areas.
6. Prohibit the elimination of existing parking.
7. Provide an adequate, accessible, and well-maintained supply of parking for residents, businesses, and tourists.
8. Provide adequate off-street parking for vehicles in all community projects.
9. Require new development to provide parking and address pedestrian activity in site design proposals.
10. Locate transit stops to maximize access and optimize transit service and pedestrian and bikeway connections.
11. Support the provision of park-and-ride facilities in the vicinity of access points to the major regional transportation facilities.

SPECIFIC ENVIRONMENTAL GOALS and POLICIES

General Plan

The Progress Guide and General Plan includes the following recommendations, policies, and guidelines which are distinct from those guidelines which are common to all planning policy documents.

- Apply permanent agricultural zones in areas where climate, groundwater quality, and soil conditions are conducive to the production of agricultural products on an economically viable basis.
- Provide a range of opportunities for active and passive recreation, educational activities, and neighborhood identification, in all parts of the City, adapted to the needs and desires of each neighborhood and community.
- Require approximately 20 acres of urban recreation land for each 1,000 residents citywide.
- Retain all park land for recreation purposes only. As opportunities arise, repossess for recreation purposes desirable park areas that have been diverted to other uses.
- Acquire non-public beach areas for public use and preserve and identify access.
- Make suitable provision for parks or open space public areas in redevelopment plans for areas presently park-deficient.
- Retain premium agriculturally productive lands in agricultural usage.

- Prohibit development of floodplains, steep slopes, canyons, coastal and waterfront lands or minimally developed lands.
- Prohibit filling of canyons; grading should be kept to a minimum, and natural drainage systems should be preserved.
- Limit the use of beaches and shoreline to appropriate ocean-oriented recreational and educational uses.
- Increase utilization of local water resources.
- Decrease reliance on imported water.
- Protect major mineral deposits against encroachment by land uses which would make their extraction undesirable or impossible.
- Produce sand and gravel with minimal harm and disturbance to adjacent persons and properties.
- Integrate extraction and processing of construction materials with other existing and proposed land uses.
- Conserve endangered species and manage all resources necessary for their survival.
- Control use of off-road vehicles.
- Protect and enhance the quality of San Diego's air resources.
- Preservation of San Diego's rich historical and prehistoric tradition so that it may become part of the consciousness of the present and future generations.
- Effectuation of a cultural resources management program that maximizes, insofar as practicable, the living utility of historic resources.
- Conserve not only structures of outstanding historic and architectural merit, but also those structures which contribute to the economic and social well-being of the City.
- Enact local ordinances which would ensure effective preservation, protection, and management of significant cultural resources and would place such resources in the public domain.
- Conserve in their entirety the largest and most unique prehistoric sites found within the City to be held for investigation with more sophisticated techniques developed at some future time.
- Preservation of historic resources in number and type so as to successfully evoke the distinctive character of all significant stages of San Diego's history.

- Ensure that land use designation, zoning, and specific project development plans are consistent with adopted land use-noise level compatibility standards.
- Ensure that mitigation measures needed to achieve compatibility with the noise environment are made enforceable conditions of project approvals.
- Eliminate as soon as possible incompatible land uses in areas adversely impacted by aviation noise by reducing noise levels, converting land uses, or by successfully mitigating the noise impact to noise-sensitive uses.
- Increase enforcement of restrictions on off-road vehicle use to eliminate this source of noise from local neighborhoods.

Community Plans

Many of the community plans have more specific recommendations and goals in addition to those stated above under Common Environmental Goals and Policies. These more specific recommendations and goals are designed to reflect the unique issues and concerns pertinent to that individual community. These specific environmentally related recommendations and goals are stated below.

Tia Juana River Valley Community Plan

One of the overall goals of the Tia Juana River Valley Community Plan is to protect and preserve diminishing natural coastal resources. An objective to the plan is to conserve valuable natural deposits of alluvium and river bed sand.

Torrey Pines Community Plan

The Torrey Pines Community Plan (September 1994) states the following policies for preserving biological and cultural resources:

- No filling, clearing, grubbing, or other disturbance of biologically sensitive habitats shall be permitted without approved mitigation plans;
- Coastal lagoons and estuaries that are designed and zoned open space shall remain undeveloped;
- Riparian vegetation in channels through the Sorrento Valley industrial area shall be preserved in its natural state in order to maintain its vital wildlife habitat value;
- Crest Canyon shall be left in its natural state in order to preserve those biologically sensitive habitats identified within this park;
- New development, both public and private should incorporate site planning and design features which avoid or mitigate impacts to cultural resources; if sufficient plan flexibility does not permit avoiding construction on cultural resource sites, mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission;
- All Torrey Pine trees on public property should be preserved and protected.

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

- Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;
- Restoration purposes;
- Nature study, aquaculture or similar resource dependent activities.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Buffer zones sufficient to protect wetlands shall generally be 100 feet in width, unless the applicant demonstrates that a smaller buffer will protect the resources of the wetland based on site-specific information including but not limited to the type and size of the development and/or proposed mitigation which will also achieve the purposes of the buffer.

The community plan states that all new development within the coastal zone shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning Program, and shall comply with the City of San Diego MSCP Interim Habitat Loss Permit Process, or shall obtain an incidental take permit under Section 4d, Section 7 or Section 10a of the Endangered Species Act related to the California gnatcatcher.

San Pasqual Valley Community Plan

The overall goals of the San Pasqual Valley Community Plan (June 1995) have been based upon issues related to the preservation of natural resources, preservation of agricultural land uses, preservation of historical and cultural resources, and traffic circulation that accommodates the needs of the residents.

The following are policies of the plan related to the overall goals:

- Manage agricultural activity to minimize soil erosion and minimize the release of contaminants into the groundwater basin and Hodges Reservoir;
- Prohibit or regulate local activities that are proven to be a significant detriment to the maintenance of useable water quality in the groundwater basin and Hodges Reservoir;
- Limit retail activity in areas designated for agriculture to uses that are related to agriculture such as the sale of locally grown farm products;
- Preserve the undisturbed oak woodland, chaparral and coastal sage scrub habitats throughout the valley as open space;
- Preserve or restore native riparian vegetation along the course of the San Dieguito River and its tributary creeks;
- Preserve a wildlife connection along the watercourse of the San Dieguito River; connections to upland habitat areas shall be preserved following the river's tributary creeks;
- Permit construction and maintenance activities for flood control purposes within open space;

- Allow periodic sand removal in the riparian open space corridor beyond the maintenance of the 40-foot pilot channel only if it is determined to be beneficial to the riparian corridor as part of the implementation of an approved restoration plan;
- Include the open space designated by this plan in the Multiple Species Conservation Program (MSCP) preserve;
- Preserve sand resources to meet projected regional demand, and to provide income to the City, by designating areas containing significant sand resources for agricultural land use;
- Require that recreation uses have a low impact on the valley's natural resources and on adjacent land uses, including agriculture;
- Develop recreational use of Hodges Reservoir in a manner consistent with the reservoir's use as a source of public water supply;
- Protect and maintain significant cultural resources as determined by a comprehensive cultural resource survey;
- Protect and maintain the historic agricultural character of the San Pasqual Valley.

University Community Plan

The environmental goals of the University Community Plan (January 1990) include limiting traffic in order to reduce congestion and air pollution, and to minimize the impact of aircraft noise and the consequences of potential aircraft accidents.

Development within canyon bottoms and on slopes with greater than 25% gradients are strongly discouraged through the plan. However, for development that does occur on canyon bottoms, along bluffs or on steep slopes, it should be consistent with the following guidelines:

- Planned developments should be used in hillside areas to permit clustering the structures on the more level areas and to reduce grading;
- Only a small portion (10%) of the slopes with 25% or greater gradient should be graded;
- Except as necessary to provide adequate fire buffers around structures, the natural vegetation on slopes should be retained;
- Development, alteration or grading of natural landforms should not occur along bluffs or cliffs, within drainage canyons or on slopes of 25% or greater in the Coastal Zone in order to prevent erosion and to protect existing native plant communities and visual resources;
- Development on slopes or near bluffs should not contribute to erosion or geologic instability of the site or adjacent properties.

Old Town San Diego Community Plan

The open space and recreation element of the Old Town San Diego Community Plan contains the following recommendations:

- Hillsides within Presidio Park should be preserved in their natural form;
- Streets should be enhanced with landscape to encourage pedestrian movement;
- Existing mature trees that are fifty years or older should be preserved.

The circulation element states that further widening of streets for automobile access to enhance traffic improvements should not be undertaken.

Sorrento Hills Community Plan

The Sorrento Hills Community Plan (March 1993) contains the following guidelines for open space:

- Establish landscaping standards to maintain natural vegetation on undeveloped slopes, and natural vegetation on certain manufactured slopes to assure Community-wide landscaping continuity;
- Dedicate natural open space to public ownership, or establishing a mechanism for maintenance through property owner associations.

The goal of the Resource Management Element of the Sorrento Hills Community Plan is to preserve areas of high resource value, and establish a management plan for the community's resources that will encourage environmentally sensitive development. The plan identifies the following measures for achieving the goal:

- Identification of valuable natural environments and the development of a plan for their preservation or mitigation;
- Establishment of categories of sensitivities for biological, archaeological, and paleontological resources;
- Establishment of development standards for energy and water conservation through available technology and land planning techniques.

Kearny Mesa Community Plan

The Kearny Mesa Community Plan (October 1992) contains the following pertinent policies.

- Correlate development intensities with the capacity of the circulation system;
- Prevent incompatible uses from developing on environmentally constrained land;
- Preserve vernal pool habitat on Montgomery Field in accordance with the preservation policies described in the adopted Montgomery Field Master Plan.

Otay Mesa-Nestor Community Plan

This community plan is currently being updated. The overriding community goal for the adopted Otay Mesa-Nestor Community Plan (1979) is to plan and develop this area as a viable community offering a wide range of housing, employment, business, cultural and recreational opportunities adequately served by public facilities. The plan contains the following objectives to achieve those goals:

- Minimize the environmental impact of street construction;
- Conserve the Otay River Valley and floodplain as existing open space;
- Initiate a street tree planting program on a community and individual basis; planting should be required in areas where barren cut slopes exist;
- Require mitigation measures where development would adversely impact archaeological or paleontological resources.

Linda Vista Community Plan

This community plan is currently being updated. One of the overall community goals for the adopted Linda Vista Community Plan (July 1983) is to preserve natural open space in Tecolote Canyon and other steep hillsides. Recommendations in the Open Space Element of this plan include:

- Using the hillside design and development criteria as outlined in the Urban Design Element to repair damaged slopes and guide development which may occur on slopes or along canyon rims;
- Encouraging new development to employ Planned Residential Development Permits in order to cluster development away from more sensitive hillside areas.

Mission Valley Community Plan

The overall goal of the Mission Valley Community Plan (June 1985) is the continued development as a quality regional urban center in San Diego while recognizing and respecting environmental constraints and traffic needs, and encouraging the Valley's development as a community. Some of the overall objectives of the plan include:

- Encouraging high quality urban development in the Valley which will provide a healthy environment and offer occupational and residential opportunities for all citizens;
- Providing a framework for the conservation of important wetland/riparian habitats balanced with expanded urban development.

The Open Space Element contains development guidelines for hillsides:

- Whenever possible, preserve and incorporate mature trees and other established vegetation into the overall project design;
- Large scale development at the base of the slopes should not cut or grade, nor extend above the 150-foot elevation contour on the southern slopes.

Pacific Beach Community Plan

The following policies are from the Circulation Element of the Pacific Beach Community Plan (February 1994):

- The City shall identify additional transit corridors in the Pacific Beach community as appropriate to support transit oriented development policies;
- The City shall improve the road network to facilitate traffic circulation without widening streets, and without disrupting the neighborhood development pattern, streetscape or pedestrian environment;
- The City shall promote the establishment of Park and Ride facilities on or near East Mission Bay Drive, particularly in proximity to the proposed trolley station at Morena Boulevard and Balboa Avenue.

The Parks and Open Space Element contain the following policies:

- Kate Sessions Park shall be rezoned to an appropriate Open Space Zone and its natural resource areas shall be preserved in their natural state;
- Any new development of property directly abutting the Northern Wildlife Preserve shall maintain a buffer area and shall incorporate, where feasible, a controlled pedestrian trail and viewing areas around the marsh in accordance with the Sensitive Coastal Resource Zone and the specific proposals of this plan.

La Jolla Community Plan

The Natural Resources and Open Space System Element of the Draft La Jolla Community Plan (January 1995) contains the following policies:

- Limit public access in open space areas that contain sensitive resources to scientific or educational use;
- Prohibit surface water drainage allowed to drain over or near the bluff, and where street drainage systems erode bluffs, the drainage system should be redesigned to prevent bluff erosion;
- Develop a connected system of shoreline walkways that extend from La Jolla Shores Beach to Tourmaline Surfing Park in areas where feasible;
- Maintain existing parking areas, public stairways, pathways and railings along shoreline to preserve vertical access, allow lateral access, and to increase public safety at the beach and shoreline areas;
- Ensure that new development does not restrict or prevent lateral vertical, or visual access to the beach on property that lies between the shoreline and first public roadway, or to and from recreational areas and designated public open space easements;
- The City should undertake environmental assessments of developments that would affect slopes or important environmentally sensitive resources;
- The City should conduct a survey of architecturally significant and historic sites eligible for historic designation;
- The protection of sensitive resources should be assured in designated and dedicated open space.

The Natural Resources and Open Space System Element contains the following recommendations:

- Limit encroachment of new development in designated Open Space areas to 25% slope encroachment;
- Designate as open space the city-owned parcel (site 653) at the intersection of La Jolla Village Drive, La Jolla Scenic Way, and La Jolla Scenic Drive North;
- Protect the scenic value and visual quality of Mount Soledad Park, La Jolla Heights Park and habitat linkages through steep slopes and canyons from developments or improvements that would detract from the scenic quality and value of these resources;
- Require that where new development is proposed on property that lies between the shoreline and the first public roadway, a vertical and/or visual accessway of not less than ten feet in width and running the full depth of the property be offered for dedication as a public easement provided that the need for such accessway has been identified within this

community plan or that no such accessway exists within a lateral distance of 500 feet of the project site;

- Avoid the placement of sea walls, fences and gunite on coastal bluffs, where feasible, in order to preserve the natural and scenic quality of these resources;
- Maintain lateral access for public use of the beach along the 1000-foot beachfront shoreline of La Jolla Shores Beach and Tennis Club below the mean high tide line;
- Maintain the natural scenic character of existing coastal trails;
- Maintain all existing steps and paved access ramps to beach and shoreline parks to increase public safety and vertical access to these areas;
- Designate the bluff faces adjacent to Coast Walk as an ecological reserve in order to help protect the integrity of the off-shore Underwater Park and Marine reserve;
- Designate Charlette Park as public open space.

The following policies and recommendations are contained in the Transportation Element of the La Jolla Community Plan:

- Consider a reduction in parking requirements for commercial projects that develop transit-oriented development standards and/or incorporate transportation demand management programs.
- Require commercial development along transit routes to provide landscaping and passenger waiting areas at transit stops within the public right-of-way;
- Implement a comprehensive coastal access parking plan for the village area that will relieve the impacts of office parking within residential blocks and encourage use of existing parking structures and surface lots within the commercial uses.

Midway Community Plan

The Midway Community Plan (May 1991) includes the following policies and recommendations:

- Provide off-site parking within one quarter mile of commercial areas;
- Consolidate the number of driveway entrances or curb-cuts on properties as redevelopment occurs;
- Reduce risks associated with geological hazards and impacts through project design;
- Require the usage of drought vegetation as a method of reducing soil erosion and runoff on all natural and manufactured slopes;
- Preserve the community's historical heritage and protect significant historic and architectural resources;
- Evaluate projects located on, or adjacent to, a significant historic, archaeological, or paleontological site for compatibility with the resource.

Mira Mesa Community Plan

The Mira Mesa Community Plan (July 1992) contains the following goals, proposals and policies:

- Restrict development in areas subject to flooding or high fire risk;
- Prohibit filling, clearing, grubbing or other disturbance of biologically sensitive habitat without all necessary City, State and Federal permit approvals and completion of mitigation requirements;

- Prohibit the planting of exotic or invasive plant species within or adjacent to existing sensitive habitats;
- Provide a 100-foot buffer and preserve all riparian areas;
- Preserve the floodplain and adjacent slopes of the five major canyon systems that traverse the community - Los Penasquitos Canyon, Lopez Canyon, Carroll Canyon, Rattlesnake Canyon and Soledad Canyon;
- Prevent and control the run-off of fertilizers, pesticides, and other urban pollution into riparian and floodplain areas;
- Require new developments along transit routes to provide turnouts for buses and passenger waiting areas in accordance with MTDB and City Policies;
- Prohibit driveways on six-lane streets when access is available from adjacent streets.

Centre City Community Plan

The Centre City Community Plan (April 1992) has the following specific objectives:

- Develop Centre City with a strong financial/commercial core surrounded by distinct but well integrated mixed-use and residential neighborhoods along with the amenities, commerce and services necessary to support a vibrant urban downtown;
- Substantially increase the number of people living downtown; provide a range of housing to meet the needs of an economically and socially balanced population;
- Develop a comprehensive multi-modal transportation system that supports planned development intensities and land use patterns in Centre City. Aim for the increased use of mass transit, especially by daily commuters, with less reliance on automobiles and long-term downtown parking;
- Take maximum advantages of Centre City's unique topography and waterfront setting with a plan oriented to "people and their activities" in a dynamic expanding downtown;
- Create an urban open space system in Centre City that is designed to take advantage of San Diego's climate and setting; and that offers both formal and informal places, and active-recreational and quiet areas for downtown workers, residents and visitors;
- Assure for each person in Centre City easy access to high quality health, mental health, and social and educational services in the context of a dignified, safe and secure environment;
- Make Centre City the dominant center of the region for music, theatre, dance and the visual arts, for dining out and for entertainment and public festivals;
- Preserve historic structures and districts in downtown to maintain a tangible link to the past;
- Promote the growth and vitality of Centre City as the primary business, educational, cultural and entertainment magnet of the region;
- Establish a comprehensive program to provide facilities and amenities in Centre City which are determined to be of benefit to the public.

Barrio Logan/Harbor 101 Community Plan

The goals of the Barrio Logan/Harbor 101 Community Plan (April 1993) include:

- Providing open space links to the waterfront for public access whenever possible;
- Establishing community access to San Diego Bay in coordination with the Port District in an area just north and west of the Bay Bridge;
- Developing a linear park at Chollas Creek in conjunction with the U.S. Navy and Army Corps of Engineers.

Rancho Penasquitos Community Plan

The Transportation Element of the Rancho Penasquitos Community Plan (June 1993) contains the following general policy recommendations:

- Each new development should contribute its fair share to needed transportation improvements based on traffic, transit ridership and population expected to be generated by the development;
- Adequate vehicular and pedestrian access should be available to serve all significant community resources and public facilities with an emphasis on safety, aesthetics and integration of facilities; and
- Off-road vehicles should be prohibited on designated open space areas and public property.

The Park and Recreation Element of the Rancho Penasquitos Community Plan contains the following policies:

- Natural and landscaped open space areas should be protected from unauthorized use of off-road vehicles;
- Developers should be required to dedicate selected open space areas which can serve as visual and noise buffers between and within neighborhoods.

The Open Space and Resource Management Element contains the following policies:

- The proposed expansion area (240 acres) of Black Mountain Park should be acquired by the City, the state, or another public agency; the underlying land use designation for this area is regional open space park;
- Exotic or invasive plant species should not be planted adjacent to natural open spaces areas;
- Development occurring adjacent to Penasquitos Canyon and Black Mountain Park should follow this criteria:
 1. The filling of lateral canyons and grading over canyon rims should be minimized except in those few areas not visible from the canyon floor; promontories and canyon rims that are visible from the canyon floor or Black mountain peak may be developed when suitable landscape screening is provided after thorough design review;
 2. Where grading is feasible, sculptured grading techniques should be used to blend slopes with natural land contours; graded areas should be built upon or planted rapidly in accordance with the City's grading ordinance;
 3. Only low-profile dwellings should be allowed near the canyon rims;
 4. Appropriate mitigation measures should be applied to archaeological sites found in the area.

Scripps Miramar Ranch Community Plan

The Parks, Recreation, and Open Space Element of the Scripps Miramar Ranch Community Plan (June 1978) contains the following objectives:

- Require developers to set aside at least 25% of the total project area for designation as park and/or open space;
- Encourage finger-like projections of open space entrances into neighborhoods to create additional access and more interesting design within residential developments;
- Forest open space area not adjoining Miramar Reservoir at a minimum of 100 eucalyptus trees per acre, thereby expanding the unique and valued eucalyptus environment of this community;
- Prohibit off-road vehicles on all open space and public property.

Serra Mesa Community Plan

The Environmental Management Element of the Serra Mesa Community Plan (March 1977) includes the following proposals:

- Open space and hillside conservation areas are limited to slopes of 25% or greater;
- If excessive land costs or other factors preclude purchase of proposed open space, development should be limited to "very low density" residential use (0 to 4 dwelling units per net acre, depending on slope), or other uses compatible with open space concept;
- On street parking of campers, trailers, boats and other pleasure vehicles, trucks and buses should be discouraged.

Skyline Paradise Hills Community Plan

The Skyline-Paradise Hills Community Plan (June 1987) contains the following recommendations:

- All new multi-family residential developments should be required to provide regular private recreational facilities and/or usable open space areas within the development;
- All City-owned park sites should be rezoned to an open space zone;
- Paradise Canyon is the community's highest priority in terms of retention. Those portions of the canyon not yet acquired should be retained for open space purposes through the planned residential development permit process or subdivision process and should be rezoned to R1-40,000. A 5-acre parcel located north of Boone Elementary School will be developed as a neighborhood park;
- The Jamacha open space system is recommended to be partially developed with a bicycle trail along the canyon floor;
- The slopes on the south side of Paradise Valley Road between Potomac Street and Munda Street should remain in their natural state;
- Areas proposed for open space designations should be rezoned to R1-40,000 to preclude development which is inconsistent with the topography.

Peninsula Community Plan

The Parks and Recreation Element of the Peninsula Community Plan (June 1987) includes the following recommendations:

- The Open Space Zone should be applied to City-owned park and recreation sites; Collier Park and Recreation Center should be rezoned to OS-P and Sunset Cliffs Park should be rezoned to OS-R;
- Sunset Cliffs Shoreline Park should be dedicated and developed in a manner consistent with resource protection;
- Only minimal improvements along the La Playa/Kellog Beach bayfront should be considered because of the beach area's small size, limited resource carrying capacity, isolation and use orientation which is geared to serve the immediate neighborhood;
- On-street parking should be maintained in this area by reducing curb-cuts and denying street vacation requests.

The Transportation and Shoreline Access Element in the Peninsula Community Plan contains the following pertinent recommendations:

- New commercial/office development should provide at least one parking space for every 400 square feet of gross floor area on-site or one space per 500 square feet of gross floor area in a common parking facility;
- New restaurant development, including restaurant conversions, should provide at least one parking space for every 200 square feet of gross floor area;
- Hotels and motels should provide one parking space per unit, while private clubs should provide one space per 400 square feet of gross floor area;
- Industrial development should provide one parking space per 800 square feet of gross floor area on-site or one space per 1,000 square feet of gross floor area if in consolidated parking areas shared by two or more uses in the vicinity it serves;
- Residential development should provide 1.3 parking spaces per one bedroom or studio unit and 1.6 parking spaces per two or more bedroom unit.

Mid-City Community Plan

The Open Space and Park/Recreation Element of the Mid-City Community Plan (September 1984) includes the following objectives:

- Apply the R1-40,000 or more restrictive zone to designated open space in order to ensure a development intensity consistent with the topography;
- Consider the use of Transfer of Development Rights to protect open space and encourage infill in the appropriate locations;
- Designate Chollas Creek as a linear open space system;
- Encourage block groups to construct and maintain their own mini-parks for children or to cultivate block gardens for vegetables or gardens;
- Encourage the use of roof tops for recreational purposes.

Greater North Park Community Plan

The Transportation Element and the Park/Recreation Element of the Greater North Park Community Plan (November 1986) includes the following objectives:

- Maintain the pedestrian interface between Balboa Park and the community, insuring that vehicular access to Balboa Park does not use local streets in Greater North Park as through travel routes;
- Establish a transit point at University Avenue and 30th Street in order to provide support to the central business;
- Utilize DART (Direct Access to Regional Transit) within various areas of the community where fixed route transit services are not readily available
- Enhance public space adjacent to community facilities, such as post office, libraries, schools and churches, to serve as a focus for passive recreation;
- Establish smaller neighborhood parks and mini-parks throughout the community, especially in areas more distant from larger park facilities.

Golden Hill Community Plan

The Open Space Element of the Golden Hill Community Plan (December 1987) contains the following objectives:

- Rezone all areas within the 32nd Street and 34th Street canyons designated as open space and in the Hillside Review Overlay Zone to the R1-40000 Zone; and
- Allow street vacations only where the land vacated will become part of a contiguous open space parcel.

Elliott Community Plan

The Elliott Community Plan (March 1971) states that natural resource deposits (sand, gravel and rock) should be protected by limiting or restricting land uses which would make extraction of such resources infeasible or impossible.

Clairemont Mesa Community Plan

In the Clairemont Mesa Community Plan (April 1989), the following objectives for the Open Space and Environmental Resources Element are included:

1. Reduce runoff and the alterations of the natural drainage system;
2. Minimize the contamination of Rose Creek and Tecolote Creek from urban pollutants and erosion;
3. Prevent residential landscaping from modifying the biological resources of canyon areas by using plant species which are non-invasive and compatible with the native vegetation.

Southeast San Diego Community Plan

Some objectives of the Transportation Element of the Southeast San Diego Community Plan (June 1987) are to minimize the effects of freeways on adjacent development and not to encourage the addition of freeways, and fully improve streets to reduce or remove "bottlenecks". Open Space objectives include maintaining and enhancing the community's cemeteries as unique landscaped areas of visual significance to the community, and increasing private recreational opportunities areas in new residential developments.

Navajo Community Plan

The following objectives and proposals are from the Navajo Community Plan (July 1982):

- Protect open space system from commercialization;
- Retain all park sites adjacent to proposed school sites even though the school sites may be declared a surplus;
- Develop all City-owned neighborhood parks;
- Lake Murray Community Park is to be developed as soon as possible to serve as a Community Park and Recreation Center;
- Acquire Adobe Falls Open Space Park as soon as possible;
- No through roads will be permitted through open space except for the extension of Navajo Road, design to parkway standards, through Navajo Canyon and the extension of Jackson Drive;
- Establish hiking trails in the San Diego River Basin through Mission Gorge which will minimize impacts to the riparian habitat;
- If portions of the open space system are not acquired by the City, they should be permitted to develop according to these guidelines:
 1. Low residential densities not to exceed one dwelling unit per acre in the Hillside Review Overlay Zone;
 2. Development permitted in these areas are allowed two dwelling units per acre on a slope of 0-24%, no more than one dwelling units per acre on a slope of 25%;
 3. If the canyon adjacent to existing or future school sites are not obtained for open space, a neighborhood park with a minimum of five acres should be reserved next to each school.

Uptown Community Plan

The Uptown Community Plan includes a Transportation Element and an Open Space and Recreation Element. Both elements include recommendations that relate to resources important to the community.

The Open Space and Recreation Element contains the following recommendations for the regional and resource-based parks located within the Uptown Community. Both Balboa and Presidio Parks are located in the Uptown Community.

- Integrate and coordinate the design of all development adjacent to Presidio and Balboa Parks with the parks' urban design character to ensure that:
 1. Public vistas to the parks are maintained and enhanced;
 2. Landscaping motifs and materials consistent with the parks are incorporated into a project;
 3. Development densities are compatible with and preserve the parks' topography; and
 4. The traditional character at the parks' perimeters are maintained and enhanced.
- Development surrounding Presidio Park should be low density and residential in character;
- Development in the Sixth/Fifth Avenues corridor, adjacent to Balboa Park, should be predominantly high density, residential uses:
 1. Encourage mixed use development including high density residential, retail, and offices.
 2. Retail development should be located at ground level and all levels with direct street access.
 3. Locate retail services for residential and office development along Fifth Avenue.
- Development adjacent to the north side of Balboa Park should be low density, residential uses.
 1. Maintain very low density residential character large lot single-family development with front yard landscaped areas, street trees and with designs similar to existing architectural styles.
 2. Maintain an open space character with vegetated courtyards and setbacks.
 3. Conform landscaped areas and street trees to the typical vegetation in the adjacent park area.

The Uptown Community includes a series of natural canyons which are an aspect of the unique character of the community. The Open Space and Recreation Element contains recommendations for development related to the natural open space in the community.

- Designate all the area within the Hillside Review District as Open Space, with very low density (1-to-4 dwelling units/acre) development where the property cannot be acquired;
- Apply hillside development criteria in conjunction with Hillside Review District design and development guidelines to determine development densities and specifications on a project-by-project basis.

A set of analytical tools has been developed to aid in establishing the appropriate density and form of hillside projects on a case-by-case basis. These tools include:

Open Space Priority Matrix
Hillside Evaluation Model
Hillside Development Criteria

- Give acquisition/preservation priority to those canyons that have been given highest priority by the Open Space Priority Matrix.

The Transportation Element of the Uptown Community Plan contains the following recommendations related to parking and transit in the area.

- Modify off-street parking requirements to increase commercial and residential parking requirements;
- Minimize new curb cuts in order to preserve existing on-street parking;
- Existing curb cuts should be reduced or consolidated when redevelopment occurs;
- Alley access to parking areas and garages is encouraged for both residential and commercial projects;
- Establish a parking district or an assessment district to finance the construction of parking facilities;
- Provide a focal point to facilitate transit activity on University Avenue between Fifth and Sixth Avenues;
- Provide a new transit route through Uptown along the Washington Street/University Avenue corridor.

LOCAL COASTAL PROGRAM

There is one Local Coastal Program (LCP) in the City of San Diego. There are two parts of the Program: the policies derived from the various community plans with coastal issues and the General Plan; and the implementing ordinances found in the zoning and land development sections of the Municipal Code. Each coastal community attempts to address the several issue areas identified in the State Coastal Act. Following are policies and/or proposals common to most of the Local Coastal Program Elements of the community plans:

1. Ensure that sensitive resources will not be removed or disturbed, and protected from significant disruption.
2. Restore or enhance sensitive habitat that is degraded or disturbed.
3. Minimize grading and maintain the natural topography to the maximum extent feasible for all projects.
4. Site all new development carefully and ensure it does not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way alter the natural landforms along the bluffs and cliffs.
5. Design developments adjacent to sensitive areas to avoid erosion, sedimentation, and other potentially damaging impacts.
6. Retain the character of existing landforms and preserve vegetation by ensuring that development in hillside areas conforms to the unique natural setting of each area and site.
7. Preserve the natural features and beauty of the coastline.
8. Ensure that all beaches be accessible to the general public and in new developments.
9. Set back new development along costal bluffs to reduce the potential for erosion and slippage.
10. Protect and preserve diminishing natural coastal resources; public access in areas of environmentally sensitive habitat shall be limited and no access shall be approved which results in disruption of habitat.
11. Ensure that public views from identified vantage points are retained and enhanced for public use and enjoyment by obtaining vertical and/or visual access.
12. Discourage and avoid to the greatest extent possible, land uses which restrict public access and enjoyment of the shore.

13. Establish a multi-modal transportation system throughout the city.
14. Create an integrated system of pedestrian, bicycle, local transit and automobile facilities; pursue development of a system of bike trails that will connect major activity areas with a focus on the ocean and natural scenic corridors.
15. Prevent encroachment into environmentally sensitive areas by proposing that transportation systems take into consideration neighboring amenities.
16. Establish alternative transportation modes for public access to the shoreline.
17. Design construction or improvement of roadways in sensitive habitat to impact the least amount of sensitive area feasible.
18. Incorporate pedestrian- and transit-oriented features into project designs in new commercial development along the identified transit corridors and in the core commercial area.
19. Maintain existing public parking facilities used for public beach access and prohibit reduction in existing public parking.
20. Develop a connected system of shoreline walkways.

In addition to the recommendations that are common to all plans with local coastal program elements, the coastal community plans contain more specific recommendations. These more specific goals are designed to reflect the unique coastal issues and concerns pertinent to that individual community and its coastal areas.

Barrio Logan/Harbor 101 Local Coastal Program

The Barrio Logan/Harbor 101 Local Coastal Program contains the following plan policies and/or proposals:

- Minimize earthquake risk by location, and relocation of new development, together with proper rehabilitation standards;
- Establish flood protection methods for the protection of improvements, and conservation of the flood plain whenever possible;
- Establish development controls which will reinforce the topographic quality of the community;
- Provide for the completion and further enhancement of Chicano Park as a community focus;
- Develop a natural linear park to take advantage of the Chollas Creek regional open space development potential.

Border Highlands Local Coastal Program

The Border Highlands Local Coastal Program includes the following plan policies and/or proposals:

- Direct erosion control measures toward minimizing the extent of overburden removal prior to extraction of a given area controlling runoff across bare land by channeling the flow into temporary sedimentation basins or process water treatment settling ponds, and careful placement of material and waste stockpiles so that runoff is directed into ponds or sedimentation basins;
- Recommend a combination of agriculture and open space uses in the Mesa Highlands area; the steep bluffs should remain open space and the extractive and disturbed areas should be put back into productive agricultural uses;

- Retain the estuary of the Tia Juana River Valley for future use as a largely passive open space area.

Carmel Valley Local Coastal Program

The Carmel Valley Local Coastal Program contains the following as plan policies and/or proposals:

- Designate Carmel and Shaw valleys as a major open space system, along with lateral canyons and slopes exceeding 25 percent;
- Design buffer areas to prevent impacts which would significantly degrade environmentally sensitive habitat areas;
- Adopt guidelines to be utilized for future development on hillsides;
- Prepare grading plans for proposed developments to include existing and proposed contours, details of existing and future terrain and area drainage, and detailed plans for runoff control devices;
- Design all new development areas to be in close proximity with existing developed areas with adequate public services where no significant adverse effects on coastal resources will occur, or will be mitigated;
- Include a balanced transportation system to assure mobility to all parts of the community and integrate it into the land form as naturally as possible; and
- Coordinate expansion of transit services to neighborhoods, and locate parking areas primarily inland.

La Jolla Local Coastal Program

The La Jolla Local Coastal Program includes the following plan policies and/or proposals:

- Require that all residential structures in moderate, high or variable risk zones contain a geological reconnaissance report;
- Maintain existing parking areas, public stairways, pathways, and railings along the shoreline to preserve vertical access and to allow lateral access;
- Ensure that new development does not restrict or prevent lateral vertical or visual access to the beach or recreational areas;
- Encourage shuttle service through La Jolla to the beach and recreational areas in order to help relieve traffic congestion and to implement a comprehensive coastal access parking plan for the village area that will relieve the impacts of office parking;
- Require that all new development on slopes exceeding 25% shall be subject to the Coastal Zone Regulations of the Hillside Review Overlay Zone.

Midway/Pacific Highway Corridor Local Coastal Program

The Midway/Pacific Highway Corridor Local Coastal Program contains the following policies and/or proposals:

- Develop trolley-supported commercial uses adjacent to the proposed stations;
- Promote land uses which are compatible with the airport;

- Provide local recreational opportunities for residents of Midway Area; require the provision of private recreational facilities in conjunction with new planned residential development projects.

Mira Mesa Local Coastal Program

The Mira Mesa Local Coastal Program contains the following plan policies and/or proposals:

- Preserve sensitive resource areas of community-wide and regional significance as open space;
- Design trails to avoid damaging impacts to the resources;
- Prohibit encroachment into wetlands;
- Preserve riparian areas within Los Penasquitos Preserve in their natural state with a buffer of adjoining upland habitat having a minimum width of 100 feet; the buffer shall start at the outside edge of the defined riparian habitat, or at the outside edge of the 100-year FEMA floodplain, whichever is wider or outermost;
- Preserve and protect the remaining vernal pool habitat;
- Prohibit any loss of oak woodland habitat; protect Coastal Sage Scrub and Maritime Chaparral; preserve grasslands linked to habitat;
- Prohibit grading over the rim of Los Penasquitos Canyon;
- Provide a system of pathways or trails throughout Mira Mesa's open space canyons to increase access to open space and provide alternate means of reaching recreational facilities.

Mission Bay Park Master Plan and Local Coastal Program

The Mission Bay Park Master Plan and Local Coastal Program contains these plan policies and/or proposals:

- Prohibit the occupation of new parking facilities in the parkland within the primary waterfront zone, parking provisions should promote reductions in vehicular circulation around the Park; parking provisions should serve multiple needs;
- Maximize public access and enjoyment of the water by arranging and defining land use allocations in the Park.

North City Future Urbanizing Area Local Coastal Program

The North City Future Urbanizing Area Framework Local Coastal Program includes the following plan policies and/or proposals:

- Incorporate into the NCFUA a permanent environmental tier of open space lands with high natural resource value that function as natural habitat, form connections to surrounding open spaces, and give shape and definition to surrounding built areas; locate compact communities outside the environmental tier to minimize grading and disruption of natural landforms;
- Allow fill for roads and other public improvements and/or permanent structures within the 100-year floodplain fringe of the San Dieguito River, only if such development is consistent with the policies detailed in the North City Local Coastal Program;

- Protect existing drainageways from encroachment that might affect drainage patterns or water quality through the use of setbacks/buffers;
- Limit the grading of landforms that consist of slopes of 25% grade or more within the coastal zone;
- Require cluster units where appropriate to minimize grading, roadway, and driveway intrusion into sensitive habitat areas;
- Conserve biological diversity by setting aside relatively large areas of natural open space/habitat, linked with corridors; preserve floodplains and significant topographic features such as canyons, ridges, and hillsides;
- Preserve 100-year flood zones as open space, when possible;
- Incorporate entire geographic and topographic features into the environmental tier (i.e. canyons and drainages shall be preserved from rim to rim or edge to edge);
- Prohibit concrete, asphalt, riprap, or other channelization structures within the open space system's drainage areas or floodplains;
- Control the impact of roads on environmental tier lands by minimizing the number of road crossings of open space and requiring bridge structures to be built in order to allow continuous areas for movement of flora and fauna;

Ocean Beach Local Coastal Program

The Ocean Beach Local Coastal Program has the following plan policies and/or proposals:

- Limit access down the cliffs to safe, natural trails in stable geologic areas, and existing trails should receive improvements only where needed to insure safety; any trail improvements should respect the integrity of the natural bluffs;
- Maintain the tidepools, cliffs, and street end beaches in a natural state;
- Require that new commercial development provide at least one parking space for every 300 square feet, new or expanded restaurant development should provide at least one parking space per 200 square feet of gross floor area; and
- Provide additional sandy beaches as a mitigation for erosion control structures; and additional raised beach areas shall be designed to enhance the recreational use of the bluff areas; and access shall be provided.

Otay/Mesa Nestor Local Coastal Program

The Otay Mesa/Nestor Local Coastal Program includes the following plan policies and/or proposals:

- Preserve the remaining natural features of the areas such as Nestor Creek and the pond area north of Palm Avenue; preserve it as natural open space;
- Ensure that development of proposed land uses will not adversely effect the downstream wildlife habitat areas by increasing runoff or velocity during a 100-year project flood and all safeguards should be established and maintained to assure that use of proposed manufacturing will in no way be detrimental to the wildlife habitat;
- Protect the wildlife habitat by prohibiting off-road vehicle activity, impose leash ordinance for dogs, institute public posting of all existing wildlife habitat, control grading and filling in adjacent areas, and enhance wildlife values within the floodway at the Otay River;
- Recommend that any change in agricultural use would require the benefit of a conditional use permit, to assure continuation;

- Recommend a minimum of 40-acre sites to retain the viability of the economic agriculture;
- Preserve the pond area on the north side of Palm Avenue, and provide visual relief from the surrounding development and a vista point to lower San Diego Bay;
- Develop the Nestor Creek drainage channel in as open a manner as possible and provide for multi-purpose trails to form an open space linkage through the area;
- Develop a neighborhood park north of Southwest High and east of Nestor Elementary School;
- Coordinate extension of the Open Space System to assure maximum utilization and benefit;
- Provide adequate park and recreation facilities to meet anticipated population increases, encourage the development of private as well as public recreational facilities.

Pacific Beach Local Coastal Program

The Pacific Beach Local Coastal Program contains the following plan policies and/or proposals:

- Require all projects proposing new access into or through open space be subject to an environmental analysis to ensure sensitivity to resource preservation;
- Require any new development of property directly abutting the Northern Wildlife Preserve maintain a buffer area and shall incorporate, where feasible, a controlled pedestrian trail and viewing areas around the marsh;
- Allow mixed-use commercial projects with an increased residential density, to promote transit and pedestrian use along the community's commercial spines, only if designed as a transit-oriented development through a discretionary permit process.

Peninsula Local Coastal Program

The Peninsula Local Coastal Program includes the following plan policies and/or proposals:

- Identify resources which contribute to the quality of the community environment and develop guidelines for the conservation and enhancement of these resources;
- Protect Sunset Cliffs Shoreline Park as a significant public resource and wildlife habitat;
- Establish coordination to ensure the protection of the natural resources of the Point Loma Naval Complex;
- Allow shoreline protective works along the bay and ocean only where they have been found to be necessary and a no less environmentally damaging alternative exists;
- Apply the Hillside Review Overlay Zone to properties containing slopes 25% and greater, in order to limit grading;
- Require that any development along Sunset Cliffs observe minimum setbacks;
- Recognize, protect, preserve, and enhance Famosa Slough as a sensitive habitat area;
- Prohibit curb-cuts or street vacation requests which reduce availability of on-street parking, unless comparable replacement parking is provided in the immediate vicinity;
- Prohibit new curb cuts within the beach impact area, where other access is available;
- Encourage developers of large planned residential projects to include recreational facilities on site;
- Allow only coastal-dependent naval industrial uses in the Peninsula planning area.

Sorrento Hills Local Coastal Program

The Sorrento Hills Local Coastal Program has the following plan policies and/or proposals:

- Require a sculptured technique be used to blend fill and cut slopes with natural land contours, where large-scale grading occurs;
- Require that any fill slopes adjacent to open space areas should be stabilized with appropriate native plant materials to help reestablish the natural biotic systems of flora and fauna;
- Require that of the approximately 94 acres of the Carmel Valley commercial area, approximately 54 acres shall remain in open space;
- Limit wetland fill in Penasquitos Creek to the minimum necessary for required bridge pilings; permit only extremely limited fill of wetland; mitigate any unavoidable permanent wetland fill at a ratio of 4:1 for alkali marsh/meadow impacts and 1:1 for freshwater marsh impacts;
- Design the bluff escarpments, steep slopes, and all planned riparian woodlands as open space; environmentally sensitive habitat areas shall be protected against any significant disruption;
- Prohibit fill or permanent structures within the Carmel Valley Restoration and Enhancement Project and no development, other than authorized in the approved coastal development permit, shall be constructed within the 50-foot buffer adjacent to the project unless authorized by the California Coastal Commission;
- Allow developments in steep slope areas 25% grade and over, provided the applicant can demonstrate that it does not create any significant new soil erosion, silting of lower slopes or stream channels, slide damage or other geologic instability, flooding or permanent scarring;
- Allow development near the north slopes of Los Penasquitos Canyon, provided it maintains a low profile and is set back an adequate distance to allow buffer landscaping to minimize any visual adverse impact on views from the freeway and Penasquitos Creek.

Tia Juana River Valley Local Coastal Program

The Tia Juana River Valley Local Coastal Program contains many issues and has the following plan policies and/or proposals:

- Control buffer zones between the Tia Juana estuary and any road or other development so that the estuary resource is not damaged;
- Require that uses within this area be subject to conditional use permits to assure compliance with criteria necessary to protect these environmentally sensitive lands;
- Conserve the 20-30 acre riparian habitat area east of Dairy Mart Road, rather than relocation, to assure consistency with the Coastal Act;
- Require that future development regulations provide for the conservation of significant riparian vegetation within the Agricultural Preserve and provide that it not be disturbed by adjacent agricultural operations;
- Require that implementing ordinances provide that a use permit be required for all extraction within the preserve;
- Conserve and enhance agricultural productivity;
- Restore the rich floodplain to more productive agricultural use.

Torrey Pines Local Coastal Program

The Torrey Pines Local Coastal Program contains the following plan policies and/or proposals:

- Prohibit the development of coastal lagoons and estuaries designated and zoned open space;
- Preserve riparian vegetation in channels in its natural state;
- Crest Canyon shall be left in its natural state;
- Avoid impacts when constructing or improving on roadways adjacent to biologically sensitive areas or open space;
- Incorporate features which avoid or mitigate impacts to cultural resources in new developments;
- Preserve and protect all Torrey Pine trees on public property;
- Provide adequate park and recreation facilities to the residents of Torrey Pines;
- Permit only those recreational activities which do not negatively impact environmentally sensitive areas;
- Purchase and develop, when possible, small vacant properties as pocket parks; purchase and develop large, vacant, non-sensitive state owned lands as neighborhood or community parks;
- Require that future development adjacent to the Torrey Pines Reserve Extension, San Dieguito Lagoon, and Crest Canyon areas provide for adequate buffer areas and adequate setbacks to avoid significant visual impacts.

University Local Coastal Program

The University Local Coastal Program includes the following plan policies and/or proposals:

- Propose development guidelines for bluff areas which will avoid development, irrigation practices or access that would stimulate erosion of coastal bluff faces;
- Develop land in increments in order to minimize soil exposure;
- Prohibit grading during the rainy season and all disturbed slopes should be stabilized;
- Require reasonable mitigation, when archaeological or paleontological resources are discovered;
- Provide a total recreation system maximizing present physiographic features to accommodate a complete range of recreational pursuits;
- Require that development protect the existing scenic qualities of North Torrey Pines Road north of Genessee Avenue.

OTHER PLANNING EFFORTS

In addition to the General Plan and community plans which contain guidelines for growth, development and land use, there are plans for special areas of the City. These include park master plans, resource management plans, precise plans and specific plans. These special area plans contain environmental goals, policies, and recommendations which may be affected by implementation of the proposed project.

First San Diego River Improvement Project Specific Plan

The First San Diego River Improvement Project Specific Plan (February, 1984) contains guidelines for the river corridor and the transportation system which include:

- The buffer areas of the river corridor are to be located along the entire length of both sides of the river, and at no point shall the private development intrude into the floodway proper;
- The average width of the buffer shall be no less than twenty feet, and no more than fifty feet wide;
- Land uses within this area should include only the Light Rail Transit corridor, bikeway and pedestrian areas, and other passive recreation uses.

The river corridor is a part of the San Diego River City-wide open space system, therefore, it should be accessible to the public. Areas outside the river channel should be landscaped and linked to the river corridor.

There are many guidelines for the transportation system of the plan, which include:

- The pedestrian/bikeway areas along the river corridor should be placed in the buffer areas;
- All primary pedestrian walks should be six feet wide, and pedestrian/bikeway areas should be eight feet wide within twelve feet (maximum) right-of-ways, exclusive of slopes;
- The nature trail, planned along a segment of the pedestrian system on the north side of the river, should be a maximum of five feet wide and should be paved with natural-appearing material;
- River pedestrian/bikeway corridors are to be designed to link adjacent areas within the planned area;
- Driveway entrances are to be minimized into parking areas in order to avoid breaking the pedestrian continuity of the sidewalk areas.

The First San Diego River Improvement Project states that buffer areas are to be located along the entire length of both sides of the river. At no particular location shall the private development intrude into the floodway proper. The average width of the buffer for the entire area shall not be less than 20 feet. The maximum width of the buffer should be approximately 50 feet. Buffer areas should be widest adjacent to the most sensitive habitat areas. Land uses within the buffer areas should include only the LRT corridor, bikeway and pedestrian areas and other passive recreation uses.

Carroll Canyon Master Plan

The Carroll Canyon Master Plan (August 1994) includes the following design features in the Parks, Open Space, and Recreation Element, that must be included in a 10 usable acre neighborhood park site near Rattlesnake Canyon:

- Non-invasive plant species to complement the character of the native canyon areas;
- Provide a 100-foot wide buffer of adjoining upland habitat adjacent to Rattlesnake Canyon; this buffer should start at the outside edge of the defined riparian habitat, or at the outside edge of the 100-year FEMA floodplain, whichever is wider or outermost.

The following are design features for the two passive neighborhood parks:

- Direct park runoff away from the vernal pool habitat;
- Avoid introducing new species into the adjacent native habitat by using non-invasive plant species in the parks.

The following are design elements for the creek channel to be built:

- Build creek channel with a minimum dimension of 200 feet with a 50 foot landscape buffer on each side; a channel width less than 200 feet is permitted if the Planning Director determines that future right-of-way widths required to construct Carroll Canyon Road and a transit line make the 200 foot minimum infeasible;
- Build a linear open space park with a bicycle and pedestrian trail within the 50 foot buffer along the south side of the creek; the trail should be designed to pass under Carroll Canyon Road and Camino Santa Fe;
- Build a 50 foot habitat buffer on the north side of the creek transitioning to a passive use park as the buffer meets the edge of the mixed use development area;
- Orient project buildings toward the creek, as feasible, to maximize views and pedestrian access;
- Screen parking, industrial loading and storage areas, or other unsightly features located within the viewshed of the creek and associated open space.

As part of the Master Plan, the canyon will serve as a passive open space area. The following should be considered in reestablishing native vegetation:

- Avoid planting invasive plant species adjacent to the canyon;
- Avoid excessive runoff of irrigation water into the canyon from adjacent development.

Tijuana River National Estuarine Sanctuary Management Plan

The Tijuana River National Estuarine Sanctuary Management Plan (February 1986) contains the following policies and regulations:

- No person shall willfully or negligently pick, dig up, cut, or mutilate any plant or portion thereof, in the state park system;
- Plants and animals or their parts taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized;
- No person shall molest, hunt, or disturb any kind of animal or fish, or so attempt, except that fish may be taken other than for commercial purposes in accordance with the state fishing laws and regulations, provided however, that no person shall use or discharge a spear or bow and arrow in the state park system;
- The diking, filling, or dredging of open coastal waters, wetlands, estuaries and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects;
- A buffer area will be established for each development adjacent to environmentally sensitive habitat areas and the buffer should be a minimum of 100 feet for small projects on existing lots, unless the applicant can demonstrate that 100 feet is unnecessary to protect the resources of the habitat area.

Mission Bay Park Natural Resource Management Plan

The Mission Bay Park Natural Resource Management Plan (May 1990) contains the following development guidelines:

- In-water construction or dredging will not be permitted in Mission Bay or the Flood Control Channel from April 1 through September 15, the least tern breeding season.
- Buffer zones for each least tern nesting site will be free of new structures with heights of over six feet, including fencing around the site. North Fiesta Island, Stony Point, South Shores and Mariner's Point are required to have a 150 foot buffer, while Cloverleaf is to have a 100 foot buffer.
- A 1:1 replacement ratio of similar density is required for impacts to eelgrass habitat as delineated in the 1988 survey.
- Sand beaches that are new and below Mean Lower Low Water should be replanted with eelgrass whenever the slope is changed by maintenance activities and eelgrass beds are impacted.
- Construction or dredging projects of any kind that disturb the substrate in Mission Bay or the Flood Control Channel will use silt curtains or similar devices around disturbance areas.
- Land use within buffer areas will be limited to bikeways, walkways, and passive recreation.
- Buffer zones around terrestrial habitats in Mission Bay Park which exclude any development are as follows: salt marsh - 100 feet; salt pan - 50 feet; and coastal strand - 50 feet.
- Dredging impacts to marine habitat will require 1:1 replacement.

San Dieguito River Park Concept Plan

The San Dieguito River Park Concept Plan (February 1994) contains the following park objectives:

- Optimize the water quality and quantity of all groundwater resources and surface water bodies within the planning area through water conservation, erosion control, pollution control and restoration.
- Maintain the 100-year floodplain and sheetflow areas within the planning area in an open configuration with a natural channel and provide adequate area for the normal stream waters to meander through the floodplain; it will be preserved for open space uses such as recreation, wildlife habitat or agriculture;
- Retain and encourage responsible agriculture in appropriate areas;
- Create a scenic trail and interpretive system and establish recreation areas including water related uses, which are compatible with the natural values of the river system.

To protect the significant biological resources of the planning area, adequate buffers should be provided between development and sensitive resources. Functional linkages should be identified and preserved between the San Dieguito River Park and open space preserves to the north and south. The plan promotes the preservation of all significant cultural resources, and recommends the protection and restoration of all historic sites within the planning area. This plan also endorses the proposal to restore the San Dieguito Lagoon and its associated wetlands ecosystem.

Balboa Park Master Plan

The Balboa Park Master Plan (July 1989) contains the following policies:

- Protect and recover free and open park land from encroaching uses whenever possible; the Arizona Landfill, Central Operations Station and Inspiration Point shall be developed as free and open park land emphasizing multi-use play, picnic and passive uses;
- Consolidate special use recreation and sports activities in the Morley Field-East Mesa area, the Zoo and the Golden Hill Recreation Center areas.

San Dieguito River Regional Plan

The San Dieguito River Regional Plan (October 1984) includes the following land use and Recreation/Open Space goals and recommendations:

- Minimize the alteration of land forms and drainage patterns with special attention to floodplains, canyons, and steep slopes;
- Enhance agricultural production;
- Protect the public health, safety, and welfare from the hazards of flooding and geologic forces;
- Encourage agricultural uses throughout the river valley by designating or, where existing, retaining agricultural zones in areas conducive to economically viable agricultural production, and where such uses are consistent with the natural scenic and recreational values of the planning area;
- Apply development standards which provide for sand and gravel operation controls that ensure the integrity of the stream channel and the viability of agricultural lands;
- Encourage the use of Transfer of Development Rights, consistent with adopted area/community or specific plans, in order to relocate development from environmentally or visually sensitive areas to more suitable locations;
- Encourage the clustering of development to provide maximum amounts of open space and to preserve unique natural resources.
- Protect and preserve significant resources and the visual integrity of the San Dieguito River basin as an essentially passive rural area;
- Promote the creation of a riparian/habitat/trail corridor along the entire San Dieguito River;
- Encourage expansion of riparian vegetation in the floodplain, except where it may inhibit the safe flood level flows of the river;
- Control access into sensitive habitat areas and control the use of off-road vehicles.

Los Penasquitos Enhancement Plan and Program

The goal of the Los Penasquitos Enhancement Plan and Program (October 1985) is to protect, maintain, and enhance Los Penasquitos Lagoon system and adjacent uplands in order to perpetuate native flora and fauna characteristic of southern California lagoons, and to restore and maintain the estuarine hydrology. Objectives of the plan include:

- Open the lagoon mouth regularly to enhance the health and ecological value of the lagoon;
- Protect the lagoon by reducing the amount of sedimentation and pollution that enters the lagoon and its associated uplands;

- Improve and maintain habitat for native species that historically inhabited and used Los Penasquitos Lagoon;
- Remove encroaching vegetation from historic least tern nesting sites along the sewer berm;
- Remove ice plant and other exotic species and establish tidal channels and salt marsh habitat in area bounded by Carmel Valley Road, the railroad embankment, and the North Beach Parking Lot access road;
- Build a pedestrian link between the North Beach Parking Lot and the sidewalk of the North Torrey Pines Road bridge;
- Permit the diking, filling or dredging of wetlands only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

Via de la Valle Specific Plan

The Via de la Valle Specific Plan (April 1984) contains the following goals, objectives, and policies:

- Encourage the use of planting materials native to southern California and compatible with the climate to reduce water consumption and maintenance costs;
- Encourage the use of private streets or drives wherever feasible in order to minimize grading, and to provide design flexibility;
- Distribute parking, where possible, throughout the project in small clusters which can be softened by landscaping;
- Design an overall drainage plan for the study area which will protect the bluffs and canyons from erosion and will protect the San Dieguito River Valley from siltation;
- Designate the western bluff facing San Andreas Drive and the southern major canyons facing Via de la Valle as a permanent natural open space easement;
- Utilize appropriate irrigation methods in landscaped areas located adjacent to natural open space easements, which will prevent the acceleration of natural erosion within the open space easements;
- Prohibit pedestrian access in lands to be held in the open space easements;
- Require a sculptured technique to be used to blend fill and cut slopes with natural land contours, where grading occurs;
- Preserve coastal mixed chaparral and coastal sage scrub areas within the major inland bluff systems of the Coastal Zone on slopes greater than 24% grade.

North City Future Urbanizing Area Framework Plan

The North City Future Urbanizing Area Framework Plan (February 1995) contains the following guiding and implementing principals:

- Create the environmental tier, an interconnected, viable system of natural open space that serves to protect and conserve cultural resources, flora and fauna that occur in the NCFUA;
- Preserve floodplains and significant topographic features such as canyons, ridges, and hillsides;
- Require that all linear corridors in the environmental tier be a minimum of 1/8 mile in width;

- Require that portions of the environmental tier may not be eliminated based solely on an absence of sensitive resources within the area designated, because of the importance of continuous open space that provides for plant and animal movement
- Preserve 100-year flood zones as open space;
- Prohibit the planting of non-local native vegetation within habitat protection areas;
- Require that biological buffer areas be a minimum of 100 feet wide;
- Prohibit wildlife corridors from having trails and recreation allowed within them, where that activity might impede animal movement or other faunal needs for breeding nesting, etc.;
- Prohibit concrete, asphalt, riprap, or other channelization structures within the open space system's drainage areas or floodplains;
- Allow water retention areas and runoff filtering systems in portions of the open space system;
- Require bridge structures to provide unobstructed wildlife corridors, where it is essential that road cross the environmental tier;
- Avoid filling of canyons or valleys and prohibit roads from being placed in the bottom of canyons or be allowed to act as barriers or impediments to wildlife movement or the survival of native species;
- Narrow roads to a minimum when they cross the open space system to eliminate parking, turn lanes and median strips;
- Construct roads which cross the 100-year flood plain, above grade using bridge or causeway structures.

Del Mar Mesa Specific Plan

The Del Mar Mesa Specific Plan (1996) states an overall land use goal: To preserve the rural character of the Del Mar Mesa while accommodating clustered development and the preservation of open space.

The Multiple Species Conservation Program/Open Space element includes guidelines for development for areas in and adjacent to the preserve. These guidelines address specific properties in the plan area; in general the guidelines are:

- Golf courses greens and fairways are excluded from the preserve; modification of the preserve boundary may be required in order to accommodate the Bougainvillea golf course greens and fairways.
- For specific properties, residential and accessory uses shall be limited to 25 percent of the property and clustered on the more level portions.
- For certain properties, brush management shall occur within the area defined for development.
- Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the preserve.
- Where grading is necessary, daylight grading at the edges of the preserve is preferred.
- Wildlife corridors shall be preserved by the installation of culverts or fences where necessary.

In addition, the MSCP/Open Space element includes guidelines for resource based open space and adjacent areas.

- Land uses considered conditionally compatible with the preserve are: passive recreation; utility lines and maintenance access roads; limited water utilities facilities; and limited low density residential uses.
- Development on private property designated as open space/rural residential shall not exceed 25 percent of the parcel.
- All proposed utility lines should be designed to avoid or minimize intrusion into the preserve system.
- All proposed utility lines and facilities within or crossing preserve areas shall be designed and constructed to minimize environmental impacts.
- Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage.
- Roads in the preserve will be limited to those identified in the Del Mar Mesa Specific Plan, roads necessary for maintenance and emergency access and local streets needed to access isolated development areas.
- Development of roads in canyon bottoms should be avoided, whenever feasible.
- Where possible, roads within the preserve should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement.
- Lighting shall be designed to avoid intrusion into the preserve and to reduce negative effects on wildlife.

The Circulation element contains the following guiding principles:

- An efficient and environmentally sensitive transportation system that maintains the subarea's rural character.
- Transportation facilities shall be regarded as an integral part of the landscape in which they are located.

AIRPORT LAND USE PLANS

The aviation facilities of San Diego play an important role in the City's economy and the movement of people and goods. N.A.S. Miramar is a Navy/Marines Corps aviation facility; general aviation facilities are located at Brown Field and Montgomery Field. The primary regional commercial airport is Lindbergh Field.

Of the four airports within the City of San Diego, three have Comprehensive Land Use Plans that have been adopted by the San Diego Association of Governments - Lindbergh Field, Montgomery Field, and N.A.S. Miramar; a draft CLUP has been prepared for Brown Field.

SANDAG is designated as the Airport Land Use Commission pursuant to the state Public Utilities Code. SANDAG establishes an Airport Influence Area for each airport in the region. The influence area encompasses those areas that could be impacted by noise levels exceeding the California State Noise Standards, or where height restrictions would be needed to prevent obstructions to navigable airspace.

Each CLUP includes a map which delineates the area impacted by aircraft-produced noise. In addition, it outlines the extensive Airport Influence Area within which land uses must be reviewed in order to prevent further land use incompatibility with airport operations and to safeguard general welfare of inhabitants within the vicinity of each airport and the public in general.

Issue 1: Will the proposal result in a conflict with the environmental goals, objectives and recommendations of the Progress Guide and General Plan?

Issue 2: Will the proposal result in a conflict with adopted environmental plans?

Issue 3: Will the proposal result in a land use which is inconsistent with adopted community plan land use designations or incompatibility with adjacent land uses?

Issue 4: Will the proposal result in land uses which are not compatible with aircraft accident potential as defined by a SANDAG Airport Land Use Plan?

IMPACTS

Inconsistency/conflict with environmental goals of an adopted land use plan

As discussed in the Existing Conditions above, a policy and recommendation common to all community plans is that roadway improvements should be designed to avoid impacts to wetlands and wetland buffers. Another recommendation common to all community plans is to minimize or eliminate development impacts on rare, threatened, or endangered species. The plans recommend limiting public access in areas of sensitive habitats to low-intensity recreational, scientific or educational uses.

The proposed project includes the Environmentally Sensitive Lands Regulations and Biology Guidelines. As stated in earlier sections of this DEIR, the underlying premise of the analysis is that the City's portion of the MSCP will be adopted by the City Council. If that program is adopted, the preserve boundaries would be adopted. The proposed Code would provide implementation for that program by creating the OR-1-2 zone and by requiring mitigation for impacts to sensitive biological resources. However, the proposed project does not include wetland buffer requirements. In addition, the proposed regulations do not limit encroachment into biologically sensitive lands outside of the MSCP preserve. Since some communities have sensitive biological resources that are outside the proposed MSCP Preserve boundary, and the proposed project would not provide encroachment limits for land outside the preserve boundary, there may be conflicts with land use plans. According to the City's Environmental Significance Determination Guidelines (1994), inconsistency/conflict with the environmental goals, objectives, or guidelines of a community plan or the General Plan would be considered a significant land use impact.

Land development projects that would be approved consistent with the proposed Code may be inconsistent with resource recommendations of many adopted community plans. That is, future

projects that do not protect wetlands by incorporating a buffer between wetlands and development may be consistent with regulations, but inconsistent with, or in conflict with, environmental goals or policies of an adopted land use plan. Therefore, implementation of the proposed project through future projects may result in significant land use impacts.

As noted above, preservation of paleontological resources is identified as an environmental goal of several community plans. However, the proposed regulations do not include protection for paleontological resources. Since compliance with the proposed regulations could result in the loss of these resources, there could be significant land use impacts related to conflicts with environmental goals and policies.

In addition, as noted above, preservation of historical resources is identified as an environmental goal of several community plans and the Progress Guide and General Plan. However, according to the proposed historical regulations, significant archaeological sites, buildings, structures and objects could be lost through the development process. Thus there is the potential for loss of significant historical resources in conflict with environmental goals of adopted land use plans.

Further, many adopted land use plans identify preservation of hillsides and unique landforms as an environmental goal. However, according to the proposed project, there could be potentially significant landform alteration through the development process. Thus, there would be significant landform alteration in conflict with the environmental goals of adopted land use plans.

Land use incompatibility

Marine industry is shown as a use in the proposed Code. The use is allowed by right in the CR (regional commercial), CV (commercial visitor) and CC-5 (heavy community commercial/mixed use) zones. The marine industry use could include activities that are engaged in the production, distribution and storage of marine vessels and equipment. In addition, there could be rehabilitation and repair of boats. The materials involved in marine industry include heavy metals, fiberglass, varnishes and paints. Repair activities involve sanding which releases particles of these substances into the air.

According to the City's Environmental Significance Determination Guidelines (1994), a substantial or extreme use incompatibility would be considered a significant impact related to land use.

The emissions from permitted marine industry in the CR, CV and CC-5 zones may pose a health hazard because they may be emitted adjacent to other permitted uses in those zones. Potential sensitive receptors are tourists in the commercial visitor zones or residents in the mixed use developments permitted in the CC-5 zone. Permitting marine industry uses by right in these zones sets up the potential for incompatible land uses to be located approximate to each other.

Natural Resources

Application of the OR-1-2 zone could restrict the amount of cultivation because only 25 percent of a premises could be used for purposes other than preservation of existing native habitat. The proposed regulations could have a significant impact on the expansion of agriculture in San Diego. According to the MSCP Subarea Plan currently in process, existing agricultural operations could continue; new cultivation within the preserve, which is where potential areas for agricultural expansion are located, would be subject to the development regulations for the OR-1-2 zone. Thus, regardless of whether a property is ever rezoned to the OR-1-2 zone, if the

MSCP preserve boundary is adopted, lands within the preserve would be subject to the development regulations for the OR-1-2 zone. Therefore, the proposed Code could have a potentially significant impact on agricultural productivity which would conflict with environmental goals of various adopted land use plans.

Essentially the same situation would exist for extractive mineral resources. The proposed regulations would prohibit mining activities within the MSCP preserve, except for those activities in the OF zone which are not restricted. The effect of the regulations would be to restrict the ability to mine or extract the mineral resources, and therefore would have a significant adverse impact on the use or availability of the resources which would conflict with environmental goals of various adopted land use plans.

Airport land use compatibility

The project does not propose changes in growth patterns or land uses. In addition, regulations require review of proposed projects for consistency with the airport land use plans. The proposed project does not include regulations which would permit building heights in excess of those considered safe according to the Airport Environs Overlay Zone or according to applicable airport land use plans. Therefore, the proposed project would not have a significant impact related to airport land use compatibility.

SIGNIFICANCE OF IMPACTS

The proposed project does not include protection for wetlands by use of wetland buffers which is identified as a resource policy and goal of many adopted land use plans. Therefore, the project could result in significant impacts related to inconsistency/conflict with environmental goals or policies of adopted land use plans.

The proposed project includes no encroachment limits on land outside the MSCP Preserve boundary. Some resources that are "sensitive" pursuant to environmental goals of adopted land use plans are located outside the proposed preserve boundary. Thus, the loss of these resources may result in significant land use impact due to the inconsistency or failure to observe the goals and policies of the adopted land use plan.

The proposed project does not include protection for paleontological resources which is identified as a resource policy and goal of many adopted land use plans. Therefore, the project could result in significant impacts related to inconsistency/conflict with environmental goals or policies of adopted land use plans.

There is a potentially significant impact related to land use because of the incompatibility of marine industry uses with other permitted uses in the commercial zones.

The proposed project would allow the loss of significant archaeological sites, and the demolition of historical buildings, structures and objects. This could result in the loss of significant historical resources in conflict with environmental goals of adopted land use plans.

The proposed project would permit potentially significant landform alteration, which would be a conflict with environmental goals of adopted land use plans.

The proposed project could have a significant adverse effect on agricultural productivity because expansion of agricultural operations would be subject to the development regulations of the OR-1-2 zone, which limits use of more than 25 percent of a premises.

The proposed project could have a significant adverse effect on extraction of mineral resources because the regulations would prohibit mining activities within the MSCP preserve.

MITIGATION

Mitigation for this project consists primarily of alternative regulatory language that would reduce or avoid the significant impacts that have been identified. Please refer to Chapter VIII of this EIR for recommended language that would serve to reduce or avoid the potentially significant impact on land use.

The potentially significant land use impacts that would result from conflicts or inconsistencies with environmental policies or goals could be avoided by revisions to the project as identified in Chapter IV, Issue Analysis, and in Chapter VIII, Alternatives, of this EIR.

The potentially significant land use impacts that would result from the incompatibility with other permitted uses in the CR, CV, and CC-5 zones could be reduced or avoided if the regulations provided for locational criteria to control the distance between the marine industry uses and residential or visitor accommodation uses.

STET

B. BIOLOGICAL RESOURCES

EXISTING CONDITIONS

Because the City of San Diego covers such a large area, within its boundaries there is a wide variety of landforms and microclimates. The diversity of landscapes and climates supports a vast array of native vegetation communities. Certain species of plants typically exist in association with each other in certain places on the landscape. These associations, or vegetation communities are identified by names given by botanists. Some of the plant species are considered to be "sensitive" because of their rarity or ecological requirements that allow them to survive only in limited or unique environments. Some entire vegetation communities are considered "sensitive" because they support, that is provide habitat for, animals that have declining populations for one reason or another.

Sensitive habitat types in the City of San Diego include: saltpan; southern foredunes; southern coastal bluff scrub; coastal sage scrub; maritime succulent scrub; southern mixed chaparral; *Stipa* grassland; marshes; riparian forest/woodland scrub; vernal pools; oak woodland; and coast live oak woodland. These sensitive habitats support several plant and animal species that are sensitive due to their being federally or state listed as endangered or threatened.

Of particular importance is the coastal sage scrub habitat which supports the threatened coastal California gnatcatcher. The habitat is the first of the natural communities to be protected according to the state's Natural Community Conservation Planning (NCCP) Program, enacted in 1991. The Coastal Sage Scrub NCCP Program has been designated by the U.S. Fish & Wildlife Service as the planning and implementation vehicle by which entities proposing incidental take of the gnatcatcher could address and satisfy the conservation requirements for a species listed as threatened.

Wildlife habitat requirements include food, shelter and water. The number and diversity of wildlife populations depends on the quality of the habitat. That is, there must be enough prey for predatory species to survive and reproduce, enough browse for herbivores, enough host plants to support enough insects to provide a healthy diet for the insectivores; enough space so that the territories of large range territorial animals do not overlap; and enough space for juvenile colonization. There must be adequate water supplies and cover for protection. As is widely known, there is a delicate balance in the interactions of natural systems and this balance requires open areas undisturbed by man-made things.

Animal species that are listed as threatened or endangered include: Riverside fairy shrimp; the San Diego fairy shrimp; the Quino checkerspot butterfly; arroyo southwestern toad; California red-legged frog; California brown pelican; bald eagle; light-footed clapper rail; California least tern; least Bell's vireo; Belding's savannah sparrow; and Pacific pocket mouse.

Plant species that are proposed for federal listing as threatened or endangered include Del Mar manzanita and prostrate navarretia. Plant species that are listed as threatened or endangered include: San Diego thorn mint; San Diego mesa mint; Otay Mesa mint; willowy monardella; short-leaved dudleya; small-leaved rose; and Otay tarplant.

The City contains several important habitat areas. Los Penasquitos Canyon is a major river-oriented woodland that has remained functional and relatively undisturbed. It is a major source of water to the Los Penasquitos Lagoon, a lagoon and marsh complex north of Sorrento Valley. Torrey Pines Mesa includes portions of Torrey Pines Park and the Torrey Pines State Reserve. The major attraction of this area is the Torrey Pine, which is found in only one other area of the world.

The La Jolla intertidal area and the Point Loma intertidal areas are important because they support intertidal and subtidal species as well as a number of migratory land and shore birds. The Kendall-Frost Mission Bay Marsh Preserve is important because it is an area of the continually-diminishing habitat for many species of waterfowl. Mission Gorge, Mission Valley and Otay River Valley provide significant areas of riparian habitat. The Tijuana River Estuary and adjacent area to the east includes a valuable saltwater marsh.

These important areas would be included in the habitat preserve that would be developed according to the Multiple Species Habitat Conservation Program. The MSCP study area contains much of the current or proposed urbanization in the southern part of San Diego County, and therefore many of the remaining native habitats are threatened by development. Twelve major habitats in the study area are considered sensitive by federal, state or local agencies because they have been severely reduced in distribution as a result of urbanization. Some of these habitats, such as coastal bluff scrub, maritime succulent scrub, southern maritime chaparral, Torrey pine forest, and southern interior cypress forest, are found primarily in San Diego County, and all or a large portion of their U.S. distribution falls within the MSCP study area. The County contains approximately 200 plant and animal species that are federally and/or state endangered, threatened, or rare.

Vernal pools are an important biological resource in the city. These pools are usually found on mesas. They are depressions that fill with water during the rainy season, and because of climatic and soil conditions remain filled up to several weeks. Because of their ephemeral nature, these pools are unsuitable for plants and animals typically found in permanent ponds. However, a variety of other organisms have adapted to them and have become so specialized that they are found only in these temporary pools. Several such plant species are found only in the vernal pools of the San Diego area: San Diego mesa mint, San Diego coyote-thistle, and Orcutt's brodiaea are found in local pools and are listed as threatened or endangered. In addition, there are invertebrate species endemic to local vernal pools that are listed as threatened or endangered, such as the Riverside fairy shrimp.

Wildlife Corridors

The City of San Diego and a number of wildlife conservation groups and wildlife agencies have identified important wildlife movement corridors within the City. Corridors and habitat linkages are important in the maintenance of viable wildlife populations and biological diversity. They allow animals to disperse into new habitats and recolonize disturbed areas. Without movement between habitat areas, genetic interchange between various subpopulations would be limited. In addition, wildlife corridors allow populations of larger species to sustain in the urbanizing areas of the region.

Typically, animals move across the landscape where there is least resistance and danger. They will travel in canyons and tributary drainageways; they will create trails across mesas as means to get between drainages. Animals avoid areas of human disturbance when possible and are attracted to areas with shelter, water and food sources.

Natural Community Conservation Planning (NCCP)

The Southern California coastal sage scrub NCCP Process Guidelines were issued by the California Department of Fish & Game and California Resources Agency in coordination with the U.S. Fish & Wildlife Service in November 1993 in order to comply with the Natural Community Conservation Planning Act of 1991. The goal of the state's NCCP Act is to protect and conserve an adequate amount of coastal sage scrub to preserve sensitive and threatened species dependent on it in the southern California region. The guidelines explain the roles of local, state, and federal government, describe the planning process, and provide an interim process to allow a minimal loss of coastal sage scrub in the region. The NCCP Process Guidelines recognize ongoing multi-species planning efforts (such as the Multiple Species Conservation Program described below) as equivalent planning efforts, provided they meet the listed qualifications.

The Process Guidelines include a method for obtaining approval for activities during the subregional planning process, based on Section 4(d) of the federal Endangered Species Act (ESA). The guidelines first require an evaluation of affected sites according to the incorporated Conservation Guidelines, in order to determine a site's long-term conservation value. Sites with lower and possibly intermediate long-term conservation value may be allowed to impact coastal sage scrub during the planning period provided they meet the findings for interim habitat loss listed in Section 4.2(g) of the Process Guidelines.

In August 1994, the City of San Diego's Interim Habitat Loss Ordinance and implementing Process and Mitigation Guidelines became effective. This local ordinance implements the NCCP Process Guidelines and federal ESA 4(d) Rule by requiring the above findings to be made in order to permit incidental take of California gnatcatchers and up to five percent loss of coastal sage scrub. Any impacts to coastal sage scrub that would result from projects prior to issuance of the take permit from the U.S. Fish & Wildlife Service to the City of San Diego would require an Interim Habitat Loss Permit issue by the City of San Diego, with supplemental approval by the USFWS and CDFG.

Draft Multiple Species Conservation Program (MSCP)

The Draft Multiple Species Conservation Program (MSCP) is a comprehensive habitat conservation planning program which addresses multiple species habitat needs and the preservation of natural communities for a 900-square mile area in southwestern San Diego County. The objectives of the Draft MSCP are to develop and implement a program for the conservation and management of federally listed species and their habitats. The program creates a process for the issuance of federal and state permits and other authorizations under the state and federal Endangered Species Acts and the NCCP Act of 1991. The MSCP, when approved, will allow the participating local jurisdictions to maintain development flexibility by proactively planning a regional preserve system which can meet future public and private project mitigation needs on a regional level. The program calls for the establishment of a preserve system which will replace the currently fragmented, project-by-project biological mitigation areas, which by themselves do not contribute adequately to the continued existence of sensitive species or the maintenance of natural biodiversity. The program has been accepted by the wildlife agencies (USFWS and CDFG) as a Subregional Plan according to the NCCP.

Several products comprise the MSCP. The mapping inventory is a comprehensive database of vegetation communities, target species locations, property ownership and land uses. The Target Species/Covered Species List is 87 species identified by the USFWS to be the focus of the program. These eighty-seven (87) covered species are those for which take authorizations are being requested under the assumption that the proposed MSCP preserve has been designed to adequately conserve them over the long-term. The City of San Diego has prepared a Subarea Plan which includes draft preserve boundary lines within its jurisdiction. The Plan assumes preservation of 90 percent of the area within the draft preserve system, which contains approximately 57,000 acres, 48,000 within the City jurisdiction and 9000 acres of City-owned watershed lands in unincorporated areas. The Technical Appendices and Analyses include population viability studies, a Habitat Evaluation Model, and standards and guidelines which include scientific information on the region's habitats and sensitive species. A separate EIR has been prepared for the MSCP and is available from the City of San Diego.

The City of San Diego has published "Significance Determination Guidelines Under the California Environmental Quality Act." (1994) That publication provides guidance regarding the determination of significance of impacts on biological resources.

1. Any impact to land supporting listed species or species eligible for listing would be considered significant.
2. In determining whether an impact to the habitat of a sensitive species is significant the following factors should be considered:
 - a. Sensitivity of the species
 - b. Biological value of the habitat
 - c. Would the proposed development retain all or most of the biological value of the site?
 - d. Extent and degree of proposed impact.

The determination of significance depends upon the specific effect of the proposed project on the resources present on the site, in context of the regional status of the particular resources present.

3. Wildlife corridors are biologically significant.
4. Disturbances to all mapped vernal pools and their watersheds, even if the pools are disturbed, are considered significant. Disturbances to unmapped vernal pools are almost always significant.
5. Impacts to oak and conifer woodlands, and impacts to wildlife supported by this community, are usually considered significant.
6. Direct impacts to coastal wetlands, or wildlife occurring within coastal wetlands, are always considered significant.
7. Impacts to riparian woodlands generally are significant.
8. Direct impacts to naturally occurring freshwater marshes, or to wildlife occurring within the marshes, are considered significant.

9. Impacts to coastal sage scrub, maritime succulent scrub and coastal mixed chaparral, and impacts to wildlife supported by these communities, are significant.
10. Impacts to native grasslands are usually considered significant.
11. Impacts to marine systems are always significant.
12. Impacts to chaparral and disturbed grasslands are significant only under certain circumstances.
13. Certain effects may be indirect under some circumstances and direct under other circumstances. Indirect effects may be as significant as direct effects.

In addition, the California Environmental Quality Act, Appendix G, states that a project will normally have a significant effect on the environment if it will: substantially affect a rare or endangered species of animal or plant or the habitat of the species; substantially diminish habitat for fish, wildlife, or plants; or interfere substantially with the movement of any resident or migratory fish or wildlife species.

The City's Resource Protection Ordinance provides regulations for the purpose of protecting, preserving and, where damaged, restoring, the environmentally sensitive lands of San Diego. The ordinance defines Biologically Sensitive Lands and Wetlands. Biologically Sensitive Lands are land which supports sensitive vegetation and /or the habitats or rare, endangered or threatened species or subspecies of animals or plants as defined by the California or Federal Endangered Species Acts. The definition also includes the area of native vegetation which is critical to maintaining a balanced natural ecosystem or wildlife corridor. Wetlands are lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by shallow water, and waters of the United States.

Issue 1: Will the proposal result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? Will the proposal result in a substantial change in the diversity of any species of animals or plants?

Issue 2: Will the proposal result in interference with the movement of any resident or migratory fish or wildlife species? Will the proposal affect the long-term conservation of biological resources?

IMPACTS

The proposed Environmentally Sensitive Lands Regulations applies to all proposed development when environmentally sensitive lands are present on a premises. Sensitive biological resources on a premises make that premises subject to the ESL Regulations. Sensitive biological resources are defined in the proposed Code as an upland and/or wetland area that meets any on the following criteria:

- (a) lands that have been included in the City's MSCP preserve;
- (b) wetlands;
- (c) lands outside the MSCP preserve that contain Tier 1 habitats, Tier II habitats, Tier IIIA habitats, or Tier IIIB habitats;

- (d) lands supporting species or subspecies listed as rare, endangered, or threatened under state and federal regulations; or
- (e) lands containing either
 - (i) species identified by the California Department of Fish and Game as a Species of Special Concern or a California Fully Protected Species or
 - (ii) Narrow Endemic Species as listed in the Biology Guidelines in the Land Development Manual.

The proposed ESL Regulations require either a Neighborhood Development Permit or a Site Development Permit for residential development and public works projects, for subdivisions, for project-specific land use plans, and for any development that proposes deviations from the ESL Regulations. There are limited exceptions to the regulations which relieve an applicant from the permit requirements.

The proposed Code permits development inside the boundaries of the draft MSCP preserve only if necessary to achieve the allowable development area of 25 percent in accordance with the proposed OR-1-2 zone. However, outside of the boundaries of the preserve, the Code would not limit encroachment into sensitive biological resources. There are no provisions to regulate development which would affect species not covered by the draft MSCP preserve design. In addition, the proposed regulations include no requirement for wetland buffers. The Mima mound component of the Mima mound-vernal pool landscape is not identified as a biologically sensitive land subject to the proposed ESL Regulations.

Wetlands/ Wetland Buffers

The proposed Environmentally Sensitive Lands Regulations and accompanying Biological Guidelines include no wetland buffer. The significance of a buffer between wetlands and development is tied to the fact that there is no bright line that marks the edge of a wetland: both in the sense of man trying to define and classify wetlands; and in nature where the edge of a wetland may vary from season to season and with climatic cycles. There is no single, correct, indisputable, ecologically sound definition for wetlands, primarily because of the diversity of wetlands and because the demarcation between dry and wet environments lies along a continuum. (U.S. Department of Interior, Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31 (1992).

In general terms, wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. The single feature that most wetlands share is soil or substrate that is at least periodically saturated with or covered by water. The water creates severe physiological problems for all plants and animals except those that are adapted for life in water or in saturated soil. (U.S. Department of Interior, Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS-79/31 (1992).

Wetlands are productive landscapes that provide many services and commodities to people: a majority of commercial fish and shellfish comes from species that depend on wetlands for portions of their life cycles; coastal wetlands buffer inland development from ocean storms; wetland vegetation can filter pollutants from contaminated waters, thereby improving water quality; and wetlands provide wildlife habitat.

Losses of wetlands in San Diego are the result of filling for development, conversion of natural wetlands to agricultural production, port development, recreational development, construction of flood control facilities and channelization. Indirect effects on wetlands result in net losses of wetlands. The most obvious and common source of indirect impacts to wetland habitat values occurs when activities proposed within a given development area would result in increasing disturbance levels within an adjacent wetland. Such factors as increased noise levels and increased levels of visual disturbance have been demonstrated to have a negative effect upon wildlife use and, therefore, upon the habitat values associated with wetland areas.

A less obvious source of indirect impact arises from the reduction of an ecosystem when a component is lost, such as when an adjacent non-wetland area is lost due to development. For example, the removal of an upland area may impact an adjacent wetland by interrupting the flow of nutrients, upsetting predator/prey balances, eliminating species that depend on both wetland and adjacent upland habitat and increasing sedimentation rates. (California Department of Fish and Game, The Status of Wetland Habitat and Its Protection, Enhancement, and Expansion, presented before the Fish and Game Commission, March 9, 1987.)

To implement the state policy of no net loss of wetlands, the Department of Fish and Game requires wetland buffer zones. Buffer zones of sufficient width and character to eliminate indirect adverse impacts associated with noise and visual disturbance are required between proposed development and wetland areas. Development also has indirect effects on wetlands due to changes in temperature that might occur as a result of shading, and changes in the chemical balance due to runoff from parking and turf areas.

The proposed regulations do not include any requirement for buffer zones between wetlands and development. There are many reasons for maintaining a buffer around a wetland. Some wetland animal life needs to be out of the water some or all of the time. Where water levels are high, a high water refuge is required. An adequate buffer above the high water level is essential for the survival of much wetland wildlife. The demarcation between wetlands and non-wetlands is not a bright line; it can vary based on climatic cycles, seasons and off-site changes that occur. By failing to provide protection of wetlands through wetland buffer requirements, the proposed regulations would have significant direct and indirect impacts on wetlands including wetland wildlife.

The proposed regulations require an area to meet three criteria in order to be designated as a wetland: (1) a hydrologic parameter; (2) a vegetation parameter; (3) a soils parameter. On undisturbed landscapes, the identifying soil features and vegetation that are wetland indicators are present if the appropriate hydrologic conditions exist. In other words, vegetation and soils characteristics are partially a function of hydrologic conditions. Therefore, requiring that all three criteria be met in order for an area to be designated as a wetland would not result in loss of regulatory protection of wetlands.

However, the three-criteria rule may result in loss of protection for sensitive areas on disturbed landscapes. Natural wetlands that have been converted to agricultural use by filling would not meet the vegetation criteria. However, the underlying hydrologic conditions may still exist and, therefore the condition that causes the wetland still exists. The area could be restored by excavation of the fill and, since the underlying causative conditions still exist, the area could once again be functional wetland. Examples of this situation include the agricultural land in the San Dieguito River Valley near Interstate 5 and agricultural lands in the San Pasqual Valley.

Both areas are converted wetlands. They were converted by filling; the underlying hydrologic conditions still exist. All of the wetland indicator vegetation has been lost in the conversion to agriculture. It is possible that some remnant hydric soil features still remain in the buried horizons that used to be at the surface. Thus, it is only certain that one of the three criteria, hydrology, still remains. And yet, since the underlying reason that the wetland exists (hydrologic conditions), if the fill were removed, the wetland situation would re-emerge, and the indicators of vegetation and soil features would re-establish.

However, under the proposed regulations, the area would not be protected from more intense conversion and development, nor controlled as a wetland because one of the three criteria is not met. Under these circumstances, where wetlands existed historically, and potentially could exist again, the proposed regulations could close off these options for the future. Therefore, the proposed three-criteria rule to define wetlands would have a significant effect on biological resources in terms of the natural expansion of wetlands or the re-creation of wetlands.

The proposed Biology Guidelines state that the City will not expand wetland mitigation requirements beyond what the state and federal resource agencies require for individual projects. In many cases those resource agencies do not assess impacts in a manner consistent with past City practices. For example, the U. S. Fish & Wildlife Service measures impacts to vernal pools only by disturbance to pool surface area. The City measures impacts to the pool surface area, the contributing watershed, and the entire vernal pool complex if it still exists. Because the state and federal resource agencies apply their regulations on a statewide or national level, the factors that influence the formulation of their regulations may not relate to San Diego-specific conditions. Therefore, City resources may be subject to controls not specifically designed to address local interests and concerns. The proposed guideline to defer to outside agencies for maximum mitigation requirements would not necessarily protect biological resources in the City. It is likely that there would be significant losses of sensitive biological resources as a result of the proposed guideline.

The proposed regulations would result in potentially significant effects on wetlands. However, the degree of significance is lessened to some extent by certain provisions of the proposed regulations. The proposed ESL regulations require that impacts to wetlands should be avoided. If a project does involve impacts to wetlands, a Neighborhood Development Permit or a Site Development Permit would be required. The requirement for a permit may encourage project design that avoids wetlands. In addition, the proposed Biology Guidelines include mitigation requirements when there are impacts to wetlands. The mitigation is intended to prevent net loss of wetlands and to retain the in-kind functions and values of the impacted wetland. These provisions may reduce the potentially significant adverse impacts of the proposed project on wetlands, but would not reduce the effects to below a level of significance.

The Biology Guidelines make no mention of how impacts to vernal pools should be measured. The proposed Biology Guidelines recommend the "avoidance of a sufficient amount of the [vernal pool] watershed. . . for the continuing viability of the ponding area. . ." This language leaves open for debate how much of the watershed is necessary. It does not specify which watershed. Water collects in vernal pools as a function of both the immediately adjacent relief features such as Mima mounds, and the macro-relief which is the position the pool occupies on the landscape in an overall drainage pattern. Effects on either the micro-watershed or the "macro" drainage pattern would affect the ponding. There is no accepted evidence that the

amount of runoff can be reduced without affecting the nutrient balances and life cycles of the plants and animals that manage to exist in the harsh environment of even a pristine vernal pool. The proposed language leaves open for interpretation how much disturbance and the resulting impacts are within limits that do not exceed significance thresholds.

On a natural landscape, vernal pools typically appear in a complex with mounds, and intermound drainages. The pools are depressions that occur within the complex. Disturbance to any portion of the complex could have significant effects on the pools. Vernal pools are dependent on very specific chemical and hydrological conditions. Therefore, impacts to other elements of the complex are just as significant to the life of the pool as disturbances to the pool surface area itself. Thus, where the pool exists in a complex on the landscape, impacts should be measured by what impacts there would be from implementation of a future project on the entire complex and mitigation should be required accordingly. However, where the affected pool is located individually on the landscape, measurement of impacts to the surface and contributing watershed would be appropriate. The proposed language, which includes deference to methods of measuring impacts that do not account for impacts to watersheds or natural complex systems, would have significant impacts on sensitive biological resources, namely wetlands.

Brush Management

The proposed Landscape Regulations include brush management requirements. Zone 2 of the brush management area is not considered part of the allowable development area and would therefore result in additional losses of biological resources. Zone 2 includes thinning/pruning requirements for reduction of fuel load. The pruning/thinning would affect natural vegetation communities. The effects from pruning/thinning include: opening the canopy to let in light which allows understory plants to grow which in turn changes the composition and structure of the plant community; affecting the number of potential nesting sites; and limiting the number of plants available for foraging. This impact is considered to be significant.

Long-term Conservation of Biological Resources

The issue of the proposal's effect on long-term conservation of biological resources is analyzed in terms of meeting the goals and objectives of the Multiple Species Conservation Program. Thus, only target species are considered with regard to long-term adverse effects on conservation. This EIR provides no independent analysis whether the design of the MSCP preserve will achieve long-term conservation. The analysis of that issue is provided in the EIR for the MSCP. This EIR uses as a baseline assumption the conclusion of the MSCP EIR that the preserve design and the associated implementation program is adequate for long-term conservation of the covered species. Thus, there are two parts of the analysis in this EIR with regard to long-term conservation of biological resources: (1) whether the proposed project adequately achieves the goals and objectives of the MSCP for long-term conservation of covered species and (2) how non-covered species will be affected by the proposed regulations.

The proposed regulations include three elements according to which the MSCP would be implemented within the City: the Environmentally Sensitive Lands Regulations, the Biology Guidelines, and the limitations on development as provided in the OR-1-2 Zone. The MSCP establishes a plan to conserve the 87 identified "covered species". The concept of the plan is that by designing a preserve which assures long-term conservation of the covered species and protecting the populations inside the preserve boundaries, losses of those species outside of the preserve boundaries would not have a significant effect on maintenance of those species.

According to the City's Draft MSCP Subarea Plan, the City will preserve permanently approximately 52,000 acres. Of that 52,000 acres, the City owns about 33,000 acres. It is anticipated that about 7,900 acres would be preserved through application of the proposed ESL Regulations and the other zoning regulations, including application of the OR-1-2 zone. It is through these commitments and measures by the City that the U.S. Fish & Wildlife Service will issue Take Authorizations to the City. The Take Authorizations permit the loss of covered species outside the preserve boundaries.

Environmental analysis of the proposed MSCP resulted in the conclusion that there would be no significant unmitigated impact on covered species as a result of the program. Based on that analysis, it has been determined that the proposed project adequately implements long-term conservation of covered species.

However, according to the proposed regulations, there could be significant loss of covered species outside the preserve boundary and significant loss of non-covered species both inside and outside the preserve. The MSCP EIR concludes that although there would be significant impacts to covered species as a result of the program, those impacts would be mitigated by establishment of the preserve. There would be increased development pressure outside the preserve boundaries. If species other than the covered species become sensitive in the future, there is no assurance that the preserve has been designed to adequately protect those species. Therefore, there is a potentially significant impact on biological resources not targeted by the MSCP preserve design and thus a potentially significant effect on long-term conservation. In addition, there would be a potentially significant impact related to land use with respect to inconsistency or conflict with the environmental goals of adopted land use plans.

The proposed regulations may have a significant effect on wildlife movement. If it has been determined that the proposed 25 percent development area, which is considered to result in 90 percent preservation, is anticipated to be adequate to provide for wildlife movement, then there would not be a significant impact. However, where wildlife corridors are narrow, the development areas of adjacent parcels may preclude wildlife movement. Thus, there could be a significant impact on wildlife movement as a result of the proposed regulations which do not prohibit development in designated wildlife corridors.

SIGNIFICANCE OF IMPACTS

There would be significant direct, indirect and cumulative impacts on biological resources as a result of implementation of the proposed project. The sources of the direct and indirect impacts are as follows:

- a. The proposed project does not include requirements for wetland buffers.
- b. The proposed project would require satisfaction of three criteria in order for an area to be designated as a wetland.
- c. The proposed regulations do not direct the method of measurement of impacts to vernal pools and would permit reduction of vernal pool watersheds. In addition, the proposed regulations do not include protection for Mima mounds either as a landscape feature, nor as integral to the vernal pool habitat complex.

- d. The proposed regulations include no limit on encroachment into biologically sensitive lands outside of the MSCP preserve.
- e. The proposed regulations require no mitigation for impacts to sensitive habitats or species in Zone 2 of the brush management zones.
- f. The proposed regulations do not require biology survey reports to identify impacts to non-covered species outside of the MSCP preserve.
- g. The proposed regulations do not include protections for species not covered by the draft MSCP preserve design; in addition, the regulations do not prohibit development of designated wildlife corridors.

The potential cumulative effects are discussed in Chapter VI of this EIR.

MITIGATION

Mitigation for this project consists of alternative regulatory language that would reduce or avoid the significant impacts that have been identified. Please refer to Alternative Language in Chapter VIII of this EIR for recommended language that would serve to reduce or avoid the potentially significant impacts on biological resources.

Alternative regulatory language that could avoid or reduce potentially significant impacts on biological resources includes:

- a) a requirement for buffer zones between wetlands and development
- b) regulations for development that would affect Mima mounds
- c) citywide application of limitations on development that would affect sensitive biological resources
- d) a requirement for mitigation of losses incurred through brush management activities.

C. TRANSPORTATION

EXISTING CONDITIONS

The City of San Diego offers many ways to travel from one place to another. There are three airports, two railroads, a complex street and highway system, a Regional Bikeway System, travel by boat on San Diego Bay, Mission Bay and the Pacific Ocean.

The street and highway system in San Diego includes the freeways, highways, expressways, and arterial streets which provide mobility and accessibility within the City, as well as between San Diego and other cities in the Metropolitan area. The northern part of the City contains the region's only express lane facility, which is located on Interstate 15. The express lane is a reversible flow, two lane facility, open in the early morning for southbound traffic and late afternoon for northbound traffic. During the morning commute, the express lane accommodates almost 4,000 people. The planning and/or provision of this system within the San Diego region is mainly the responsibility of CALTRANS, SANDAG, the cities and the County. (SANDAG, 1995) Among this complex street and highway system, the City also contains the San Diego Coronado Bridge. It is one of two ways for motorists to access the Coronado Peninsula. The other way is the circuitous route around the southern end of the bay.

Each year, the San Diego Association of Governments prepares a Traffic Flow Map for the San Diego Metropolitan Area. The map represents average weekday traffic volumes on major streets. The volumes shown on the map are based on traffic counts made available to SANDAG from each of the local jurisdictions and CALTRANS. There are about 25 street segments in San Diego with a level of service E or F, which indicates slow-moving traffic in congested conditions. The communities in which these poor levels of service occur include Mira Mesa (portions of Mira Mesa Boulevard), Carmel Valley (portions of Via de la Valle, El Camino Real, and Carmel Valley Road), Kearny Mesa (a portion of Balboa Avenue), the Midway-Pacific Highway area (portions of Pacific Highway, Sports Arena Boulevard, Midway Avenue and Rosecrans Street), the College area (portions of College Avenue and El Cajon Boulevard), the Ocean Beach, Mission Beach, Pacific Beach and La Jolla communities (portions of Sunset Cliffs Boulevard, Mission boulevard, Garnet Avenue, Torrey Pines Road, and Prospect Street), Mission Valley (a portion of Mission Center Road), the Mid-City communities (portions of University Avenue), and the Otay Mesa community (a portion of Otay Mesa Road).

Mass transit is expanding and is recognized as an essential public service which provides important benefits to the entire community. For people that do not have or are unable to use an auto, transit offers mobility and access to jobs, schools, and other activities. Transit benefits nonusers as well by augmenting the capacity of the road system during peak traffic hours, reducing the amount of parking needed at major activity centers, and helping to minimize air pollution and energy consumption. The San Diego Trolley, Inc. provides light rail or "trolley" service from downtown to the international border and to the eastern part of the city. There are several "transit systems" or "districts" that provide bus services, offering various routes throughout the city. The City also offers a "carpool" or "ride-share" program.

The aviation facilities of San Diego play an important role in the city's economy and the movement of people and goods. There is a Navy/Marine Corps aviation facility at N.A.S. Miramar; general aviation facilities located at Montgomery Field in Kearny Mesa, and at Brown Field in Otay Mesa. The primary commercial airport in the City is Lindbergh Field, which

functions as the air carrier airport for the entire San Diego region. It is probably the most conveniently sited airport in the country from the standpoint of proximity to the central business district, major activity centers, and the resident population served. (Progress Guide and General Plan, 1989)

Walking and bicycling are both important means of adult and youth transportation in the City. Regional travel studies show that pedestrian and bicycle trips each exceed the number of trips made by transit. There is a Regional Bikeway System that accommodates bicycle travel.

San Diego is served by two railroads. The Atchison, Topeka, and Santa Fe mainline runs from National City to Los Angeles, where it connects with major continental railroads. The Santa Fe Railway Company provides freight service to the coastal communities and inland. AMTRAK, the national passenger rail company, uses the Santa Fe tracks to also provide passenger service between San Diego and Los Angeles. The Coaster is an express rail service that runs between the city of Oceanside, all the way south through most of San Diego with its last stop being downtown. The Coaster also runs on the tracks of Santa Fe. The second railroad is the San Diego and Arizona Eastern main line run from San Diego through Tijuana, Mexico to the Imperial Valley, there connecting with major U.S. and Mexican railways. This railroad also runs from San Diego to El Cajun and Imperial Beach.

San Diego Bay is one of the few natural harbors along the entire west coast of the United States. Although naval and recreational vessels regularly ply its waters, commercial shipping is negligible and port facilities are greatly underutilized. Most goods and materials arrive and leave the region by truck, adding appreciably to highway congestion and maintenance costs. Several factors contribute to this situation, including: proximity to the major port facilities, transportation hubs, consumptive markets, and industrial centers in the Los Angeles area; minimal production locally and in San Diego's backcountry for foreign export; and limited importation of raw materials normally transported by ship.

The existing Code includes parking requirements for off-street parking. Currently, the Code provides for both compact and standard sized spaces. The compact parking dimensions are 7.5 feet by 15 feet, with an 18-foot wide aisle. The standard space dimensions are 8.5 feet by 21 feet, with a 21-foot wide aisle. The dimensions for compact parking are the smallest required in California; in addition, the Code currently requires the largest percentage of compact spaces of any jurisdiction on California. The current Code dimensions for standard sized spaces is also smaller than average for the state.

The off-street parking requirements include provisions for tandem parking and shared parking. There are special provisions for multi-family residential parking. In addition, the multi-family residential parking requirements are supplemented for projects located in the Beach Parking Impact Area or within the Campus Parking Impact Area. For premises located in those areas, where the project involves two or more units, the number of supplemental spaces required is 50 percent of the number of total resident spaces required.

Issue: Will the proposal result in an increase in projected traffic which is substantial in relation to the capacity of the street system?

Issue: Will the proposal result in effects on existing parking or in an increased demand for off-site parking?

Issue: Will the proposal result in alterations to present circulation movements including effects on existing public access to beaches, parks or other open spaces?

IMPACTS

Projected Traffic

The proposed project does not include changes to patterns of growth or development as described in the General Plan. The project does not propose changes to land use designations which would result in intensified land uses. The adopted land use plans reflect anticipated development at a time in the future when a community would be considered "built out". "Build-out" does not mean that each parcel would be built to the maximum density or most intense allowable development; rather it refers to a vision of the community where development of public facilities and open space is adequate to support residential, commercial and industrial development.

Recommendations and plans for community facilities and infrastructure improvements are based on the amount of development anticipated for a community at a level described as "built-out". Part of the land use planning process includes preparation of travel forecast studies. The travel forecasts are based on computer models. The computer models are based on certain assumed land uses and the average daily trips generated by those uses. The computer models allocate the traffic to the community circulation system based on existing circulation routes. Street improvements are recommended based on the results of the travel forecasts and acceptable levels of service for a particular community.

The project does not propose to modify or amend adopted land use plans. The project proposes zones to implement the land use designations of adopted plans. Traffic will continue to be generated as development continues. However, the proposed project would not in and of itself generate new traffic that has not been planned for and is anticipated by adopted land use plans.

The project may, however, remove some "obstacles" to development. As a result there may be new development that would add traffic to already overcrowded street segments or that would further impact poor levels of service at existing intersections. This impact is considered cumulatively significant. The potential cumulative effects of the proposed project are analyzed in Chapter VI of this EIR.

Parking

The proposed project would eliminate compact parking spaces. The size of standard spaces and aisles would be modified. For retail uses, the standard space dimensions would be 8'3" by 18', with a 24-foot aisle. For all other uses, the standard space dimensions would be 8' by 18', with a 24-foot aisle. The proposed increase in dimensions means that to meet the parking requirements more area would be dedicated to parking area. For retail uses, about 17 percent greater area would be required, as compared with the area necessary to meet the current Code parking requirements; for all other uses, about 13.5 percent greater area would be required, as compared with the amount of area necessary to meet the current Code parking requirements.

The average increase in area required for parking would be offset by a number of factors. First, for nonresidential development in designated transit areas and for development in the Urban Village Overlay Zone, there would be a 15 percent reduction in the parking requirement, as compared to the same type of development if it were not located in the Urban Village Overlay

Zone or in a transit area. Second, Parking requirements would be reduced by 10 to 20 percent for very low income housing projects and by 50 percent for very low income single room occupancy hotels. Third, more projects will be likely to use shared parking because shared parking would be allowed for all uses, and shared parking areas may be located off-site. Fourth, nonresidential development would have the option of providing less parking with the approval of a Transportation Demand Management Plan. Fifth, there would be a maximum amount of parking allowed for most development. Sixth, the project proposes 10 to 20 percent reductions for residential development located in a designated transit area.

The opportunities for reductions in parking requirements would offset the increase in parking space dimensions such that the total area dedicated to provide parking citywide would not be substantially increased. The patterns and intensity of growth are not proposed to be changed and therefore overall parking demand would not be increased by the proposed project. Thus, the project would not have a significant adverse effect on parking.

Public access

The proposed project does not include alterations or modifications of the circulation system of any adopted land use plan. Therefore there would be no changes to public access to beaches, parks or other open space. The project would not have a significant adverse effect on public access.

SIGNIFICANCE OF IMPACT

The proposed project would not have a significant adverse effect on projected traffic volumes or on the ability of the existing circulation system to function as planned. However, future development could incrementally increase the potential for cumulatively significant traffic impacts.

The proposed project would not have a significant adverse effect on the amount of parking required in the city, nor on the area required to meet parking demands.

The proposed project would not have a significant adverse effect on public access to open spaces, beaches or parks.

MITIGATION

There would be no project-specific significant impacts. Thus, no mitigation is required.

D. HISTORICAL RESOURCES

EXISTING CONDITIONS

Historical resources (also referred to as cultural resources) are physical features, both natural and constructed, that reflect past human existence and are of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of San Diego. These resources may include such physical objects and features as archaeological sites and artifacts, buildings, groups of buildings, structures, districts, street furniture, signs, and landscapes. Also included, are distinguishing architectural characteristics. Historical resources in the San Diego region span a timeframe of at least the last 10,000 years and include both the prehistoric and historic periods.

Prehistoric Periods

The general consensus of most scholars is that there is no firm evidence that the San Diego region was occupied before 10,500 years ago. The earliest generally accepted archaeological culture of present-day San Diego County is the Paleo-Indian culture of the San Dieguito Complex. The San Dieguito Complex is dated to about 10,500 years ago, 8500 - 6000 BC. It was originally defined in an area centering on the San Dieguito River valley, north of San Diego. It would appear to be contemporary with the Fluted Point tradition of the High Plains east of the Rocky Mountains. The people of the San Dieguito Complex were nomadic hunters. Artifacts of their culture include scrapers, choppers and large projectile points. Among the questions that still remain about that culture is the relationship between the San Dieguito Complex and the cultures that existed in the Mojave Desert, in northwestern and central California, in southern Arizona, and in Baja California. San Dieguito sites are assigned a high research priority.

The Early Archaic Period is considered to be from 6000 BC to AD 0. As a result of climatic changes and shifts in the way past cultures lived, archaeologists think the nomadic hunting tradition was replaced by new cultural patterns about this time. This new pattern, the Encinitas Tradition, is represented in San Diego County by the La Jolla and Pauma complexes. The coastal La Jolla Complex is characterized as a gathering culture which subsisted largely on shellfish and plant foods from the coast and riparian areas. The La Jolla Complex is best-known for its stone grinding tools. The inland Pauma sites also have stone grinding tools as well as projectile points. The questions facing researchers about this period include a determination of whether coastal La Jolla sites represent permanent occupation areas or brief seasonal camps; the role of changes in nature in alteration of modes of subsistence; and the relationship of the coastal cultures to the inland cultures.

The Late Prehistoric Period is considered to be from AD 0 to 1769. This period is represented in San Diego County by two distinct cultural patterns: the Yuman tradition of the Colorado Desert region; and the Shoshonean Tradition to the north. The Yuman cultural pattern is represented locally by the Cuyamaca Complex from the mountains of southern San Diego County, and the Shoshonean Complex is represented locally by the San Luis Rey Complex of northern San Diego County. The people of the Cuyamaca and San Luis Rey complexes are the ancestors of the modern Kumeyaay and Luiseño cultures. Prehistorically, the Kumeyaay were a hunting and gathering culture that adapted to a wide range of ecological zones from the coast to the Peninsular Range. Several factors distinguish the Late Prehistoric populations from earlier peoples: a shift in grinding technology is reflected by the addition of the mortar and pestle to the

mano and metate which shows a greater emphasis on acorns as a primary food staple; the introduction of the bow and arrow; and human cremation. Pottery is also characteristic of this period. Notable research opportunities for archaeological sites belonging to the Late Prehistoric period include refining chronology, examining the effects of environmental change that was occurring in the deserts to the east, clarifying patterns of exchange, examining the horticultural/agricultural practices west of the desert, and testing ethnographic models of settlement patterns.

The ethnohistoric period began locally about 1769 with the Spanish colonization of Alta California. The establishment of the mission system brought about profound changes in the lives of the Yuman-speaking Kumeyaay and Shoshonean-speaking Luiseño peoples. The greatest impact was felt by the Native Americans living in the coastal areas where the mission influence was the greatest. The coastal people were quickly and forcefully brought into the missions or died from introduced diseases. As a result ethnohistoric accounts of the coastal Kumeyaay and Luiseño are few and the information pertains largely to the people living in the mountain and desert regions. The ethnohistoric Kumeyaay were generally a hunting and gathering society characterized by nomadism from a central base. Their houses varied greatly according to locality, need, choice and raw materials. Formal homes, built in winter, were small huts of poles covered with brush or bark. In cold weather, the brush was covered with earth to help conserve heat. In summer, windbreaks were all that were needed. Village-owned structures were ceremonial and were the center of many activities. Sweathouses were built and used by the Kumeyaay men. Important areas of research for this period include identifying the location of Kumeyaay settlements at the time of historic contact and during the following 50 years of the Spanish Period; delineating the effects of contact in Kumeyaay settlement/subsistence patterns; investigating the extent to which the Kumeyaay accepted or adopted new technologies or material goods from the intrusive Spanish culture; and examining the changes to Kumeyaay religious practices as a result of contact. Today, the descendants of the Kumeyaay bands are divided among 12 reservations in the south county; the descendants of the Luiseño bands are divided among five reservations in the north county.

Historic Periods

San Diego history can be divided into three periods: the Spanish, Mexican and American periods. The Spanish Period began in 1769 with an expedition of soldiers, settlers and missionaries sent by the Spanish government to occupy and secure the northwestern borderlands of New Spain through the establishment of a system of presidios, missions and pueblos. Initially camp was made on the shore of San Diego Bay in an area that is now downtown San Diego. Lack of water at this location led to moving the camp to a small hill closer to the San Diego River and near the Kumeyaay village of Cosoy. Later the same year the Mission San Diego de Alcalá was established at the camp along with the presidio. In 1774, the missionaries moved the Mission to its present location six miles up the river near the Kumeyaay village of Nipaguay. The first structure was made of willow poles, logs and tules. It was sacked and burned in 1775 during a Kumeyaay uprising. The first adobe chapel was completed in 1776 and construction of the present church began the following year. In 1798 the Spanish constructed the Mission San Luis Rey de Francia in northern San Diego County and established three mission outposts further inland. The San Diego Mission complex continued under construction until 1813 and includes the church, bell tower, sacristy, courtyard, residential complex, workshops, corrals, gardens and cemetery. Orchards, reservoirs and other agricultural facilities were built to the south on the lower San Diego River alluvial terrace and were irrigated

by a dam and aqueduct system. New settlers continued to live at the Presidio, where it exists today at the west end of Mission Valley.

The Mexican Period began in 1822 when Mexico won its independence from Spain and San Diego became part of the Mexican Republic. The Mexican Period brought about the continued displacement and acculturation of the native populations. During this time the decline of the presidio and the rise of the civilian pueblo began to occur. By 1827, as many as 30 homes existed around the central plaza of what would later become Old Town and in 1835, Mexico granted San Diego official pueblo status. At this time the town had a population of nearly 500 residents. By 1835 the presidio had been abandoned and lay in ruins. However, the new Pueblo of San Diego did not prosper during the Mexican Period. In 1838 the pueblo status was removed and unstable political and economic factors resulted in a decline in the population to around 150 permanent residents by 1840.

The American Period began in 1846 when United States military forces occupied San Diego and continues today. In 1848 Americans took formal control of San Diego according to the Treaty of Guadalupe-Hidalgo. By this time the situation had stabilized and the population had increased to roughly 350 non-Native American residents. In 1850, the Americanization of San Diego began to develop rapidly. On February 18, 1850, the California State Legislature formally organized San Diego County and the first election for county officers was held that spring. When land speculator and developer Alonzo Horton arrived in 1867 San Diego began to develop fully into an active American town. His development of a new San Diego (modern downtown) in that same year began to swing the community focus away from Old Town. After the county seat was moved in 1871 and a fire destroyed a major portion of the business block in April 1872, Old Town rapidly declined in importance. Historical resources from the American period are categorized into remains of the frontier era, rural farmsteads and urban environments.

The built environment, including structures and landscapes, is a vital source of historical evidence on past lifeways, work, ideas, cultural values and adaptations. San Diego's built environment spans over 200 years of architectural history. Examples of every major period and style remain, although few areas retain neighborhood-level architectural integrity due to several major building booms when older structures were demolished prior to preservation movements and stricter regulations regarding historic structures. Among the recognized styles in San Diego are Spanish Colonial, Italianate, Stick Eastlake, Queen Anne, Colonial Revival, Neoclassical, Shingle, Folk Victorian, Mission Revival, Craftsman, Monterey Revival, Italian Renaissance, Spanish Revival, Egyptian Revival, Tudor Revival, Modernistic, Greek Revival, Gothic and International.

Regulatory Framework

For the citizens of San Diego to derive maximum educational and aesthetic benefit from our historical resources, sites must be adequately protected and their surrounding environments preserved. This is accomplished through measures such as the regulations of the Resource Protection Ordinance, the designations of historic sites by the Historic Site Board, the guidelines in the Comprehensive Historic Preservation Plan, and environmental review of discretionary projects subject to CEQA.

RESOURCE PROTECTION ORDINANCE

The purpose of the existing Resource Protection Ordinance (RPO) is to protect, preserve and, where damaged, restore the environmentally sensitive lands of San Diego. These sensitive

lands include significant prehistoric and historic resources. Within these areas regulated by the provisions of the RPO nothing on the site can be removed, altered, destroyed, or added until a Resource Protection Permit is obtained. Significant prehistoric and historic sites and resources are defined in RPO as locations that possess unique cultural, scientific, religious or ethnic value of local, regional, state, or federal importance. This should be limited to prehistoric or historic districts, sites, buildings, structures, or objects included in the State Landmark Register, or the City of San Diego Historical Sites Board List, or included in or eligible for inclusion in the National Register of Historic Places. Other sites that are defined in RPO are: areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or permanent camps); and locations of past or current traditional religious or ceremonial observances (such as burials, pictographs, petroglyphs, and sacred shrines).

On areas that contain significant prehistoric and historic sites and resources, the only uses allowed are the ones permitted by the underlying zone. Those uses are subject to the regulations and restrictions of the underlying zone. In addition, the following regulations also apply:

1. Development is not permitted to occur, unless all feasible measures to protect and preserve the significant resources are required as a condition of development approval; and
2. Alterations and improvements to these sites and resources that enhance, restore, maintain or repair the site or resource and which do not adversely affect the special character, or special historical, architectural, archaeological or cultural value of the prehistoric and historic site or resource is permitted;

Deviation from these development regulations can be approved when the required findings are made.

CITY OF SAN DIEGO HISTORICAL SITES REGISTER

The Historical Site Board consists of a fifteen-member advisory board to advise the Mayor, City Council, City Planning Commission, Park and Recreation Board, and City Manager relating to the identification, protection, retention, preservation of historical resources in San Diego. The Board has numerous duties and functions including the designation of historical resources consistent with criteria established by the Board and the review of proposals to substantially alter or demolish designated historical resources.

Criteria for designation of historical sites within the City is provided in the Board's guidelines, as follows: districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a. that are identified with historic personages or with important events in the main currents of national, state or local history;
- b. that embody the distinctive characteristics of an architectural style, are valuable for the study of a type, period or method of construction or possess high artistic values;
- c. that are a notable work of a master builder, designer or architect;
- d. which best exemplify the broad cultural, political, economic or social history of the nation, state or community; and
- e. which have yielded or are likely to yield information important in prehistory or history

THE COMPREHENSIVE HISTORIC PRESERVATION PLAN

The Comprehensive Historic Preservation Plan was prepared by the Historical Site Board and the San Diego Planning Department in order to direct and focus the City's efforts to deal with increasingly complex historic preservation issues. There are four elements to this plan, which are the Inventory Element, the Incentives Element, the Education Element, and the Draft Historic Resource Board Ordinance. The first three elements were adopted by the City Council in February 1992; the final element has been incorporated into the Land Development Code project and would be adopted as part of the action on the Code.

The Inventory Element addresses a comprehensive citywide inventory program. It is important to have a complete and comprehensive historical resource inventory, by community plan area, of the entire City in order to record and identify the existence and value of historic resources; to provide a measure of the scope of the total preservation effort required; and to assist in the development of appropriate methods to secure their preservation.

Since demolition of structures does not require discretionary approval in many parts of the City, there is a potential that historical resources that have not been identified and designated through an inventory could be lost before such an effort is undertaken. The lack of comprehensive inventories has created an ad-hoc designation process that has provided inconsistent protection of the City's historic resources.

Inventories of the built environment (buildings, structures, objects, landscapes) have been completed in various communities in the City. Several other areas have not been inventoried and a systematic archaeological inventory has not been undertaken. The Board has tentatively established priorities for historical resource inventories for the built environment. The communities with the highest priorities are: Point Loma/Ocean Beach; La Jolla; Mission Beach/Pacific Beach; and Golden Hill. Priority is established by the age and early development of the community and the extent of current development pressure. The inventories are to be prepared or updated within the next five years.

The purpose of the Education Element is to better inform the public, historic property owners, and City officials about the purpose, policies and benefits of historic preservation. The idea behind this element is that widespread community support would be required for the successful implementation of the Comprehensive Historic Preservation Plan. In order to gain this support, understanding of the significant contributions of historic resources to the quality of life is needed.

The Incentives Element is designed to encourage preservation of identified historical resources. There are many existing incentives that are either financial or service oriented. The following programs are financial incentives:

1. The Federal Historic Preservation, Rehabilitation Investment Tax Credit Program provides a 20% investment tax credit for the substantial rehabilitation of depreciable properties listed on the National Register of Historic Places;
2. Owners of designated historic properties may apply for a Conditional Use Permit to allow a use that is not otherwise permitted by right under existing zoning;
3. In the Housing Commission Rehabilitation Loan Program, the City's Housing Commission provides loans to rehabilitate low-income multi-family residential structures and to low-income families to rehabilitate their residences; and

4. The Mills Act Agreements are an under-utilized tax incentive available to the owners of historic properties. The owners may enter into an agreement for a minimum of ten years to restrict the use of the property, require its preservation and maintenance, and allow for periodic examination of the interior and exterior of the property by the County Assessor, the State Department of Parks and Recreation, and the State Board of Equalization.

The following programs are service incentives:

1. The planning/development services staff to the Board provides assistance and counseling regarding rehabilitation, design issues, use, building codes, conditional uses, incentives, financial and planning issues;
2. Urban Conservation staff is required to provide historic property owners with assistance and counseling through the program above; and
3. The Board requires that plaques and signs be put on historic properties. The Board has made arrangements with a local foundry for the owners of historic; and properties to purchase a plaque of Board-approved design at a reduced cost.

CEQA SIGNIFICANCE

CEQA Section 21084.1 states that a significant effect on the environment may result from a substantial adverse change in the significance of a historical resource. A historical resource is defined as a resource listed in, or determined to be eligible for listing in the California Register of Historical Resources. Additionally, historical resources included in a local register of historical resources or identified as significant in a historical resources survey are presumed to be historically or culturally significant for purposes of CEQA unless the preponderance of the evidence demonstrates that the resource is not significant. CEQA Section 21084.1 further states that the fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant in a historical resources survey, shall not preclude a lead agency from determining whether the resource may be a historical resource for purposes of a determination of a significant effect on the environment.

Appendix G of CEQA, Significant Effects, defines the need for evaluating the impacts a project may have on a community, ethnic or social group. A project will normally have a significant on the environment if it would cause one of the following:

- Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group.
- Conflict with established recreational, educational, religious, or scientific uses of the area.

An "unique archaeological resource" is defined by CEQA Section 21083.2 as an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

- (2) It has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event.

CITY OF SAN DIEGO SIGNIFICANCE DETERMINATION GUIDELINES

An archaeological site must meet two criteria:

1. It must consist of at least three associated artifacts/ecofacts (within a 50 square meter area) or a single feature; and
2. It must be at least 45 years of age.

Archaeological sites containing only a surface component are generally considered not significant, unless demonstrated otherwise. Such site types may include isolated finds, bedrock milling stations, sparse lithic scatters, and shellfish processing stations. All other archaeological sites are considered potentially significant. The determination of significance is based on a number of factors specific to a particular site.

Issue: Will the proposal result in the alteration or the destruction of a prehistoric or historic archaeological site?

Issue: Will the proposal result in adverse physical or aesthetic effects to a prehistoric, historic or architecturally significant building, structure, object, or site?

Issue: Will the project result in any impact to existing religious or sacred uses within the potential impact area?

IMPACT

The current Resource Protection Ordinance defines "significant prehistoric and historic sites and resources" as locations of prehistoric or historic resources that possess unique cultural, scientific, religious or ethnic value of local, regional, state or federal importance. The more generalized term "historical resource" is used in the proposed project to be consistent with other local, state and federal nomenclature and includes each of the following defined terms: historical building, historical structure, historical object, important archaeological site, significant archaeological site, historical district, historical landscape, and traditional cultural property. The definition of each of these terms includes the concept of significance or importance of the resource.

Development that may affect historical resources is currently regulated by the Resource Protection Ordinance, which would be repealed by the proposed action. RPO includes various exclusions and an exemption for single family dwellings. Historical resources regulations are proposed as supplemental regulations within Chapter 14 of the Land Development Code. For development that would impact a historical resource, as defined by the revised Code, a discretionary Neighborhood or Site Development permit would be required. If development would not impact a historical resource or if the type or location of development meets the exemption criteria, then a ministerial construction permit would be required. Additionally, a site-specific survey to determine the existence, precise location and class of historical resource

may be required prior to issuance of a construction or development permit if development is proposed in an area identified as sensitive on the Historical Resource Sensitivity Maps or for a parcel containing a structure that is 45 or more years old.

The proposed regulations identify two classes of historical resources. Class I historical resources consist of designated historical resources, historical districts, important archaeological sites and traditional cultural properties. Only minor alteration of a designated historical resource or of a historical building or structure within a historical district may be allowed if the alteration does not affect the special character or special historical, architectural, archaeological, or cultural value of the resource. Traditional cultural properties are required to be protected and preserved as a condition of development approval. Development within an area containing an important archaeological resource is permitted if necessary to achieve a reasonable development area with up to 25 percent encroachment into the site. Additional encroachment of 15 percent is allowed for essential public service projects.

Class II historical resources include historical buildings, structures, objects and landscapes and significant archaeological sites. By definition Class II historical resources are of lesser significance than are Class I historical resources, nevertheless they are of significant value. Substantial alteration, demolition, destruction, removal or relocation of historical buildings, structures, objects and landscapes is allowed under the proposed regulations. There is no limitation proposed on encroachment into significant archaeological sites.

Any loss of historical resource, Class I or II, through alteration or encroachment is required by the proposed regulations to be offset by mitigation consistent with the Historical Resources Guidelines of the Land Development Manual. Mitigation measures include documentation and/or salvage of the resource prior to its disturbance.

The proposed regulations include a deviation process by which project approval could occur without compliance with the historical resources regulations to afford relief from the regulations under special circumstances when all feasible measures to mitigate for the loss of the resource and when denial of the development would result in economic hardship.

Impacts to historical resources could occur as a result of several aspects of the proposed project. Although there are provisions for review of proposed demolition for buildings and structures that are more than 45 years old or development within mapped archaeologically sensitivity areas, there is no comprehensive survey of the built environment or of archaeological resources and loss of unknown resources could occur. For known sensitive historical resources, the proposed regulations could result in impacts either through the allowed destruction of the resource or through the deviation process.

SIGNIFICANCE OF IMPACTS

The loss of significant historical resources would result from implementation of the proposed project related to historical resources and would therefore result in a significant impact on the environment.

MITIGATION

Mitigation for this project consists of the adoption of one or more alternatives, including alternative regulatory language that would reduce or avoid the significant impacts that have been identified. Please refer to Alternative Language in Chapter VIII of this EIR for recommended language that would serve to reduce or avoid the potentially significant impacts on historical resources. The potentially significant impacts on historical resources could be reduced by the requirement for preparation of a comprehensible survey of the City for historical resources. In addition, the proposed regulatory language could be modified to eliminate the deviation process and to require limitations on encroachment into Class II historical resources.

E. LANDFORM ALTERATION/ NEIGHBORHOOD CHARACTER

EXISTING CONDITIONS

Landform

The City of San Diego is characterized by a variety of landforms. Topographically, the City is a broad coastal plain drained to the ocean by many canyons and valleys. The plain ranges in width from 10 to 15 miles. Within this coastal plain there is a wide variety of significant land features: shoreline; river beds; floodplains, upland mesas; valleys; rolling hills; steep cliffs; and mountains. Elevations range from sea level to 1600 feet. Perhaps the most characteristic topography is mesa terraces dissected by numerous canyons that drain to the ocean.

The nearly twenty miles of San Diego's shoreline must be given a top rank among the City's valuable assets. The local shoreline is outstanding because of the uniformly high quality of its sandy beaches. Sandy beaches and cliffs are the two dominant elements of the City shoreline. Nearly 60 percent of the City's shoreline is beach, with 87 percent in public or semi-public ownership.

According to the Progress Guide and General Plan, both land and landforms are in limited supply and must be considered natural as well as aesthetic resources. Land uses which destroy the relief detract from the City's appearance, deplete its stock of resources, and contribute to erosion and sedimentation of streams. The General Plan states that grading should be kept to a minimum; that canyons should not be filled; that existing trees and ground covers should be retained as much as possible; and that natural drainage systems should be preserved. Generally, the existing regulations are designed to control the use and alteration of landforms. The objective is to protect the public interest and safety in the development of private property by: regulating grading; establishing minimum standards governing slope stability and drainage; and effecting the restoration of natural ground cover through appropriate erosion control planting and irrigation.

The Hillside Review Overlay Zone applies throughout the City, including the Coastal Zone. The purpose of the overlay zone is to regulate development on steep hillsides, which are defined as being slopes with gradients of greater than 25 percent. The regulations of the overlay zone vary depending on whether a property is in the Coastal Zone. For sites within the Coastal Zone and within the overlay zone, there are both slope encroachment limits and criteria for design. The design criteria are intended to guide development design to minimize alteration of the steep slopes and to respect the natural contours.

For areas subject to the regulations of the HROZ that are not within the Coastal Zone, there were no steep slope encroachment limits until the Resource Protection Ordinance was enacted. Outside of the Coastal Zone, however, the development design criteria for steep slopes applies.

The Resource Protection Ordinance regulates the development of steep hillsides by a sliding scale encroachment limit, based on the amount of the site covered by hillsides. However, RPO does not apply to single-family residential development.

Neighborhood Character

San Diego's built environment spans over 200 years of architectural history. The real urbanization of the City as it is today began in 1869 when Alonzo Horton moved the center of commerce and government from Old Town (Old San Diego) to New Town (downtown). Development spread from downtown based on a variety of factors, including the availability of potable water and transportation corridors. Factors such as views, and access to public facilities affected land values, which in turn affected the character of neighborhoods that developed.

During the Victorian Era of the late 1800s and early 1900s, the areas of Golden Hill, Uptown, Banker's Hill and Sherman Heights were developed. Examples of the Victorian Era architectural styles remain in those communities, as well as in Little Italy.

Little Italy developed in the same time period. The earliest development of the Little Italy area was by Chinese and Japanese fishermen, who occupied stilt homes along the bay. After the 1905 earthquake in San Francisco, many Portuguese and Italian fishermen moved from San Francisco into the area; it was close to the water and the distance from downtown made land more affordable.

Barrio Logan began as a residential area, but because of proximity to rail freight and shipping freight docks, the area became more mixed with conversion to industrial uses. This area was more suitable to the industrial uses because land values were not as high: topographically the area is more level and not as interesting in terms of views as the areas north of downtown. Various ethnic groups settled in the area.

San Ysidro began to be developed at about the same time, the turn of the century. The early settlers were followers of the Littlelanders movement. There, the pattern of development was lots designed to accommodate small plots of land for each homeowner to farm as part of a farming-residential cooperative community. Nearby Otay Mesa-Nestor began to be developed by farmers of Germanic and Swiss background. Some of the prime citrus groves in California were in the Otay Mesa-Nestor area; in addition, there were grape growers of Italian heritage who settled in the Otay River Valley and tributary canyons and produced wine for commercial purposes.

At the time downtown was being built, there began to be summer cottage/retreat development in what are now the Beach communities and La Jolla area. The early structures in these areas was not of substantial construction; it was primarily temporary vacation housing.

Development spread to the Greater North Park and Mission Hills areas during the early 1900s. The neighborhoods were built as small lots, a single lot at a time; there was not large tract housing development of those neighborhoods. It provided affordable housing away from the downtown area, and development expanded as transportation improved.

There was farming and ranching in Mission Valley until the middle portion of the 20th century when the uses were converted to commercial and residential. There were dairy farms and chicken ranches adjacent to the San Diego River where now there are motels, restaurants, office complexes and regional shopping malls.

There was little development north of the San Diego River until Linda Vista was developed as military housing in the 1940s. The federal government improved public facilities and extended water and sewer pipelines to the area. From Linda Vista, development spread north of Mission Valley to the Clairemont Mesa and Kearny Mesa areas. Development in these communities was mixed use and residential on moderate size lots.

San Diego State University was established in the 1920s; development of the state college area began then and the development of the Navajo community was outgrowth from the college area and from the west. Tierrasanta, previously owned by the U.S. Navy was developed in the 1970s. It was one of the first planned unit developments with segregation of uses.

Tierrasanta and many of the communities that have developed since, such as Rancho Penasquitos and Rancho Bernardo, represent the typical development pattern in San Diego in the last 25 to 30 years: uses are well segregated with commercial uses located along the main thoroughfares, and the residential uses located in between. Industrial uses located in planned industrial parks.

Architectural styles in San Diego are diverse. Because development of the urbanized communities has occurred over the span of more than 100 years, those communities are combinations without a particular theme or developmental scheme. They were, for the most part, developed on a lot-by-lot basis with each owner building to suit their own taste. Thus, the character of the urbanized communities can best be described as eclectic.

There are community plans which are land use plans to guide and direct growth and development patterns, as well as architecture and design of the various communities in the City. The existing zoning scheme is used to implement the land use plans. Currently there are R1 zones for single family development and R zones to designate multi-family development. In the R1 zones, the density is one unit per lot, regardless of the size of the lot. In the R zones, the density is determined by the number following the R; for example, in an R3000 zone, there could be one unit per 3000 square feet.

In addition to the citywide zones, there are Planned Districts which have been developed to retain the character of areas of the city with special or unique properties. Permits for development in these districts involve design review in order to protect the style and character of development.

Issue: Will the proposal result in project bulk, scale, or style which will be incompatible with surrounding development?

Issue: Will the proposal result in a substantial change in topography or ground surface relief features?

Issue: Will the proposal result in substantial alteration to the existing character of the area?

IMPACTS

Landform Alteration

The proposed regulations would not limit encroachment into steep slopes for lots in single-unit residential zones that are less than 20,000 square feet in size. There would be limits on

development area for lots with steep slopes in all other circumstances. In addition, for all development involving lots with hillsides, design criteria would be applied in order to protect the integrity of the hillside and reduce grading in accordance with the guidelines of land use plans.

According to the proposed regulations, development on premises with steep hillsides would be subject to the development area restriction of the Environmentally Sensitive Lands Regulations. If set back from the steep hillside 100 feet, the activity would not be subject to the permit process. For development that is not set back 100 feet, a permit would be required. A maximum of 25 percent area of the premises could be developed. Thus, the proposed regulations would result in alteration and loss of natural steep hillsides.

The potential loss of sensitive landforms is a significant impact, both because of the direct loss of a significant resource, and because of the conflict with the environmental goals of adopted land use plans which include recommendations to protect steep hillsides from further alteration. Refer to the Land Use Impacts section of this EIR for analysis of the effects related to land use.

Neighborhood Character

According to the proposed Code, development could occur citywide by right, including within the Coastal Overlay Zone. Development within the planned districts would continue to occur by permit.

The proposed project includes development regulations that affect bulk and scale of development in residential zones. There would be a rezone of single-family zones in the urbanized communities in order to address issues with bulk and scale. The design guidelines for the planned districts remain substantively the same as existing.

In urbanized communities, single-unit development is subject to a maximum floor area ratio based on lot size. The side and rear setbacks are based on lot width and depth, rather than on the zone. When there are hillsides on the lots in these zones, the floor area ratio would be calculated based on the non-hillside area of the lot. These regulations are to relate the building envelope to the lot size, rather than the zone, since zones in the urbanized communities tend to have a variety of lot sizes. For most single-unit zones in urbanized communities, there would be limitations on the size of third stories. The size of the third story would be a percentage of the floor area of the second story.

In multiple-unit residential zones citywide, there would be no options for increase of the floor area ratio according to the proposed regulations. In some multiple-unit zones, there would be limitations on how much of the front facade must be habitable. Some multiple-unit zones would have a 24-foot height limit for structures. The regulations would create more incentives for flexibility in the design of multiple-unit developments.

In urbanized communities, in all residential zones, the regulations require structures over 24 feet high to slope back from the lower stories in order to reduce the bulk of the building.

The project proposes a Residential-Townhouse zone. The zone could be applied in areas that have 25-foot wide lots, such as Ocean Beach, Pacific Beach and Mid-City. The regulations for the zone do not require side setbacks in order to permit more design flexibility on the narrow lots.

As a result of the proposed regulations, there would be development compatible with the character and design of the surrounding community. The regulations apply in urbanized communities which include the coastal areas; thus the character of communities would be protected by the proposed regulations.

SIGNIFICANCE OF IMPACTS

Implementation of the proposed project would result in grading of steep hillsides, which are identified to be an important resource in the City. Therefore, there would be significant impacts related to landform alteration.

The proposed regulations would result in development that would be compatible in bulk and scale with the surrounding community. Thus, there would be no significant impact on neighborhood character.

MITIGATION

Mitigation for this project consists of the adoption of one or more alternatives, including alternative regulatory language that would reduce or avoid the significant impacts that have been identified. Please refer to Alternative Language in Chapter VIII of this EIR for recommended language that would serve to reduce or avoid the potentially significant impacts on landforms.

Alternative regulatory language that would avoid or reduce impacts could include: a decrease in the allowable development area; application of the development area limits on single-unit less than 20,000 square-foot lot development; requirement for discretionary review of all development proposed on lots with steep hillsides.

F. WATER CONSERVATION

EXISTING CONDITIONS

There are five major rivers within or partially within the City: the San Dieguito, San Diego, Sweetwater, Otay, and Tia Juana Rivers. Due mainly to the dry climate and local impounding reservoirs, most of these are normally dry except during periods of abnormally heavy rainfall. In addition to the five rivers, there are also numerous canyons and creeks which drain the area.

The City's available water is stored in surface lakes and underground basins. There are three fresh-water lakes within the City, used to store potable water: Lake Murray, Miramar Reservoir, and Lake Hodges. There are numerous groundwater basins throughout the area which are important for agricultural production. These include the San Dieguito Valley, Lake Hodges basin, San Pasqual Valley, San Diego River Basin, and the Tia Juana River basin.

The City has two sources of water for domestic, commercial, and industrial uses. Ninety percent of the City's water is imported. As a supplementary source, the City draws from wells in the Lakeside areas when the groundwater table and water quality permit.

Because San Diego is located on a semi-arid plain, it relies heavily on imported water. Ninety percent of the local water supply is imported from Northern California and the Colorado River. Forty-six billion gallons of water are purchased annually from the San Diego County Water Authority at a cost of about \$62 million a year. Without this imported water, the City could only support a population of 50,000. This water is stored in the City's nine holding reservoirs: Lakes Barrett, El Capitan, Hodges, Miramar, Morena, Murray, Otay, San Vicente, and Sutherland. These reservoirs are also designed to collect surface runoff from their watershed areas - which, during years of normal to heavy precipitation, can be a significant amount. Because of the vulnerability of the City's imported water pipelines to natural disasters, including earthquakes, much of the local water supply is stored for meeting emergency needs. (The City of San Diego Water Utilities Department, 1995)

The County Water Authority is in the process of approval for an emergency water storage plan. An Environmental Impact Report for the plan was certified in 1996. The preferred alternative has several elements including a new reservoir near Olivenhain, increased use of Lake Hodges, and raising the dam at San Vicente Reservoir. These improvements are proposed to ensure water availability in the event of failure of the imported water supply.

City municipal water supplies are treated at one of three treatment plants in the City - Alvarado, Miramar, or Otay. It is then delivered to residents and businesses through 2,608 miles of pipeline with the help of 45 water pumping stations. These plants provide the public with an average of 180 million gallons of water daily.

Ten years ago the City established its Water Conservation Program to reduce San Diego's dependence upon imported water. It is designed to provide the customers of San Diego with the necessary tools and incentives to permanently conserve water. (Water Conservation News, 1996)

One of the City's most popular water conservation programs is the Ultra-Low Flush Toilet Rebate Program. In this program, participants receive up to \$75 per installed ultra-low flush toilet. Another program related to this, is the Community Based Toilet Replacement Program. This program provides complimentary ultra-low flush toilets to qualified water customers. There is also the City Facilities Retrofit Program, which installs ultra-low flush toilets in City owned and operated buildings. (Water Conservation News, 1996)

The Commercial, Industrial, and Institutional (CII) Water Conservation Survey Program provides a complimentary water use survey of facilities to identify and evaluate water usage. The purpose of the program is to offer cost-effective recommendations on how to reduce the facility's water consumption without affecting processes or production levels. All surveys are provided without charge. An analyst goes to a certain facility to observe all water use first hand. From the data collected, the analyst will develop a detailed report that will quantify all water uses, and will include a water conservation action plan with specific recommendations for improving water efficiency. (CII Water Conservation Program, 1996)

The Residential Survey Program is similar to CII. It offers a complete water use analysis of residential homes, including measuring plumbing fixture flow rates, providing low-flow showerheads, detecting leaks, and developing a customized irrigation schedule based on the property's location, soil type, and turf grass variety. (Water Conservation News, 1996)

Along with implementing programs, the City has also included Water-Conserving Plumbing Standards in the Municipal Code. The San Diego Municipal Code Section 93.0208 requires that all buildings (residential or commercial) be certified as having the following Water-Conserving Plumbing Fixtures in place prior to a change in ownership:

1. Ultra-low flush toilets manufactured to use no more than 1.6 gallons per flush (gpf), or toilets manufactured to use no more than 3.5 gpf;
2. Urinals manufactured to use no more than 1.0 gpf;
3. Showerheads manufactured to use no more than 2.5 gallons per minute (gpm);
4. Sink faucets that emit no more than 2.2 gpm; and
5. Residential reverse osmosis systems equipped with a shut-off valve.

Buildings with existing toilets manufactured to use no more than 3.5 gpf need not be retrofitted with 1.6 gpf toilets. However, if the existing toilets were manufactured to use more than 3.5 gpf, they must be replaced with 1.6 gpf prior to the change of ownership. The entire showerhead must be replaced with a showerhead that uses a maximum of 2.5 gpm. Faucet aerators may be installed to reduce the flow to a maximum of 2.2 gpm. (City of San Diego Municipal Code, 1995)

Because of the many efforts in the past ten years, more and more customers are learning to use less water. Since implementation of many new programs in 1991 through 1994, over 12 billion gallons of water has been conserved.

In terms of water conservation, State CEQA Guidelines Appendix G states that "a project will normally have a significant effect on the environment if it will: 1) substantially deplete groundwater resources or 2) encourage activities which will result in the use of large amounts of water."

Issue: Will the proposal result in landscaping which is predominantly non-drought resistant vegetation or in the use of excessive amounts of water?

IMPACTS

A significant portion of municipal water usage is for landscaping irrigation. Thus, water conservation measures are included in the proposed Landscaping Regulations and Landscaping Guidelines. One of the stated purposes of the Landscape Regulations is to conserve water through low-water-using planting and irrigation design.

The Landscape Regulations require automatic control irrigation systems which would reduce overwatering. In addition, rain sensor shutoffs and moisture-sensing devices are required. These measures would conserve water by controlling irrigation water application. The regulations limit the amount of landscaped area that can be planted as turf. The 10 percent lawn area restriction would not apply to single dwelling units in residential zones. Since lawn grasses require higher amounts of water than other types of landscaping materials, the limitation on turf area would conserve water. The regulations require mulch on planting areas. Mulch helps conserve water because it reduces evaporation of moisture from the soil underneath.

The proposed regulations relating to brush management require irrigation systems to be designed such that Zone One irrigation overspray and runoff not enter adjacent areas of native or naturalized vegetation. In addition, only low-flow, low-gallage spray heads may be used in Zone Two. Permanent irrigation is prohibited in Zone Two. Permanent irrigation would not be required in Zone One in the following situations: 1) when planting areas in Zone One contain only species less than 12 inches high, or 2) only native/naturalized species that are less than two feet high and not summer-dormant. These irrigation system requirements are measures that would reduce the amount of water used for landscaping irrigation.

In general, the Landscaping Regulations encourage the use of native or naturalized plant materials for vegetation of manufactured slopes, and as much as possible around new development without jeopardizing fire safety. Native and naturalized plants, once established, do not require irrigation. Thus, by encouraging the use of this type of landscaping, the proposed landscaping regulations and guidelines would not have an adverse effect on water conservation.

As stated above, the Building Code has requirements that conserve municipal water such as low-flush toilets and low-flow showerheads. As a result of the combination of the Building Code requirements and the Landscaping Regulations, the proposed project would not have an adverse effect on water conservation.

SIGNIFICANCE OF IMPACT

The proposed project would not have a significant adverse effect on water conservation.

MITIGATION

Since there would be no significant impact, no mitigation is required.

G. PALEONTOLOGICAL RESOURCES

EXISTING CONDITIONS

Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) within which they were originally buried. Paleontological resources represent a limited, non-renewable, and sensitive scientific and educational resource.

The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations, make it possible to predict where fossils will (or will not) be encountered.

Within San Diego County there are a number of distinct geologic rock units (i.e. formations) that record portions of the past 450 million years of Earth history. However, the record is most complete for only the past 75 million years.

The City of San Diego is in the Coastal Plain Province, and contains several rock formations. This province is underlain by a sequence of marine and non-marine sedimentary rock units that record portions of the last 140 million years of earth history. Over this period of time, the relationship of land and sea has fluctuated drastically, such that today we have ancient marine rocks preserved up to elevations about 900 feet above sea level.

Late Quaternary Alluvium

The sediments at the bottom of stream beds of the later Quaternary alluvium is generally younger than 10,000 years old. Fossils are usually not found in these deposits in the Coastal Plain Province. However, there is one notable exception in San Diego. Teeth and limb bones of a mammoth were found in floodplain deposits of the Tijuana River Valley. The floors of Otay Valley, Mission Valley, Rose Canyon, Sorrento Valley, and San Dieguito Valley are the sites of where later Quaternary alluvial deposits are found. Because of their young age, they are assigned a low paleontological resource sensitivity.

Unnamed River Terrace Deposits

Deposits of coarse-grained, gravelly sandstones, pebble and cobble conglomerates, and claystones occur along the edge of many of the larger coastal valleys. These deposits generally occur at levels above the active stream channels and represent the sediments of ancient river courses. These river terrace deposits are anywhere from 10,000 to 500,000 years old. Fossils of "Ice Age" mammals have been collected from the South Bay Freeway, such as ground sloth, mammoth, wolf, camel, and mastodon. The San Dieguito Valley yielded well-preserved ground sloth. All of these important sites have been discovered in construction-related excavations. The "unnamed river terrace deposits" occur along the margins of the larger coastal river valleys, like Otay Valley, Mission Valley, and San Dieguito Valley. A moderate resource sensitivity is assigned to this formation.

Unnamed Marine Terrace Deposits

The Coastal Plain Province is characterized by a "stair step" sequence of elevated marine terraces, which are uplifted sea floors, and their associated marine and non-marine sedimentary covers. The lower marine terraces are referred to as "unnamed marine terrace deposits", that are about 80,000 to 180,000 years old. A large variety of marine vertebrate and invertebrate fossils have been found in these terraces. The "unnamed marine terrace deposits" occur locally along the entire coast of San Diego, and are given a moderate to high resource sensitivity.

Bay Point Formation

The Bay Point Formation is a nearshore marine sedimentary deposit that is about 220,000 years old. This formation has produced a large and diverse amount of well-preserved marine invertebrate and vertebrate fossils. The Bay Point formation is exposed along the northern shore of Mission Bay (i.e. Crown Point), along the San Diego waterfront, and throughout the City of Coronado. It is assigned a high resource sensitivity.

Lindavista Formation

This formation represents a marine and/or non-marine terrace deposit. These deposits accumulated on the sea floor during a period of dropping sea levels. Today, these deposits form the extensive mesa surfaces characteristic of the Otay Mesa, San Diego Mesa, Linda Vista Mesa, Kearny Mesa, and Mira Mesa areas. Fossils are rare in the Lindavista Formation and have only been recorded in a few areas. The formation occurs over a large portion of San Diego coast, and is assigned a low resource sensitivity.

San Diego Formation

The San Diego Formation is exposed extensively from Otay Mesa and Otay Ranch to Mission Valley, with isolated occurrences stretched out along the Rose Canyon Fault Zone at Tecolote Canyon, Balboa Avenue, Rose Canyon, and all along the southern slopes of Mount Soledad from I-5 to the sea cliffs at Pacific Beach. The San Diego Formation is a marine sedimentary deposit. The formation has rich fossil beds that have yielded extremely diverse assemblages of marine organisms. In addition, rare remains of terrestrial mammals and fossil wood and leaves have been recovered here. This diverse group of fossils represents one of the most important sources in the world of information on Pliocene marine organisms and environments, and is given a high paleontological resource sensitivity.

Otay Formation

The Otay Formation is a fluvial sedimentary rock unit. Numerous fossil localities have been discovered in the upper portion of the formation. Well-preserved remains of a diverse assemblage of terrestrial vertebrates were found here. Based on recent discoveries, the Otay Formation is now considered to be the richest source of late Oligocene terrestrial vertebrates in California. This formation is exposed throughout, from approximately the latitude of SR-94 south to the International Border, and from I-805 east to the base of the San Ysidro Mountains and San Miguel Mountain. Part of the formation is exposed extensively in the area around Lower Otay Lake, as well as in patches along the north side of the San Ysidro Mountains as far east as Sycamore Canyon. The upper third of the Otay Formation is assigned a high paleontological resource sensitivity, because of its important fossils. The lower portion of the formation is assigned a moderate resource sensitivity.

Sweetwater Formation

The Sweetwater Formation is a non-marine rock unit. This formation was deposited in a river channel setting, and some exposures of the formation may represent ancient soils. Fossils were collected from the lower part of the formation, which consisted of dental remains of opossums, insectivores, and rodents. Only a few non-diagnostic mammal teeth are known from the upper portion. The Sweetwater Formation crops out from Otay Valley northward and eastward to at least Encanto and Casa de Oro. Good exposures occur around Lower Otay Lake, at the confluence of Wolf Canyon and Otay Valley, and in the area of the confluence of Long Canyon and Sweetwater Valley. Sweetwater Formation is assigned a moderate paleontological resource sensitivity.

Mission Valley Formation

This formation is the only Eocene rock unit in southern California to have a radiometric date directly associated with fossil mammal localities. The marine strata of the Mission Valley Formation have produced abundant and generally well-preserved remains of marine microfossils, macroinvertebrates, and vertebrates. Fluvial strata of the formation have produced well-preserved examples of petrified wood and fairly large and diverse assemblages of fossil land mammals. The fact that marine microfossils and land mammals occurred at the same time is extremely important, as it allows for the direct correlation of terrestrial and marine faunal time scales. The formation crops out discontinuously from Otay Valley in the south to at least Miramar Reservoir in the north, and from Old Town in the west to Spring Valley, El Cajun Valley, and Santee in the east. The Mission Valley Formation represents one of the few instances in North America where such comparisons are possible, and they are assigned a high paleontological resource sensitivity.

Stadium Conglomerate

The Stadium Conglomerate is made up of two conglomeratic units that are distinct both with regard to the time period of formation and to the composition of the formation.

The two units occur together in some places, but only one may be present in other areas. The formation occurs in Mission Valley and Murphy Canyon, Tierrasanta, Rancho Penasquitos, and Rancho Bernardo areas. Where it occurs in Murphy Canyon, there have been sparse, but well-preserved remains of rhinoceros, primates and small mammals. Because of the sparseness of resources, the formation has a moderate resource value.

Where it occurs in Scripps Ranch, Rancho Penasquitos, and Carmel Mountain Ranch, there have been recovered well-preserved remains of rodents, bats, tapirs and primates. Because of the diverse and well-preserved remains of terrestrial vertebrates, the formation where it occurs has been assigned a high resource sensitivity.

The lower member of the Stadium Conglomerate occurs from the south side of Mission Valley to Rancho Bernardo. Sparse marine fossil remains and fossils of land mammals have been found near the base of the formation. This part of the Stadium Conglomerate is assigned a high resource value, due to the moderately diverse assemblages of terrestrial mammals.

Friars Formation

The Friars Formation consists mainly of sandstones, siltstone, mudstones, and cobble conglomerate. It is rich in vertebrate fossils, especially terrestrial mammals such as primates, rodents, artiodactyls, and perissodactyls. Well-preserved remains of marine microfossils and macroinvertebrates, and remains of fossil leaves have been recovered from the Friars Formation. The formation crops out from Mission Valley north to Rancho Bernardo in the east, and Rancho Santa Fe in the west. In the south, the formation extends from Tecolote Canyon east to Santee and Lakeside. This formation is given a high paleontological resource sensitivity.

Scripps Formation

The Scripps Formation is considered to be potentially fossiliferous almost everywhere it occurs. Most of the fossils known from this formation consist of remains of marine organisms (i.e. bony fishes, sharks, rays, etc.) and land mammals (i.e. uinathere, brontothere, rhinoceros, and artiodactyl). Well-preserved pieces of fossil wood have also been recovered from the Scripps Formation. This formation crops out from Presidio Park in the south, north to Del Mar, and from Clairemont east to La Jolla Valley. Based on the joint occurrence of marine invertebrate fossils and terrestrial vertebrates, the formation is assigned a high resource sensitivity.

Ardath Shale

The Ardath Shale has yielded diverse and well-preserved assemblages of marine microfossils, macroinvertebrates, and vertebrates. This formation crops out from Soledad Valley in the north to La Jolla, Pacific Beach, and Clairemont in the south. Because of its production of diverse and well-preserved assemblages of fossils, a high resource sensitivity is given to this formation.

Torrey Sandstone

The Torrey Sandstone has produced important remains of fossil plants and marine invertebrates. Many of the plant remains are from taxa related to species that today live in brackish-water marsh and/or riparian woodland environments in subtropical and tropical regions of Southeast Asia and the southeastern U.S. Their occurrence in the Torrey Sandstone suggests that the Eocene climate in this area was warmer and wetter than the modern climate. The formation occurs from Sorrento Valley in the south to Batiquitos Lagoon in the north, and from the coast inland to La Jolla Valley. Because of the coarse-grained nature of the Torrey Sandstone and the generally poor state of preservation of fossils, the formation has a moderate paleontological resource sensitivity rank.

Delmar Formation

Fossils from this formation consist of well-preserved to poorly preserved remains of estuarine invertebrates, and estuarine vertebrates. The Delmar Formation crops out from Sorrento Valley in the south to at least Batiquitos Lagoon in the north. The best exposures of the formation occur in the sea cliffs from Torrey Pines State Reserve to Encinitas. The Delmar Formation has produced important remains of terrestrial vertebrate fossils and is assigned a high paleontological resource sensitivity.

Mount Soledad Formation

The Mount Soledad Formation has yielded fossils of various kinds of marine organisms including mollusc, planktonic foraminifers, benthonic foraminifers and pollen. This formation has a rather limited areal distribution, and is exposed in roadcuts on the western and eastern sides of Rose Canyon. It is also exposed in the sea cliffs at Tourmaline Beach, in artificial slopes at the north end of Point Loma, and in canyon slopes of Mount Soledad. Although the extent of known fossil

occurrences is limited, its sedimentary nature suggests greater potential. This is especially true for the upper fine-grained sandstone and siltstone portion of the formation, which is given a moderate resource sensitivity. The lower conglomeratic portion of the formation has a lower resource sensitivity.

Unnamed Formation

The "Unnamed formation" is only known to occur in the Rose Canyon area of San Diego, between Mission Bay on the south and SR-52 on the north. Fossils from this formation include dental remains of multituberculates, opossums, insectivores, primates, "condylarths", and rodents. This unique assemblage includes the oldest Eocene terrestrial mammal fossils known from the west coast of the U.S. Because of those discoveries, the "Unnamed formation" is assigned a high paleontological resource sensitivity.

Pomerado Formation

The lower portion of the Pomerado Conglomerate has produced remains of fossil terrestrial mammals including primates, protoreondonts, and insectivores. The middle part of the conglomerate has yielded remains of nearshore marine molluscs, as well as unidentifiable mammal bone fragments. The upper conglomerate member has yielded a single fragmentary jaw of an unidentified artiodactyl. The Pomerado Conglomerate crops out from La Mesa to the south to at least Miramar Reservoir in the north, and from there eastward to Santee. Because of the predominantly coarse-grained nature of the Pomerado Conglomerate and its largely unproven resource potential, it is assigned a moderate paleontological resource sensitivity.

Cabrillo Formation

The Cabrillo Formation is composed mainly of sandstones and conglomerates, and is approximately 70 million years old. Fossils from this formation are not well known and consist of remains of marine invertebrates and vertebrates. The Cabrillo Formation crops out along the eastern and southwestern sides of the Point Loma peninsula in both seacliff exposures and roadcuts. It is also exposed on the western, northern, and eastern flanks of Mount Soledad. Based on the unproven resource potential of the formation, a moderate paleontological sensitivity is given.

Point Loma Formation

The Point Loma Formation was deposited on an ancient sea floor. Well-preserved remains of many types of fossil marine invertebrates and vertebrates are known from this formation. In addition, the formation has also produced sparse remains of terrestrial plants and dinosaurs. Taken together, the paleontological resources of the Point Loma Formation represent some of the best-preserved examples of late Cretaceous marine fossils known from California and one of the few sources of dinosaur fossils in the state. The formation is well exposed along the western margin of Point Loma and along the northern flank of Mount Soledad. The Point Loma Formation has produced diverse and well-preserved assemblages of marine invertebrate fossils, as well as rare dinosaur remains, and is assigned a high paleontological sensitivity.

Lusardi Formation

No identifiable fossils have been recovered from the Lusardi Formation in San Diego. The Cretaceous age of this rock unit coupled with its terrestrial depositional setting suggest the potential presence of dinosaurs and other terrestrial vertebrates. The Lusardi Formation is exposed in Lusardi Canyon and La Zanja Canyon near Rancho Santa Fe, along Poway Road east of Poway, in the Alpine area, near San Vicente Reservoir, and east of Palomar Airport in Carlsbad. This formation is assigned a moderate resource sensitivity based on its unproven potential.

Issue: Will the proposal result in the loss of paleontological resources?

IMPACTS

Many fossil sites presently on record in San Diego have been discovered during construction operations. Weathering quickly destroys most surface fossil materials, and it is not until fresh, unweathered exposures are made by grading that well-preserved fossils can be recovered. Adverse impacts occur when excavation activities cut into fossiliferous geological deposits, and cause physical destruction to fossil remains.

Likewise, the current regulations provide no protection for paleontological resources. These resources are identified and protected solely through the environmental review process for discretionary projects. The proposed project provides no protection for paleontological resources. The presence of these resources on a site does not trigger any discretionary action through which research and collection might be required. Knowledge of these resources could only be investigated if an activity is subject to environmental review for some other reason. Once a proposed project is subject to environmental review, the initial study would identify whether it is likely that fossils are present on the site. If there is a moderate or higher potential for fossils to be present on a particular site, monitoring for paleontological resources is required during construction activities in order to mitigate the identified significant impacts.

Several community plans identify preservation of paleontological resources as an environmental goal for the community. Since compliance with the proposed regulations could result in the loss of these resources, there could be significant land use impacts related to conflicts with environmental goals and policies. (See also Chapter IV-A.)

SIGNIFICANCE OF IMPACTS

The proposed regulatory scheme does not provide for detection, investigation, collection or preservation of paleontological resources. For activities not subject to environmental review, the presence of fossil resources would not be detected. Therefore, the proposed project would have a significant impact on paleontological resources.

MITIGATION

Mitigation for this project consists primarily of alternative regulatory language that would reduce or avoid the significant impacts that have been identified. Please refer to Chapter VIII of this EIR for recommended language that would serve to reduce or avoid the potentially significant impact on paleontological resources.

In the case of fossil resources, there has been enough scientific study of the San Diego region that the formations likely to contain important fossils have been identified. The potential adverse impact of the proposed project could be reduced if the regulations required construction monitoring under appropriate circumstances. That is, when an activity is proposed in a geologic formation having been identified as yielding important resources, monitoring for paleontological resources would be required during the construction operations.

H. NATURAL RESOURCES

EXISTING CONDITIONS

The City of San Diego classifies as natural resources the lands that support agricultural uses and lands that contain deposits of sand and gravel used as construction materials. Impacts on these resources are important because once lands with those capabilities are built on they are thereafter lost for agriculture or extraction of materials. The ability to extract resources or to farm is also affected by sensitive land uses being located adjacent to extractive or agricultural areas. Efforts have been made by the California Department of Conservation (CDC) to identify areas containing important farmland and significant mineral resources.

Agricultural Resources

The U.S. Department of Agriculture Natural Resource Conservation Service (formerly the Soil Conservation Service) prepared a Soil Survey for the County of San Diego (June 1975). The properties of the soils of the area were interpreted for suitability for general intensive agriculture. The Storie Index is a numerical expression of the general agricultural suitability. The rating is a range from 0 to 100. Factors that affect the Storie Index are: soil profile characteristics; the texture of the surface soil; slope; and specific limitations for use of the soil such as poor drainage, salts, or high water table. Soils in the region with higher Storie Indices include Grangeville fine sandy loam, Greenfield sandy loam, Indio silt loam, Reiff fine sandy loam, and Visalia sandy loam.

The CDC maintains a set of criteria to identify significant agricultural lands. Farmlands are classified according to soil factors including available water holding capacity, temperature regime, Ph, depth to the water table, electrical conductivity, flooding potential, erosion hazard, permeability, rock content and rooting depth. There are several classifications of farmland: Prime, Farmland of Statewide Importance, Farmland of Local Importance, and Unique.

Prime Farmland is land with the best combination of physical and chemical features able to sustain long-term production of agricultural crops. Farmland of Statewide Importance is land with a good combination of characteristics for crop production, and that has been used for irrigated crop production within the last three years. Unique Farmland is land of lesser quality soils used for production of the State's leading agricultural cash crops. Farmland of Local Importance is land that a local unit has designated as having local significance; a local designation will take priority over some other classification by the state.

Within the city there are about 15,900 acres of land designated for agricultural uses. Areas of continuing significant agricultural production in the city are located in the San Pasqual Valley, on Otay Mesa, and in the Tijuana River Valley. The major areas of Prime Farmland are in the Tijuana River Valley west of Interstate 5; and in northern San Pasqual Valley, along the San Dieguito River. In the North City Future Urbanizing Area, in the San Pasqual Valley area, and on Otay Mesa there are lands designated as Statewide Important Farmlands and Unique Farmlands. Significant acreages of Locally Important Farmland are located in the North City FUA, the San Pasqual Valley, and on Otay Mesa.

Mineral Resources

There are two types of mineral resources in San Diego that are important considerations in land use planning: sand and gravel to be extracted for construction purposes, and salt. According to the Progress Guide and General Plan, there are basically four sources of construction materials in San Diego: alluvium, the Poway formation, the San Diego formation, and metavolcanic rock. Metavolcanic rock is dense, pure rock that can be crushed to produce high grade aggregate that competes economically with Poway conglomerate aggregate. The primary area of salt production is at the mouth of the Otay River.

Urban pre-emption of prime mineral resource deposits and conflicts between mining and other uses throughout California led to passage of the Surface Mining and Reclamation Act of 1975 (SMARA), which requires all cities and counties to incorporate in their General Plans the mapped designations approved by the State Mining and Geology Board. The State Geologist classifies mineral lands solely on the basis of geological factors. By statute, existing land use is not considered during categorization.

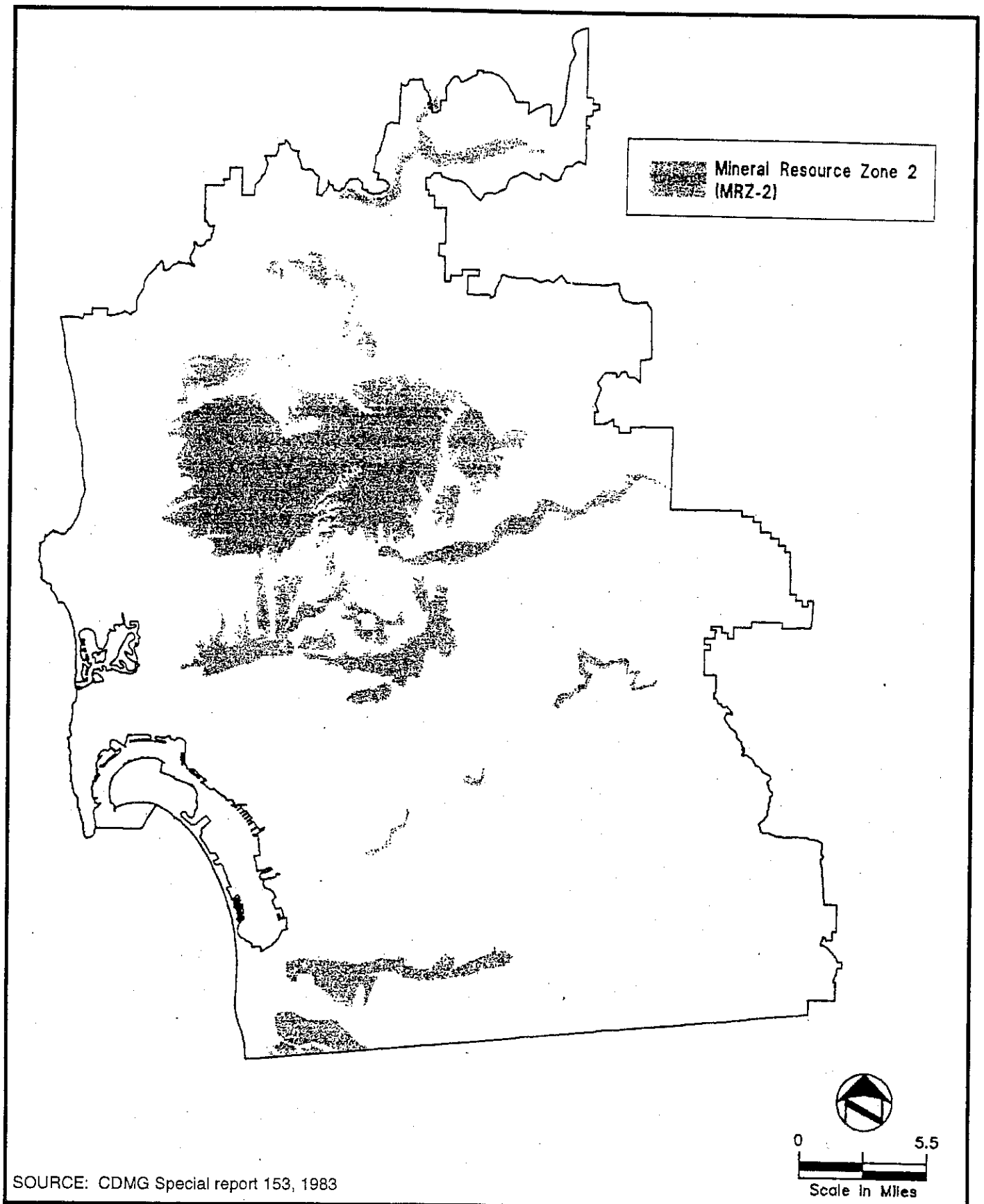
The State Mining and Geology Board has defined Mineral Resource Zones; the zones are established based on the presence or absence of significant sand and gravel deposits and crushed rock resource areas. The guidelines for the zones are:

- MRZ-1 Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that there is little likelihood for their presence.
- MRZ-2 Areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence.
- MRZ-3 Areas containing mineral deposits, the significance of which cannot be evaluated from available data.
- MRZ-4 Areas where available information is inadequate for assignment to any other MRZ.

According to Special Report 153, prepared by the Division of Mines and Geology, Portland Cement Concrete aggregate is the scarcest aggregate resource in San Diego County due to the restrictive specifications for that material. Those deposits that meet the specifications for Portland Cement Concrete are therefore of the most concern in planning future availability.

In general the MRZ-2 (Figure 25) areas are concentrated along major drainages such as the Otay River, the Tijuana River, the San Diego River, Carroll Canyon, and the San Dieguito River. There is no current City zone specifically designed to protect these natural resources to assure they are available for future use.

There are a number of objectionable characteristics that typically accompany the extraction, processing and transportation of sand and gravel products. These include noise, vibration, air pollution, dust, heavy trucks causing traffic congestion, and the often significant visual impacts. (City of San Diego Progress Guide and General Plan (1989) p.332)



MRZ-2 Lands within MSCP Study Area

Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

IV-H-3

Figure

25

11-25-96

Salt is produced in San Diego by solar evaporation of seawater near the mouth of the Otay River. This method of salt production is possible in very few areas of the world because of the requisite climate, area and local market. Most of the salt produced in San Diego is used locally. Bittern, a by-product of the evaporation process, is also sold locally for production of magnesium chloride.

Salt ponds are of value in providing nesting and feeding areas for local and migratory birds, and breeding grounds for numerous mollusks and shellfish. They also provide an appropriate use for open space designations in the area. (City of San Diego Progress Guide and General Plan (1989) p.332)

Issue: Will the proposal result in the conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

Issue: Will the proposal result in the prevention of future extraction of sand and gravel?

IMPACTS

Agricultural Resources

Agricultural processing and the raising and harvesting of crops would be prohibited in the Open Space-Park (OP) and Open Space-Conservation (OC) zones. Only public parks and recreation facilities would be allowed within the OP zone. The OC zone would be used to implement land use plans in the preservation of the natural character of the land and environmentally sensitive land. In addition, the agricultural processing uses would be prohibited in the OR zones (Open Space-Residential).

Agricultural processing, and the raising and harvesting of crops would be permitted by right in the OR-1-2 and OF (Open Space-Floodplain) zones. However, all uses in the OR zones, except passive recreation and natural resource preservation, shall be located only within the permitted development area. Pursuant to section 131.0250, the allowable development area is, with certain qualifications, up to 25 percent of the premises. Thus, new agricultural uses (raising and harvesting of crops) would be limited to a maximum of 25 percent of a premises. According to the proposed City of San Diego MSCP Subarea Plan, existing agricultural operations within the preserve would not be limited or restricted.

Implementation of the proposed project could result in the failure of potentially agriculturally productive land to not be cultivated. Application of the OR-1-2 zone could restrict the amount of cultivation because only 25 percent of a premises could be used for purposes other than preservation of the existing native habitat. The geographic extent of lands that are currently nonagricultural and have the potential to be converted to agricultural uses is limited to the Otay Mesa area and the San Pasqual Valley area. Agricultural uses tend to require fairly extensive land area to be economically feasible. With such limited areas available for expansion of agricultural uses, and the land use trend in San Diego being urbanization, it is not anticipated that there would be a significant amount of conversion to new agriculture uses in the City.

While the effect of the proposed regulations would be to limit the feasibility of converting existing noncultivated land to cultivation, implementation of the project would not result in the physical conversion of lands to uses which would irrevocably preclude future agricultural uses. However, the proposed regulations would have a significant effect on the expansion or conversion of important land for agricultural productivity.

Mineral Resources

The proposed City of San Diego MSCP Subarea Plan would permit continuation of extractive mining activities in the MSCP preserve. The proposed Land Development Code would prohibit mining and extractive industries in the OP, OC, and OR zones. Mining would be permitted in the OF zone subject to the issuance of a Conditional Use Permit.

The purpose of the OR-1-2 zone is to implement the MSCP, and the majority of lands within the preserve would be in the OR-1-2 zone. However, floodplains within the proposed preserve would be within the OF zone. Thus, the OR-1-2 zone would be applied to lands where the extraction activities would be primarily rock quarrying and the OF zone would be applied to lands where the activities would be primarily sand mining.

Since the resources most commonly found in the floodplain zone are sands, and mining and extraction activities would be permitted with a CUP in the OF zone, the proposed project would not affect either the availability of sands for extraction or the expansion of sand extraction activities.

The proposed regulations would prohibit mining activities in areas outside the OF zone and within the proposed MSCP preserve. Many of the areas where resources are still available for extraction occur within the proposed preserve. While the effect of the regulations would be to restrict the ability to mine or extract mineral resources, the regulations would not have an effect on the presence or the amount of the resources. In other words, the proposed regulations would not affect the resource itself; the regulations would have a significant adverse impact on the use or availability of the resource. For a discussion of the potential land use impact related to mining of natural resources, please refer to Chapter IV-A of this EIR.

SIGNIFICANCE OF IMPACT

The proposed project would not have a significant adverse effect on the availability of land for agricultural uses or the amount of mineral resources available for extraction, but would result in restricted access to this land and would therefore result in a significant impact. The potentially significant land use impacts related to this issue are addressed in Chapter IV-A of this EIR.

MITIGATION

The impact on natural resources cannot be reduced through mitigation measures. The only way to avoid the impact is adoption of the No Project alternative.

I. HUMAN HEALTH AND PUBLIC SAFETY

EXISTING CONDITIONS

Electromagnetic Fields

San Diego Gas & Electric currently maintains many high-voltage electric transmission facilities within the City. In recent years, the potential for health risks due to electromagnetic fields (EMF) from transmission lines has been under study.

Due to concern regarding EMF and health effects, the following discussion is included in the EIR. However, at the present time studies regarding the effects of EMF on public health are inconclusive. CEQA Guidelines Section 15145 states, "If, after a thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." The following discussion is not intended to draw conclusions regarding significance but to disclose the information on EMF.

Electromagnetic fields are invisible lines of force that surround items that conduct electricity. Voltage around any wire causes an electrical field. Magnetic fields are produced by current. EMF are found in areas immediately surrounding power lines, electrical wiring and electrical appliances (televisions, hair dryers, toasters, as well as electric blankets and tools). Electric fields are shielded by trees, shrubs, and building materials. Magnetic fields are not shielded by most materials. Both fields decrease in intensity by $1/R^2$ (where R = distance separation) (SDG&E 1991).

The first published epidemiological report addressing the association between cancer and EMF exposure was published by Wertheimer and Leeper in 1979. The study reported a doubling of the incidence of childhood leukemia in homes having a high current configuration.

Other research teams have sought to replicate the results of the Denver studies. One study by Dr. David Savitz, an epidemiologist confirmed the Denver findings. The Savitz study was conducted in the same neighborhood and correlated information on the wire code system and the general cancer rate, including leukemia. Four other research teams could not find a correlation between EMF and cancer that met the criteria for statistical significance.

Over the past few years, studies on EMF-related issues have proliferated across the United States as well as other electricity-dependent countries. Current research has been unable to determine whether or not EMF poses a health risk.

The latest major review of the potential carcinogenic effects of EMF was published in October 1996 by the National Academy of Sciences of the National Research Council. The California Department of Education (DOE) has adopted a policy that recommends minimum distances between new schools and the edge of transmission line rights-of-way.

Vectors

Standing bodies of water may provide breeding habitat for mosquitos, which carry and transmit diseases, including malaria and viral encephalitis. Twenty-four species of mosquitos found in the County are disease bearing. Mosquitos require ponded water or slow flowing sections of streams to deposit eggs and allow larval development. Surface water quality is also of concern

as elevated nitrogen or phosphorous promote algal growth. Agricultural impoundments and runoff detention basins provide potential breeding habitat.

Hazardous Materials

Intensive agricultural operations exist in many areas of the City. The potential exists therefore that there is soil contamination from herbicides and pesticides applied as a part of the agricultural operations. Pesticides that may have been used on field type crops in the past include DDT and Chlorodane. Both types of pesticides are chlorinated hydrocarbons that persist for a long time after application. Chlorodane has been observed to have a half life of up to 30 years. Both Chlorodane and DDT have been outlawed. More recently, fungicides and organophosphate insecticides have been used. These insecticides and fungicides break down much more quickly than the chlorinated hydrocarbons. Both completely break down within one to two days after application (Betschart, July 29, 1993). The County Department of Health and Services Hazardous Materials Management Division maintains records of organizations which have obtained permits for release of hazardous materials.

Telecommunications Facilities

Telecommunications facilities will continue to be developed in the City of San Diego pursuant to the proposed Code. The Federal Telecommunications Act of 1996 was enacted on February 8, 1996. Section 704 states: "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of wireless service facilities on the basis of environmental effect or radio frequency emission to the extent that such facilities comply with the commission's regulations concerning such emissions."

Communications antennae emit varying levels of radio frequency (RF) energy (also known as electromagnetic emissions). The American Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE) have established the standard for safe exposure levels of RF power for wireless cellular facilities.

Radio frequency emission levels are usually expressed and measured as "power density" which is described in terms of power per unit area. This is the power that flows outward from the transmitter and passes through a given area. For cellular facilities, the measure for exposure is microwatts per square centimeter.

Because the intensity of radiation is smaller at greater distances from the transmitter, exposure at a sufficient distance is below a level considered to present a health hazard. The accepted standard for safe exposure to RF energy from cellular facilities is currently 580 microwatts per square centimeter. The emission from cellular antenna facilities is about 5.8 microwatts per square centimeter at about 10 feet from the antenna; this level is well below the level currently considered as the threshold over which there may begin to be a health hazard.

Marine Industry

Marine industry is shown as a use in the proposed Code. The use is allowed by right in the CR (regional commercial), CV (commercial visitor) and CC-5 (heavy community commercial/mixed use) zones. The marine industry use could include activities that are engaged in the production, distribution and storage of marine vessels and equipment.

Issue: Will the proposal result in creation of any health hazard or potential health hazard (excluding mental health) or in the exposure of people to potential health hazards?

IMPACTS

Electromagnetic Fields

Studies of the potential for adverse public health effects of EMF are inconclusive at this time. A statement or conclusion regarding impacts would be speculative.

Vectors

The proposed project requires that development proposals comply with Chapter 4 of the Municipal Code which is the City's Stormwater Management and Discharge Control regulations. Chapter 4 provides the authority for the Enforcement Official to require Best Management Practices on a premises. "Best Management Practices" includes facilities to reduce pollutants in stormwater as well as controlling stormwater runoff. Some of the methods for controlling runoff and settling pollutants prior to discharge into a drainage course include infiltration basins, detention ponds and retention basins. These impoundments collect water where it stands for a period of time until it discharges, percolates or evaporates. Other water quality control devices, such as temporary construction sedimentation and catch basins, infiltration basins, and grass-lined swales may be required with future development projects. All of these devices would result in the temporary or permanent impoundment of water which could result in mosquito breeding.

Hazardous Materials

The potential exists that residents of the City could be exposed to unhealthy levels of pesticides or herbicides that, when applied for agricultural purposes, have contaminated soils. Exposure to contaminated soils could occur through wind-blown soil particles or contaminated runoff. If the levels of pesticides applied for past agricultural operations have contaminated soils, impacts to public health could be significant. Other types of land uses that could result in public exposure to hazardous materials include automobile wrecking and certain activities classified as industrial uses. The County of San Diego Department of Health and the County Air Pollution Control District control and regulate hazardous materials and air emissions.

Implementation of the proposed project would not increase the risk of exposure to hazardous materials. The project does not conflict with County or State hazardous materials regulations. In addition, the project does not include changes to existing land use designations or growth patterns of the City. Therefore, though impacts could occur as a result of past agricultural operations through grading or other soil disturbing activities, there would be no impact from implementation of the proposed project.

Telecommunications Facilities

Although the proposed Code would permit location of these facilities in virtually all areas of the City, the development of these facilities would be regulated through the City's discretionary permit process. The discretionary review serves the function of protecting human health and public safety. Currently the City relies on the industry-generated tolerance levels as the threshold above which there would be a determination of significant impact on health and safety. In addition, the City relies on information from the industry applicants as to the emissions from facilities. Based on the information available, it appears there would be no impact on health or safety from these facilities as long as they are regulated in the manner proposed.

Marine Industry

The use category of marine industry is summarized as being the production and storage of marine vessels and equipment. These uses could include the rehabilitation and repair of boats. The materials involved in marine industry include heavy metals, fiberglass, varnishes and paints. Repair activities include sanding of these materials which then releases these particles into the air.

The emissions from permitted marine industry in the CR, CV and CC-5 zones may pose a health hazard because they may be emitted adjacent to other permitted uses in those zones. Potential sensitive receptors are tourists in the commercial visitor zones or residents in the mixed use developments permitted in the CC-5 Zone. Permitting marine industry uses by right in these zones sets up the potential for incompatible land uses to be located proximate to each other.

SIGNIFICANCE OF IMPACT**Electromagnetic Fields**

Research on the correlation between EMF and potential health hazards is not conclusive to date. Therefore, in accordance with CEQA Section 15145, a conclusion regarding potential significance of impacts from EMF on public health are speculative in nature.

Vectors

Potential future impacts from mosquito breeding would be significant.

Hazardous Materials

The proposed project would not result in significant impacts related to hazardous materials.

Marine Industry

There is a potentially significant impact related to health and public safety because marine industrial uses are permitted by right in certain commercial zones where there may be sensitive receptors.

MITIGATION

Mitigation for this project consists primarily of alternative regulatory language that would reduce or avoid the significant impacts that have been identified. Please refer to Chapter VIII of this EIR for recommended language that would serve to reduce or avoid the potentially significant impacts on human health and public safety.

Electromagnetic Fields

Due to the inconclusive research on EMF a determination of significance could not be reached. As a result mitigation is not required. However, because research into EMF and possible health risk is ongoing, the issue should be reviewed for future development projects. Specific mitigation measures may be required based on subsequent review of development projects.

Vectors

In order to avoid or reduce the potentially significant impact on human health related to vectors, the regulations should require development of a Vector Prevention and Control Management Plan in appropriate circumstances. Projects that include runoff control facilities that involve water impoundment, should be required to prepare a VPCM plan as a condition of approval of the project. The plan should be prepared to the satisfaction of the County Department of Environmental Health.

Hazardous Materials

Since there would be no significant impact, no mitigation is required.

Marine Industry

The potentially significant land use impacts that would result from the incompatibility with other permitted uses in the CR, CV, and CC-5 zones could be reduced or avoided if the regulations provided for locational criteria to control the distance between the marine industry uses and residential or visitor accommodation uses.

V. GROWTH INDUCEMENT

A project is defined as growth-inducing when it directly or indirectly fosters economic growth, population growth, or additional housing; when it removes obstacles to growth; when it overburdens public facilities and services; or when it encourages or facilitates other activities that could significantly affect the environment. The provision of roadways, utilities, water and sewer service to a previously unserved area can induce growth by removing impediments to development. Once services are extended into an area, economic pressures to develop are anticipated.

As stated previously in this document, the impact analysis for the project is based purely on the implementation of the proposed Code and its supporting documents (rather than an analysis based on a comparison between the existing code and the proposed code). However, the assessment of whether the project is growth-inducing is inherently based on a comparison of the existing regulations with what would be permitted according to the new scheme. The proposed project does not include density or land use designation amendments to the General Plan or community plans that would indicate anticipated growth beyond what is currently planned. There are no proposed changes to provide for new roadways, sewer or water service. However, the project would remove obstacles to growth by changes in development regulations, and is therefore considered to be growth inducing.

Some of the changes that would be likely to induce growth include the change in applicability of the regulations and the reduction in level of decision making process for many types of development. For example, the proposed Coastal Development Permit categorical exclusions would likely relieve a sufficient number of projects from the development permit process that those exclusions would be considered to be growth inducing. In addition, the proposed change in definition of wetlands, the change in designation of historical resources, and the change in grading regulations may permit development that may have been restricted under existing regulations. Removal of requirements for permits may induce development on sites where existing regulations were considered to make development too cumbersome or infeasible.

Project processing time and expense would be reduced because required permit process levels have been reduced for many circumstances. If cumbersome permit processing is considered a limitation to growth and development, then reducing the steps in the process would positively affect growth and development. By reducing the number of circumstances under which permits are required and reducing the process level in the instances when permits are required, more people may be willing to enter the system and implement development.

VI. CUMULATIVE EFFECTS

INTRODUCTION

Section 15130 of the State CEQA Guidelines requires that the cumulative effect of the proposed project be discussed when they are significant. Cumulative effects are two or more effects which, when considered together, are considerable or compound or increase other impacts. The cumulative impact is the change in the environment which results from the related incremental impact of the project when added to other past, present, and reasonably foreseeable future projects in the vicinity. A separate discussion of project-specific impacts as a result of the proposed project, the significance of the project-specific impacts and available mitigation is provided for each environmental issue in Section IV-Environmental Analysis, of this EIR.

APPROVED OR REASONABLY FORESEEABLE PROJECTS

There are several categories of projects, regional or citywide in scope, that could result in incrementally significant impacts. First, various conservation planning efforts are currently underway in San Diego County, including the Multiple Species Conservation Plan in which the City of San Diego is participating. Second, there are various community plans (within the City of San Diego) that are being updated. Third, other community plans would be updated if the proposed MSCP Subarea Plan for the City is adopted. Fourth, if the Subarea Plan is adopted, there would be rezones of many parcels to implement the MSCP preserve. And fifth, the City Council initiated several regulatory relief measures in 1996 which amended the Municipal Code. These various categories of projects are described in greater detail below, followed by a discussion of the cumulative impacts.

Conservation Planning Efforts

Multiple Species Conservation Program

The Multiple Species Conservation Program (MSCP) began in July 1991 as a proactive way to address the mitigation needs of the City of San Diego Clean Water Program (later re-organized to become the Metropolitan Wastewater Department) for a planned expansion and upgrade of the Metropolitan Sewerage System. The MSCP is a Habitat Conservation Plan (HCP) as required for an incidental take permit pursuant to section 10(a)(1)(B) of the federal Endangered Species Act. It is a cooperative effort between thirteen agencies in the San Diego region, the State Department of Fish and Game, and the U.S. FISH & Wildlife Service.

The MSCP preserve system is intended to augment the currently fragmented, project-by-project biological mitigation efforts, which by themselves do not contribute adequately to the continued existence of sensitive species or to maintenance of natural biodiversity. If adopted, the MSCP would meet the Metropolitan Wastewater Department's needs to mitigate the direct biological impacts of mandated improvements to the region's sewage treatment facilities and potential secondary impacts associated with these improvements.

Twelve major habitats within the MSCP study area are considered sensitive by federal, state or local agencies because they have been severely reduced in distribution as a result of

urbanization. These include coastal bluff scrub, maritime succulent scrub; southern maritime chaparral, Torrey pine forest, and southern interior cypress forest. There are approximately 200 plant and animal species that are federally and/or state endangered, threatened, rare, or proposed for listing, or otherwise considered sensitive.

The Draft MSCP plan was distributed to the public in March 1995. Subsequently, participating local government and special purpose agency jurisdictions, in conjunction with property owners and wildlife agencies, developed preserve boundaries and/or focused planning areas represented by the Multiple Habitat Planning Area (MHPA) included in the MSCP plan.

North County Multiple Habitat Conservation Program

Encompasses approximately 654,000 acres in northern San Diego County and is similar to the MSCP in intent and structure. There are three planning subareas for which more detailed conservation plans are developed: the Carlsbad Habitat Management Plan; the San Marcos Biological Resources Management Plan; and the Poway Subarea Plan.

County Multiple Habitat Conservation and Open Space Plan

Encompasses unincorporated areas of the County not included within the MSCP or MHCP study areas. Current efforts are concentrated on developing a biological data base. The cities of Oceanside, Encinitas, Vista, and Carlsbad are currently preparing subarea plans as part of the MHCP planning effort.

SANDAG Regional Conservation Coordination Committee

A committee sponsored by SANDAG to coordinate mapping on regional conservation efforts; efforts to date have concentrated on establishment of standardized mapping classifications, development of conservation guidelines and exploring financial opportunities.

San Dieguito River Valley Regional Open Space Park

Encompasses a 55-mile stretch of the San Dieguito River including public lands and lands still to be acquired; a park concept plan has been developed and has undergone environmental review that calls for natural open space and both passive and active recreation within the park boundaries.

Otay Valley Regional Park JEPA

Encompasses the Otay River Valley watershed from Otay Lakes west to the Pacific Ocean; a Joint Exercise of Powers Agreement (JEPA) has been established to coordinate planning efforts for a park, including natural open space and passive and active recreation.

Natural Community Conservation Plan (NCCP) Programs

An NCCP has been approved in the Central/Coastal Subregion of Orange County and an NCCP is underway in the Southern Subregion; the San Diego MSCP and MHCP have been determined to be NCCP equivalents; the County of Riverside is pursuing a multi-species conservation planning effort that may be coordinated with the NCCP Program.

SDG&E and County Water Authority (NCCP) Programs

SDG&E has completed an NCCP for SDG&E properties within the San Diego region. The County Water Authority (CWA) is currently preparing an NCCP for CWA properties in the San Diego region.

Community Plan Updates

There are three communities in the City for which the community plan is in the process of being revised. These community plan updates were initiated by the City and the community planning group because the plan was no longer current with regard to issues in the community.

Linda Vista Community Plan

In January 1995, the Planning Department and the Linda Vista Community Planning Committee initiated an update of the 1983 Linda Vista Community Plan. The community plan update task force identified the following issues as being significant in the update: adequacy of park acreage; the number and distribution of subsidized housing units; residential densities; the future of industrial uses in the area; economic development; and street landscaping. In addition, there are a number of inconsistencies between the existing land use designations and zones.

Otay Mesa-Nestor Community Plan

The original Otay Mesa-Nestor Community Plan was adopted in 1979 to serve as a comprehensive guide for development through 1995. Since 1979, there have been fifteen plan amendments. The amendments collectively added between 1200 and 1500 residential units to an area that was already suffering from facilities shortfalls. A "Community Conditions Report", published in October 1993 contained data on land use inventories, 1990 census data, historical resources in the community, and traffic data. Through analysis of inventories and information from the residents of the community, it was determined that particular issues that needed to be addressed in the update included: the ethnic diversity in the community; the community's location between two major open space systems; and the community feeling like a "stepchild" to the City of San Diego.

Because the MSCP preserve boundary was being developed while the Otay Mesa-Nestor Community Plan update was in process, the revised community plan open space designations reflect the boundaries necessary to implement the preserve. The proposed community plan draft of 1996 has not yet been adopted. Negative Declaration 95-0233 has been prepared for the project.

Mid-City Community Plan

The existing Mid-City Community Plan was adopted in 1984 and included specific recommendations for eight areas of the Mid-City community. Since that time, four planning areas have been given formal recognition by the City Council: City Height, Normal Heights, Kensington-Talmadge, and the Eastern Area.

Although many of the 1984 plan goals and objectives are still valid, in 1993 members of the four Mid-City planning groups applied for Community Block Grant Development funds to update the Mid-City Community Plan. The plan will include four basic elements: Vision, Land Use, Natural Resources, and Transportation. Particular land use issues include: matching allowable densities to what is currently built; the relationship between land use density and needed public facilities and services; revitalization; and economic development.

Community Plan Amendments Associated With the MSCP

In addition to the above mentioned community plan amendments, other community plans would be amended in order to implement the MSCP. In order to effectuate the land use changes to create a preserve with hard-line boundaries, the following community plans would have to be

amended: Carmel Valley Community Plan; Otay Mesa Community Plan; Rancho Penasquitos Community Plan; Tijuana River Valley Community Plan; East Elliott Community Plan; North City Future Urbanizing Area Framework Plan; and Beeler Canyon Future Urbanizing Area land use designation.

Carmel Valley Community Plan

The portion of the Community Plan area south of Carmel Valley would be amended to incorporate the proposed City of San Diego Subarea Plan open space. Incorporating the open space would involve approving the community plan amendment, amending the precise plans for Neighborhoods 8 and 8A and 10. It is anticipated that implementation of the Subarea Plan would involve conversion of 172 acres previously designated for residential and other urban development to open space. The community plan and precise plan amendments are being processed independently and are not part of the actions associated with the proposed MSCP project.

Otay Mesa Community Plan

The community plan open space system would be modified to accommodate the proposed Subarea Plan. Open space management guidelines consistent with the MSCP would be added to the community plan. Land use changes necessitated by an increase in the size of the open space system include a reduction in the area designated for residential, commercial, industrial, parks and schools. In general, land use conversions would involve areas in the western portion of the community which are covered by the Dennerly Ranch, Robinhood Ridge, and California Terraces precise plans. Precise plan amendments will be necessary for Dennerly Ranch, Robinhood Ridge and California Terraces to implement the open space systems associated with the Subarea Plan. These precise plan areas are located in the western portion of Otay Mesa.

Rancho Penasquitos Community Plan

Approximately 206 acres previously designated for urban development south of Black Mountain, including 800 residential units, is proposed to be redesignated as open space as part of the proposed MSCP project. In association with the proposed revisions, the classification of Paseo Valdear would change, the proposed Black Mountain Neighborhood Park and elementary school would be deleted from the Park and Recreation and Public Facilities elements.

Tijuana River Community Plan

The Tijuana River Valley Community Plan is proposed to be designated primarily for open space. Thus, as part of the proposed MSCP project, the Tijuana River Valley Community Plan area would be repealed. Approximately 1510 acres currently designated for agriculture and other urban uses would be converted to open space in accordance with the Subarea Plan.

East Elliott Community Plan

Two land use plan alternatives are being evaluated as a part of the community plan amendment. Alternative 1 land uses would include a mix of 117 acres of residential uses, 2259 acres of open space, 12 acres of commercial uses, and an existing County landfill. With Alternative 1, the existing County landfill could be expanded to cover approximately 474 acres. With Alternative 2, an additional City of San Diego landfill of several hundred acres would be located in East Elliott within one of the existing canyons in the western portion of the community. No residential uses would be located in East Elliott under Alternative 2. One of the alternative land use plans would be adopted with the proposed MSCP project.

North City Future Urbanizing Area Framework Plan

The NCFUA Framework Plan was adopted in 1992. The pattern of residential and open space uses shown in the Framework Plan would need to be modified as part of the MSCP. As a part of the amendments, the Environmental Tier would be modified to reflect the preserve boundaries established by the Subarea Plan. Some of the residential land use areas designated in the Framework Plan would be affected by the modified open space system. However, the total number of units, acreage, density and general pattern of residential development would remain unchanged from that shown in the adopted Plan.

Beeler Canyon Future Urbanizing Area

A total of 1521 acres in the Beeler Canyon area, currently designated as future urbanizing, would be redesignated as open space. This action would be part of the proposed MSCP project.

Rezoning Associated with the Proposed MSCP

It is anticipated that approximately 700 parcels of non-urban lands would be rezoned at a future time to implement the preserve system of the Subarea Plan. The 700 parcels would represent about 20,000 acres. Only non-urban lands would be rezoned. For example, canyons in urbanized communities would not be rezoned. The zone that would be used is the proposed OR-1-2 Zone, which is proposed to be created with the proposed Land Development Code project. The rezones are not proposed with the MSCP project currently in process; they would be subject to environmental review at the time each rezoning is brought forward for action by the decision makers.

1996 Regulatory Relief Amendments to the Municipal Code

Regulatory Relief Days have been held periodically by City Council since April 1993 to further promote the City's efforts to streamline its land use regulations and cut through unnecessary "red tape." These special Council hearings provide immediate relief from policies and regulations that were specifically suggested by the public as hindering development without providing for significant public benefit. The changes provided by Regulatory Relief were designed to be supplemental to the Land Development Code Update.

Previous Regulatory Relief actions by the Council have resulted in 44 policy changes to simplify the development process in the City. Regulatory Relief 1996 proposed 12 ordinance changes and five administrative changes. The following regulatory relief items were determined to be exempt from CEQA.

1. An ordinance to allow the filing of an amended map to make certain changes to a recorded subdivision map. This would save the applicant from processing a new tentative and final map as is now sometimes required.
2. An ordinance to authorize the City Engineer to issue a special permit for advanced grading on a project within the Hillside Review Overlay Zone under certain limited conditions. The change merely saves an applicant the time and cost of going to the City Council to get the special permit.
3. An ordinance to make less restrictive the determination of the legal status of lots held as separate parcels. Lots created prior to March 4, 1972, whether by separate conveyance or shown on an approved subdivision map, are considered to be legal lots. The date of March 4, 1972 is established because the City's parcel records are incomplete prior to 1970, thus making legal determination difficult.

4. An ordinance to establish as two years the time that a nonconforming use may be discontinued and still retain its nonconforming rights.
 5. An ordinance to simplify several requirements in the citywide landscape regulations including: a reduction in street tree requirements; and increase in the credit given for existing trees; a reduction in the street yard for multi-family residential zones; and a reduction in the vehicular use area requirements.
 6. An ordinance to delete the requirement to consolidate hearing dates for amendments to a Land Use Plan or the Local Coastal Program and to repeal Council Policy 600-35 which gives the policy guidelines for initiating an amendment and consolidating the hearings.
 7. An ordinance to eliminate the requirement for applicants to construct public improvements as a condition to the approval of a building permit for a single family residential addition of living space valued at \$50,000 or more.
 8. An ordinance to repeal and replace the 11-member Board for Abatement and Control of Noise. The appeals that used to go to that board would now be heard by a Hearing Officer and approved by the City Manager.
 9. An ordinance to suspend the investigation and penalty fees for a time period ending November 8, 1996 for construction work performed or maintained without the required permits prior to May 6, 1996.
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Two 1996 Regulatory Relief items were determined not to be exempt from CEQA, but through the Initial Study were determined not to have a potentially significant effect on the environment. Thus, a Negative Declaration was prepared for each of the following two items.

1. An ordinance to amend the Municipal Code to allow churches by right in certain commercial zones if the church would be located in an existing structure. The coastal zone was not included in the change. Negative Declaration 96-0070 was prepared for this item.
2. An ordinance to categorically exclude from the requirements of a Coastal Development Permit: (1) any new construction of a single family residence or a multi-unit residential project containing no more than two dwelling units within the nonappealable area of the Coastal Zone and (2) the demolition, in whole or in part, of any structure or building within the Coastal Zone.

The exclusion required changes to the R-1 zones regarding setbacks, floor area ratio, angled building envelopes, building height and yard encroachments. Protection of historical or archaeological resources were to be maintained by accompanying revisions to the Resource Protection Ordinance and the Grading Review Permit. Negative Declaration 95-0691 was prepared for this item.

ASSESSMENT OF CUMULATIVE EFFECTS

The following evaluation includes assessment of cumulative effects associated with implementation of the proposed project, as well as consideration of additional regional projects. This section identifies those areas in which the project would only have incremental effects, and those incremental effects which, when added to the effects created by implementation of other projects, would have a significant effect on the environment. The discussion of project-specific significant impacts is provided in Chapter IV of this EIR.

Soils/ Erosion Hazards

Implementation of the proposed project is anticipated to result in new development. Development would potentially increase the amount of erosion from exposed soil areas which then contributes to sediment-laden runoff into local drainage courses. Erosion can be destructive to the immediate area and sedimentation can clog waterways, and downstream wetland and lagoon areas. Measures can be incorporated into individual projects to decrease the erosion hazard. Even with best management practices, disturbance of surface soils in any kind of cultivation or development activity will result in erosion. The incremental area wide contributions to soil loss would be cumulatively significant.

Air Quality

The San Diego area is a non-attainment basin for ozone resulting from emissions of reactive organic gasses from automobiles. Any increase in emissions from automobiles is a cumulatively significant impact. The Air Pollution Control District is responsible for strategies to reduce air pollution in the air basin and bases its projections of future air quality and pollutant emissions on population and employment growth estimates developed by the San Diego Association of Governments. New housing typically does not have a significant adverse effect on the strategies to improve air quality if the project is consistent with the assumptions used in the APCD projection model and does not increase dependency on automobile trips relative to other locations.

The SANDAG Series 8 population projection takes into account development in all the current adopted community plans and the General Plan. Although the proposed project does not include changes in development or growth patterns, implementation of the project would result in commercial, residential, and industrial development. Any additional development would result in increased emissions into the air. Although none of the development anticipated with the proposed project would individually be expected to have a significant adverse effect on air quality, the incremental effects from new development could have a significant adverse effect, over the long term, on air quality.

Hydrology/Water Quality

The proposed project does not include regulations to control volume or pollutant tolerance levels of runoff from urban areas. Urban runoff is from parking lots, driveways, streets, roofs, and turfed areas. Runoff from all of these surfaces contain contaminants that could adversely affect water quality. In addition, the greater the amount of impervious area, the greater the volume of runoff because there are smaller and fewer pervious surface areas into which precipitation can be absorbed. The hydrologic conditions of the local drainageways are affected when the volume of runoff is greater than it would have been with no impervious (developed) areas.

Although the proposed project does not involve changes in development or growth patterns, implementation of the project would result in commercial, residential and industrial development. Any additional development would increase the amount of impervious surfaces and the amount of contaminants present in runoff that discharges directly into surface waters. Although none of the development anticipated with the proposed project would individually be expected to have a significant adverse effect on hydrology or water quality, the incremental effects from new development could have a significant adverse effect over the long term on hydrologic and water quality conditions.

Biology

The proposed project includes a zone (OR-1-2) and regulations designed to implement the Multiple Species Conservation Program currently in process in the City of San Diego.

Implementation of the proposed Subarea Plan, and the projects on the cumulative projects list, would result in direct impacts to species on the Covered Species Lists of the conservation programs on the cumulative projects list due to the issuance of incidental take permits. Cumulative indirect impacts would be associated with edge effects and increased development pressure outside the preserves established by the various multiple species planning programs.

The proposed project would have significant adverse effects on biological resources directly attributable to implementation of the project. These impacts are discussed in Chapter IV of this EIR. In addition, implementation of the proposed project would result in losses to biological resources, which when added to the incremental effect of the other projects on the cumulative project list, would have a significant adverse effect on biological resources. There would be losses of species currently identified as sensitive, and less sensitive plant and animal species, as a result of implementation of the proposed regulations and the development that is likely to occur as a result of implementation of the project. In addition to the significant impacts that could occur from an individual project through implementation of the proposed Code, the incremental effects from new development could have a significant adverse effect, over the long term, on biological resources.

Land Use

The proposed project includes a zone (OR-1-2) and regulations designed to implement the Multiple Species Conservation Program currently in process in the City of San Diego. With development pressure being shifted from preserve areas to non-preserve areas, increased urbanization or intensification of land use may occur in areas not presently subject to these kinds of development pressures. Such land use intensification may result in community character impacts. Potential adverse impacts could be associated with increased risk to certain biological, cultural and landform resources. While the nature of the land use effects of the MSCP may be incompatibility of proximate land uses, the secondary or "follow on" effects of land use impacts may be the additional losses to biological, cultural and landform resources in areas where those losses may not have otherwise occurred.

The proposed project would have significant adverse effects on land use directly attributable to implementation of the project. These impacts are discussed in Chapter IV of this EIR. In addition, implementation of the proposed project would result in impacts related to land use, which when added to the incremental effect of the other projects on the cumulative project list, would have a significant effect on the environment in terms of land use. Thus, the project would, individually, have significant impacts related to land use. In addition, the project would contribute incrementally to land use effects that on a regional basis would be significant.

Transportation/Circulation

New development as planned according to the Progress Guide and General Plan is anticipated in accordance with implementation of the proposed project. Such new development would increase traffic volumes in the City. Any incremental increase in traffic volumes would result in an impact that is cumulatively significant.

Neighborhood Character/Aesthetics

The proposed project would have significant adverse effects related to landform alteration. These impacts are discussed in Chapter IV of this EIR. In addition, implementation of the proposed project would result in landform alteration, which when added to the incremental effects of other projects on the cumulative project list, would have a significant cumulative effect on landform. There would be losses both due to the regulatory allowances for landform alteration and due to development related to implementation of the proposed

project. The incremental alteration of landform would be a significant cumulative effect of the proposed project.

Cultural Resources

The proposed project would have significant adverse effects on historical resources directly attributable to implementation of the project. These impacts are discussed in Chapter IV of this EIR. In addition, implementation of the proposed project would result in losses to historical resources, which when added to the incremental effects of other projects on the cumulative project list, would have a significant adverse effect on historical resources. For example, the development pressure from implementation of conservation programs may result in development on areas with significant historical resources that may otherwise have been left undisturbed. There would be losses both directly related to the regulations, and related to development that is likely to occur as a result of implementation of the project. In addition to the significant impacts that could occur from an individual project through implementations of the proposed Code, the incremental effects from new development could have a significant adverse effect, over the long term, on historical resources.

Paleontological Resources

The proposed project would have significant adverse effects on paleontological resources directly attributable to implementation of the project. The proposed project contains no regulations to protect paleontological resources. For activities not subject to environmental review, the presence of fossil resources would not be detected. The project-specific impacts are discussed in Chapter IV of this EIR.

In addition, implementation of the proposed project would result in losses of paleontological resources which, when added to the incremental effects of the other projects on the cumulative project list, would have a significant adverse effect on paleontological resources. There would be losses both because there are no regulatory protections for the resources, and due to the development that is likely to occur as a result of implementation of the project. The incremental effects from new development could have a significant effect, over the long term, on paleontological resources.

Human Health and Public Safety

The proposed project would have significant adverse effects related to vectors and the proximity of marine uses to potentially sensitive receptors. These effects are directly attributable to implementation of the project. These impacts are discussed in Chapter IV of this EIR. In addition, implementation of the proposed project would result in impacts on public health and safety which, individually may not be significant. However, the incremental effects of implementation of the project could have a cumulatively significant impact. Although none of the development anticipated with the proposed project would individually be expected to have a significant effect on human health and public safety, the incremental effects could be significant over time.

VII. CEQA MANDATORY DISCUSSION AREAS

A. Significant Environmental Effects Which Cannot be Avoided if the Proposal is Implemented

Unavoidable effects are those which would result from implementation of a project as proposed in spite of the best efforts to minimize environmental effects. They are the effects that would occur even with implementation of all mitigation measures proposed with the project. Since the proposed project is limited to ordinance language, guidelines and standards, there are no conditions of approval upon which to attach mitigation measures. The only way to avoid the potentially significant effects, as identified in this EIR, is through the adoption of one or more alternatives.

All of the significant effects identified in Chapter IV are unavoidable if the project is implemented as proposed. The project as designed would result in the identified significant environmental effects and other than through adoption of an alternative, the significant effects could not be avoided. However, as future development projects are implemented in accordance with the proposed Land Development Code, the potentially significant effects that are identified in Chapter IV of this EIR may be offset or mitigated as conditions of approval.

B. Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should It Be Implemented

The project does not propose changes to land use designations and therefore would not effect the pattern of growth and development in the City. However, as growth occurs according to the regulations, there would be changes in urban conditions and previously undeveloped areas would be developed. These changes would permanently alter the existing character and natural qualities of the area. Construction of improvements and facilities related to the anticipated growth would result in the consumption of nonrenewable resources.

Irreversible environmental impacts that would occur as a result of growth include elimination or degradation of wildlife habitat and loss of wildlife and vegetation, the alteration of natural landforms and the commitment to continued urban activity. There would be permanent loss of historical and paleontological resources. The growth would occur, not as a result of the proposed project, but in accordance with the proposed regulations. The environmental effects would occur as projects in the future are implemented in accordance with the proposed project.

C. Effects Found Not To Be Significant

In accordance with State CEQA Guidelines section 15128, an EIR must include a statement briefly indicating the reasons that various effects were found not to be significant and were therefore not discussed in detail in the EIR.

Through the preliminary review process, it was determined that the proposed project would not have significant effects related to the following areas:

Geology

None of the proposed regulatory revisions relate to the exposure of people or property to geologic hazards. The revisions to the landscape regulations would only have a beneficial effect on slope stabilization and erosion prevention except that there are no provisions for long-term maintenance.

Noise

The proposed project does not include changes to noise control regulations so there would not be effects related to increases in ambient noise levels, nor changes in the potential for people to be exposed to transportation noise levels in excess of the General Plan standards.

Light, Glare, and Shading

The project does not include changes to regulations that would affect allowable amounts of light, glare or shading on or off of a site. Therefore there would be no significant impacts as a result of implementation of the project.

Recreational Resources

The project proposes no changes to development patterns or density. Therefore, there would be no significant adverse effect related to the quality or quantity of recreational opportunities in the city.

Population

The proposal will not alter the planned location, distribution, density or growth rate of the population of the city. The project is not anticipated to have significant effect on the city's population, such that there would be any resultant significant environmental impacts.

Housing

Since the project would not reduce the amount of housing available, nor create a demand for additional housing (because there would not be an increase in population as a result of the project), the project would not have a significant adverse effect on housing.

Public Services

Since the project is not anticipated to alter the planned location, distribution, density, or growth rate of the city's population, the project is not anticipated to have an effect on , or result in a need for new or altered governmental services in any of the following areas: fire protection, police protection, schools, parks/recreational facilities.

Utilities

Since the project is not anticipated to alter the planned location, distribution, density or growth rate of the city's population, the project is not anticipated to result in a need for new, or improvements to existing, power, utilities drainage or communications systems.

Energy

Implementation of the proposed project would not result in substantial demand for or consumption of energy. Future development would be in compliance with the energy conservation requirements. The types of uses permitted according to the proposed project are the same as those permitted under existing regulations. Since the existing uses are not considered to use excessive amounts of fuel or energy, future projects are not anticipated to be superconsumers of energy.

VIII. ALTERNATIVES

The CEQA Guidelines (Section 15126) require an evaluation of a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project. The goals and objectives of the proposed project are described in Chapter III of this EIR. The Guidelines also require that the EIR include a discussion of any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process or in the project evolution and planning. The EIR should briefly explain the reasons for determining that those alternatives were infeasible. The specific alternative of "no project" shall also be evaluated along with its impact. For the "no project" alternative, the analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current ordinances. An environmentally superior alternative shall be identified.

Although the EIR identifies environmentally superior alternatives, CEQA provides that a public agency may approve a project with significant environmental effects if certain findings can be made and if the agency supports its decision with a Statement of Overriding Considerations. One of the findings that may be made is that the environmentally superior alternative is infeasible due to specific legal, social, technological or other considerations. The Statement of Overriding Considerations documents that, after balancing the benefits of the proposed project against significant impacts, the public agency has determined that the impacts are acceptable.

ALTERNATIVES CONSIDERED BUT REJECTED

Several alternative approaches to the comprehensive update of the Land Development Code have been considered over the course of developing the final draft Code. Direction and recommendations regarding alternatives were provided to staff by the San Diego City Council, Planning Commission, Citizens Advisory Committee, Community Planning Groups and other interested individuals and groups during noticed public hearing and public workshops. The overall goals of the project were the determining factors in the decision to embrace or reject a particular alternative. The various rejected alternatives can be grouped under three main headings: alternative organizational approaches, alternative procedural approaches, and alternative content approaches. These alternatives are briefly described below.

Alternative Organizational Approaches

A "clean-up" of the existing Code only was examined. This approach would have entailed removal of internal inconsistencies, elimination of multiple definitions of the same term, correction of references, creation of better section titles, and incorporation of outside task forces' work into the Code. This approach would have resulted in a much scaled-down project but would have not met the major objectives of the project to provide clarity, objectivity, predictability, and simplicity. Other examples of alternative organizational approaches include city-wide tailored zoning (planned districts), reformatting of planned districts into a city-wide zone format, use of a fifth designator for community-specific regulations, incorporation of all overlay zones into base zone regulations, and inclusion of administrative and procedural information in the Code. These alternatives were rejected because they did not provide the clarity, flexibility and simplicity desired for the Code update project.

Alternative Procedural Approaches

Keeping all existing permits or having only a single permit for all types of development were both examined. A single permit for all types of development would not provide the clarity necessary to users of the system and conversely keeping all existing permit types would not adequately simplify the process. Having a small number of development permits to provide flexibility while simplifying the current process was the approach chosen. Translating the community plan requirement for planned development permits into site development permit regulations was considered but would not have achieved the policy goals of the community plan and was rejected. Allowing deviations of up to 20 percent for all development regulations was considered but would not have provided clarity of regulations, objectivity or consistency of implementation. Alternatives relative to previously conforming issues included: changing only assessed value to market value; allowing broad replacement of one previously conforming use by another; and retaining the variance as the mechanism through which to make substantive modifications and expansions. This approach would not have resulted in realistic reuse of existing premises given the current economic situation and was not consistent with several of the project goals so was rejected.

Alternative Content Approaches

The following alternative approaches to content were considered.

- Use Categories: to list all specific uses. This approach was determined to be too specific. Subcategories of uses were used instead to provide more flexibility.
- Companion Units: to regulate as a limited use or require decision level Process 2; retain 5% vacancy rate and Coastal Zone prohibition. This approach was rejected so that use of companion units on a citywide basis would be more available.
- Floodplains: to regulate urban versus rural floodplains differently. The preferred approach is consistency of treatment of floodplains on a citywide basis.
- Agricultural Zones: to not provide a zone specifically reserved for agriculture. In order to be consistent with the Progress Guide and General Plan designations, an agricultural use zone was retained.
- Open Space Zones: to not provide a private open space zone. Existing open space zones are only applied to public property. The application of an open space zone for private property was devised as a tool to implement the MSCP.
- Residential Zones: to not modify building envelope or floor area ratio regulations; to provide building envelope modifications for single dwelling unit zones citywide; to raise the threshold of the number of dwellings that could be built through Process 1; to create a single-story single dwelling unit zone for urbanized areas; to use a discretionary process only to achieve smaller single dwelling unit lots. Alternative development regulations for single unit zones in urbanized communities was chosen as the appropriate way to achieve the General Plan infill policies and to address compatibility within the coastal zone and other urbanized areas of the City.

- **Commercial Zones:** to leave residential project options in all commercial zones; to create a ministerial base zone to implement transit-oriented-development guidelines. These approaches were rejected in order to preserve options for commercial only development and to allow the flexibility of mixed-use development by right.
- **Industrial Zones:** to retain ministerial review; to not provide area-specific floor area ratio requirements. This approach was rejected in favor of more simplified design requirements to reduce the complexity of the regulations.
- **Conditional Uses:** to reduce more "conditional uses" to "neighborhood uses" by requiring decision level Process 2. A policy decision was made to only reduce a specified number of uses with this phase of the Code update project.
- **Parking:** to retain the existing parking ratios based on zone rather than based on use; to leave urbanized and urbanizing area parking ratios the same; to not change ratio of compact spaces to full size spaces; to not include maximum parking ratios for non-residential uses. A more simplified and common sense approach to parking that would be more standardized was desired.
- **Sensitive Lands Regulations:** to retain the existing inconsistent regulations of hillsides based on location within or outside of the Coastal Zone; to require all hillside development be subject to decision Process 3; to maintain a sliding scale of encroachment into hillsides. A simplified and citywide approach to hillside and other resource regulation based on resources was chosen.
- **Historical Resources:** to incorporate the Preservation Ordinance Review Committee recommendations in their entirety. Although many of these recommendations were incorporated, several were rejected in favor of a more simplified and resource based approach to historic preservation consistent with existing state and federal regulation.

ALTERNATIVES TO THE PROJECT

This EIR has identified that the proposed Land Development Code would result in significant impacts to land use, biological resources, landform alteration, historical resources, paleontological resources, and human health/public safety. The following discussion presents alternatives to the project which could lessen or avoid impacts. In addition, Alternatives 2, 3, and 4 were developed to reduce or avoid significant environmental consequences of the proposed project while feasibly attaining most of the basic project goals.

1. "No Project"

The No Project alternative would result in a continuation of existing zoning and regulations. The goals of the update project would not be met.

The primary implementation tool of the City's General Plan and the community plans is the Municipal Code. The plans are policy documents that contain the vision and direction of the City and its communities. They address all the issues facing the City as a whole, and the

preservation and change in individual communities. As change occurs, the character of the communities is maintained primarily by privately developed projects that conform to the regulations. Projects that do not conform to regulations may be detrimental to the character of communities.

This alternative would result in the city continuing to use the existing land development regulations. Changes to the Code which would make it easier to understand and use would not be effected if the No Project alternative is adopted. More specifically, the proposed code has a strict and uniform organization which the current code does not. The proposed code makes it possible to find regulations that are applicable because of clear references and consistent organization, both of which are lacking in the current code. The proposed code has the flexibility to address a broad range of development issues no matter where they occur in the city without having to add new regulations; the current code does not have this flexibility. The proposed code attempts to eliminate redundancies and conflicts, create consistent terms and use them consistently, and to organize similar groups of regulations in the same way. None of these benefits would be realized with the adoption of the No Project alternative.

2. Alternative Biological Resource Protection

There are specific elements of the proposed project which would, in addition to streamlining and simplifying the resource protection regulations of the city, act as vehicles for implementation of the MSCP. These elements include: the proposed OR-1-2 Zone, portions of the Environmentally Sensitive Lands Regulations, and the Biology Guidelines.

With this alternative, all the other elements of the proposed resource protection regulations would be retained. That is, the following regulations would be adopted as proposed: the hillside regulations; the landscaping regulations; the historical resource regulations; regulations of floodplains; sensitive coastal resource regulations; and the coastal beaches and bluffs regulations. In addition, as proposed, the protection for wetland buffers would be eliminated.

The proposed project includes distinctions between lands designated to be in the MSCP preserve and land outside of the preserve. The distinctions are differences in the development regulations. For example, all land within the preserve is considered to be a biologically sensitive land. As such, development of a lot that is 100 percent within the preserve would be limited to 25 percent of the lot. With some qualification, for land outside the preserve, there are no encroachment limits into what would otherwise be considered biologically sensitive area.

With this alternative, protection of sensitive biological resources would be achieved by applying citywide the regulations that are proposed to only apply to lands within the preserve. The distinction between lands within and outside of the preserve would be eliminated. All references to separate treatment for MSCP implementation would be eliminated. This alternative would most closely approximate the biological resource protection regulations that exist currently.

Adoption of this alternative would mean that the MSCP would not be implemented. Protection of biological resources would continue to be effected in a piecemeal fashion, rather than being directed toward establishment of a large contiguous landholding as a preserve.

3. Retain Existing Resource Protection Regulations

With this alternative, all of the proposed resource regulations would be rejected, including the Environmentally Sensitive Lands Regulations, the Historical Resources Regulations, the OR-1-2 Zone, and portions of the Biological Guidelines. The existing regulations would be retained, including the Resource Protection Ordinance, the Sensitive Coastal Resource Overlay Zone, and the Hillside Review Overlay Zone.

Adoption of this alternative would retain protection of wetland buffers. In addition, the definition of wetlands would not be altered, and therefore the significant impacts on wetlands would not occur. The proposed project would result in significant impacts on wetlands, in part, because the proposed regulations ignore the opportunity to designate as wetland areas that meet one of three standard parameters (as under current regulations), and therefore bring more areas under regulations as wetlands. By making it more difficult for an area to qualify as a wetland, an opportunity to regulate and control development of important biological areas is lost. This alternative would retain the greater protection because more areas would be designated as wetlands.

Adoption of this alternative would retain the current protection of historical and archaeological resources. This would result in reduction or avoidance of impacts that could occur under the proposed project.

Steep slopes would continue to be protected as they are currently. Every lot in the Coastal Zone currently has limits on encroachment into steep slopes, regardless of the zoning or the size of the lot. (Note that there are no limits on encroachment into sensitive biological resource areas in the Coastal Zone.) According to the proposed regulations, the regulations would be citywide with no distinction between coastal and non-coastal zones. The proposed regulations do not limit development on slopes on single-family lots less than 20,000 square feet. Thus, according to this alternative, the potential for impacts to steep slopes would be avoided.

4. Alternative Language for Specific Sections of the Proposed Project

This alternative involves the adoption of regulatory language which is alternative to the proposed project. Adoption of this alternative would reduce or avoid significant impacts which would result from implementation of the proposed project, by changing the language which has been identified as resulting in significant environmental impacts. Because incorporation of regulatory language described below would avoid one or more of the identified significant impacts, this alternative is considered environmentally superior to the proposed project.

Human Health and Public Safety

Vectors

In order to avoid or reduce the potentially significant impact on human health related to vectors, the regulations should require development of a Vector Prevention and Control Management Plan (VPCMP) in appropriate circumstances. Projects that include runoff control facilities that involve water impoundment, should be required to prepare a VPCM plan as a condition of approval of the project. The plan should be prepared to the satisfaction of the County Department of Environmental Health.

Paleontological Resources

In the case of fossil resources, there has been enough scientific study of the San Diego region that the formations likely to contain important fossils have been identified. The potential adverse impact of the proposed project could be reduced if the regulations required construction monitoring and scientific salvage of significant resources under appropriate circumstances. That is, when an activity is proposed in a geologic formation having been identified as yielding important resources, monitoring for paleontological resources and salvage would be required during the construction operations.

Historical Resources

The potentially significant impacts on historical resources could be reduced by the requirement for preparation of a comprehensive survey of the City for historical resources. The survey would be for both the built environment and for the identification of archaeological resources and could be used as base line data for the designation and preservation of significant historical resources.

In addition, the regulatory language could be modified to eliminate the deviation process and to require limitations on encroachment into Class II historical resources.

Landform Alteration/Neighborhood Character

Steep Hillides

The proposed Code would not limit encroachment on steep hillsides when the proposal is for a single-dwelling unit on an individual lot, equal to or less than 20,000 square feet. While sensitive coastal bluffs would be protected even on lots smaller than 20,000 square feet pursuant to the proposed Development Regulations for Sensitive Coastal Bluffs, there would be losses of steep hillsides due to development not subject to the Sensitive Coastal Bluffs Regulations. The loss of sensitive landforms has been identified in the EIR as potentially significant.

In order to avoid or reduce potentially significant impacts to below a level of significance, the Code should be revised to require some limitations to development when the proposal includes grading on steep hillsides on single-unit lots, 20,000 feet or less. The limitations could be in the form of a sliding scale depending on the amount of the lot covered by steep hillsides.

The encroachment allowances should be calculated to include all the necessary encroachments such as driveways, any yards and brush management.

Biological Resources

Wetlands

The proposed Code prohibits issuance of grading or construction permits for projects that adversely affect wetlands until all necessary federal and state permits have been obtained. Section 143.0141 provides that all development occurring in sensitive biological resources is subject to a site-specific impact analysis in accordance with the Biology Guidelines. In addition, mitigation shall be required where appropriate.

The proposed regulations do not provide protections for wetlands beyond what may be imposed by federal or state agencies when a project is subject to the jurisdiction of one of those agencies. There are wetlands present in the City that are not subject to the jurisdiction of any federal or state agency. Absent City regulations, these wetlands would be subject to loss without mitigation.

There are sections of the proposed Code in which modifications would reduce the potentially significant impacts related to development adjacent to or in wetlands: (1) a change in the proposed definition; (2) the addition of regulations for permitted uses; and (3) a change in the development regulations for sensitive biological resources, as described below.

a. Wetlands definition. section 113.0103

The proposed definition of wetlands provides that "To be considered a wetland within this definition, the area must have all of the following characteristics..."

In order to reduce or avoid potentially significant impacts related to loss of wetlands through implementation of the above language, the proposed language should be modified as follows:

"Wetlands are areas designated as wetlands on Map Drawings C-713 and C-740 or any area which has one or more of the following characteristics..."

b. Permitted development in wetlands. section 143.0141

Add the following language:

"Permitted uses allowed in wetlands shall be limited to the following:

- 1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;
- 2) Wetland restoration projects where the primary purpose is restoration of the habitat;
- 3) Essential public service projects including water reclamation, where it has been determined that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

Wetlands Buffers section 143.0141

The Development Regulations for Sensitive Biological Resources addresses development in wetlands. The section includes references to the Biology Guidelines. Neither the regulations nor the guidelines include requirements for wetlands buffers. In order to avoid the potentially significant impact, or to reduce it to below a level of significance, the following language should be added to the Environmentally Sensitive Lands Regulations.

"A 100-foot wide wetlands buffer as mapped on Map Drawings C-713 and C-740 shall be maintained unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based on site-specific information. Such information shall include, but is not limited to the type and size of the development and/or proposed mitigations (such as planting of vegetation) which also achieve the purposes of the buffer.

Wetland buffers for unmapped wetlands shall be of an appropriate size to protect the habitat values and function of the wetland. The buffer shall be measured landward from wetland. Maps and supplemental information submitted as part of the application shall be used to determine the boundaries of the wetland and the buffer.

All buildings or other improvements proposed to be placed, and all grading proposed adjacent to a wetland shall be located so as not to contribute to increased sediment loading of the wetland, or otherwise impair the functional capacity of the wetland.

Permitted uses in the wetland buffer shall be limited to the following, provided that such uses are compatible with protecting wetlands and do not harm the ecosystem.

- a. All uses permitted in wetlands;
- b. Passive recreational uses, access paths, and public viewpoints, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands;
- c. Improvements necessary to protect adjacent wetlands.

Vernal Pools

Section 143.0141(b) provides that inside and outside the MSCP Preserve, impacts to vernal pools in naturally occurring complexes shall be avoided. The proposed Code contains no regulations to protect the Mima mound relief in which vernal pools frequently occur. The Mima mound component of the relief is the matrix of Mima mound-vernal pool complexes. The function and quality of vernal pools located in these complex landscapes is dependent on the integrity of the mounds and intermound swales which are the other components of the complex. The Mima mounds themselves are an important component of a unique landscape, and in addition are integral to the protection of vernal pools.

In order to avoid potentially significant impacts due to lack of protection for these resources in the proposed Code, the definition of *sensitive biological resources* should be modified to include mounds and intermound drainage swales which are the other components of the Mima mound-vernal pool complex as described in the "City of San Diego Guidelines for Mima Mound-Vernal Pool Habitat" (July 1993).

Consistent with the "Guidelines for Mima Mound-Vernal Pool Habitat," section 143.0141 should be revised to reflect the relationship between Mima mounds/intermound drainages as part of wetland buffers and vernal pools as wetlands. That is, that development may be permitted in the Mima mounds or intermound drainages in accordance with the proposed regulations for sensitive biological resources. However, development should be limited in cases where the Mima mounds and associated intermound drainages are part of the wetland buffer.

Brush Management

The proposed Biology Guidelines require mitigation for impacts to sensitive biological resources which are the result of brush management in Zone 1 only. The City of San Diego MSCP Subarea Plan requires that vegetation clearing for brush management shall avoid/minimize impacts to covered species to the maximum extent practicable.

The EIR for the proposed Land Development Code has identified a potentially significant impact on biological resources related to brush management outside the bounds of the MSCP Preserve where noncovered species are affected.

In order to avoid or reduce potentially significant impacts to below a level of significance, the Code and the Biology Guidelines should be revised to require analysis of the impact and to require mitigation for significant impacts to the same extent that mitigation would be required for brush management in Zone 1 within the MSCP.

IX. REFERENCES

- American Pacific Environmental Consultants, Inc., 1982. Fairbanks Country Club Specific Plan.
- Demere, Thomas A. And Stephen L. Walsh. Paleontological Resources - County of San Diego. Department of Paleontology, San Diego Natural History Museum, August 9, 1993.
- Gillespie DeLorenzo, A.S.L.A. & Associates, 1988. Carmel Mountain Ranch Community Plan.
- James Dobbin Associates Incorporated, 1986. Tijuana River National Estuarine Sanctuary Management Plan.
- Los Peñasquitos Lagoon Foundation and State Coastal Conservancy, 1985. Los Peñasquitos Lagoon Enhancement Plan and Program.
- Poutney and Associates, Inc. And ERC Environmental and Energy Services Co., 1990. Mission Bay Park Shoreline Stabilization and Restoration Project Plan.
- Rick Engineering Company, 1982. Sabre Springs Community Plan.
- SANDAG, 1995. Comprehensive Land Use Plan - Brown Field.
- SANDAG, 1992. Comprehensive Land Use Plan - Lindbergh Field.
- SANDAG, 1984. Comprehensive Land Use Plan - Montgomery Field.
- SANDAG, 1990. Comprehensive Land Use Plan - NAS Miramar.
- SANDAG, 1995. Forecasting, Growth Management and Public Policy.
- SANDAG, 1995. Natural Habitats in the San Diego Region.
- SANDAG, 1995. Population and Housing Estimates.
- SANDAG, 1995. Profiling the Region's Major Statistical Areas.
- SANDAG, 1996. Transportation.
- San Diego, City of, and Estrada Land Planning, Inc., 1989. Balboa Park Master Plan.
- San Diego, City of, 1989. Clairemont Mesa Community Plan.
- San Diego, City of, 1990. Community Planning Handbook.
- San Diego, City of, 1971. Elliott Community Plan.

San Diego, City of, 1992. Environmental Impact Report for North City Future Urbanizing Area Framework Plan.

San Diego, City of, 1994. First San Diego River Improvement Project Specific Plan.

San Diego, City of, 1996. First Screencheck of the Multiple Species Conservation Program.

San Diego, City of and Greater Golden Hill Community Planning Committee, 1987. Golden Hill Community Plan.

San Diego, City of, 1986. Greater North Park Community Plan.

San Diego, City, 1996. Implementation of the California Coastal Act.

San Diego, City of and Kearny Mesa Planning Group, 1992. Kearny Mesa Community Plan.

San Diego, City of, 1995. La Jolla Community Plan and Local Coastal Program Land Use Plan (Draft).

San Diego, City of, 1985. La Jolla - La Jolla Shores Local Coastal Program.

San Diego, City of and the Linda Vista Community Planning Organization, 1983. Linda Vista Community Plan.

San Diego, City of, 1984. Mid-City Community Plan.

San Diego, City of, 1980. Miramar Ranch North Community Plan.

San Diego, City of 1982. Mission Bay Park Master Plan, Local Coastal Program Addendum.

San Diego, City of, 1990. Mission Bay Park Natural Resource Management Plan.

San Diego, City of, 1982. Mission Bay Park Master Plan for Land & Water Use - Local Coastal Program Addendum.

San Diego, City of and the people of Mission Beach Community, 1994. Mission Beach Precise Plan and Local Coastal Program Addendum.

San Diego, City of and the Mission Valley Unified Planning Committee, 1985. Mission Valley Community Plan.

San Diego, City of and the U.S. Fish & Wildlife Service, 1996. EIR/EIS for the Multiple Species Conservation Program.

San Diego, City of, 1995. North City Future Urbanizing Area Framework plan.

San Diego, City of, 1974. Ocean Beach Precise Plan.

San Diego, City of, 1987. Old Town San Diego Community Plan.

San Diego, City of, 1981. Otay Mesa Community Plan and Environmental Impact Report.

San Diego, City of, 1979. Otay mesa-Nestor Community Plan.

San Diego, City of, 1994. Pacific Beach Community Plan and Local Coastal Program land Use Plan (Draft).

San Diego, City of and the Peninsula Community Planning Board, 1987. Peninsula Community Plan and Local Coastal Program Land Use Plan.

San Diego, City of and the Peninsula Community Planning Board, 1987. Peninsula Community Plan and Local Coastal Program Land Use Plan.

San Diego, City of, 1989. Progress Guide and General Plan.

San Diego, City of, 1978. Rancho Bernardo Community Plan.

San Diego, City of, 1993. Rancho Peñasquitos Community Plan.

San Diego, City of, 1990. San Diego Municipal Code.

San Diego, City of, 1984. San Dieguito River Regional Plan.

San Diego, City of, 1995. San Pasqual Valley Plan.

San Diego, City of, 1990. San Ysidro Community Plan Update Draft.

San Diego, City of, Scripps Miramar Ranch Planning Committee, and Rick Engineering company, 1978. Scripps Miramar Ranch Community Plan.

San Diego, City of and Serra Mesa Community Planning Group, 1977. Serra Mesa Community Plan.

San Diego, City of, 1987. Skyline-Paradise Hills Community Plan.

San Diego, City of, 1987. Southeast San Diego Community Plan.

San Diego, City of, 1979. Tia Juana River Valley Plan.

San Diego, City of, 1996. Torrey Pines Community Plan.

San Diego, City of and the University Community Planning Group, 1986. University Community Plan.

San Diego, City of, 1984. Via De La Valle Specific Plan.

San Diego, City of, 1995. Water Utilities Department

San Diego, City of, Water Conservation Program, 1996. Water Conservation News.

San Diego County Water Authority and Metropolitan Water District of Southern California, 1995. Commercial/Industrial/Institutional Water Conservation Survey Program.

San Dieguito River Park Joint Powers Authority, 1994. San Dieguito River Park Concept Plan.

T & B Planning Consultants, Inc. And Fenton Western Properties 1994. Carroll Canyon Master Plan.

Turrini & Brink Planning consultants, 1983. Sorrento Hills Community Plan.

VISIONS Architects, 1992. Air Installation Compatible Use Zones - Naval Air Station Miramar.

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County Water Authority

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XI. CERTIFICATION

This Draft Environmental Impact Report (DEIR) was prepared by the City of San Diego, Development Services, Land Development Review Division, located at 1222 First Avenue, Fifth Floor, San Diego, California 92101. The following professional staff participated in preparation of this DEIR.

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APPENDIX

to

ENVIRONMENTAL IMPACT REPORT

for

The City of San Diego Land Development Code
(EIR No. 96-0333)

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Date: August 15, 1996

NOTICE OF PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT REPORT

THE CITY OF SAN DIEGO will be the Lead Agency and will prepare a draft Environmental Impact Report (EIR) for the following project:

PROJECT: Land Development/ Zoning Code Update. CITY COUNCIL ADOPTION of the proposed Land Development Code to be incorporated as Chapters 12, 13 and 14 of the Municipal Code; AMENDMENT and RE-ADOPTION of previously adopted Chapter 11; CITY COUNCIL REPEAL of certain chapters of the Municipal Code, including Chapter 10 except for the Planned District Ordinances, and portions of Chapters 2, 6 and 9; AMENDMENT of the non-conforming use regulations and renaming to "previously conforming" uses; CITY COUNCIL AMENDMENT of the Local Coastal Program implementing ordinances and other documents in the Local Coastal Program; ADOPTION of categorical exclusions within the Coastal Zone; CITY COUNCIL MODIFICATION of existing planning and zoning support documents and CITY COUNCIL ADOPTION of new support documents.

The proposed project includes major modifications to the planning, zoning and building sections of the Municipal Code. The key changes include:

- * revisions and consolidation of discretionary land development review permits
- * clarification of uses as permitted by right or by discretionary permit
- * creation of a new open space zone for application to private property in order to implement the proposed Multiple Species Conservation Program
- * update of development regulations for uses requiring a discretionary permit
- * revised regulations for environmentally sensitive lands to implement MSCP policies
- * revised historical resources regulations
- * revised parking regulations
- * non-substantive changes to adopted Planned Districts to allow them to utilize applicable provisions of the Land Development Code
- * conversion and renaming of certain zones on a city wide basis

For the support documents, the project proposes the following:

- * Adoption of Biology Guidelines for the Environmentally Sensitive Lands Regulations and the OR-1-2 Zone

- * Adoption of the Coastal Bluffs and Beaches Guidelines
- * Revision of the Historical Resources Guidelines
- * Amendment of the Steep Hillside (Hillside Review) Guidelines
- * Amendment of the Landscape Technical Manual
- * Amendment of the User's Guide to the Landscape Regulations

DEP NO.: 96-0333

Based on an Initial Study, it appears that the project may result in significant environmental impacts in the following areas: biological resources; land use; transportation/ circulation; cultural resources; neighborhood character/aesthetics; water conservation; paleontological resources; natural resources and agricultural lands.

For more CEQA environmental process information, contact Janet Baker, Environmental Planner with the City of San Diego Development Services Department (Environmental Analysis Section) at (619) 236-7714. For project meetings/public hearings schedule, contact Kelly Broughton, Principal Planner, at (619) 236-5932.

Written comments in letter form regarding the scope and content of the Draft EIR must be sent to Janet Baker no later than 30 days after receipt of this notice, at the address below:

Janet K. Baker, Environmental Planner
City Development Services Department
1222 First Avenue, 5th Floor, MS 501
San Diego, CA 92101
Facsimile (619) 236-6620

Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding.

Attachments: Scope of Work
Project Location Maps

Distribution:

City of San Diego

Mayor Susan Golding (MS 11A)
Councilmember Mathis, District 1 (MS 10A)
Councilmember Wear, District 2
Councilmember Kehoe, District 3
Councilmember Stevens, District 4
Councilmember Warden, District 5
Councilmember Stallings, District 6
Councilmember McCarty, District 7
Councilmember Vargas, District 8
Community and Neighborhood Services Bus. Ctr.- Betsy McCoullough (MS 4A)
Community and Neighborhood Services Bus. Ctr.- Nancy Acevedo (MS 37)
Public Works Bus. Ctr. - Frank Belock (MS 9B)
Public Works Bus. Ctr. - Richard Hayes (MS 1102-A)
Public Works Bus. Ctr. - Mike Steffen (MS 51A)
Public Works Bus. Ctr. - Milon Mills (MS 9B)

Wetlands Advisory Board - Robin Stribley (MS 37C)
Public Works Bus. Ctr. - Cruz Gonzales (MS 9B)
Public Works Bus. Ctr.- Susan Hamilton (MS 905)

Federal Agencies

SW Division, Naval Facilities Engineering Command (12)
NAS Miramar (14)
USMC - Col. Pender, Marine Air Base, El Toro
Army Corps of Engineers (26)
Border Patrol, William Pink (22)
Fish and Wildlife Service (23)
Department of Agriculture (25)
Bureau of Land Management, 6221 Box Springs Boulevard, Riverside, CA 92507
EPA Region 9
Marc Ebbib, Dept. Interior, Asst. to Secretary
600 Harrison Street #545, San Francisco, CA 94107
Vicki Kingslien, Director, Resource Management Division,
425 "I" Street NW #2060, Washinton D.C. 20536
Tom Stahl, Asst. U.S. Attorney, 880 Front Street #6293, San Diego 92101
Pete Stine, National Biological Survey, 1920 20th Street
Sacramento, CA 95514
Lynn Cox, Office of the Solicitor, Dept. Interior, 2800 Cottage Way #2753
Sacramento, CA 95628

State of California

State Clearinghouse (46)
CALTRANS (31)
Fish and Game (32)
Park and Recreation (40)
Regional Water Quality Control Board (44)
Native American Heritage Commission (56)
Department of Conservation (61)
Lands Commission (62)
Forestry
Office of Historic Preservation

County of San Diego

Board of Supervisors, Chair, 1700 Pacific Highway, San Diego 92101
DPLU- Tom Oberbauer (MS-065)
Public Works - Tom Garibay (MS 0336)
Parks and Recreation - Mike Kemp (MS -065)
Agriculture (MS -01)
Environmental Services Unit - Anna Noah (MS -0385)
County Health Department

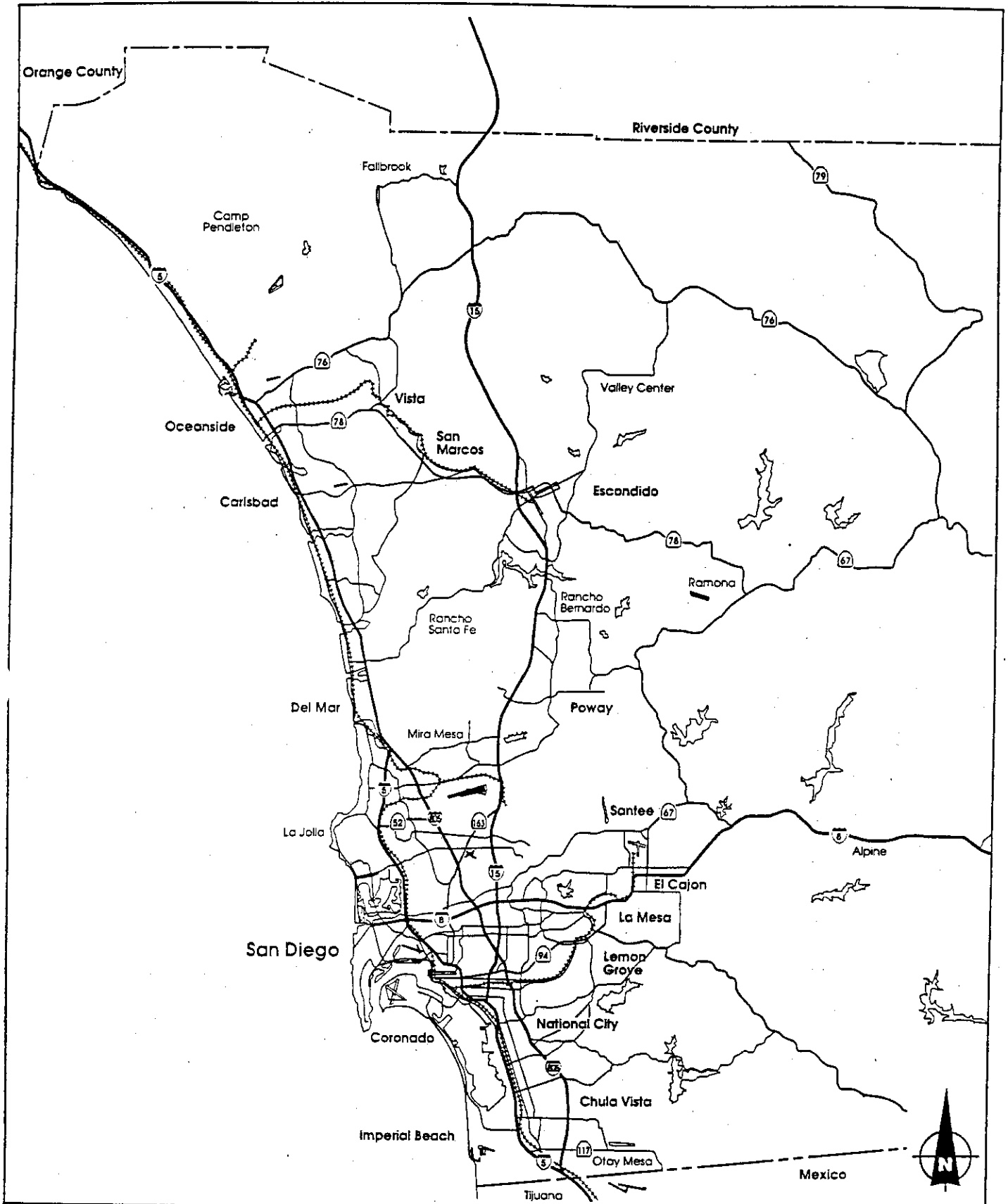
Cities

Chula Vista (94)
Del Mar (96)
El Cajon (98)
Escondido (98)
Imperial Beach (99)
La Mesa (100)
Lemon Grove (101)
National City (102)

Poway (103)
Santee (104)
Solana Beach (105)
Carlsbad, 1200 Carlsbad Village, 92008
Encinitas, 505 S. Vulcan, 92024
Oceanside, 300 N. Hill St. 92054
San Marcos, 1 Civic Ctr. Dr., 92-69
Vista, P.O. Box 1988, 92085
Coronado (95)

The NOP is also distributed to the:

MSCP Working Group
Zoning Code Update Citizens' Advisory Committee
Zoning Code Update Mailing List
MSCP Mailing List



6-95 pl. 87088 JA

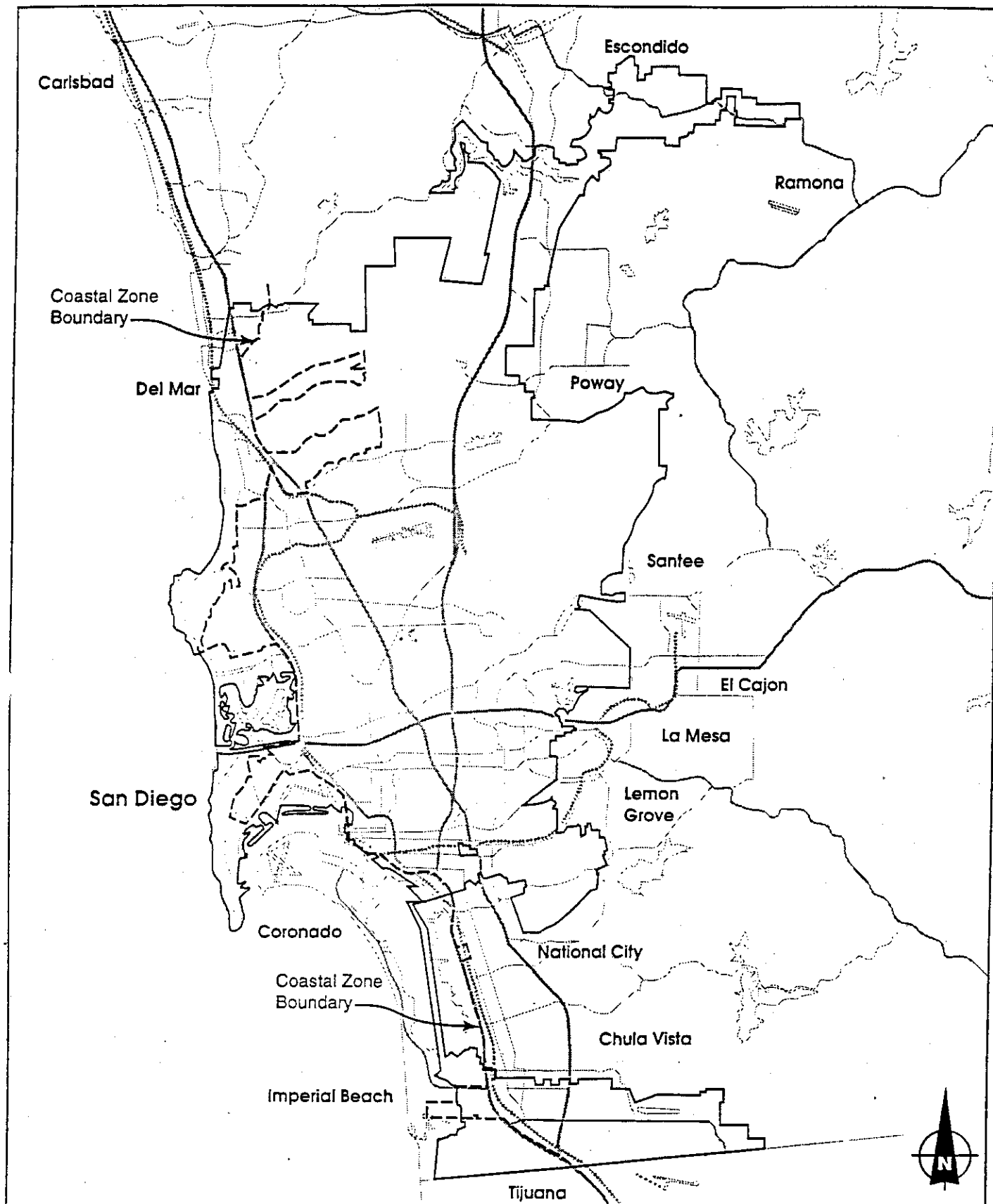


Regional Location Map **Environmental Analysis Section**

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Figure

1



6-96 pl. areas JA



**City of San Diego
City Limits and Coastal Zone Line
Environmental Analysis Section**

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Figure

2

DRAFT SCOPE OF WORK
DRAFT EIR
for
CITY OF SAN DIEGO LAND DEVELOPMENT/ZONING CODE UPDATE

(LDR No. 96-0333)

The Environmental Analysis Section (EAS) of the Land Development Review Division has conducted an preliminary review for the Land Development/Zoning Code Update project.

The City proposes modification of the Municipal Code chapters relating to planning, zoning, subdivision and building regulations. The modifications include the addition of Chapters 11 through 14, which are called the proposed Land Development Code (proposed Code). The Land Development Code is one of the tools used to implement the Progress Guide and General Plan and community plans, which establish the pattern and intensity of land use throughout the City.

The proposed project includes the Land Development Code to be presented to the City Council for their adoption as the ordinance regulating land use and development. Additional elements of the proposed project include several associated actions which are described below.

The project includes rezones of residentially zoned property. The rezone actions include changes to the regulations for residential development; multi-unit zones would continue to be designated for multi-unit development and single-unit zones would remain designated for single-unit development. In the future it is anticipated that specific parcels would be rezoned in order to implement the Multiple Species Conservation Program. Those proposed rezones would be subject to additional environmental review in order to analyze the site-specific effects. The proposed project includes zone conversions in which various current zones are changed on a City-wide basis to a different zone.

The proposed project includes changes to regulations in the Coastal Zone. These proposed changes would require amendment of the current adopted Local Coastal Program. This EIR will address the potential impacts of the modified regulations.

In addition, the project would include modifications of various support documents used in the implementation of the Municipal Code. There are over 70 support documents, but at this time only the following are proposed to be revised and consolidated into one new document, called the Land Development Manual (LDM).

- Biology Guidelines for the Environmentally Sensitive Lands Regulations and the OR-1-2 Zone
- Coastal Bluffs and Beach Guidelines
- Historical Resources Guidelines
- Steep Hillsides Guidelines
- Landscape Technical Manual
- User's Guide to the Landscape Regulations

It is an underlying premise of the environmental analysis for the proposed project that the City will adopt the Multiple Species Conservation Program (MSCP). Several of the elements of the proposed Code are intended to implement the Program. For example, a new zone is proposed, the OR-1-2 zone, which would be applied to most lands within the biological preserve created by the MSCP. Effects on biological resources are analyzed based on the presumption that the MSCP will be adopted and an implementing agreement reached between the City and U.S. Fish & Wildlife Service. A separate EIR/EIS is being prepared for the MSCP.

Based upon the results of the preliminary review, it has been determined that the proposed project may have a significant effect on the environment. The preparation of a draft Environmental Impact Report (EIR), therefore, is required.

The issues to be addressed are discussed below. A Notice of Preparation is distributed to Responsible Agencies and others who may have an interest in the project. Consequently, changes or additions to this scope of work may be required as a result of input received in response to the Notice of Preparation.

Pursuant to CEQA Guidelines, the environmental analysis of most issues will be based on potential effects of implementation of the proposed Code on existing ground conditions. In most respects this is essentially a program EIR, rather than a project-specific EIR. The distinction is important in terms of mitigation provisions. Typically, where an environmental document is prepared for a regulatory program, there are no conditions of approval upon which to attach mitigation measures. Therefore, where significant impacts are identified, mitigation measures will be outlined that would be available for future projects which, if employed, would be likely to reduce impacts below a level of significance.

I. PROJECT DESCRIPTION

The goals and objectives of the project, all discretionary actions required for project approval, and major project features will be discussed. This section will include a description of the proposed Code as well as the existing Code requirements and associated regulations and policies.

II. ENVIRONMENTAL ISSUES

A. Land Use

Issue 1: Will the proposal result in a conflict with the environmental goals, objectives and recommendations of the Progress Guide and General Plan?

Issue 2: Will the proposal result in a conflict with adopted environmental plans?

Issue 3: Will the proposal result in a land use which is inconsistent with adopted community plan land use designations or incompatibility with adjacent land uses?

Issue 4: Will the proposal result in land uses which are not compatible with aircraft accident potential as defined by a SANDAG Airport Land Use Plan?

The EIR will include an analysis of areas of potential conflict between the proposed Code and the adopted General Plan for the purpose of identifying potentially significant impacts on land use if the proposed Code is adopted.

The proposed Code includes Historical Resources Regulations and Environmentally Sensitive Lands Regulations. One of the actions proposed is the repeal of the current Resource Protection Ordinance to be replaced with the Environmentally Sensitive Lands Regulations as Chapter 14, Article 3, Division 1 and with the Historical Resources Regulations as Chapter 14, Article 3, Division 2 of the proposed Code.

As discussed briefly above, an underlying premise of the environmental analysis of the proposed project is that the City will adopt the Multiple Species Conservation Program. Through the creation of the proposed ultimate preserve system by each of the participating local jurisdictions and special districts, the overall desired effect of the MSCP would be the permanent conservation of 24 habitat types supporting 87 sensitive and listed species. Implementation of the measures in the MSCP would require land use policy and zoning changes.

Specifically, two implementing measures of the MSCP include: 1) creation of the OR-1-2 zone for lands within the MSCP biological preserve boundary; and 2) the mitigation required for losses of biological resources which occur outside the preserve boundary. The EIR shall include a discussion of the link between the MSCP and the LDC in terms of potential impacts on land use.

The EIR will include a general discussion of compatibility of permitted uses as proposed in the Code with applicable adopted environmental plans such as the San Dieguito River Park Plan, the Mission Bay Park Plan, the Los Penasquitos Park Master Plan and the adopted Local Coastal Program. In addition, the EIR will include a discussion of the conformance of permitted uses as proposed in the LDC with the environmental goals of adopted community plans.

The EIR will include an analysis of potential land use incompatibility between permitted uses as allowed in the proposed Code and adjacent uses or users. In addition, the EIR will include an analysis of the potential incompatibility with adopted airport land use plans.

The proposed project includes modification of regulations for previously conforming uses which would permit expansion of the use. The EIR will include analysis of the potential impacts on land use as a result of the proposed regulations.

B. Biological Resources

Issue 1: Will the proposal result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?

Issue 2: Will the proposal result in a substantial change in the diversity of any species of animals or plants?

Issue 3: Will the proposal result in interference with the movement of any resident or migratory fish or wildlife species?

Issue 4: Will the proposal affect the long-term conservation of biological resources?

Implementation of the proposed Code and the MSCP would result in loss of biological resources outside of the designated biological preserve as created by the MSCP. Within the boundary of the preserve, losses of biological resources would be strictly regulated and minimized. However, outside of the biological preserve boundary, losses of certain resources would be unlimited. These losses may be potentially significant in terms of: diversity; populations; invasion of exotic species in previously native areas and conversion of unique native plant populations; interference with the movement of fish or wildlife species; and general deterioration of existing fish or wildlife habitat.

C. Transportation/Circulation

Issue 1: Will the proposal result in an increase in projected traffic which is substantial in relation to the capacity of the street system?

Issue 2: Will the proposal result in effects on existing parking or in an increased demand for off-site parking?

Issue 3: Will the proposal result in alterations to present circulation movements including effects on existing public access to beaches, parks or other open space areas?

If development occurs, it will occur subject to the proposed regulations and traffic will be generated. Thus if development occurs there will

be more traffic than under current conditions. The EIR will include a discussion addressing the issue of whether the additional traffic is the result of implementation of the new Code. In addition, the EIR will include a discussion of the potential effect of the proposed Coastal regulations on beach access. Because the proposed project includes parking regulations that may effect existing parking, the EIR will address this issue.

D. Cultural Resources

Issue 1: Will the proposal result in the alteration or the destruction of a prehistoric or historic archaeological site?

Issue 2: Will the proposal result in adverse physical or aesthetic effects to a prehistoric, historic or architecturally significant building, structure, object or site?

Issue 3: Will the project result in any impact to existing religious or sacred uses within the potential impact area?

The proposed Historical Resources Regulations permit up to 25 percent encroachment into any Important Archaeological Site in order to achieve a reasonable development area. In addition, essential public service projects may encroach up to 40 percent into Important Archaeological Sites. These provisions could result in potentially significant losses of cultural resources. Although the regulations include compensation for the losses, the issue should be addressed as to whether the compensation as required by the regulations would reduce the potentially significant impact to below a level of significance.

The proposed Historical Resources Regulations permit substantial alteration, demolition, destruction, removal or relocation of Class II Historical Resources including buildings, structures, objects, landscapes and significant archaeological sites. These provisions could result in potentially significant losses of cultural resources. Such activities may occur when the loss is considered to be fully compensated according to measures provided in the regulations. The issue should be addressed as to whether the compensation as required would reduce the potentially significant impact to below a level of significance.

E. Neighborhood Character/ Aesthetics

Issue 1: Will the proposal result in substantial alteration to the existing character of the area?

Issue 2: Will the proposal result in a substantial change in topography or ground surface relief features? Will the proposal result

in the loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop or hillside with a slope in excess of 25 percent?

Issue 3: Will the proposal result in project bulk, scale, materials or style which will incompatible with surrounding development?

Issue 4: Will the proposal result in the obstruction of any vista or scenic view from a public viewing area?

The proposed Code includes development regulations for steep hillsides. The regulations permit loss of up to 25 percent of steep slope relief on a premises for private development projects, and up to 40 per cent loss of steep slope relief on sites to be used for major public facilities. There could be 100 percent loss of steep slopes on small-lot single-unit zoned property. The EIR should present an analysis of the impact of the regulation with regard to retention of local natural landforms which are elements of the regional character.

The proposed project regulates elements of development that affect bulk, scale and character. While the intent of incorporating regulation of such features into the Code is to streamline the permitting process and increase predictability, the EIR will address whether neighborhood character and aesthetics would nevertheless be potentially adversely affected.

F. Water Conservation

Issue: Will the proposal result in landscaping which is predominantly non-drought resistant vegetation or in the use of excessive amounts of water?

The EIR will analyze whether the proposed project result in the potential for wasteful use of water, particularly related to landscaping?

G. Paleontological Resources

Issue: Will the proposal result in the loss of paleontological resources?

The proposed Code and related guidelines do not include provisions for the protection or conservation of paleontological resources. How these resources would be affected by implementation of the proposed Code will be discussed.

H. Natural Resources

Issue 1: Will the proposal result in the conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

Issue 2: Will the proposal result in the prevention of future extraction of sand and gravel resources?

The EIR will provide an analysis of whether sand and gravel extractive operations would be affected by application of the regulations relating to biological resources, historical resources, or steep hillsides? The analysis will also address whether proposed regulations would restrict extractive processes such that there would be a significant impact on supplies of materials for construction projects in San Diego?

The EIR will address how implementation of the proposed project would affect agricultural lands and whether application of proposed zones would preclude agricultural use or significantly reduce the amount of overall land on which agriculture would be a long-term permitted use.

J. Human Health and Public Safety

Issue: Will the proposal result in creation of any health hazard or potential health hazard (excluding mental health) or in the exposure of people to potential health hazards?

The EIR will present an analysis of human health or public safety issues related to permitted or conditional uses in terms of potential sensitive receptors and incompatibility with adjacent land uses.

As mentioned above, it is unlikely that this EIR will provide specific mitigation measures because it is essentially a program EIR. If mitigation measures are identified, they will be discussed and their effectiveness assessed in each issue section of the EIR. If mitigation measures are attached as conditions of project approval, a monitoring and reporting program for each mitigation measure must be included. (As mentioned above, it is unlikely that this EIR will have such measures because it is essentially a program EIR). At a minimum, this program will identify: 1) the department responsible for the monitoring; 2) the monitoring and reporting schedule; and 3) the completion requirements.

III. MANDATORY DISCUSSION AREAS

In accordance with CEQA Section 15127, the EIR must include a discussion of any significant irreversible environmental changes which would be involved in the proposed action should it be implemented.

A separate section of the EIR will include a brief discussion of why certain areas were not considered to be potentially significant.

IV. GROWTH INDUCEMENT

As required by CEQA Guidelines section 15126(g), the EIR discuss the ways in which the proposed Code could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment and whether implementation of the proposed Code will remove obstacles to growth.

V. CUMULATIVE EFFECTS

The cumulative effects of the project will be discussed in a separate section. The potential cumulative effects of the proposed Code would result as various elements were implemented by future projects. For example, there will be a discussion of the cumulative effects on cultural resources and biological resources which are likely to result as the proposed regulations are implemented by future projects. There may be potentially significant cumulative effects on the visual character of the City as a result of the proposed project. If the cumulative impacts are determined to be significant, the EIR will include alternatives to reduce or avoid the impacts.

VI. ALTERNATIVES

The EIR will place major attention on reasonable alternatives which avoid or mitigate the project's significant impacts. Alternatives, other than No Project, will address alternative methods of achieving the project goals in a way that reduces or avoids significant impacts that would result from the proposed project. A discussion of alternatives considered but rejected will be provided.

A. No Project Alternatives

1. No Project

The DEIR will discuss the environmental consequences of the City Council's not adopting in full the proposed Land Development Code and not taking the associated actions including repeal and amendment of specified sections of the Municipal Code and supporting land use planning and development guidelines and policies.

2. Partial No Project

The DEIR will present a discussion of the environmental consequences of the City Council's not adopting the portion of the proposed Code which would implement the MSCP. Since the proposed project presumes adoption of the MSCP, this alternative would analyze the effect of not implementing measures that are necessary to make the MSCP successful and retaining the existing Resource Protection Ordinance. For example, if the proposed project is not adopted, the private land mitigation requirement, intended as a mechanism for land contribution to the MSCP preserve, would not be effected. The EIR will include a discussion of the impacts on land use and biological resources if the implementing measures for the MSCP are not effected by adoption of the proposed project.

B. Alternative Sensitive Lands Regulations

Alternative Sensitive Lands Regulations to replace the current Resource Protection Ordinance will be presented as an alternative measure to protect sensitive resources if the portion of the proposed project to implement the MSCP is not adopted (that is, the Environmentally Sensitive Lands Regulations). In otherwords, if the Environmentally Sensitive Lands Regulations are not adopted, this would provide the decision makers with an alternative for protection of sensitive resources other than retaining the existing Resource Protection Ordinance. The Alternative Sensitive Lands Regulations could be adopted to replace the existing Resource Protection Ordinance.

C. Alternative Language for Specific Sections of the Proposed Project

Certain of the proposed regulations and guidelines may result in significant impacts on the environment. The EIR will present for those regulations and guidelines alternative language which would avoid significant impacts or reduce them below a level of significance. If possible the alternative language will be drafted to still acheive the goals of the regulation or guideline. Thus, this overall project alternative will consist of subsets: the language in the project reflecting regulations and guidelines which, if implemented, would result in significant impacts; and alternatives to that language which would reduce or avoid those impacts.

Navajo Community Planners Inc.

P.O. Box 600304, San Diego, CA 92160

September 18, 1996

Janet K Baker
Environmental Planner
City Development Services Department
1222 First Avenue, 5th Floor, MS 501
San Diego, CA 92101

RECEIVED
SEP 19 1996
DEVELOPMENT SERVICES

Dear Ms. Baker:

Navajo Community Planners Inc. (NCPI) submits the following comments regarding the Zoning Code Update - Notice of Preparation of a Draft Environmental Impact Report (LDR No. 96-03333). This recommendation was unanimously approved by the NCPI Board at their September 16th meeting.

NCPI recommends the following addition to the Land Use Environmental Issues addressed in the final Zoning Code Update EIR:

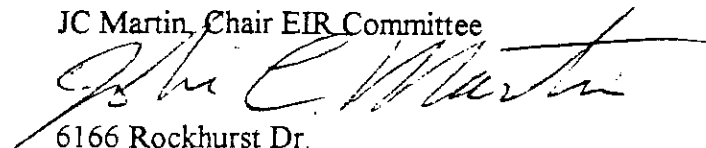
Will the proposed Zoning Coded Update result in a conflict with current uses and enjoyment of property under current zoning laws? (i.e., Are current property owners and users required to make changes to property improvements or operations due to this proposal?)

If you have any questions or concerns regarding this recommendation please contact:

Art Pion, President NCPI
7207 Birchcreek Rd.
San Diego, CA 92119
461-4019

or myself,

JC Martin, Chair EIR Committee


6166 Rockhurst Dr.
San Diego, CA 92120
696-4469



UNITED STATES BORDER PATROL

SAN DIEGO BORDER PATROL SECTOR

POST OFFICE BOX 439022

SAN DIEGO, CALIFORNIA 92143 - 9022

SDC 10/9.4

September 9, 1996

Janet K. Baker, Environmental Planner
City Development Services Department
1222 First Avenue, 5th Floor, MS 501
San Diego, CA. 92101

Dear Ms. Baker:

The United States Border Patrol, San Diego Sector in particular, has engaged in several operations since October 1994 to greatly decrease the influx of illegal immigrants entering the United States. Our goals are being accomplished by increased personnel and resources needed to control the miles of border. Important weapons in the enhanced enforcement effort are installation of high power lighting, re-enforced fencing, and immediate patrol access to open terrain adjacent to the border.

In reference to the Land Development/Zoning Code Update, the Border Patrol has a major interest in maintaining the proper zoning of the land, specifically commercial/industrial construction, immediately north of the International Boundary. We respectfully request your consideration of a buffer zone of not less than 150 feet contiguous to the border. Control of the border is dependent upon rapid access and proper zoning.

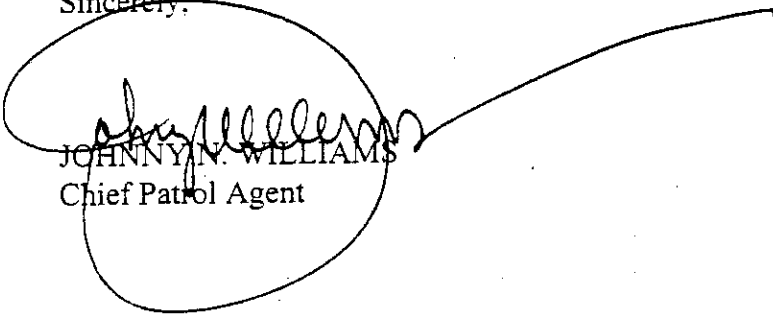
Construction of residential communities proximate to the border will impede our federal law enforcement efforts, causing an increase in illegal immigration and presenting safe havens for covert smuggling and other criminal activities. Maintaining a buffer zone would directly support our continued efforts to discourage illegal immigration and crime in the border area and contribute to the safety of the surrounding communities and the city as a whole.

Land Development/Zoning Code Update
Page 2 of 2

Thank you for allowing us to respond to your Notice. We would appreciate an update of all negotiations in this matter and would like to participate as a consulting partner in zoning and planning efforts in the border areas.

Please contact Assistant Chief Patrol Agent, William F. Pink if you have any questions or concerns in this matter.

Sincerely,



JOHNNY N. WILLIAMS
Chief Patrol Agent



SAN DIEGO CITY SCHOOLS

EDUCATION CENTER • 4100 Normal Street, San Diego, CA 92103-2682 •

(619) 293-8066

Fax (619) 294-2625

FACILITIES SERVICES DEPARTMENT

Land and Facilities Planning

Annex 2, Room 101

September 10, 1996

Ms. Janet K. Baker
Environmental Planner
City Development Services Dept.
1222 First Avenue, 5th Floor, MS 501
San Diego, CA 92101

Dear Ms. Baker:

Subject: Notice of Preparation of a Draft
Environmental Impact Report

We are in receipt of the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) relating to the zoning code update. According to the NOP, the amendments to the zoning code could have significant impact on land use.

The impact of land use decisions by the city is reflected in the need for public facilities, including new schools to serve children from residential developments. Any analysis of land use regulations, including density and type of residential development, should include an analysis of the need for school facilities to serve those developments.

Please provide this office with a copy of the draft EIR to review when it is available. Thank you for your assistance.

Sincerely,


Mel Roop
Assistant Director

MGR:mb

c: Tom Calhoun

L093-96/NOP City zoning



September 5, 1996

Ms. Janet K. Baker
City of San Diego, Dev. Ser. Dept
1222 First Avenue, 5th Floor, MS 501
San Diego, Ca. 92101

Subject: Notice of Preparation (NOP) for Land Development/Zoning Code Update DEIR

Dear Ms. Baker:

The purpose of this letter is to provide input in connection with the scope and content of the subject DEIR. We recommend that an additional category be added under Item II.. Environmental Issues as follows:

K. Electric/Natural Gas Utilities

- Issue 1: Will the proposal result in an increase in the consumption of electric/natural gas utilities.
- Issue 2: Will the proposal result in a decrease in the incident of electric/natural gas utilities conservation.
- Issue 3: Will the proposal impede the ability for electric/natural gas utilities to be provided to residential, commercial and industrial communities.

Thank you for the opportunity to comment on this NOP.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted James", is written over a horizontal line.

Ted James
Land Planner
696-2431



County of San Diego

TOM GARIBAY
DIRECTOR
(619) 694-2212
FAX: (619) 268-0461
LOCATION CODE S50

DEPARTMENT OF PUBLIC WORKS

5555 OVERLAND AVE, SAN DIEGO, CALIFORNIA 92123-1295

COUNTY ENGINEER
COUNTY AIRPORTS
COUNTY ROAD COMMISSIONER
TRANSIT SERVICES
COUNTY SURVEYOR
FLOOD CONTROL
WASTEWATER MANAGEMENT
SOLID WASTE

August 29, 1996

Mr. Lawrence C. Monserrate
Principal Planner
City of San Diego
Development Services Department
1222 First Avenue, Mail Station 501
San Diego, CA 92101

Dear Mr. Monserrate:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR),
LAND DEVELOPMENT/ZONING CODE UPDATE, LDR NO. 96-0333.

The County Department of Public Works (DPW) has reviewed the above referenced Notice of Preparation of a Draft Environmental Impact Report (EIR) dated August 15, 1996, and received August 16, 1996. The following comments are provided for your consideration.

Traffic/Circulation

1. The Draft EIR should address the County Circulation Element of Roads and Bicycle Network.
2. The County Level of Service Standards should be used for defining project impacts to County Circulation Element roads. The County has established Level of Service "C" or better as the standard for operation of County Circulation Element roads. Mitigation, if required, should reflect these standards.
3. The Draft EIR should include tables and map exhibits displaying existing traffic, project traffic, existing plus project traffic, buildout traffic, and per cent traffic splits to all existing and future County Circulation Element roads and other roads in the unincorporated area. The buildout year is approximately 2015.
4. The Draft EIR should incorporate SANDAG traffic generation rates. The County does not accept the SANDAG trip rate reduction for "PASS-BY."

Mr. Monserrate

-2-

August 29, 1996

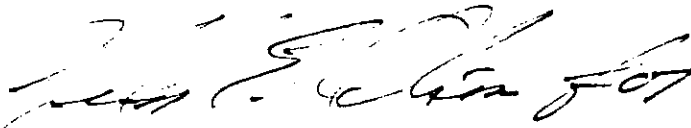
5. Provide traffic mitigation measures as necessary for any identified traffic impacts to County Circulation Element roads and other roads in the unincorporated area.

Trails

The Draft EIR should address impacts on, provisions for, and/or mitigation regarding the County Regional and Community Plan Trail Systems.

If you have any questions, please call Robert Hoglen of Route Locations at (619) 694-3244.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David S. Solomon", is written over the typed name.

DAVID S. SOLOMON, Deputy Director
Department of Public Works

DSS:DDS:jjb

cc: Robert Hoglen (0336)

September 3, 1996

Janet K. Baker, Environmental Planner
City Development Services Department
1222 First Avenue, 5th Floor, MS 501
San Diego, CA 92101

DEVELOPMENT SERVICES

SEP 05 1996
RECEIVED

Re: Notice of Preparation (NOP) for Land Development/ Zoning Code Update (ZCU) Environmental Impact Report (EIR)

Dear Ms. Baker:

Thank you for the opportunity to comment on the adequacy, scope and content of the NOP for the above project, which encompasses far more than simplifying and condensing the current Zoning Code. I was particularly happy to see that categorical exclusion of coastal development from the need for a Coastal Development Permit is being included for review, since the Negative Declaration previously submitted was totally inadequate in discussing the environmental impacts of such an action!

I have compared this document with my copy of the Initial Study Checklist for Environmental Analysis and I find some pertinent environmental issues missing. On Page 2, under A. Land Use, issue 1, why were the words "and the adopted community plan" omitted?

On page 4, under Biological Resources, why is the issue of the introduction of invasive species of plants omitted? Also, the checklist deals with more issues such as "Will the proposal result in an impact on a sensitive habitat, including, but not limited to streamside vegetation, oak woodland, vernal pools, coastal salt marsh, lagoon, wetland, or coastal sage scrub or chaparral?" and "Will the proposal result in deterioration of existing fish or wildlife habitat"? Why were these omitted?

Also on pages 4 and 5, Issue 1, why were the words "or in excess of specific/community plan allocation" omitted? Also, the issue of "Will the proposal result in substantial impact upon existing or planned transportation systems?" though similar, is not the same as those cited. "Will the proposal result in an increase in traffic hazards to motor vehicles, bicyclists or pedestrians?" is also important, particularly in relation to categorical exclusion of Coastal Development Permits for single unit homes in the Coastal Area.

In fact, the whole issue of transportation in relation to categorical exclusion of single unit homes, particularly the remodeling and additions to such is a major issue. How many houses in the Coastal Area will be affected by Categorical Exclusion? Unless a count is made of the homes affected, the extent of the impacts cannot be determined. In time, all of these smaller homes, previously built under more stringent floor area ratios, will either be demolished or enlarged without public review. Since home owners are allowed two lodgers without permits, and at least two or more cars can be expected from each bedroom added, how will this affect transportation and parking in the Coastal Area? Additional noise and deteriorating air quality also should be addressed in relation to categorical exclusion.

In Section E. Neighborhood Character/Aesthetics, on pages 5 and 6, why are the following not included? "Will the proposal result in the creation of a negative aesthetic site or project?" and "Will the proposal result in the loss of any distinctive or landmark tree(s), or a stand of mature trees?"

Why were the impacts of steep slopes on small lot single unit zoned property, and protection of paleontological resources ignored in the ZCU or related documents?

Section H. Natural Resources, brought to mind the discussion of an issue which was presented early in the preparation of the ZCU; namely, the purchase of open space lands containing valuable biological resources by large scale developers, the conversion of this land to agricultural resources which immediately removes these significant biological resources, and the subsequent conversion of these "tomato fields" to large housing developments! Somewhere in the Zoning Code Update, this issue should be addressed!

Under Section J. Human Health and Public Safety on Page 7, the issue of the risk of explosion or release of hazardous substances is ignored. Some changes in the zoning areas themselves may invite such risks.

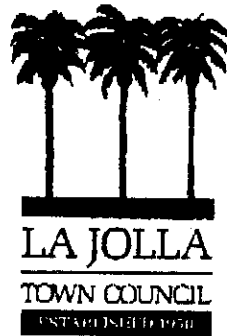
Also missing are issues concerning "Hydrology/Water Quality", "Noise", "Light, Glare and Shading" (particularly in the categorically excluded coastal areas), "Recreational Resources", and along with "Growth Inducement" are the issues of "Population", "Housing", "Public Services", "Utilities", and "Energy" all of which play a major part in zoning codes for land usage.

Thank you for your attention to these matters.

Sincerely yours,



Opal Trueblood
13014 Caminito del Rocio
Del Mar, CA 92014-3606



CITY OF SAN DIEGO
Development Services Department
1222 First Avenue, 5th Floor
San Diego, CA 92101
Attn: Ms. Janet K. Baker

September 15, 1996

VIA FACSIMILE

Re: Comments on Notice of Preparation of Draft EIR for the Zoning Code Update

Dear Ms. Baker:

The Trustees of the La Jolla Town Council voted unanimously at its September 12, 1996 meeting to submit the following comments and concerns of its Land Use Committee regarding the proposed EIR for the Zoning Code Update.

1. Requirements of Specificity for Program EIRs under CEQA. Because the city believes this is "essentially a program EIR" the city must adhere to the CEQA Guidelines for such a project. The language used in the NOP appears to state that the city will likely be deferring all mitigation to subsequent, individual projects. This may be improper and unacceptable. CEQA Guidelines Section 15168(b)(4) states that a Program EIR can provide the advantage that the lead agency can "consider broad policy alternatives *and programwide mitigation measures* at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (emphasis added). See also 15168(c)(3). Moreover, the creation of post-approval mitigation measures is not in compliance with caselaw. Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296. How does the City specifically plan to fall within these review parameters?

2. Scope of the EIR in anticipation of the Third Draft of the Code. It is our understanding that the Third Draft of the Code has not yet been released. Thus, it may be premature for this NOP to have been noticed in light of the nonsegmentation mandate of CEQA. The Committee requests that any revisions in this third draft are adequately revisited in the EIR before the EIR is released for public review. Piecemealing such an important document is both confusing and unacceptable. *Conformance* to La Jolla's Local Coastal Program must also be specifically addressed.

3. Need for a Complete Assessment of Cumulative Effects. Particularly, how will the proposed categorical exclusions within the Coastal Zone lead to cumulative adverse impacts to potentially historic resources and neighborhood character in violation of the La Jolla Community Plan and its Statement of Overriding Considerations requiring a complete survey of such resources? To avoid such comprehensive analysis may be both a procedural and substantive violation of CEQA. Also, as redevelopment and infilling occur, adherence to parking requirements in the PDO areas

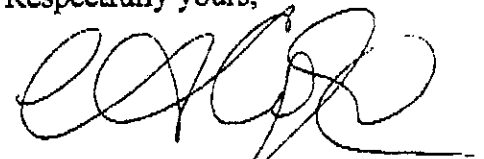
must be directly addressed and enforcement mechanisms employed.

4. Revisions or Deletions of Ordinances may Equate to Loss of Previously Imposed Mitigation. How proposed modification of existing planning and zoning "support documents" will specifically undermine past mitigation measures must be carefully examined. Included should be accurate and recent mapping of private and public open spaces in La Jolla and a complete explication of how they will interface with the MSCP's language regarding unlimited losses outside of the preserves. La Jolla is underparked and cannot suffer additional open space encroachments. How will the new "open space zone" specifically protect these unique resources? La Jollans are particularly concerned because many of the "support documents" slated for revision apply to our community. As the underlying premise for environmental analysis has been the assumption that MSCP will be adopted, what provision will be enacted if this premise fails to be realized? Loss of steep hillsides, for example, is unacceptable.

5. Need for City to Abide to Elements of its own General Plan. The Code is merely *one of the tools* used to implement the Progress Guide, General Plan, and Community Plans, which establish the pattern and intensity of land use throughout the city. The Committee asks that the City revisit the following Elements of its General Plan: Recreation, Open Space, Conservation, and Urban Design. In the hierarchy of planning, the General Plan is supposed to drive the zoning, not the reverse, even in a Charter City. We would like the City to explain how the Code will be consistent with the goals articulated in its Plan.

Thank you for the opportunity to comment. The Committee looks forward to your specific responses.

Respectfully yours,



Courtney Coyle, Chair
Land Use Committee
619-454-8687

cc: California Coastal Commission

City of San Diego
MEMORANDUM

FILE NO.: MEMO.222

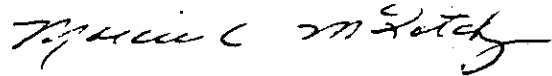
DATE: September 13, 1996

TO: Janet Baker, Environmental Planner, Development Services Department

FROM: Marcia C. McLatchy, Park and Recreation Director

**SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
FOR LAND DEVELOPMENT/ZONING CODE UPDATE**

In response to the Notice of Preparation of an Environmental Impact Report for Land Development/Zoning Code Update, we have reviewed the subject document and have no comments at this time.



MARCIA C. MCLATCHY

NA:JH:mfb

cc: Jeff Harkness, Senior Park and Recreation Planner, Park Development and Open Space Division, MS 804A
Stan Fye, Park and Recreation Project Assistant, Park Development and Open Space Division, MS 35

DEPARTMENT OF FISH AND GAME

Region 5

330 Golden Shore, Suite 50
Long Beach, California 90802

September 9, 1996

RECEIVED
SEP 16 1996
DEVELOPMENT SERVICES

Ms. Janet K. Baker, Environmental Planner
City Development Services Department
1222 First Avenue, 5th Floor, MS 501
San Diego, California 92101

Dear Ms. Baker:

Notice of Preparation of Draft Environmental Impact Report
Land Development/Zoning Code Update
San Diego County

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced project, relative to impacts to biological resources. To enable Department staff to adequately review and comment on the proposed project, we recommend the following information be included in the Draft Environmental Impact Report:

1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
 - a. A thorough assessment of rare plants and rare natural communities, following the Department's May 1984 Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (Attachment 1).
 - b. A complete assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.
 - c. Rare, threatened, and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, § 15380).
 - d. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including

Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.
 - a. CEQA Guidelines, § 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts should be analyzed relative to their effects on off-site habitats. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.
 - c. A cumulative effects analysis should be developed as described under CEQA Guidelines, § 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - d. The document should include an analysis of the effect that the project may have on completion and implementation of regional and/or subregional conservation programs. Under § 2800- § 2840 of the Fish and Game Code, the Department, through the Natural Communities Conservation Planning (NCCP) program, is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity. Coastal sage scrub is the first natural community to be planned for under the NCCP program. The Department recommends that the County ensure that the development of this and other proposed projects do not preclude long-term preserve planning options and that projects conform with other requirements of the NCCP program. Jurisdictions participating in the NCCP should assess specific projects for consistency with the NCCP Conservation Guidelines. Additionally, the jurisdictions should quantify and qualify: 1) the amount of coastal sage scrub within their boundaries; 2) the acreage of coastal sage scrub habitat removed by individual projects; and 3) any acreage set aside for mitigation. This information should be kept in an updated ledger system. These issues must be addressed in an Environmental Impact Report per CEQA Guidelines, § 15065 and § 15380.

3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
 - a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be addressed.
 - b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts (Attachment 2).
 - c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
4. If the project has the potential to adversely affect species of plants or animals listed under the California Endangered Species Act (CESA), either during construction or over the life of the project, a CESA-Memorandum of Understanding (CESA-MOU) must be obtained under §2081 of the Fish and Game Code. CESA-MOU's are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA-MOU.
 - a. Biological mitigation proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA-MOU.
 - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
5. The Department opposes the elimination of watercourses and/or their channelization or conversion to subsurface drains. All wetlands and watercourses, whether intermittent or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
 - a. The Department has direct authority under Fish and Game Code §1600 et. seq. in regard to any proposed activity which would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any river, stream, or lake. Early consultation is recommended, since modification of

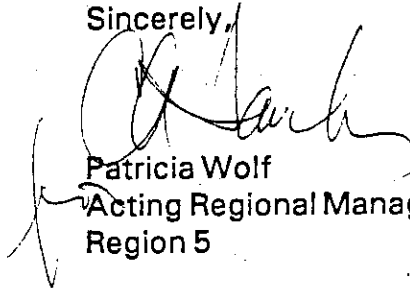
the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

- b. A discussion of potential adverse impacts from any increased runoff, sedimentation, soil erosion, and/or urban pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts must be included.

The Department holds regularly scheduled pre-project planning/early consultation meetings. To make an appointment, please call our regional office at (310) 590-5137.

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Tim Dillingham, Wildlife Biologist, (619) 467-4204.

Sincerely,



Patricia Wolf
Acting Regional Manager
Region 5

Attachments

cc: See attached list

Ms. Janet Baker
September 9, 1996
Page Five

cc: Mr. Tim Dillingham
Department of Fish and Game
San Diego, California

Mr. Randy Botta
Department of Fish and Game
San Diego, California

Mr. Jim Dice
Department of Fish and Game
Borrego Springs, California

Mr. Alex Vejar
Department of Fish and Game
San Diego, California

Ms. Terri Stewart
Department of Fish and Game
San Diego, California

Ms. Terri Dickerson
Department of Fish and Game
Laguna Hills, California

U.S. Fish and Wildlife Service
Carlsbad, California

U.S. Army Corps of Engineers
Los Angeles, California

State Clearinghouse
Sacramento, California



San Diego County Archaeological Society

Environmental Review Committee

September 8, 1996

To: Ms. Janet K. Baker, Environmental Planner
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Notice of Preparation of a Draft Environmental Impact Report
Land Development/Zoning Code Update
DEP No. 96-0333


Dear Ms. Baker:

Thank you for the subject Notice of Preparation, received by this Society last month.

We are pleased to note the inclusion of cultural resources in the list of issues to be addressed in the DEIR for this project. We look forward to the opportunity to review the DEIR and the supporting cultural resources documents when the public review period begins.

The San Diego County Archaeological Society appreciates being included in the City's environmental review process for this important project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
file



U.S. Department of Justice
Immigration and Naturalization Service

HQENG 10/9.2.6

425 I Street NW.
Washington, DC 20536

SEP - 3 1996

Janet K. Baker, Environmental Planner
City Development Services Department
1222 First Avenue, 5th Floor, MS 501
San Diego, California, 92101

Dear Ms. Baker:

This is in response to the Notice to Prepare a Draft Environmental Impact Report for the proposed land development code for the City of San Diego. We have reviewed the notice and have no comments.

Sincerely,

Richard Diefenbeck, Director
Headquarters Facilities and
Engineering Division
Office of Administration

Response to Navajo Community Planners, Inc.

Property owners and land users would not be required to make changes to their current property conditions or operations pursuant to the new regulations. Once the new regulations are adopted, projects that enter the system will be subject to the new regulations.

Response to United States Border Patrol

The purpose of the environmental review process is to analyze the potential impacts of a proposed project and present alternatives that would avoid or reduce those that are considered to be potentially significant. The addition of a buffer zone would be a revision to the proposed project. Such a modification could be suggested to the city's decision makers either through the public hearing process or through written communications directly to the Planning Commission and the City Council members. For more information on making those communications, please contact the project manager, Kelly Broughton, at 236-5932.

Response to San Diego City Schools

The proposed project is an update of the land development, building, zoning and subdivision sections of the Municipal Code. No changes in density or type of allowable residential development is proposed.

Response to San Diego Gas & Electric

The project does not include changes to the General Plan or community plans that would amend the type, location or density of development in the city. The project would not have an effect on the consumption of electric/natural gas utilities.

Response to the County of San Diego Department of Public Works

The project does not propose any changes to the City of San Diego Progress Guide and General Plan. There would be no changes to the Circulation Element. The city's project would have no effect on the County's Circulation Element or the County's Bicycle Network. Since there would be no changes to the Circulation Element, and development patterns and density would not be changed, there will be no analysis of impacts to County roads.

Responses to Opal Trueblood

The proposed project is citywide: a level equivalent to the General Plan. Adopted community plans replace and modify the level of detail in the General Plan. Since the proposed project is analyzed at an equivalent level with the General Plan, language in the initial study/NOP was consistent with this approach.

The potential effects of the proposed project on the biological resources mentioned in the comment will be fully addressed in the DEIR under the issue statements that are identified in the NOP.

The project does not propose changes to development patterns or intensity. The project is a citywide project at the same level as

the General Plan. The project does not propose changes to the Street Design standards. In and of itself, the project would not generate trips. It is not anticipated that more trips would be generated than already accounted for in circulation elements of adopted land use plans. However, the DEIR will provide an analysis of the potential for impacts to traffic circulation and parking, as identified in the NOP under the Transportation/Circulation category.

The DEIR will identify where implementation of the project could result in unaesthetic projects or the loss of landmark stands of trees under the issue statements that are identified in the NOP.

An analysis of impacts to steep slopes and paleontological resources will be provided in the DEIR.

The comment regarding Natural Resources relates more to the scope of the proposed project than to the scope of the DEIR.

Through the Initial Study and scoping process, it was not apparent that risk of explosion or release of hazardous substances would be an area of potentially significant impacts related to the proposed project. Human health and public safety impacts related to vectors, electromagnetic fields and marine uses will be addressed.

Growth inducement is addressed in a separate chapter of the DEIR. The other issue areas may be addressed in the cumulative impacts section, or they are issues that were found not to be significant. Explanations of such determinations will be included in the DEIR.

Responses to the La Jolla Town Council

There are no associated actions for specific projects to which mitigation measures could be attached as conditions. In order to be effective and enforced, mitigation measures must be attached as conditions and be able to be monitored. Therefore, the decision makers have the option, pursuant to CEQA, to either adopt alternative language which would reduce or avoid identified impacts; or to make the required Findings and to adopt a Statement of Overriding Considerations if significant impacts are identified.

The analysis presented in the DEIR is based on the "third draft" of the Land Development Code.

A cumulative analysis consistent with CEQA will be presented in the DEIR. Past mitigation measures will be affected by the proposed project. Biological impacts both within and outside the draft MSCP proposed preserve area will be analyzed. An alternative that discusses the scenario of the City of San Diego MSCP subarea plan not being adopted will be provided.

The DEIR will address the consistency of the project with the environmental goals of the General Plan and community plans citywide.