

## 5.0 IMPLEMENTATION

To implement the San Diego River Park Master Plan, both private and public landowners will need to partner and invest in the river valley. This partnership between private and public entities must remain solid and active to ensure the success and vitality of the San Diego River Park. The five principles of the Master Plan (Restoring and maintaining a healthy river; Unifying a healthy habitat; Creating a connected continuum along the river pathway; Interpreting the river valley history; and Reorienting development toward the river to create value and opportunities for people to embrace the river) should serve as the guide for implementation decisions. Within the following implementation section, these principles are translated into an implementing framework: implementation tools; maintenance, management and security; and public outreach and education. The implementing framework gives a summary of the river reaches, how closely they meet the Master Plan principles and what still needs to be accomplished. The implementation tools section identifies potential funding sources on federal, state, and local levels, development tools, and required government approvals. Of equal importance are maintenance, management, and security for the river park. These programs can be developed through permit requirements, special maintenance districts, a ranger program, donations, youth corps and/or the “Adopt a River” program. Looking to the future, this Master Plan must also consider public outreach and education as a long term approach to sustain commitment to the river park.

## 5.1 Implementing Framework

The following Implementing Framework table briefly describes, in the year 2012, how the five principles have been implemented in the six reaches of the river, and shows where future improvements are needed from private and public landowners.

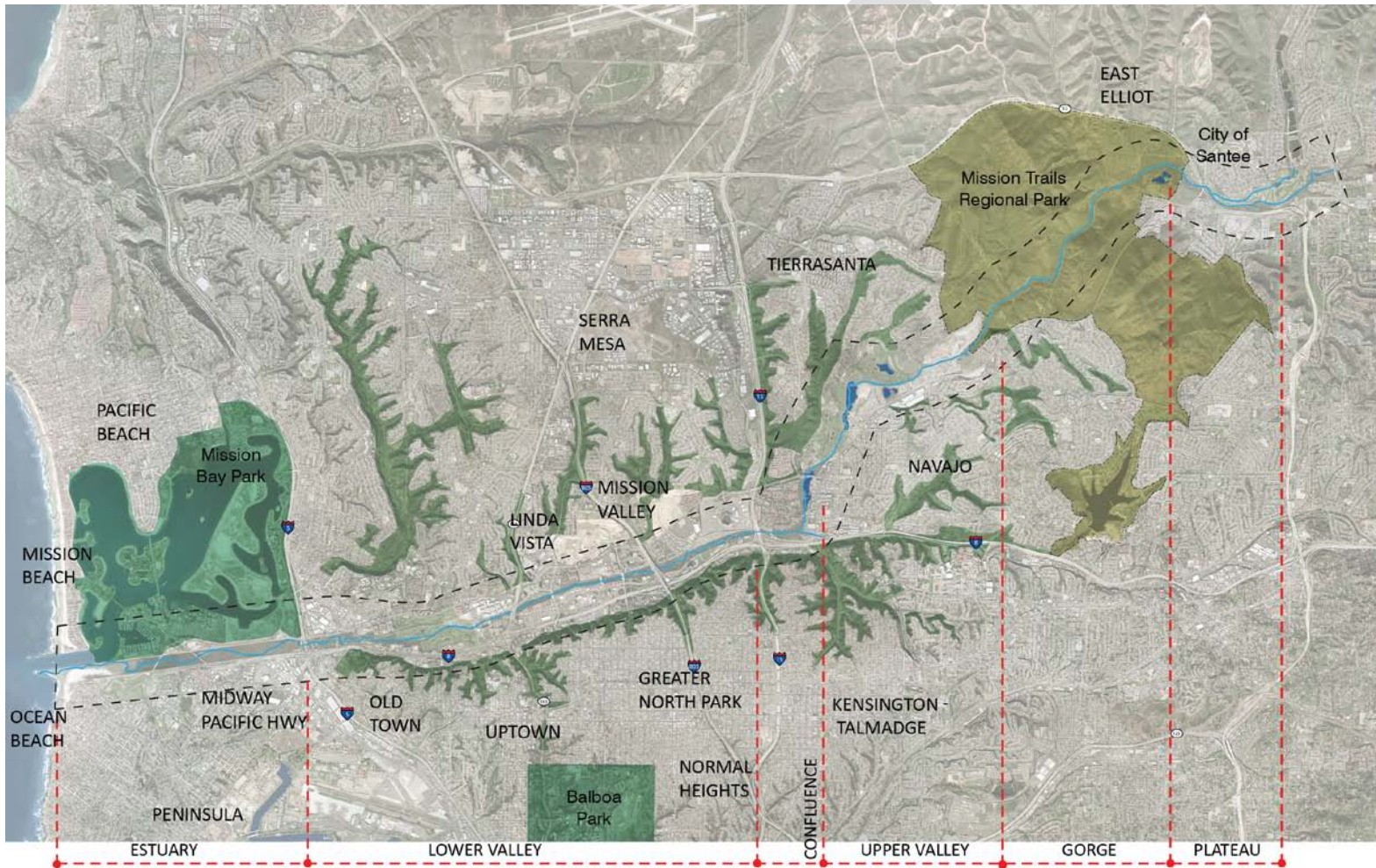


Figure 9. San Diego River Reach Implementing Framework

<b>PRINCIPLE/ RIVER REACH</b>	<b>RIVER HYDROLOGY</b>	<b>RIVER HABITAT</b>	<b>RIVER PATHWAY</b>	<b>INTERPRETIVE PROGRAM</b>	<b>ORIENTATION TO THE RIVER</b>
<b>ESTUARY (Public Ownership)</b>	Existing man-made channel to remain	On-going maintenance and litter reduction is needed	Pathway is primarily complete	Enhance with additional signs on the river's history	No new development anticipated
<b>LOWER VALLEY (Public and Private Ownership)</b>	River channel improvements anticipated through redevelopment	Exotic and Non-native plant removal and restoration of native habitat and litter reduction is needed	Pathway is incomplete and approximately 2.5 to 3.5 miles are needed through public and private land. Potential easements may be needed on private land	Provide signs on the river's history along the River Pathway, outlooks and key historic areas	Infill Development and redevelopment to provide new orientation to the river
<b>CONFLUENCE (Public and Private Ownership)</b>	River channel contains old mining ponds; improvements anticipated through redevelopment	Exotic and Non-native plant removal and restoration of native habitat needed	Pathway is incomplete and approximately 1.5 to 2.5 miles are needed through public and private land. Potential easements may be needed on private land	Provide signs on the river's history along the River Pathway, outlooks and key historic areas	Infill Development and redevelopment to provide new orientation to the river
<b>UPPER VALLEY (Public and Private Ownership)</b>	River channel is constrained; improvements anticipated through redevelopment	Exotic and Non-native plant removal and restoration of native habitat needed	Pathway does not exist, approximately 2.6 to 3.6 miles needed through potential easements on private land	Provide signs on the river's history along the River Pathway, outlooks and key historic areas	Infill Development and redevelopment to provide new orientation to the river
<b>GORGE (Public Ownership)</b>	Existing natural channel to remain	On-going maintenance needed	Pathway is not complete on the west and east end, approximately 1 -1.5 miles are needed on public land	Enhance with additional interpretive signs on the river's hydrology, habitat and history	No new development anticipated
<b>PLATEAU (Public and Private Ownership)</b>	River channel is constrained by Highway 52 and existing Golf Course; If Golf Course redevelops the channel could be improved	Exotic and Non-native plant removal and restoration of native habitat needed	Pathway does not exist, approximately 1.4 to 2 miles needed through public and private land. Potential easements may be needed on private land	Provide signs on the river's history along the River Pathway, outlooks and key historic areas	Infill Development and redevelopment to provide new orientation to the river

Implementing Framework Table

## 5.2 Implementation Tools

The implementation tools listed below are different means of achieving the Master Plan vision and five principles. Private or public projects will require the use of several tools working together depending on the type of development or redevelopment that is pursued and the area's context. Although comprehensive, the following list of tools is not complete, and over the next 20 years the implementation tools could change and projects will need to respond to new funding sources, development strategies and government approvals.

### 5.2.1 FUNDING SOURCES

Funding to implement the Master Plan will come through public and private sources as development and redevelopment occurs. Numerous grants are available from federal, state, local and private entities to provide assistance with the implementation of the Master Plan. Listed below are federal and state grant opportunities, as available in the year 2010, with a brief description of what type of projects they would fund. These are all subject to change over the life of the Master Plan, and landowners should contact the agencies for current information.

#### 5.2.2.1 Federal Funding Agencies:

A clearinghouse for federal government grants is available at [www.grants.gov](http://www.grants.gov):

##### **National Park Service**

There are 25 National Park Service federal grants, government grants and loans. Of these, the River Park: River, Trails and Conservation Assistance (15.921) would assist in the implementation of the River Park. This grant provides for projects that implement the natural resource conservation and outdoor recreation mission of the National Park Service. Eligible Applicants: Public Agencies and Non-profit organizations.

##### **US Fish & Wildlife Service**

Provides grants for projects that: 1) promote conservation of wetlands and associated habitats for migratory birds and other wildlife, 2) restore natural resources and establish or expand wildlife habitat and, 3) help conserve birds. Eligible Applicants: Public Agencies and Non-profit organizations.

##### **National Endowment for the Arts**

The National Endowment for the Arts (NEA) is dedicated to supporting excellence in the arts, both new and established; bringing the arts to all Americans; and providing leadership in arts education. In 2010, the NEA put forth nine grant categories. These grants provide for broad topics

such as: Access to Artistic Excellence, Literature Fellowships, Arts on Radio, Learning in Arts for Children and Art Partnerships. Several of these grants could provide funds for an art interpretive signage program or public art within the river valley. Eligible Applicants: Public Agencies and Non-profit organizations.

### **5.2.2.2 State Funding Agencies:**

A clearinghouse for state government grants is available at [www.getgrants.ca.gov](http://www.getgrants.ca.gov):

#### **State Coastal Conservancy**

Provides grants for projects that provide public access to coastal areas, protect and enhance coastal resources and agricultural lands, restore urban waterfronts, and acquire land to protect coastal watersheds and other natural resources. Eligible Applicants: Public Agencies and Non-profit organizations.

#### **State Water Resources Control Board**

Provides grants for projects that prevent or reduce storm water contamination of rivers, lakes and streams. Preference is given to projects that: 1) support sustained long-term water quality improvement or 2) are consistent with an applicable Integrated Regional Water Management Plan. Eligible Applicants: Public Agencies.

#### **State Department of Water Resources**

Provides grants for projects that help meet the State's water needs, including water supply projects, water quality projects, groundwater projects, removal of invasive non-native species, trash and debris clearing accompanied with re-vegetation, removal of culverts to stabilize river channels, management of storm water runoff to reduce flood damage, and habitat projects that are beneficial to the State's long term water needs. Eligible Applicants: Local Public Agencies and other organizations included in an Integrated Regional Water Management Plan.

#### **State Department of Parks and Recreation**

Provides grants to protect fish, wildlife, and native plant resources, to acquire or develop wildlife corridors and trails, and to provide for natural interpretation programs and other programs which bring urban residents into park and wildlife areas. Grants are also available for the acquisition and development of new parks that rehabilitation or expansion of overused parks and to provide new recreational opportunities to low income communities. The Recreational Trails Program Grant may be used for maintenance and restoration of existing trails, purchase and lease of trail construction and maintenance equipment, construction of new trails and acquisition of easements or property for trails. The Land

and Water Conservation Fund allocate money to acquire new land for recreational purposes, including bike paths and support facilities such as bike racks. Eligible Applicants: Public Agencies.

**State Natural Resources Agency**

Provides grants for multi-objective river parkway projects such as providing compatible recreational opportunities, protecting, improving or restoring river habitats, providing open space for flood management, converting existing developed riverfront land into a river parkway or providing interpretive enhancement and conservation activities. Eligible Applicants: Public Agencies, State Agencies, and Non-profit organizations.

**State Conservancy for the San Diego River**

Provides funding for the planning and construction of pathways and trails, removal of exotic species and habitat re-vegetation, improvement of water quality, acquisition of land for new parks or open space and interpretation programs. Eligible Applicants: Public Agencies and Non-profit organizations.

**State Wildlife Conservation Board**

Provides grants for the restoration and protection of wildlife areas, projects that provide public access to facilities for wildlife viewing and other wildlife oriented purposes, and protection of habitat through conservation easements or acquisition. Eligible Applicants: Public Agencies and Non-profit organizations.

**CAL FIRE**

Provides grants for urban forestry, tree planting projects, and up to two years of initial maintenance. Preference will be given to projects that provide the greatest air quality benefits and/or energy conservation benefits. Funding is also available for innovative projects that improve the environment in urban areas through establishment and management of urban vegetation. Eligible Applicants: Public Agencies and Non-profit organizations.

**Caltrans**

Provides grants for projects that mitigate the risks and damages to the environment associated with the construction of new, or modification of existing transportation facilities. Projects that improve air quality through urban forestry and projects that protect enhance or restore watersheds, wetlands, or wildlife areas. Eligible Applicants: Public Agencies, State Agencies, Federal Agencies and Non-profit organizations.

### 5.2.2.3 Local Funding Agencies

#### **San Diego Association of Governments (SANDAG)**

SANDAG is made up of 18 cities and county governments and serves as the forum for regional decision-making. SANDAG builds consensus, develops strategic plans, obtains and allocates resources, plans, engineers, and builds transportation projects, and provides information on a broad range of topics pertinent to the region's quality of life. SANDAG administers *TransNet* funding for planning and construction of transportation projects. Two percent is set aside for bicycle transportation projects and an additional six percent is set aside for habitat-related environmental mitigation activities required to implement projects identified in the Regional Transportation Plan (RTP). Within the RTP, SANDAG estimates that approximately, \$457 million maybe available for bicycle/pedestrian improvements from 2010 to 2020 and \$2.6 billion from 2010 to 2050 (dollar amount based on 2012 data). In addition, SANDAG has created an Integrated Regional Infrastructure Strategy (IRIS) that identifies four regional infrastructure areas that are significantly underfunded and lack dedicated funding streams: habitat conservation, shoreline preservation, water quality enhancement and public transit operations and maintenance. SANDAG has embarked on a regional dialogue to examine quality of life funding priorities and potential funding mechanisms through the SANDAG Quality of Life Ad Hoc Steering Committee for these four regional infrastructure areas. Projects along the river that focus on habitat conservation, water quality enhancement or public transit could all apply for these quality of life funds.

#### **City of San Diego Development Impact Fees**

Development Impact Fees (DIF) provides funding for public facilities. These fees are collected at the time of building permit issuance for private development to fund public infrastructure such as transportation, parks, libraries and fire stations. DIF could be used to implement some of the San Diego River Park facilities that are identified in the appropriate community plan and associated public facilities financing plan to satisfy population-based park and transportation requirements.

#### **Development Costs as of 2010**

##### **Multi-Use Paths and Trails**

Based on similar developments, a Multi-Use/Class I Bike Path (10' wide) may cost approximately \$4.75 to \$8.00 per square foot or \$250,800 to \$422,400 per mile to construct (in 2010 dollars), resulting in total costs of \$3.2 to \$5.5 million for the approximately 13.1 miles of river pathway to be built.

Decomposed granite (D.G.) pedestrian trails (5' wide) may cost \$1.75 to \$3.00 per square foot or \$46,200 to \$79,200 per mile to construct (in 2010 dollars), or \$693,000 to \$1.9 million for an anticipated 15 miles of trails to be added to the river park area.

NOTE: These pathway and trail construction costs do not include design, permits, mitigation, or land costs.

##### **Restoration**

Based on similar developments, the overall restoration costs may range from \$60,000 to \$120,000 per acre in 2010 dollars, plus additional funds for security, if necessary.

##### **Land**

Based on 2009 limited land sales data of developable properties, properties adjacent to the river park area sold for approximately \$2.2 to \$3.3 million dollars an acre. These numbers are to be used as a preliminary guide for planning proposes and actual values for individual properties would be accessed at time of sale.

### **City of San Diego Commission for Arts and Culture**

The Commission for Arts and Culture serves in an advisory capacity to the City Council on promoting, encouraging and increasing support for the region's artistic and cultural assets, integrating arts and culture into community life and showcasing San Diego as an international tourist destination. The Commission advises on the policies and processes whereby artworks are included in Capital Improvements Program projects and ensures that artists are involved as early as possible in the pre-design and or design phase. For public projects, Council Policy 900-11 outlines a process for including public art in selected Capital Improvement Program (CIP) projects. The Public Art Program is to be funded by two percent of the budget for all eligible CIP projects over \$250,000. Artists are to be involved in the early stages of the project design so that they may become an integral part of the design process. For private projects, the City Council has amended the Municipal Code (Chapter 2, Article 6, and Division 7) to require certain private developers to set aside one percent of their project budgets for art and cultural enhancement. The ordinance applies to eligible private commercial and industrial developments with a total building permit valuation equal to or in excess of \$5 million dollars. This requirement may be satisfied by the financing of cultural and artistic facilities and/or on-site art work. Private developers also have the option to pay a one half percent in-lieu fee. In-lieu fees are used for artistic enrichment of the City's public spaces. Through these public and private projects the opportunity for public art can be provided along the river.

### **Special Districts**

Utilizing public financing mechanisms, private development may fund land and easement acquisition and improvements through Community Facility Districts (CFDs), Benefit Assessment Districts, and Property-based Business Improvement Districts. CFDs are districts with special taxes secured by property that can be used for capital improvements and maintenance, as adopted by property owners within the district. Benefit Assessment Districts can also be formed by property owners for improvements and maintenance, but are based on more strictly determined benefit nexus formulas than CFDs. Property-based Improvement Districts are similar to Benefit Assessment Districts, but are governed by a private non-profit corporation made up of a majority of the property/business owners.

### **Development Agreements**

Private development can also fund land acquisition and improvements through Development Agreements. This type of agreement becomes a contract between the City and a developer or property owner that ensures development rights in accordance with specified and predictable regulations in exchange for extraordinary public benefits.



#### **5.2.2.4 Private Funding (Private Foundations, Philanthropic Organizations and Individuals)**

A number of private foundations, philanthropic organizations and individuals have made contributions to fund improvements or maintain a special area of the river by donating funds to a private or public entity. The San Diego River Foundation, a 501(c)(3) public benefit nonprofit organization, is a community-based organization dedicated to engaging people in caring for the San Diego River and celebrating the creation of the river park with community places, trails, open spaces and other public areas. Private funding can go directly to the San Diego River Foundation to assist in its volunteer projects, land acquisitions and maintenance programs. Private funding could also be provided to the City of San Diego in a special fund for the San Diego River that would offset maintenance costs or support a Ranger Program.

#### **5.2.2.5 The Nature Conservancy**

The Nature Conservancy is a leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. The Nature Conservancy's focus in San Diego County extends from the coastal sage uplands to the coniferous forests to the desert in the far eastern county. The Nature Conservancy is acquiring key properties in San Diego County to add to an emerging countywide system of interconnected nature preserves. This multi-jurisdictional effort is driven by a coalition of private conservation organizations, local landowners, members of the public, and government agencies. The Conservancy alone has saved over 15,000 acres in San Diego County since 1985 and assisted other organizations to protect thousands of additional acres. Recently, the Conservancy joined the San Dieguito River Park Joint Powers Authority and the City of Escondido in a successful collaboration to secure the acquisition of the 232 acres of the Bernardo Mountain property. In the future, the Conservancy could partner with the City of San Diego and the River Coalition to acquire land, assist in biological inventories of the river valley or hold workshops on wetland conservation efforts.

#### **5.2.2.6 Trust for Public Land**

The Trust for Public Land (TPL) helps communities take action on parks and land conservation by providing objective advice based on extensive experience, the latest technology and analytical frameworks, and a proven approach to realizing parks and conservation goals. TPL's primary services are: Conservation Vision, Funding, Research and Education, Transactions, Park Design and Development and the Conservation Campaign. Since 1984, TPL has been working in San Diego County protecting more than 31,000 acres. TPL's goal for San Diego is to preserve distinctive landscapes that define San Diego's history, culture, and economy to ensure that it remains a place people want to live, work and play. As of 2010, TPL is working in three distinct areas of San Diego: North County Buena Vista Creek, East County Rutherford Ranch and Volcan Mountain, and South County Otay Mountain and the San Diego National Wildlife Refuge. In addition, TPL has partnered with the San Diego River State Conservancy to acquire land in the eastern San Diego river area within the County of San Diego's jurisdiction.

### **5.2.3 DEVELOPMENT TOOLS**

Through public and private infill development or redevelopment, the Master Plan's five principles will be implemented through different tools, including but not limited to: capital improvement programs, discretionary development permit conditions, land acquisitions, and transfer of development rights.

#### **5.2.3.1 Capital Improvement Program**

A Capital Improvement Program (CIP) is a plan that identifies projects, schedules and funding options for public landowners. CIP funds are used exclusively for the acquisition, design and construction of permanent improvements which can be capitalized after completion. Typically, repair or maintenance expenditures cannot be made from CIP fund sources. Typical projects include construction of streets/bridges over the river, sewer and water infrastructure, storm water devices, public park amenities and habitat creation. CIP project programming scoping should incorporate the principles and recommendations of the Master Plan, the applicable community plan and the General Plan. This can occur through the public agency making a decision to include this in the CIP or it can be added to the project as a permit condition.

#### **5.2.3.2 Discretionary Development Permits**

Discretionary development permits require environmental review for potential impacts, a public hearing and approval from a decision making authority. Within the river valley, most land development will include some type of discretionary permit due to environmentally sensitive lands, planned district ordinances, community plan implementation overlay zones and the coastal overlay zone. In some cases, the discretionary permit will be a Planned Development Permit (PDP) to allow for specialized zoning and design guidelines for larger land developments. A PDP may also require the applicant to group a particular development's residential or multi-use structures on a portion of the subject property, reserving some of the site as protected open space or park land and transferring densities internally within the site. Through this process, the development may be approved with a permit that requires open space or population-based parks and transportation amenities (such as bike routes), with possible density incentives. During the review and processing of these discretionary permits, public and private development could incorporate the principles of the Master Plan into the overall design and permit conditions. In addition, any state or federal resource agency permits required for project approval will be determined at this time and the permit conditions will be developed with the appropriate agency.

### **5.2.3.3 Project Level Mitigation**

Project level mitigation permit requirements are another vehicle to implement the Master Plan during the discretionary development permit process. All discretionary development projects are subject to California Environmental Quality Act (CEQA). For those projects that require an initial study, project impacts will be determined and project specific environmental mitigation measures will be identified. Environmental mitigation measures could include: 1) water quality best management practices for construction and for post construction, 2) wetland restoration, enhancement, and, in some cases, creation and, 3) noise attenuation. In addition, the Mitigation, Monitoring, Reporting Program (MMRP), prepared as part of the program level Environmental Impact Report and incorporated by reference in the San Diego River Park Master Plan, will be required to be incorporated into future project level mitigation.

Transportation and climate change mitigation permit requirements can be required during the time of project level discretionary development permits. Transportation mitigation could include enhancements to the pedestrian and bicycle circulation system, such as the River Pathway, to provide alternative modes that may reduce automobile traffic and air quality impacts. The City is preparing a Climate Mitigation and Adaptation Plan that will include an inventory of greenhouse gas emissions (GHG), recommend actions to reduce emissions, and identify strategies to adapt to a changing climate. SANDAG has prepared an update to the Regional Transportation Plan that will include a Sustainable Communities Strategy to reduce GHG emissions resulting from vehicle miles traveled (VMT). As climate change mitigation measures are identified through these and other plans, opportunities may arise for application of these measures in a manner that benefits implementation of the San Diego River Park Master Plan. For example, the planting of native trees and re-establishment of wetlands in the river corridor area may help mitigate climate change impacts through carbon sequestration, and creating key pedestrian and bicycle linkages through the river park pathway may help reduce automobile trips and CO2 emissions.

### **5.2.3.4 Land Acquisition (Fee Title Purchase, Dedications, Donations or Easements)**

Another tool to implement the Master Plan is for the City to acquire land in the river valley through fee title or easement purchases, dedications and donations. Fee title purchase assumes the City would purchase land at fair market value and this would also include real estate transactional costs associated with the acquisition. Fee title purchase is the most expensive land acquisition method, but would be valuable in some locations of the river that are adjacent to existing City-owned land.

Approximately two-thirds of the river and floodway is privately-owned, including the river itself. Typically, this same area is also mapped, per the City's Multiple Species Conservation Program (MSCP), as Multi-Habitat Planning Area (MHPA). As a part of the MSCP management plan, private

landowners can dedicate or donate the land, most of which is not developable, to the City to add to the MHPA acreage. If the land is donated the City would maintain the land as part of the preserved area.

One of the highest priorities for the San Diego River Park Master Plan is to construct the river pathway from Ocean Beach Park to the City of Santee. The river pathway would be provided on both public and private land. Most of the City-owned land contains the planned river pathway from Ocean Beach Park to Sefton Field in the Mission Valley Community, and through Mission Trails Regional Park in the Navajo Community. On private land, the river pathway will be built as part of new development or redevelopment. A “Recreation Easement” will be required for the river pathway and will be part of permit conditions. The easement does not transfer ownership of the river pathway to the City of San Diego and the landowner would be responsible for improvements and maintenance of the easement either individually or, preferably, as a part of a common maintenance structure. The easement area, through the easement language, could also be maintained through a Community Facilities District, Maintenance Assessment District or a Property/Business Improvement District, similar to the Martin Luther King, Jr. Promenade in downtown San Diego.

Reliable land acquisition costs cannot be determined since they rely on specific area circumstances such as property ownership; the development potential, if any, of land or easements acquired; entitlement values; and market values at the time of acquisition. For example, private land that is developable and needed for the river park will cost more than land that is not developable because of existing local, state and federal regulations. The cost of acquiring easements or fee-interest ownership of land for the river park that is developable can be reduced if the development rights and associated value are transferrable to other portions of the property, or to other properties, outside the river park where development is encouraged. Some private land can be acquired through dedication in exchange for development rights.

### **Permits for Protected Resources**

#### **Wetlands**

The San Diego River is within a large mapped urban floodplain; as such, any alteration to it is subject to a federal permit under Section 404 of the Federal Clean Water Act. The permit is under US Army Corps of Engineers (ACOE) jurisdiction. This applies to any project which affects floodplains and wetlands or other related habitat.

#### **Cultural Resources**

Before a Section 404 permit is issued, the Army Corps of Engineers will consult with the California State Historic Preservation Officer for project conformance with Section 106 of the National Historic Preservation Act, in relation to preservation of cultural resources.

#### **Water Quality**

Projects affecting drainage and water quality are also required to obtain a Section 401 Water Quality Certification under the federal Clean Water Act. This permit is obtained through the Regional Water Quality Control Board. This certification also requires a copy of any agreement with the California Department of Fish and Game under Section 1600 Streambed Alteration Agreement of the California Endangered Species Act Consultation (this permit is not only about water quality, but also fish and wildlife protection).

### 5.2.3.5 Transfer of Development Rights

Transfer of Development Rights (TDR) Programs allows landowners to sell or transfer the building/development rights from a particular piece of property to another property within a community plan area. This typically occurs when a landowner wants to preserve a resource, but still get economic value by selling or transferring entitlements to another property. TDR Programs make such preservation more equitable and politically palatable by compensating landowners who transfer the right to develop their property. Property owners along the San Diego River could use this tool to sell and transfer development rights to preserve land and resources in addition to what is required by regulations, such as for parks, open space, and historic sites.

## 5.2.4 GOVERNMENT APPROVALS

### 5.2.4.1 Federal and State Agency Permits and Agreements

In most cases, all projects within the river valley will require development permits and environmental review by the City of San Diego. The City's review and permit conditions would be based on meeting the vision, principles, recommendations and design guidelines of the Master Plan. The City would be the lead environmental review agency for almost any project proposed within the City's jurisdiction. Federal and state agencies would be notified during the public review process of all proposed projects affecting natural resources and which may require additional federal or state permits. These agencies could include: U. S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (ACOE), Federal Emergency Management Agency (FEMA), Regional Water Quality Control Board (RWQCB), California Coastal Commission (CCC), and California Department of Fish and Game (CDFG). The permits that may be required and what they entail is listed in Section 6.0 Regulatory Framework and summarized in the adjacent text box.

#### Permits for Protected Resources

##### **Endangered Species**

If a federal endangered species is impacted by a project proposal, a biological assessment will be required to determine whether or not the US Fish and Wildlife Service require a formal federal Endangered Species Act, Section 7.

##### **Flood Management**

All projects located in the floodplain must comply with the Federal Emergency Management Agency (FEMA) regulations to reduce risk of flooding along the San Diego River. The City is a participant in the National Flood Insurance Program (NFIP) administered by FEMA. The City ensures that projects within the floodplain comply with FEMA regulations and requirements. All projects that propose a change to the existing FEMA mapped floodway or floodplain must meet this requirement by applying through the City and then submitting a Conditional Letter of Map Revision (CLOMR) or a Conditional Letter of Map Revision-Based on Fill (CLOMR-F) to FEMA.

##### **California Coastal Zone**

The western end of the San Diego River, from Ocean Beach to the Santa Fe Railroad tracks, is within the California Coastal Zone. Any project within this area must comply with the California Coastal Act. The California Coastal Act includes specific policies related to public access and recreation, low cost visitor-oriented accommodations, and terrestrial and marine habitat protection. Projects within the Coastal Zone are subject to a Coastal Development Permit and must address applicable impacts.

#### 5.2.4.2 Local Zoning Permits and Programs

The City is responsible for the implementation of the San Diego River Park Master Plan through permit review. The Park Planning Section within Development Services Department will review all proposed public and private projects to determine if projects are consistent with the San Diego River Park Master Plan, Community Plans and the City's General Plan. The Park and Recreation Department will review proposed public and private projects, including re-vegetation plans, and mitigation and monitoring plans to ensure that they are consistent with the San Diego River Park. Local Zoning Permits that may be required and what they entail are listed in Section 6.0 Regulatory Framework.

### 5.3 Maintenance, Management and Security

In order for the San Diego River Park Master Plan to be successful, the river's long term maintenance, management and security must be a high priority. Maintenance activities include: silt removal and dredging where needed, wetland maintenance, removal of exotic and invasive plant materials, trash removal, and maintenance of the river pathway and its amenities and security. Currently, all land owned by the City is maintained through general or enterprise funds. The river areas within Mission Bay Park, Mission Valley Preserve and Mission Trails Regional Park are maintained by the Park and Recreation Department. Privately-owned river parcels are to be maintained by the property owner. Due to the amount of exotic plant species and the water quality of the river, it is apparent that the river needs maintenance. Funding for maintenance is necessary for all proposed programs. Listed below are different maintenance, management and security tools and programs that could be used to implement the Master Plan.

#### Estimated Annual Maintenance Costs at Build-out (2010 dollars)

**Water Areas** \$1,300/acre  
Includes removal of litter, some invasive species, associated permits and inspections.

**Native Landscape/  
Slope Areas** \$1,800 acre  
Includes removal of litter and invasive species, maintenance of native plants, repair irrigation and inspections.

**Native Landscape/  
Pathway Areas** \$16,800/acre  
Includes removal of litter and invasive species; maintenance of native plants; repair irrigation; maintenance of pathways, benches, picnic areas, kiosk signs, curbs and stairs; and inspections.

#### **Approximate Maintenance Costs for the San Diego River Park**

130 acres water at \$1,300/ac  
= \$169,000/year

197 acres of native areas at \$1,800/ac  
= \$354,600/year

125 acres of native area/pathway at \$16,800  
= \$2,100,000/year

Adding 20% for additional costs such as security and specialized security lighting, the annual maintenance costs for the river park could be over \$3,148,320 per year at build-out. This acreage does not include the local regional parks, State and Federal land along the river.

### 5.3.1 MAINTENANCE, MANAGEMENT AND SECURITY TOOLS

Tools to provide maintenance and security could include city funds, development permit conditions for maintenance, the creation of special assessment districts, volunteer efforts from the San Diego River Foundation and private donations. These tools could be used in certain areas of the river or provided in a combination when the river park is completed.

#### 5.3.1.1 City Funds

The City's General and Enterprise Funds provide for some of the maintenance, management and security of City-owned properties along the river valley. The following departments own land in or adjacent to the river: the Park and Recreation Department, Real Estate Assets, Water, Environmental Services and Streets Division. The amount of General Fund money allocated to each department is determined through the City budget process and approved by the City Council each year.

#### 5.3.1.2 Development Permits

Land development permits for new projects or redevelopment of existing projects adjacent to the river could require the river, the river habitat, and the river pathway to be maintained at a certain level as part of the permit conditions. The required maintenance time period could be a set period of time or for the life of the project. The City Council has approved the assessment of permit fees for maintenance of habitat and open space areas. Two types of fees may be considered: a one-time fee option or a one-time fee deposit option. A one-time fee option could be paid at the project approval stage and the fee could be based on a certain time period of maintenance, such as 2-5 years.

#### Steps to Establish Special Assessment Districts

##### **Maintenance Assessment District (MADs)**

A developer or interested community representatives/property owners initiate a request to the City to form a district. The City hires an Assessment Engineer to prepare an assessment report and create the assessment methodology. The report proposes formation, describes improvements, specifies boundaries, sets a hearing date to hold a public hearing, and authorizes the City Clerk to mail the ballots. The City mails the hearing notice and a ballot to each assessable property owner, as listed in the most recent certified County Property Tax Roll, a minimum of 45 calendar days prior to the hearing date. The City Clerk's Office receives the ballots and presents district balloting results to the City Council hearing. The City Council receives the ballot results and takes action to either approve the district, Assessment Engineer's Report and the assessment Levy or abandon the district based on the ballot results (simple majority of returned ballots). The earliest a failed ballot can be re-balloted is one year. If approved, City staff prepares the annual enrollment and delivers it to the County Assessor to be included on Property Tax statements to property owners beginning with the December property tax bill after the August 10th enrollment.

This fee would be collected by the City and may be used by the City's Park and Recreation Department Open Space Division, a private maintenance company or a non-profit organization that specializes in maintenance to provide basic semi-annual trash abatement and weed removal. This option would be appropriate for residential development along the river where maintenance by individual owners would be difficult to assure. A one-time fee deposit option could be paid at the project approval stage and could be for an amount projected to finance a wider maintenance program along the river, such as an endowment. This fee would be collected by the City, deposited into an interest-bearing account and may be used by the City's Park and Recreation Department Open Space Division, a private maintenance company or a non-profit organization that specializes in maintenance to provide a certain level of maintenance. This option could provide a comprehensive maintenance program for larger areas of the river.

### **5.3.1.3 Special Assessment Districts**

Based on the experience of other river park corridors and open space greenbelts, implementation of the San Diego River Park Master Plan should create value for adjacent properties. Premiums are attributable to proximity to open space views and access to public pathways/trails. According to the economic analysis conducted for this Master Plan, including a review of case studies around the country, and analysis of local premiums, properties adjacent to the river area are anticipated to sell for a 5 percent to 15 percent premium due to their proximity to the river and anticipated improvements. Some of this enhanced value can be recaptured to help fund Special Assessment Districts such as: 1) Maintenance Assessment Districts, 2) Community Facility Districts and/or 3) Property-based Business Improvement Districts.

By coordinating the funding and maintenance protocols overall, there would be economies-of-scale achieved that should reduce the costs to the property owner, and enable them to maintain their land at a higher standard. Existing MADs or private funding mechanisms can choose to merge into the broader district if it makes economic sense to do so.



**Maintenance Assessment Districts (MADs)** are established throughout the City as a means of providing property owners with a mechanism to assess themselves to pay for enhanced improvements, maintenance, services, and other activities, known as Special Benefits. MADs are authorized by the State of California in the Landscape and Lighting Act of 1972 and through the California Constitution (Article XIII D) and by the City of San Diego through provisions of the San Diego Maintenance Assessment District Ordinance. Provided that a MAD meets these governing provisions of the State and local law, a MAD may: 1) maintain a variety of improvements within public rights-of-way and other publicly-owned land; 2) provide a variety of enhanced maintenance services; and, 3) be used on a more limited basis to fund acquisition of parkland or open space, for park and recreation improvements and maintenance, and for construction and installation of public improvements. MAD formation is often initiated by a developer during the development of a new community, or by property owners within an already-developed community who desire Special Benefits. The formation process requires close coordination with the Park and Recreation Department, Open Space Division staff for residential or mixed-use MADs, or Economic Development for commercial districts to be managed by a non-profit organization pursuant to San Diego Municipal Code Sections 65.0201 et seq. The formation process requires the initiating party to pay for the preparation of an Assessment Engineer's Report, the cost of balloting, administrative costs, and other incidental expenses. In developing communities, this cost may be funded by a developer or other private contribution. However, because this cost may be prohibitive for property owners in some already-developed areas, the San Diego City Council has created a MAD Formation Fund to assist in financing these start-up costs (see City Council Policy 100-21).

Within the Mission Valley community, a MAD for the First San Diego River improvement project was established in 1987 to provide maintenance for the San Diego River between State Highway 163 and Qualcomm Way. The MAD funds maintenance of the earthen flood control channel, eight river islands inside the channel zone, and an approximately

#### Steps to Establish Special Assessment Districts

##### **Community Facilities District (CFDs)**

A Developer or an established community can initiate the formation of a CFD. For developer initiated districts, an application may be obtained and filed with the City's Department of Finance. The Department of Finance will consider the public benefits offered by the proposed project in context to the CFD policies. If initiated by a community, the CFD must comply with the City's Debt Policy. A comprehensive project review and feasibility analysis of the proposed project, which would ultimately provide for the payment of the special taxes or assessments in connection with bond financing, is performed by an independent financial consultant. If recommended by the Chief Finance Officer, and pursuant to the filing of an appropriate petition and application, the completion of a Feasibility Study that concludes the project is feasible, the City will form the district and, if a financing is contemplated, issue bonds.

20-foot-wide buffer zone running along and adjacent to the channel embankments. MAD activities include revegetation, wildlife monitoring and reporting, native plant and landscape maintenance, restoration of the embankment erosion, and trash removal. This type of MAD could be used as an example for future large subdivisions. The risk of a MAD is that it can be dissolved with a vote of the property owners, which could leave the river without maintenance funds.

**Community Facilities Districts (CFDs)** are typically formed to provide funding for public infrastructure in connection with new development, but may also be formed to finance improvements pertaining to developed properties. Subject to voter approval within a district, special taxes may be levied upon properties within a district to pay for facilities, and, in certain cases, services. Special taxes may also be levied to repay bonds issued to finance public improvements. The properties within the district can be discontinuous.

CFDs can be initiated by a developer, established community or by the City legislative body. The City expects that private developers should have primary responsibility for providing public infrastructure required in connection with new development. With the City's Debt Policy as a guideline, the City will continue to consider requests for CFDs formation and debt issuance to finance such public infrastructure when the requests address an extraordinary public need or benefit.

CFD financing is guided by the Mello-Roos Community Facilities Act of 1982. This Act was enacted by the State to help growing areas finance certain essential public facilities that typically accompany major development projects. The Act permits a public agency to create a defined area within its jurisdiction and, by a 2/3 majority vote, levy a special tax within the district to pay directly for public improvements or services, or pay debt service on bonds issued to finance the improvements. If there are 12 or more registered voters residing within the district, the vote will be by the registered voters, with each voter having one vote. If there are fewer than 12 registered voters residing within the district, the vote will be by the landowners within the district, with each landowner having one vote for each acre, or portion of an acre, owned within the district. CFDs are not fiscal obligations of the City, and are limited obligations of the CFD, payable solely from special taxes levied upon property within the district. The special taxes are calculated and levied pursuant to a Rate and Method of Apportionment, or tax formula. Under the Mello-Roos Act, the formula must be reasonable. The financed public facilities must ultimately be owned and operated by a public entity, such as the City, and may include, among other things, parks, roadways, water infrastructure improvements that have a useful life of five years or more. In accordance with Section 53313 of the California Government Code, CFDs may also provide funds for certain public services, including police and fire services and recreation program services so long as they are in addition to, and do not supplant, services already provided within the district.

**Property/Business Improvement Districts (PBIDs)** In California, PBIDs are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID law). A PBID is a financing mechanism for property and/or business owner collaboration used to support various local improvements and services that enhance a targeted area. Before the district is formed, parcel owners paying over 50% of the total assessment must sign a petition in support of the District. Establishment and renewal of a district requires a petition process and Proposition 218 ballot protest process. The PBID Legislation allows for a maximum life of 5 years. Upon renewal, a district may be established for a maximum of 10 years. The district can be formed for any amount of time, not to exceed the maximum term. The law states that the PBID is to be governed by a private nonprofit corporation made up of a majority of the property and/or business owners. The nonprofit PBID management corporation would then enter into a contract with the City that would allow the nonprofit PBID management corporation to manage the district and deliver district services. The City retains a portion for administration of PBID to oversee the nonprofit PBID management corporation delivery of goods and services. By law, (Article XIII (d) of the state constitution), property assessment districts can only fund special, not general benefits. General benefits are those allocated to all parcels in the City and funded out of public or general fund revenues. Cities throughout the state normally adopt “baseline services agreements”, that require the City not to withdraw services once the special benefits district has been formed. A Management District Plan spells out, at a minimum, the services to be provided and necessary improvements, establishes the boundaries, the budget, and the term of the district.

PBIDs can provide essential services that include but not limited to, the following: (a) parking facilities, (b) benches, booths, kiosks, display cases, pedestrian shelters, and signs, (c) trash receptacles and public restrooms, (d) lighting and heating facilities, (e) decorations, (f) parks, (g) fountains, (h) planting areas, (i) closing, opening, widening, or narrowing of existing streets, (j) facilities or equipment, or both, to enhance security of persons and property within the area, (k) ramps, sidewalks, plazas, and pedestrian malls, and (l) rehabilitation or removal of existing structures in addition to those provided by local government.

#### Steps to Establish Special Assessment Districts

##### **Property/Business Improvement Districts (PBIDs)**

Typically, a PBID is initiated by local property and/or business owners petitioning the City to establish a PBID on their behalf. Once the City Council has approved a resolution of intention, a ballot is sent to all affected property and/or businesses owners. After the City Council conducts two public hearings it may approve the PBID establishment by ordinance, provide written protests are not received from property and/or business owners who will represent 50% or more of the total assessments to be collected.

In addition, the PBID can fund the following activities: (a) promotion of public events that benefit businesses or real property in the district, (b) furnishing of music in any public place within the district; (c) promotion of tourism within the district, (d) marketing and economic development, including retail retention and recruitment, (e) security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality, and (f) activities that benefit businesses and real property located in the district. The Downtown P/BID, which was formed in 2000 and renewed in 2005, is made up of the majority of the downtown properties in San Diego City. This P/BID district raises funds for the following services: cleaning of sidewalks, graffiti removal, maintenance of landscape areas, public safety programs, enhanced lighting, public information, and program management. The downtown P/BID has been very successful in the downtown area. A P/BID could be formed by commercial property owners including income properties, such as apartments, to provide enhanced security.

#### **5.3.1.4 The San Diego River Foundation**

The San Diego River Foundation is a community-based grassroots non-profit organization which was founded in 2001. As a 501(c)(3) public benefit organization, the foundation relies upon donations and support from the community for its general operations and programs. The foundation's vision for the river is a greenbelt from the mountains to the ocean along the 52-mile long San Diego River. The foundation promotes stewardship of the river and education on the river's natural systems. Through its efforts, the River Coalition was created, representing 70 organizations that meet and implement the foundation's vision. The River Coalition provides maintenance of the river through its large volunteer network organization. In 2007, they provided over 10,000 volunteer hours of service. Service included removal of over 1,000,000 pounds of trash and debris from the river and surrounding habitat, creation of the San Diego River Garden in Mission Valley, and creation of the River Watch Program that monitors the health of the river on a monthly basis. In 2010, the River Coalition increased their volunteer efforts to 20,000 hours and a large part of this was to promote maintenance and management of the river.

#### **5.3.1.5 Private Donations**

Corporations and individuals donors could provide donations to an endowment fund for the maintenance of the River Corridor Area. Donations could be collected by the City, who could then maintain the area directly or retain a private contractor to provide the maintenance.

## **5.3.2 MAINTENANCE, MANAGEMENT AND SECURITY PROGRAMS**

The following maintenance, management and security programs could all be funded from the tools listed above and provided all along the river area to ensure consistent management of the river park. These programs could be facilitated by the City, the San Diego River Foundation or through other non-profit organizations.

### **5.3.2.1 Ranger Program**

Once the river pathway is completed, the City could establish a Ranger Program for the San Diego River Park. This program could provide educational programs for schools and other groups, lead hikes through the river valley, oversee maintenance, restoration and preservation programs, enhance security, and provide a point of contact for issues along the river.

### **5.3.2.2 Conservation Corps or Neighborhood Youth Corps Program**

A Conservation Corps or Neighborhood Youth Corps could be established to draw upon the communities' broad range of volunteer talents. The City's Volunteer Service Coordinator could assist schools and youth groups throughout the neighborhoods along the river to work with the City in maintaining and overseeing their community resource. Under this program, youth groups would work under the supervision of the City or school staff to learn about biology, hydrology and urban communities, participating in multiple aspects of river maintenance.

### **5.3.2.3 Adopt the River Program**

A variation of the Youth Corps Program could be an "Adopt the River Program" offered to local schools or to other recognized groups. This type of maintenance program could be facilitated by the City or a non-profit organization to provide training and education on the maintenance of a river habitat. Schools could tie this into a biology curriculum that would allow students to study and undertake laboratory work on different segments of the river. Other recognized groups that want to provide a civic service, much like "Adopt a Highway Program", could provide maintenance under the supervision of the City or a non-profit organization.

## 5.4 Public Outreach and Education

Another important means of implementing the San Diego River Park Master Plan is through public outreach. This involves outreach to the community at large to generate support for the overall efforts related to both improvements and maintenance. In the development of this Master Plan, public participation from adjacent communities has been overwhelming. This amount of support needs to continue through public announcements and education brochures, river events and support from the San Diego River Foundation and Coalition.

### 5.4.1 OUTREACH BROCHURE

The River Foundation could prepare an outreach brochure for community groups, decision makers, businesses, non-profit organizations, government leaders and others on the unique beauty, the habitat/cultural significance, and the recreation possibilities of the river. The brochure should attract support and generate interest in the implementation of the Master Plan. It could also be designed as a graphic art piece to be exhibited as a marketing tool in businesses and offices along the river. Other related outreach could include a newsletter, a San Diego River Pathway Map and/or creation of a webpage that offers upcoming events and recreation activities.

### 5.4.2 RIVER EVENTS AND SUPPORT FROM SAN DIEGO RIVER FOUNDATION

The San Diego River Foundation is dedicated to making the river a truly treasured regional asset that is valued by all members of our community and visitors. To promote the river, the Foundation organizes several annual events such as clean-up days, tree planting on Arbor Day, re-vegetation of natives in the fall and other activities. The foundation maintains a web site called “Volunteer Events Calendar” that lists current events and dates for activities along the river. It is through these public events that the foundation offers education on the river’s importance to the region and how the river can be restored.

## 6.0 REGULATORY FRAMEWORK

### 6.1 APPLICABLE CITYWIDE PLANNING POLICY DOCUMENTS

The San Diego River Park Master Plan is the primary policy document for land use policies along and adjacent to the San Diego River. The Master Plan provides general and reach-specific recommendations for the entire planning area and design guidelines for development within two corridors directly adjacent to the river. In addition to the Master Plan, recommendations and design guidelines are other applicable citywide planning policy documents that also play a role in the use and development of the river. These documents include the City's General Plan, Community Plans, Park Master Plans, the City's Multiple Species Conservation Program Subarea Plan, the San Diego Watershed Urban Runoff Management Plan, the Bicycle Master Plan Update and the San Diego Pedestrian Master Plan. The community planning areas within and adjacent to the river park are shown on Figure 6.

With such a complex planning and jurisdictional structure, it is important to understand how these documents work together and support the San Diego River Park Master Plan. This regulatory framework section provides a brief description of each of these policy documents, their implementing ordinances, and their relationship to the Master Plan.



Exploring the San Diego River

### **6.1.1 GENERAL PLAN**

The City of San Diego's General Plan was updated in 2008. The plan sets out a long-range vision and policy framework for how the City should plan for projected growth and development, provide public services, and maintain the qualities that define San Diego over the next 20 to 30 years. The General Plan calls for new growth to be targeted into mixed use centers, and for important open spaces to be preserved for the environmental, urban form, and recreational benefits they offer. One of the General Plan's guiding principles is to achieve "an open space network formed by parks, canyons, river valleys, habitats, beaches, and ocean." The General Plan specifically addresses river parks with a policy to "encourage the planning and coordination of river parks to provide public recreational opportunities, protect natural resources, and enhance community character (Policy RE-F.6)." The General Plan also calls for "watershed awareness and water quality education programs" (Policy CD-E.1.c), "for City participation in the development and implementation of Watershed Management Plans" (CE.D.3), and to "use open space and landscape to define and link communities" (Policy UD-A.2). The San Diego River Park Master Plan will help implement these and many other General Plan policies.

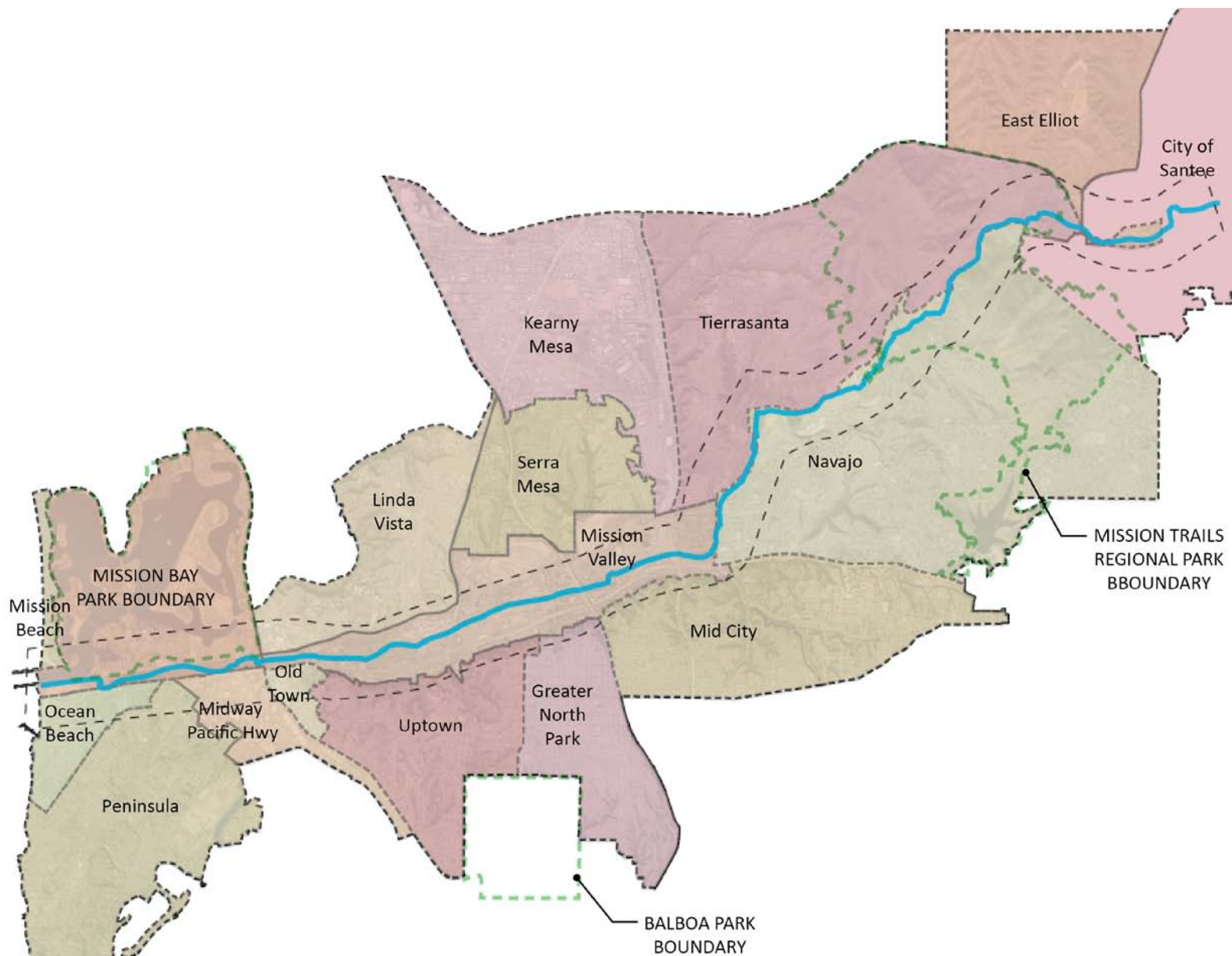
### **6.1.2 COMMUNITY PLANS**

Community plans represent a vital component of the City's General Plan because they contain more detailed land use designations and site-specific policy recommendations than is practical at the citywide General Plan level. The community-specific detail found in the community plans is also used in the discretionary review process for both public and private development projects. Overall, the General Plan and community plans are intended to be used as a means to maintain or improve quality of life, and to respect the essential character of San Diego's communities. Of the 16 community plans in or adjacent to the river valley, four are directly influenced by the river and the Master Plan:

- Mission Valley
- Navajo
- Tierrasanta
- East Elliot

These community planning areas, through their land use policy documents, can directly influence the relationship between physical development and the river. This relationship determines the character and health of the river. While the San Diego River Park Master Plan does not include specific design guidelines for the unique conditions of each community, it does include design guidelines for the areas directly adjacent to the river.





**Figure 10. Community Planning Areas**

### 6.1.2.1 Mission Valley Community Plan and Specific Plans

The Mission Valley Community Plan identifies the San Diego River Floodway, as well as the surrounding canyon and hillside landscapes, as major assets in the creation of an open space system available to all San Diegans. The Mission Valley Community Plan seeks to take advantage of the opportunities presented by the unique physical environment of the valley in creating a “quality regional urban center, while recognizing and respecting environmental constraints and traffic needs, and encouraging the valley’s development as a community.”

While the plan recognizes the potential to establish a unique environment in the City of San Diego, it also notes several conditions which must be considered in future planning efforts. Foremost among these issues is flooding, a significant problem for the surrounding communities. Impacts of development along the river and throughout the watershed must be carefully considered. While the river can provide a significant scenic amenity, development must in turn protect that resource by paying careful attention to the sensitive habitat and species of the river corridor. All development in Mission Valley is regulated by the Mission Valley Planned District Ordinance unless governed by an approved Specific Plan. The Mission Valley Planned District Ordinance regulates development with the intent to “implement the Mission Valley Community Plan through the use of overlay districts regulating development intensity community wide and providing additional development criteria for projects in the San Diego River and Hillside sub-districts...” The San Diego River Subdistrict of the Mission Valley PDO establishes a River Corridor Area and River Influence Area, and identifies development regulations to implement the Master Plan. In most development proposals, public and private projects within the river sub-district are required to undergo a discretionary review process and apply for a Mission Valley Development Permit.

The Mission Valley Community Plan was adopted by City Council in 1985 and amended at various times over subsequent years. A plan update is anticipated to begin as soon as funding can be identified.

Within the Mission Valley Community Planning Area are four approved Specific Plan Areas, from west to east: Levi-Cushman, Atlas, First San Diego River Improvement Project (FSDRIP), and Mission City. The river sub-district regulations would not apply to these approved Specific Plan Areas unless these plans are amended.

More information regarding the Mission Valley Community Plan and the various Specific Plans can be found at:  
<http://www.sannet.gov/planning/community/profiles/missionvalley/plan.shtm>

### **Levi-Cushman Specific Plan**

The Levi-Cushman Specific Plan was adopted in 1987 and proposes mixed-use development on approximately 200 acres of land in the western portion of Mission Valley on a site currently occupied by the Riverwalk Golf Course. Of the total 135 acres of land to be developed, 77 acres lie north of the San Diego River and are planned for mixed uses, such as residential, offices, community uses, retail stores and hotel rooms. Approximately 53 acres planned for development on the south side of the San Diego River will be office and hotel uses. A river buffer and public path are planned for both sides of the river.

### **Atlas Specific Plan**

The Atlas Specific Plan was approved in 1988 and is a planning document covering seven sites in western Mission Valley. Three of the seven sites are located adjacent to the San Diego River and the remaining four sites are located south of Interstate 8. The three sites adjacent to the river are known as Hanalei Hotel, Hanalei Tower and Town and Country Hotel/Convention Center. The specific plan includes detailed urban design and river improvement elements that provide for both flood protection and the replacement of wetland habitat.

### **First San Diego River Improvement Project Specific Plan (FSDRIP)**

FSDRIP is a specific plan located in Mission Valley, which encompasses the area between State Highway 163 and Qualcomm Way. It is a mitigation site for a 100-year flood control project that was funded through an agreement with the property owners who benefited from the flood control.



Mission Valley is disconnected from side canyons by pavement and development

In the 1970's, winter flooding limited the potential for the land owners in the area to develop their properties, prompting the idea to channelize the San Diego River to move flood waters rapidly through the valley. After approval of the project, the property owners entered into an agreement with the City of San Diego that assured them that development of their property could proceed. In exchange, the property owners agreed to fund the necessary flood control improvements and its continued maintenance through a Maintenance Assessment District (MAD).

Under the Federal Clean Water Act, the U.S. Army Corps of Engineers replanted and preserved 26.8 acres of riparian woodland, 9.7 acres of freshwater marsh, and 8.7 acres of open water within FSDRIP. As a requirement of FSDRIP, a Natural Resources Management Plan (NRMP) was prepared that addresses four areas of use within the FSDRIP boundary: natural habitat, flood control, utility corridor, and public uses. The purpose of the NRMP was to establish 100-year goals and remedial measures to re-vegetate disturbed natural habitats. The plan also delineates acceptable public and recreational uses within the area. The San Diego River Pathway is located on the north and south sides of the river along the FSDRIP area.

FSDRIP was adopted by the City Council in 1982, amended several times and improvements were completed in 1988. In 1995, the California Department of Fish and Game and the U.S. Army Corps of Engineers agreed that vegetation efforts had progressed well and FSDRIP could be considered successful. The most recent amendment to FSDRIP Design was made in 1999 and is referred to as Rio Vista West Design Guidelines and Development Standards.



The San Diego River flows slowly through FSDRIP



Existing pathway through FSDRIP extends from near State Highway 163 to Qualcomm Way

## Mission City Specific Plan

The Mission City Specific Plan was adopted in 1998 and covers approximately 225 acres located on the north side of the San Diego River, immediately west of Qualcomm Stadium. This Specific Plan amends the Northside Specific Plan approved for the project site in 1984. The plan proposes a mix of land uses including retail commercial, office, and residential and for the most part the plan area has largely been developed. The portion of the San Diego River that abuts Mission City's southern border is not planned for flood control improvements; instead the floodway is designated for conservation due to the quality of existing wetland habitats. A 50' wide channel occurs in this area and carries storm waters from Interstate 15 westward.

### 6.1.2.2 Navajo Community Plan

The Navajo Community Plan was adopted by City Council in 1982 and amended in 2002. The primary goal of the Navajo Community Plan is to 'retain the residential character of the area' while providing basic services that enhance the day-to-day lives of its residents, such as police and fire protection and open space amenities. The plan recognizes the delicate balance between the community and the San Diego River environment. Much of the community's storm water runoff finds its way to the river, and the occasional flooding of the river impacts future land use planning in the floodplain. Development adjacent to the San Diego River within the Navajo Community is regulated by the Community Plan Implementation Overlay Zone (CPIOZ) for the River Sub-district within the Community Plan. The River Sub-district CPIOZ provides supplemental development regulations that are tailored to be consistent with the San Diego River Park Master Plan Design Guidelines. In most



Navajo Canyon in Navajo Community Area

development proposals, public and private projects within the Navajo River Subdistrict CPIOZ will be required to undergo a discretionary review process and apply for a Site Development Permit.

### 6.1.2.3 Tierrasanta Community Plan

The Tierrasanta Community Plan was adopted by City Council in 1981 and amended in 1991. The Plan generally describes a low density residential community. Commercial areas are designated only where necessary to support the residential community, and the presence of industrial activity is limited to a small, isolated site. The plan seeks to capitalize on the open spaces of the canyon lands interspersed throughout the community, as well as the expansive open space resource of the nearby Mission Trails Regional Park.

The San Diego River runs along the majority of the Tierrasanta Community Plan's southern planning boundary. Flood control and recreation along the river are discussed in the community plan. The Plan also identifies a need to regulate existing sand and gravel extraction operations in order to avoid any negative impact on the river, its habitat or recreational activities. Development adjacent to the river within the Tierrasanta Community is regulated by the Mission Trails Design District Ordinance and Design Manual. Subarea 3 of the Design Manual contains development regulations that will implement the San Diego River Park Master Plan. In most development proposals, public and private projects within the Mission Trails Design District of the Tierrasanta Community will be required to undergo a discretionary review process and apply for a Site Development Permit.



Elanus Canyon in Tierrasanta

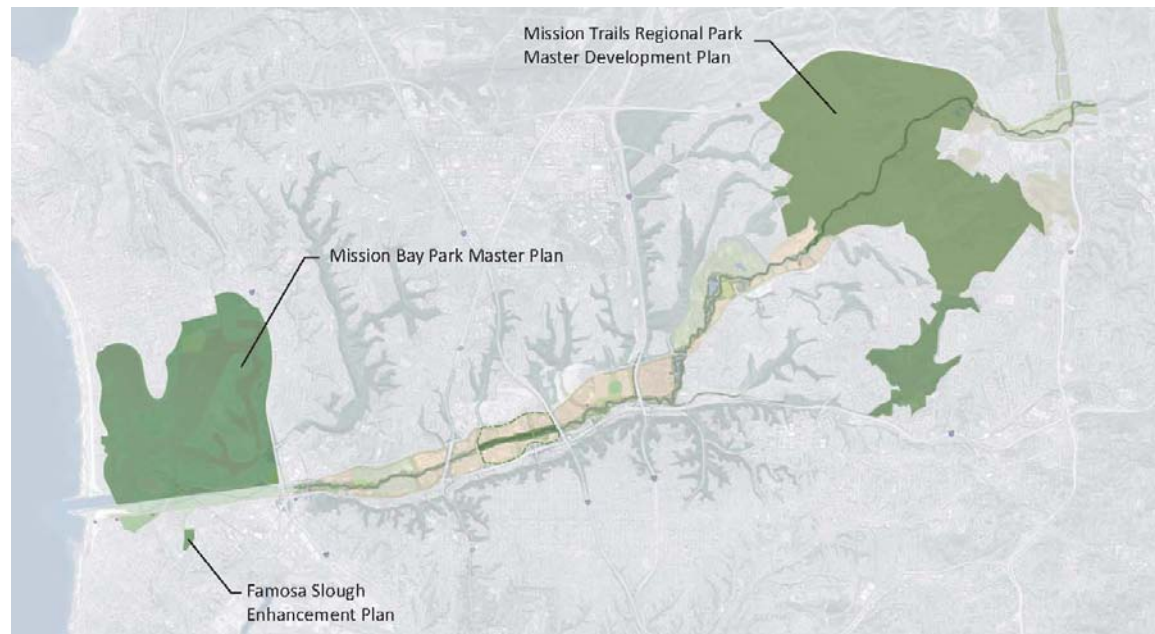
#### 6.1.2.4 East Elliott Community Plan

The East Elliott Community Plan was adopted by City Council in 1971 and amended in 2002. The San Diego River crosses the municipal boundary of the City of San Diego at the southeastern corner of the East Elliott Community Plan. East Elliott is dominated by native vegetation and includes sage scrub, chaparral, native grassland, oak and sycamore woodland and is one of the largest and biologically most important remaining undeveloped areas in San Diego. Due to the natural resources and rugged topography which makes urban development virtually infeasible in this planning area, a majority of East Elliott is designated for long-term open space use. The East Elliott Community is mostly within the boundaries of the MHPA with nearly 80% within the Community Plan Area designated as open space, including areas on both sides of the San Diego River. Development adjacent to the river within the East Elliott Community is regulated by the Mission Trails Design District Ordinance and Design Manual. Subarea 3 of the Design Manual contains development regulations that will implement the San Diego River Park Master Plan. In most development proposals, public and private projects within the Mission Trails Design District of the East Elliott Community will be required to undergo a discretionary review process and apply for a Site Development Permit.

#### 6.1.3 PARK MASTER PLANS

The San Diego River Park planning area intersects two resource-based park planning areas, Mission Bay Park and Mission Trails Regional Park, and abuts the north edge of the Famosa Slough Open Space. Each of these areas has its own policy document:

- Mission Bay Park Master Plan
- Famosa Slough Enhancement Plan
- Mission Trails Regional Park Master Development Plan



### 6.1.3.1 Mission Bay Park Master Plan

The Mission Bay Master Plan was adopted by City Council in 1994 and amended in 2002. Once part of the estuarine delta of the San Diego River, Mission Bay (historically known as False Bay) was a vast tidal marsh coursed by the braided river until the 1852 construction of the Derby Dike on the south side of the river channel prevented flow into San Diego Bay. In the 1940's, dredging was initiated to turn Mission Bay into an aquatic park and tourist attraction to diversify the city's economy. Today, the San Diego River Estuary lies within the boundary of Mission Bay Park and serves an important role in the provision of wildlife habitat within the park. The fundamental goal of the Mission Bay Master Plan was to identify new demands on the park in response to the regional population growth and evolving recreational activities. The plan acknowledges the many demands and activities within its bounds with a notion of "parks within a park", identifying regional-oriented recreation, commercial-oriented recreation, neighborhood-oriented recreation and habitat-oriented recreation as the key components and purpose of the Park. The plan addresses the river minimally, identifying it as a habitat-oriented recreation area adjacent to a "rustic" perimeter of coastal vegetation as an edge along the river dike. The current plan indicates that the land use between the river and the bay east of SeaWorld is to be developed as regional park land, coastal landscape, and overflow parking.



Passive Recreation at Mission Bay Park



Mission Bay Park provides a diversity of land and water-based recreational activities



### 6.1.3.2 Famosa Slough

#### Enhancement Plan

The Famosa Slough Enhancement Plan was adopted by City Council in 1992. Originally part of the San Diego River/False Bay (Mission Bay) estuary, the tidal influence on Famosa Slough has been restricted by flood control structures. Today, Interstate 8 remains a barrier between Famosa Slough and the San Diego River, restricting hydrologic and biologic connections and cutting off a pedestrian connection between the two. The original flood gates have been replaced and remain open most of the time. The Friends of Famosa Slough operate the gates monthly to ensure proper operation and are responsible for closing them in the event of a flood. This change in the waterway's function has resulted in salinity levels and inundation frequencies that have varied over the years. Urban runoff has also impacted the slough, creating several habitats, including some that are non-native and invasive.

The Enhancement Plan recommends a series of actions primarily intended to improve the biology and hydrology of the slough, as well as provide an opportunity for education and limited human access. Implementation of the Enhancement Plan is not complete, but has been successful thus far.



Famosa Slough Open Space

### 6.1.3.3 Mission Trails Regional Park Master Development Plan

The Master Plan for Lake Murray, Cowles and Fortuna Mountain Regional Park was adopted by San Diego City Council and San Diego County Board Supervisors in 1977. The park was renamed Mission Trails Regional Park in 1979 and a second Master Development Plan was adopted in 1985 by the San Diego City Council and the San Diego County Board of Supervisors. A Master Development Plan update began in 2007, spearheaded by the Mission Trails Regional Park Citizens Advisory Committee. In 2011, the City hired a consultant to begin work on the update, which will include a Resource Management Plan.

The Mission Trails Regional Park Master Development Plan defines five objectives:

- Define the Park's setting in terms of physical environment, aesthetics, public plans and policies, surrounding land use and ownership;
- Identify recreational and open space potentials within the park setting;
- Assess existing and potential relationships especially edges, roads and trail linkages between the Park, its immediate surroundings and the San Diego region as a whole.
- Determine desirable park boundaries based on an evaluation of three alternative concept plans and the relationship between land values and park-use potentials; and
- Prepare a Master Plan Development Plan that is comprehensive in terms of park uses, facility sizes and locations, environmental and architectural design concepts, and EIR mitigation.

Five major geographic areas are identified in the Master Development Plan that are discussed in detail as to the planning of entries, parking, internal circulation, uses, facilities, environmental and architectural design. The San Diego River is located in the Mission Gorge and the East Fortuna Mountain geographic areas of the Master Development Plan. The Mission Gorge area encompasses over two miles of the San Diego River. The existing Father Junipero Serra Trail, a one-way paved road, acts as the San Diego River Pathway connecting the Mission Trails Regional Park Visitor and Interpretive Center to the east entrance of the park. Along this section of the trail are picnic areas, connections to other trails that cross the river, and an amphitheater. The East Fortuna Mountain area is the most diverse area of the Park and contains the historic Old Mission Dam and Flume. The San Diego River Pathway is located on the existing Father Junipero Serra Trail and from this trail access to the north side of the river is found at the Old Mission Dam site. This 7,000 year old site provides interpretation of the Dam and the Flume and picnic areas are located adjacent to the Dam. East of the Dam is the Kumeyaay Lake Campground that is adjacent to the old mining ponds called Kumeyaay Lakes (formerly Hollins Lake) with the San Diego River located on the north side of the Kumeyaay Lakes. The San Diego River and its immediate

floodplain are identified as a special corridor to protect with modest interpretive exhibits and restrictions on buildings, intensive recreation and other development.

#### **6.1.4 MULTIPLE SPECIES CONSERVATION PROGRAM SUBAREA PLAN**

The Multiple Species Conservation Program (MSCP) Subarea Plan was adopted by City Council in 1997. The MSCP Subarea Plan was prepared pursuant to the general outline developed by the United States Fish and Wildlife Service and the California Department of Fish and Game (herein referred to as the “resource agencies”) to meet the requirements of the California Natural Communities Conservation Planning Act of 1992. The MSCP is a comprehensive habitat conservation planning program that addresses multiple species habitat needs and the preservation of native vegetation communities in the San Diego region. This Subarea Plan forms the basis for the Implementing Agreement which is the contract between the City and the resource agencies that ensures implementation of the plan and thereby allows the City to issue Federal Incidental take permits at the local level. The MSCP’s core hard-line biological preserve system was developed by the City in cooperation with the resource agencies, property owners, and environmental groups and is referred to as the Multi-Habitat Preserve Area (MHPA). The MHPA delineates core biological resource areas and corridors targeted for conservation. Within the MHPA, limited development may occur and all development must meet the MSCP Land Use Considerations and the Framework Management Plan guidelines. The MSCP is implemented by the City through the Environmentally Sensitive Lands Regulations and the City’s Biological Guidelines of the City’s Municipal Code and Land Development Code.

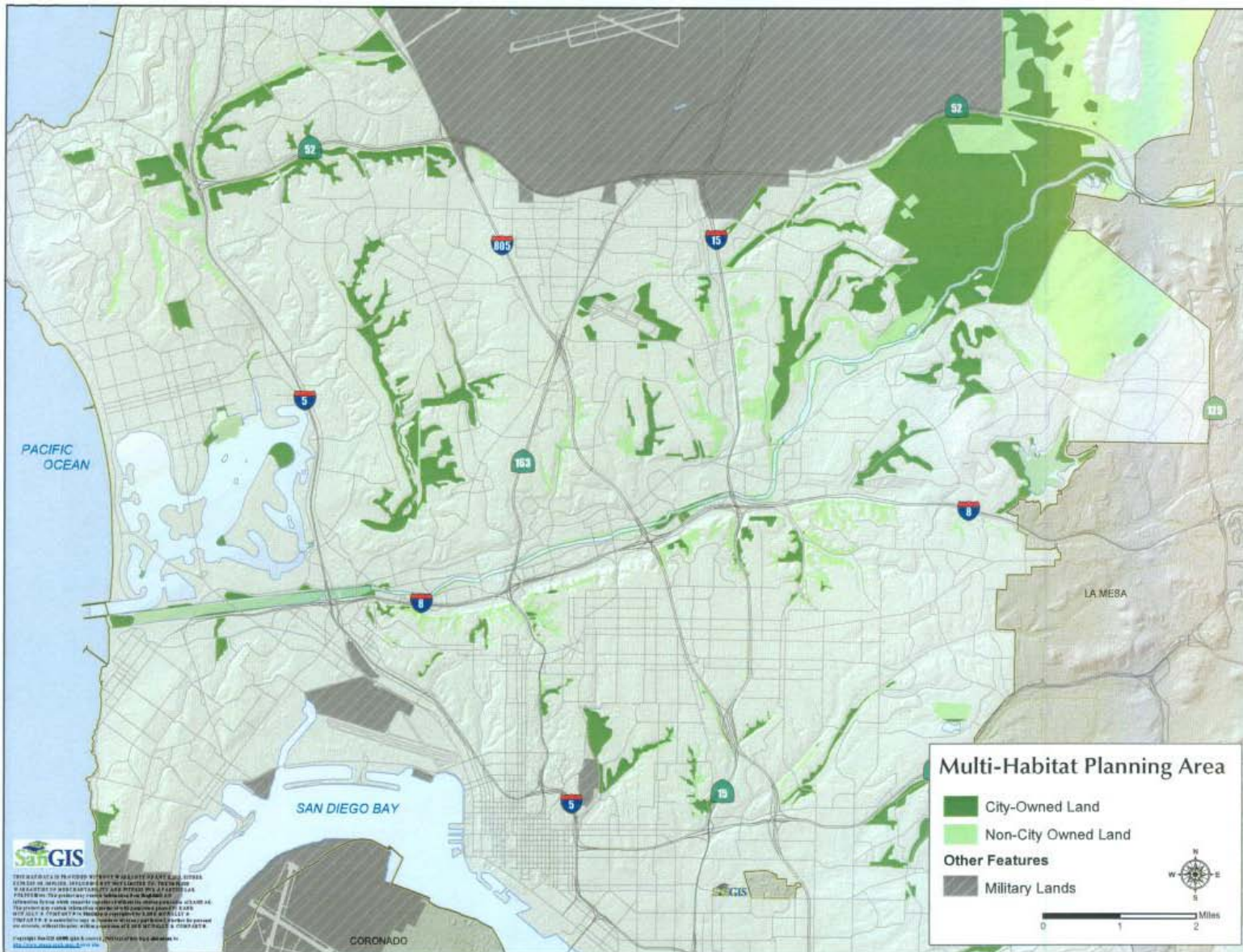


Figure 11. Multiple Species Conservation Program (MSCP) Subarea Plan Map

## **SAN DIEGO RIVER WATERSHED URBAN RUNOFF MANAGEMENT PLAN**

The San Diego River Watershed Urban Runoff Management Plan (WURMP) is required by the San Diego Regional Water Quality Control Board, which issues the National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit (Municipal Permit) to the municipalities in the San Diego Region (“Co-permittees”) to control waste discharges in urban runoff from the Municipal Separate Storm Sewer Systems (MS4). The Municipal Permit requires the “Co-permittees” in the San Diego River watershed management area (WMA), consisting of the cities of San Diego, El Cajon, (Lead Watershed Permittee), La Mesa, Santee and the County of San Diego, to work collaboratively at the watershed level to develop and implement the San Diego River WURMP. The Storm Water Department is the lead for the City of San Diego’s effort in this program.

The program’s goal is to positively affect the San Diego River Watershed water resources while balancing economic, social, and environmental constraints. The following four objectives address the program’s goal: 1) develop and expand methods to assess and improve water quality within the watershed; 2) integrate watershed principles into land use planning; 3) enhance public understanding of water pollution sources; and 4) encourage and develop stakeholder participation. The program’s collective watershed strategy includes activity planning, monitoring, priority assessment, selection, implementation and assessing effectiveness. The San Diego River WURMP is reviewed annually to identify modifications and improvements.

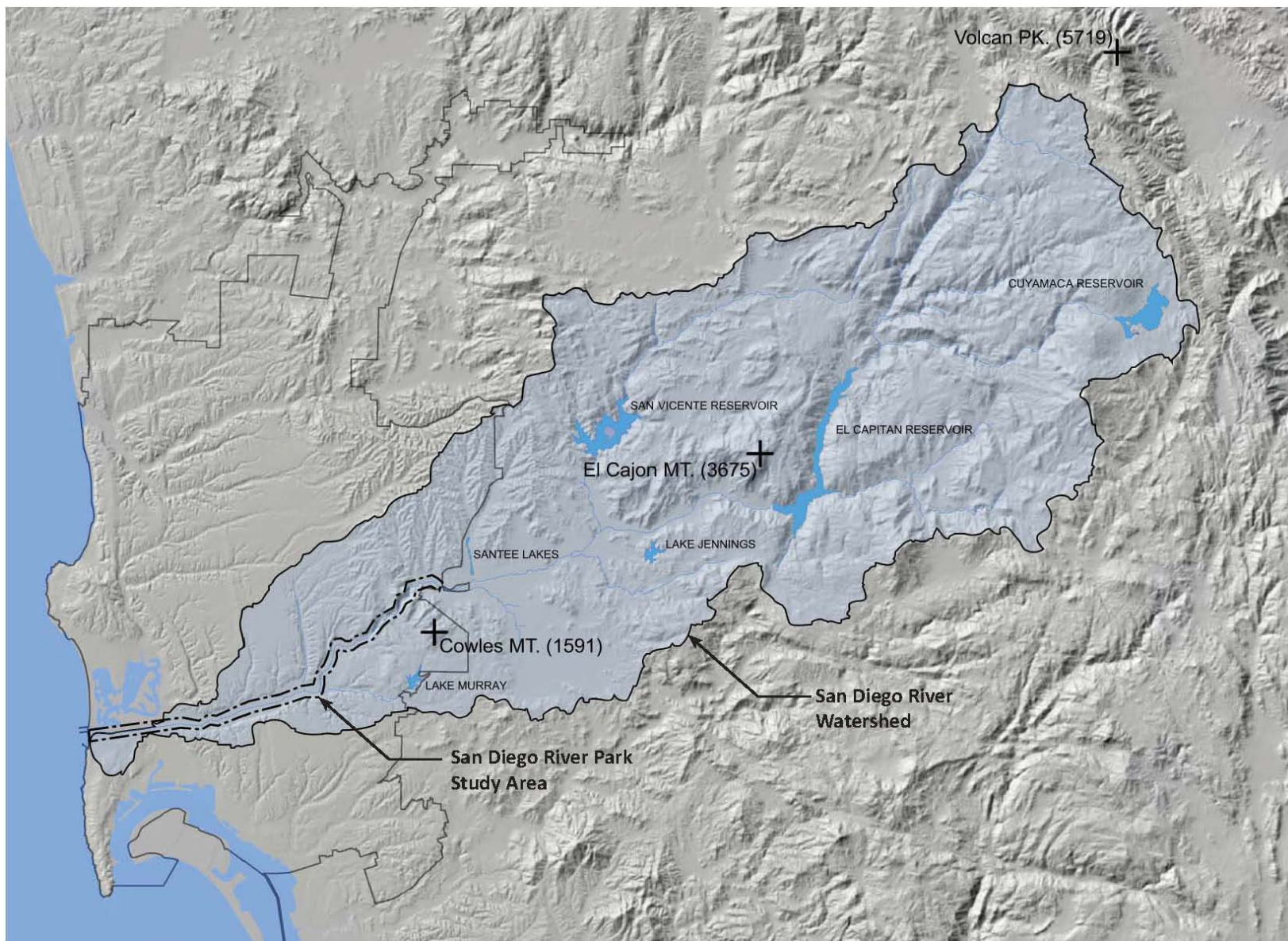


Figure 12. San Diego River Watershed

### **6.1.7 BICYCLE MASTER PLAN**

The first Bicycle Master Plan was adopted by City Council on May 28, 2002. The update to the Bicycle Master Plan (Final Draft April 2012) is in progress and is scheduled to be adopted in 2013. The City of San Diego Bicycle Master Plan was created to promote a more bicycle friendly city, and thereby contribute to an elevated quality of life for all San Diegans and provide additional transportation choices that do not rely on fossil fuel.

The Bicycle Master Plan cites three primary goals:

- A city where bicycling is a viable travel choice, particularly for trips of less than five miles.
- A safe and comprehensive local and regional bikeway network.
- Environmental quality, public health, recreation, and mobility benefits through increased bicycling.

Safety is a primary concern for current and would-be cyclists. Making a safe and easily accessible bicycle infrastructure is a priority for this planning effort. This infrastructure should meet the needs of both the daily commuters and the casual recreational users.

The Bicycle Master Plan incorporates the San Diego River Pathway. It identifies connections between the river corridor's fragmented collection of Class I bikeways and the City's bicycle network. The Bicycle Master Plan also describes peripheral connections perpendicular to the river that link the surrounding communities with the river pathway.

### **6.1.8 PEDESTRIAN MASTER PLAN**

The City of San Diego developed a Pedestrian Master Plan (Final Report December 2006) to guide the way the City plans and implements new or enhanced pedestrian projects. The Pedestrian Master Plan will help the City enhance neighborhood quality and mobility options by facilitating pedestrian improvement projects. The Plan identifies and prioritizes pedestrian projects based on technical analysis and community input, and improves the City's ability to receive grant funding for implementing these projects. The vision statement for the Pedestrian Master Plan is "To create a safe, accessible, connected and walkable pedestrian environment that enhances neighborhood quality and promotes walking as a practical and attractive means of transportation in a cost-effective manner."

The Pedestrian Master Plan cites four primary goals:

- **Safety:** Create a safe pedestrian network free of barriers and tripping hazards that has sufficient street crossings, buffer pedestrians from vehicles and has facilities wide enough to accommodate peak pedestrian use.
- **Accessibility:** Make facilities accessible to pedestrians of all abilities and meet all local, state and federal requirements.
- **Connectivity:** Develop a complete pedestrian network that provides direct and convenient connections for neighborhoods, employment centers, transit stations, public places and community destinations.
- **Walkability:** Create pedestrian facilities that offer amenities to encourage usage and to enhance the pedestrian experience.

## 6.2 APPLICABLE AGENCY JURISDICTION AND PERMITS

In addition to the City of San Diego citywide policy documents, there are a number of local, state, and federal agencies that also have direct or indirect involvement with land planning, resource protection and permit approvals for the San Diego River area. Depending on the type of project proposed within and/or along the river area, these agencies will need to be consulted and in some cases permits will be required. This section provides a brief description of each of these agencies and what they govern.

### 6.2.1 UNITED STATES ARMY CORPS OF ENGINEERS (ACOE)

The ACOE and the United States Environmental Protection Agency (EPA) have established policy and procedures to undertake enforcement of the permit requirements of the Clean Water Act (CWA), Section 404. Under the CWA, it is unlawful to discharge dredge or fill material into waters of the United States without first receiving authorization (usually a permit) from the ACOE, unless the discharge is covered under an exemption. The term “waters of the United States” defines the extent of geographic jurisdiction as waters or rivers, lakes, streams, tidal water, and most wetlands. A discharge of dredged or fill material involves the physical placement of soil, sand, gravel, dredged material or other such materials into the waters of the United States. Some activities resulting from implementation of the Master Plan may require individual or nationwide permits. The ACOE would need to be consulted for a determination on an individual project’s need for a permit at the time of a project proposal.



### **6.2.2 UNITED STATES FISH AND WILDLIFE SERVICE (USFWS)**

The USFWS is the principal Federal agency that provides information to the public on the extent and status of the nation's wetlands. For this reason the USFWS acts in an advisory role with projects requiring an ACOE and/or City of San Diego permit. The USFWS also serves other permitting agencies in an advisory capacity. Of particular importance to the USFWS is the status of plants and animals on the List of Endangered and Threatened Species, which are protected under the federal Endangered Species Act of 1973. The USFWS is also concerned with protecting bird species covered by the Federal Migratory Bird Treaty Act of 1916, as amended in 1994. The USFWS has signed an Implementing Agreement with the City of San Diego for the MSCP Subarea Plan and therefore the USFWS has a participating role in the planning/permit process for the MHPA areas of the Master Plan.

### **6.2.3 CALIFORNIA COASTAL COMMISSION (CCC)**

The CCC was established by voter initiative in 1972 (Proposition 20) and later made permanent by the legislature through adoption of the California Coastal Act of 1976. The CCC, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act, include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of the land or public access to coastal waters, and generally require a coastal permit from either the Coastal Commission or the local government. Within the Master Plan area, the CCC jurisdiction extends from the Pacific Ocean to the railroad tracks located east of Interstate 5. The CCC has given permit authority to the City of San Diego and all development within the coastal zone of the Master Plan is subject to a City of San Diego Coastal Development Permit.

### **6.2.4 CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)**

The CDFG is a department within the government of California, falling under its parent California Natural Resources Agency. The CDFG manages and protects the state's diverse fish, wildlife, plant resources, and native habitats. To meet this responsibility, the Fish and Game Code (Section 1602) requires an entity to notify CDFG of any proposed activity that may substantially modify a river, stream or lake. Modification could include: substantially diverting or obstructing the natural flow of any river, stream or lake; substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or disposal of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. If the CDFG determines that the activity may substantially adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be required. The Agreement will include reasonable conditions necessary to protect those resources and must comply with the California Environmental Quality Act. The CDFG has also signed an Implementing Agreement

with the City of San Diego for the MSCP Subarea Plan and therefore the CDFG has a participating role in the planning/permit process for the MHPA areas of the Master Plan.

### **6.2.5 REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)**

The San Diego RWQCB, which is one of the nine RWQCB in the State of California, administers National Pollutant Discharge Elimination System (NEPDES) permits in the San Diego Region. A NPDES permit would be required for any future activity disturbing one or more acres of ground within the Master Plan area. In California, the RWQCB is also responsible for administering Section 104 of the Federal Clean Water Act, which requires that an applicant for a federal license or permit provide a certificate that any discharges from the facility will comply with the Clean Water Act, including water quality standard requirements. Some activities resulting from implementation of the Master Plan may require NEPDES permits and the RWQCB would need to be consulted for a determination on an individual project's need for a permit at the time of a project proposal.

### **6.2.6 SURFACE MINING AND RECLAMATION ACT OF 1975 (SMARA)**

SMARA, which was enacted in 1975 and amended several times, is intended to provide protection and subsequent beneficial use of mined lands. SMARA allows for continued use of surface mining operation and aims to assure that mine lands are reclaimed to a usable condition that is readily adaptable for alternative land uses. Particular emphasis for re-use of mined lands is given to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment. In accordance with SMARA, a report including details of the mining operation and its reclamation plan must be filed with the State Geologist and local lead agency each year. SMARA would apply to areas adjacent to and within the Master Plan area where resource extraction activities are ongoing or planned in the future.

## 6.2.7 CITY OF SAN DIEGO MUNICIPAL CODE AND LAND DEVELOPMENT CODE

The entire Master Plan area lies within the jurisdiction of the City of San Diego and is subject to the City's Municipal Code. The Municipal Code contains all ordinances for the City of San Diego and includes the Land Development Code (LDC). The LDC contains the city's planning, zoning, subdivision and building regulations which are found in chapters 11-15.

Within the City's Municipal Code, Section 43.0104, Environmental Health Quality Controls 'San Diego River –Bathing Prohibited', it is unlawful for any person, or persons, to swim, wade, or bathe in the waters of the San Diego River within the limits of the City of San Diego.

Within the LDC, the following chapters provide development regulations for the San Diego River Park area:

- Mission Valley Planned District Ordinance (Chapter 15, Article 14, Division 1-4)
- Community Plan Implementation Overlay Zone (Chapter 13, Article 2 Division 14)
- Mission Trails Design District (Chapter 13, Article 2, Division 12)
- Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1)

The Mission Valley Planned District Ordinance (PDO) regulates development with the intent to, "implement the Mission Valley Community Plan through the use of overlay districts regulating development intensity community wide and providing additional development criteria for projects in the San Diego River and Hillside sub-districts..." The San Diego River sub-district of the Mission Valley PDO establishes a River Corridor Area and River Influence Area, and identifies development regulations to implement the Master Plan. Most development proposals for public and private projects within the Mission Valley PDO San Diego River Sub-district are required to undergo a discretionary review process and apply for a Mission Valley Development Permit.

The purpose of the Community Plan Implementation Overlay Zone is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the city. The intent of these regulations is to ensure that development proposals are reviewed for consistency with the use and development criteria that have been adopted for specific sites as part of the community plan. Within the LDC, Diagram 132-14E (Map No. C-779), several specific sites in Navajo are shown as a CPIOZ area. The actual supplemental development regulations for these CPIOZ areas are found in the Navajo Community Plan. The San Diego River Park Sub-district Element of the community plan contains the supplemental development regulations for the San Diego River park area. Development proposals for public and private projects with the San Diego River Park Sub-district CPIOZ are required to obtain a Site Development Permit.

The purpose of the Mission Trails Design District is to provide supplemental development regulations for property surrounding Mission Trails Regional Park and the San Diego River Park. The intent of these regulations is to ensure that development along the edges of Mission Trails Regional Park and the San Diego River Park enhances the park's natural qualities and promote the aesthetic and functional quality of park/urbanization relationships, while recognizing the right to reasonable development within the Design District. This overlay zone applies to those portions of the Navajo, Tierrasanta and East Elliot communities within the boundaries show on Diagram 132-12A (Map No. C-916) of the LDC. The supplemental development regulations are found in the Mission Trails Design District Design Manual. This Design Manual identifies three sub-areas. The San Diego River Park is found within Subarea 3 – Mission Gorge and San Diego River Areas. The Subarea 3 establishes a River Corridor Area and River Influence Area, and identifies development regulations to implement the Master Plan. Most development proposals for public and private projects within the Mission Trails Design District/ Design Manual - Subarea 3 are required to undergo a discretionary review process and apply for a Site Development Permit.

The purpose of the Environmentally Sensitive Lands Regulations (ESL) is to protect, preserve and, where damaged restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along shoreline, and reduces hazards due to flooding in specific areas while minimizing the need for construction of flood control facilities. The ESL regulations implement the MSCP Subarea Plan and provide development regulations for Sensitive Biological Resources, which includes wetlands. Outside and inside the MHPA, impacts to wetlands shall be avoided. A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland.

The ESL regulations also provide development regulations for Special Flood Hazard Areas. Special Flood Hazard Areas are established in accordance with the Federal Emergency Management Agency's (FEMA) maps and regulations to reduce risk of flooding. The City is a participant in the National Flood Insurance Program (NFIP) administered by FEMA. This program provides subsidized flood insurance for all property owners when their properties are constructed in compliance with the floodplain regulations. The FEMA regulations and the ESL regulations apply to all development proposing to encroach into the Special Flood Hazard Area. In all cases where a watercourse is to be altered (reduce the width or widen the existing floodway width) an applicant must submit a Conditional Letter of Map Revision (CLOMR) to the City Engineer and /or a Conditional Letter of Map Revision-Based on Fill (CLOMR-F) to FEMA. If the proposed change is approved by the City and FEMA, the City will issue a grading permit. After completion of construction, the applicant is required to finalize the map revision process by submitting a Letter of Map Amendment (LOMA) or a Letter of Map Revision-Based on Fill (LOMR-F) to the City and FEMA for final review and approval.

In summary, project applicants should consult with the City for a determination on what types of permits are required and the process for approval for development projects within or adjacent to the river. Project proposals are submitted to the Development Services Department (DSD) of the City for processing and DSD serves as a liaison between city departments, the public, and resource agencies. Projects that propose impacts to wetlands require consultation with the US Army Corps of Engineers, U.S. Fish and Wildlife Service and California Department of Fish and Game prior to a public hearing for a development proposal. The project applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation, buffer requirements and upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. Grading and construction permits shall not be issued for any project that impacts wetlands or 'Listed' non-covered species habitat until all necessary federal and state permits have been obtained.

DRAFT