

INITIATIVE PETITION

To the Honorable City Council of The City of San Diego:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the person whose name appears hereon of her intention to circulate a petition within the City of San Diego for the purpose of proposing, to the voters of San Diego: (1) amendments to the City's General Plan, Zoning Code, Mission Valley Planned District Ordinance, and Mission Valley Community Plan; (2) enactment of new Municipal Code Chapter 6, Article 1, Division 28 regarding "Existing Stadium Site and Auxiliary Property Ground Lease"; (3) enactment of the San Diego River Park, Soccer City and Qualcomm Stadium Redevelopment Specific Plan; and (4) adoption of the San Diego River Park and Soccer City Development Agreement.

THE SAN DIEGO RIVER PARK AND SOCCER CITY INITIATIVE

Be it ordained by the People of the City of San Diego:

SECTION 1. Title.

This initiative measure (“Initiative”) shall be known and may be cited as the “San Diego River Park and Soccer City Initiative.”

SECTION 2. Findings, Purpose, and Intent.

A. Findings. The People of the City of San Diego find and declare the following:

1. The People of the City of San Diego (the “City”) desire to provide a feasible and fiscally and environmentally responsible path for the development of the existing stadium site located at 9449 Friars Road (the “Existing Stadium Site”) for the purposes of providing a river park, transit-oriented mixed-use development, and a professional sports or joint-use professional soccer/San Diego State University (“SDSU”) football stadium, with the option for a stand-alone professional football franchise stadium;
2. The cost of maintaining the existing stadium and surrounding lands is very expensive, as is the demolition or dismantling of the existing stadium. In addition, the City has certain lease commitments relating to the existing stadium that exist until approximately 2018. The City is faced with major deferred maintenance and annual operating costs to maintain the existing stadium as well as large unfunded costs for its demolition and removal;
3. The People of the City of San Diego desire to exercise our reserved power of initiative under the California Constitution and the San Diego Municipal Code for the City to establish the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan (“Specific Plan”), which shall provide for the orderly redevelopment of the Existing Stadium Site and other property formerly used for professional football, as well as property adjacent to the Existing Stadium Site (“Existing-Adjacent Property”) (collectively, “Property”) in a manner that provides significant public benefits for the San Diego community;
4. In addition, the People of the City of San Diego desire to exercise our reserved power of initiative under the California Constitution and the San Diego Municipal Code for the City to adopt the Development Agreement Concerning the San Diego River Park and Soccer City Development in Mission Valley, San Diego (“San Diego River Park and Soccer City Development Agreement”), which shall provide for a feasible and fiscally and environmentally responsible path for development of the Property
5. The Specific Plan provides for transit-oriented mixed-use development on the Property, including a 34-acre river park, 12 acres of active use playing fields, 9 acres of neighborhood parks, a sports stadium, approximately 2.4 million square feet of office space, 740,000 square feet of retail space, 4,800 multi-family homes, 450 hotel rooms, and an option for a stand-alone football stadium for a professional football franchise, all with a pedestrian link to the existing Metropolitan Transit System (“MTS”) Green Line transit center;
6. Development is designed to create a San Diego River park consistent with past governmental planning efforts which would unify the City’s urban setting with the natural environment. An interconnected system of parks linked by open space, multi-use pathways, and green corridors are planned for the Existing Stadium Site to reflect the San Diego River pattern as it weaves its way to the ocean;
7. The proposed development on the Existing Stadium Site will provide economic opportunities, including creating construction and permanent jobs in the Mission Valley area and the City, generating new business for local hotels and restaurants through the creation of a sports and entertainment tourism destination, and encouraging the creation of new businesses in the City and the surrounding area;
8. The People of the City of San Diego further desire that the athletic training facility located at 4020 Murphy Canyon Road (“Murphy Canyon Training Facility Site”), which

has historically been used by the City to support and enhance uses on the Existing Stadium Site, now be used to support a potential professional soccer team's operations on the Existing Stadium Site, including practice facilities, team operations, media, and lodging for visiting teams;

9. If a professional soccer team franchise cannot be located on the Existing Stadium Site, the People of the City of San Diego desire that additional professional sports teams also be given the opportunity to obtain leases under the specialized lease standards provided for in this Initiative;
10. All of the Property must be utilized in support of the comprehensive plan of development set forth in the Specific Plan, and specialized standards must be applied to ensure that the Property is not developed in a piecemeal fashion inconsistent with the Specific Plan through varying or conflicting lease standards. In order for the Specific Plan to be successful, this Initiative provides a process whereby the City may maintain control over all or a portion of the Property to ensure that none of the land can be used for purposes that conflict with the Specific Plan;
11. The People of the City of San Diego desire to utilize the Property in furtherance of San Diego's sporting culture and in a way that offers redevelopment opportunities for City-owned lands previously utilized for professional football;
12. The Existing Stadium Site, although used as a sports and event venue and parking facilities, is currently subject to potential flooding and must be carefully designed, regraded, and reconfigured to address this concern;
13. The development of the Existing Stadium Site under this Specific Plan would allow the City to continue its comprehensive plan of environmental restoration of the Existing Stadium Site based on its existing agreements with adjacent responsible parties. Environmental restoration under these agreements pursuant to a plan developed by the City is essential to allow the Existing Stadium Site to be developed consistent with the General Plan City of Villages strategy, create jobs and housing opportunities, minimize taxpayer obligations and restore contaminated City-owned property to provide for an economic, recreational, and planning benefit to the City and its citizens;
14. The development of the Existing Stadium Site under the Specific Plan would allow for the daily and efficient use of the existing underutilized MTS Green Line transit station, located in the center of the City's regional transit network. Development at an appropriate density near transit stations is essential to accomplish the City's greenhouse gas reduction goals;
15. In light of the significant costs and risks associated with developing the Property, including the costs and risks associated with floodplain improvements and the demolition and removal of the existing stadium, and the substantial up-front private investment required to construct and operate a new stadium on the Property, the People of the City of San Diego desire to establish standards and requirements for the leasing and potential sale of the Property to a qualified lessee or purchaser, all with no payment of taxpayer dollars, and requirements for the development of the Property by entering into a development agreement that will specify the obligations of the ultimate developer of the Property;
16. As provided for in this Initiative, current fair market value will be paid for the lease and option rights with respect to the purchase of the Property;
17. The People of the City of San Diego desire that the Property shall revert back to the City if the professional sports stadium is not constructed or sufficient financial guarantees are not provided to the City, within the time specified in this Initiative;
18. In order for the stadium construction to be undertaken in a financially sound manner that provides long-term economic benefits to the City and its residents, and protects taxpayers, this Initiative establishes guidelines and minimum requirements for the development, construction, operation, maintenance, management, and financing of the sports stadium, including but not limited to: 1) the City shall not pay for any stadium

project construction costs or stadium project cost overruns; 2) the City shall not pay for any stadium project operating costs, maintenance, or capital improvement expenses; 3) the City shall be reimbursed for reasonable costs incurred by the City in providing game/event day public safety and traffic management related to stadium events; and 4) a developer shall pay the development fees specified in the Specific Plan to the City;

19. The design and development restrictions and environmental mitigation measures set forth in the Specific Plan are intended to address the potential environmental impacts associated with the construction, operation, maintenance, management, and financing of the development of the Property;
20. The People of the City of San Diego find that the development of the Property will provide important public recreational uses, and that the private uses of the Property further the City's goals and policies of transit-oriented, mixed use development that implements the City of Villages Strategy and the City's greenhouse gas reduction goals; and
21. Implementation of this Initiative will protect the public health, safety, and welfare, and enhance the quality of life for the People of the City of San Diego.

B. Purpose and Intent. The People of the City of San Diego further find and declare that our purpose and intent in enacting this Initiative is to:

1. (a) Adopt the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan and San Diego River Park and Soccer City Development Agreement; (b) establish an objective set of legislative standards and a specified process for the lease and sale option of the Property to implement and enforce the Specific Plan; (c) make conforming amendments to the General Plan, San Diego Municipal Code, Mission Valley Planned District Ordinance, and to the Mission Valley and Kearny Mesa Community Plans; and (d) authorize the City, pursuant to an established set of guiding legislative policies and minimum requirements, to take any and all actions to permit and implement the development, construction, operation, maintenance, management, and private financing of the proposed stadium and mixed-use development project.
2. Take all actions described in subsection (1) regardless of whether any provision of the Initiative is found to be invalid.

SECTION 3. City of San Diego General Plan Amendments.

A. Land Use and Community Planning Element Amendments.

The Land Use and Community Planning Element of the General Plan of the City of San Diego is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text, language to be deleted is shown in ~~striketrough text~~, text in regular or bold type reflects the existing General Plan text and is provided for informational/reference purposes):

Figure LU-2, General Plan Land Use and Street System, on page LU-15, is amended to designate the Existing Stadium Site and the Existing-Adjacent Property from "Commercial Employment, Retail, & Services" to "Multiple Use," and the Murphy Canyon Training Facility Site from "Industrial Employment" to "Commercial Employment, Retail, & Services," as depicted on page A-3 of **Exhibit A**.

B. Mobility Element Amendments.

The Mobility Element of the General Plan of the City of San Diego is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text, language to be deleted is shown in ~~striketrough text~~, text in regular or bold type reflects the existing General Plan text and is provided for informational/reference purposes):

Figure ME-1, Transit Land Use Connections, on page ME-4, is amended to re-designate the Existing Stadium Site and the Existing-Adjacent Property from "Commercial Employment, Retail, & Services" to "Multiple Use," and the Murphy Canyon Training Facility Site from "Single Family Residential and Other Uses" to "Commercial," as depicted on page A-7 of **Exhibit A**.

C. Economic Prosperity Element Amendments.

The Economic Prosperity Element of the General Plan of the City of San Diego is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text, language to be deleted is shown in ~~striketrough text~~, text in regular or bold type reflects the existing General Plan text and is provided for informational/reference purposes):

Figure EP-1, Kearny Mesa Industrial and Prime Industrial Land, is amended to remove the “Other Industrial Land” designation on the Murphy Canyon Training Facility Site, as depicted on page A-11 of **Exhibit A**.

D. Recreation Element Amendments.

The Recreation Element of the General Plan of the City of San Diego is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text, language to be deleted is shown in ~~striketrough text~~, text in regular or bold type reflects the existing General Plan text and is provided for informational/reference purposes):

Figure RE-1, Community Plan Designated Open Space and Parks Map, on page RE-4, is amended to remove the “Community Park” designation on the eastern side of the Existing Stadium Site, as depicted on page A-15 of **Exhibit A**.

E. Official Zoning Map of the City of San Diego Amendments.

Grid 23 of the Official Zoning Map of the City of San Diego, a copy of which is attached for informational purposes only at page B-2 of **Exhibit B** hereto, is amended to change the zoning of the Murphy Canyon Training Facility Site (Assessor’s Parcel Numbers (“APNs”) 421-391-01, 421-391-02, 421-392-01, 421-392-02, 421-392-03, and 421-392-04), the Existing Stadium Site (APNs 433-250-16, 433-250-19, 433-250-13, and 433-250-14), and the Existing-Adjacent Property (portions of APNs 433-240-19 and 433-240-23), as set forth on page B-3 of **Exhibit B** hereto. By adopting the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan CC-1-3 zoning for the Murphy Canyon Training Facility Site, the voters intend to rescind, and do hereby rescind, the existing IL (industrial) zoning for the Murphy Canyon Training Facility Site, and to replace that zoning with the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan CC-1-3 zoning. By adopting the Mission Valley Planned District-Mission Valley-Multi-Use/Specific Plan (“MVPD-MV-M/SP”) zoning for the Existing Stadium Site, the voters intend to rescind, and do hereby rescind, the existing Mission Valley Planned District-Mission Valley-Commercial Visitor (“MVPD-MV-CV”) zoning for the Existing Stadium Site, and to replace that zoning with the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan MVPD-MV-M/SP zoning.

Grid 19 of the Official Zoning Map of the City of San Diego, a copy of which is attached for informational purposes only at page B-5 of **Exhibit B** hereto, is amended to change the zoning of the Existing Stadium Site from MVPD-MV-CV to MVPD-MV-M/SP, as set forth on page B-6 of **Exhibit B** hereto.

SECTION 4. Amendments to Mission Valley Community Plan.

The Mission Valley Community Plan is hereby amended as follows (new language to be inserted into the Mission Valley Community Plan is shown as underlined text, language to be deleted is shown in ~~striketrough text~~, text in regular or bold type reflects the existing Community Plan text and is provided for informational/reference purposes):

Mission Valley Community Plan Amendments table on page ii is amended to include a reference to the Specific Plan, as depicted on page C-4 of **Exhibit C**.

Planned Elements Section, Land Use Residential at page 39 is amended as follows:

The Plan (Concept 5) projects a planning area horizon year residential capacity of 15,159 dwelling units or 24,558 residents based upon the 1984 occupancy ratio of 1.62 residents per dwelling unit. Current population density and development intensity are provided for in each Specific Plan.

Planned Elements Section, Land Use Development Guidelines at page 42 is amended as follows:

Residential development should be in the form of generally self-contained areas. The following proposals are intended to achieve this concept:

3. Employ the Planned Development Permit (PDP) approach to residential and/or commercial development to encourage a mix of housing types and densities, integration of commercial uses, and flexibility in site arrangement. Residential use will be allowed to occur without the use of PDP permit as specified by a Specific Plan or up to a maximum density of 14 dwelling units to the acre. However, higher densities of up to 73 dwelling units may be obtained through the Planned Development approach. This approach will ensure residents that higher density development will provide open space and recreational facilities

...

13. Permit medium- to medium-high density residential developments (up to 73 units per acre) in conjunction with commercial facilities, through the utilization of PRD/PCD permits, or as specified by a Specific Plan.

Figure 4, Existing Zoning at page 44 is amended to include the Specific Plan zoning on the Existing Stadium Site and Existing-Adjacent Property, as depicted on page C-5 of **Exhibit C**.

Figure 5, Land Use at page 45 is amended to change the Existing Stadium Site and Existing-Adjacent Property zoning designation from “Commercial Recreation” and “Visitor Commercial” to “Multi-use,” as depicted on page C-9 of **Exhibit C**.

Planned Elements Section, Land Use Re-Use Development Proposals at page 56 is amended as follows:

2. Environmental Problems

- Environmentally sensitive issues should be addressed in each precise development plan or Specific Plan. These should include but not be limited to the following: air quality; flood hazards; high quality habitats and adjacent open space systems; hillside preservation and conservation; carrying capacity of the local street system and the impact of Jack Murphy San Diego Stadium.

Figure 10, Specific Plan/Multiple Use Areas at page 66 is amended to include the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan, as depicted on page C-12 of **Exhibit C**.

Planned Elements Section, Transportation Development Guidelines at page 78 is amended to include the following footnote:

DEVELOPMENT GUIDELINES²

Regional Highways

- Complete SR-52 and SR-125 to provide an alternate route from East San Diego County to North San Diego County, and from Southeast San Diego County to Downtown San Diego (relieving SR-94), and to points north (relieving I-8).

...

² Specific Plans should provide their own circulation guidelines.

Figure 20, Consolidated Parking Areas at page 97 is amended to remove the Existing Stadium Site as a potential consolidated parking area, as depicted on page C-14 of **Exhibit C**.

Plan Elements Section, Open Space Development Guidelines at page 121 is amended as follows:

- Design of the wetland buffer and habitat adjacent to the river shall be consistent with the Land Development Code, Section 142.0101, Environmentally Sensitive Lands and the Design Guidelines of the San Diego River Park Master Plan, or as addressed by a Specific Plan.
- The San Diego River Pathway for pedestrians and bicyclists should be included as part of the design for all development along the river. The San Diego River Pathway location and design to be in accordance with the Mission Valley Planned District Ordinance and be consistent with the meet the San Diego River Park Master Plan Design Guidelines.
- All new structures built adjacent to the River should be design to be in accordance with the Mission Valley Planned District Ordinance and be consistent with the meet the San Diego River Park Master Plan Design Guidelines, or as otherwise regulated by a Specific Plan.

Plan Elements Section, Development Intensity at page 138 is amended as follows:

The purpose of this element is to establish guidelines for intensity of development in Mission Valley. The basis for regulating the intensity of development is the finite traffic capacity on the projected circulation system (freeways and surface streets). This capacity was determined by a series of traffic forecast studies which established the maximum feasible vehicular capacity for every freeway, street, intersection and interchange in Mission Valley.

The San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan is exempt from this section of the Community Plan. The San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan includes a traffic impact study and ADT caps which regulates development within the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan Area.

The proposed development intensities are the levels at which the future acceptable amount of building square footage or number of dwelling units will be determined for any given parcel. A given number of trips are assigned to each increment of floor area for each land use. This formula is applied to the various uses listed in the Mission Valley Vehicle Generation Rates by Land Use Table (**Table 3**).

Plan Elements Section, Community Facilities at page 153 is amended as follows:

PUBLIC FACILITIES

San Diego Jack Murphy Stadium

Although San Diego Jack Murphy Stadium may be categorized as a commercial-recreational use, it is worthy of separate discussion as a public facility because of its function, uniqueness, size and impact on the Mission Valley.

The stadium was constructed in 1967 on its 158-acre site at a cost of \$27,500,000. It currently (1984) has a seating capacity of about 60,000. Parking is available for approximately 17,000 private vehicles and 300 buses. The recent expansion (1984) of the stadium's seating capacity and any future expansion of the seating capacity will require, at the very minimum, an increased emphasis on the use of buses and a de-emphasis on private automobiles in order to reduce problems of traffic congestion and poor air quality. ~~Any expansion or addition of commercial activities other than those related to normal stadium events, must comply with the development intensity limitations described in the traffic forecast and the **Development Intensity Element** of this plan.~~

~~An economic feasibility study is being conducted by the City of San Diego Property Department to determine how City-owned property (the stadium as well as other properties located between Stadium Way and I-15) might be developed or redeveloped in the future. For purposes of this Plan, all publicly owned properties must be retained for the needed community facilities, until it can be shown that these properties are no longer~~

~~required. In the event there is a surplus of publicly-owned land after all of the needed community facilities have been provided, the findings and recommendations of this study should be considered, provided they comply with the goals of this Plan and the development intensity and land uses proposed for this area.~~

Plan Elements Section, Community Facilities Development Guidelines at page 155 is amended as follows:

- Before publicly-owned land is used for non-public activity, it should be reviewed and determined to be not necessary for public use, or such non-public activity otherwise determined to be in furtherance of the City's goals and policies.

Plan Elements Section, Conservation Noise at page 159 is amended as follows:

The freeways crossing and extending the length of the Valley contribute significantly to the noise levels there. Events held in San Diego Jack Murphy Stadium also contribute to noise levels in the eastern section of the community. Currently, only stadium concerts and firework displays have noise related regulations unless otherwise authorized pursuant to a Specific Plan or permit. Each of these events may not exceed a 95 decibel average (measured at the - press level) and must end at a prescribed time unless otherwise authorized by a Specific Plan or permit. Average noise levels (hourly) for sporting events (football games and motorcycle racing) have been measured at between 93 and 95 decibels. The noise generated by I-15 between Friars Road and I-8 is 76 decibels at 50 feet from the center of the outside lane, based on a daily traffic count of 57,800. Future modification to the stadium should take into consideration additional noise abatement measures. The recent seating expansion project which partially enclosed the southeastern portion should provide some noise attenuation of stadium events.

Plan Elements Section, Urban Design Landmarks at page 185 is amended as follows:

C. LANDMARKS

Community landmarks such as the Presidio (Serra Museum), Mission San Diego de Alcalá, ~~San Diego Jack Murphy Stadium~~ and the Jack Schrade Bridge (I-805) establish areas that require special design considerations. These landmarks provide a community identity and, as such, they should remain highly visible.

Plan Elements Section, Urban Design, Design Guidelines for Landmarks at page 186 is amended as follows:

- Development near the Jack Schrade Bridge should use the bridge to frame the project, perhaps even incorporating some of its form into the design of new buildings.
- ~~Development surrounding the San Diego stadium should maintain view corridors and landscaped areas to enhance the views into this major civic and architectural landmark.~~
- The gateways, or entrances into the community are another type of landmark. Being crisscrossed by regional freeways, Mission Valley has many of them. Each should provide a clear view into, as well as through the community. New development located at these entrances will also become community landmarks, and should be designed with that thought in mind.

Implementation, Transportation Improvements Phasing at page 207 is amended as follows:

Equivalent Dwelling Units (EDU) have been selected to translate different type of development into a common denominator. The EDU factor for each type of land use in Mission Valley is listed in Appendix A. In order to monitor the EDU's in Mission Valley, the Valley was divided into twelve sectors, basically along the San Diego River and the north-south freeways (see Figure A-1, Appendix Section). These sectors were grouped together according to which street or ramp improvements will be required

because of development in those areas (Table A-2 and Figure A-2, Appendix Section). Table A-2 indicates the maximum amount of EDU's that can be developed within a group of sectors before certain street improvements are necessary. These EDU totals exclude any projects that are underway or have approved tentative or final maps or are within the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan. If a new project replaces an existing land use, only the difference in EDU's between the new and old use should be counted in monitoring total EDU's. Notice that some of the groups have several levels of development that require different road improvements.

Implementation, Legislative Implementation at pages 207-208 is amended as follows:

Zoning legislation in the form of a Development Intensity District ordinance will be formulated which will regulate the intensity of new development and redevelopment by establishing relationships with traffic generation factors. Such zoning legislation may also be formulated through a Specific Plan applicable to a designated area rather than zoning legislation.

Transfer of Development Rights legislation will be formulated and implemented as part of the Development Intensity District legislation program or by a Specific Plan.

SECTION 5. Amendment to the Kearny Mesa Community Plan.

The Kearny Mesa Community Plan is hereby amended as follows (new language to be inserted into the Kearny Mesa Community Plan is shown as underlined text, language to be deleted is shown in ~~struckthrough text~~, text in regular or bold type reflects the existing Community Plan text and is provided for informational/reference purposes):

Figure 4, Recommended Land Use at page 10 is amended to rezone the Murphy Canyon Training Facility to General Commercial, as depicted on page D-3 of **Exhibit D**.

Provisions for Hotel/Motel Development on page 39 are amended as follows:

Hotel/Motel Facilities will require a Planned Commercial Development (PCD) permit to implement the design recommendations of this Plan and ensure compatibility with the development regulations of the Montgomery Field Master Plan and the Airport Land Use Compatibility Plans for Montgomery Field and MCAS Miramar, except those areas located within the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan Area, which shall allow Hotel development by right. If the property is industrially zoned, a rezone to an appropriate commercial zone will be necessary.

Figure 8, Recommended Commercial Land Use on page 40 is amended to designate the Murphy Canyon Training Facility Site as General Commercial, as depicted on page D-5 of **Exhibit D**.

Figure 29, Proposed General Plan Land Use Designations on page 110 is amended to designate the Murphy Canyon Training Facility Site as General Commercial, as depicted on page D-7 of **Exhibit D**.

SECTION 6. Amendment to the Mission Valley Planned District Ordinance.

The Zoning Map of the Mission Valley Planned District Ordinance, a copy of which is attached for informational purposes only at page E-2 of **Exhibit E** hereto, is amended to change the zoning of the Existing Stadium Site and the Existing-Adjacent Property, as set forth on page E-3 of **Exhibit E** hereto. By adopting the MVCP-MV-M/SP zoning for the Existing Stadium Site and the Existing-Adjacent Property, the voters intend to rescind, and do hereby rescind, the existing zoning for the Existing Stadium Site and the Existing-Adjacent Property, and to replace that zoning with the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan for MVCP-MV-M/SP zoning.

The Mission Valley Planned District Ordinance is hereby amended as follows (new language to be inserted into the Mission Valley Planned District Ordinance is shown as underlined text, language to be deleted is shown in ~~striketrough~~ text, text in regular or bold type reflects the existing Ordinance text and is provided for informational/reference purposes):

Article 14, Division 1, section 1514.0103(b) is amended as follows:

- (b) Exemptions
 - (1) Projects submitted pursuant to Council adopted specific plans are exempt from the Mission Valley Planned District Ordinance when the submittal is found to be in substantial conformance with the approved specific plan (see Section 1514.0202).
 - (2) Notwithstanding any other provision to the contrary, the City Manager may waive the permit requirements for an activity regulated under the Mission Valley Planned District Ordinance when it is determined that the proposed activity is necessary to avoid or abate a hazardous or other unsafe condition.
 - (3) Public projects that have approved permits to conduct maintenance work in the Special Flood Hazard Areas are exempt from the requirements of the River Park Subdistrict.
 - (4) The San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan Area shall be exempt from the Mission Valley Planned District Ordinance.

SECTION 7. Amendment to the San Diego Municipal Code.

The San Diego Municipal Code is hereby amended to add Division 28 to Article 1, Chapter 6 as follows (new language to be inserted into the San Diego Municipal Code is shown as underlined text, language to be deleted is shown in ~~striketrough~~ text, text in regular or bold type reflects the existing Municipal Code text and is provided for informational/reference purposes):

Article 1: Public Improvement and Assessment Proceedings

Division 28: Existing Stadium Site and Auxiliary Property Ground Lease

§ 61.2801 Purposes

The following are the purposes of this Division.

- (a) This Division is intended to further the City’s goal of providing a feasible and fiscally and environmentally responsible path for the redevelopment of the Existing Stadium Site and the Murphy Canyon Leased Property, including construction of a Joint Use Stadium, practice fields, ancillary development, and supporting transit-oriented development without any expenditure or subsidy from the City. To attract private investment on these properties that would finance and construct all of the planned development solely at private expense as set forth in the Specific Plan, this Division is intended to provide a clear objective set of requirements applicable to potential lessees or purchasers of the Existing Stadium Site and the Murphy Canyon Leased Property, which has historically been used by the City to support the uses on the Existing Stadium Site. Furthermore, this Division is intended to provide a swift, accurate, and centralized process for the City to review, consider, approve, or reject any application for a Lease of the Existing Stadium Site and the Murphy Canyon Leased Property, so that potential lessees can obtain a decision on their application in a predictable period of time.
- (b) The Existing Stadium Site and the Murphy Canyon Leased Property have unique constraints, challenges, and costs associated with future rehabilitation, reconstruction, and reuse which make them unlike other City-owned properties in other areas of the City. Among these constraints are the desire by the City to: (a) provide an option for the return of a professional football franchise; (b) accommodate a San Diego State University (“SDSU”) college football program; (c) provide public community park uses; (d) provide for the cleanup of the Existing Stadium Site using any applicable settlement agreements that the City has reached with adjacent landowners; (e) address flood control issues involving a majority of the Existing Stadium Site; (f) provide for the demolition of the antiquated Existing Stadium; and (g) provide attractive legislative standards for a Lease that may be issued by the City to attract a new award of a professional major league soccer franchise for San Diego. These constraints, challenges, and costs require the City to approach potential Lease applications with unique and objective standards to ensure that the City maximizes the number of potential applications from prospective lessees and the City does not enter into agreements that address these challenges in a piecemeal or incomplete manner.
- (c) This Division is also necessary to ensure that all of the environmental considerations and mitigation measures intended to avoid or lessen any potential environmental impacts contained in the Specific Plan are fully and accurately reflected in the standards for any Lease of the Property, without the necessity for the City to repeat the analysis already contained in the Specific Plan, or the possibility that conflicting environmental measures would be contained in any Lease that would conflict with the adopted Specific Plan.
- (d) At the time of adoption of this Division, the City faces difficulty in attracting and retaining major league sports teams due in part to existing complex, uncertain, and lengthy approval processes for land use decisions and leasing decisions. The Existing Stadium Site has a history of several unsuccessful reuse and redevelopment proposals. This Division, combined with the Specific Plan, is intended to provide a detailed set of legislative standards and procedures that are available for the consideration of Lease applications for a potential site for such uses. It is also necessary for the City to reduce uncertainty and delay in determining the potential legislative standards that may be applied by City decision makers in reviewing Lease applications, and that may be provided by the City to prospective developers, lessees, or purchasers to incentivize private risk capital to pursue acquiring new franchises for major league sports teams, and to provide an appropriate site for collegiate football and football bowl games. Providing objective detailed requirements for Lease applications will also establish an open, public, and transparent process to allow any party to submit an application meeting a fixed set of standards. These standards are intended to replace and supersede, with respect to the leasing of the Property, any existing legislative standards, procedures, and policies that the City has previously adopted for the leasing of City property.

Furthermore, this Division is intended to provide detailed legislative provisions for the objective requirements that must be contained in any *Lease* agreement to protect the City from any expenditures or risks associated with the leasing of the *Existing Stadium Site* and the *Murphy Canyon Leased Property*, and ensure that all of the environmental mitigation measures and planning requirements of the *Specific Plan* are met by any potential lessee or purchaser. This Division provides fixed standards and objective measurements that shall be applied to the proposed approval or rejection of an application for any *Lease* within the *Specific Plan* area, so that the City's decision-making in considering such application shall be free of personal subjective judgment and allow for a ministerial decision to be made based on objective standards.

The legislative standards set forth in this Division are intended to ensure that any *Lease* approved by the Mayor will contain provisions that protect the City's interest and ability to obtain the expected *Lease* benefits, and ensure that the lessee, sublessees, and potential purchasers of property under any *Lease Option* are each required to comply with the standards for development contained in the *Specific Plan*. Such legislative standards include the remedies for default that must be contained in any *Lease*. These legislative standards are also intended to ensure that any *Lease* provides for commercially reasonable requirements for additional commercial and residential development in compliance with the *Specific Plan*, which facilitates the lessee's ability to generate sufficient funds to pay for its performance of any *Lease* obligations to the City.

A key policy for the development of the *Property* is to assure that no public subsidy or expenditure is required for development. These requirements for potential *Leases* of the *Property* have been established by this Division so that the City will not provide subsidies, or be required to make new expenditures, under the standards of any *Lease* which the City may subsequently approve under this Division.

§ 61.2802 **Definitions**

Each word that is defined in this Division appears in the text of this Division in italicized letters. Terms defined in the remainder of the *Initiative* but not defined in this Division have the meaning given to them in the other portions of the *Initiative*. For the purpose of this Division, the following definitions shall apply:

Development means the development allowed and contemplated in the *Specific Plan*.

Execution Date shall refer to the date that any *Lease* approved under this Division has been executed, both by all required officers of the City and by the *Qualified Lessee*.

Existing-Adjacent Property means the three (3)-acre parcel located immediately north of Friars Road from the *Existing Stadium Site*, as described more particularly and depicted in the *Specific Plan*.

Existing Stadium shall refer to the stadium building located on the *Existing Stadium Site* as of the *Initiative Effective Date*.

Existing Stadium Site means the property located at or near 9449 Friars Road, San Diego, California 92108, as described more particularly and depicted in the *Specific Plan*, including the *Existing-Adjacent Property*.

Football Property means a sixteen (16) acre portion of the *Existing Stadium Site*, the location of which shall be selected by the *Qualified Lessee*.

Football Qualified Entity means a professional football team to be located in San Diego.

Initiative means the "San Diego River Park and Soccer City Initiative" adopted on the *Initiative Effective Date*.

Initiative Effective Date means the date that the *Initiative* has become effective.

Initiative Notice Date means the date the Notice of Intent is filed to circulate the Initiative.

Joint Use Stadium means a highest level or premier men's or women's outdoor professional soccer league stadium or other outdoor professional sports stadium, which may under certain circumstances be a joint use facility with collegiate football, as described in the Specific Plan.

Lease means any lease entered into between a Qualified Lessee and the City in accordance with this Division.

Murphy Canyon Training Facility Site means the property located at or near 4020 Murphy Canyon Road, San Diego, California 92123, as described more particularly and depicted in the Specific Plan.

Murphy Canyon Leased Property means the up to twenty (20) acre portion of the Murphy Canyon Training Facility Site that the Qualified Lessee leases pursuant to any Lease. The location and size of the Murphy Canyon Leased Property shall be determined by the Qualified Lessee (but in no event shall exceed twenty (20) acres).

Option means the Qualified Lessee's option, as provided under any Lease, to purchase up to 79.9 acres of land on the Existing Stadium Site for Joint Use Stadium uses or for the development of a highest level or premier professional league soccer or other professional sports stadium or other uses allowed under the Specific Plan.

Property is comprised of the Murphy Canyon Leased Property, Existing-Adjacent Property, and the Existing Stadium Site.

Professional Soccer League means a highest level or premier men's or women's professional outdoor soccer league that exists with an active schedule of games among the franchises, which has generated an aggregate ticket sales during league-qualifying play in the United States of at least \$100 million during the five-year period prior to the Initiative Effective Date.

Professional Sports League means a highest level or premier professional sports league such as football, basketball, soccer, or other sport.

Qualified Lessee means an entity that meets the following requirements: the entity shall be an interested prospective ownership group for the San Diego market (a) who has submitted an application for a franchise to be located in San Diego from a Professional Soccer League as part of any such league's expansion process, and (b) for whom the governing body of a Professional Soccer League has confirmed that such entity is under active consideration by any such league for an award of a franchise for San Diego as of the Initiative Effective Date. In the alternative, a Qualified Lessee may also be any entity that has been awarded a Professional Soccer League franchise to be located in the San Diego market. A Qualified Lessee may also be any entity that owns or controls an entity that meets the definition of Qualified Lessee described in the preceding sentences of this definition.

Reverter Date means seven (7) years from the Execution Date.

Reverter Right means the right of the City to cancel any Lease under this Division and take further actions to regain occupancy or ownership of the Property if the Qualified Lessee fails to complete the construction of the Joint Use Stadium on the Existing Stadium Site by the date which is seven (7) years from the Execution Date, subject to, and as further defined within, the provisions of this Division.

River Park means approximately thirty-four (34) acres of open space land at the southern portion of the Existing Stadium Site that a Qualified Lessee shall set aside for a San Diego River park/community park, subject to the conditions of this Division.

SDSU means San Diego State University, a public, State of California university.

Specific Plan means the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan.

Stadium Land means the portion of the Existing Stadium Site on which the Joint Use Stadium will be constructed.

Term means the period between any Lease's commencement on the Execution Date and its expiration, on the ninety-ninth anniversary of the Execution Date, unless any Lease is terminated prior to that date.

§ 61.2803 **Required standards for ground Leases for stadium and ancillary development approved under this Division**

Legislative standards for any Lease of the Property that may be reviewed and approved by the Mayor based on any application submitted to the Mayor under this Division have been set forth in this Division to provide a public, organized, and reliable process for applicants to submit Lease applications under these standards. This Division also provides legislative standards so that the public may determine whether such applications meet these Lease standard requirements prior to the execution of any Lease.

The legislative standards and requirements listed in this Division for review, approval and execution of Lease applications and Leases shall be applicable only to applications made to the City pursuant to this Division for the Property. Any Lease of the Property approved by the Mayor under the procedure set forth in this Division shall meet all of the provisions of this Division.

(a) Qualified Lessee.

- (1) Any Lease shall provide that the lessee must be a Qualified Lessee to assure that the Property is developed in a manner that will increase the opportunity for a new professional sports team to locate in San Diego using the resources, unique location, and characteristics of the Property.

(b) Lease Term

- (1) The Term of any Lease shall be 99 years to provide a Qualified Lessee with sufficient time to develop and finance the allowed improvements on the Property, and to allow the City to enjoy the continued benefits of the completed development under the Specific Plan. No Lease shall contain any renewal options.

(c) Applicable Requirements for Lease and Redevelopment of Existing Property

- (1) The Mayor shall ensure that any Lease includes both the Existing Stadium Site and the Murphy Canyon Leased Property on a combined basis to assure a unified approach in addressing all of the issues and constraints for the overall Property. The location and size of the Murphy Canyon Leased Property shall be specified by the applicant for a Lease in any Lease application, but in no event shall the Murphy Canyon Leased Property exceed twenty (20) acres.
- (2) Any Lease must provide for a comprehensive multi-use development that provides for: (a) the redevelopment of the Property; and (b) the construction, operation, and support of a Joint Use Stadium and other uses allowed under the Specific Plan, all to support the goals of the Specific Plan for the comprehensive re-use of the Property. No Lease may be approved which fails to provide for each of these requirements.
- (3) Any Lease shall require the Qualified Lessee to construct the Joint Use Stadium to meet the City's goal of attracting and retaining professional sports teams without a public subsidy.
- (4) Any Lease shall provide the Qualified Lessee the right to the exclusive use of the Property, except for the continued temporary use of the Existing

Stadium as described in this Division to protect the City's existing leases and agreements for use of the Existing Stadium.

- (5) Any Lease shall require that the Qualified Lessee design, construct, and pay for improvements along the street frontages along the perimeter of and within the Property, including but not limited to curbs, gutters, sidewalks, street trees, and street lighting to then-current City standards to provide for adequate access to development and parks or recreational uses on the Property, as set forth in the Specific Plan. This requirement shall ensure that all such improvements meet City standards without any City expenditure, and the opportunity, without any obligation, for the City to accept such improvements as public streets and sidewalks.
- (6) To meet the City's important goal of providing additional land that can be used for local and regional park purposes in the Existing Stadium Site's unique location adjacent to the San Diego River, any Lease shall require that the Qualified Lessee set aside approximately thirty-four (34) acres of open space land at the southern portion of the Existing Stadium Site for the River Park. Any Lease shall also require that the Qualified Lessee or an association of private property owners, lessees, or sublessees established or organized by the Qualified Lessee shall manage (subject to the City's ongoing review), and pay for the ongoing maintenance of the River Park, so that the City shall not be required to make expenditures to maintain such land provided for public park purposes. Any Lease shall require that the River Park be open for public recreational uses during daylight hours or scheduled public events, in accordance with the Specific Plan.
- (7) To address the need to obtain necessary permits that the City as owner of the Property requires from other government agencies for the construction and modification of land to be used for River Park purposes in an expeditious manner without an expenditure by the City, any Lease approved shall meet the following requirements:
 - (A) The Lease shall require the Qualified Lessee, and the City as owner of the Property, to both diligently pursue any state and federal permits necessary to construct the River Park, subject to any applicable restrictive use agreement with the United States.
 - (B) Such pursuit by the City shall not require any expenditure by the City, and the Qualified Lessee shall advance any funds reasonably required by the City to perform such pursuit. Qualified Lessee shall submit applications for any required permits within 120 days of the Execution Date.
 - (C) If such permits are obtained within eighteen (18) months of the Execution Date, then the Qualified Lessee or Qualified Lessee's designee shall construct the River Park as contemplated in the Specific Plan, provided, however, that Qualified Lessee shall not be required to expend more than \$40,000,000 (subject to reduction pursuant to Section 61.2804 below) for the permitting, grading, and construction of such River Park.
 - (D) If such permits are not obtained within eighteen (18) months of the Execution Date, then the Qualified Lessee shall, at the City's option, deposit the funding for the River Park with the City, in an amount no greater than \$40,000,000 (subject to reduction pursuant to Section 61.2804 below), and shall retain the River Park area as open space until such time as construction of the River Park may commence.
 - (E) The City may, in its sole discretion, elect to utilize such funds at any time after such funds are deposited to construct the River Park on the Existing Stadium Site.

- (F) If the City elects to construct the *River Park*, the City shall enter into an appropriate agreement with the *Qualified Lessee* to provide for appropriate access and indemnity to allow for the City's construction without disturbing other development on the *Existing Stadium Site*.
- (8) To ensure that the additional parks specified in the *Specific Plan* are constructed without expenditure or subsidy by the City, any *Lease* shall also require the construction of approximately twelve (12) acres of active use fields and neighborhood parks that will be maintained and operated through a joint agreement with the City and the *Qualified Lessee*, or a *Qualified Lessee's* assignee or designee.
- (9) To ensure that no City funds are required to be expended for maintenance of the *Property*, any *Lease* shall require the *Qualified Lessee* to maintain, or cause others to maintain, the *Property*, with the exception of the *Existing Stadium* during the City's temporary usage period, any infrastructure or equipment installed by the City or third parties pursuant to the existing third party settlement agreements that the City may have for cleanup of contamination on the *Property*, and any City-owned or operated utilities. To also accomplish the legislative policy of ensuring that the City shall not be obligated to expend funds for maintenance, any *Lease* shall also require the *Qualified Lessee* to maintain all streets and utilities on the *Property*, unless the City in its sole discretion has accepted them for dedication or ownership.
- (10) Any *Lease* shall require the *Qualified Lessee* to pay prevailing wages for construction of the *Joint Use Stadium* to further the City's policy goal of having major sports facilities built with the payment of prevailing wage.
- (11) To implement the City's policy goal of providing affordable housing, any *Lease* shall require the *Qualified Lessee* to construct and provide for: (i) the greater of ten (10) percent of dwelling units on the *Existing Stadium Site* or eighty (80) dwelling units as affordable to and occupied by "targeted rental households" (as used in San Diego Municipal Code Chapter 14, Article 2, Division 13); or (ii) equivalent for-sale affordable residential units. To further this goal of providing affordable housing, the *Qualified Lessee* under any *Lease* shall take all other steps necessary to satisfy San Diego Municipal Code Chapter 14, Article 2, Division 13, including consenting to the recordation of any required Declaration of Covenants, Conditions, and Restrictions. This requirement shall apply from and after the tenth anniversary of the effective date of any *Lease*.
- (12) Any *Lease* shall require the payment of development and building permit fees in compliance with the *Specific Plan*.
- (13) Any *Lease* shall require the *Qualified Lessee* to provide a pedestrian connection to the existing light rail transit center at the southern portion of the *Existing Stadium Site*, as described in the *Specific Plan*.
- (14) Any *Lease* shall require the *Qualified Lessee* to provide accommodation for a potential future alignment of the proposed "Purple Line" trolley in the eastern portion of the *Existing Stadium Site*, as described in the *Specific Plan*.
- (15) Any *Lease* shall provide that the City shall at all times retain ownership of the land underneath designated access routes and private streets located within the *Property* as they are established under the *Specific Plan*. The costs of constructing any street and utilities on the *Property* to serve the *Property* shall be paid solely by the *Qualified Lessee*, and all improvements shall be inspected by the City to ensure that they meet City standards. *Qualified Lessee* shall pay for its share of off-site improvements as provided in the *Specific Plan*. The *Qualified Lessee*

shall construct any private streets on the Existing Stadium Site in accordance with City standards. The City may, in its sole discretion, accept for dedication or dedicate the designated access routes and private streets constructed by the Qualified Lessee on the Existing Stadium Site as public streets.

- (16) Any Lease shall provide that the Qualified Lessee shall pay the City the amounts specified in the Specific Plan for the specified off-site planned street and interchange improvements as provided in the Specific Plan, should the City decide, in its sole discretion, to construct the improvements.
- (17) To further the City's policy of having the option in the future to accept access routes and streets as public facilities, any Lease shall include the following requirement. If, during the Term of any Lease, the Qualified Lessee owns any portion of the Property that lies within an access route or street planned and constructed by Qualified Lessee, the Qualified Lessee shall provide an offer of dedication upon the City's request for the designated access route and potential streets to be constructed within such portion of the Property under the provisions of the Specific Plan. If accepted by the City, the Qualified Lessee shall convey the public right-of-way to the City through the recordation of an offer of dedication.
- (18) The development permitted by any Lease may not violate any state or federal regulatory requirements. Should any portion of the development permitted by any Lease require the approval of any state or federal agency, the parties to any Lease shall cooperate in good faith to obtain such approvals, provided that any pursuit by the City shall not require any expenditure by the City, and the Qualified Lessee shall advance any funds reasonably required by the City to perform such pursuit. The Qualified Lessee may at any time proceed with those portions of the Development permitted by any Lease which do not require such approvals.
- (19) Any Lease shall entitle the Qualified Lessee to occupy the Property. This requirement is intended to ensure that the Qualified Lessee has the ability to obtain financing for its improvements, and to grant subleases for the Property as otherwise provided in this Division.
- (20) Notwithstanding any other provision of this Division, any Lease shall specify that the Joint Use Stadium shall be privately owned and no City funds shall be utilized, nor shall City bonds be issued, for its construction and operation. It is also a requirement that under any Lease approved pursuant to this Division, the City shall not use any public funds to pay for any:
 - (A) Joint Use Stadium construction costs;
 - (B) Joint Use Stadium cost overruns; or
 - (C) Joint Use Stadium operating costs, maintenance or capital improvement expenses.
- (21) Any Lease shall not obligate the City to expend municipal funds and shall provide that if an expenditure of funds is required by the City to perform any other obligation that is not otherwise reimbursable to the City from a third party under existing agreements with such third parties for redevelopment or cleanup of the Property, the City shall instead give notice to the Qualified Lessee of the requirement for such funds, and shall request that the Qualified Lessee provide an advance for such funds to prevent the expenditure by the City. If the Qualified Lessee fails to advance such funds within ninety (90) days of written notice from the City, the City shall be relieved of the obligation to perform such obligation under any Lease approved under this Division.

- (22) To prevent any potential for subsidy of operation of the *Joint Use Stadium*, any *Lease* approved under this Division shall require that the City be reimbursed for reasonable costs incurred by the City in providing game/event-day public safety and traffic management related to *Joint Use Stadium* events. At the City's option, the reimbursement may be provided by means of the advancement of a reasonable payment to cover the City's anticipated costs prior to the City's obligation to pay such costs.
- (23) To protect the City from liability and from claims from third parties based on a *Lease* of the *Property*, any *Lease* shall provide that the agreement between the *Qualified Lessee* and the City does not create a joint venture or partnership, and that there are no third party beneficiaries to the *Lease*.
- (24) Subject to the City's discretion under state law to modify or vacate easements, any *Lease* shall provide that the *Qualified Lessee* and the City may cooperate to modify or vacate easements on the *Property* (other than easements of the City of San Diego or any utility department of the City of San Diego for which the City retains its full regulatory discretion), so that development may proceed on the *Property*.
- (25) To assist in financing of the *Joint Use Stadium* and further the legislative purpose of attracting a new professional sports team to San Diego, any *Lease* shall require that the City execute such additional documents and provide such additional interests in the *Existing Stadium Site* as may be requested by the *Qualified Lessee* to facilitate the sale of personal seat licenses to attendees of professional or collegiate sporting events or other events by the *Qualified Lessee*, so long as the Mayor determines that such actions by the City do not require the expenditure of City funds and do not subject the City to any additional liability.
- (26) If requested by the *Qualified Lessee*, the Mayor may, but is not obligated to, depart from any legislative standard and requirements for potential *Leases* set forth in this Division in order to satisfy the requirements of an applicable professional sports league or otherwise facilitate the development of the *Property* in accordance with the *Specific Plan*, provided that the Mayor determines that such modifications shall not prevent the City from receiving fair market value for any *Lease* pursuant to this Division or require any expenditure by the City. No such modification shall delete, modify, or add to the environmental mitigation measures, standards, and requirements contained in the *Specific Plan*.
- (d) Option for Professional Football and SDSU Football Uses
- (1) Any *Lease* shall require the *Qualified Lessee* to reserve the sixteen (16) acre *Football Property*, the location of which shall be selected by the *Qualified Lessee*. This reservation shall support the City's goal of attracting a new professional football team to San Diego. This reservation must be accompanied by specific terms and conditions which protect the interests of the City, the prospective *Football Qualified Entity* and the *Qualified Lessee*. Therefore, any *Lease* shall contain the following requirements to balance these interests.
- (A) The *Qualified Lessee* shall (i) offer to sublease the *Football Property* to a *Football Qualified Entity* on terms acceptable to the *Qualified Lessee* or (ii) if the *Qualified Lessee* and the *Football Qualified Entity* fail to agree on such terms, subject to the *Qualified Lessee's* receipt of the value of the termination of any *Lease* with respect to the *Football Property*, the *Qualified Lessee* shall offer to terminate any *Lease* with respect to the *Football Property* concurrently with the sale or lease of the *Football Property* by the City to such *Football Qualified Entity*.

- (B) Any option to sublease, lease or purchase the *Football Property* shall terminate after the date that is five (5) years after the *Initiative Effective Date*.
 - (C) If the option expires without exercise, the *Qualified Lessee* shall have no further obligation to reserve the sixteen (16) acre portion, or any other obligations under this subdivision.
- (2) It shall be a requirement of any *Lease* that any sale described in clause (d)(1) above shall be subject to a public vote. Such public vote shall constitute any public vote required by the City Charter, if applicable. This shall ensure the City's requirement that there be no sale of City property of eighty (80) acres or more at any time during the term of any *Lease* or otherwise, without a public vote of approval. The City may schedule such a vote at any time, including prior to the exercise of the option for the *Football Property*.
 - (3) It shall be a requirement of any *Lease* that to utilize the *Football Property*, (a) the *Football Qualified Entity* must have received all necessary permits and approvals to construct a stadium and all other improvements intended to be constructed by such *Football Qualified Entity* and locate a professional football team in San Diego, (b) to the extent *SDSU* collegiate football games have not been accommodated in the *Joint Use Stadium*, the City must determine that the professional football franchise has made an appropriate effort to accommodate *SDSU* collegiate football games in the proposed stadium, and (c) the *Football Qualified Entity's* development and operation of the *Football Property* shall not materially and unreasonably interfere with *Qualified Lessee's* use of the *Existing Stadium Site*.
 - (4) It shall be a requirement of any *Lease* that if the *Football Qualified Entity* has obtained ownership or a sublease of the *Football Property*, then it shall use the *Football Property* only for the construction and operation of a football stadium and ancillary uses, such as parking. To further this requirement and to prevent the land from being used for purposes which conflict with the City's goals for the *Property*, any *Lease* (and any sublease or deed to the *Football Qualified Entity*) shall provide that if the land is used for any other purpose, the *Football Property* shall, at the election of the *Qualified Lessee*, revert to the *Qualified Lessee* (or to the City if the *Qualified Lessee's Lease* has terminated), either by termination of the sublease, or by reversion if the land is purchased (in which case, at the election of the *Qualified Lessee*, any *Lease* shall be deemed restored with respect to the *Football Property*).
 - (5) The City must establish in advance the objective economic standards and requirements that will be applied by the City to any submitted application for the potential use of the *Property* for a professional football team, in addition to the other uses provided for under the *Specific Plan*. Such specific standards must be established to attract a potential professional football team and to prevent any subsidy or expenditure by the City in connection with such use. Any *Lease* shall not leave such economic standards at the discretion of the lessee of the *Property*. In order to provide an objective, clear, and fixed method for the determination of the costs of using the *Property* for the potential return of a professional football team, any *Lease* shall set forth the exact standards for determining the costs of a sublease or purchase of the site for such football uses. To implement these legislative goals, the following specific requirements must be included in any *Lease* approved by the Mayor under this Division:
 - (A) Any *Lease* shall specify that (i) the *Football Property's* sublease rent or (ii) the value of the termination of any *Lease* with respect to the *Football Property*, as applicable, shall be the fair market rental or termination value, as determined by an independent panel of

three appraisers, paid for by the *Football Qualified Entity*, taking into account the value of the *Property*'s finished condition, any improvements constructed on the *Football Property*, pro rata obligations for the construction of streets and rights of way, and the development potential for alternative uses of the site set forth in the *Specific Plan*; provided, however, in no event shall such fair market rental or termination value be less than the aggregate amount expended by the *Qualified Lessee* to improve the *Football Property*.

(B) The *Qualified Lessee* and the *Football Qualified Entity* shall each appoint one appraiser, and such appraisers shall appoint a neutral third appraiser. Upon the consummation of any such sublease or termination of any *Lease* with respect to the *Football Property* as part of a purchase by the *Football Qualified Entity*, an amount equal to such fair market rental or termination value, together with all costs and expenses of the *Qualified Lessee* in connection with any such transaction, shall be paid by the *Football Qualified Entity* to the *Qualified Lessee*.

(e) Continued Operation and Orderly Demolition and Removal of the *Existing Stadium*

(1) The City faces a large unfunded cost for the continued maintenance and operation of the *Existing Stadium*. The City also faces a large unfunded cost for demolition of the *Existing Stadium*. The location of the *Existing Stadium* in the center of the *Existing Stadium Site* makes any future rehabilitation, grading, and flood control improvements of the *Existing Stadium Site* extremely difficult and costly. An additional consideration is that the City has existing leases and agreements for use of the *Existing Stadium* that continue until approximately 2018. The City intends to address these costs and considerations through a comprehensive plan of redevelopment set forth in the *Specific Plan*, and orderly demolition and removal of the *Existing Stadium* to allow such redevelopment to occur. At the same time, the City desires to accomplish these goals without subsidy or expenditure by the City. Correspondingly, the City intends to assure that all of these requirements are set forth in an objective manner through legislation, along with requirements that prevent any obligations placed on any *Qualified Lessee* from rendering development of the *Property* economically infeasible, burdensome or unattractive to potential lessees.

(2) In addition to the other reasons set forth in this Division, the City must remain an owner of all or a portion of the *Property* or a beneficiary of the covenant(s) imposed upon any sale, in order to maintain control of the *Property* for the duration of any *Lease* to assure that the City plans for continued operation and orderly demolition and removal of the *Existing Stadium* are effectuated. The limited *Option* provided in this Division also contains provisions which assure the implementation of the *Specific Plan*. Premature sale or disposition of the *Property* would threaten these goals and requirements. As a result, these standards and requirements must be met by any *Lease* entered into by the City pursuant to this Division.

(3) Any *Lease* shall require that the City shall retain all responsibility for the operation and maintenance of the *Existing Stadium* until the *Qualified Lessee* is required to demolish the *Existing Stadium* under any *Lease*, subject to reasonable standards and conditions. Such responsibility shall be provided for in any *Lease* pursuant to this Division in compliance with the following standards:

(A) During the City's continued operation and maintenance of the *Existing Stadium* until the demolition of the *Existing Stadium*, the City shall not:

- (1) Except for any *Lease* with the *Qualified Lessee*, enter into any new leases or agreements or modifications of existing leases or arrangements with respect to the *Existing Stadium* that: (i) extend beyond the later of December 31, 2020, or thirty (30) days following substantial completion of the *Joint Use Stadium*; or (ii) otherwise adversely affect the *Qualified Lessee's* rights under any *Lease*;
 - (2) Materially interfere with the use of the *Property* by the *Qualified Lessee*, or materially increase *Qualified Lessee's* costs in connection with the development of the *Property*;
or
 - (3) Allow the creation of any new liens or other encumbrances affecting the *Existing Stadium* or the *Property*, except as otherwise permitted by this subsection (A).
- (B) The City shall continue to retain its existing responsibility for costs or damage caused or associated with ongoing operations related to the *Existing Stadium* prior to the demolition of the *Existing Stadium*, and the burden of such costs shall not be shifted from the City to the *Qualified Lessee* under the standards of any *Lease*.
- (C) Any *Lease* shall not preclude the City from honoring all existing leases and agreements entered into by the City with third parties that exist prior to the *Lease Execution Date*, and any *Lease* shall ensure that the City shall be able to continue to honor such existing agreements.
- (4) Any *Lease* shall require that during the City's continued control of the *Existing Stadium* prior to the date of the demolition of the *Existing Stadium*, the City and its lessees shall have the right to access sufficient parking to accommodate such uses, as may be determined by the Mayor based upon prior agreements or objective parking standards.
 - (5) Any *Lease* shall require that college football games may continue pursuant to existing leases until the expiration or earlier termination of such existing leases.
 - (6) Any *Lease* shall provide that the *Qualified Lessee* may request reasonable modifications to the City's use of the *Existing Stadium* in an effort to minimize the impact on the *Qualified Lessee* and the *Property*, and the City may proceed with any reasonable modifications that are so proposed if the Mayor determines that such modification would not have a material adverse financial cost for the City.
 - (7) Any *Lease* shall contain the following requirements regarding demolition of the *Existing Stadium* to protect the City from any subsidy or expenditure, and to provide reasonable economic standards to allow the *Qualified Lessee* to carry out this obligation. The *Qualified Lessee* shall conduct and pay for the orderly demolition of the *Existing Stadium* from the *Property* after the expiration of the existing leases for the *Existing Stadium* and the *Qualified Lessee's* receipt of all permits and approvals required to demolish the *Existing Stadium*. The City shall promptly notify the *Qualified Lessee* upon the expiration of the existing leases for the *Existing Stadium*. No demolition shall occur until all agreements and leases, entered into by the City prior to the execution of any *Lease*, requiring the continued operation of the *Existing Stadium*, have expired or been terminated by the City.

(f) Price

- (1) Any Qualified Lessee shall be required under any Lease to pay what the Mayor determines to be the fair market value for a leasehold interest of the Property (including specified conditional options for future purchase), as of the Initiative Notice Date, as described in this subsection (f).
- (2) The Mayor shall determine the fair market value of a leasehold interest created by a 99-year lease of the Property, including specified conditional options for future purchase of 79.9 acres of the Property (with option exercise and other lease terms similar to those provided in this Division for any Lease), with a date of value that is the date of Initiative Notice Date. This determination of fair market value is intended to be based on a value of the Property that does not consider any later effect on value caused by the adoption of the new zoning and other development standards included in the Specific Plan, which only apply to the Property after the adoption of the Initiative. The Mayor may use such financial and cost factors as the Mayor deems appropriate in the Mayor's discretion to make the determination of the fair market value of a leasehold interest that meets the requirements of this Division. In determining the appropriate factors to use, the Mayor may consider the following factors:
 - (A) An independent appraisal or appraisals of the fair market value of the Property which considers the physical condition of the Property as of the Initiative Notice Date together with the zoning for the Property and other permits and approvals for development, as of the Initiative Notice Date with respect to the Property. Any appraisal submitted by an applicant for a Lease shall be made available to the public upon submittal to the City.
 - (B) Any appraisal shall consider the physical condition of the Property as of the Initiative Notice Date which may include:
 - (1) The existing contamination of the Property, as well as the value and obligations of any agreement made by the City for remediation of such contamination to a prospective lessee;
 - (2) The potential for flooding of the Property and its classification on Federal Emergency Management Agency flooding maps;
 - (3) Biological habitat and any agreements made by the City regarding the preservation of habitat on the Property; and/or
 - (4) The presence of the Existing Stadium and the future value or costs related to its potential to generate leases under current leases or other continued use, and potential costs of preservation, rehabilitation or demolition of such stadium related to any consideration of potential future development.
 - (C) A Lease benefit and burden adjustment, if any, based upon the present discounted value of future benefits and additional obligations placed upon the lessee for any Lease by the Initiative that may affect the fair market value of the leasehold interest, but only to the extent that such costs were not already considered in the determination of fair market value of the Property as of the Initiative Notice Date as described above, to adjust for:
 - (1) The costs of demolition and removal of the Existing Stadium;

- (2) The economic impact on the any lessee of providing for a reversion right similar to the *Reverter Right* required for any *Qualified Lessee*;
 - (3) The economic burden of the requirements in any lease for the involvement of potential third parties on the *Property*, such as *SDSU* or a *Football Qualified Entity* such as is required by this Division for any *Qualified Lessee*;
 - (4) The economic benefit of an option, such as the *Option* provided for under this Division; and/or
 - (5) Other extraordinary costs or benefits of the terms of a lease meeting the legislative standards of this Division that impose costs or burdens and provide for benefits that go beyond the costs normally required for development or redevelopment of the *Property*, or benefits normally provided by any such lease.
- (3) If the Mayor determines that the fair market value of any *Lease* (inclusive of any *Option*) is a negative number, any *Lease* rent price shall nonetheless be ten thousand dollars (\$10,000.00). In addition, one thousand dollars (\$1,000.00) shall be paid as separate, nonrefundable consideration for any *Option* described in this Division.
 - (4) Any proceeds received by the City under any *Lease* from the *Qualified Lessee*, any sublessee, and any purchaser of any portion of the *Property* shall be allocated by the Mayor between all applicable City funds, including, without limitation, the City's General Fund and the City's Water Utilities Fund or funds for public improvements, in compliance with all City Charter provisions, ordinances, resolutions, and policies. In addition, the Mayor or the City Council may also provide for the transfer of funds between various City funds and accounts as may be required based upon the City's past expenditures to purchase portions of the *Property*, the City's past operation of the *Property*, and the City's execution of any *Lease*.
 - (5) Payment of the rent for the *Term* of the *Lease* shall be due as a single, lump-sum amount within thirty (30) days of the *Execution Date* of any *Lease*.
- (g) Option to Purchase
- (1) Any *Lease* shall provide the *Qualified Lessee* with the option to purchase up to 79.9 acres of land on the *Existing Stadium Site* for *Joint Use Stadium* uses or for development of a highest level or premier professional soccer or other professional sports stadium or other uses allowed under the *Specific Plan* (the "*Option*"). The *Option* may be exercised multiple times with respect to portions of the *Existing Stadium Site*; provided, that the *Qualified Lessee* shall not exercise the *Option* with respect to more than an aggregate of 79.9 acres of the *Existing Stadium Site*. The property subject to the *Option* may consist of one or more parcels of noncontiguous land, to be selected by the *Qualified Lessee* from time to time as specified in this Division. The portion of the *Property* that is the subject of an exercise of the *Option* shall be the "*Option Land*."
 - (2) *Qualified Lessee* may not exercise any *Option* until the *Reverter Right* has expired.
 - (3) Any *Lease* shall provide that the *Qualified Lessee* may exercise its rights to exercise an *Option* from time to time by providing a formal letter of intent to exercise such *Option* to purchase *Option Land*. Each such notice shall clearly define the *Option Land* intended for purchase.

- (4) Any Lease shall provide that the exercise fee for each exercise of the Option shall be an amount equal to \$1,000, plus additional consideration in an amount equal to: (i) the difference in fair market value between the land purchased in fee title as of the option exercise date; and (ii) the fair market value of the leasehold interest in the land under the remaining years of the 99 year lease at the time of any option exercise. The exercise fee and reasonable transaction costs of the City shall be paid at the time that title to such portion of the Property is transferred pursuant to the Option.
- (5) Any Lease shall provide that once the sale is consummated, any Lease shall cease to apply to the Option Land (other than with respect to environmental obligations that expressly survive the termination of any Lease) and the Qualified Lessee shall be relieved of all obligations with respect to the Option Land, with the exception of the recorded covenant described in this Division, and provided that any outstanding Lease obligations related to the construction of improvements on the Option Land shall continue to be the responsibility of the Qualified Lessee after such purchase.
- (6) Prior to the sale of any Option Land, the City shall be entitled to record a covenant, running with the land, in favor of the City, obligating the purchaser and subsequent owners for the remaining duration of any Lease, to comply with all of the environmental mitigation measures of the Specific Plan (as such Specific Plan provides by its terms as of the Initiative Effective Date), that are specifically applicable to the Option Land being sold. Such covenant shall ensure that the City retains the ability to implement those provisions of the Specific Plan for the duration of any Lease, to further the City's goal of conducting and supervising a comprehensive plan of redevelopment for the Property throughout the term of any Lease. Upon request at the time of any Option exercise, the Mayor may modify such covenant to refer to the Specific Plan as it may be amended as of the date of any Option exercise.
- (7) Proceeds from any purchase and sale of the Property or a portion thereof shall be allocated by the Mayor between all applicable City funds, including, without limitation, the City's General Fund and the City's Water Utilities Fund or funds for public improvements, in compliance with all City Charter provisions, ordinances, resolutions, and policies.
- (8) Any Lease shall provide that no Option may be exercised unless the acquisition of the Option Land complies with the Subdivision Map Act, or any exception to the Subdivision Map Act that may be applicable to such sale of property.
- (9) Any Lease shall provide that an Option may be assigned, in whole or in part, to any sublessee of any portion of the Property; provided that if the Qualified Lessee terminates the sublease with such sublessee, the assigned Option shall revert to the Qualified Lessee without the need for any further action by the parties.
- (10) Nothing in any Lease shall preclude the City from performing a land swap of lands purchased with funds from the City's General Fund with any portion of the Property that now may be owned by the Water Utilities Department, provided that the Qualified Lessee's rights under any Lease shall not be adversely affected thereby.
- (11) Any Lease shall provide that the deed conveying any portion of the Property conveyed pursuant to an Option shall grant easements for ingress, egress, and utilities over all roads, driveways, accessways, paths, and utility corridors, whether existing at the time of the Execution Date of the Lease or thereafter created, which provide access or utilities to and from such portion of the Property.

(h) Termination/Reverter

- (1) The City intends that it be protected from any lessee's default and failure to construct the *Joint Use Stadium* as contemplated in the *Specific Plan*, while at the same time providing reasonable protections to allow any lessee to proceed with overall development. Therefore, any *Lease* approved by the City pursuant to this Division shall contain provisions that ensure that a *Reverter Right* can be exercised by the City on the following standards:
- (A) If the *Qualified Lessee* fails to complete the construction of the *Joint Use Stadium* on the *Existing Stadium Site* by the *Reverter Date*, then the City shall have the *Reverter Right* to (i) terminate any *Lease* (subject to any non-disturbance agreement with any sublessee of any portion of the *Property*, other than the *Stadium Land*) and (ii) cause the ownership of any land transferred by the City under the *Option* to revert to the City.
- (B) The *Reverter Date* shall be tolled and extended day-for-day for: (i) force majeure; (ii) any delay by the City in the performance of its obligations under any *Lease*; (iii) any period of litigation over the validity of any *Lease* and *Option* or the transactions contemplated therein or in the *Specific Plan*, until any such litigation shall be concluded by a final, non-appealable judgment upholding any *Lease* and *Option* and the transactions contemplated therein and in the *Specific Plan*; (iv) conditions of the *Property* which were unknown to the City or the *Qualified Lessee* as of the *Effective Date* that delays the construction of the *Joint Use Stadium*; (v) change in municipal, state, or federal law that delays the construction of the *Joint Use Stadium*; or (vi) failure of the City or any other governmental agency to issue permits for the construction of the *Joint Use Stadium* within a reasonable period of time.
- (C) If the *Reverter Right* has not been terminated, then between one hundred fifty (150) and ninety (90) days before the *Reverter Date*, the City shall provide the *Qualified Lessee* with a written reminder of the *Reverter Date*.
- (2) Any *Lease* shall provide that the *Reverter Right* shall terminate upon the earliest to occur of (i) the completion of the *Joint Use Stadium*; (ii) the first anniversary of the *Reverter Date*, provided that the *Qualified Lessee* has provided the City written notice of the occurrence of the *Reverter Date* within thirty (30) days after the occurrence of the *Reverter Date*; or (iii) delivery by the *Qualified Lessee* of financial information or assurances which the Mayor determines provides the City with adequate assurance that the *Qualified Lessee* shall complete construction of the *Joint Use Stadium* on or before the *Reverter Date*.

(i) Assignment; Subletting

- (1) Any *Lease* pursuant to this Division shall meet the following standards to ensure that (i) the City is protected from subleasing under circumstances that may adversely affect its continuing regulatory interest in the *Property* and ability to enforce the obligations of the *Qualified Lessee*, while at the same time (ii) assuring that the *Qualified Lessee* has the opportunity to sublease the *Property* under certain standards and conditions that are economically viable and commercially reasonable for the *Qualified Lessee*, in order to attract third party investment, financing and construction of the portions of the *Property* that the *Specific Plan* has designated for development to accomplish the City's objectives in the *Specific Plan*. To provide for an appropriate balance of these competing

legislative purposes, the above purposes shall be implemented by the following requirements for *Leases* approved pursuant to this Division.

- (2) Any *Lease* shall provide or allow for assignment, subletting, sub-subletting, licensing, and other occupancy of all or a portion of the *Property* for the purpose of development consistent with the *Specific Plan*. Without limiting the foregoing, any *Lease* shall contain an acknowledgement from the City that the *Stadium Land* may be subleased by the *Qualified Lessee* to a sublessee for the purpose of facilitating the development and construction of the *Joint Use Stadium*.
- (3) Any *Lease* shall require that if any sublease(s) of all or a portion of the *Property* are entered into, then, upon the request of *Qualified Lessee* or the applicable sublessee, the City shall execute a commercially reasonable nondisturbance agreement with the sublessee(s) within ten (10) days following such request, subject to satisfaction of the following requirements:
 - (A) Such agreement must provide that the sublessee will attorn to the City if the City acquires the sublessor's interest under such sublease, and either (i) the rent received by the sublessor under such sublease must be the fair market rental rate of the subleased property paid no less frequently than on an annual basis, or (ii) the sublease is for the *Stadium Land*; or
 - (B) The City must be otherwise satisfied that the City's continuing interest in the *Property* is protected.

Notwithstanding this subsection, any sublease for the *Stadium Land* shall be subject to the *Reverter Right*.

- (4) Any *Lease* shall provide that no sublease shall relieve the *Qualified Lessee*'s obligations with respect to the improvements to be constructed on the subleased land under such sublease. No sublessee under any sublease shall be required to perform the obligations of the *Qualified Lessee* under any *Lease*, except that the direct sublessee of the *Stadium Land* shall be required, jointly and severally with the *Qualified Lessee*, to construct the *Joint Use Stadium*.

(j) Environmental

- (1) Any *Lease* shall permit and require that the City take all actions required under any existing agreement between the City and third parties to clean up, rehabilitate, redevelop, and remediate the contamination that exists on the *Existing Stadium Site*. This provision is required in any *Lease* so that the City does not affect its existing agreements, and can continue to receive the benefits of those agreements with respect to the *Existing Stadium Site*.

So that any prospective lessee who may desire to submit a *Lease* application to the City under this Division may expect that it can rely upon the City's plans for cleanup, remediation, and redevelopment of the potential leased property, any *Lease* shall provide that the City shall not modify or terminate, and shall continue to perform its obligations under such existing third party agreements.

Any *Lease* shall provide that the *Qualified Lessee* shall, if required by such third party agreements, allow representatives of any third party to enter into the *Property* and implement the remediation and risk mitigation measures that may be designed and constructed as part of the redevelopment of the *Property*.

Nothing in this Division shall alter any of the provisions or obligations set forth in any such third party agreements.

- (2) Any Lease shall require that the *Qualified Lessee* agree not to take any actions to further contaminate or exacerbate the existing contamination on the *Property*.
- (3) To ensure that an appropriate allocation of responsibility is made among the City, any lessee, and any third parties with agreements with the City with respect to contamination, and to protect the City from any additional responsibility for addressing such contamination or remediation of the *Property*, to the extent required to implement the development under the *Specific Plan*, any Lease shall contain the following standards and requirements for allocating such responsibility:
- (A) Contamination caused or created by the *Qualified Lessee* shall be the responsibility of the *Qualified Lessee*;
- (B) Contamination addressed in third party agreements shall continue to be the responsibility of such third parties or the City as set forth in those agreements;
- (C) Contamination disclosed in any environmental impact document given to the *Qualified Lessee* by the City prior to the *Execution Date* of any Lease, other than any contamination or remediation addressed in any existing third party agreement, shall be the responsibility of the *Qualified Lessee* if such contamination is required to be addressed to implement the development under the *Specific Plan*;
- (D) Contamination at the time of the *Execution Date* of any Lease that is not addressed in (A), (B), or (C) above shall continue to be the responsibility of the City, just as if there were no Lease of the *Property*, provided that if any of the *Qualified Lessee*'s obligations under any Lease require that such contamination be addressed, the *Qualified Lessee* may be excused from performance until the City performs its responsibility;
- (E) Contamination not addressed in (A)-(D) above that occurs after the execution date of any Lease shall be the responsibility of the *Qualified Lessee* (other than future contamination created after the *Qualified Lessee* has surrendered the *Property* to the City), if such contamination is required to be addressed to implement the development under the *Specific Plan*; and
- (F) Any obligations under any Lease as described in this subsection shall survive the termination of any Lease (including the termination of any Lease with respect to any portion of the *Property* that is purchased pursuant to the standards of any Lease).

(k) Indemnification

- (1) To protect the City from liability and to prevent the City from providing any subsidy for development, any Lease shall require that the *Qualified Lessee* shall agree to indemnify, defend, and protect City and City's interest in the *Property*, and all parts thereof, from any claims resulting from:
- (A) The conduct, activities, or omissions by the *Qualified Lessee*, or the *Qualified Lessee*'s agents, contractors, invitees, or licensees on the *Property*, including, without limitation, any contractor and its subcontractors;
- (B) Occurrences on the *Property* during the *Term* of any Lease, including without limitation, claims arising or relating to any defects in design, materials, or workmanship in connection with

the development of the *Property* or from death or injury to person or property; or

(C) The *Qualified Lessee's* breach of any *Lease*.

(2) Any *Lease* shall provide that the *Qualified Lessee* agrees to pay reasonable attorneys' fees, costs, charges, and other expenses which the City may incur in negotiating, settling, defending, and otherwise protecting the City from and against such claims.

(3) Any *Lease* shall also provide that, notwithstanding the foregoing, the foregoing indemnity shall be subject to all limitations, provisions, and obligations set forth elsewhere in any *Lease* and shall not extend to any claims arising out of or relating to:

(A) The conduct, activities, or omissions by the City or any of its agents, employees, contractors, lessees, invitees, or licensees on or about the *Property*;

(B) Any obligation required to be performed by the City under any *Lease* or applicable law; or

(C) Any breach of the City's obligations under any *Lease*.

(4) The provisions of this Section shall survive the expiration or earlier termination of any *Lease*.

(l) Costs/Closing

(1) Any *Lease* shall provide that the *Qualified Lessee* pay for its own costs and fees associated with the exercise of its option to purchase all or any portion of the *Property*, including, but not limited to, appraisal, escrow, and any other processing fees or expenses. City is to incur no closing expenses in connection with such purchase.

(2) To provide a lessee assurances to proceed with development or financing of the *Property* regarding the ability to obtain title insurance, any *Lease* shall provide that the City shall provide customary owners affidavits, estoppel certificates, and similar documentation required in connection with the issuance of title insurance, all at the buyer's sole expense. Any *Lease* shall provide that title to the applicable *Property* will be delivered to the buyer at the close of escrow.

(3) The *Qualified Lessee* and any proposed purchaser shall make a full and complete disclosure of the name and identity of each person directly or indirectly involved in any transaction contemplated by any *Lease* including, without limitation, the exercise of the *Option*, and the precise nature of their interest, in order to comply with any applicable City Charter provisions.

(m) Any *Lease* shall provide that the City, acting solely in its proprietary capacity as the owner of the *Property*, and the *Qualified Lessee* shall, in order to facilitate the development of the *Property*: (i) use best efforts to effect any lot line adjustment requested by the *Qualified Lessee*, including without limitation, the adjustment of the existing lot lines to create a separate legal lot for the *Joint Use Stadium*; (ii) cooperate with the *Qualified Lessee* to subdivide any existing parcel of the *Property*; and (iii) execute such further documents and take such further actions, as may be necessary to give effect to the provisions of any *Lease*. Nothing in any *Lease* shall limit the City's authority or any applicable discretion which the City may have in its regulatory capacity as a governmental entity to consider such application.

(n) Financing

- (1) The *Qualified Lessee* and any sublessees may mortgage or grant security interests in their respective interests in the *Property* and other property located thereon. Any *Lease* shall contain customary mortgagee protective provisions.
- (2) Any *Lease* shall provide that in no event shall the City's fee title in the *Property* or its reversionary or future interest in the *Property* be subject or subordinate to the lien of any leasehold mortgage of the *Qualified Lessee* or any sublessee.
- (o) Any *Lease* shall provide that the *Qualified Lessee* shall pay all property taxes due with respect to its interest in the *Property*.
- (p) Miscellaneous
 - (1) Any *Lease* shall provide that the *Qualified Lessee* shall have the ability to exercise all signage rights for the *Property* as set forth in the *Specific Plan*.
 - (2) Nothing in any *Lease* shall require the City to violate any existing agreements with other parties, and appropriate revisions shall be made by the Mayor to any of the required *Lease* standards otherwise specified by this Division to ensure that existing City contracts or agreements are not violated.
 - (3) Nothing in any *Lease* shall require an expenditure of funds by the City beyond any expenditures already required by other existing City contracts, leases, or agreements, and should any such expenditure otherwise be necessary, any *Lease* shall provide that the *Qualified Lessee* shall advance to the City such necessary funds to avoid the need for any expenditure.

§ 61.2804 **Lease application process and requirements for confirming eligibility of lessee**

- (a) The City shall accept applications for the approval and issuance of a *Lease* under this Division as of the *Initiative Effective Date*.
- (b) No application shall be accepted or considered by the City unless the applicant has first complied with any applicable City Charter sections requiring a full and complete disclosure of the name and identity of any and all persons directly or indirectly involved in the application or proposed transaction, and the precise nature of all interests of all persons therein, and any other information required by the City Charter.
- (c) The application shall demonstrate that the applicant is a *Qualified Lessee* under this Division. The Mayor may undertake such investigation as is necessary to confirm the applicant's status as a *Qualified Lessee*.
- (d) Any application submitted shall contain a form of proposed *Lease* that the applicant believes meets the standards of this Division.
- (e) If no entity meeting the qualifications to be a *Qualified Lessee* submits a proposed *Lease* meeting the requirements of this Section to the City by one year after the *Initiative Effective Date* the Mayor may offer the same standards to another entity which has a collegiate football program, including, without limitation, *SDSU*, or any entity which has been awarded the franchise for a *Professional Sports League* team in the San Diego market. In the case of such submission after one year following the *Initiative Effective Date*, that entity would be deemed to be a *Qualified Lessee* for purposes of this Division.

- (f) The Mayor shall first consider all applications submitted within the first seven (7) calendar days following the *Initiative Effective Date* pursuant to the process under this Division, and may act upon any application immediately, without waiting for other applications, upon determining that the application meets the requirements of this Division and that it is in the City's best economic interest to act immediately. After considering any applications submitted within such seven (7)-calendar day time period, if none of the submitting parties are determined to be a *Qualified Lessee*, the Mayor shall then consider applications submitted later than seven (7) calendar days following the *Initiative Effective Date*.
- (g) If, at any time, the Mayor is considering more than one application of an entity meeting the requirements of a *Qualified Lessee* and meeting all of the requirements of this Division, the Mayor shall select the one entity that the Mayor determines is best qualified to bring a professional sports franchise to San Diego under the standards of this Division and the *Specific Plan* in the shortest possible time and approve a *Lease* with that entity under the procedures set forth in this Division, and reject any other pending applications.
- (h) If a *Qualified Lessee* submits a proposed *Lease* meeting the requirements of this Division, that is signed by the *Qualified Lessee* and includes therewith all materials necessary to confirm that the submitting party is a *Qualified Lessee*, then the Mayor shall review the application and shall proceed with the process set forth in Section 61.2805.
- (i) In recognition of the extraordinary costs of even a short delay and any uncertainty with respect to the necessary approvals and entitlements that will materially affect the viability of any development proposal on the *Property* and the ability of the *Qualified Lessee* to ultimately be awarded a *Professional Soccer League* franchise for San Diego, and to provide for the ability of the *Qualified Lessee* to still proceed with the development contemplated under the *Specific Plan*, any *Lease* under this Division shall provide that, if the *Execution Date* of the final *Lease* provided for in this Division is delayed beyond December 31, 2017 for any reason (except for the limited exception in this subsection): (i) the *Qualified Lessee's* obligations to improve City land for public recreation purposes under any *Lease* and the *Specific Plan* shall be reduced by \$20,000,000; and (ii) the *Qualified Lessee's* obligations to build parks shall not be subject to any time limits, mandatory start dates, or mandatory completion dates, except for any limits or dates required by state law. No such reduction shall occur if (1) the *Initiative Effective Date* occurs on or before August 1, 2017 and (2) the *Qualified Lessee* fails to submit a complete *Lease* application which complies with the standards of the *Initiative* within thirty (30) calendar days of the *Initiative Effective Date*.
- (j) The Mayor shall confirm that any application for a *Lease* submitted pursuant to this Division is complete and identify any deficiencies in the application within ten (10) days of receipt of the application.

§ 61.2805 **Preparation and execution of approved ground *Leases* for development of the *Property***

The following requirements are established for the review and approval of any *Lease* application, and the preparation and execution of any *Lease* of the *Property* subject to the *Specific Plan* and to the requirements of this Division. These requirements are intended to ensure that any lessee's application shall be reviewed and considered, and any *Lease* prepared and executed by the City, according to fixed and objective standards that have been provided to the public and established in advance of any application. These requirements are also established to ensure that there is an expeditious and centralized process for decision making by the City with respect to such *Leases*, such that the City shall not lose the opportunity to attract new professional sports franchises nor fail to provide for a new venue for collegiate football, in an expeditious and streamlined manner, consistent with all applicable legal requirements.

- (a) If a *Qualified Lessee* submits an application containing a proposed *Lease* meeting all of the requirements of this Division, together with all materials necessary to confirm that the submitting party is a *Qualified Lessee*, upon the Mayor's determination that any *Lease* meets the requirements of this Division and the proposed lessee is a *Qualified Lessee*, the Mayor shall request that the City Attorney prepare a final *Lease* containing the standards set forth in this Division and as proposed by the applicant, with such modifications that the Mayor deems necessary and that do not alter or vary the standards of this Division and the *Specific Plan*.
- (b) Once such final *Lease* has been prepared, and if and when such final *Lease* has been reviewed by the City Attorney and, if it has received the City Attorney's signature as required by the City Charter, and any other applicable requirements of the City Charter have been satisfied, then the Mayor shall execute any *Lease* on behalf of the City if the Mayor has determined that such final *Lease* as presented to the Mayor (i) meets the requirements of this Division and other applicable legal requirements, and (ii) is otherwise consistent with the Mayor's authority, duties, and obligations under the City Charter.
- (c) Should the Mayor determine that a requirement to follow any provision of this Division impermissibly invades any of the Mayor's authority under the City Charter to take executive or administrative actions that cannot be affected or controlled by a legislative enactment or the standards in this Division, then notwithstanding any other provision of this Division, the Mayor may exercise such executive or administrative authority in the manner permitted by law, with respect to any of the Mayor's determinations and actions under this Division, including without limitation the determination as to the appropriate content of the *Lease* and the determination as to whether or not to execute the *Lease*.
- (d) The decision by the Mayor to execute any final *Lease*, and the other determinations set forth in this Division, shall be ministerial decisions based upon the Mayor's determination that any *Lease* and the submitting party meet all of the objective requirements and standards of this Division and any other applicable legal standards for the exercise of the Mayor's authority. Nothing in this Division is intended to grant the Mayor or other City official the "discretionary authority to address potential environmental concerns" (as such concept has been addressed by the California courts), or to revise the standards and conditions of planned development as set forth in the *Specific Plan* or the provisions of any *Lease* which conform to the *Specific Plan*, such environmental concerns and mitigation measures having been fully addressed within the requirements of the *Specific Plan* and other previously adopted environmental requirements and mitigation measures applicable to the *Property* as identified in the *Specific Plan*.
- (e) Unless otherwise required by the City Charter, no action by the City Council shall be required to approve any *Lease* that has been approved and executed by the Mayor under this Division. No other provisions of the Municipal Code, other than this Division, shall be applicable to *Leases* reviewed and approved under this Division. No Council Policies shall apply to *Leases* reviewed and approved under this Division.
- (f) Any such *Lease* shall be null and void if, after it has been executed by all required City officials or approved for execution by the City and delivered to the *Qualified Lessee*, the *Qualified Lessee* has not executed and returned the *Lease* to the City within ten (10) business days.

SECTION 8. Adoption of the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan.

The San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan, attached as **Exhibit F** to this Initiative, is hereby adopted. The Specific Plan exclusively shall control development requirements, development fees, and land use and utilization of the lands covered by the Specific Plan. Therefore, the Specific Plan is exempt from any conflicting provisions of the San Diego Municipal Code, except as provided in the Specific Plan itself, which contains the exclusive provisions governing and regulating the Specific Plan’s development review procedures and process, including the plan-checks, sign-offs, actions, decisions, approvals, and other determinations required by the Specific Plan with respect to the standards, guidelines, infrastructure, open space, trails, and other Specific Plan-identified facilities, services, and amenities.

SECTION 9. Adoption of the San Diego River Park and Soccer City Development Agreement.

The San Diego River Park and Soccer City Development Agreement, attached hereto as **Exhibit G**, is adopted.

SECTION 10. Internal General Plan and Municipal Code Consistency.

A. The amendments to the General Plan, as set forth in Section 3 above, express the intent of the People of the City of San Diego to eliminate any possible internal inconsistency within or between any elements of the General Plan or any provisions contained in the Municipal Code or the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan. It is the intent of the People of the City of San Diego that the General Plan, as amended by this Initiative, constitutes an integrated, internally consistent and compatible statement of planning policies. It is the People’s further intent that if and to the extent there is no exact or literal match between the General Plan and the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan, those planning documents and their provisions be read and construed in full harmony with each other as provided for by this Initiative.

B. It is the intent of the People of the City of San Diego that the amendments contained in Sections 3, 4, 5, 6, 7, and 8 of this Initiative be read and construed in full harmony with the General Plan. To the extent that any provisions of the San Diego Municipal Code, including the Mission Valley Planned District Ordinance, or any other ordinances of the City, may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 11. Implementation of Initiative.

A. Upon the effective date of this Initiative, the City of San Diego is directed to promptly take all appropriate actions needed to implement this Initiative. This Initiative is considered adopted and effective upon the earliest date legally possible after the City Council adopts this Initiative, or the Elections Official certifies the vote on this Initiative by the voters of the City of San Diego, whichever occurs earlier.

B. Upon the effective date of this Initiative, the provisions of Section 3 of this Initiative are hereby inserted into the General Plan as of the first lawful date to complete such insertion.

C. The General Plan in effect on the date of filing with the City Clerk of the Notice of Intent to Circulate this Initiative (“Filing Date”), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City’s General Plan remains an integrated, internally consistent and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such an interim-enacted provision is inconsistent with the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

D. Upon the effective date of this Initiative, the provisions of Section 4 are hereby inserted into the Mission Valley Community Plan; the provisions of Section 5 are hereby inserted into the Kearny Mesa Community Plan; the provisions of Section 6 are hereby inserted into the Mission

Valley Planned District Ordinance; the provisions of Section 7 are hereby inserted into the San Diego Municipal Code; and the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan and the San Diego River Park and Soccer City Development Agreement are hereby adopted.

SECTION 12. Effect of Other Measures on the Same Ballot.

In approving this Initiative, it is the voters' intent to create a comprehensive plan to govern the future use and development of the Property. To ensure that this intent is not frustrated, this Initiative is presented to the voters with the express intent that it will compete with any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would govern the use or development of the Property in any manner or in any part whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters in the same election, then it is the voters' intent that only that measure that receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with any provisions of any Conflicting Initiative. If this Initiative is approved by the voters but any other Conflicting Initiative approved by the voters at the same election and receives a greater number of votes than this Initiative, and such Conflicting Initiative is later held invalid, this Initiative shall be given immediate effect and full force of law.

SECTION 13. Interpretation and Severability.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. Specifically, the voters declare their intent: (1) to amend the City of San Diego General Plan, Mission Valley Community Plan, Kearny Mesa Community Plan, Mission Valley Planned District Ordinance, and San Diego Municipal Code as outlined herein, adopt the Soccer City San Diego Specific Plan, and approve the San Diego River Park and Soccer City Development Agreement, irrespective of whether one or more of these sections are found to be invalid; and (2) that all of these sections can be physically separated from, and do not affect the function of, any other section; and (3) if Section 9 and/or Section 7 are found to be invalid, that the remaining sections should take effect in their entirety because, under these circumstances, the purposes of the Initiative can still be achieved through the remaining sections.

C. This Initiative does not alter any City obligations under existing settlement agreements that pertain to the Property.

D. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, the People of the City of San Diego indicate our intent that: (i) the City Council use its best efforts to sustain and re-enact that portion; and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with the intent of this Initiative.

E. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

SECTION 14. Amendment.

A. Until January 1, 2033, the provisions of this Initiative may only be amended or repealed by a majority of the voters of the City voting in an election held in accordance with applicable law. On or after that date, a vote of the people shall not be required to amend or repeal this Initiative, and any amendment or repeal shall occur as otherwise permitted by law.

B. Any amendments to this Initiative shall not impair the contractual rights or vested rights conferred by a lease and option agreement or any associated development agreement.

C. The San Diego River Park and Soccer City Development Agreement may be amended as provided in California Government Code section 65868.

D. The text of existing provisions of the City of San Diego General Plan, Mission Valley Planned District Ordinance, Mission Valley Community Plan, Kearny Mesa Community Plan, and San Diego Municipal Code that are quoted in this Initiative but not modified herein are not subject to this Section.

SECTION 15. List of Initiative Exhibits.

The Exhibits to this Initiative are:

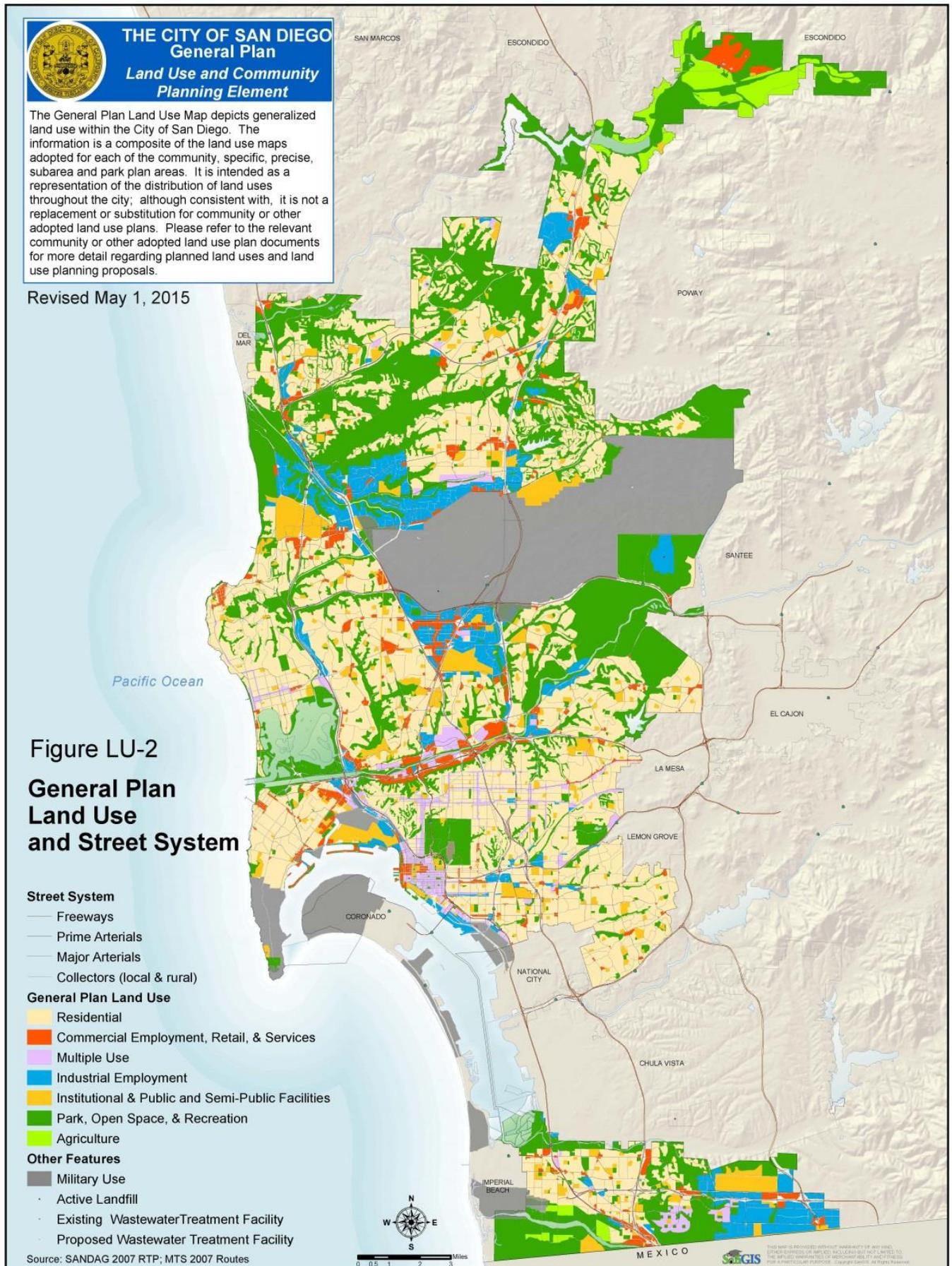
- Exhibit A – Amendments to General Plan Figures
- Exhibit B – Amendments to the Zoning Map
- Exhibit C – Amendments to the Mission Valley Community Plan
- Exhibit D – Amendments to the Kearny Mesa Community Plan
- Exhibit E – Amendments to the Mission Valley Planned District Ordinance
- Exhibit F – San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan
- Exhibit G – San Diego River Park and Soccer City Development Agreement
- Exhibit H – San Diego Municipal Code Sections (for informational purposes only)
- Exhibit I – City of San Diego Climate Action Plan (for informational purposes only)
- Exhibit J – City of San Diego General Plan, Strategic Framework Element (for informational purposes only)

**EXHIBIT A
TO THIS INITIATIVE**

AMENDMENTS TO GENERAL PLAN FIGURES

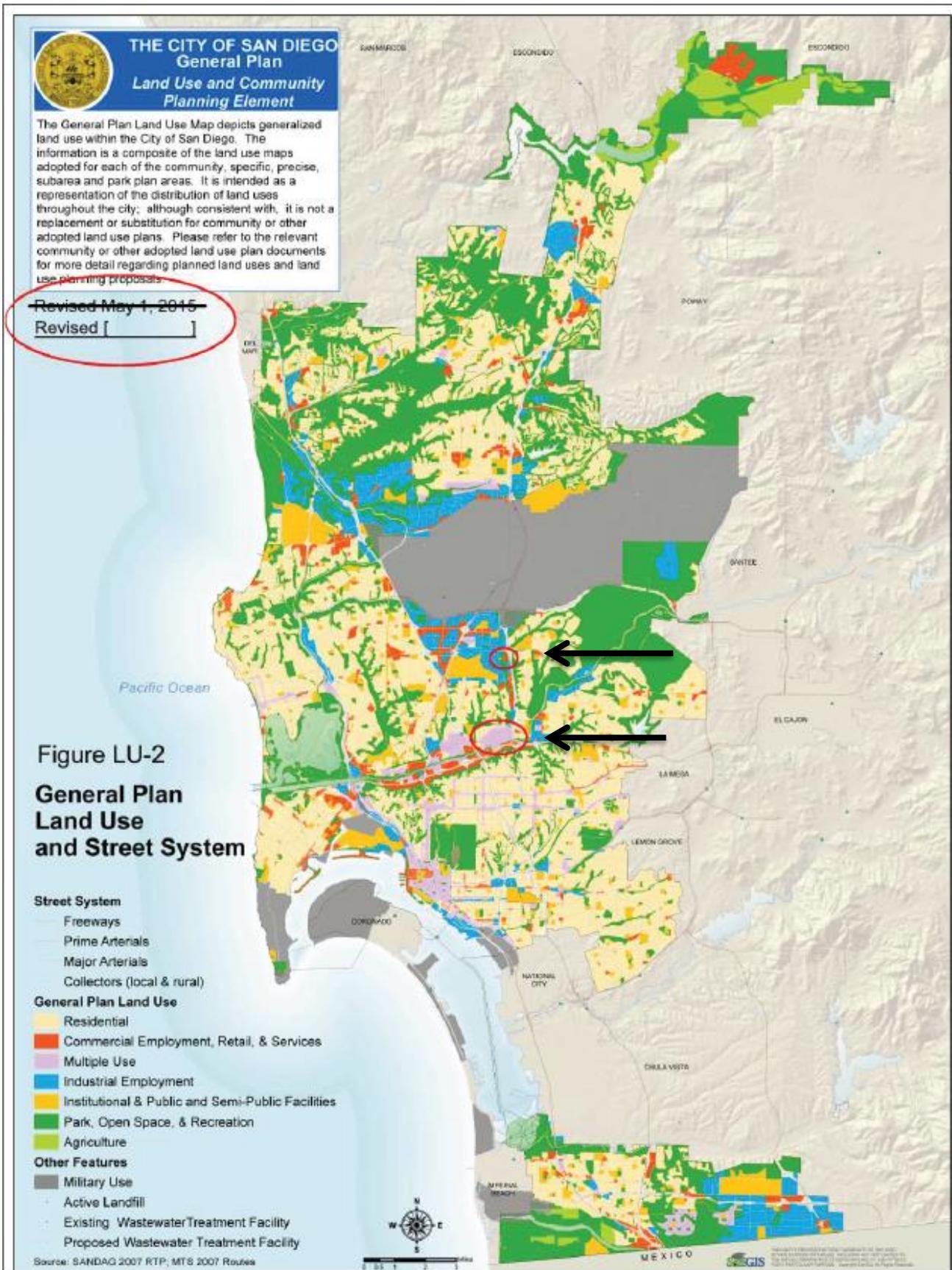
FIGURE LU-2

Figure LU-2, as it exists in the General Plan of the City of San Diego as of the filing date of this Initiative, is shown below for informational purposes only.



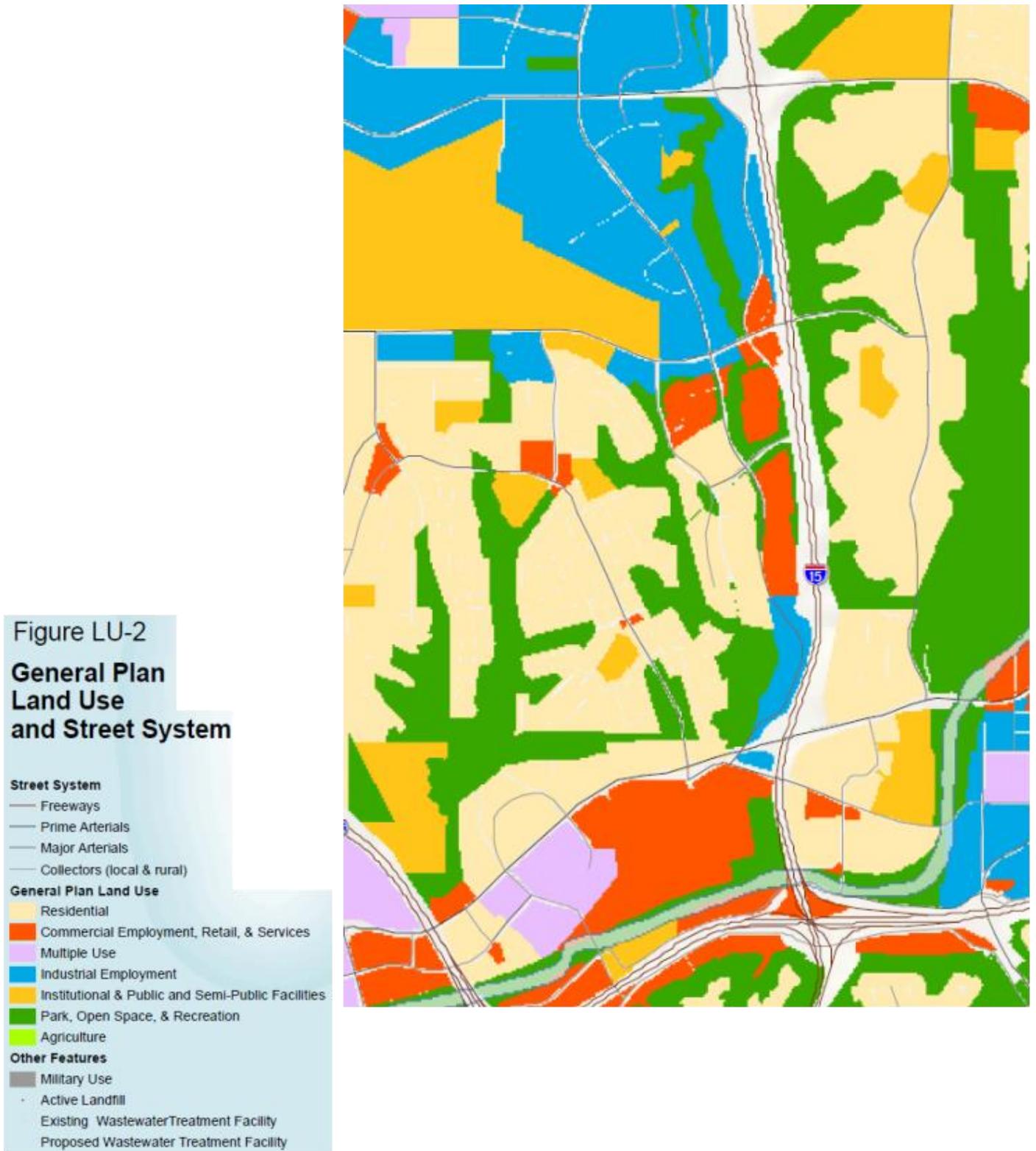
AMENDMENT TO FIGURE LU-2

Figure LU-2 of the City of San Diego General Plan is amended by this Initiative to designate the Existing Stadium Site and the Existing-Adjacent Property from “Commercial Employment, Retail, & Services” to “Multiple Use,” and the Murphy Canyon Training Facility Site from “Industrial Employment” to “Commercial Employment, Retail, & Services,” as shown below (text to be added is underlined, deleted text is in ~~strike~~through, and the property that is the subject of this Initiative is located within the bold red ovals on the map with black arrows added for ease of reference):



ENLARGEMENT OF FIGURE LU-2

Figure LU-2, as it currently exists in the City of San Diego General Plan, is enlarged for informational purposes only:



ENLARGEMENT OF AMENDED FIGURE LU-2

The proposed amendment to Figure LU-2 of the City of San Diego General Plan is enlarged for informational purposes only (property that is the subject of this Initiative is located in a bold red oval for ease of reference):

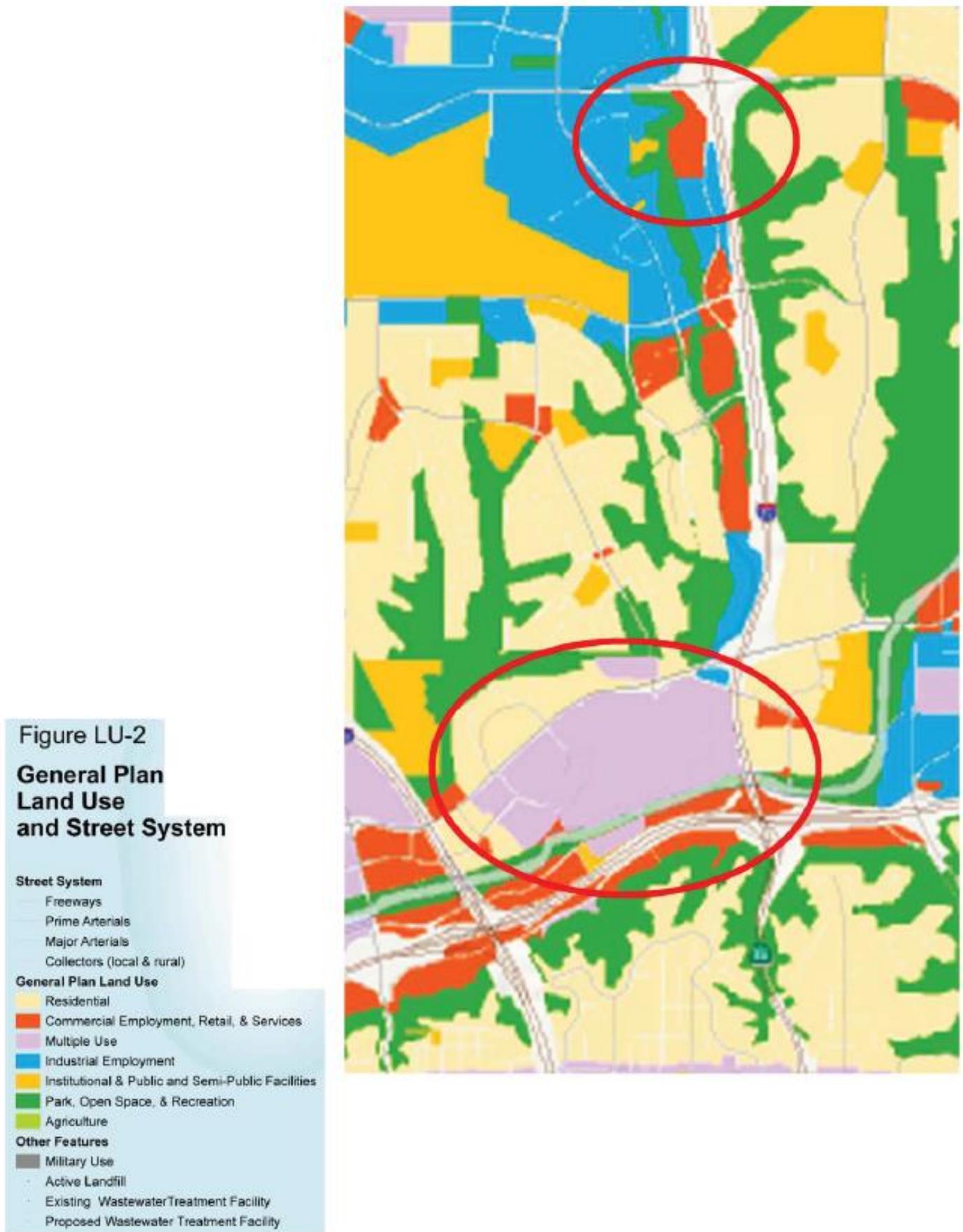
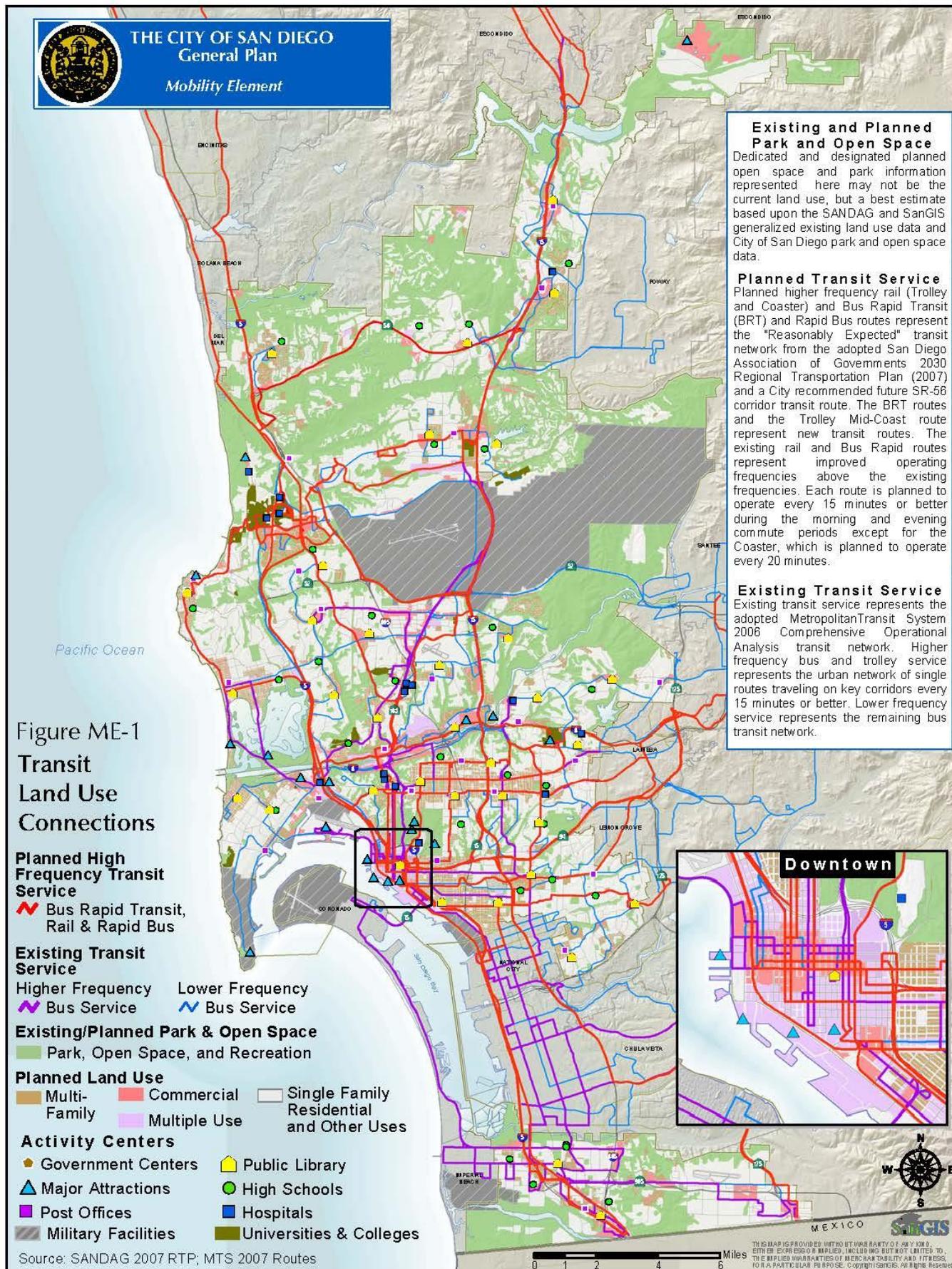


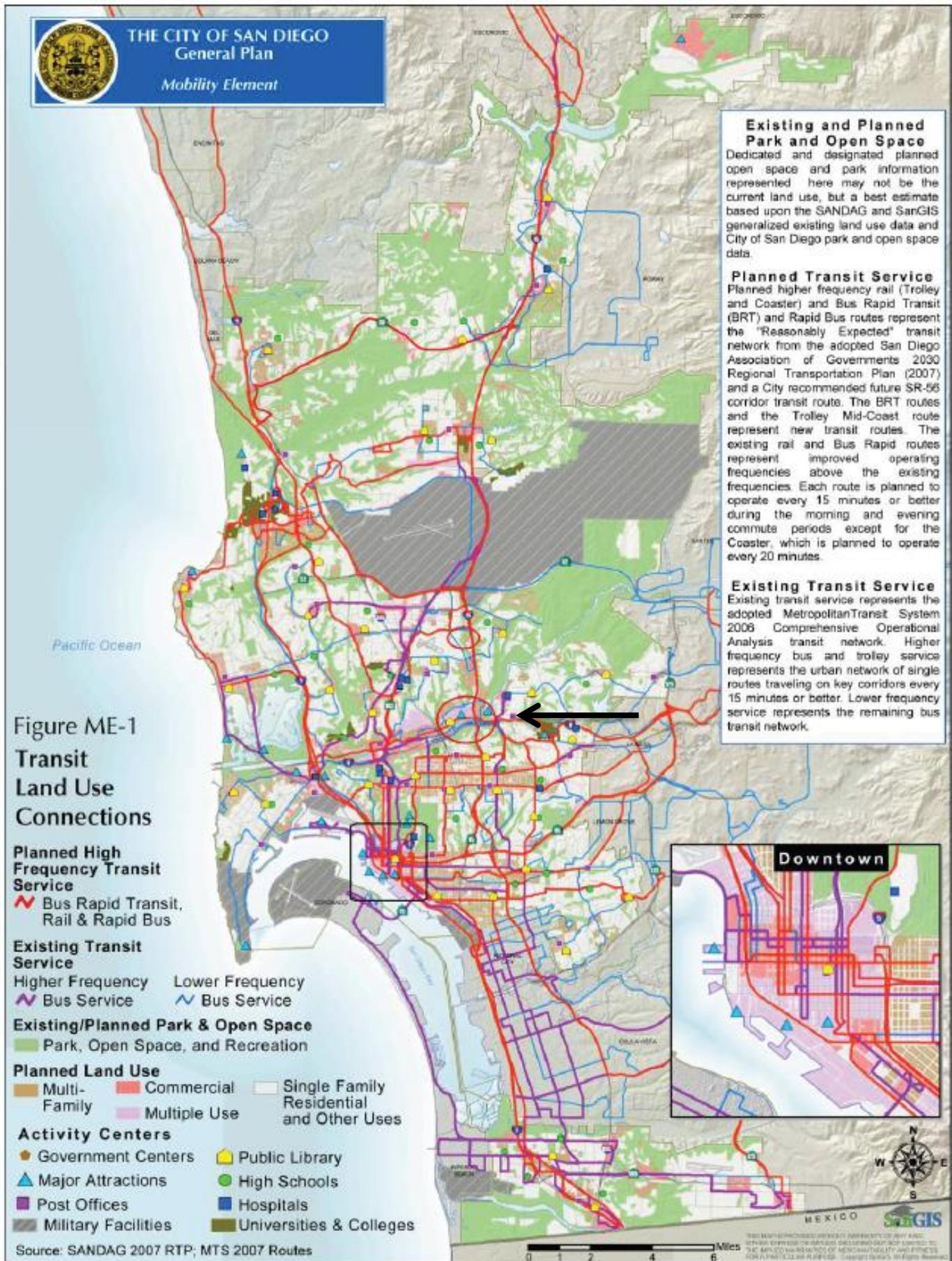
FIGURE ME-1

Figure ME-1, as it exists in the General Plan of the City of San Diego as of the filing date of this Initiative, is shown below for informational purposes only.



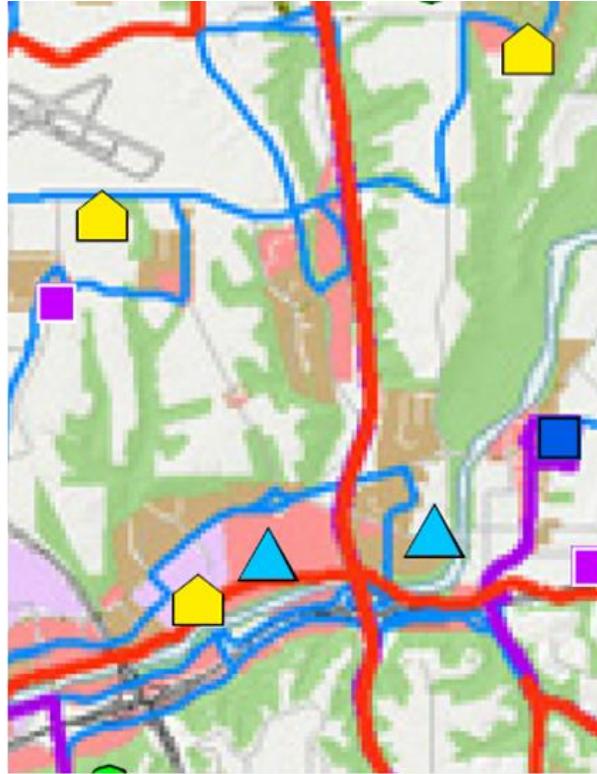
AMENDMENT TO FIGURE ME-1

Figure ME-1 of the City of San Diego General Plan is amended by this Initiative to designate the Existing Stadium Site and the Existing-Adjacent Property from “Commercial Employment, Retail, & Services” to “Multiple Use,” and the Murphy Canyon Training Facility Site from “Single Family Residential and Other Uses” to “Commercial,” as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red ovals on the map with a black arrow added for ease of reference):



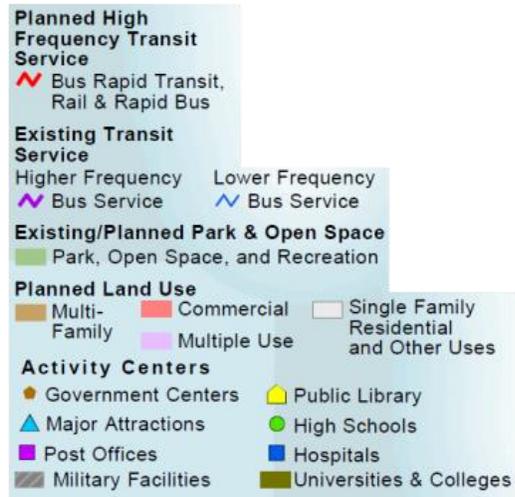
ENLARGEMENT OF FIGURE ME-1

Figure ME-1, as it currently exists in the City of San Diego General Plan, is enlarged for informational purposes only:



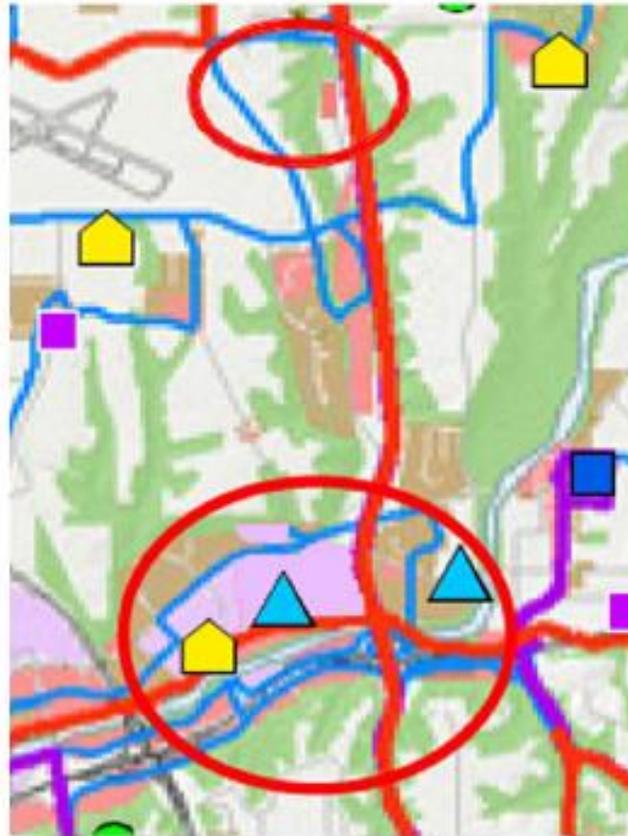
ENLARGEMENT

Figure ME-1
Transit
Land Use
Connections



ENLARGEMENT OF AMENDMENT TO FIGURE ME-1

The proposed amendment to Figure ME-1 of the City of San Diego General Plan is enlarged for informational purposes only (property that is the subject of this Initiative is located in bold red ovals for ease of reference):



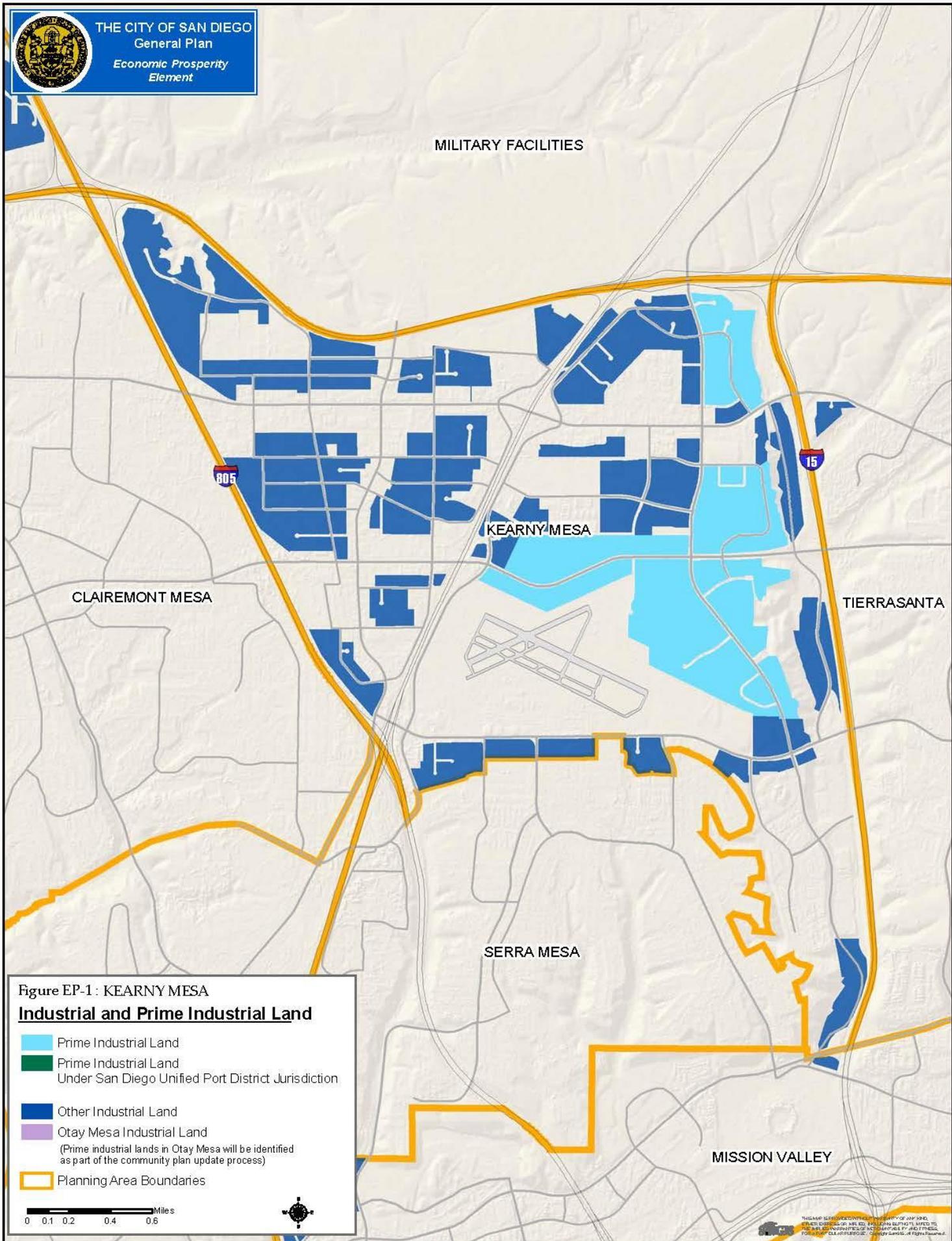
ENLARGEMENT

**Figure ME-1
Transit
Land Use
Connections**



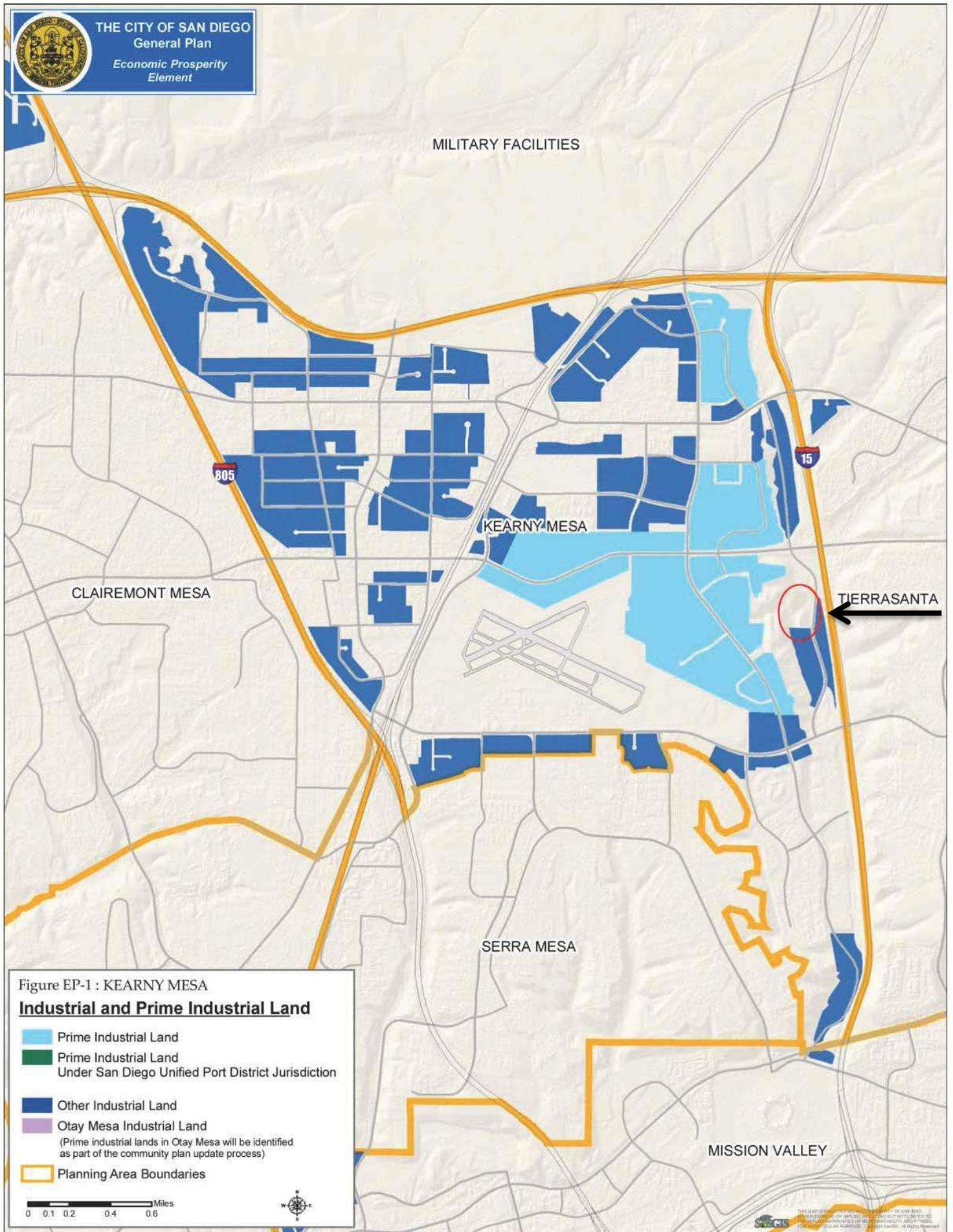
FIGURE EP-1

Figure EP-1, as it exists in the General Plan of the City of San Diego as of the filing date of this Initiative, is shown below for informational purposes only.



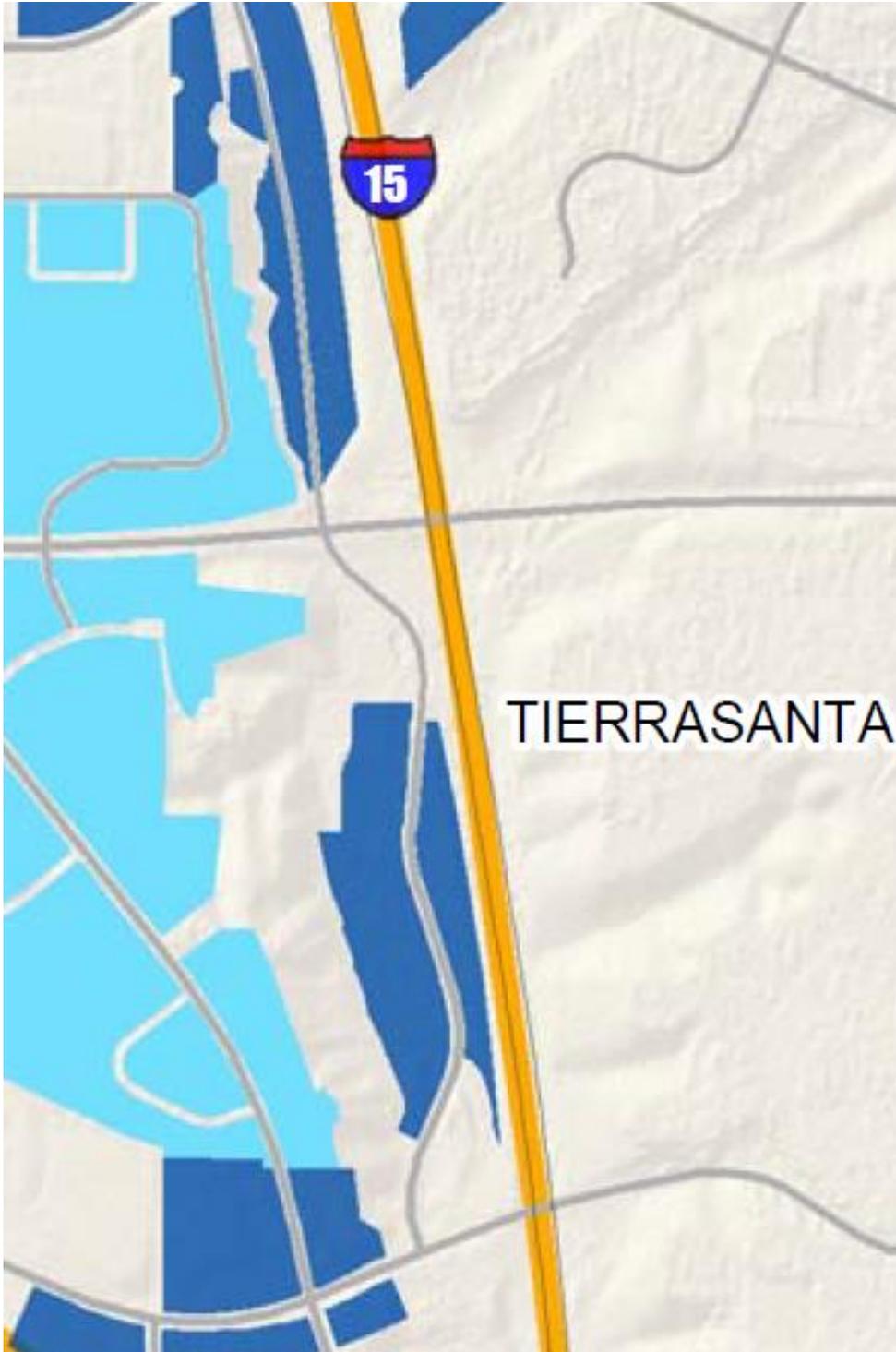
AMENDED FIGURE EP-1

Figure EP-1 of the City of San Diego General Plan is amended by this Initiative to remove the “Other Industrial Land” designation on the Murphy Canyon Training Facility Site as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with black arrows added for ease of reference):



ENLARGEMENT OF FIGURE EP-1

Figure EP-1, as it currently exists in the City of San Diego General Plan, is enlarged for informational purposes only:



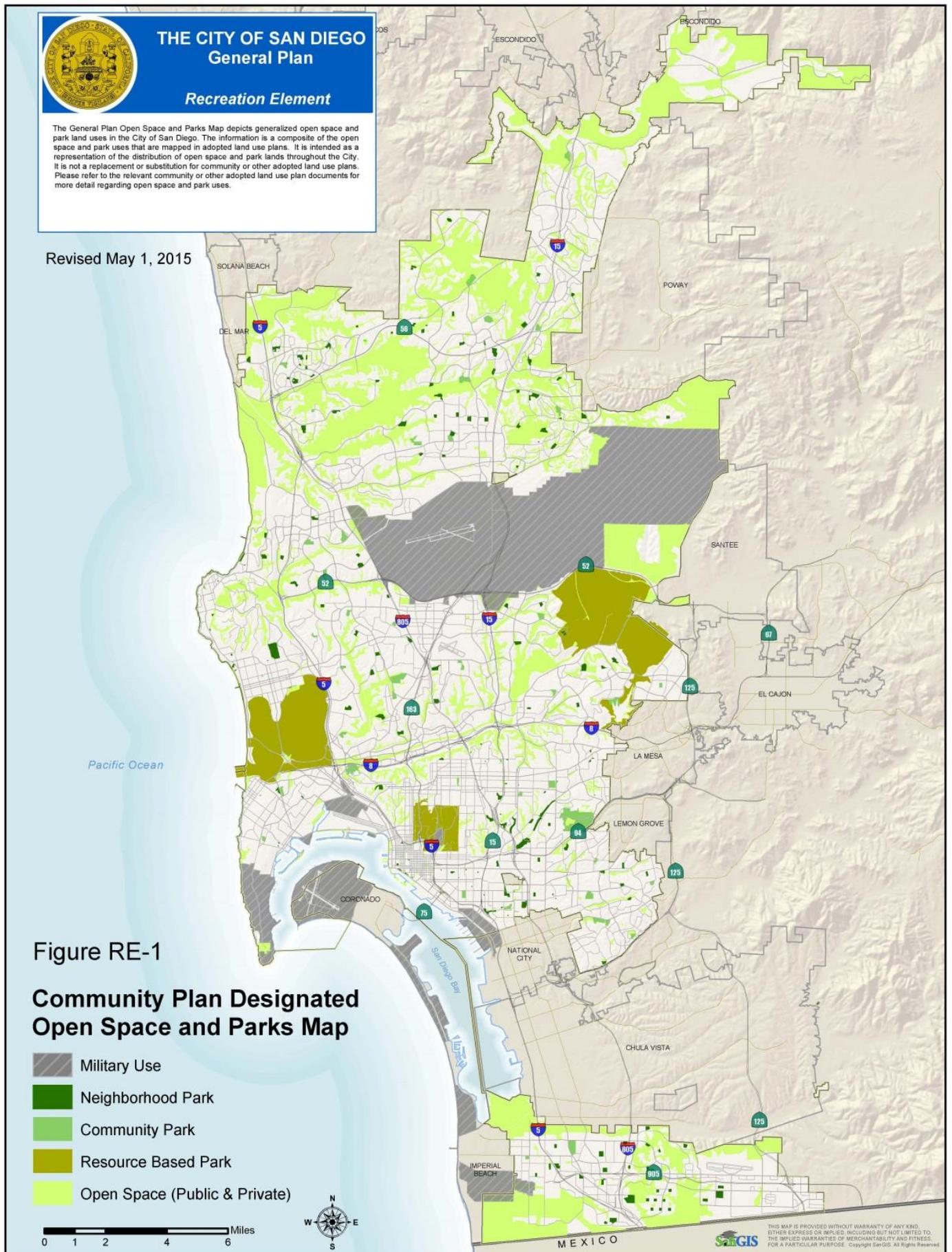
ENLARGEMENT OF AMENDED FIGURE EP-1

The proposed amendment to Figure EP-1 of the City of San Diego General Plan is enlarged for informational purposes only (property that is the subject of this Initiative is located in a bold red oval for ease of reference):



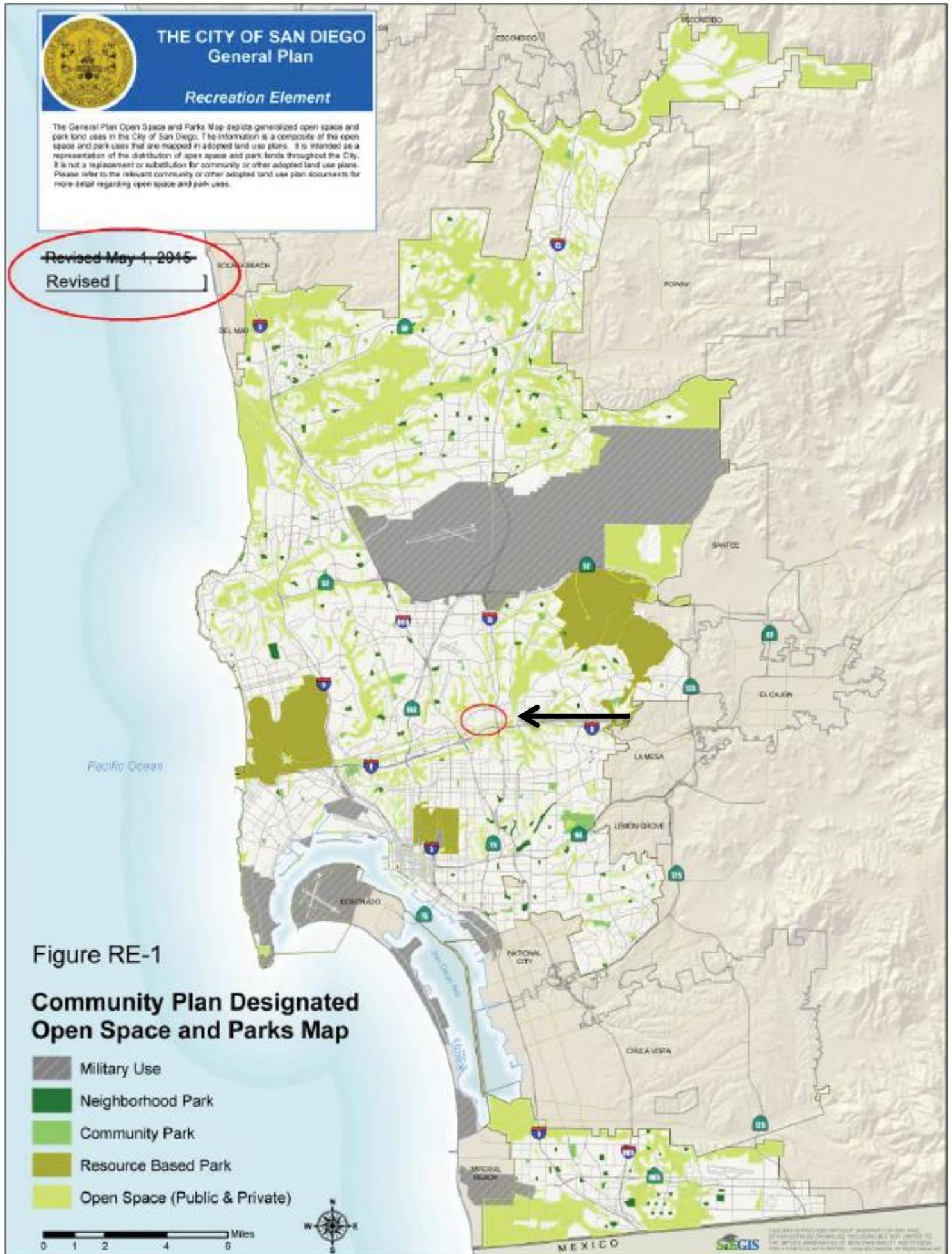
FIGURE RE-1

Figure RE-1, as it exists in the General Plan of the City of San Diego as of the filing date of this Initiative, is shown below for informational purposes only.



AMENDED FIGURE RE-1

Figure RE-1 of the City of San Diego General Plan is amended by this Initiative to remove the “Community Park” designation on the eastern side of the Existing Stadium Site, as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with a black arrow added for ease of reference):



ENLARGEMENT OF FIGURE RE-1

Figure RE-1, as it currently exists in the City of San Diego General Plan, is enlarged for informational purposes only:

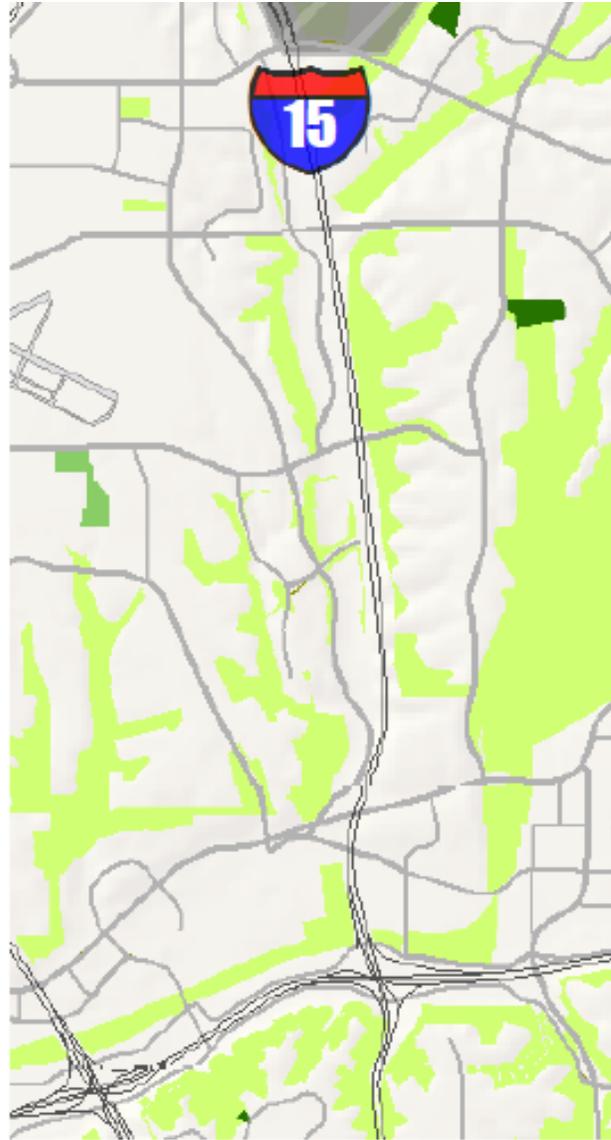


Figure RE-1

ENLARGEMENT

**Community Plan Designated
Open Space and Parks Map**



ENLARGEMENT OF AMENDED FIGURE RE-1

The proposed amendment to Figure RE-1 of the City of San Diego General Plan is enlarged for informational purposes only (property that is the subject of this Initiative is located in a bold red oval for ease of reference):



Figure RE-1

ENLARGEMENT

Community Plan Designated Open Space and Parks Map

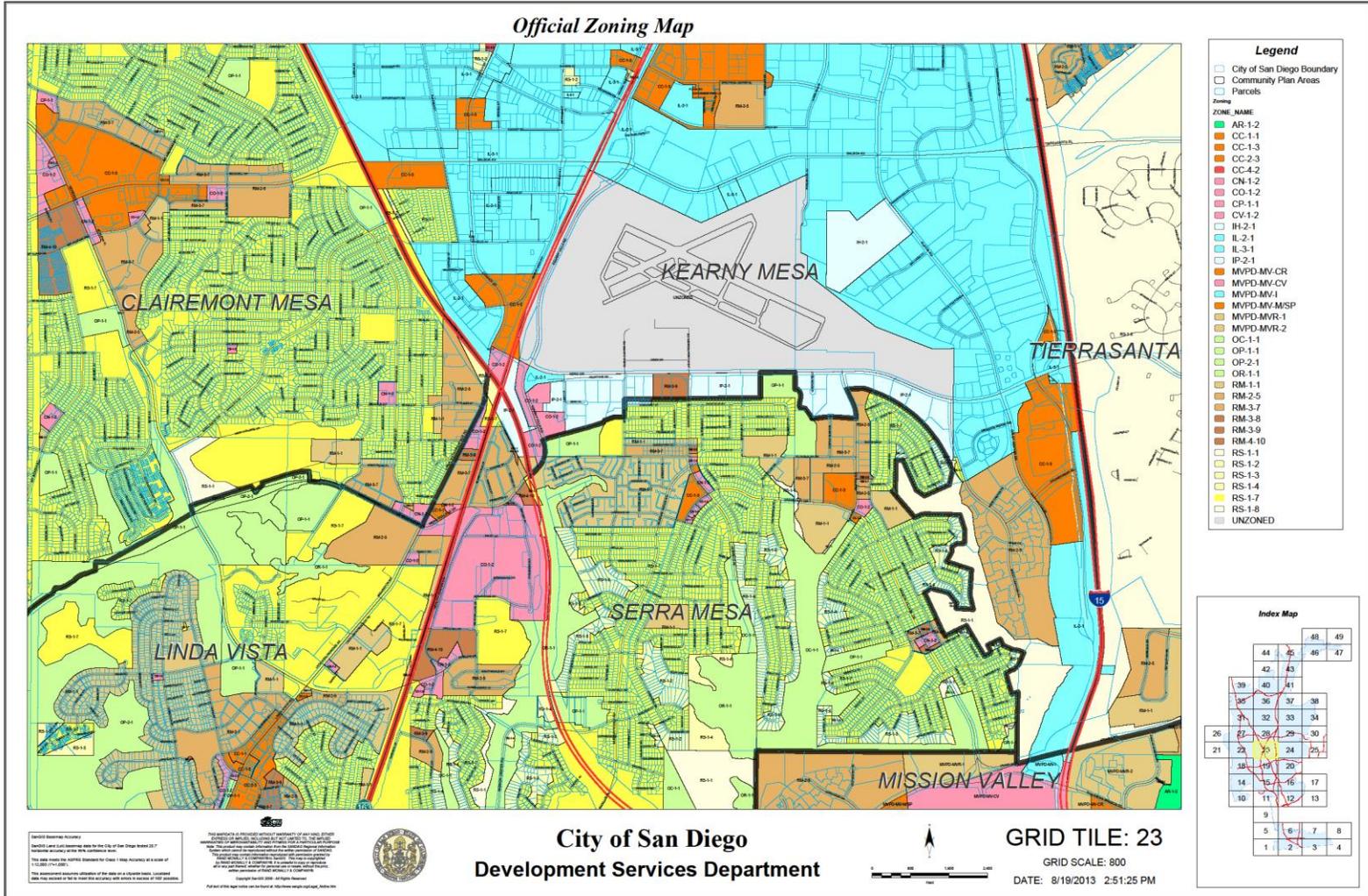
	Military Use
	Neighborhood Park
	Community Park
	Resource Based Park
	Open Space (Public & Private)

**EXHIBIT B
TO THIS INITIATIVE**

AMENDMENTS TO THE ZONING MAP

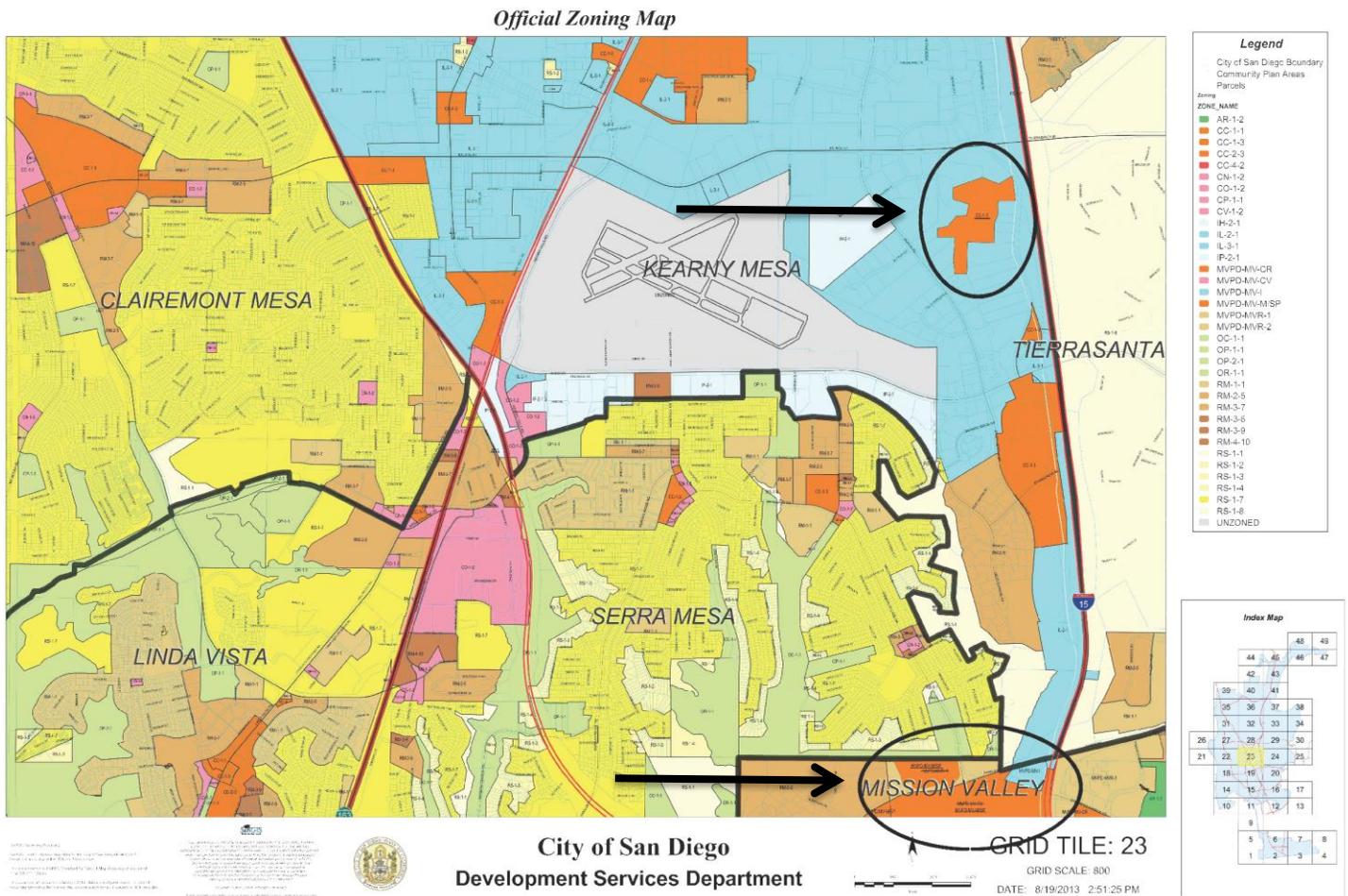
CITY OF SAN DIEGO ZONING MAP

The Official Zoning Map for the City of San Diego, Grid 23, as it exists as of the filing date of this Initiative, is shown below for informational purposes only.



AMENDMENTS TO THE CITY OF SAN DIEGO ZONING MAP

The Official Zoning Map for the City of San Diego, Grid 23, is amended by this Initiative to change the zoning of the Murphy Canyon Training Facility Site from IL to CC-1.3 and the Existing Stadium Site and Existing-Adjacent Property from MVPD-MV-CV to MVPD-MV-M/SP, as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold black ovals on the map with black arrows added for ease of reference):

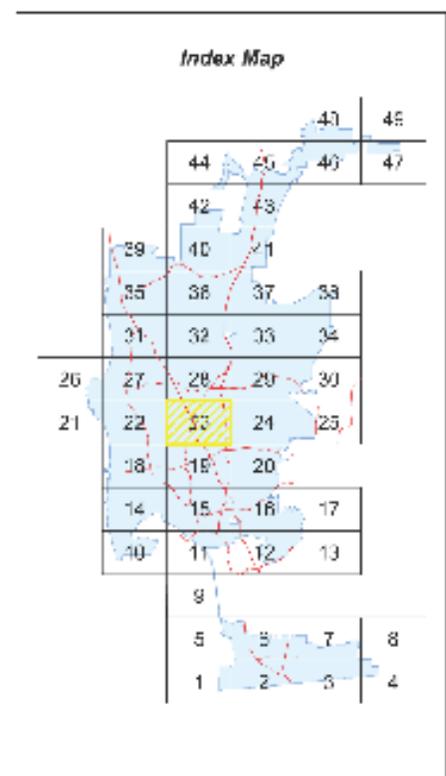


ENLARGEMENT OF CITY OF SAN DIEGO ZONING MAP

The legend for the Official Zoning Map for the City of San Diego, Grid 23, is enlarged for informational purposes only:

Official Zoning Map

Legend	
	City of San Diego Boundary
	Community Plan Areas
	Parcels
Zoning	
ZONE_NAME	
	AR-1-2
	CC-1-1
	CC-1-3
	CC-2-3
	CC-4-2
	CN-1-2
	CO-1-2
	CP-1-1
	CV-1-2
	IH-2-1
	IL-2-1
	IL-3-1
	IP-2-1
	MVPD-MV-CR
	MVPD-MV-CV
	MVPD-MV-I
	MVPD-MV-M/SP
	MVPD-MVR-1
	MVPD-MVR-2
	OC-1-1
	OP-1-1
	OP-2-1
	OR-1-1
	RM-1-1
	RM-2-5
	RM-2-7
	RM-3-8
	RM-2-9
	RM-4-10
	RS-1-1
	RS-1-2
	RS-1-3
	RS-1-4
	RS-1-7
	RS-1-8
	UNZONED



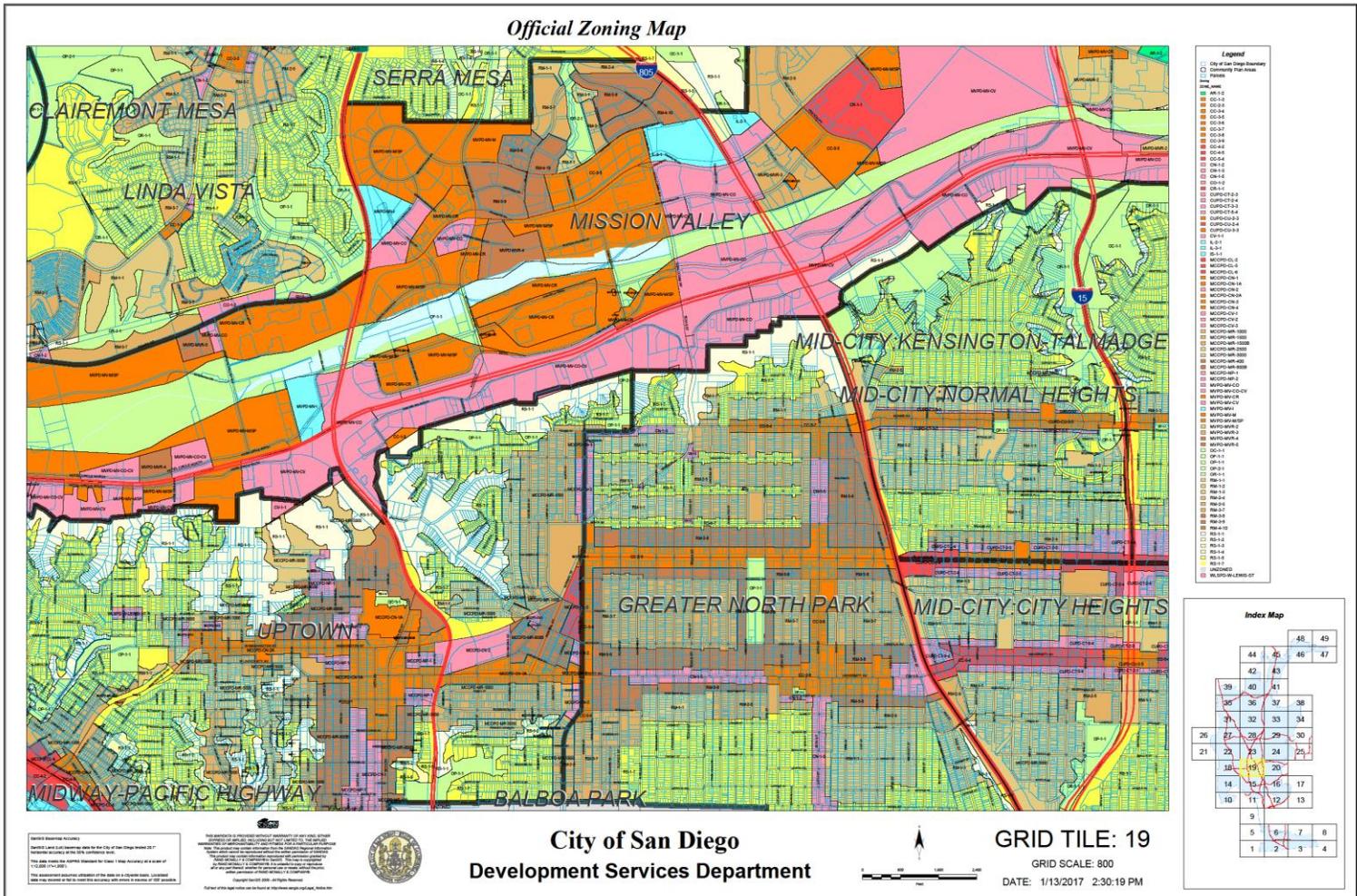
GRID TILE: 23

GRID SCALE: 800

DATE: 8/19/2013 2:51:25 PM

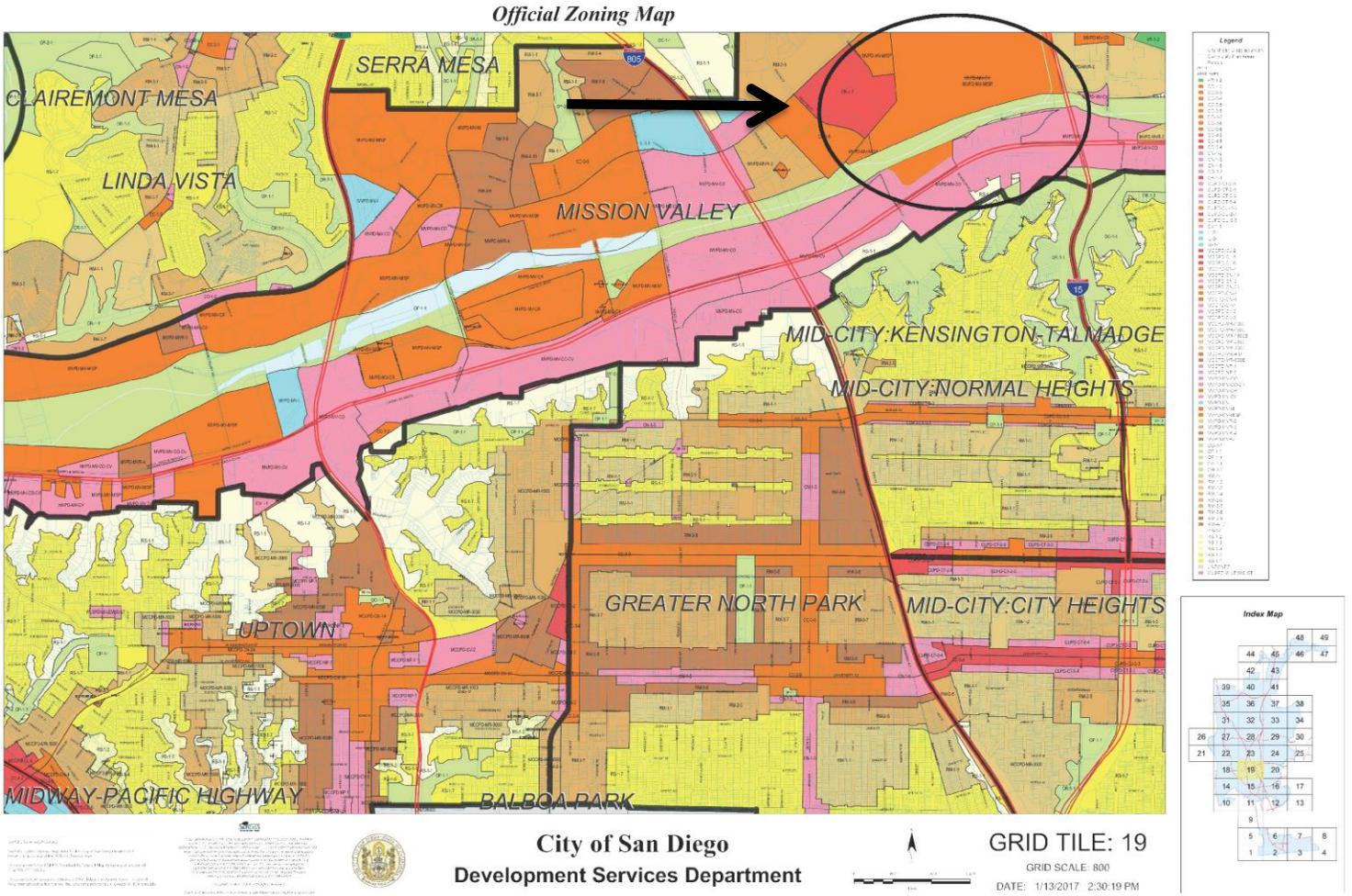
CITY OF SAN DIEGO ZONING MAP

The Official Zoning Map for the City of San Diego, Grid 19, as it exists as of the filing date of this Initiative, is shown below for informational purposes only.



AMENDMENTS TO THE OFFICIAL ZONING MAP FOR THE CITY OF SAN DIEGO

The Official Zoning Map for the City of San Diego, Grid 19, is amended by this Initiative to change the zoning of the Existing Stadium Site and Existing-Adjacent Property from MVPD-MV-CV to MVPD-MV-M/SP, as shown below (text to be added is underlined, deleted text is in ~~strike~~through, and the property that is the subject of this Initiative is located within the bold black oval on the map with a black arrow added for ease of reference):



**EXHIBIT C
TO THIS INITIATIVE**

AMENDMENTS TO THE MISSION VALLEY COMMUNITY PLAN

**MISSION VALLEY COMMUNITY PLAN: COMMUNITY PLAN AMENDMENTS
TABLE**

The Mission Valley Community Plan Amendments table, as it exists in the Mission Valley Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.

MISSION VALLEY COMMUNITY PLAN AMENDMENTS

The following amendments have been incorporated into this Month 2013 posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Mission Valley Community Plan approved	January 24, 1985	5576	June 25, 1985	R-263536
EIR Certified EQD No. 84-0194	—	—	June 25, 1985	R-263535
Hazard Center II	January 9, 1986	—	April 8, 1986	R-265413
Frazee Rd/Camino Del Este	July 10, 1986	—	October 13, 1987	R-269479
MV Calmat	June 7, 1990	0710-PC	September 11, 1990	R-276503
Water Reclamation Facilities	February 4, 1991	—	February 15, 1991	R-277366
MV Plan and PDO	January 23, 1992	—	April 21, 1992	R-279807
SDB-MBM III	—	—	October 6, 1992	R-280832
Park in the Valley IV	—	—	May 4, 1993	R-281917
Rio Vista West	November 18, 1993	—	December 7, 1993	R-283175
Hazard Center Phase 2	January 6, 1994	2055-PC	February 8, 1994	R-283390
Homestead Village	July 25, 1996	—	September 10, 1996	R-287814
MV West	May 29, 1997	2513-PC	July 15, 1997	R-288970
Mission City	March 19, 1998	—	April 21, 1998	R-289995
Rio Vista West VIII (repealed 4/13/99)	October 30, 1997	2571-PC	February 2, 1999	R-291254
Rio Vista West VIII	—	—	April 13, 1999	R-291480
Presidio View	August 10, 2000	3013-PC	October 24, 2000	R-294065
Mission Valley Heights	November 21, 2002	3329-PC	February 18, 2003	R-297655
A-1 Self Storage	September 16, 2004	—	January 25, 2005	—
Quarry Falls	September 4, 2008	08-064-PC	October 21, 2008	R-304293
Hazard Center	March 27, 2010	10-021-PC	May 18, 2010	R-305860
San Diego River Park	April 18, 2013	4897-PC	May 20, 2013	R-308197

AMENDMENTS TO THE MISSION VALLEY COMMUNITY PLAN: COMMUNITY PLAN AMENDMENTS TABLE

The Community Plan Amendments table is amended by this Initiative to include the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan, as shown below (text to be added is underlined, deleted text is in ~~strikethrough~~):

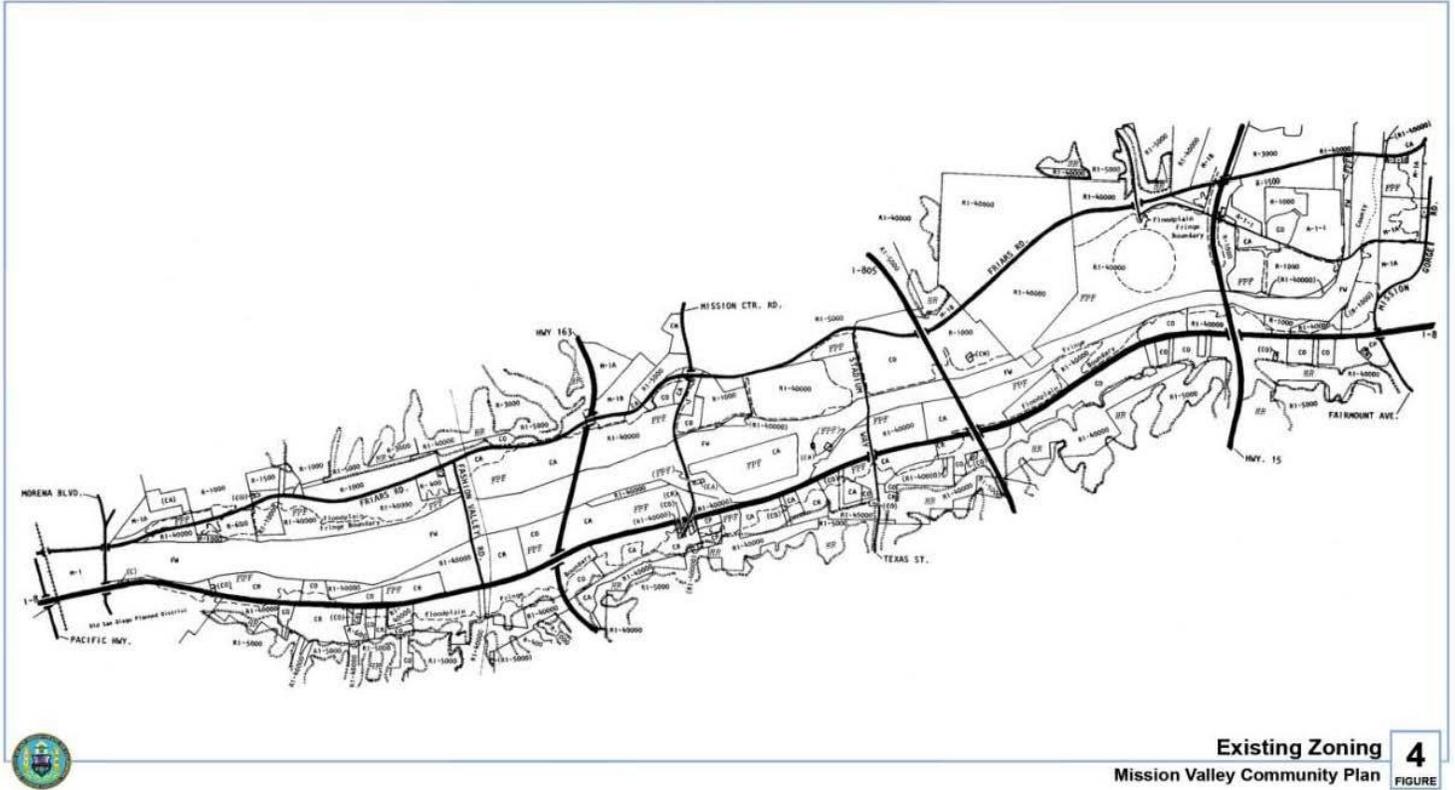
MISSION VALLEY COMMUNITY PLAN AMENDMENTS

The following amendments have been incorporated into this Month 2013 posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
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Frazee Rd/Camino Del Este	July 10, 1986	—	October 13, 1987	R-269479
MV Calmat	June 7, 1990	0710-PC	September 11, 1990	R-276503
Water Reclamation Facilities	February 4, 1991	—	February 15, 1991	R-277366
MV Plan and PDO	January 23, 1992	—	April 21, 1992	R-279807
SDB-MBM III	—	—	October 6, 1992	R-280832
Park in the Valley IV	—	—	May 4, 1993	R-281917
Rio Vista West	November 18, 1993	—	December 7, 1993	R-283175
Hazard Center Phase 2	January 6, 1994	2055-PC	February 8, 1994	R-283390
Homestead Village	July 25, 1996	—	September 10, 1996	R-287814
MV West	May 29, 1997	2513-PC	July 15, 1997	R-288970
Mission City	March 19, 1998	—	April 21, 1998	R-289995
Rio Vista West VIII (repealed 4/13/99)	October 30, 1997	2571-PC	February 2, 1999	R-291254
Rio Vista West VIII	—	—	April 13, 1999	R-291480
Presidio View	August 10, 2000	3013-PC	October 24, 2000	R-294065
Mission Valley Heights	November 21, 2002	3329-PC	February 18, 2003	R-297655
A-1 Self Storage	September 16, 2004	—	January 25, 2005	—
Quarry Falls	September 4, 2008	08-064-PC	October 21, 2008	R-304293
Hazard Center	March 27, 2010	10-021-PC	May 18, 2010	R-305860
San Diego River Park	April 18, 2013	4897-PC	May 20, 2013	R-308197
<u>San Diego River Park, Soccer City and Qualcomm Stadium Redevelopment Specific Plan</u>	<u>Adopted By Initiative</u>			

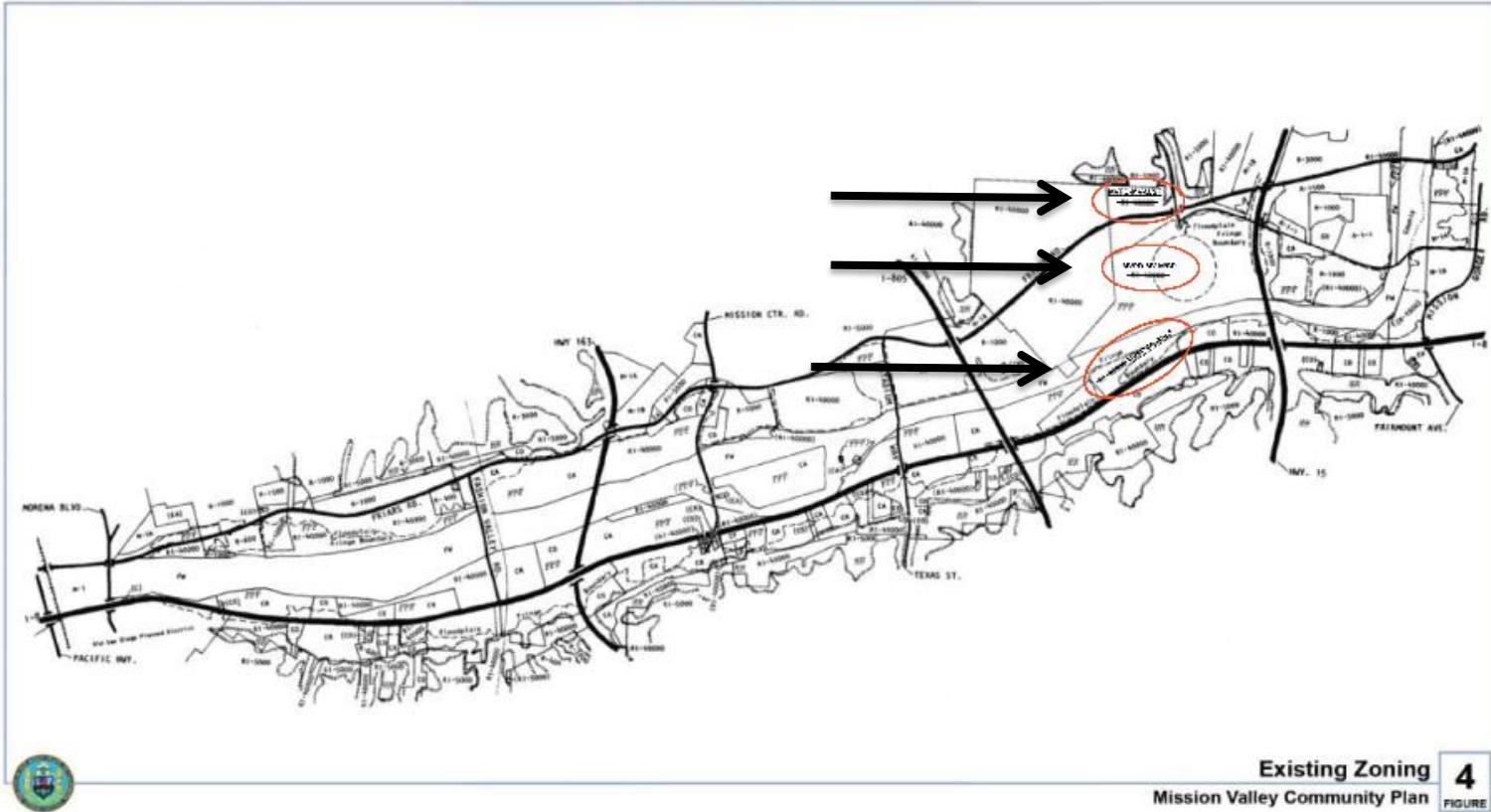
MISSION VALLEY COMMUNITY PLAN: FIGURE 4, EXISTING ZONING

Figure 4, Existing Zoning, as it exists in the Mission Valley Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.



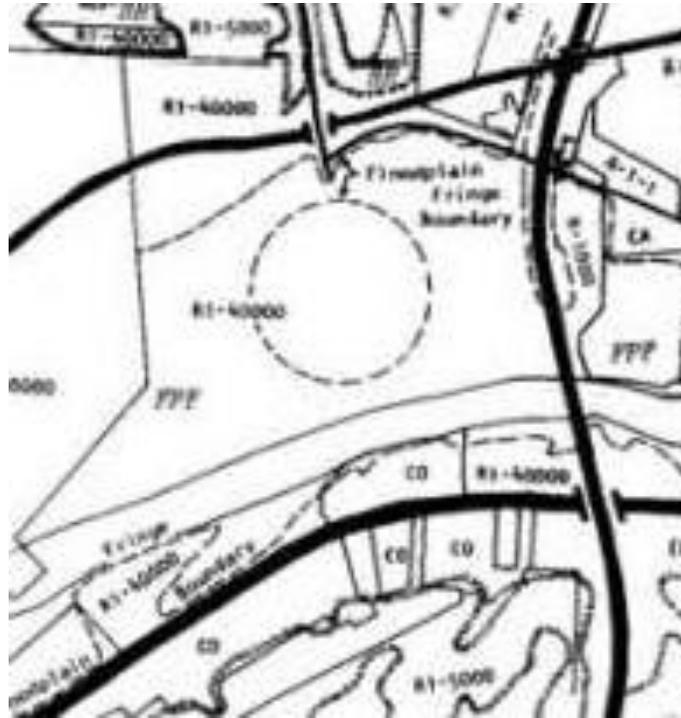
**AMENDMENTS TO THE MISSION VALLEY COMMUNITY PLAN: FIGURE 4,
EXISTING ZONING**

Figure 4 of the Mission Valley Community Plan is amended by this Initiative to include the Specific Plan zoning on the Existing Stadium Site and Existing-Adjacent Property as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red ovals on the map with black arrows added for ease of reference):



ENLARGEMENT OF FIGURE 4, EXISTING ZONING

Figure 4, as it currently exists in the Mission Valley Community Plan, is enlarged for informational purposes only:

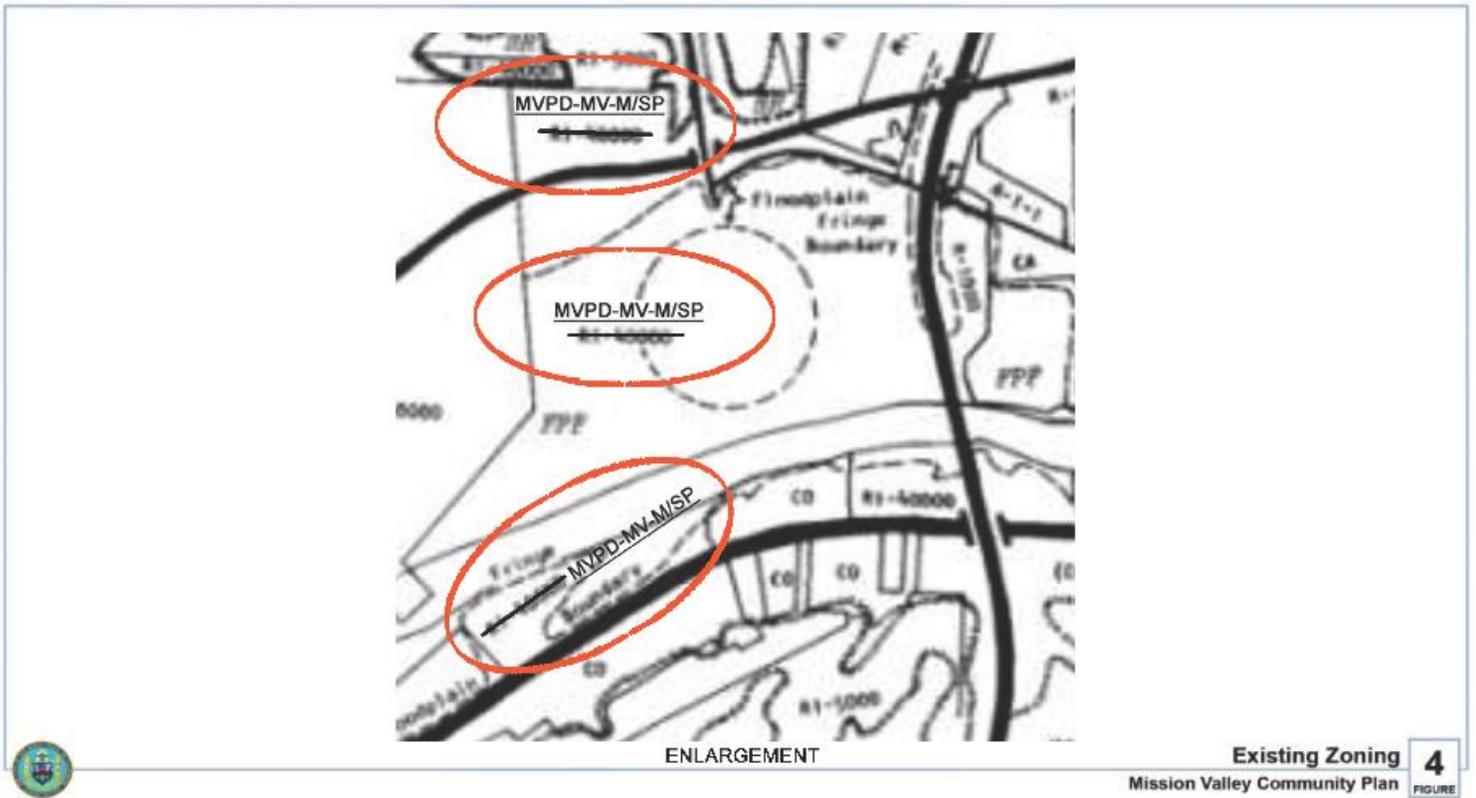


ENLARGEMENT



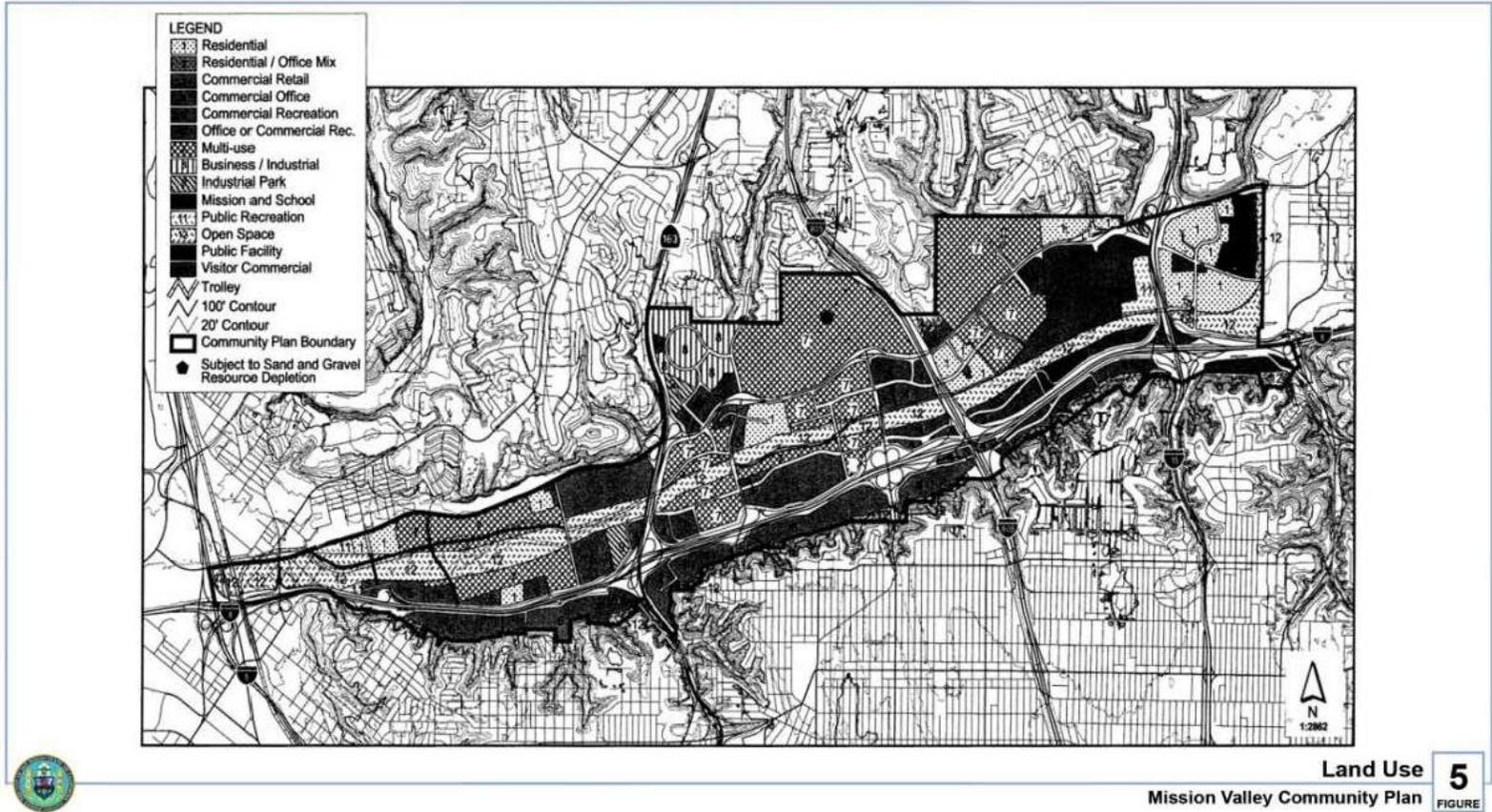
ENLARGEMENT OF AMENDED FIGURE 4, EXISTING ZONING

The proposed amendment to Figure 4 of the Mission Valley Community Plan is enlarged for informational purposes only (property that is the subject of this Initiative is located in bold red ovals for ease of reference):



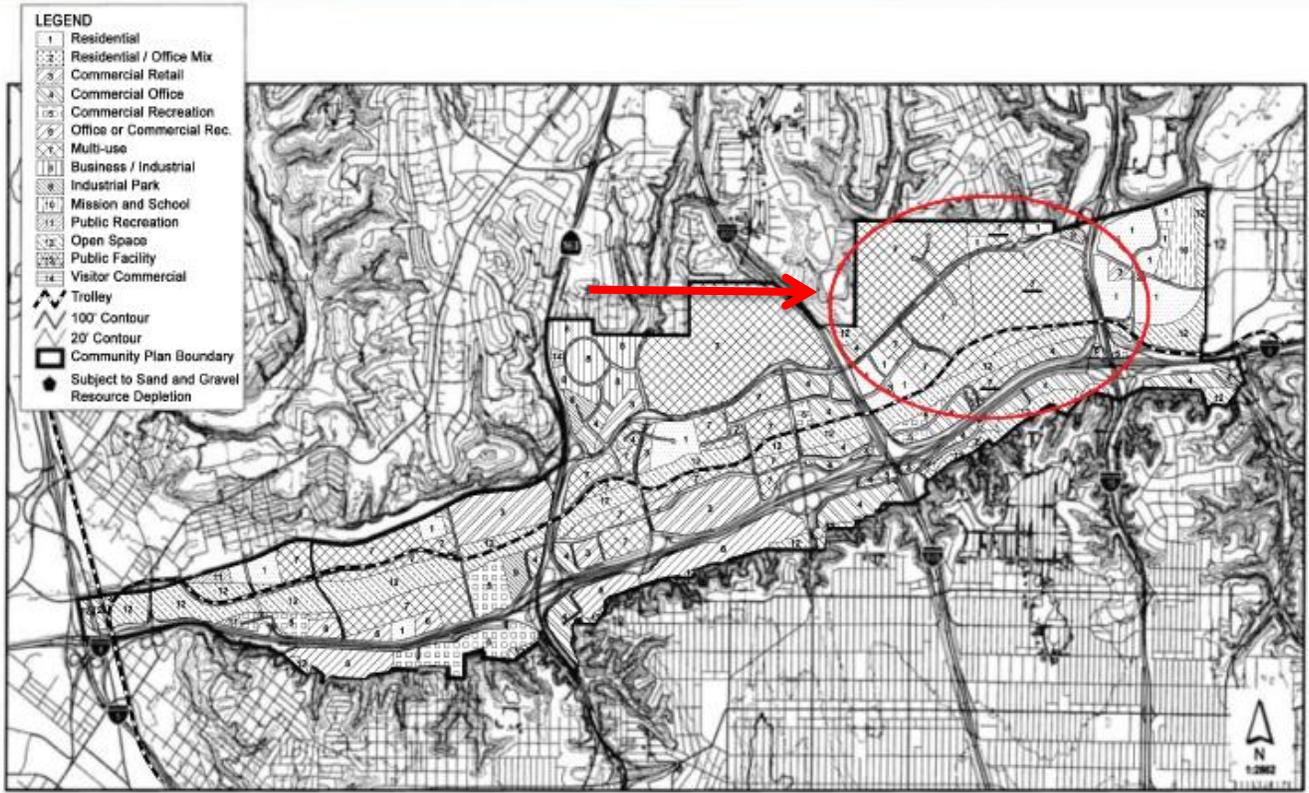
MISSION VALLEY COMMUNITY PLAN: FIGURE 5, LAND USE

Figure 5, Land Use, as it exists in the Mission Valley Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.



**AMENDMENTS TO THE MISSION VALLEY COMMUNITY PLAN: FIGURE 5,
LAND USE**

Figure 5, Land Use, is amended by this Initiative is amended to change the Existing Stadium Site and Existing-Adjacent Property zoning designation from “Commercial Recreation” and “Public Recreation” to “Multi-use,” as shown below (text to be added is underlined, deleted text is in ~~strikethrough~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with a red arrow added for ease of reference):



Land Use **5**
Mission Valley Community Plan **FIGURE**

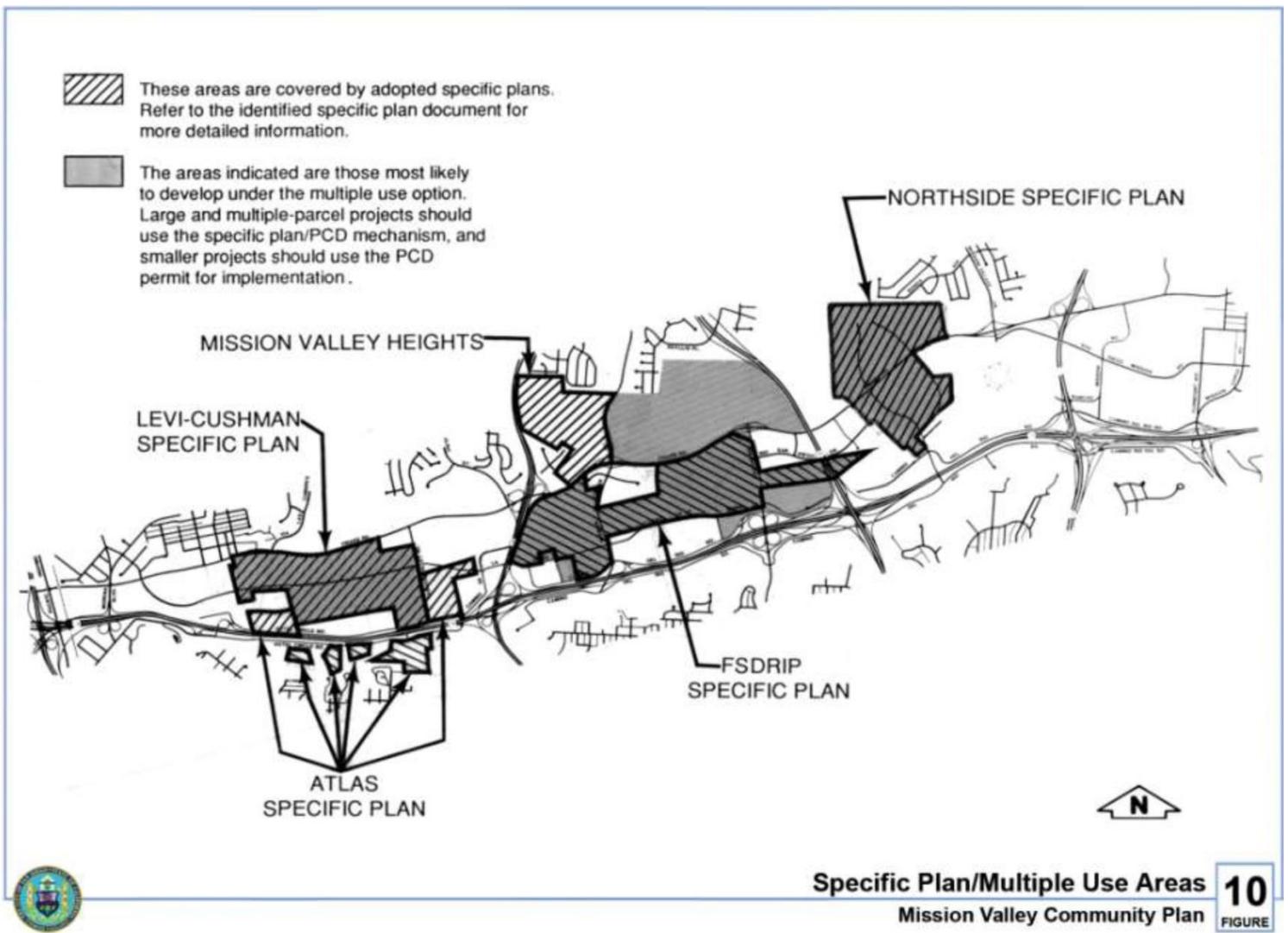
ENLARGEMENT OF MISSION VALLEY COMMUNITY PLAN: FIGURE 5, LAND USE

The legend for Figure 5, Land Use of the Mission Valley Community Plan, is enlarged for informational purposes only:



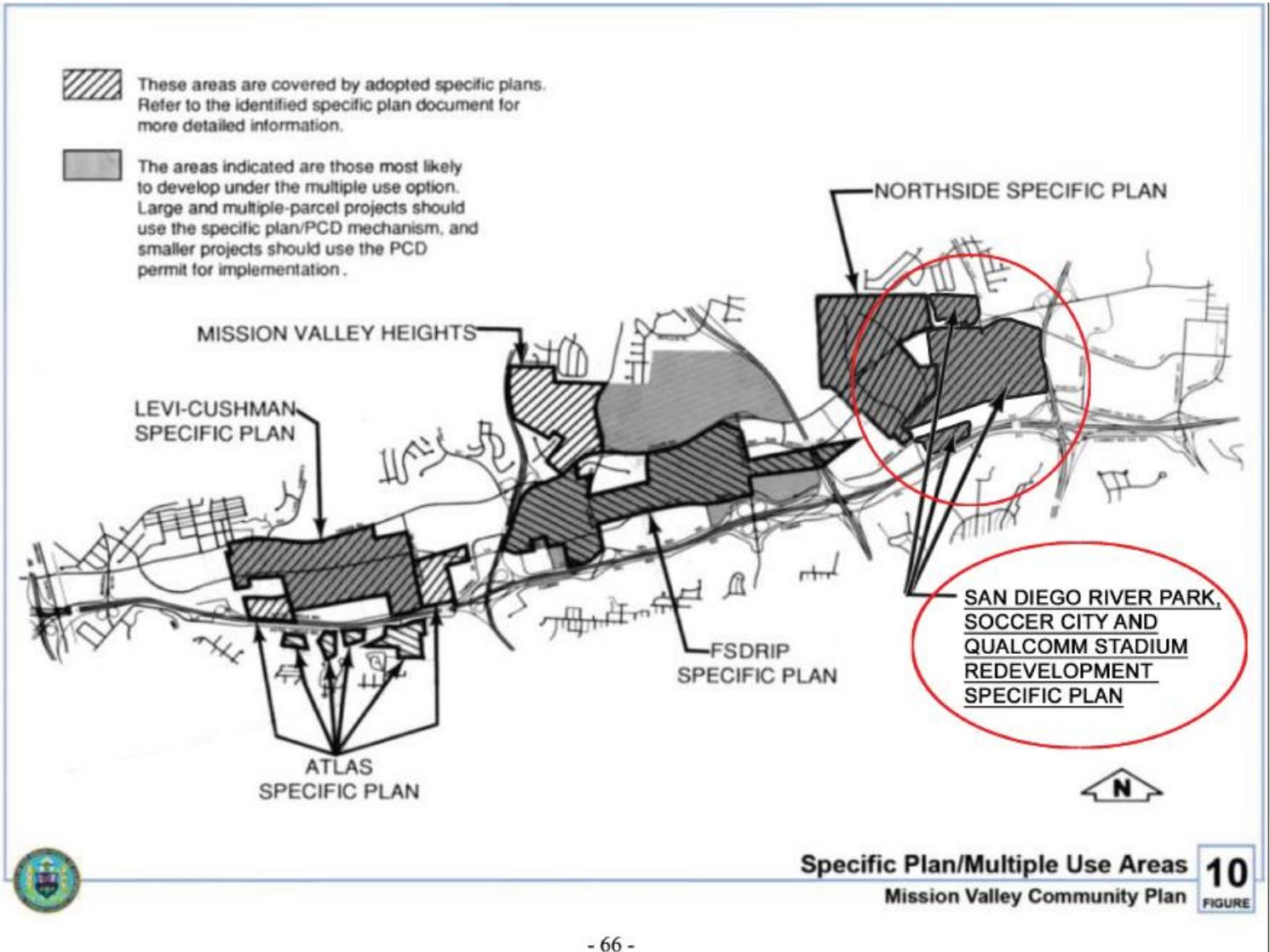
MISSION VALLEY COMMUNITY PLAN: FIGURE 10, SPECIFIC PLAN/MULTIPLE USE AREAS

Figure 10, Specific Plan/Multiple Use Areas, as it exists in the Mission Valley Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.



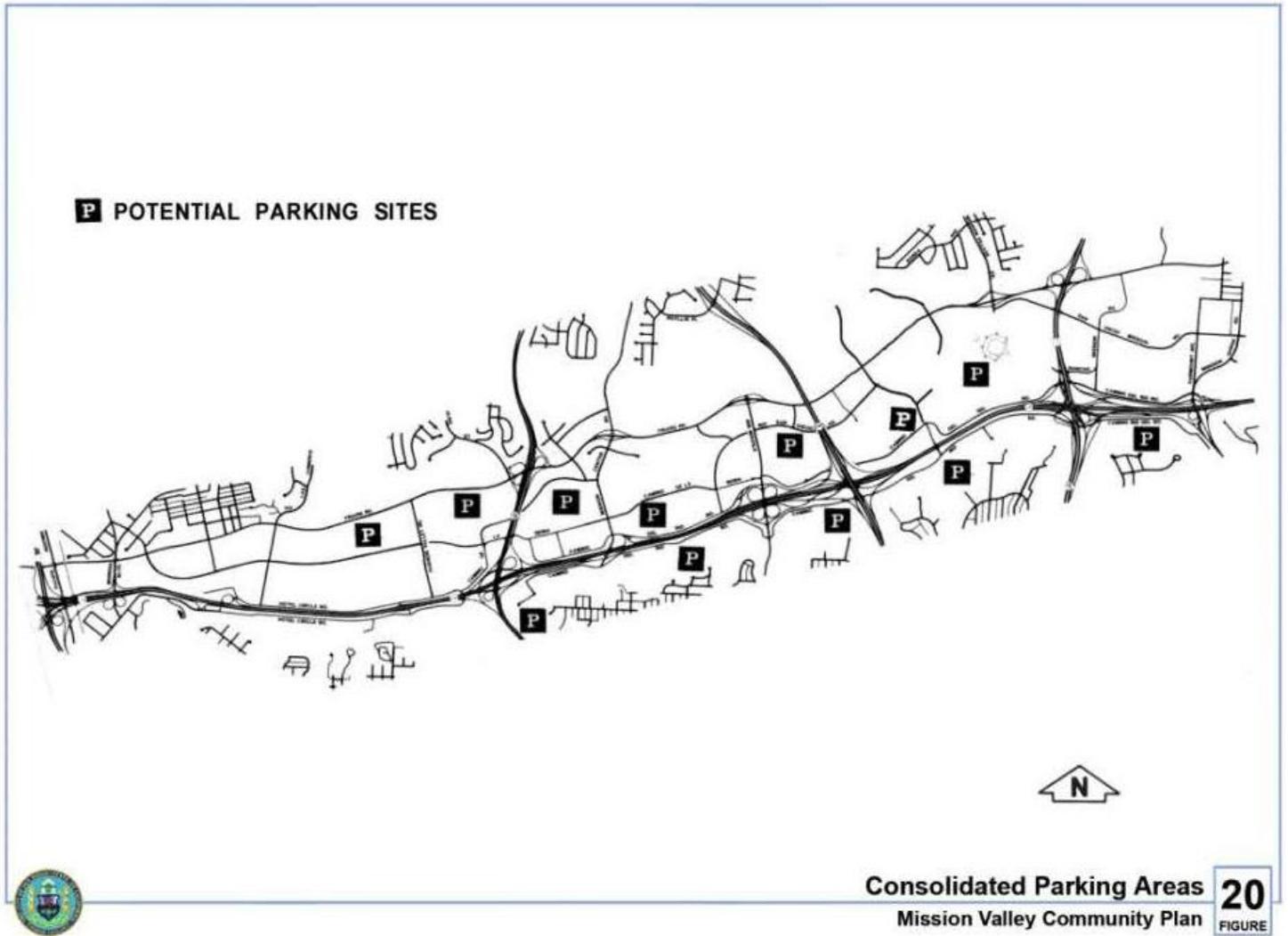
**AMENDMENTS TO THE MISSION VALLEY COMMUNITY PLAN: FIGURE 10,
SPECIFIC PLAN/MULTIPLE USE AREAS**

Figure 10, Specific Plan/Multiple Use Areas, is amended by this Initiative to include the San Diego River Park, Soccer City, and Qualcomm Stadium Specific Plan area as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red ovals on the map for ease of reference):



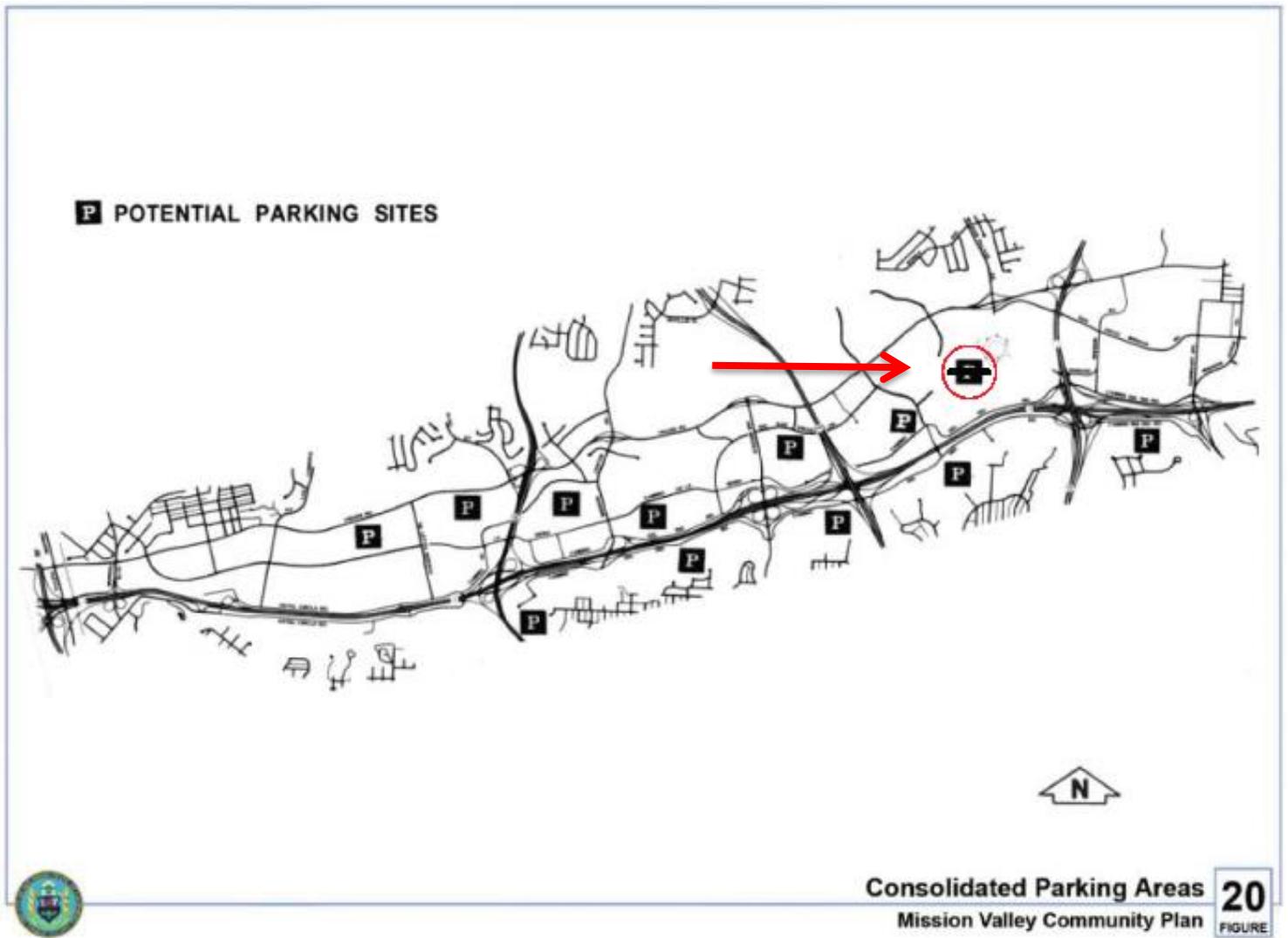
MISSION VALLEY COMMUNITY PLAN: FIGURE 20, CONSOLIDATED PARKING AREAS

Figure 20, Consolidated Parking Areas, as it exists in the Mission Valley Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.



**AMENDMENTS TO THE MISSION VALLEY COMMUNITY PLAN: FIGURE 20,
CONSOLIDATED PARKING AREAS**

Figure 20, Consolidated Parking Areas, is amended by this Initiative to remove the parking area designation on the Existing Stadium Site as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with a red arrow added for ease of reference):

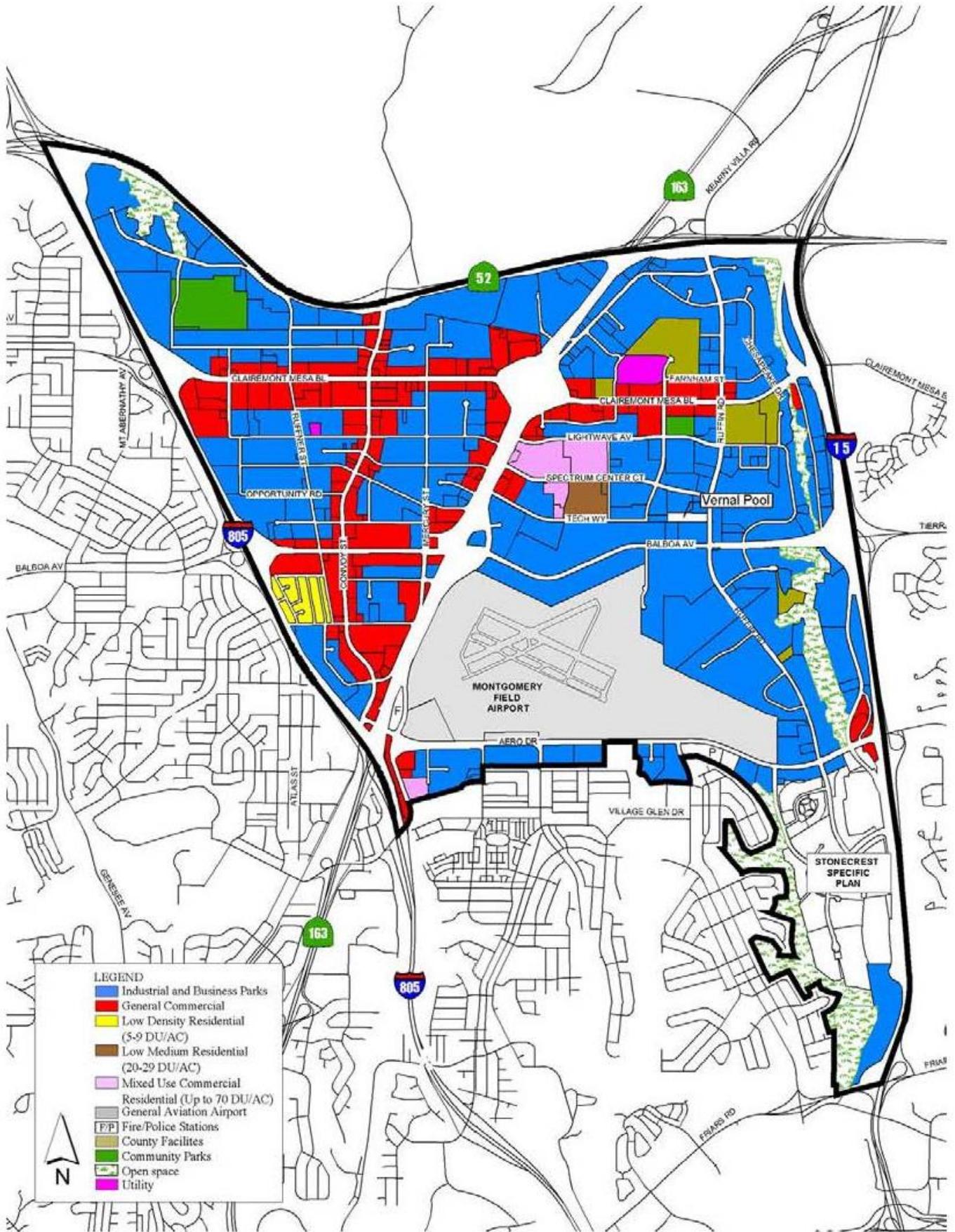


**EXHIBIT D
TO THIS INITIATIVE**

AMENDMENTS TO THE KEARNY MESA COMMUNITY PLAN

KEARNY MESA COMMUNITY PLAN: FIGURE 4, RECOMMENDED LAND USE

Figure 4, Recommended Land Use, as it exists in the Kearny Mesa Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.

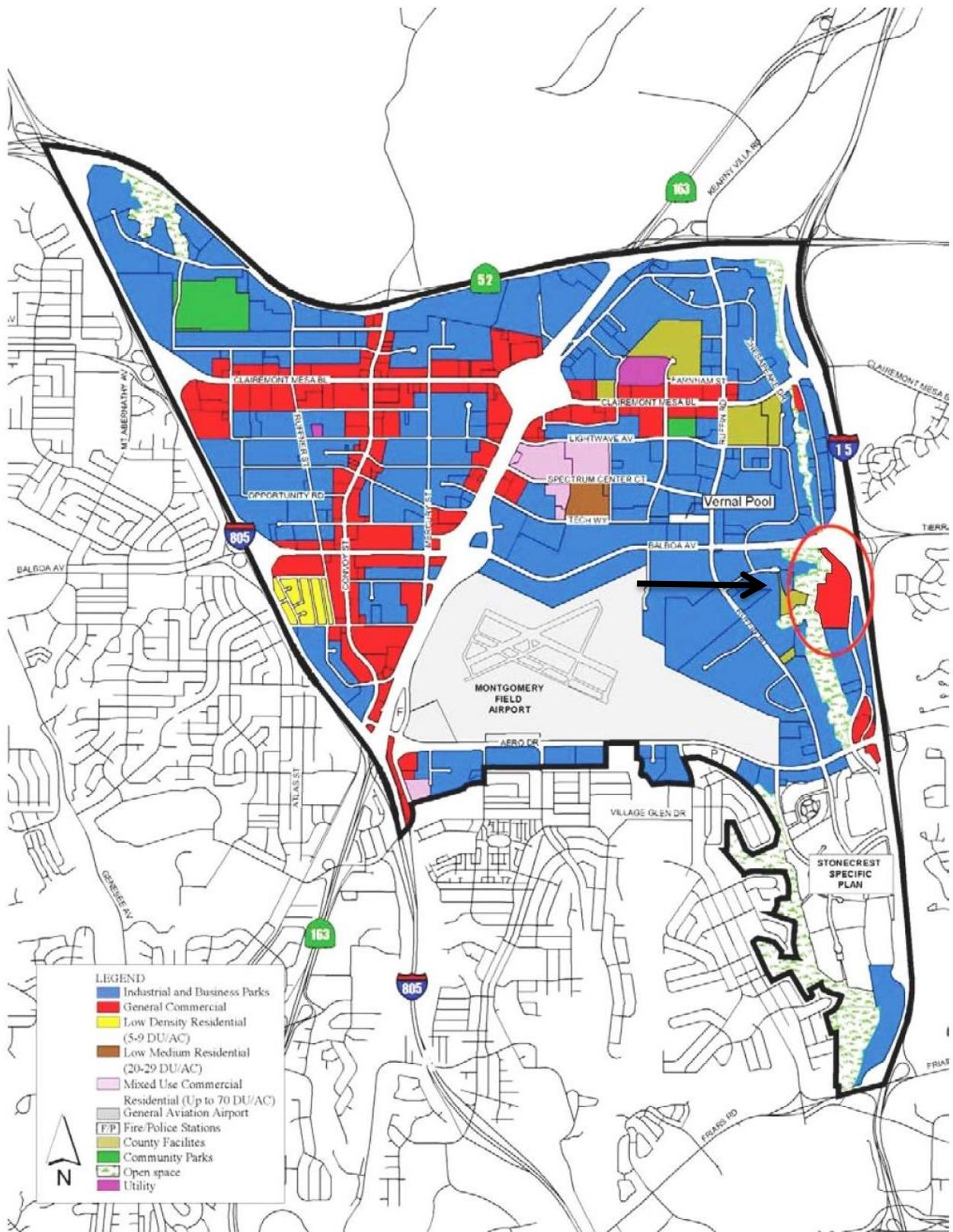


Recommended Land Use
Kearny Mesa Community Plan

4
FIGURE

**AMENDMENTS TO THE KEARNY MESA COMMUNITY PLAN: FIGURE 4,
RECOMMENDED LAND USE**

Figure 4, Recommended Land Use, is amended by this Initiative to rezone the Murphy Canyon Training Facility to General Commercial, as shown below (text to be added is underlined, deleted text is in ~~strikethrough~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with a black arrow added for ease of reference):



Recommended Land Use
Kearny Mesa Community Plan

4
FIGURE

KEARNY MESA COMMUNITY PLAN: FIGURE 8, RECOMMENDED COMMERCIAL LAND USE

Figure 8, Recommended Commercial Land Use, as it exists in the Kearny Mesa Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.



LEGEND

General Commercial
 Mixed Use Commercial/Residential

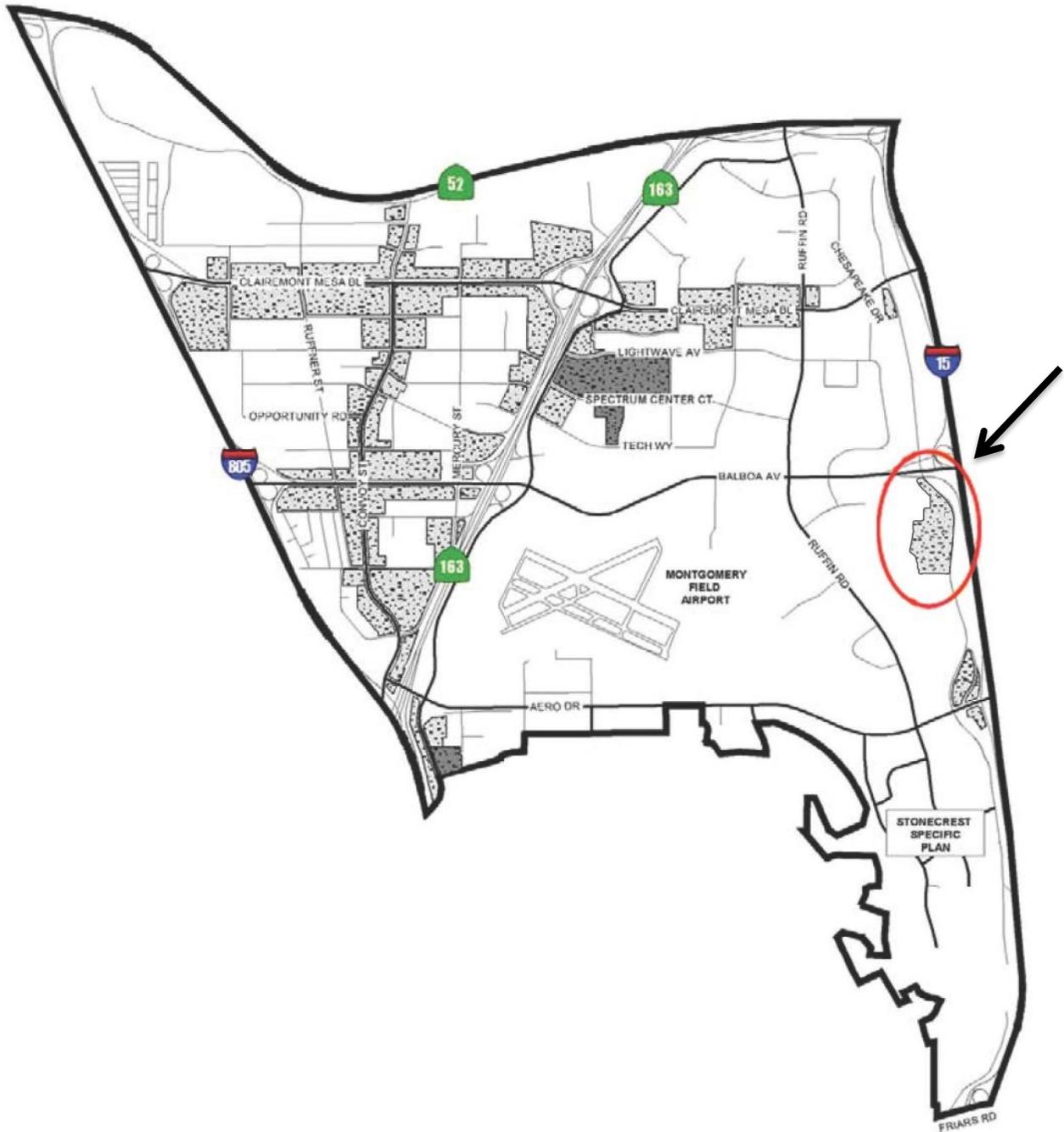


Recommended Commercial Land Use
Kearny Mesa Community Plan

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**AMENDMENTS TO THE KEARNY MESA COMMUNITY PLAN: FIGURE 8,
RECOMMENDED COMMERCIAL LAND USE**

Figure 8, Recommended Commercial Land Use, is amended by this Initiative to rezone the Murphy Canyon Training Facility to General Commercial, as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with a black arrow added for ease of reference):



LEGEND

 General Commercial  Mixed Use Commercial/Residential

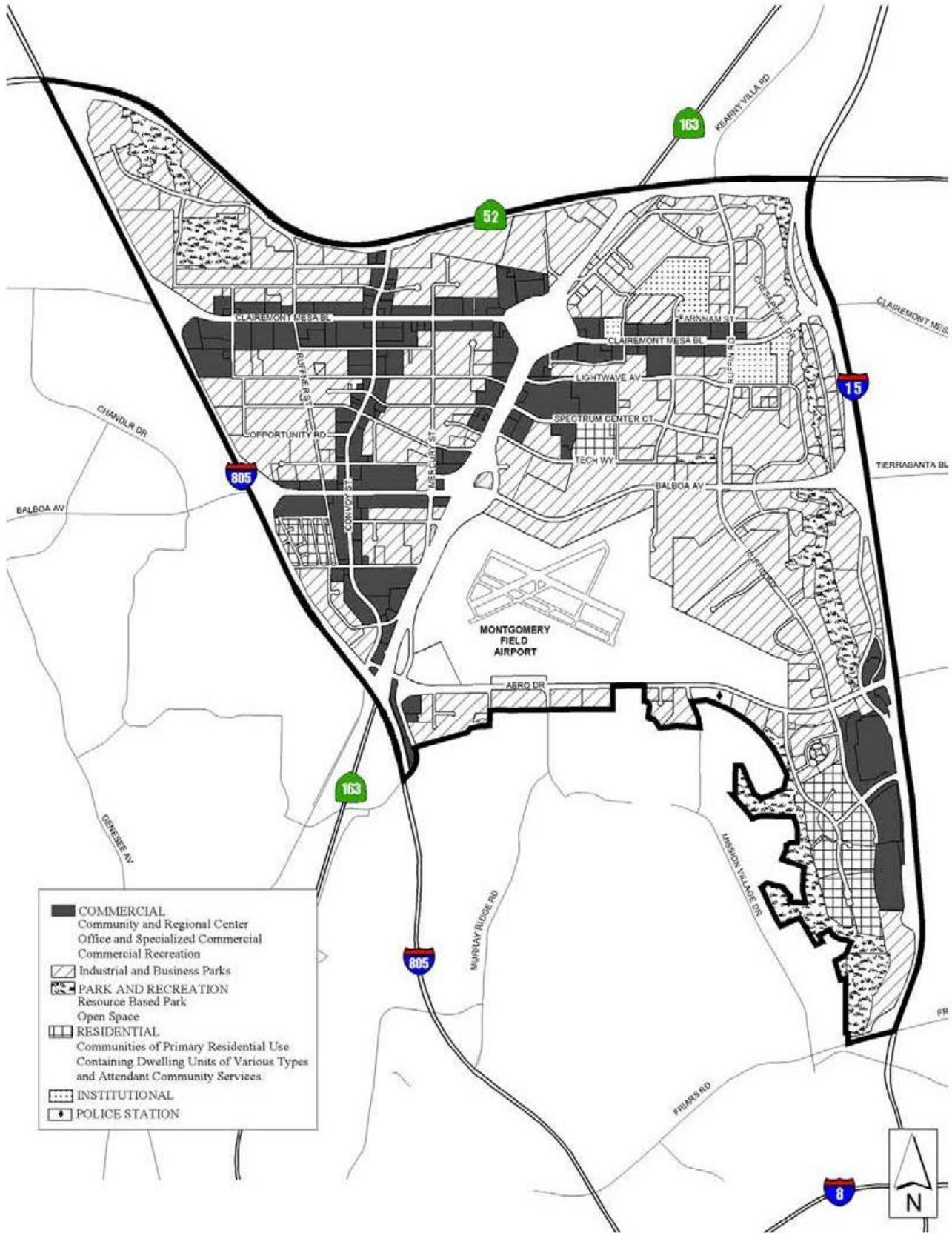


Recommended Commercial Land Use
Kearny Mesa Community Plan

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FIGURE

KEARNY MESA COMMUNITY PLAN: FIGURE 29, PROPOSED GENERAL PLAN LAND USE DESIGNATIONS

Figure 29, Proposed General Plan Land Use Designations, as it exists in the Kearny Mesa Community Plan as of the filing date of this Initiative, is shown below for informational purposes only.

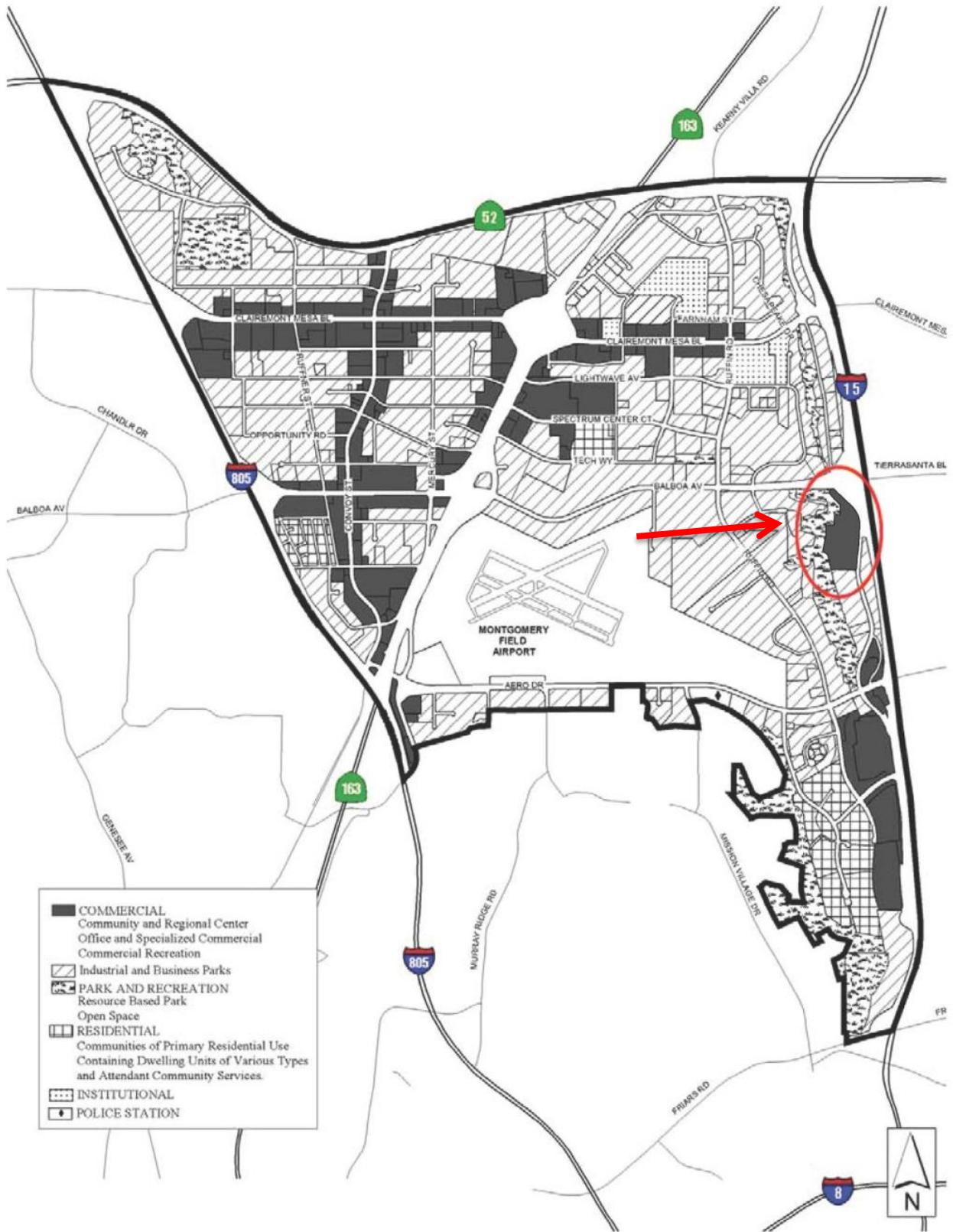


Proposed General Plan Land Use Designations
Kearny Mesa Community Plan

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FIGURE

**AMENDMENTS TO THE KEARNY MESA COMMUNITY PLAN: FIGURE 29,
PROPOSED GENERAL PLAN LAND USE DESIGNATIONS**

Figure 29, Proposed General Plan Land Use Designations, is amended by this Initiative to rezone the Murphy Canyon Training Facility to Commercial, as shown below (text to be added is underlined, deleted text is in ~~strike through~~, and the property that is the subject of this Initiative is located within the bold red oval on the map with a red arrow added for ease of reference)



Proposed General Plan Land Use Designations
Kearny Mesa Community Plan

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**EXHIBIT E
TO THIS INITIATIVE**

AMENDMENT TO THE MISSION VALLEY PLANNED DISTRICT ORDINANCE

MISSION VALLEY PLANNED DISTRICT ORDINANCE ZONING MAP

The Zoning Map for the Mission Valley Planned District Ordinance, as it exists as of the filing date of this Initiative, is shown below for informational purposes only.



Ch. Art. App.

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**EXHIBIT F
TO THIS INITIATIVE**

**SAN DIEGO RIVER PARK, SOCCER CITY, AND QUALCOMM STADIUM
REDEVELOPMENT SPECIFIC PLAN**



SAN DIEGO RIVER PARK, SOCCER CITY, AND
QUALCOMM STADIUM REDEVELOPMENT SPECIFIC PLAN

**SAN DIEGO RIVER PARK,
SOCCER CITY, AND
QUALCOMM STADIUM
REDEVELOPMENT
SPECIFIC PLAN**



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CHAPTER 1
PURPOSE AND PLANNING CONTEXT

1.0 PURPOSE AND PLANNING CONTEXT

1.1 Purpose and Legal Authority

The San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan ("Specific Plan") has been created as part of the San Diego River Park and Soccer City Initiative ("Initiative") to guide the development of 55 park acres, a world class professional soccer stadium district and mixed use urban village. The development contemplated in the Specific Plan is consistent with the City of San Diego ("City") General Plan and City of Villages Strategy and utilizes the key existing resource of a light rail transit station on the existing stadium site and adjacent property (collectively, the "River Park and Mixed Use Site") as well as the River Park and Mixed Use Site's proximity to major freeways for sports and entertainment events. This Specific Plan also addresses land use policies and regulations for the sports headquarters and training facility located at 4020 Murphy Canyon Road ("Murphy Canyon Site"). Collectively, the River Park and Mixed Use Site and the Murphy Canyon Site constitute the "Plan Area." Legal descriptions of the land comprising the Plan Area are provided in Appendix A.

The Specific Plan is both a policy and regulatory document. Through the land uses, design standards, and zoning regulations identified herein, this Specific Plan ensures that the future build out of the Plan Area is consistent with City's General Plan, the Mission Valley Community Plan, the Kearny Mesa Community Plan and other City planning documents and policies, and provides the regulatory authority for development of the Plan Area. Regulatory functions in the Plan Area will be in accordance with this Specific Plan and applicable sections of the San Diego Municipal Code ("SDMC").

1.2 Location

The Plan Area is broken into the River Park and Mixed Use Site and the Murphy Canyon Site (see figure 1.1).

1.2.1 River Park and Mixed Use Site

The River Park and Mixed Use Site is located in the Mission Valley community of the City of San Diego, within San Diego County. The Mission Valley community is located in the central portion of the San Diego Metropolitan area. The community is located approximately 4 miles north of downtown San Diego and 7 miles east of the Pacific Ocean. The existing stadium is located in the center of the River Park and Mixed Use Site at 9449 Friars Road. The River Park and Mixed Use Site has regional access to four major freeways: Interstate I-15 (I-15) is adjacent to the east; Interstate 8 (I-8) is approximately 0.25 miles to the south; Interstate I-805 (I-805) is less than 1 mile to the west; and State Route 163 (SR-163), accessed via Friars Road, is located approximately 2.4 miles to the west (refer to Figure 1.1, Regional Location Map).

The River Park and Mixed Use Site currently consists of approximately 233 acres and a majority of this has been graded and developed with the existing stadium and adjacent parking field. The existing stadium is located in the center of the River Park and Mixed Use Site and covers approximately 15 acres. Under existing conditions, the River Park and Mixed Use Site also contains a parking lot with approximately 18,870 spaces, a multiuse athletic field and recycling center in the southwest corner of the site, and the MTS Trolley Green Line and Qualcomm Stadium transit station that traverses the southern portion of the River Park and Mixed Use Site. The River Park and Mixed Use

Site also includes publicly owned land south of the San Diego River adjacent to Camino Del Rio North and land across Friars Road from the stadium parking lot situated next to the Mission Valley Fire Station.

Portions of the River Park and Mixed Use Site have been affected by petroleum hydrocarbon contamination in the soil and groundwater at the Mission Valley Terminal. Accordingly, the City has entered into settlement agreements with certain adjacent landowners to address the contamination. These agreements govern the allocation of costs for mitigation or remediation work on the River Park and Mixed Use Site. Under the settlements, the adjoining landowners will either indemnify the City for cleanup costs associated with redeveloping the River Park and Mixed Use Site, or will assume responsibility for any required remediation of risk mitigation measures (i.e., institutional and engineering controls that may be designed and constructed as part of the redevelopment of the River Park and Mixed Use Site to mitigate exposure risks or to ensure safe construction and occupation of improvements.) The development of the River Park and Mixed Use Site under this Specific Plan does not alter any of the obligations under the settlements. Further, development of the River Park and Mixed Use Site under this Specific Plan benefits the City by providing a comprehensive plan of redevelopment that allows for the timely restoration of the River Park and Mixed Use Site in a manner that allows the River Park and Mixed Use Site to be developed consistent with the General Plan City of Villages strategy, creates jobs and housing opportunities, minimizes taxpayer obligations and restores City-owned property to provide for an economic, recreational, and planning benefit to the City and its residents.

1.2.2 Murphy Canyon Site

The Murphy Canyon Site is located at 4020 Murphy Canyon Road and encompasses approximately 50 acres. It is currently developed with the training facilities and offices of the former

professional football franchise that was located in San Diego. The existing facility includes training rooms, meeting rooms, offices, parking lots, and multiple practice facilities.

1.3 Specific Plan Development Description

The Specific Plan envisions the development of a balanced mixed use and transit-oriented community that includes 55 acres of parks, a world-class sports and entertainment district in concert with housing, retail, hotel and office/employment clusters. This development will revitalize and energize the limited use River Park and Mixed Use Site and create a new and thriving community within Mission Valley with a distinct and memorable identity. The new community will maximize opportunities for new housing, employment uses, shopping and recreation for the residents of San Diego and visitors.

The Specific Plan provides for the removal of the existing stadium and redevelopment of the River Park and Mixed Use Site with an 18,000 to 22,000 seat Sports Stadium (if used for professional soccer), or 28,000 to 32,000 seats if used for joint-use soccer and collegiate football, that could be expanded to 40,000 seats at a later time pursuant to subsequent approvals. The stadium would be used for professional and/or collegiate sports, which are anticipated to include a professional soccer team and San Diego State University ("SDSU") or other collegiate football. The Specific Plan also provides the opportunity for a professional football team to locate on a sixteen acre portion of the River Park and Mixed Use Site, which could be jointly used by a collegiate football team. Additional development around the stadium may include approximately 4,800 multi-family residential units, of which 800 units are student focused housing, 450 hotel rooms, 740,000 square feet of retail space, and 2.4 million square feet of office use, subject to the traffic caps discussed below.

The maximum development intensity allowed in the River Park and Mixed Use Site is based on the total amount of Average Daily

Trips ("ADT") generated by the maximum development plan described in this Specific Plan. The maximum driveway ADT has been determined based on the maximum development described in this Specific Plan. Public transportation, Bicycle and pedestrian modes of transportation are strongly encouraged within the Plan Area. The River Park and Mixed Use Site takes advantage of the existing trolley station, the bike path connections under I-15, and ready access to both I-8 and I-15 to provide strong linkages to the regional circulation system. These existing transportation systems assist with the creation of a strong community that encourages non-vehicular modes of transport both internally and externally.

The River Park and Mixed Use Site consists of two districts: the Mixed Use District, and the Park/Open Space District. This Specific Plan is both a policy and a regulatory document and it will guide the development of the planning area. The specific development regulations are addressed in Chapter 3. The Specific Plan includes design standards to ensure high quality development within the two districts. The design standards are meant to encourage creative and interesting developments within the planning area. The Specific Plan and San Diego Municipal Code shall be the governing regulatory documents for development in the Plan Area. If conflicts arise between the regulatory statements in the Specific Plan and the San Diego Municipal Code or the Mission Valley Community Plan, this Specific Plan shall govern. To ensure public parks and affordable housing are constructed commensurate with the development of residential units, Sections 8.3.1 and 8.12 set forth requirements for funding, timing, and development of these required elements.

The Murphy Canyon Site will be enhanced with lodging capabilities to accommodate the professional sports team and visiting sports teams. Additional development will include a reconfiguration of the existing fields to create two regulation size soccer fields and a half size practice field. If conflicts arise between the regulatory statements in the Specific Plan and the

San Diego Municipal Code or the Kearny Mesa Community Plan, this Specific Plan shall govern.

It is anticipated that the Sports Stadium will develop first, followed by construction of the River Park / Community Park and Active Sports Fields and ancillary development on the periphery of the River Park and Mixed Use Site. The River Park / Community Park and Active Sports Fields shall commence construction not later than the date of the completion of the Sports Stadium. The existing stadium is anticipated to continue operation until 2018, during construction and operation of the Sports Stadium and surrounding development. Following development of the Stadium and additional phases on the periphery of the Plan Area, the Qualcomm stadium is expected to be demolished and removed to create mixed use development areas. Development of these parcels will continue until buildout has been completed. Phasing is addressed in detail in Section 8.3. Phasing flexibility is provided and encouraged to allow for future development to respond to market opportunities and to create innovative design solutions. Total development intensity will be monitored to ensure that the amount of generated traffic development is in conformance with the allowable trip generation for the overall planning area.

Subsequent sections of the Specific Plan address the circulation system (both on and off site), the provision of public utilities, energy use, public services (solid waste disposal, fire, police, and schools), parks and recreation, and open space. Implementation of the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan will require construction of new infrastructure and facilities, as well as improvements to existing infrastructure and facilities. Improvements will be necessary to the circulation network, drainage facilities, utilities (e.g., water, sewer, etc.) and other public infrastructure. Design and construction of these infrastructure facilities will be done to City standards following the appropriate ministerial reviews by the City. Financing of the San Diego River Park, Soccer City, and

Qualcomm Stadium Redevelopment Specific Plan is addressed within Chapter 8 of the plan.

1.4 Background and Planning Context

The River Park and Mixed Use Site is in a developed area and is surrounded by major roadways, interstates, existing development, and two surface-water features (refer to *Figure 1.2, Vicinity Map*). Higher-density, multi-family residential land uses are located to the northwest, southwest, and east of the River Park and Mixed Use Site, across I-15. Friars Road, Mission Village Road, and San Diego Mission Road are located to the north of the River Park and Mixed Use Site. The San Diego River, which flows east to west, is located in the southern portion of the River Park and Mixed Use Site. South of the San Diego River are additional office uses and I-8. To the north of Friars Road are steep, undeveloped hillsides. To the west of the River Park and Mixed Use Site are office and large commercial/retail uses. Murphy Canyon Creek, a partially earthen- and concrete-lined channel that conveys flow into the San Diego River, is located immediately to the east of the River Park and Mixed Use Site, and I-15 is located east of Murphy Canyon Creek. The Kinder Morgan Energy Partners Mission Valley Terminal ("KMEP MVT") is located to the northeast of the River Park and Mixed Use Site at 9950 San Diego Mission Road. This facility is on both sides of Friars Road and west of I-15 (refer to *Figure 1.3, River Park and Mixed Use Site Surrounding Uses*).



Nearby multi-family residential homes



Adjacent office uses

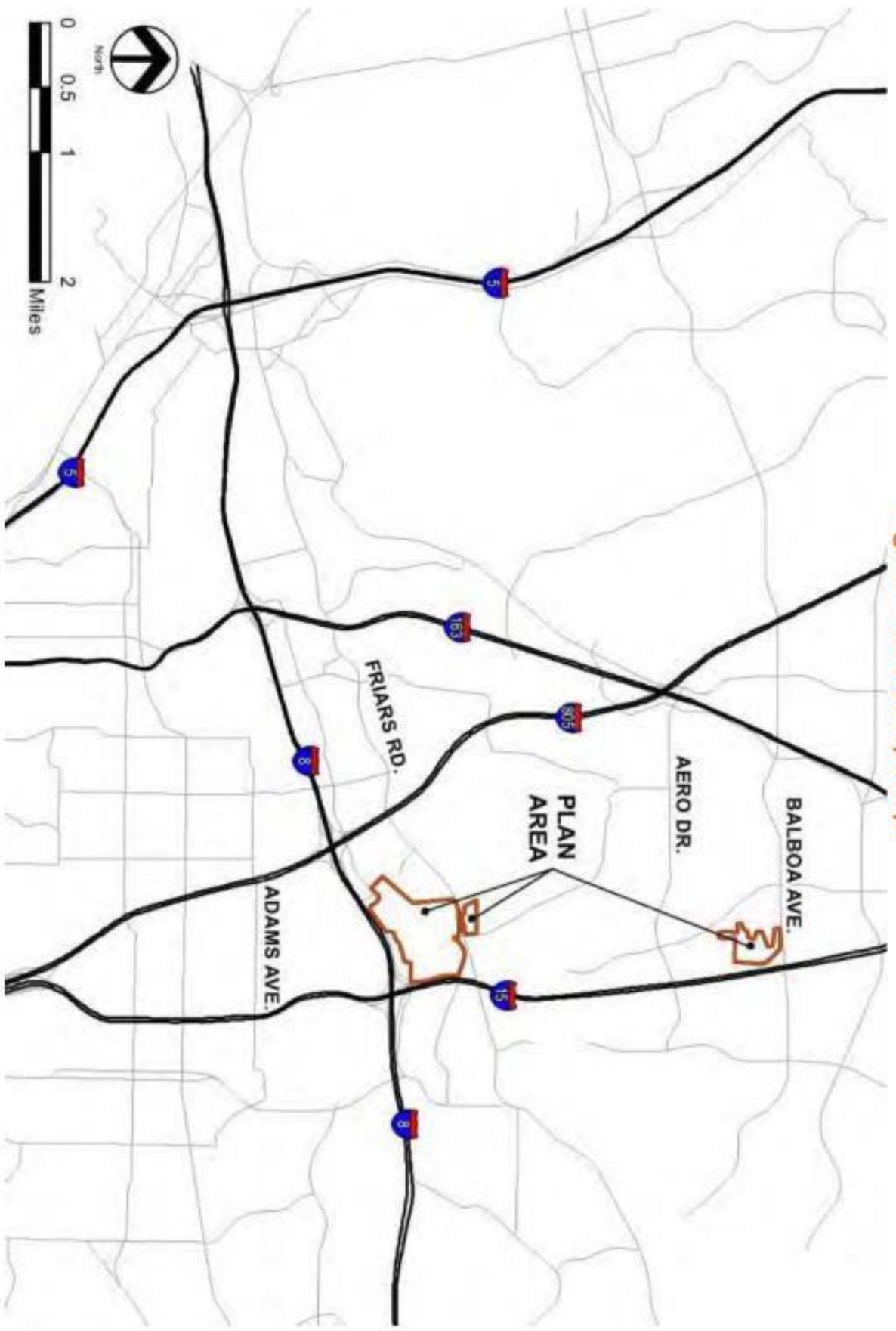


Commercial center to the west of the River Park and Mixed Use Site



KMEP tanks north of Friars Road

Figure 1.2: Vicinity Map



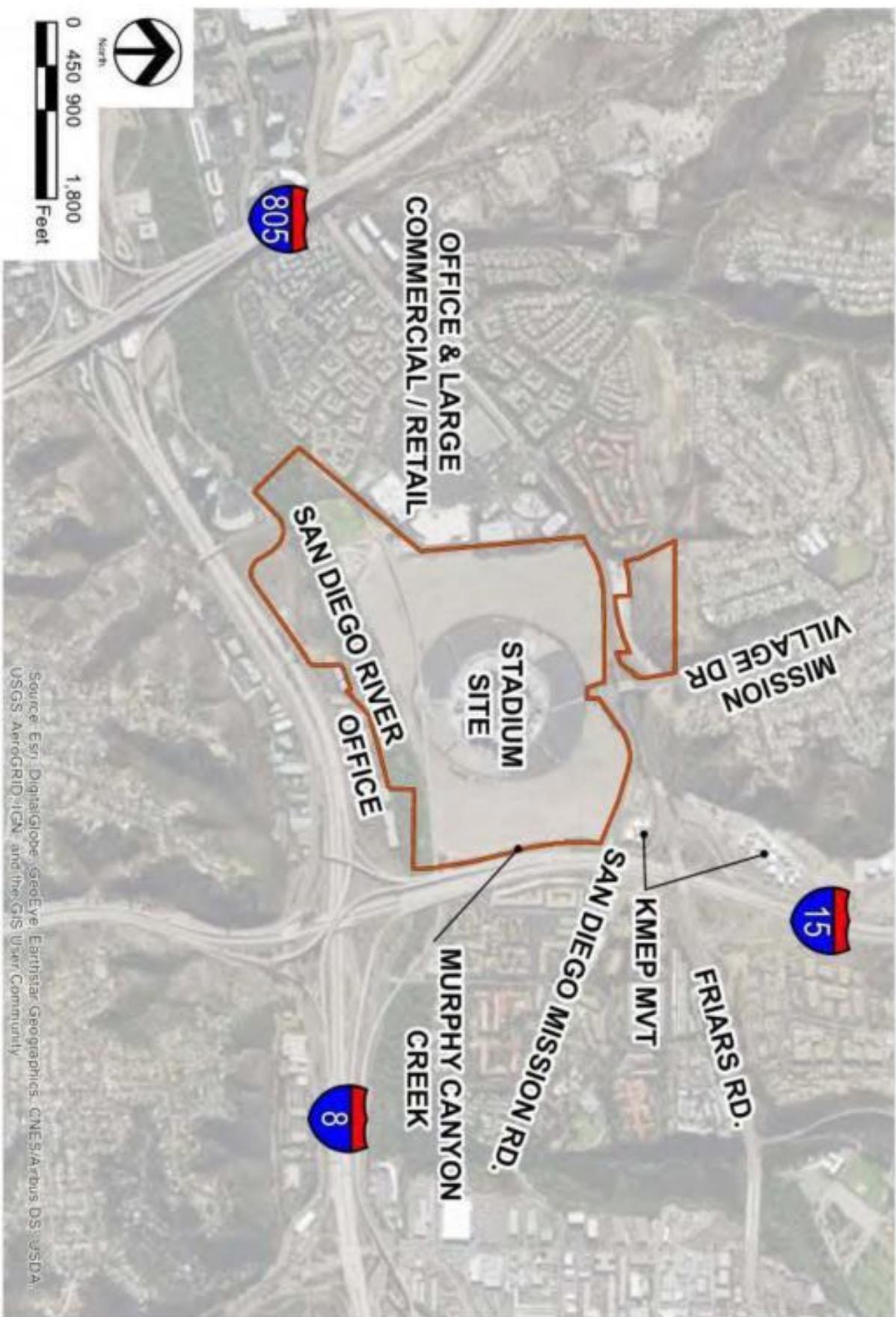


Figure 1.3: River Park and Mixed Use Site Surrounding Uses

The Murphy Canyon Site is located in the Kearny Mesa community of the City of San Diego. The Kearny Mesa community is located in the central portion of the San Diego Metropolitan area, just north of Serra Mesa. The community is located between State Route 52 (SR-52) on the north and Interstate 805 (I-805) and Interstate 15 (I-15) on the west and east, respectively.

Uses surrounding the Murphy Canyon Site include I-15 to the east, industrial/office uses and the Montgomery Field Municipal Airport to the west, industrial/office uses to the north, and Murphy Canyon and business parks to the south (refer to Figure 1.4, *Murphy Canyon Site Surrounding Uses*).

1.4.1 Land Use and Planning Area Information and Environmental Description

The River Park and Mixed Use Site is located in the Mission Valley Community Plan Area. Prior to the adoption of this Specific Plan, the River Park and Mixed Use Site was predominantly designated Commercial Recreation and Public Recreation in the Mission Valley Community Plan. This Specific Plan changes the Community Plan land use designation of the River Park and Mixed Use Site to Multi Use, and, consistent with the Mission Valley Community Plan's development guidelines, rezones the River Park and Mixed Use Site MVPD-MV-M/SP or Mission Valley Planned District - Multi Use/Specific Plan Area.

The Murphy Canyon Site is located in the Kearny Mesa Community Plan Area. Prior to adoption of the Specific Plan, this area was designated for industrial and business park use. This Specific Plan changes the designation to General Commercial in the Kearny Mesa Community Plan and applies the CC-1-3 zone to the site.

The River Park and Mixed Use Site is within the City's Transit Area Overlay Zone, and the Federal Aviation Administration ("FAA") Part 77 Notification Area. The River Park and Mixed Use Site is

adjacent to the Multi-Habitat Planning Area ("MHPA") and the San Diego River. The San Diego River Influence Area extends into the southern portion of the existing parking lot currently located on the River Park and Mixed Use Site. The River Park and Mixed Use Site is located within the Federal Emergency Management Agency ("FEMA") Special Flood Hazard Area (refer to Figure 1.5, *Environmental Context Map*).

1.4.2 Stadium Planning History

San Diego Stadium opened in 1967. In 1980 it was renamed Jack Murphy Stadium. It was expanded in 1984 and again in 1997. Also in 1997, the name changed to Qualcomm Stadium.

In January of 2015, a Citizens' Stadium Advisory Group ("CSAG"), was created to: 1) select one of two proposed sites for a new stadium and 2) develop a fair and workable financing plan for a new multi-use stadium in San Diego. The CSAG selected the Mission Valley site based on the opportunity it provides to create an iconic place showcasing a restored and enhanced San Diego River Park and a new walkable entertainment and residential village linked to mass transit.

Also in 2015, the San Diego Chapter of the Urban Land Institute ("ULI") developed principles for the redevelopment of the stadium, which it shared with the CSAG. Notable principles focus on the need to provide a passive and active public park extending from the river, provide multi-modal transportation options that will decrease traffic congestion in Mission Valley, incorporate native vegetation and water conservation measures within the landscape design, and incorporate energy and water conservation and reuse elements as well as renewable energy generating resources within the stadium design. In addition, the principles call for the provision of mixed ancillary development (retail, office,



Figure 1.4: Murphy Canyon Site Surrounding Uses

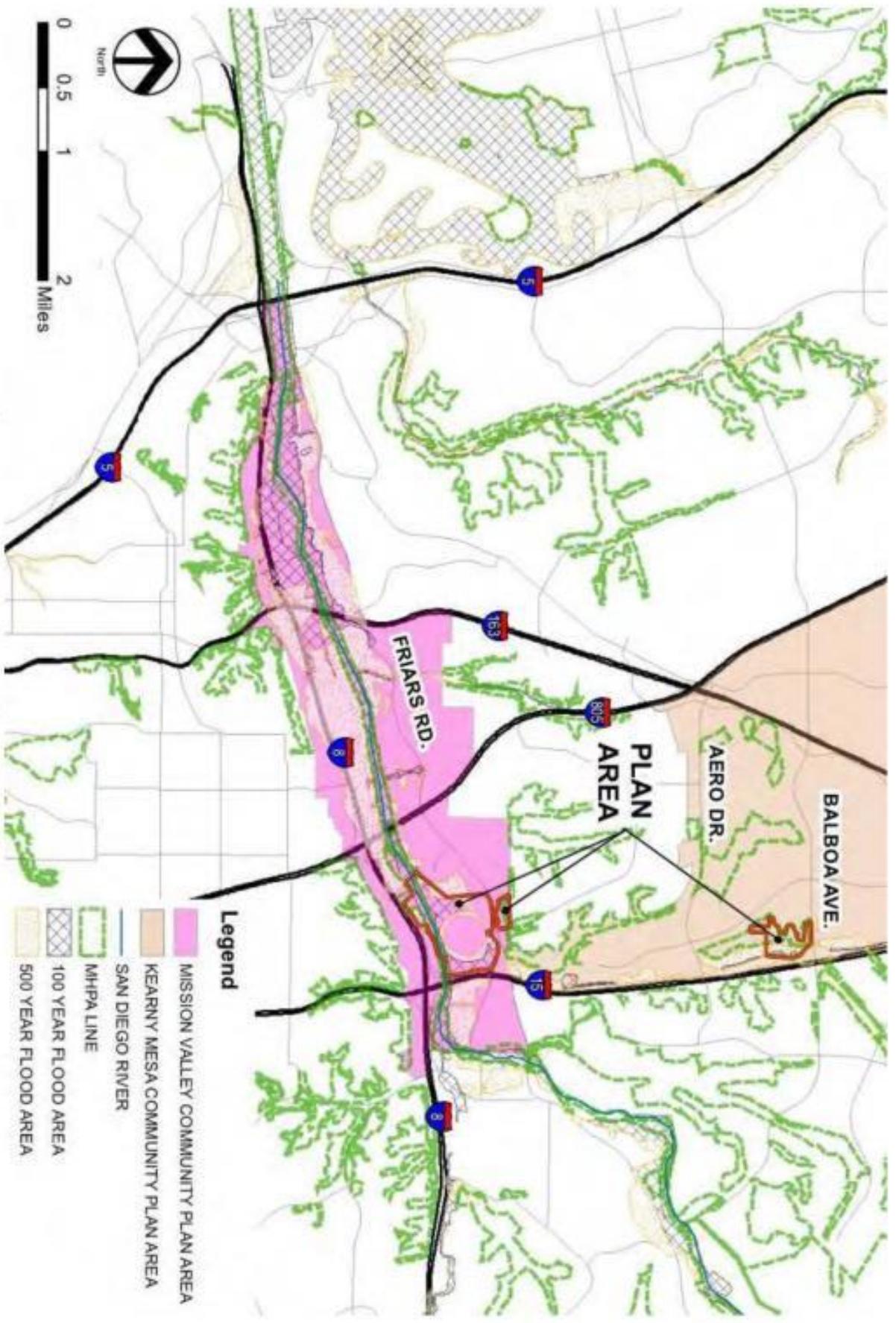


Figure 1.5: Environmental Context Map

cultural, entertainment, recreational, hospitality, etc.) that is designed to be compact, walkable, bikeable, and contain sufficient open space for both active and passive activities.

The Specific Plan builds on the principles established by these planning efforts.

1.5 Relationship of the Specific Plan to the General Plan

The City's General Plan (City of San Diego 2008) sets forth a comprehensive, long-term plan that prescribes overall goals and policies for development within the City. The General Plan relies upon the "City of Villages" strategy as the overarching growth policy for the City. As stated in the General Plan's Strategic Framework Element: "The City of Villages strategy focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system. The strategy is designed to sustain the long-term economic, environmental, and social health of the City and its many communities. It recognizes the value of San Diego's distinctive neighborhoods and open spaces that together form the City as a whole."

The General Plan goes on to state: "A "village" is defined as the mixed use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system."

This Specific Plan contemplates just such a mixed use village that includes sports and entertainment, coupled with commercial office and retail uses, with adjacent residential development. The River Park and Mixed Use Site is designed as a pedestrian-friendly live, work, shop, and play center of activity that will be connected to the larger San Diego area by the light rail transit hub. As noted in the General Plan, "[I]mplementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The River Park and Mixed Use Site includes a light rail transit station that will allow residents of the River Park and Mixed Use Site to utilize mass transit to move throughout the region. With the expansion of the trolley system to the North with the Mid-Coast Trolley, River Park and Mixed Use Site residents, visitors, and workers will be able to access, job centers and tourist attractions, such as downtown San Diego, University City, and Sorrento Valley, as well as educational opportunities at San Diego State University, the University of San Diego, and UC San Diego, without the use of the automobile.

1.6 Relationship of the Specific Plan to the Mission Valley Community Plan and Kearny Mesa Community Plan

The Mission Valley and Kearny Mesa Community Plans acts as the Land Use Element of the General Plan for the Mission Valley and Kearny Mesa Communities. This Specific Plan implements the policies of the Mission Valley Community Plan, which directs that large sites should be designed around the light rail transit line through the use of Specific Plans.

The Community Plan notes that "[t]he proposed land use for certain large, vacant or redevelopable areas is multiple use, in keeping with the recommended plan alternative of "Moderate Development - Integrated Use" to be achieved through the use of Planned Commercial permits or Specific Plans. Multiple use in Mission Valley will contain various combinations of commercial

and residential uses.” The existing stadium site is one such large, redevelopable area. The establishment of a Specific Plan that is consistent with the overall policy goals of the Mission Valley Community Plan will further the planning goals of the Community.

The Mission Valley Community Plan and Planned District will be amended to change the Community Plan land use designation to Multiple Use and add the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan designation to the Planned District (MVPD-MV-M/SP) to allow for this Specific Plan to guide development across the Plan Area. As noted in the Project Description, the River Park and Mixed Use Site will have a variety of housing types and densities and will integrate residential uses with commercial and service uses, as well as retail, office, and sports and entertainment uses, which are consistent with the objectives of the Community Plan, namely, providing a variety of housing types and densities within the community, and encouraging development which combines and integrates residential uses with commercial and service uses. The River Park and Mixed Use Site will also contribute to the amount of acreage in Mission Valley devoted to open space and active recreational parks. The objective of the Community Plan for parks is to “provide adequate park and recreation areas for the use by Mission Valley residents in accordance with the General Plan.” The General Plan calls for the inclusion of 2.8 acres of useable parks for each 1,000 residents. The River Park and Mixed Use Site includes approximately 34 acres of Community Park/River Park open space, 12 acres of active use fields, and 9 acres of neighborhood parks which will exceed General Plan park requirements for the River Park and Mixed Use Site. In addition, the open space park area adjacent to the San Diego River will incorporate protections and enhancements to the River Park area, consistent with City goals.

The Development within the River Park and Mixed Use Site shall also provide funding for regional infrastructure improvements

through payment of DIF fees consistent with the applicable public facilities financing requirements.

The Murphy Canyon Site currently operates as a business park and practice facility for the former professional football team in San Diego. Although the area is designated as Industrial, it has been operated with Commercial Office and private recreational uses. The Specific Plan contemplates that the Murphy Canyon Site will operate in a similar manner. To better match historical and future operations, the site is being redesignated to General Commercial and rezoned to CC-1-3. General Commercial areas also allow for visitor accommodations which are a desired use on the site to accommodate visiting professional sports teams. The Community Plan notes that properties used for hotel/motel uses should be rezoned to a compatible commercial zone. The Specific Plan effectuates the Community Plan direction and creates consistency between designation, and historical and future proposed use of the Murphy Canyon site.

1.6.1 Environmental Problems Addressed

The Mission Valley Community Plan encourages the use of Specific Plans to assure the highest quality development and sensitive treatment of the environment. The Community Plan states that environmentally sensitive issues should be addressed in each precise development plan. The Specific Plan will address the following “Environmental Problems” from the Community Plan as addressed below:

- **Air Quality:** The proposed development contemplated in the Specific Plan involves demolition of the existing Qualcomm Stadium and grading of the River Park and Mixed Use Site. Construction and operation of the development contemplated within the Specific Plan shall be conducted in a manner to minimize adverse impacts to air quality.

- Flood Hazards:** The River Park and Mixed Use Site is located within the FEMA floodplain of the San Diego River. Portions of the area within the Special Flood Hazard Area shall be raised through grading and fill operations to remove the area from the Special Flood Hazard area. Grading shall not be done in areas of jurisdictional waters of the State of California or waters of the United States, and therefore, no additional permitting shall be required.
- High Quality Habitats:** The Specific Plan is designed to capture the essence of the San Diego River Master Plan by unifying the City's urban setting with the natural environment. An interconnected system of parks linked by open space, multi-use pathways, and green corridors are braided throughout the site to reflect the San Diego River Park pattern as it weaves its way to the ocean. This allows for passive recreation, such as walking, bicycling, sitting, and observation, while enhancing wildlife movement.
- Adjacent Open Space Systems:** The Specific Plan implements the City's "City of Villages" strategy. By focusing growth in a pedestrian-friendly mixed use activity center connected to an existing MTS transit center, the Specific Plan assists in preserving the value of San Diego's distinctive neighborhoods and open spaces that together serve the City as a whole. The San Diego River is part of the City's MHPA preserve and land use adjacency guidelines will be followed to ensure that these open space preserve areas will be protected throughout construction and operation.
- Hillside Preservation & Conservation:** To the north of Friars road are steep, undeveloped hillsides. The Specific Plan's proposed development would not alter this hillside area. Moreover, the Specific Plan incorporates the ULI development principles, including the incorporation of native vegetation and water conservation measures within the landscape design, and the incorporation of energy and water conservation and reuse elements as well as renewable energy generating resources within the stadium design.
- Carrying Capacity on Local Streets:** The Specific Plan implements the City's "City of Villages" strategy and focuses growth in a pedestrian-friendly mixed use activity center connected to an existing transit center. The River Park and Mixed Use Site includes a light rail transit station that will allow residents of the River Park and Mixed Use Site to utilize mass transit to move throughout the region. The River Park and Mixed Use Site is designed as a pedestrian-friendly live, work, shop, and play center of activity that will be connected to the larger San Diego area by the light rail transit hub. The Specific Plan will facilitate development of a sparsely planted parking lot and redevelop the existing stadium site with a transit-oriented mixed use village that promotes use of the trolley, walking, and bicycling. Traffic from the Specific Plan's proposed development has been analyzed and mitigation measures have been made a part of the Specific Plan to address carrying capacity on local streets (see Appendix C).

1.7 Relationship of the Specific Plan to Other Plans and Policies

1.7.1 Climate Change Policies

The City has adopted strategies to achieve greenhouse gas reduction targets. The Plan advances the "City of Villages" concept of walkable and pedestrian-friendly neighborhoods with a mixture of uses and promotes active transportation and public transit systems to help preserve and improve accessibility. Development contemplated in the Plan Area will include energy

and water efficient buildings, the use of renewable energy sources, waste reduction, and increasing the urban tree canopy.

Development contemplated in the Plan Area would remove a sparsely planted parking lot and redevelop the existing stadium site with a transit-oriented mixed use village that promotes use of the trolley, walking, and bicycling. The site is within a transit priority area and would locate multi-family residential development, student housing, and hotel units as well as retail and office space within walking distance of the Green Line Trolley Station. The area may also be served by the future MTS Trolley Purple Line. Development contemplated in the Plan Area enhances and extends the San Diego River Trail and also connects to the Murphy Canyon Bike Path. New parking areas will be required to be planted with trees and other landscaping pursuant to existing City requirements, contributing to urban tree canopy coverage. Water efficient landscape design shall be employed and low impact development ("LID") standards shall be incorporated to capture and treat stormwater runoff, such as bioretention basins and permeable paved areas. Sustainable or "green" building techniques would be employed in the development of the new structures. Solar panels would be installed where possible and electric vehicle charging stations would be provided. Furthermore, the development of the Plan Area would contribute approximately 55 acres of public and private parkland.

1.7.2 San Diego River Park

The San Diego River park portion of the River Park and Mixed Use Site would restore a symbiotic relationship between the San Diego River and surrounding communities by creating a river-long park, stretching from the San Diego River headwaters near Julian, to the Pacific Ocean at Ocean Beach. It is supported by the following five principles:

- Restore and maintain a healthy river system;

- Unify fragmented lands and habitats;
- Create a connected continuum, with a sequence of unique places and experiences;
- Reveal the river valley history; and
- Reorient development toward the river to create value and opportunities for people to embrace the river.

The Specific Plan is designed to capture the essence of the San Diego River by unifying the City's urban setting with the natural environment. An interconnected system of parks linked by open space, multi-use pathways, and green corridors are braided throughout the site to reflect the San Diego River pattern as it weaves its way to the ocean. The Specific Plan enhances wildlife habitat/movements and allows for passive recreation, such as walking, bicycling, sitting, and observation. Educational interpretive elements may also be incorporated that showcase the river's historical, biological, and cultural resources. Adjacent development will provide a diverse mix of residential, commercial, and public and private uses that are accessible to the river by multi-use pathways and public transportation. The development will embody a village atmosphere that celebrates the presence of the San Diego River.

1.8 Adoption Through Initiative

The Specific Plan has been approved through an Initiative process. The adoption of a specific plan is a legislative act similar to the adoption of a general plan or zoning ordinance. Therefore, specific plans may be subjected to voter initiative and referenda.



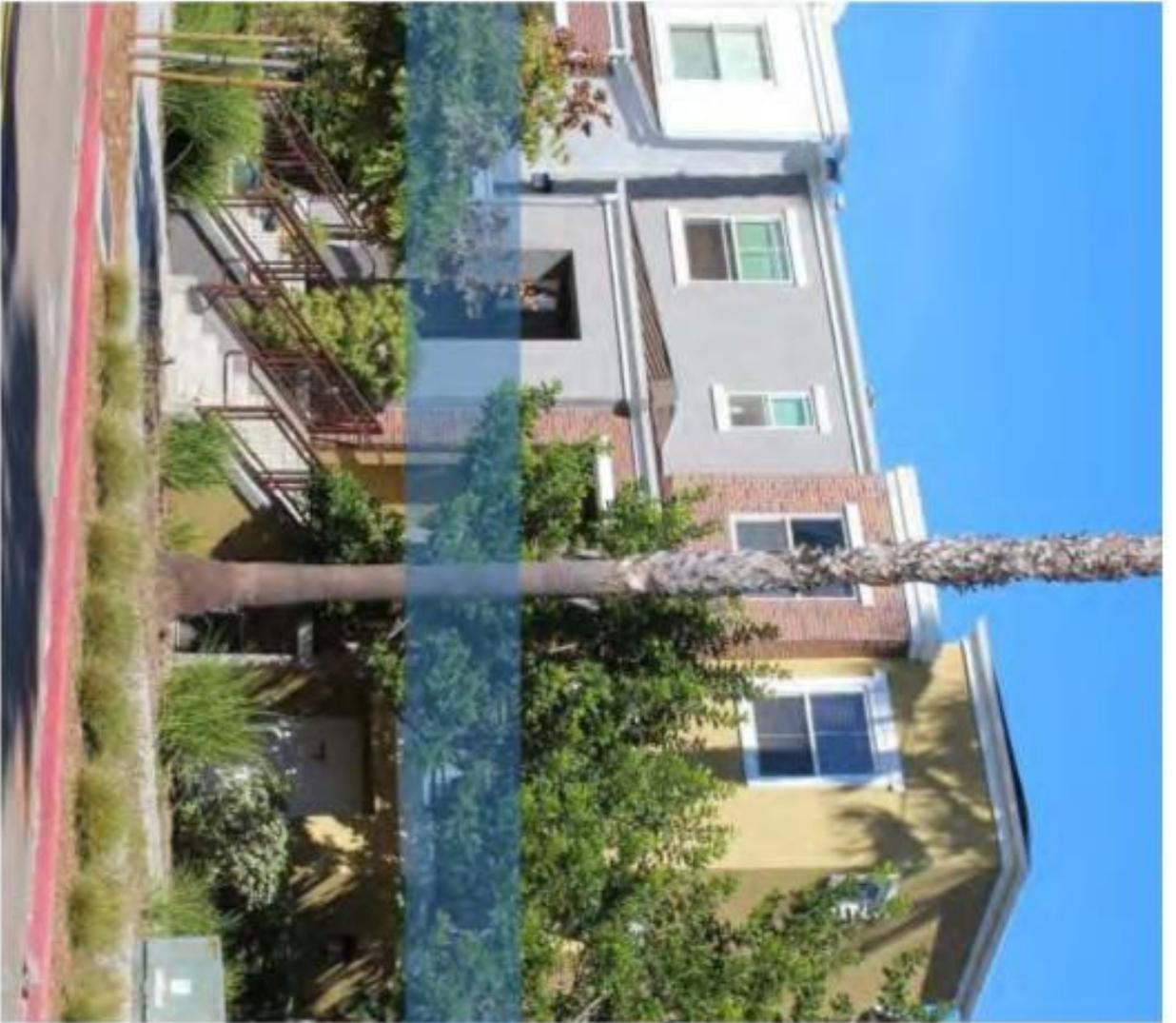
CHAPTER 2
SPECIFIC PLAN OBJECTIVES

2.0 SPECIFIC PLAN OBJECTIVES

The following objectives have been developed specifically for this Specific Plan and are intended to guide development within the Specific Plan.

- Create a San Diego River park.
- Provide passive and active public parks extending from the river to provide the required habitat buffer from the River, enhance the River Park, provide passive and active recreation and reduce the park deficiency in Mission Valley.
- Provide for a world class sports venue for a professional soccer or possible joint use collegiate football stadium facility with support facilities.
- Design the stadium to be uniquely San Diego and reflect the San Diego lifestyle, character, and environment.
- Maintain the opportunity for a stand-alone football stadium to be utilized by a professional football franchise.
- Provide a mixed use (retail, residential, office, cultural, entertainment, recreational, hospitality, etc.) village that is compact, walkable, bikeable, and is integrated with sufficient open space for both active and passive activities. Uses should be mixed throughout the site plan.
- Provide pedestrian connections to the trolley station to allow for non-automobile transportation throughout the region.
- Comply with the City's affordable housing requirements and provide the affordable housing at the River Park and Mixed Use Site.
- Utilize shared parking, shared electric vehicles, ride-share, and other transportation demand management measures to reduce vehicle trips.
- Position the stadium in the northeast corner of the site so that it can be built while the existing stadium is in use and until all obligations under the current leases are completed.
- Incorporate bio-retention and sensitive landform designs that enhance the value of the San Diego River while reducing future flood hazards.
- Landscape designs should include native vegetation and water conservation measures.
- Incorporate solar power and/or other renewable energy generating resources, where feasible, and energy and water conservation and reuse elements throughout.

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CHAPTER 3
LAND USE AND ZONING

3.0 LAND USE AND ZONING

3.1 Development Scope

3.1.1 River Park and Mixed Use Site

The Specific Plan approves the removal of the existing stadium and redevelopment of the River Park and Mixed Use Site with a Sports Stadium of up to approximately 32,000 seats, which may be expanded to 40,000 seats pursuant to subsequent approvals. Any expansion beyond 32,000 seats is not covered within the maximum development intensity allowed under this Specific Plan and would require separate environmental review and permitting.

The Specific Plan also allows for a 16 acre site for a separate professional football stadium if needed to accommodate a stand-alone football facility. Additional development around the stadium may include approximately 4,800 multi-family residential units, of which 800 units are student focused housing, 450 hotel rooms, 740,000 square feet of retail space, and 2.4 million square feet of office use, subject to the traffic caps discussed below. A minimum of 800 residential units will be required. Figures 3.1 through 3.5 conceptually illustrate how these uses could be configured and are included for illustrative purposes only. They do not direct in any way how such uses shall be organized.

The maximum development intensity allowed in the River Park and Mixed Use Site of the Plan Area is based on the amount of traffic generated by the maximum development plan (discussed above) allowed in this Specific Plan.

3.1.2 Murphy Canyon Site

Development contemplated in the Specific Plan would replace the training facility and offices of the former professional football

franchise that was located in San Diego. The new practice facility would re-purpose the existing facility and:

- Provide athlete accommodations (24 -40 rooms) arranged around a shared living area. A central courtyard will be created to serve as the main gathering space. This facility will be located on the southern portion of the existing parking lot.
- Redesign the existing turf practice fields to create two full sized soccer fields.
- Maintain and improve the existing facilities and offices.
- Convert the existing synthetic half field to a soccer practice area.
- Provide a complementary set of uses that support the stadium on the River Park and Mixed Use Site.

3.2 Conceptual Site Plan

Figure 3.6, *Conceptual Stadium Area Rendering*, is provided as a concept for how the River Park and Mixed Use Site may develop and Figure 3.7, *Professional Soccer Practice Facility*, is provided to illustrate how the Murphy Canyon Site may develop. These site plans are conceptual in nature, are not regulatory, and in no way direct how such areas shall be organized or developed. Proposed development within the Plan Area shall be regulated by the development regulations in this Specific Plan and not these conceptual site plans.

Figure 3.1: Conceptual Overall Land Use Configuration

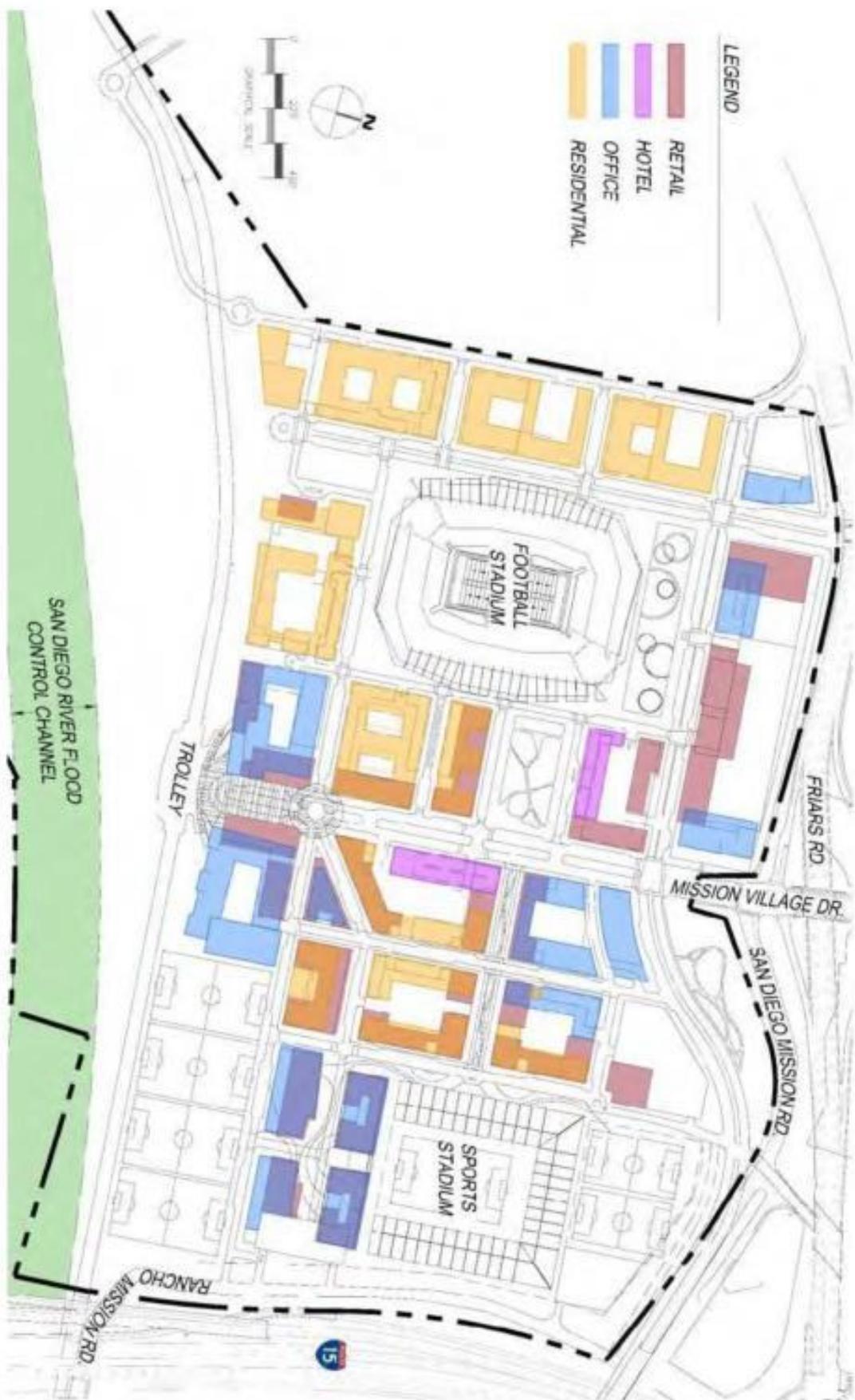


Figure 3.2: Conceptual Retail Land Use Configuration

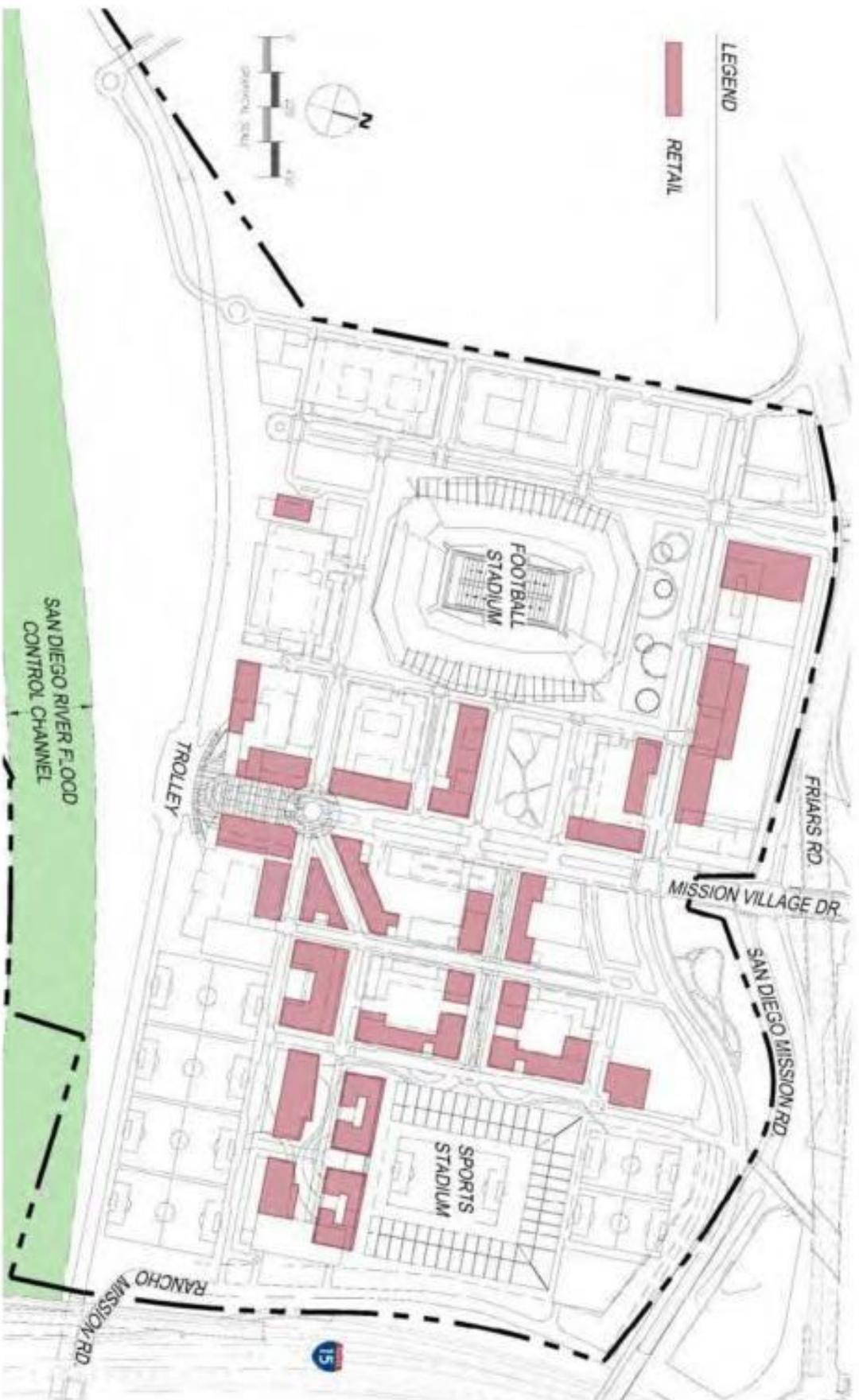


Figure 3.3: Conceptual Office Land Use Configuration

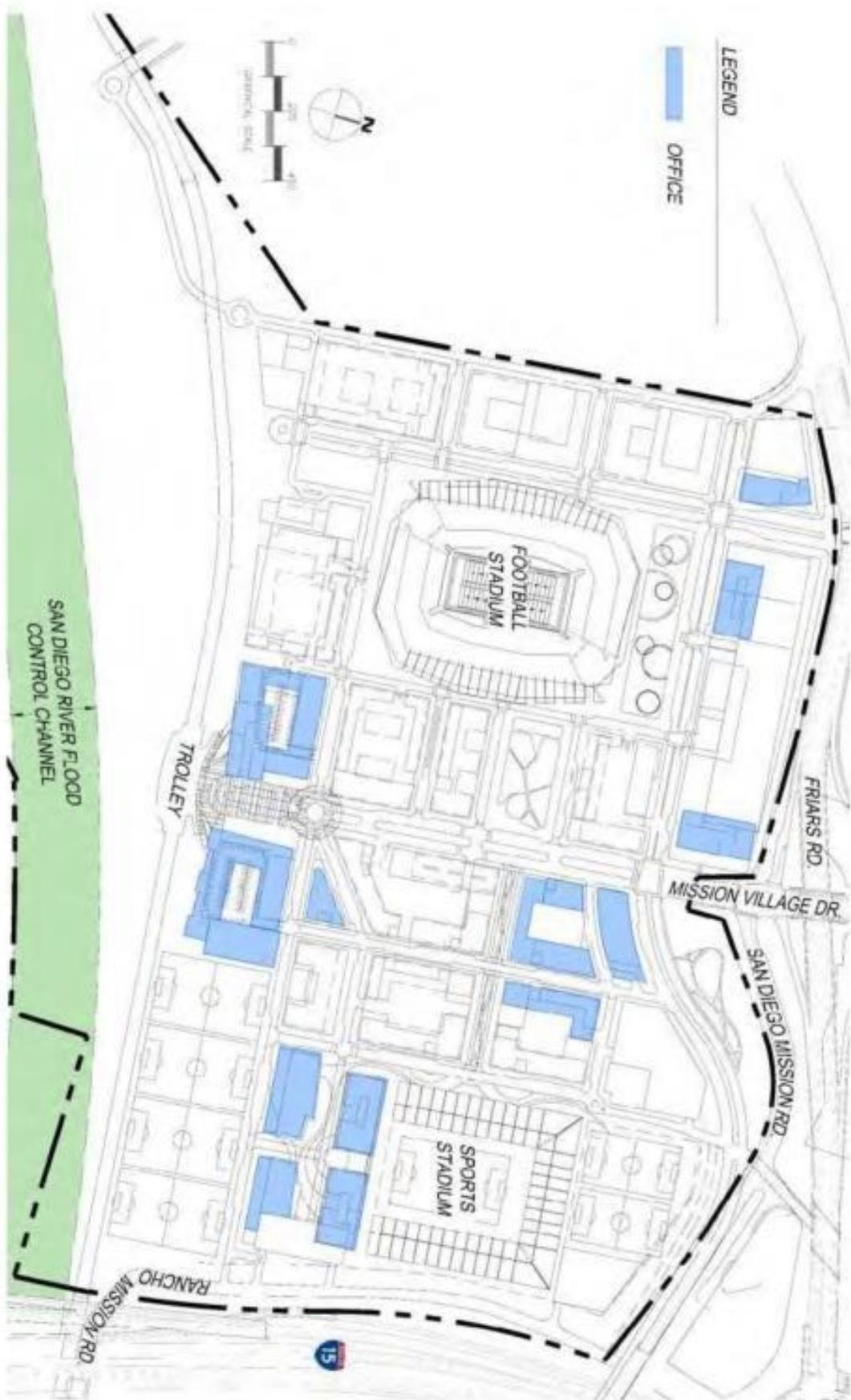


Figure 3.4: Conceptual Hotel Land Use Configuration

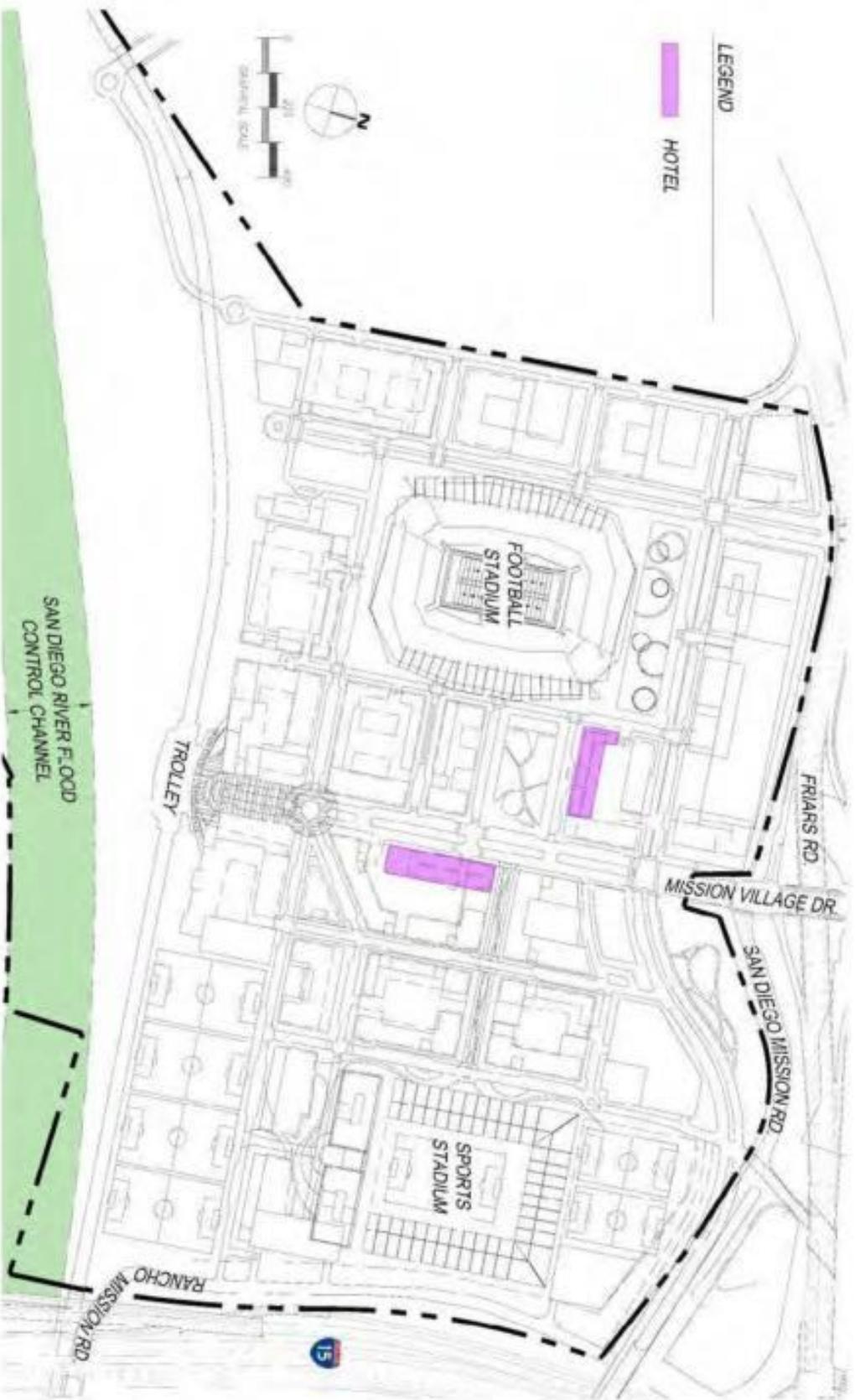


Figure 3.5: Conceptual Residential Land Use Configuration



Figure 3.6: Conceptual Stadium Area Rendering

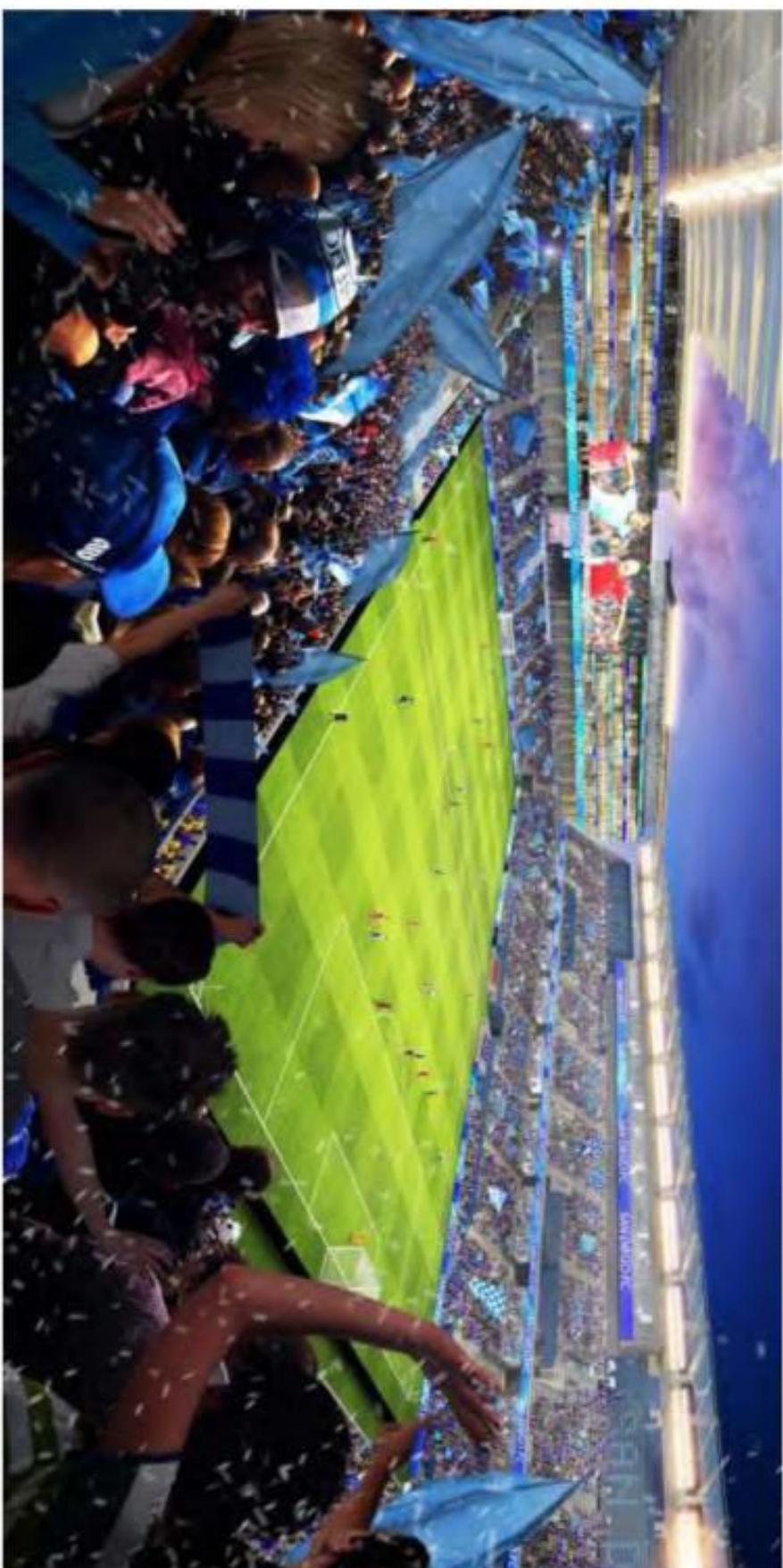


Figure 3.7: Conceptual Professional Soccer Practice Facility



3.2

3.3 Specific Plan Authority

3.3.1 Specific Plan

The Specific Plan rezones the River Park and Mixed Use Site from the existing M/VPD-MV/CV (Mission Valley Planned District Commercial Visitor Zone) to M/VPD-MV/M/SP (Mission Valley Planned District Multi-Use Specific Plan Zone).

The districts established in the Specific Plan are depicted in Figure 3.8, *Stadium Area District Map*, and are discussed in Section 3.4.2 of the Specific Plan. The Specific Plan and applicable sections of the San Diego Municipal Code shall be the governing regulatory documents for development in the Plan Area.

The regulations of the Mission Valley Planned District shall not be applicable to the River Park and Mixed Use Site unless otherwise stated in the Specific Plan.

In conjunction with the adoption of this Specific Plan, the Murphy Canyon Site shall be rezoned to CC-1-3 to allow for by-right development of the range of uses allowed under that zone. Development of the Murphy Canyon Site shall comply with all of the policies, procedures and regulations of the San Diego Municipal Code unless otherwise specified in this Specific Plan.

3.3.2 Other Applicable Planning, Zoning, and Development Regulations

If there is a conflict between the provisions of this Specific Plan and the Municipal Code, the provisions of this Specific Plan shall apply. The provisions of the Municipal Code shall apply to the Plan Area to the extent the provisions are consistent with this Specific Plan. Where the Specific Plan references different requirements, the

requirements of the Specific Plan shall apply, rather than the provisions of the Municipal Code that would otherwise apply. Specifically, the City's applicable grading, drainage, fence, landscape, waste/recycling, and mechanical/utility equipment screening regulations in the Municipal Code shall continue to apply to the Plan Area.

If conflicts arise between the regulatory statements in the Specific Plan and the specifically referenced San Diego Municipal Code provisions, the Mission Valley Community Plan, or the Mission Valley Planned District, the Specific Plan shall govern.

3.3.3 Vested Right/Comprehensive Development

The development contemplated in this Specific Plan is intended to be a single comprehensive plan of development of the entire Plan Area. Therefore, the issuance of the first grading or building permit for any portion of the development contemplated in this Specific Plan confers a vested right to proceed with all phases of the development in substantial compliance with this Specific Plan and the rules, regulations, ordinances, zones, and officially adopted policies of the City of San Diego in force on the date the first grading or building permit is issued.

These vested rights shall not include exemption from subsequent changes in:

- Any applicable state building standards and fire codes, as such codes are adopted by the City of San Diego, and associated fees; or
- State or federal laws or regulations.

Development pursuant to this Specific Plan is exempt from the permit utilization requirements of San Diego Municipal Code Section 126.0108(a), except that if seven years has passed from

the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in

Figure 3.8: Stadium Area District Map



Section 126.0108(b) occurred, then the grading or building permit shall be void.

3.4 Zoning Regulations

3.4.1 Purpose and Applicability

3.4.1.1 Purpose

The purpose of this Specific Plan is to establish land use regulations and design and development criteria to implement the comprehensive plan of development for the Plan Area. This Division is intended to establish regulations that will accomplish the following:

- (1) Provide active recreational fields and parks to serve the residents of Mission Valley.
- (2) Result in a balanced mixed use and transit-oriented community that includes a world-class sports and entertainment district in concert with housing, retail and office/employment clusters.
- (3) Establish the Plan Area as a regional administrative, commercial, recreational and cultural center.
- (4) Create an urban, yet livable area that contributes to the Plan Area's vitality and its economic success, and allows residents to live close to work, transit, and culture.
- (5) Reinforce transit, with a pedestrian emphasis, while accommodating vehicles.
- (6) Link the sports and entertainment district with housing and office/employment clusters and a robust open space area

along the San Diego River consistent with the San Diego River Master Plan.

3.4.1.2 Boundaries and Applicability

This Division applies to all property located in the River Park and Mixed Use Site shown in *Figure 3.8*. These regulations do not cover the Murphy Canyon Site. Where lands are subject to the jurisdiction of other agencies and organizations, including the United States Government, or State of California, any superseding land use authority of those agencies shall apply.

3.4.2 Land Use Districts

The two land use districts shown in *Figure 3.8* define geographic areas that are subject to specific land use classifications. The following districts are established to provide the uses necessary to accommodate the Specific Plan. Definitions of terms used in this section are found in Appendix B of this Specific Plan. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the San Diego Municipal Code shall apply.

The following districts are established to provide the uses necessary to accommodate the Specific Plan. The purpose of each base district is discussed below.

Park/Open Space (OS): This district provides areas for public and private parks and open spaces, and conservation areas, as well as public and private recreational fields and facilities. Parking facilities, eating and drinking establishments, arts and cultural uses, and community centers are also permitted. This district may also include flood control facilities needed to accommodate the flood flows of the San Diego River.

Mixed Use (MU): This district accommodates mixed use developments that support major sporting facilities and visitor attractions in a transit-oriented, mixed use environment with synergies between employment uses, educational institutions, retail, and residential neighborhoods. A broad array of other uses are also permitted, including eating and drinking establishments, hotels, offices, research and development facilities, cultural institutions, residential uses, live/work spaces, and parking facilities. Within the Mixed Use District, a minimum of 20 percent of the ground-floor street frontage shall contain active commercial uses.

3.4.3 Permitted Land Uses

The uses allowed and level of review required in each of the land use districts are shown in Table 3.1.

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
	MU OS
Open Space	
Active Recreation	P P
Passive Recreation	P P
Natural Resources	P P
Preservation	P P

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
	MU OS
Park Maintenance Facilities	P P
Agriculture	
Agricultural Processing	- -
Aquaculture Facilities	- -
Dairies	- -
Horticulture Nurseries & Greenhouses	- P
Raising & Harvesting of Crops	- P
Raising, Maintaining & Keeping of Animals	- -
Separately Regulated Agriculture Uses	
Agricultural Equipment Repair Shops	- -
Commercial Stables	- -
Community Gardens	- P
Equestrian Show & Exhibition Facilities	P -
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	P P
Residential	

Table 3.1 Permitted Uses

Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zones	
	MU	OS
LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required		
Mobilehome Parks	-	-
Multiple Dwelling Units	P	-
Rooming House [See Section 131.0112(a)(3)(A)]	-	-
Shopkeeper Units	P	-
Single Dwelling Units	-	-
Separately Regulated Residential Uses		
Boarder & Lodger Accommodations	P	-
Companion Units	P	-
Continuing Care Retirement Communities		-
Employee Housing:	P	-
6 or Fewer Employees	-	-
12 or Fewer Employees	-	-
Greater than 12 Employees	-	-
Fraternities, Sororities and Student Dormitories	P	-
Garage, Yard, & Estate Sales	-	-
Guest Quarters	-	-
Home Occupations	P	-
Live/Work Quarters	P	-
Residential Care Facilities:	-	-

Table 3.1 Permitted Uses

Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zones	
	MU	OS
LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required		
6 or Fewer Persons	P	-
7 or More Persons	P	-
Transitional Housing: 6 or Fewer Persons	-	-
7 or More Persons	-	-
Watchkeeper Quarters	-	-
Institutional Separately Regulated Institutional Uses		
Airports	-	-
Botanical Gardens & Arboretums	-	P
Cemeteries, Mausoleums, Crematories	-	-
Correctional Placement Centers	-	-
Educational Facilities: Kindergarten through Grade 12	P	-
Colleges / Universities	P	-
Vocational / Trade School	P	-
Electric Vehicle Charging Stations	P	-
Energy Generation &	-	-

Table 3.1 Permitted Uses

Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zones	
	MU	OS
Distribution Facilities		
Exhibit Halls & Convention Facilities	P	-
Flood Control Facilities	P	P
Historical Buildings Used for Purposes Not Otherwise Allowed	-	-
Homeless Facilities	-	-
Congregate Meal Facilities	-	-
Emergency Shelters	-	-
Homeless Day Centers	-	-
Hospitals, Intermediate Care Facilities & Nursing Facilities	P	-
Interpretive Centers	-	P
Museums	P	P
Major Transmission, Relay, or Communications Switching Stations	-	-
Satellite Antennas	P	-
Social Service Institutions	-	-
Solar Energy Systems	P	P
Wireless Communication Facility:	P	P
Wireless communication	P	-

LEGEND:

P = Permitted by Right

C = Conditional Use Permit Required

- = Use Not Permitted

L = Limited Use;

N = Neighborhood Use Permit
Required

Table 3.1 Permitted Uses

Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zones	
	MU	OS
facility in the public right-of- way with subterranean equipment adjacent to a non- residential use		
Wireless communication facility in the public right-of- way with subterranean equipment adjacent to a residential use	P	-
Wireless communication facility in the public right-of- way with above ground equipment		
Wireless communication facility outside the public right-of-way	P	-
Retail Sales	P	-
Building Supplies & Equipment	-	-
Food, Beverages and Groceries	P	-
Consumer Goods, Furniture, Appliances, Equipment	P	-
Pets & Pet Supplies	P	-

Table 3.1 Permitted Uses

Zones			
<p>Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]</p> <p>LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required</p>	MU	OS	
	Sundries, Pharmaceutical, & Convenience Sales	P	-
	Wearing Apparel & Accessories	P	-
	Separately Regulated Retail Sales Uses		
	Agriculture Related Supplies & Equipment	-	-
	Alcoholic Beverage Outlets	C	-
	Farmers' Markets	P	-
	Weekly Farmers' Markets	P	-
	Daily Farmers' Market Stands	-	-
	Plant Nurseries	-	P
	Retail Farms	-	P
	Retail Tasting Stores	P	-
	Swap Meets & Other Large Outdoor Retail Facilities	P	-
	Commercial Services		
	Building Services	P	-
Business Support	P	-	
Eating & Drinking Establishments	P	-	
Financial Institutions	P	-	

Table 3.1 Permitted Uses

Zones			
<p>Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]</p> <p>LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required</p>	MU	OS	
	Funeral & Mortuary Services	-	-
	Instructional Studios	P	-
	Maintenance & Repair	-	-
	Off-site Services	P	-
	Personal Services	P	-
	Radio & Television Studios	P	-
	Tasting Rooms	P	-
	Visitor Accommodations	P	-
	Separately Regulated Commercial Services Uses		
	Adult Entertainment Establishments:	-	-
	Adult Book Store	-	-
	Adult Cabaret	-	-
	Adult Drive-In Theater	-	-
	Adult Mini-Motion Picture Theater	-	-
Adult Model Studio	-	-	
Adult Motel	-	-	
Adult Motion Picture Theater	-	-	
Adult Peep Show Theater	-	-	
Adult Theater	-	-	

Table 3.1 Permitted Uses

Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zones	
	MU	OS
Body Painting Studio	-	-
Massage Establishment	-	-
Sexual Encounter Establishment	-	-
Assembly and Entertainment Uses, Including Places of Religious Assembly	P	-
Bed & Breakfast Establishments:		
1-2 Guest Rooms	P	-
3-5 Guest Rooms	P	-
6+ Guest Rooms	P	-
Boarding Kennels/Pet Day Care	P	-
Camping Parks	-	-
Child Care Facilities:	P	-
Child Care Centers	P	-
Large Family/Child Care Homes	-	-
Small Family/Child Care Homes	P	-
Eating and Drinking Establishments with a Drive-	P	-

LEGEND:
P = Permitted by Right
C = Conditional Use Permit Required
- = Use Not Permitted
L = Limited Use;
N = Neighborhood Use Permit
Required

Table 3.1 Permitted Uses

Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zones	
	MU	OS
In or Drive-through Component		
Fairgrounds	-	-
Golf Courses, Driving Ranges, and Pitch & Put Courses	-	-
Helicopter Landing Facilities	P	-
Massage Establishments, Specialized Practice	-	-
Medical Marijuana	-	-
Consumer Cooperatives		
Mobile Food Trucks	P	-
Nightclubs & Bars Over 5,000 Square Feet in Size	P	-
Parking Facilities as a Primary Use:	P	-
Permanent Parking Facilities	P	-
Temporary Parking Facilities	P	-
Private Clubs, Lodges and Fraternal Organizations	P	-
Privately Operated, Outdoor Recreation Facilities Over	P	P

LEGEND:
P = Permitted by Right
C = Conditional Use Permit Required
- = Use Not Permitted
L = Limited Use;
N = Neighborhood Use Permit
Required

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
40,000 Square Feet in Size ⁽⁹⁾	MU OS
Pushcarts:	
Pushcarts on Private Property	P P
Pushcarts in Public Right-of-Way	P P
Recycling Facilities:	
Large Collection Facility	- -
Small Collection Facility	- -
Large Construction & Demolition Debris Recycling Facility	- -
Small Construction & Demolition Debris Recycling Facility	P ¹ -
Drop-off Facility	- -
Green Materials Composting Facility	- -
Mixed Organic Composting Facility	- -
Large Processing Facility	- -

¹ Allowed as a temporary ministerial use during construction.

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic	MU OS
Large Processing Facility Accepting All Types of Traffic	- -
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic	- -
Small Processing Facility Accepting All Types of Traffic	- -
Reverse Vending Machines	- -
Tire Processing Facility	- -
Sidewalk Cafes	P -
Sports Arenas & Stadiums	P -
Theaters that are Outdoor or Over 5,000 Square Feet in	P -

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
	MU OS
Size	
Urgent Care Facilities	P -
Veterinary Clinics & Animal Hospitals	P -
Zoological Parks	- -
Offices	
Business & Professional	P -
Government	P -
Medical, Dental & Health Practitioner	P -
Regional & Corporate Headquarters	P -
Separately Regulated Office Uses	
Real Estate Sales Offices & Model Homes	P -
Sex Offender Treatment & Counseling	- -
Vehicle & Vehicular Equipment Sales & Service	
Commercial Vehicle Repair & Maintenance	- -
Commercial Vehicle Sales &	- -

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
	MU OS
Rentals	
Personal Vehicle Repair & Maintenance	- -
Personal Vehicle Sales & Rentals	- -
Vehicle Equipment & Supplies Sales & Rentals	- -
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses	
Automobile Service Stations	C -
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>	- -
Distribution and Storage	
Equipment & Materials Storage Yards	- -
Moving & Storage Facilities	- -
Distribution Facilities	- -
Separately Regulated Distribution and Storage Uses	
Impound Storage Yards	- -
Junk Yards	- -

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
Temporary Construction Storage Yards Located Off-site	MU OS
Industrial	
Heavy Manufacturing	- -
Light Manufacturing	- -
Marine Industry	- -
Research & Development	P -
Trucking & Transportation Terminals	- -
Separately Regulated Industrial Uses	
Artisan Food and Beverage Producer	P -
Hazardous Waste Research Facility	- -
Hazardous Waste Treatment Facility	- -
Marine Related Uses Within the Coastal Overlay Zone	- -
Newspaper Publishing Plants	- -
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	- -

Table 3.1 Permitted Uses

Zones	
Use Categories/Subcategories [See SDMC Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	LEGEND: P = Permitted by Right C = Conditional Use Permit Required - = Use Not Permitted L = Limited Use; N = Neighborhood Use Permit Required
Very Heavy Industrial Uses	MU OS
Wrecking & Dismantling of Motor Vehicles	- -
Signs	
Allowable Signs	See Specific Plan section 3.7
Separately Regulated Signs Uses	
Community Entry Signs	P -
Neighborhood Identification Signs	P -
Comprehensive Sign Program	P -
Revolving Projecting Signs	P -
Signs with Automatic Changing Copy	P -
Theater Marquees	P -

Table 3.2 Minimum and Maximum Permitted Active Commercial Use

Land Use District	Minimum Required Ground-Floor Street Frontage for Active Commercial Use	Maximum Permitted Ground Floor Street Frontage for Active Commercial Use ¹
Mixed Use (MU)	20 Percent	100 Percent
Park/Open Space (OS)	None	None

¹ The maximum permitted ground-floor street frontage shall not result in less than 20 feet of storefront.

3.4.4 Overlay Zones

3.4.4.1 Airport Influence Area

The Plan Area is located in the Airport Influence Area for Montgomery Field and for Marine Corps Air Station Miramar. All development within the Plan Area shall be required to comply with the most recently adopted applicable airport land use plan.

The Plan Area is located within a Federal Aviation Administration notification area. The FAA requires any applicant who intends to perform any construction or alteration that may affect navigable airspace to file a notice with the FAA. All development shall continue to comply with the FAA's process and provide a Determination of No Hazard Letter to the City of San Diego Development Services Department prior to commencing construction.

The following types of development are required to notify the FAA:

- 1) Any construction or alteration exceeding 200 feet in height above ground level.
- 2) Any construction or alteration of structures, antennas, trees, mobile objects, and temporary objects such as construction cranes that:

- Are within a horizontal distance of 20,000 feet from a public use or military airport and exceed a 100:1 surface from any point on the runway to each airport with at least one runway more than 3,200 feet.
- Are within a horizontal distance of 10,000 feet from a public use or military airport and exceed a 50:1 surface from any point on the runway to each airport with at least one runway no more than 3,200 feet.
- Are within a horizontal distance of 5,000 feet of a public use heliport and exceed a 25:1 surface.
- Any highway, railroad or other traverse way where the prescribed adjusted height would exceed that above noted criteria.
- When requested by the FAA.
- Any construction or alteration located on a public use airport or heliport regardless of height or location.

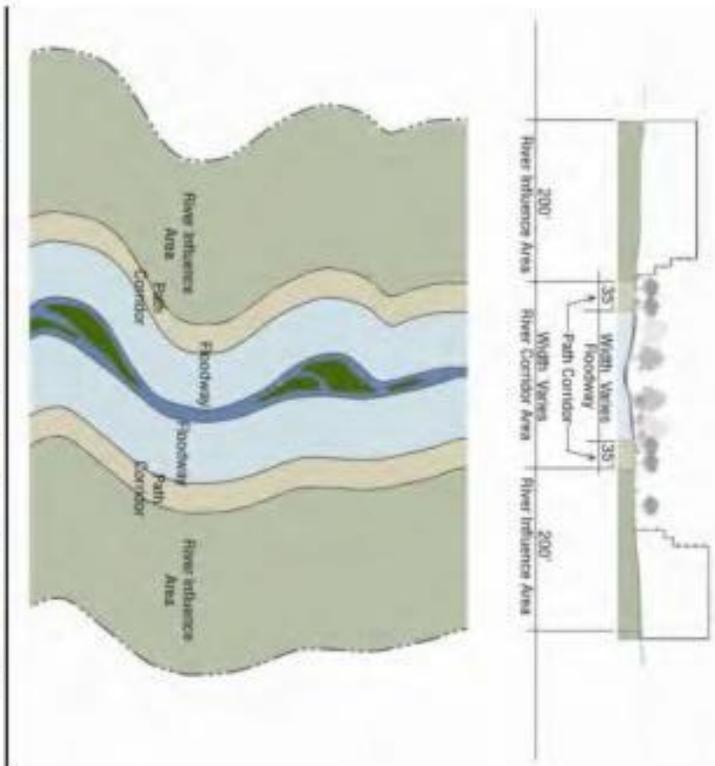
All development within the Plan Area that meet FAA standards shall obtain a Determination of No Hazard from the FAA and provide such Determination of No Hazard to the City of San Diego Development Services Department prior to the Notice to Proceed with construction.

3.4.4.2 San Diego River Subdistrict

The River Park and Mixed Use Site is located in the San Diego River Subdistrict of the Mission Valley Planned District. The purpose of the River Subdistrict regulations is to ensure that development along the San Diego River implements a San Diego River park, consistent with City goals. It is also the intent of the River Park Subdistrict regulations to preserve and enhance the

character of the San Diego River valley, to provide for sensitive rehabilitation and redevelopment, and to create the River Pathway.

The River Park Subdistrict includes the River Corridor Area and the River Influence Area shown in the following diagram.



River Influence Area (Diagram 1514-03A of the Mission Valley Planned District Ordinance)

The regulations of the River Subdistrict (San Diego Municipal Code Section 1514.0302) shall continue to apply to those areas of the River Park and Mixed Use Site within the River Influence Area. Construction of the River Park Improvements in the River

Park and Mixed Use Site shall be exempt from the Site Development Permit process in the City of San Diego Environmentally Sensitive Lands ("ESL") Ordinance (SDMC §§ 143.0101 et seq.). Only ministerial construction permits shall be required to construct park improvements.

3.4.4.3 Special Flood Hazard Area

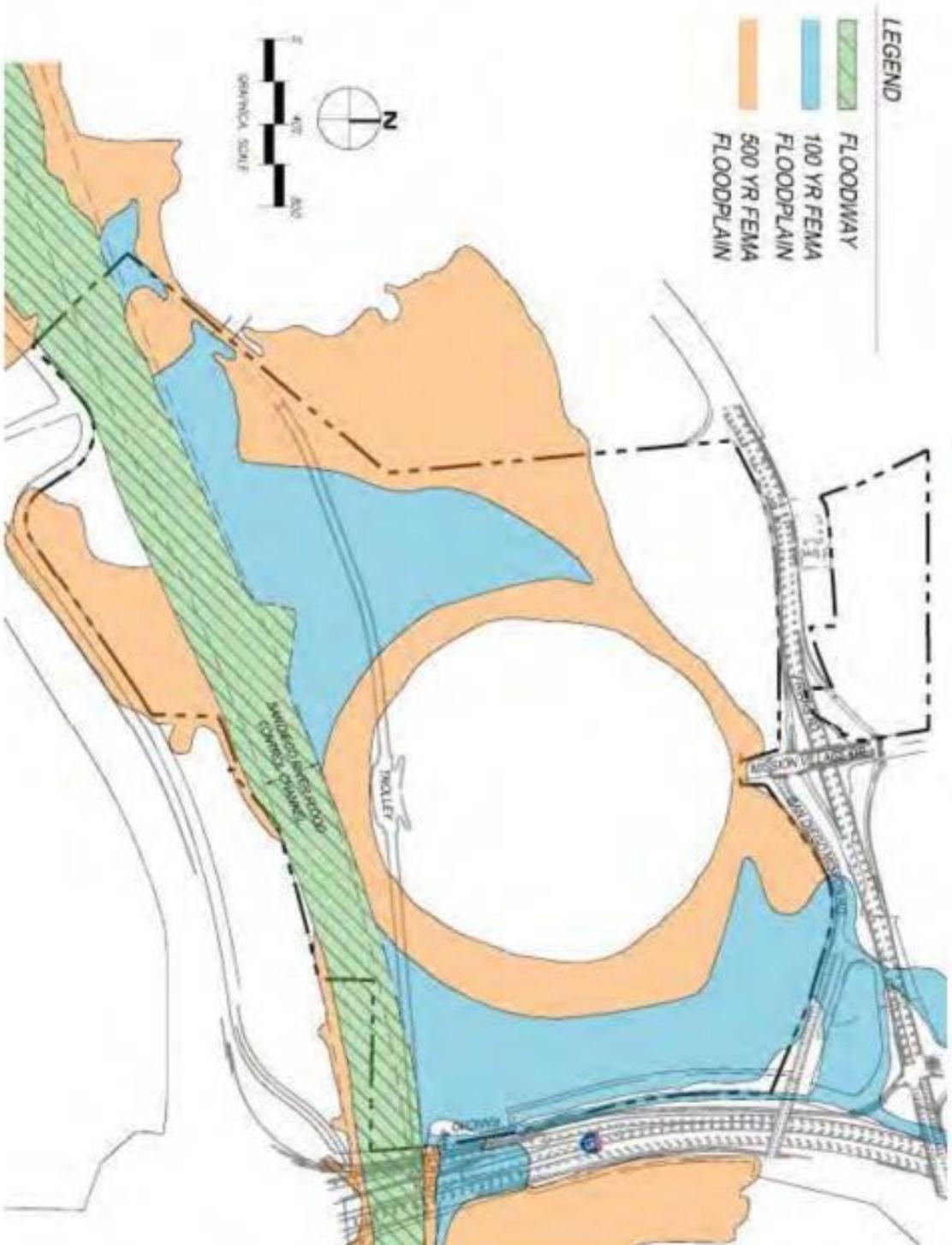
A portion of the River Park and Mixed Use Site is located in the Special Flood Hazard Area ("SFHA") on FEMA flood insurance rate maps. The existing stadium was constructed on fill to a level above the floodplain; however, portions of the existing parking lot are within the FEMA mapped floodplain. Figure 3.9 shows the flood zones within the River Park and Mixed Use Site. The City of San Diego regulates development in the Special Flood Hazard Areas through the ESL Ordinance (SDMC 143.0101 et seq.). This Specific Plan shall exempt the River Park and Mixed Use Site from the Site Development Permit process required by the ESL Ordinance and all other discretionary processes required by the San Diego Municipal Code.

New construction and redevelopment in floodplain areas is principally regulated under local zoning codes that consider FEMA floodplain mapping. The Flood Insurance Rate Map ("FIRM") is the official map created and distributed by FEMA and the National Flood Insurance Program ("NFIP") that delineates the Special Flood Hazard Areas (areas subject to inundation by the base flood). All grading will be designed and performed in conformance with applicable City Council Policies and the standards established in the San Diego Municipal Code. Grading is regulated by the San Diego Municipal Code.

Development on the River Park and Mixed Use Site is designed to comply with both FEMA and City floodplain regulations. Building finish floor elevations will have at least 2 feet of freeboard above the FEMA 100-year water surface elevation, as is required per

City of San Diego Municipal Code Section 143.0146(b)(2). This

Figure 3.9: Existing Floodway and Floodplain Conditions



will be achieved (in the SFHA) by grading, fill and construction design consistent with the conceptual grading plan (provided in Chapter 8) and site plans.

For all parts of the River Park and Mixed Use Site outside of the SFHA, grading permits and building permits shall be issued as normal (in compliance with San Diego Municipal Code). For portions of the River Park and Mixed Use Site within the SFHA, grading of the Sports Stadium Area will proceed separately from other grading within the SFHA of the River Park and Mixed Use Site. Prior to the issuance of a grading permit for the Sports Stadium Area, a Conditional Letter of Map Revision Based on Fill ("CLOMR-F"), shall be obtained from FEMA and presented to the City Engineer. Following receipt of the CLOMR-F, the City Engineer shall issue a grading permit to allow for the grading and fill of the Sports Stadium Area. For substantially all other occupied areas in the SFHA of the River Park and Mixed Use Site, a Conditional Letter of Map Revision ("CLOMR") may be obtained from FEMA and presented to the City Engineer. Following receipt of the CLOMR or CLOMR-F, the City Engineer shall issue a grading permit(s) to allow for the grading of the remaining SFHA within the River Park and Mixed Use Site. Upon completion of grading the areas covered by either CLOMR-F or CLOMR, as-built grading plans shall be submitted to the City of San Diego and FEMA to obtain a Letter of Map Revision(s) ("LOMR") to permanently remove these areas from the Special Flood Hazard Area.

All grading will remain out of the San Diego River floodway and avoid vegetation disturbance by maintaining existing elevations and edge conditions along the San Diego River and Murphy Canyon Creek. No flood control projects will be built on the site and in any case, grading will not be done in jurisdictional waters of the State of California or waters of the United States, and therefore, no additional permitting will be required.

3.4.4.4 Multiple Habitat Planning Area (MHPA)

The San Diego River flood channel is designated as part of the City of San Diego's MHPA preserve. The River Park and Mixed Use Site does not contain MHPA area and is therefore not subject to development restrictions related to the MHPA. However, the River Park and Mixed Use Site will be subject to the following MHPA adjacency guidelines

Drainage. All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

Toxics. Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.

Lighting. Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Noise. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA.

Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Barriers. New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

Invasive Species. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Brush Management. New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 will be increased by 30 feet, except in areas

with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones will not be greater in size that is currently required by the City's regulations.

The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party.

For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

Grading/Land Development. Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

3.5 Property Development Regulations

3.5.1 Minimum Development

The River Park and Mixed Use Site shall be developed with the following minimum levels of development to ensure a balanced mix of land uses:

Table 3.3 Minimum Development

Land Use	Minimum Development Required
Residential	800 units
Commercial Office	10% of total gross square footage in the River Park and Mixed Use Site
Commercial Retail	3% of the total gross square footage in the River Park and Mixed Use Site

3.5.2 Siting Criteria

The following siting criteria applies to the siting of uses within the River Park and Mixed Use Site:

- Residential uses shall be located within a quarter mile of a park area.
- Residential uses shall be located within one half mile of a trolley or bus station.

- Retail uses shall be street fronting, unless oriented to the River Park.
- Retail businesses, restaurants, and residential units located directly north of the River Park should be oriented to the River Park.

3.5.3 Lot Size and Coverage

Minimum lot size shall be 5,000 square feet for all lots in the Plan Area. No maximum lot coverage requirement shall apply in the Plan Area.

3.5.4 Floor Area Ratio (FAR)

The maximum FAR for the River Park and Mixed Use Site shall be 6.5:1. Additional development regulations for height and setbacks may further restrict the total square footage that may be developed on a given lot.

3.5.5 Minimum Building Setbacks

There shall be no minimum setbacks within the Plan Area.

3.5.6 Building Height

Building height in the Plan Area shall not exceed 150 feet, except that three buildings within the Plan Area, as well as the Sports Stadium, may be up to 300 feet in height. The three buildings up to 300 feet may be located anywhere within the Plan Area. The overall height of a building shall be measured from the highest adjacent grade to the top of the parapet of the highest habitable floor. Uninhabited roof structures up to 30 feet high that conceal mechanical equipment and elevator and stair overruns are not included in the measurement of the building height if they do not project above a 45-degree plane inclined inward from the top of

the parapet(s) of the nearest building wall(s). The maximum heights of buildings are subject to these additional restrictions:

- For sites within the Airport Influence Area, maximum building heights shall be determined by and be consistent with the most recently adopted applicable airport land use compatibility plan.

- Prior to construction of any building over 200 feet, or the use of any construction equipment over 200 feet in height, FAA clearance shall be obtained and provided to the City of San Diego Development Services Department.

3.5.7 Building Base

3.5.7.1 Maximum Lot Coverage

The maximum lot coverage for the building base shall be 100 percent.

3.5.7.2 Street Wall Frontage

A street wall containing habitable space shall be provided along 100 percent of the street frontage, with the following exceptions:

- Courtyard entrances up to 30 feet wide in residential development. Any security gating or fencing across a courtyard entrance shall be a minimum of 75 percent open to provide views into the courtyard;

- Recessed entrances a maximum of 25 feet wide and a maximum of 15 feet deep;

- Internal entry courts, auto courts, or auto drop-offs may be allowed behind the required street wall; and

- Patios and balconies in front of habitable space may qualify as street wall.

3.5.7.3 Street Wall Setback

The street wall shall be located within 5 feet of the property line adjoining any street (measured after any required public right-of-way dedication).

3.5.7.4 Street Wall Height

The minimum height of the street wall shall be 45 feet. The maximum height of the street wall shall be 150 feet.

3.5.7.5 River Influence Area Setbacks and Stepbacks

Buildings shall be set back, or upper floors shall provide stepbacks consistent with the San Diego River Park Overlay District in the Mission Valley Planned District in those areas within the River Influence.

3.5.8 Ground Floor Heights

The minimum ground-floor height for buildings, measured from the average grade of the adjoining public sidewalk, in increments of no more than 100 feet along a street frontage, to the finished elevation of the second floor, shall be the average of:

- 12 feet for buildings containing ground-floor residential uses;

- 15 feet for buildings containing ground-floor non-residential uses; and

- 20 feet for buildings containing ground-floor active commercial uses

3.5.9 Commercial Space Depth

The minimum depths of commercial, ground-floor spaces shall be:

- 25 feet along 75 percent of the commercial space frontage along a public street; or
- 15 feet along the remaining 25 percent of the commercial frontage if needed to accommodate other internal functions of the building.

3.5.10 Residential Development Requirements

The following standards apply to residential developments that contain fifty or more dwelling units.

3.5.10.1 Common Outdoor Open Space

Each development shall provide common outdoor open space either at grade, podium, or roof level. Common outdoor open space areas shall have a minimum dimension of 30 feet, or 40 feet when bordered by three building walls exceeding a height of 15 feet, and may contain active and passive areas and a combination of hardscape and landscape features, but a minimum of 10 percent of the common outdoor open space must be planting area.

All common outdoor open space must be accessible to all residents of the development through a common corridor. Development shall provide common outdoor open spaces as a percentage of the lot area in accordance with Table 3.4.

Table 3.4 Common Outdoor Open Space

Lot Size	Percent Common Outdoor Open Space
<10,000 sf	10
10,001 - 30,000 sf	15

Table 3.4 Common Outdoor Open Space

>30,000	20
---------	----

3.5.10.2 Common Indoor Open Space

Each development shall provide at least one community room of at least 500 square feet for use by all residents of the development. The area should be located adjacent to, and be accessible from, common outdoor open space. This area may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space, but must be accessible through a common corridor.

3.5.10.3 Private Open Space

At least 50 percent of all dwelling units shall provide private open space on a balcony, patio, or roof terrace, with a minimum area of 40 square feet each and an average horizontal dimension of 6 feet. Balconies should be proportionately distributed throughout the development in relationship to floor levels and sizes of units. Living unit developments are exempt from this requirement.

3.5.10.4 Storage

Each development shall provide a personal storage area in accordance with City requirements.

3.6 Standards Regulating Design and Improvement

Focusing on how buildings and the spaces between them are consciously designed and integrated, the following urban design standards regulating design and improvement are intended to create a distinct urban character for the Plan Area and, ensure that development is designed with a pedestrian orientation, and foster a vital and active street life.

The intent of these design standards is to create a memorable district that instills a strong sensory response from visitors, a district that is safe and comfortable throughout the year, nurturing positive social interaction and neighborliness on non-game days as well as days with planned events. These design standards shall be advisory, not regulatory, for all public and private development.

The development of the Plan Area is meant to guide the development of a professional sports stadium and entertainment district integrated into a mixed use, transit-oriented urban village.

The following strategies form the basis of the design of buildings, streetscapes, plazas, and open spaces within the district:

- Scale and Feeling of Public Space. Maintain and reinforce the existing pedestrian scale appropriate to small numbers of people as well as larger crowds.
- Language and Vocabulary of the District. Employ elements to reinforce the spatial structure of the district, to convey the symbolism of the Plan Area, and to provide information and directions.
- Territoriality of Public Space. All spaces should have a sense of ownership.

Composition and Juxtaposition of Elements. Buildings, streetscape improvements, and landscaping should be designed to create a memorable experience.

3.6.1 Building Materials

The building base shall be clad in durable high-grade materials (stone, tile, metal, brick, glass or similar) from at least the floor slab of the second floor down to 1 inch of the finished sidewalk

grade, and these materials shall wrap corners of exposed interior property line walls a minimum of 3 feet. Exit corridors, garage openings, and all recesses shall provide a finished appearance to the street with street level exterior finishes fully wrapping into the openings a minimum dimension of 10 feet.

3.6.2 Utilities

Electrical transformers and generators may be located above grade only if located on private property, outside the public right-of-way. Electrical transformers and generators shall be located below grade if within the public right-of-way. If located within a below-grade vault within the public right-of-way, the access hatch to the vault shall be located at least 6 feet back from the street curb, except that a minimum width access hatch may be located less than 6 feet from the street curb if it does not interfere with the placement of street trees. Areas housing trash, storage, or other utility services shall be located in the garage or be completely concealed from view from the public right-of-way and adjoining developments, except for utilities required to be exposed by the City or utility company.

Backflow prevention devices are to be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view. Utility services shall not be located above grade in the public right-of-way unless no feasible alternative is available.

3.6.3 Transparency

A minimum of 60 percent of the street-facing building facade containing non-residential uses between 3 and 12 feet above the sidewalk shall be comprised of clear, non-reflective windows that allow views of indoor space. Interior blinds, drapes, and shelving for product displays visible from the public right-of-way may obscure a maximum of 30 percent of the transparent area of each storefront or structural bay.

A minimum of 25 percent of each street facing ground level residential unit between 3 and 12 feet above the sidewalk shall be comprised of clear, non-reflective windows. Windowsills may be no higher than 5 feet above the sidewalk level.

3.6.4 Blank Walls

Blank walls on the ground level of buildings shall be limited to provide a pleasant and rich pedestrian experience.

- No more than 30 percent of the linear frontage of the first-story street wall may consist of blank walls. The maximum length of any continuous blank wall is 20 feet, or 40 feet if the blank wall includes artwork approved by the decision maker for the development approval(s) in accordance with Section 156.0304(c).

- All blank walls shall be enhanced with architectural detailing, material texture, ornamentation, or artwork.

- On lots of 10,000 square feet or less, the percentage of linear frontage that may be blank wall may be increased to 40 percent.

- On lots 5,000 square feet or less, the percentage of linear frontage that may be blank wall may be increased to 50 percent.

3.6.5 Exterior Projecting Balconies

Enclosures for projecting balconies that face public streets shall be comprised of an average of at least 40 percent open or transparent materials (perforated mesh, translucent glass, or open rail) from 18 inches above the balcony walking surface to the top of the balcony enclosure.

3.6.6 Rooftops

Penthouse space, mechanical equipment, stair and elevator overruns, heliports, vertical roof attachments, and decorative roof construction are permitted to achieve distinctive building tops, provided that the building top is designed as an integral part of the architectural design.

All mechanical equipment, appurtenances, and access areas shall be intentionally grouped and architecturally screened within fully covered enclosures consistent with the overall composition of the building. Mechanical enclosures shall have a screened or lowered top to improve views from above and to provide required air circulation. Multiple roof-top individual condenser units shall be located in orderly and linear patterns.

3.6.7 Encroachments into the Public Rights-of-Way

To ensure pedestrian safety and prevent excessive encroachments into the public right-of-way, the following criteria shall apply:

3.6.7.1 Encroachment Agreement

An Encroachment Maintenance and Removal Agreement may be required by the City of San Diego pursuant to Chapter 12, Article 9, Division 7 of the San Diego Municipal Code. Development within the Plan Area shall be deemed to have received a development permit and no discretionary permit for encroachments shall be required.

3.6.8 Building Identification

Development constructed on sites larger than 5,000 square feet shall install building identification located between 3 and 5 feet above the sidewalk level near the primary entrance or at a corner, to the following specifications:

- The building identification shall be made of a durable permanent plaque or shall be inscribed in the most durable base material;
- The inscription area or plaque face shall be 1 to 4 square feet in area;
- The letters shall be at least 1 inch in height and shall be raised or incised; and
- The text shall include the original building name and the year completed. The primary development entity, architect, and general contractor may be added to the extent space allows.

3.6.9 Street Level Treatment and Pedestrian Entrances

All developments should provide active commercial uses along a majority of each street frontage in order to provide an active pedestrian-oriented experience. These active commercial uses should include clear, or lightly tinted, glass storefronts and windows and pedestrian entrances. Extended areas of solid walls should be minimized and mitigated through architectural articulation.

3.6.10 Parking Garages

Parking garages shall comply with the Specific Plan requirements for street level uses. The garages shall be set back behind multi-

story residential or commercial uses where appropriate and feasible to buffer the garages from facing residential or commercial uses. The façade treatment of freestanding parking garages should create an integrated and complementary architectural expression with adjacent or attached buildings along a public right-of-way, such that parked cars are predominantly screened from public view; sloped floors are not expressed; and a visually composed façade of openings, plane changes, belt courses, cornice treatments, and other architectural devices are developed. No underground parking structures will be provided due to the high groundwater table.

3.6.11 Mid-Block Walkways, Courts, and Walls

Where site constraints, such as public utility easements or documented earthquake faults, prohibit the construction of building area on a portion of a site, development may incorporate semi-public, through-block walkways, courts, or urban open space to support ground-floor commercial activities or provide alternate circulation paths. These areas shall be designed to ensure public safety and promote maximum visibility and surveillance from adjacent uses and shall be maintained by the record owner(s).

3.6.12 Landscape Design Standards

The landscape design standards set forth in the San Diego Municipal Code shall apply in the Plan Area.

3.6.13 Performance Standards

3.6.13.1 General Standards

The structures, expansion of previously conforming land uses and proposed land uses.

- No use, activity, or process shall produce continuous noise, vibrations, or noxious odors that are perceptible without

instruments by the average person at the property lines of a site or above the site.

- No use, activity, or process shall produce continual loading or unloading of heavy trucks at the site, exclusive of permitted industrial uses.
- All outdoor lighting shall be shielded or directed away so that direct light or glare does not adversely impact adjacent land uses or the public right-of-way.
- All storage and mechanical equipment shall be enclosed in a structure and completely screened from view.
- No use shall be operated in a manner that produces off-site impacts such as noise, litter, or disruptive conduct from its tenants or patrons.

3.6.13.2 Building Reflectance

In order to maximize daylight on streets and open spaces and reduce heat-island build up, materials with high light reflectance shall be used, without producing glare. Above a height of 75 feet, exterior building finishes shall be predominantly lighter colors and materials.

3.6.13.3 Wind Acceleration

Vertical wall surfaces 100 feet and taller shall employ changes in the horizontal canopy or volumetric step to break wind shear before reaching the ground level.

3.7 Sign Regulations

3.7.1 Objectives

Signs within the River Park and Mixed Use Site shall be consistent with the following objectives:

- All signs shall be appropriately related in size, shape, materials, letters, colors, and illumination, to be complementary to, and in scale with, the buildings on which they are placed. The design of the signs should reflect and complement the use of the building to the extent possible; and
- Signs shall be designed and placed to be compatible with the theme, visual quality, and overall character of the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan.

3.7.2 Applicability

Notwithstanding any provision of the San Diego Municipal Code or any other law of the City to the contrary, solely the regulations in this Section shall apply to signs in the River Park and Mixed Use Site. This section shall not preclude the permitting of additional signs permitted in the San Diego Municipal Code. If there is conflict between the sign regulations of the San Diego Municipal Code and this section of the Specific Plan, the Specific Plan regulations shall govern.

3.7.3 Comprehensive Sign Plan Process for Signs in the Plan Area

An application for a for a comprehensive sign plan shall be made to the Development Services Department Director or his /her designee in accordance with the requirements of this Section and shall be decided in accordance with Process One. An application for a comprehensive sign plan may be submitted before, concurrently with, or following an application for construction permits for development within the River Park and Mixed Use Site.

The Development Services Department Director or his/her designee shall issue the decision on the comprehensive sign plan within forty-five (45) days of the application for the comprehensive sign plan. A comprehensive sign plan approval shall be granted if the Development Services Department Director or his/her designee determines that the proposed comprehensive sign plan, as submitted or modified, whether in total or in phases, is consistent with this Section. Determination of the Development Services Department Director or his/her designee pursuant to this provision shall be ministerial.

3.7.4 Sign Permits

3.7.4.1 When a Sign Permit is Required

After obtaining approval of a comprehensive sign plan, an applicant shall obtain a sign permit pursuant to the following requirements for the installation or alteration of any sign, except for those signs specifically exempted in Section 3.10.4.2 below.

3.7.4.2 Exemptions from a Sign Permit

A sign permit is not required for the following signs or activities:

- Changing the copy of a sign or maintenance of a sign that does not involve structural or electrical changes;
- Internal signs;
- Public utility and safety signs that are required by law;
- Signs that are required by law, other than public utility and safety signs that do not exceed the minimum dimensions specified by law;
- Real estate signs that are not illuminated;

- Construction site signs that are not illuminated;
- Nameplate identification signs and combination name plates and address signs with letters that do not exceed three (3) inches in height, are not illuminated, and do not exceed four (4) square feet in area;
- Accessory warning signs that provide warnings such as "no parking," "watch dogs," and "security service" that are not illuminated, do not exceed twelve (12) square feet in area, and do not project over a public right-of-way;

- Window signs;

- Tablets, memorials, and cornerstones that are built into the walls of a building, and provide information such as the name of the building and the date of construction;

- Bulletin boards for charitable or religious organizations provided that the signs do not exceed sixteen (16) square feet in area, do not project over a public right-of-way, and are not illuminated; and

- Temporary on-site banners, streamers, and pennants.

3.7.5 General Rules for Sign Permits

A separate ministerial sign permit is required for each sign on the premises unless the Development Services Department Director or his/her designee determines a single sign permit may be appropriate for more than one sign.

A sign permit will include authorization for any electrical work within the sign. If a structural or electrical engineering analysis is

required for a structure because of the proposed sign, the analysis must be approved by the Building Official.

If the installation of a sign requires modification of a structure, a building permit may also be required.

3.7.6 Decision Process for Sign Permits

A decision on a sign permit application shall be made by the Development Services Department Director or his/her designee in accordance with Process One. The sign permit shall be approved if the decision maker determines that the work described in the permit application, specifications, and any other submitted data complies with the signage requirements of this Section and any applicable construction regulations. Determinations by the Development Services Department Director or his/her designee pursuant to this provision shall be ministerial.

3.7.7 Timeliness of Decision

A decision by the Development Services Department Director or his/her designee to approve a sign permit shall be made no more than forty-five (45) business days after the date of submittal of the application and shall not be unduly delayed following approval of a comprehensive sign plan for the River Park and Mixed Use Site. When a decision is not made within the required time, and the applicant does not waive time, the application shall be deemed denied. The timeliness requirement may be waived by the applicant.

3.7.8 Issuance of a Sign Permit

A sign permit shall not be issued for any sign until the comprehensive sign plan for the River Park and Mixed Use Site has

been approved by the Development Services Director or his/her designee.

The sign permit shall issue after all approvals have been obtained. The applicant shall pay all generally applicable City standard fees for a sign permit.

3.7.9 General Sign Regulations

Exempt signs on the premises shall be permitted and exempt from the provisions of this Section. Notwithstanding the foregoing, exempt signs shall obtain a sign permit pursuant to Section 3.7.4 and shall be subject to the structural regulations in Section 3.7.14 and sign maintenance regulations in Section 3.7.15

All non-exempt signs and sign structures shall be permitted in conformance with a comprehensive sign plan approved pursuant to the procedures as provided in this Section.

The sign copy area of individual signs shall not be limited. The total sign copy area allowed within the River Park and Mixed Use Site shall not exceed an amount in square feet equal to twice the street frontage in lineal feet, excluding all architectural digital display signs, Sports Stadium, professional football and/or collegiate football stadium naming identification signs, electronic message center signs, exempt signs, and Sports Stadium naming identification signs.

Wall signs affixed on a building or structure shall not project more than twenty-five (25) feet above the height of the building wall or roof eave.

Free-standing signs, excluding banner signs, Sports Stadium, professional football, and/or collegiate football stadium naming identification signs, electronic message center signs, and Stadium

naming identification signs shall not exceed twenty-five (25) feet in height above adjacent finished grade.

Signs may be incorporated into guest and vehicle entry gates and parking payment structures for parking areas.

Architectural digital display signs or Electronic message center signs or any Sign directed toward the freeway shall be reviewed and approved by CalTrans to ensure that the Sign meets CalTrans safety guidelines for freeway oriented signs.

3.7.10 Electronic Message Center Signs

Electronic message center signs are permitted subject to the following regulations:

3.7.10.1 General Criteria

- Two (2) two-sided electronic message center signs may be constructed adjacent to a sports stadium within the Plan Area subject to the requirements of this Section.
- The criteria for electronic message center signs shall not apply to architectural digital display signs, Sports Stadium, professional football, and/or collegiate football stadium naming identification signs, or Stadium naming identification signs which are regulated separately as set forth below.

3.7.10.2 Design Standards

- The two (2) electronic message center signs shall be separated by at least four hundred (400) feet from one another.

- The electronic message center signs shall not exceed a height of one hundred twenty-five (125) feet above adjacent finished grade and a width of sixty (60) feet.
- The total message area of the electronic message center sign shall not exceed 1500 square feet.

3.7.10.3 Brightness, Refresh Rate, and Beam Spread

The brightness of electronic message center signs shall not exceed eight hundred (800) candelas/meter sq. from sunset to sunrise. Beginning thirty (30) minutes prior to sunset and concluding thirty (30) minutes after sunset, the electronic message center signs shall transition smoothly at a consistent rate to the permitted eight hundred (800) candelas/meter sq. level. Beginning thirty (30) minutes prior to sunrise and concluding thirty (30) minutes after sunrise, the electronic message center signs shall transition smoothly at a consistent rate to the daytime brightness level. The electronic message center signs shall be turned off from 2:00 a.m. to 6:00 a.m.

Electronic message center signs shall refresh no more frequently than once every four (4) seconds, with an interval between messages of not less than one (1) second, and with an unchanged illumination level.

Maximum vertical viewing angle performance shall be +15/-50 degrees of center of the LED. Shades / louvers should be designed to maximize the downward (negative) viewing angle while limiting the upward (positive) viewing angle.

3.7.11 Architectural Digital Display Signs

Architectural digital display signs are permitted subject to the following regulations:

3.7.11.1 General Criteria

Architectural digital display signs shall be attached directly to and made integral with the architectural components of the integrated Sports Stadium, professional football and/or collegiate football stadium.

3.7.11.2 Design Standards

No limitation on the individual sign copy area or sign dimensions shall apply for an architectural digital display sign and the individual sign copy area for an architectural digital display sign expressly shall not be counted toward the total sign copy area allowed by the general provisions of this Section.

3.7.12 Advertising Display Signs

Advertising display signs are permitted subject to the following regulations:

Advertising display signs may be ground signs, wall signs, projecting signs, electronic message center signs, and banners.

Free-standing advertising display signs shall not be permitted except as part of the electronic message center signs permitted by this Section.

Advertising display signs shall count toward the total sign copy area allowed by the general provisions of this Section, except the sign copy area of advertising display signs that are also part of an electronic message center sign shall not count toward the total sign copy area allowed by the general provisions of this Section.

3.7.13 Banner Signs and Similar Displays

Banner signs are permitted subject to the following regulations:

Banner signs shall maintain at least eight (8) feet clearance above adjacent finished grade and shall not create hazards.

Banner signs shall be constructed of high quality materials and secured to poles or structures so as to withstand strong winds.

3.7.14 Structural Regulations

Signs and sign-supporting structures shall be listed by a recognized testing laboratory and constructed in compliance with all applicable state and local building, safety, and electrical requirements. Exposed-tube neon signs shall be constructed and installed in compliance with all local electrical requirements.

Guy wires or angle iron structures that are used as sign supports shall not be visible from public right-of-way. Sign supports shall appear to be an integral part of the sign.

The supports for all signs or sign structures shall be placed entirely within the boundaries of the premises on which the sign is located.

3.7.15 Sign Maintenance Regulations

All signs shall comply with the following maintenance regulations whether or not a sign permit is required.

All signs and sign supports, including decorative covers, shall be maintained in a clean and safe condition.

Signs shall be maintained in a graffiti-free condition.

The owner shall keep the display area of all painted signs neatly printed or posted at all times and shall correct any painting, fading, chipping, peeling, or flaking paint or plastic and mechanical or structural defect.

Paint or debris associated with signs shall not litter public property or public right-of-way.

3.8 Separately Regulated Uses

3.8.1 On-Site Alcohol Beverage Sales

The sale of alcoholic beverages for on-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations:

Bona-fide eating establishments within the River Park and Mixed Use Site that offer made-to-order food during all business hours may provide alcoholic beverages on the premises by right.

Bona-fide eating establishments within the Mixed Use District that offer made-to-order food during all business hours shall be permitted.

Non bona-fide eating establishments, bars, assembly and entertainment uses, outdoor activities and other similar commercial establishments that provide alcoholic beverages for consumption on the premises shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.

3.8.2 Off-Site Alcohol Beverage Sales

The sale of alcoholic beverages for off-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations.

Establishments offering alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, except as provided:

- No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
- No malt beverage products shall be sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.
- No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m.
- After conducting a public hearing, the Hearing Officer may approve exceptions upon making the following findings:
 - o The request for an exception was provided in the public notice for the hearing; and
 - o The proposed use and operations are compatible with existing and planned surrounding land uses.

3.8.3 Live Entertainment

The provision of live entertainment shall comply with Chapter 3, Article 3, Division 15 of the San Diego Municipal Code, as applicable, and shall be subject to the following additional regulations and permits:

3.8.3.1 Acoustic Live Entertainment

- Bona-fide eating establishments may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.
- Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with

Process Two. The performances shall not be audible outside the establishment.

3.8.3.2 Non-Acoustic Live Entertainment

- Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.
- If located upon or adjacent to a premises containing residential land uses, the establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.
- Hotels and motels offering live entertainment in an area completely enclosed within the building and accessed solely through the lobby area are not subject to this Section, if the live entertainment is not audible outside of the building.

3.8.3.3 Live Entertainment Located Outside of an Enclosed Building

- Establishments offering live entertainment outside of an enclosed building shall obtain a Neighborhood Use Permit in accordance with Process Two. The establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood.

- Temporary events lasting less than 24-hours are exempt from the Neighborhood Use Permit Process if a Special Events Permit is obtained from the City.

- Sound and amplification equipment associated with live entertainment shall conform to the noise abatement and control regulations of Chapter 5, Article 9.5 of the San Diego Municipal Code.

3.8.3.4 Special Events

- Events outside of a sports stadium lasting less than 24-hours and which do not occur on a regular basis shall obtain a Special Events Permit.

3.8.4 Outdoor Activities

Outdoor activities include a variety of community serving uses and events and may include the use of structures and small buildings. Applicants proposing the use of any structures or small buildings shall obtain all necessary permits in accordance with state and local regulations. Outdoor activities are subject to the following additional regulations and permits:

- Outdoor activities shall obtain a Temporary Use Permit.

3.8.5 Concurrent Stadium Event

No concurrent events or games shall occur if two sports stadiums are developed in the River Park and Mixed Use Site.

3.9 Sustainable Development Features

The Specific Plan will provide a high density mixed use development in a designated Transit Priority Area of the City consistent with the General Plan's City of Villages Strategy. The Specific Plan is connected to an existing, major transportation

facility (the Green Line Trolley), which will allow residents of the area, as well as those who work within the Plan Area, to utilize public transportation to efficiently move from work and home. Sustainability features will correspond to the City's climate change goals and policies. The following are some of the sustainability measures that development within the Plan Area will implement. A full list of environmental measures and conditions is included in Appendix C:

- Residential units will include low flow plumbing fixtures, including kitchen faucets: maximum flow rate not to exceed 1.5 gallons per minute at 60 psi, Standard dishwashers: 4.25 gallons per cycle, compact dishwashers: 3.5 gallons per cycle; and clothes washers: water factor of 6 gallons per cubic feet drum capacity.
- Nonresidential buildings will include plumbing fixtures including plumbing fixtures and fittings to ensure appropriate flow rates in compliance with California standards.
- Low rise residential structures will be designed to be in compliance with the most California building standards, as they may be revised in the future, or 15% more energy efficient than the requirements of current California building standards in effect as of adoption of this Specific Plan.
- Non-residential development will be designed to be in compliance with the most California building standards, as they may be revised in the future, or 5% more energy efficient than the requirements of current California building standards in effect as of adoption of this Specific Plan.
- Electric vehicle charging stations will be located throughout the Plan Area.
- Parking for carpool, vanpool, and fuel efficient vehicles will be provided throughout the Specific Plan.
- Bicycle Parking is required in both residential and commercial land uses.
- Development in the Plan Area will include Transportation Demand Management ("TDM") measures which include: on-site car sharing vehicles, flexible work hours, unbundled / shared parking.
- Parks will be located throughout the Specific Plan within 0.25 miles (5-minute walk) from residential areas.
- Trails and pathways are provided throughout the Plan Area which connect to the River Park pathways which encourage walkability.
- A pedestrian and bicycle network connected to the Green Line Trolley, River Park and regional bikeways will be constructed to provide alternative modes of transportation and movement to and from the site from throughout the region.



CHAPTER 4
PARKS, OPEN SPACE, AND RECREATION

4.0 Parks, Open Space, and Recreation

4.1 Parks

Historically, the Mission Valley Community Plan Area was predominately developed with office and commercial uses and has more recently been developed with residential uses. Therefore, park and open space uses in Mission Valley have lagged behind the needed space to accommodate the growing population of Mission Valley.

It is anticipated that the Sports Stadium will develop first, followed by construction of the River Park / Community Park and Active Sports Fields and ancillary development on the periphery of the River Park and Mixed Use Site. The River Park / Community Park and Active Sports Fields shall commence construction not later than the date of the completion of the Sports Stadium.

The General Plan requires a ratio of 2.8 acres of useable parkland for each 1,000 persons. The River Park and Mixed Use Site provides a total of approximately 55 acres of park space with approximately 34 acres of passive Community Park/River Park, 9 acres of neighborhood parks, and 12 acres of active use fields (refer to *Figure 4.1, Conceptual Park Plan* and *Figure 4.2, Conceptual Alternative Park Plan*). The approximately 12 acres of active use playing fields will provide an amenity that has been long desired in Mission Valley to serve the growing residential population. The Active Use Fields are also consistent with the River Park concept for the area which has been proposed by the San Diego River Park Foundation. The Specific Plan also provides approximately 9 acres of neighborhood parks and an approximately 34 acre Community Park and Open Space River Park. Based on the SANDAG Regional Growth Forecast, the Mission Valley Community Plan has 1.84 persons per household which would generate a requirement of 24.73 acres of population based parks if 4,800 dwelling units are constructed.

General Plan Policy RE-A.9. states: "Where development of population-based park acreage for recreational purposes is infeasible due to land constraints, consider the use of park and recreation "equivalencies" that have been identified through a Parks Master Plan, or community plan update/amendment process." Preservation and enhancement of the San Diego River Park is a key strategy of this Specific Plan and the Mission Valley Community Plan. In addition, the open space park area adjacent to the San Diego River will incorporate protections and enhancements to the River Park area, consistent with City goals and equivalencies in the General Plan.

Together, the 55 acres of parkland within the River Park and Mixed Use Site will provide acreage beyond the General Plan requirement for population based parks through a combination of park types and accommodate the new residents, visitors, and workers in the Plan Area.

The Specific Plan will provide three primary types of Park lands connected with green street corridors.

- Neighborhood Parks
- Active Use Fields
- Community River Park

The Neighborhood Parks will serve the immediate needs of residents as an open space retreat. These parks will be easily accessible to future residents and office workers. Neighborhood Parks should generally be within a 5 minute walk or within a ¼ mile distance from residential uses. These parks may provide themed designs offering shady pathways, with benches,

Figure 4.1: Conceptual Sports Stadium Park Plan



LEGEND

- NEIGHBORHOOD PARKS*
- ACTIVE SPORTS FIELDS*
- RIVER PARK/ COMMUNITY PARK*
- REGIONAL BIKE TRAIL CONNECTIONS
- ACCESS TO TROLLEY STOP
- PASSIVE TRAIL WITH BENCHES, SHADE STRUCTURES, INFO SIGNAGE, PUBLIC ART & LANDSCAPING
- OTHER ACTIVE USES SUCH AS, BUT NOT LIMITED TO, PUMPTRACK, SKATE PARK, VOLLEY BALL, BASKETBALL TOT LOTS, ETC.
- STORM WATER FILTRATION
- INVASIVE PLANT REMOVAL & RIVER RESTORATION
- 100' WIDE BUFFER FROM SAN DIEGO RIVER
- STADIUM TAILGATE PARK
- PROFESSIONAL SOCCER FACILITIES
- OPTIONAL PARK AREAS
- * POPULATION BASED PARKS

Figure 4.2: Conceptual Sports Stadium Alternative Park Plan



LEGEND

- NEIGHBORHOOD PARKS*
- ACTIVE SPORTS FIELDS*
- RIVER PARK/ COMMUNITY PARK*
- REGIONAL BIKE TRAIL CONNECTIONS
- ACCESS TO TROLLEY STOP
- PASSIVE TRAIL WITH BENCHES, SHADE
- STRUCTURES, INFO, SIGNAGE
- PUBLIC ART & LANDSCAPING
- OTHER ACTIVE USES SUCH AS, BUT NOT LIMITED TO, PUMPTRACK, SKATE PARK, VOLLEY BALL, BASKETBALL, TOTLOTS, ETC.
- STORM WATER FILTRATION/
- INVASIVE PLANT REMOVAL & RIVER RESTORATION
- 100' WIDE BUFFER FROM SAN DIEGO RIVER
- POPULATION BASED PARKS
- PROFESSIONAL SOCCER FACILITIES
- OPTIONAL PARK AREAS

potential playground equipment, picnic opportunities, and open play areas.

The Active Use Fields will provide a place for organized games or provide for pick-up play during the day time. It is envisioned that these fields will be used for scheduled events for routine league games and possibly for seasonal tournaments. In the evening, an open stage may re-purpose these open fields for picnic seating and concert activities. Based on the areas subject to flooding on-site, the soccer fields have been located north of the MTS Trolley line due to the potential for inundation. This natural occurrence from the San Diego River and Murphy Canyon Creek will have minimal impacts on the use of the fields and will not impede subsidence of the drainage flow.

The River Park will add an additional element to the greater San Diego River Watershed. The River Park is separated from the Neighborhood Parks and Active Fields by the overshadowing of the MTS Trolley's Green Line. Under this dominant trolley edge, there may be various uses ranging from open forums for art displays to active uses such as basketball or skate parks. South of the MTS Trolley line, and southerly from the underline to the river's edge, it is anticipated that this park will become a destination providing both trail linkages through the site as well as educational opportunities along the linear river frontage. The meandering trails will reflect the natural braiding of the river bed while completing the bikeway connection from Murphy Canyon to Fenton Parkway. The class one facility may provide multi-use trail opportunities for skaters, roller bladders, and casual bike riders. Alternative soft surface trails are envisioned closer to the river's edge, to accommodate hikers, runners, and casual walkers. Nodes along the edge are anticipated to provide informational signage, reflecting on the dynamics of the water, identification of flora and fauna, and providing a sense of the history of the valley's riparian setting. Some of the passive opportunities may include benches, shade structures, public art and native

landscaping. The open space areas will provide for a natural setting for the filtration of storm water through landscaped areas that dissipate and filter pollutants through the use of select planting material in bio-swales. This park will enhance and reinforce the natural system of the riparian corridor (refer to *Figure 4.3, Conceptual River Park Plan*).

4.2 Open Space

An important function of the River Park will be to serve as a unifying open space element. Transitioning from the natural river course, this Park will become a buffer between the floodway and the emerging development. An average of 50'-100' of undisturbed or restored natural edges will assure a sustainable ecosystem along this edge of the Specific Plan. Any grading and construction contemplated by the Specific Plan shall be done within the existing disturbed area and outside of any jurisdictional waterway and shall not disturb the existing natural habitat areas. Any construction within a jurisdictional or habitat area that is outside of the jurisdiction of this Specific Plan shall be subject to additional permitting by the applicable City, State, and Federal Agencies.

4.3 Recreational Pathways

The recreational opportunities within the Specific Plan extend beyond the park and open space uses discussed above and continue via pathways through the corridors of streets. Through the use of shady green streets, recreational uses will include walking, dog walking, and running along activated pedestrian corridors. Paseos with up to 15' wide walks will provide comfortable spaces for retail, residential, and office establishments to encourage and activate recreational opportunities along the street.

Figure 4.3: Conceptual River Park Plan



4.4 Regional, State, and Federal Permits

This Specific Plan and Initiative create no obligations or requirements on the part of developers within the Plan Area to build or construct parks and/or facilities that require regional, State, or Federal permits.



CHAPTER 5
CIRCULATION

5.0 Circulation

5.1 Introduction

This section describes the transportation and circulation plans for the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan. More specifically, this section includes the following:

- Descriptions of all existing transportation facilities within and surrounding the Plan Area;
- Detailed descriptions of the major on-site and off-site transportation components provided by the Specific Plan including roadways, pedestrian facilities, bicycle infrastructure, and public transit; and
- Policies and design standards applicable to all transportation components.

5.2 Transportation Context and Overview

The Specific Plan has been created as part of the Initiative to guide the development of a world class professional soccer stadium and mixed use urban village. The Specific Plan implements Smart Growth design by proposing a mixed use Transit Oriented Development (“TOD”) adjacent to the existing Qualcomm Stadium MTS Trolley station that affords mobility opportunities and amenities for all site users.

The Plan Area is located approximately 4 miles north of downtown San Diego and 7 miles east of the Pacific Ocean. The existing stadium is located at 9449 Friars Road with regional access to four major freeways: Interstate I-15 (I-15) is adjacent to the east; Interstate 8 (I-8) is approximately 0.25 miles to the south; Interstate I-805 (I-805) is less than 1 mile to the west; and State

Route 163 (SR-163), accessed via Friars Road, is located approximately 2.4 miles to the west.

The property affords vehicular accessibility by an established roadway system combined with proximity to multi-modal transportation options. The mobility system proposed by the Specific Plan will include all transportation modes, centered around enhancing access to the on-site trolley station. The multi-modal options will be pedestrian and bicycle friendly while fully accommodating vehicular needs as well.

Regional vehicular circulation to the Plan Area is provided by I-15, I-8, I-805 and SR 163. Local circulation to the River Park and Mixed Use Site is provided by Friars Road, Mission Village Drive, San Diego Mission Road and Rancho Mission Road. In addition to the existing and planned circulation element streets, the Specific Plan will construct internal streets that will provide efficient access to the different land uses. To enhance user experience, the internal streets shall include landscaping, streetscape plantings and non-contiguous sidewalks. Where possible, the auto-dominated world will be visually and physically distinguished from the pedestrian oriented realm, creating a greater sense of neighborhood and place.

5.3 Existing Circulation Network

The Plan Area is served by a network of already well-established roadways in the Mission Valley Community. The following regional and local transportation network will provide access to the site:

Interstate 15 is a north-south freeway with five general purpose lanes with auxiliary lanes in each direction in the Plan Area. I-15 will act as the primary regional facility given its proximity to the

River Park and Mixed Use Site. A full interchange is provided at Friars Road.

Interstate 8 is an east-west freeway that generally includes four to five general purpose lanes with auxiliary lanes in each direction in the Plan Area. I-8 is located south of the River Park and Mixed Use Site adjacent to the San Diego River. There are no direct connections to the River Park and Mixed Use Site via I-8.

Friars Road is the main gateway into the River Park and Mixed Use Site. In the Plan Area, Friars Road is a six-lane divided roadway with a posted speed limit of 50 mph. Friars Road currently acts as an Expressway between SR 163 and I-15 as it includes grade separated interchanges at several locations such as Mission Center Road, Qualcomm Way, and Mission Village Drive. These grade separation interchanges reduce friction and enhance traffic throughput between SR-163 and I-15 on Friars Road. Class II Bicycle lanes are provided all along Friars Road.

San Diego Mission Road is an east-west two-lane undivided roadway that originates east of Mission Village Drive. On-street parking is permitted intermittently along the corridor. The posted speed limit is 40 mph. San Diego Mission Road provides direct access to the River Park and Mixed Use Site.

Camino Del Rio North is an east-west four-lane divided roadway with a raised median located south of the San Diego River. At I-805, Camino Del Rio North turns into a four lane undivided roadway with two-way left-turn lanes. The posted speed limit on Camino Del Rio North is 45 mph. Class II bike lanes are provided on Camino Del Rio North between Rancho Mission Road and Fairmount Avenue. However, no bike lanes are provided between Rancho Mission Road and Mission City Parkway.

Qualcomm Way is a north-south six-lane undivided roadway. Qualcomm Way includes a raised median north of the MTS Trolley overcrossing while a painted median is provided along the

remaining stretches. Qualcomm Way includes a grade separated interchange at Friars Road. The posted speed limit is 40 mph. Class II bicycle lanes are provided on Qualcomm Way.

Mission Village Drive is constructed as a north-south four lane divided roadway with a raised median, north of Friars Road with a posted speed limit of 45 mph. Mission Village Drive terminates at the River Park and Mixed Use Site and provides direct access into the existing stadium. Class II bicycle lanes are provided on Mission Gorge Road.

Rancho Mission Road is a north-south, two-lane undivided roadway located at the southeast portion of the site. Rancho Mission Road includes a painted median with a posted speed limit of 35 mph. On-street parking is allowed on Rancho Mission Road.

5.4 Specific Plan Circulation Network

Internal vehicular circulation within the River Park and Mixed Use Site is achieved through connections to the primary network established by existing city streets. The internal street system is based on a network of internal streets that provide access to the various land uses.

The external and internal street system has been designed to achieve a high degree of balance, context, and compatibility between land uses and transportation. Provided below is a description of the various streets. The following is a brief description of the external and internal roadway system and associated improvements proposed as a part of the Circulation Plan.

Roadways shall be designed as City streets for public ownership in accordance with the City standards and per this Specific Plan. Conceptual ingress and egress for the River Park and Mixed Use Site and the conceptual circulation network is shown in *Figure*

5.1. The Specific Plan has been designed to allow for the consolidation and subdivision of parcels to meet changing market dynamics during build-out of the Specific Plan. The circulation network will be designed to accommodate such changes in the land use plan of the River Park and Mixed Use Site if the modifications are deemed to be in compliance with Federal, State, and local requirements for traffic circulation.

5.4.1 Friars Road

Friars Road is the major arterial serving the River Park and Mixed Use Site and is expected to handle the majority of the Plan Area traffic. Improvements to Friars Road may include the addition of a fourth westbound and eastbound through lane between Northside Drive and I-15, essentially converting the existing 6-lane roadway to an 8-lane Expressway. In addition, the improvements may also include Class II buffered bike lanes, with a 4' buffer between the outside travel lane and bike lane to provide additional room for bicyclists and reduce exposure.

In addition to the main access on Mission Village Drive, the Specific Plan contemplates the construction of a new signalized driveway on Friars Road at the existing Mission Valley Fire Station 45 forming the 4th leg of the intersection. This signalized intersection would act as the second major access point to the River Park and Mixed Use Site (aside from Mission Village Drive). The intersection would include dual westbound left-turn lanes and dual eastbound right-turn lanes. The northbound approach would include dual left-turn lanes and dual right-turn lanes. Bike lanes and sidewalks are also proposed on this new driveway to seamlessly integrate pedestrian and bicycle mobility between the external and internal street network.

5.4.2 Mission Village Drive

Mission Village Drive is the primary gateway into the River Park and Mixed Use Site and is currently constructed as a 4-lane

roadway. To handle the traffic demand, the Specific Plan proposes to construct a new 8-lane overcrossing that would include additional through lanes with multiple turning lanes. The Specific Plan also proposes to widen the off-ramps at the Mission Village EB and WB ramp intersections at Friars Road to accommodate additional lanes resulting in dual left-turning lanes and an exclusive right-turn lane. To further promote pedestrian and bicycle mobility, the overcrossing would include Class II bike lanes on the WB and EB off- and on-ramps at Mission Village Drive with bike boxes at the intersection limit lines. Furthermore, Class II bike lanes are also contemplated on the overcrossing with sidewalks to adequately handle the pedestrian and bicycle traffic to/from the River Park and Mixed Use Site.

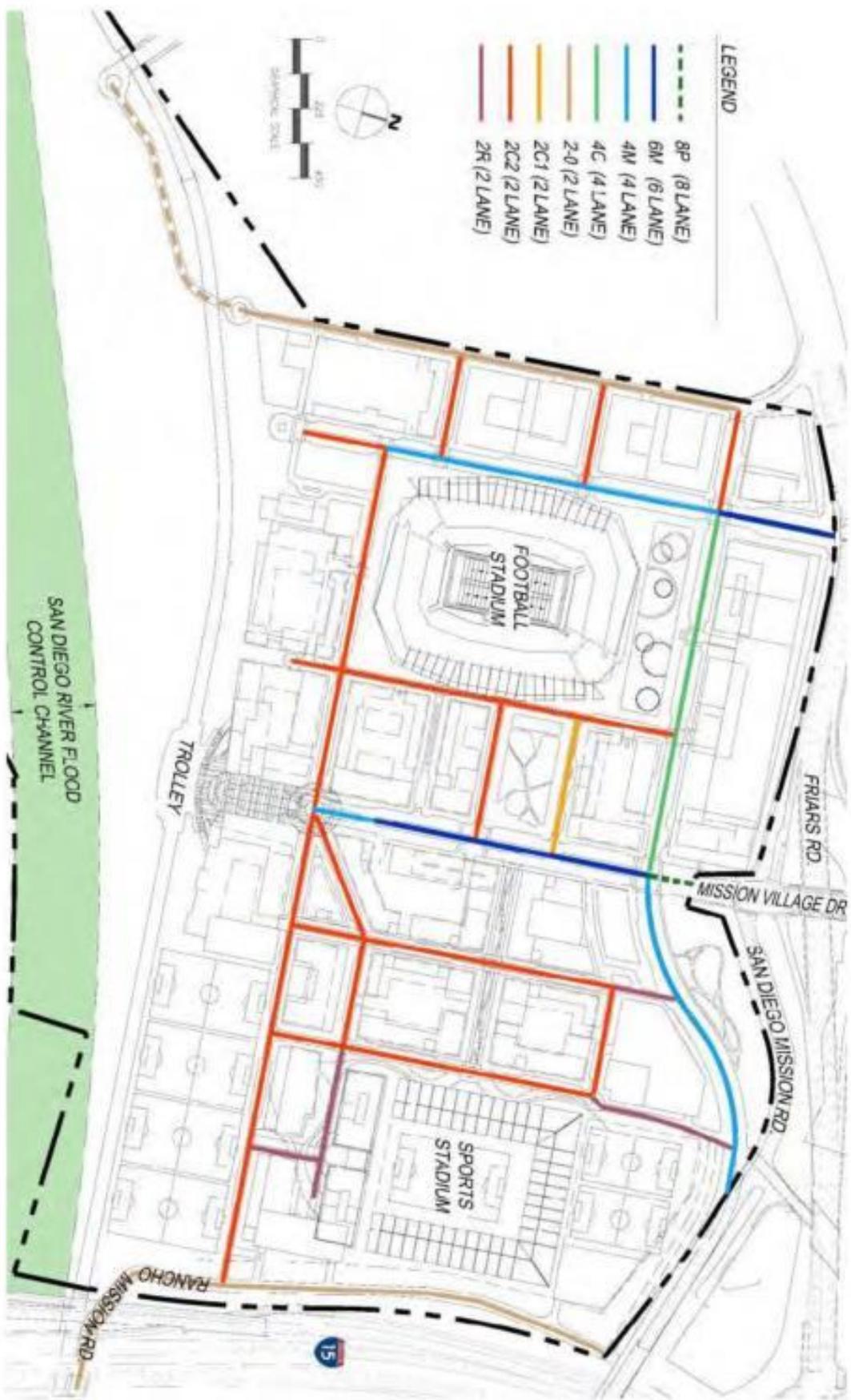
5.4.3 San Diego Mission Road

San Diego Mission Road paralleling Friars Road will also be an additional access point serving traffic from the eastern portion of the River Park and Mixed Use Site. The Specific Plan contemplates improving San Diego Mission Road to a 4-lane Major roadway with a landscape raised median with two travel lanes in each direction. Sidewalks and Class II bicycle lanes are also contemplated on both sides of the roadway. Currently, San Diego Mission Road over I-15 includes a substandard sidewalk on the north side of the overcrossing. The Specific Plan contemplates standard sidewalks and Class II bike lanes on both sides of the overcrossing.

5.4.4 Rancho Mission Road

Rancho Mission Road, located at the southeastern corner of the River Park and Mixed Use Site, will be the fourth access point. The

Figure 5.1: Conceptual Circulation Plan



5.2 through 5.9). Table 5.1 presents the roadway features associated with each internal street.

Specific Plan contemplates improvements to Rancho Mission Road to include sidewalks and Class II bike lanes on both sides within the existing overcrossing columns. In addition, the lighting at the I-15 undercrossing may also be enhanced. At the intersection of Rancho Mission Road/Ward Road, a traffic signal is proposed to handle the vehicular traffic and provide a controlled crossing for pedestrians and bicyclists. During game days, Rancho Mission Road will serve as the primary access point for shuttle buses to integrate and connect to the on-site transit center.

5.4.5 Fenton Parkway

Fenton Parkway, located west of the site, currently does not connect to the River Park and Mixed Use Site area of the Specific Plan. A new connection from Fenton Parkway (south of the library) to the southwestern portion of the River Park and Mixed Use Site is proposed. The connection would include a 2-lane traffic calmed roadway that would continue Fenton Parkway beyond the existing tracks with an at-grade trolley crossing. This connection would not only provide an additional transportation access point for vehicles, pedestrians, bicyclists, and transit users, it would also provide access to the Mission Valley library and an emergency vehicle access. If additional permitting is required to allow this connection, the connection may not be built if the future permits are not obtained. While this potential road connection is desirable, it is neither necessary nor required.

5.4.6 Internal Circulation Network

The Specific Plan will contain an extensive and robust internal circulation roadway network. The roadway designs were selected to meet anticipated traffic demands, integrate pedestrian/bicycle activity, and meet urban design elements. The internal roadway classifications include 8-lane Prime Arterials, 6-lane Major, 4-lane Collectors, and 2-lane local residential roadways (refer to *Figures*

Table 5.1 Internal Street Network

Symbol	Lanes	Classification	Curb-to-Curb	Parkway	Right-of-Way	On-Street Parking	Bikes
20	2	Collector	34'	15'	49'	No	Yes
2R	2	Residential Collector	40'	10'	60'	No	No
2C ₁	2	Collector	46'-66'	15'	76'-96'	Yes	Yes (sharrows)
2C ₂	2	Collector	40'	15'	70'	Yes	No
4C	4	Collector	85'	10'-15"	105'-115'	Yes	Yes
4M	4	Major	86'	12'	110'-128'	Yes	Yes
6M	6	Major	92'-122'	15"	122'-152'	Yes	Yes
8P	8	Prime	150'-162'	15'	180'-192'	No	Yes

General Notes:

1. C: Collector
2. M: Major
3. P: Prime
4. All dimensions relating to curb-to-curb, parking and right-of-way developed using the current City standards. These dimensions are approximate and subject to change and will be processed accordingly with the City of San Diego.
5. Additional width to be provided at intersections to accommodate turn lanes, if necessary.
6. Building setbacks may vary based on final traffic analysis.

Figure 5.2: Conceptual 2 Lane Access Diagram (20)



Figure 5.3: Conceptual 2 Lane Residential Collector (2R)



Figure 5.4: Conceptual 2 Lane Collector with Sharrows and Greenway (2C₁)

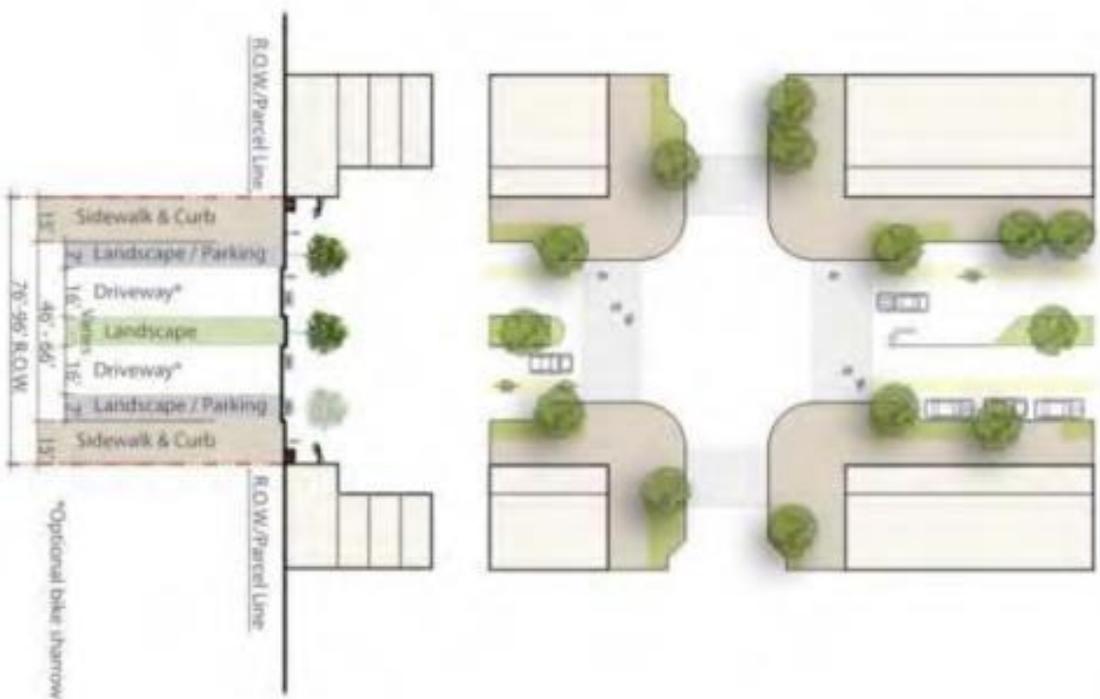


Figure 5.5: Conceptual 2 Lane Collector Configuration (2C₂)



Figure 5.6: Conceptual 4 Lane Collector Configuration with Bike Lane and Greenway (4C)



Figure 5.7: Conceptual 4 Lane Major Configuration with Bike Lane and Greenway (4M)

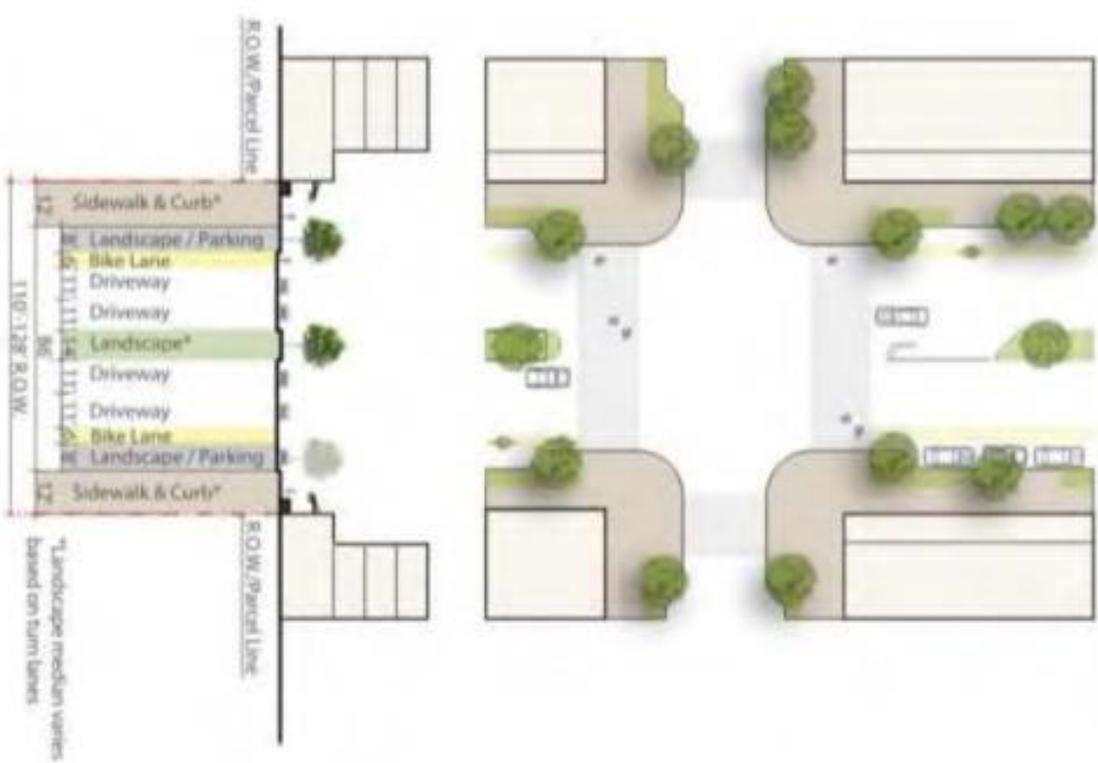


Figure 5.8: Conceptual 6 Lane Major Configuration with Bike Lane and Greenway (6M)

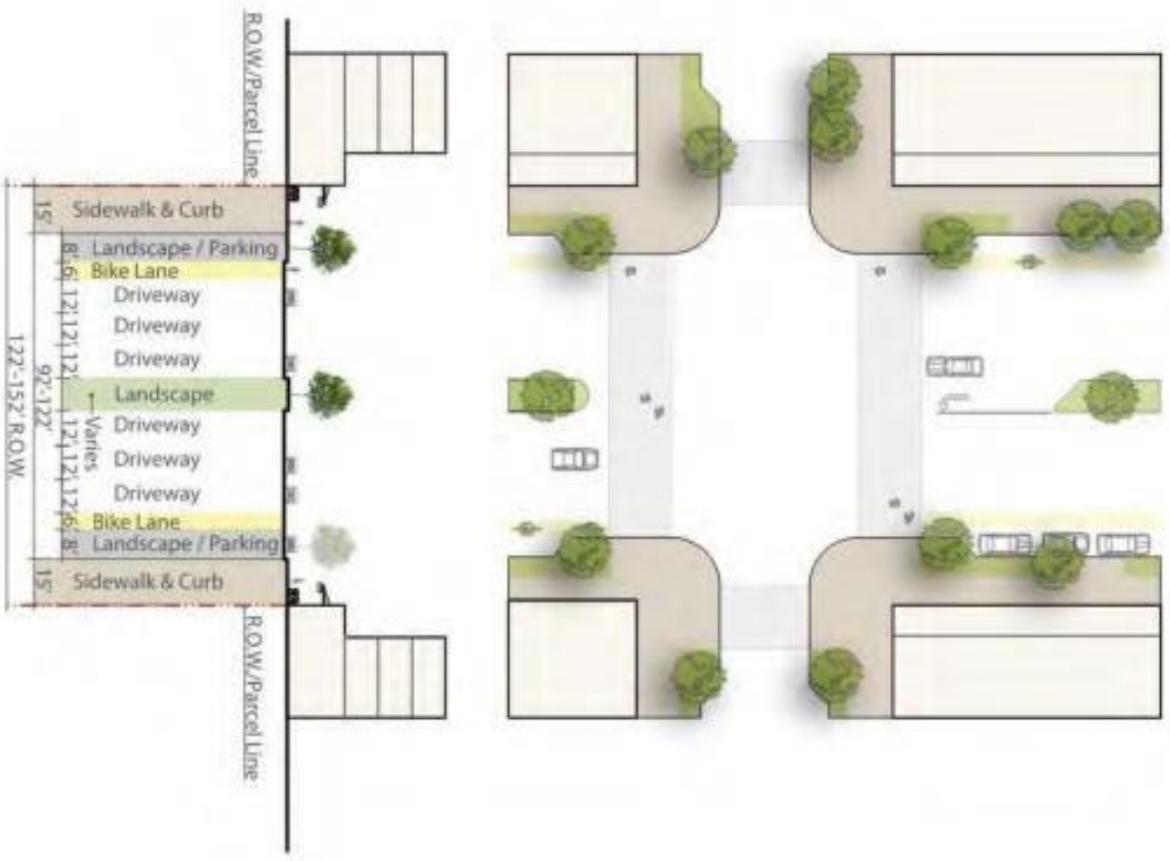


Figure 5.9: Conceptual 8 Lane Prime Arterial Configuration (8P)



5.4.7 Intersection Traffic Control

At the major intersections of the Specific Plan boundaries on Friars Road, Mission Village Drive, San Diego Mission Road and Rancho Mission Road, traffic signals are proposed to handle the vehicular demand and to provide a dedicated and controlled crossing for non-vehicular travelers. Traffic control within the River Park and Mixed Use Site will include a combination of traffic signals, stop signs (All-Way and Two-Way) and roundabouts to calm traffic and reduce vehicular speeds. These improvements shall be implemented in the same manner as specified in Section 5.5.

5.5 Transportation Implementation Plan

The maximum amount of development in the River Park and Mixed Use Site is established by total driveway ADT and peak hour trips in order to minimize or avoid impacts to roadway infrastructure in the Plan Area. Build-out development within the River Park and Mixed Use Site, on a typical day with no-games, the site shall not generate more than 71,533 driveway ADT and not more than total 4,849 total driveway AM peak hour trips (2,993 in and 1,856 out), and not more than 7,150 total driveway PM peak hour trips (3,225 in and 3,925 out).

Implementation of the Specific Plan requires the City or the developer to assure that all on-site improvements are in place prior to completion of development in that relevant portion of the Plan Area. Payments equivalent to the total cost or fair share of costs for off-site transportation improvements ("improvements") (which fair share shall be based on the ratio of the River Park and Mixed Use Site's traffic compared to total traffic using the facility pursuant to accepted traffic engineering standards) shall be made to the City of San Diego at the time of building permit based on Table 5.2, or constructed by the developer if the City obtains or provides the necessary permits for the developer to complete such improvements. Payment to the City for these improvements

will ensure that the City may permit and construct such improvements as development in the Plan Area is completed and prior to or concurrent with need. This shall be accomplished by the payment of the cost or fair share of the cost of such improvement to the City of San Diego Treasurer, who shall place such amount into a Capital Improvement Fund that will fund the design and construction of the improvements if not constructed by the developer. The details of the payments for the improvements shall be contained in any lease executed for development on the River Park and Mixed Use Site and as described in Chapter 8 of this Specific Plan. All payments shall be made to the City sufficiently in advance of the time when the City requires the funds to complete the improvement according to any schedule adopted by the City for the City's construction plans.

The developer shall work closely with the City to develop a schedule acceptable to the City for the City's construction to assure that all facilities are completed in advance of the date that they are required to serve the traffic demands for the River Park and Mixed Use Site. Development may proceed, despite delays from this schedule, provided the developer has worked closely with the City to develop a schedule and deposited all funds in advance as required by the City, so long as the City determines there will be no dangerous or unsafe condition for motorists or pedestrians. All funds shall be deposited with the City in accordance with the schedule in Table 5.2. Internal circulation infrastructure associated with each phase of development will be designed and constructed in accordance with the City's street design standards, which will ensure that a safe and efficient circulation system is provided as the development proceeds. The costs of all internal circulation infrastructure will be borne by the projects which develop within the Plan Area. Further, the Director of Development Services or his/her designee shall prepare a Traffic Worksheet (see Appendix D) to monitor the total traffic generated for each development in the River Park and Mixed Use Site to ensure that it does not exceed the total allowable traffic per the Specific Plan.

Table 5.2 Off-Site Transportation Improvements

Off-Site Improvements for Funding or Construction		Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)
<p><i>Transportation Management Plan</i></p> <ul style="list-style-type: none"> • Prepare a Transportation Management Plan (TMP) that identifies policies and programs to help manage vehicular, pedestrian, bicycle and transit congestion during game days. • Developer shall pay 100%. 	<p><i>Transportation Management Plan</i></p> <ul style="list-style-type: none"> • Prepare a Transportation Management Plan (PMP) that identifies parking policies and programs to help manage vehicular, pedestrian, bicycle and transit parking during game days. • Developer shall pay 100%. 	<p>First event at Sports Stadium</p>
<p><i>New Signalized Project Driveway / Friars Road</i></p> <ul style="list-style-type: none"> • Construct a new project driveway as the fourth leg of the existing Mission Valley Fire station 45 intersection. Widen Friars Road on the south side to include dual westbound left-turn and dual eastbound right-turns lanes. Construct the project driveway as a 6-lane Major with dual northbound left-turn and dual right-turn lanes. Include Class II bike lanes and sidewalks on both sides of the Friars Road and the project driveway. • Developer shall pay 100%. 	<p><i>New Signalized Project Driveway / San Diego Mission Road</i></p> <ul style="list-style-type: none"> • Construct a new project driveway on San Diego Mission Road (opposite the fuel tank farm site) with appropriate lane configurations. Include Class II bike lanes and sidewalks on both sides of San Diego Mission Road. Install a traffic signal. Developer shall pay 100%. 	<p>First event at Sports Stadium</p>

Table 5.2 Off-Site Transportation Improvements

Off-Site Improvements for Funding or Construction		
Mission Village Drive/San Diego Mission Road	<ul style="list-style-type: none"> Widen the Mission Village Drive/ San Diego Mission Road intersection to include a dedicated right-turn lane, three through lanes and an exclusive left-turn lane on the southbound approach; a dedicated right-turn lane, two through lanes and an exclusive left-turn lane on the westbound approach; a shared thru-right lane, two through lanes and a dedicated left-turn lane on the northbound approach; a shared thru-right lane, one through lane and an exclusive left-turn lane on the eastbound approach. Developer shall pay 100%. 	First event at Sports Stadium
Rancho Mission Road / Ward Road	<ul style="list-style-type: none"> Install a traffic signal at the Rancho Mission Road/Ward Road intersection. Developer shall pay 100%. 	First event at Sports Stadium
Northside Drive / Friars Road	<ul style="list-style-type: none"> Widen the northbound approach to provide a second northbound right-turn lane at Northside Drive/Friars Road intersection. Developer shall pay 100%. 	12,210 ADT ²
I-15 / Friars Road Interchange	<ul style="list-style-type: none"> Widen the westbound approach at the SB ramps intersection to include dual right-turn lanes. To enhance pedestrian and bicycle mobility, the loop on-ramp to SB I-15 is proposed to be "squared-off" such that the right-turns occur within the intersection. Restripe the overcrossing such that the dual eastbound left-turns are accommodated at the I-15 NB ramps intersection. This is accomplished restriping the additional width gained by removing the free loop ramps. No bridge deck widening is proposed. A new sidewalk and a Class II bike lane are also proposed on the north side of the 	14,420 ADT

² All ADT referred to in Specific Plan are Driveway ADT

Table 5.2 Off-Site Transportation Improvements

<p style="text-align: center;">Off-Site Improvements for Funding or Construction</p>	<p style="text-align: center;">Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)</p>
<p>overcrossing.</p> <ul style="list-style-type: none"> ▪ Widen on the westbound approach at the NB ramps intersection to ensure acceptable intersection alignment and offset. *Square-off" the loop on-ramp to ensure right-turns occur within the intersection. ▪ Developer shall pay 100%. 	
<p><i>Mission Village Drive / Friars Road Interchange</i></p> <ul style="list-style-type: none"> ▪ Widen the off-ramp at Mission Village Drive WB/Friars Road intersection to include an additional left-turn lane. Class II bike lanes and bike boxes at the intersection limit lines are also proposed. Widen the on-ramp at Mission Village Road WB/Friars Road intersection to include an additional on-ramp lane. Install Class II bike lanes on the on-ramp. ▪ Widen the Mission Village Drive overcrossing to include 8-lanes. This will include three southbound through lanes, two northbound through lanes and dual left-turn lanes at the WB ramps intersection and single left-turn lane at the EB ramps intersection. Install new sidewalks and Class II bike lanes on both sides of the overcrossing. The overcrossing shall also be lengthened accordingly to accommodate the future widening of Friars Road. ▪ Widen the off-ramp at Mission Village Drive EB/Friars Road intersection to include an additional right-turn lane. Install Class II bike lanes and bike boxes at the intersection limit lines. Widen the on-ramp at Mission Village Road EB/Friars Road intersection to include an additional on-ramp lane. Install Class II bike lanes on the on-ramp. ▪ Developer shall pay 100%. 	<p style="text-align: center;">23,530 ADT</p>
<p><i>Mission Village Drive / San Diego Mission Road</i></p> <ul style="list-style-type: none"> ▪ Widen the southbound approach at the Mission Village Drive / San Diego Mission to include a third southbound through lane with an exclusive right-turn lane. San Diego Mission Road may require a partial street vacation to enhance vehicular stacking and queuing. ▪ Developer shall pay 100%. 	

Table 5.2 Off-Site Transportation Improvements

Off-Site Improvements for Funding or Construction	Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)
<p>Fenton Parkway / Friars Road</p> <ul style="list-style-type: none"> Restripe to add a second eastbound left-turn lane at Fenton Parkway / Friars Road intersection. Install a right-turn overlap phase on the northbound approach of Fenton Parkway / Friars Road intersection. Developer shall pay 100%. 	25,110 ADT
<p>Friars Road: Rancho Mission Road to I-15</p> <ul style="list-style-type: none"> Widen along the south side of Friars Road to accommodate a fourth lane between Rancho Mission Road to I-15. Install an eastbound buffered bike lane. Developer shall pay 100%. 	35,360 ADT
<p>Friars Road: I-15 to Northside Drive</p> <ul style="list-style-type: none"> Widen Friars to an 8-lane Expressway with buffered Class II bike lanes on both sides. Developer shall pay fair share contribution. 	37,910 ADT
<p>San Diego Mission Road: Fairmount Avenue to Rancho Mission Road</p> <ul style="list-style-type: none"> Widen San Diego Mission Road to a 4-lane Collector with two-way left-turn lane with Class II bike lanes on both sides. Developer shall pay fair share contribution. 	45,270 ADT
<p>I-15 / Friars Road Interchange</p> <ul style="list-style-type: none"> Widen the SB ramps intersection to include dual westbound left-turn lanes and dual right-turn lanes. "Square-off" the loop on-ramp to ensure right-turns occur within the intersection. Widen the eastbound approach to include dual left-turn lanes and dual right-turn lanes. Widen the on-ramp to include a second on-ramp lane. Widen the overcrossing to 8-lanes, which include six (6) through lanes and dual (2) left-turn lanes on the bridge deck. Install sidewalks and Class II bike lanes on both sides. 	45,390 ADT

Table 5.2 Off-Site Transportation Improvements

Off-Site Improvements for Funding or Construction	Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)
<ul style="list-style-type: none"> ▪ Widen the eastbound approach at the NB ramps intersection to include dual left-turn lanes. Widen on the westbound approach to ensure acceptable intersection alignment and offset. "Square-off" the loop on-ramp to ensure right-turns occur within the intersection. ▪ Developer shall pay fair share contribution. 	
<p>San Diego Mission Road/Rancho Mission Road</p> <ul style="list-style-type: none"> ▪ Widen the eastbound approach and construct a second eastbound left-turn lane. To ensure acceptable intersection alignment and offset, the eastbound approach will also need to be widened accordingly. ▪ Developer shall pay fair share contribution. 	62,010 ADT

5.6 Alternative Options Circulation Systems/Mobility

Land use planning and its interaction with the transportation circulation system plays a vital role in the design, functionality and character of the roadway environment. To that effect, the Specific Plan incorporates several multi-modal features as a part of its "Complete Streets" design per the City of San Diego General Plan Mobility Element goals and objectives. "Complete Streets" are designed and operated to enable safe access for all roadway users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

The Complete Streets concept is achieved in the street design based on two key principles – "Balance" and "Context." Balance allows for the appropriate allocation of often-limited public rights-of-way to share between the multiple functions and users of the street. Context emphasizes sensitivity to the setting in which streets exist, so that streets support the surrounding land uses, whether hotel, residential, or retail, and enhance the character of the community. To accommodate these two key principles, the internal street design incorporates many features such as small block sizes, narrow roadways, shorter pedestrian crossings, tree lined internal streets, multi-use trails, parks and subterranean parking to promote walkability and healthful living.

The Specific Plan street system design includes accommodation for pedestrian and bicycle travel as well as vehicles, to serve as a safe and alternative mode of travel. The Specific Plan is designed as a Smart Growth Transit Oriented Development given that a MTS trolley station currently exists on the River Park and Mixed Use Site. The vision for the street design includes enhancing overall mobility for residents, visitors, and workers in the Plan Area using all modes of transportation. These alternative modes are described below.

5.6.1 Mass Transit

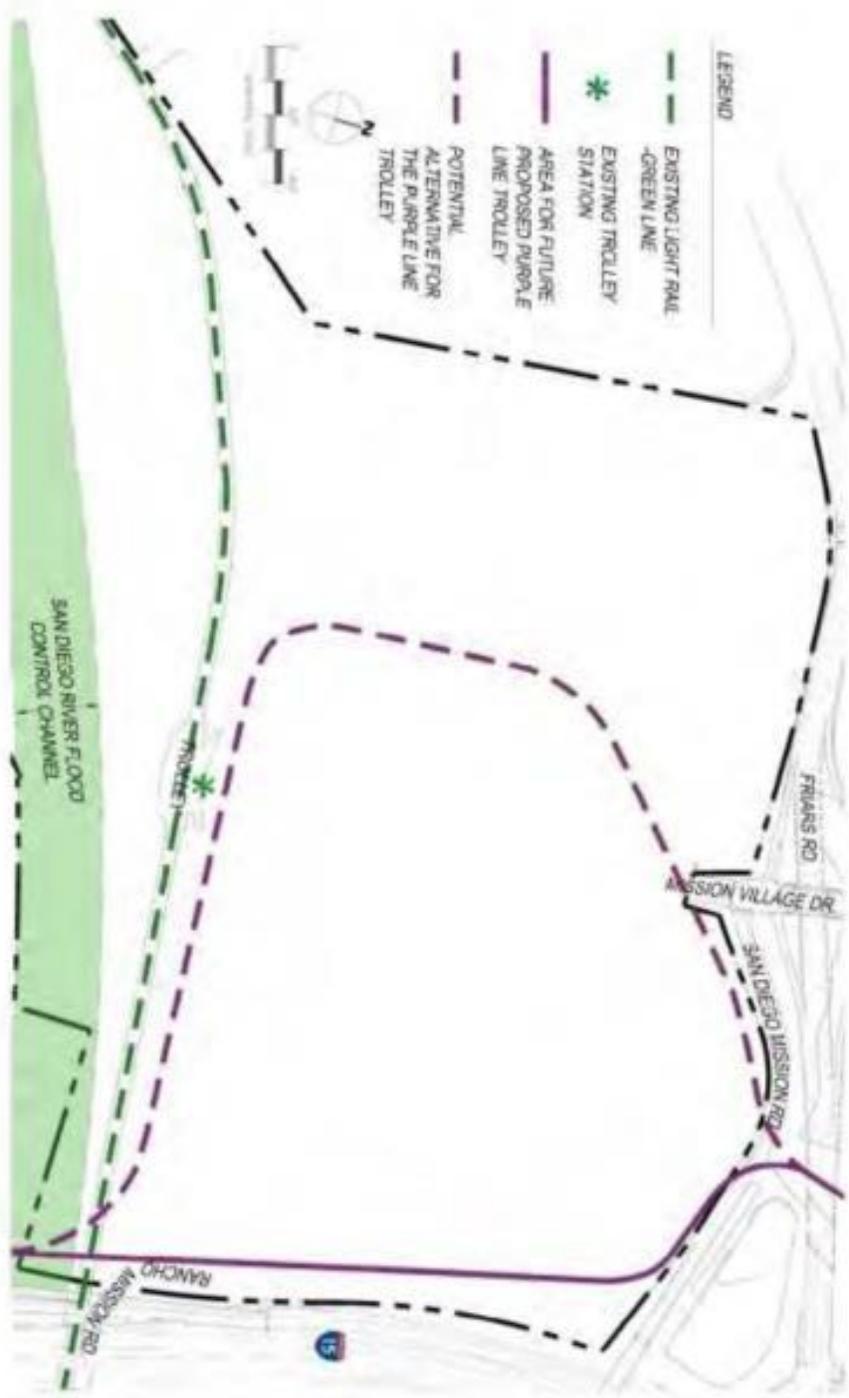
5.6.1.1 Light Rail

Regional light rail transit service to the River Park and Mixed Use Site is provided by the Green Line Trolley, which runs between Santee and Downtown San Diego. The intermediate stops include Alvarado Medical Center, SDSU, Fashion Valley, Mission Valley Center, Linda Vista, Old Town and Convention Center. Future extensions of the MTS Trolley system include northerly routes to University Town Center and the University of California – San Diego ("UCSD") with the Mid-Coast Trolley extension. Within the Mission Valley community, the LRT tracks run parallel to Friars Road and the San Diego River. The trolley service headways are approximately every 15 minutes.

The on-site Green Line Trolley station was planned to handle heavy passenger loads for existing stadium events. The design capacity of the Green Line Trolley Station is well suited to serve the Specific Plan's planned density. In addition to the on-site transit station, there are two additional trolley stations adjacent to the site, which are within 5 to 10 minute walking distance. These three (3) trolley stations will make transit an extremely appealing transportation mode for the students, residents, hotel guests, employees, visitors and fans in the Plan Area. *Figure 5.10* illustrates the on-site transit plan.

The Specific Plan includes adequate area for a potential alignment of the San Diego Trolley Purple Line to be planned and developed in the future. The Purple Line can be accommodated along the I-15 corridor; at this time no approved plans are available and funding has not been allocated. The developer shall consult with SANDAG regarding potential alternative routes and additional transit lines that may cross or serve the property. The illustrations regarding potential alignments of transit lines are illustrative only, and may be changed based on consultation with SANDAG.

Figure 5.10: Conceptual Light Rail Plan



5.6.1.2 Bus Service

Bus service is provided by MTS. There are no current bus routes serving the Plan Area other than busses for special events. The Plan Area provides the necessary area for MTS to provide connections between bus and MTS trolley service. Significant connection points between bus and MTS trolley services are currently provided at the Fashion Valley Mall.

5.6.2 Pedestrian Circulation and Linkages

Pedestrian access within the River Park and Mixed Use Site will be provided by the integrated trail system and sidewalks along all roadways (refer to *Figure 5.11, Conceptual Pedestrian Circulation Plan*). The pedestrian linkages include the following:

5.6.2.1 San Diego River Pathway

The San Diego River Pathway is proposed on the north side of the San Diego River through the River Park and Mixed Use Site. The pathway is proposed to be 14 feet wide and would extend the entire length of the River Park and Mixed Use Site, meandering through the park space adjacent to the elevated MTS Trolley.

5.6.2.2 Street Sidewalks

Sidewalks shall be provided along local streets and private drives in accordance with the City's standards. Intersection traffic calming elements will be utilized to complement the walkability of the street system by providing safe and inviting points of crossing through the use of pop-outs and other curb extensions. These improvements will reduce pedestrian crossings distances and exposure to vehicles in addition to reducing the visual width of a long, straight street.

Sidewalks will be sized to comfortably accommodate special event crowds associated with the Sports Stadium, professional

football, and/or collegiate football stadium. The pedestrian route between the MTS trolley station and the Stadium will include sidewalks in the range of 15-50 feet wide to handle the large pedestrian loads. Wider than typical sidewalks (5 feet) will also be provided between larger parking structures and the Stadium.

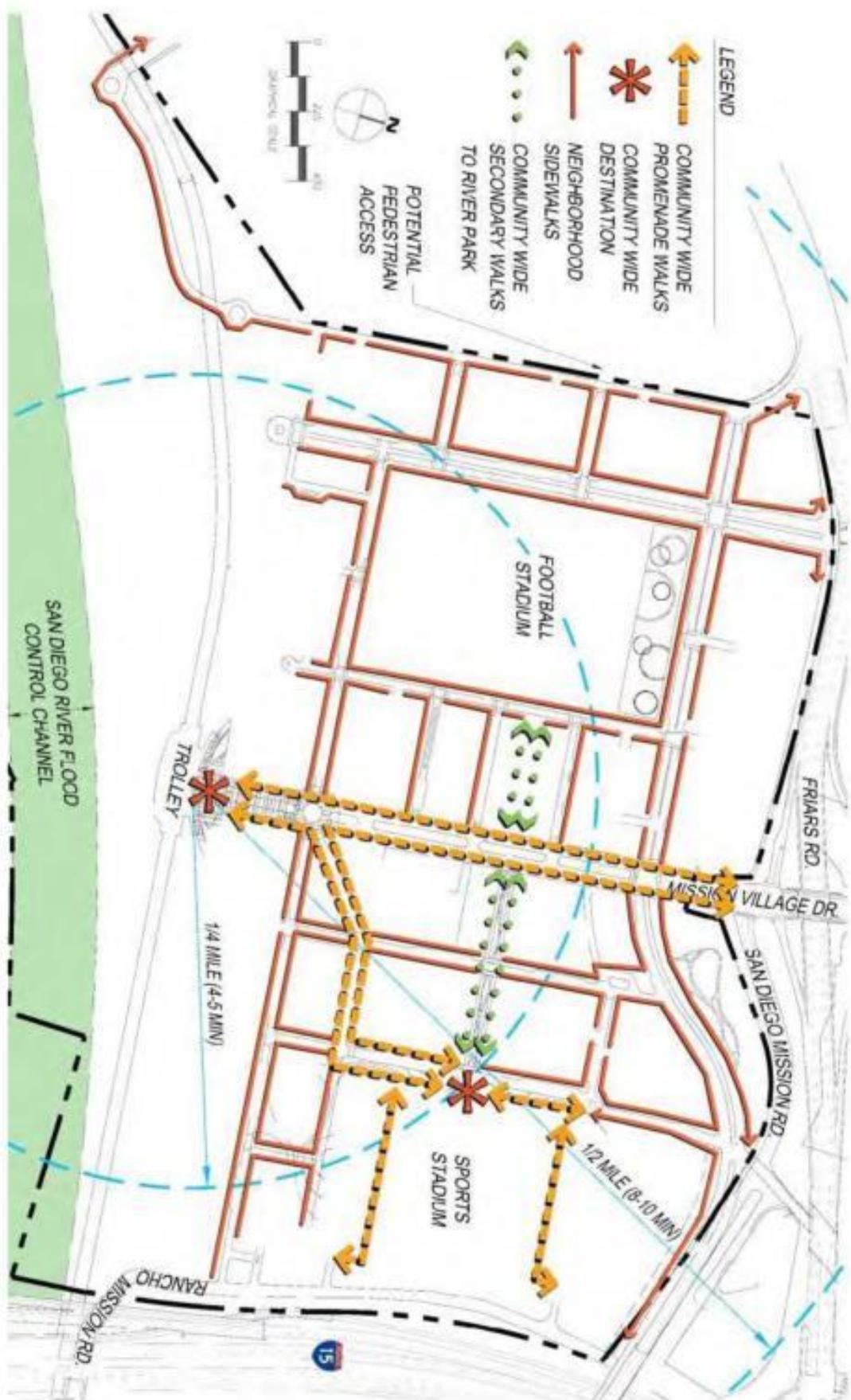
Standard crosswalks will be provided at all internal intersections and will be constructed per standards (10 feet wide). Crosswalks on the route between the trolley and the Stadium will be 15-30 feet wide to handle large volumes of pedestrian traffic. Raised crosswalks and intersections will also be considered at appropriate locations.

5.6.2.3 New or Enhanced Pedestrian Connections

The Specific Plan considers several pedestrian connections to promote walkability in and around the River Park and Mixed Use Site. The Fenton Parkway extension on the southwestern edge of the River Park and Mixed Use Site will provide another pedestrian access point to the River Park and Mixed Use Site and, thereby, increase interaction between the site and the neighbouring community to the west and provide access to the Mission Valley Library. This connection will also provide the community to access both the Qualcomm and Fenton Marketplace transit stations. Another pedestrian connection between the Fenton Marketplace and north-south internal roadway at the western edge of the site is also being considered.

In addition, the Specific Plan adds sidewalks on San Diego Mission Road and Rancho Mission Road. Currently, standard or no sidewalks are provided along these roadways. The Specific Plan proposes an extensive pedestrian network to ensure sidewalks, crosswalks, and dedicated pedestrian crossings are proposed at all access points.

Figure 5.11: Conceptual Pedestrian Circulation Plan



5.6.3 Bicycle Access

The River Park and Mixed Use Site development shall accommodate bicycle travel in both the north-south and east-west directions (refer to *Figure 5.12, Conceptual Bicycle Circulation Plan*). The City classifies bikeways into three general categories based on the degree or extent of their improvements, as described below:

Bicycle Path. A completely separate right-of-way for the exclusive use of bicycles (Class I).

Bicycle Lane. A defined space located on the paved road surface of the traffic lane nearest the curb and identified by special signs, lane striping, and other pavement markings (Class II).

Bicycle Route (or Sharrow). A shared right-of-way designated by signs only, with bicycle travel sharing the roadway with pedestrian and motor vehicles (Class III).

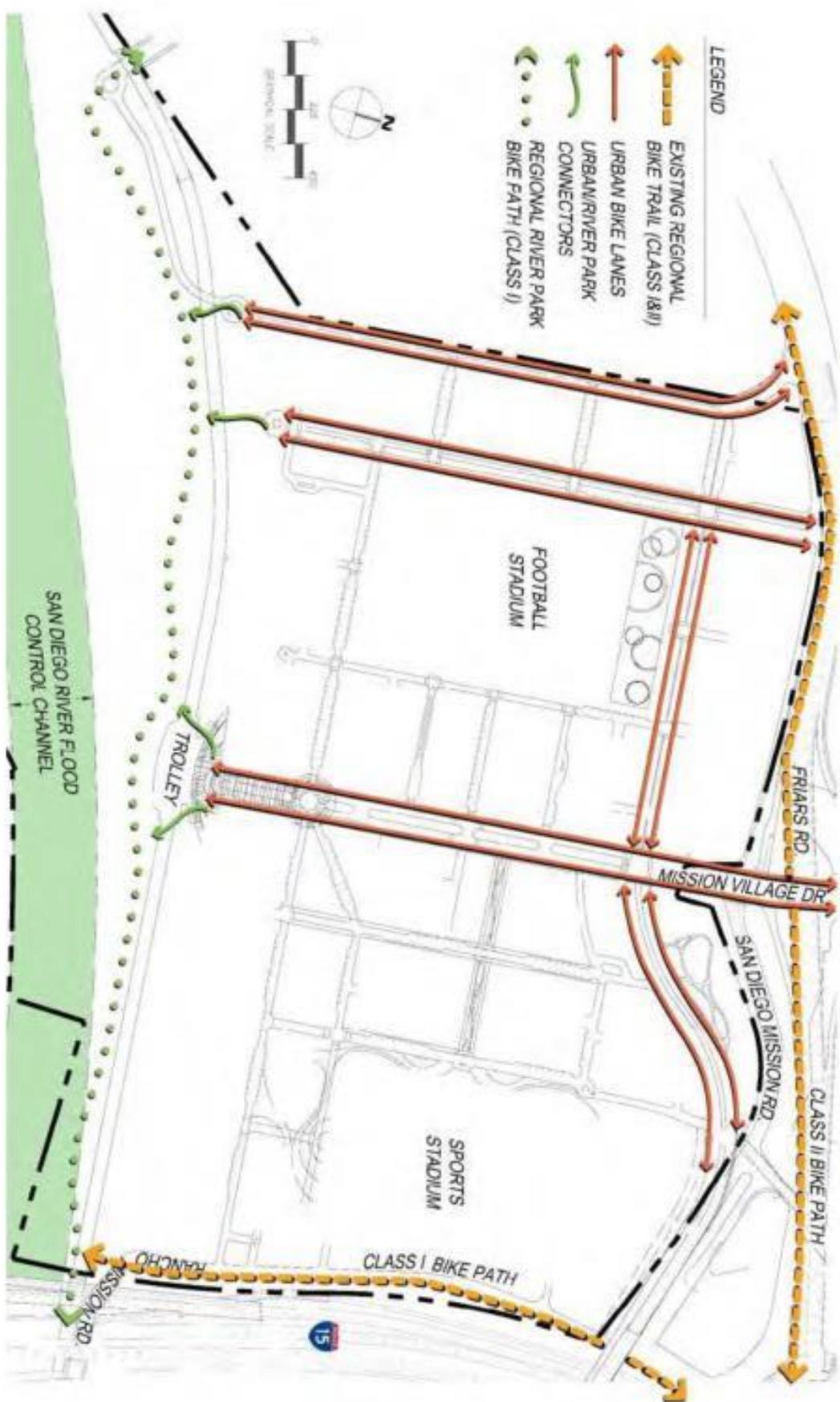
The River Park and Mixed Use Site is bounded by two Class I bicycle paths, San Diego River Trail and Murphy Canyon Path. The San Diego River Pathway, proposed by SANDAG, and currently under design includes a 14-foot wide dedicated Class I bicycle and pedestrian pathway on the north side of the San Diego River. The bicycle pathway shall connect to the adjacent property to the west at Fenton Parkway and terminate easterly at Rancho Mission Road. The Murphy Canyon Path currently exists on the west side of I-15 from the southern terminus of Murphy Canyon Road into the existing stadium parking lot.

The two Class I paths will be augmented by two sets of north-south and east-west Class II bike lanes providing seamless connectivity. The two new north-south routes are proposed on Mission Village Drive from Friars Road to the MTS Trolley station

and on the west side of the site between the traffic signal on Friars Road and the San Diego River Trail. Class II bicycle lanes currently exist on Friars Road. However, to further enhance safety for bicyclists on Friars Road, Class II buffered bike lanes between Northside Drive and Friars Road shall be constructed. Buffered bike lanes, some of them already implemented in other parts of the City, provide a buffer between the bicyclist and the outside travel lane, thereby providing additional space and minimizing exposure between bicyclists and vehicles.

Bike lanes on San Diego Mission Road and Rancho Mission Road on the eastern portions of the River Park and Mixed Use Site shall be constructed. These two roadways will promote bicycle mobility on slower speed roadways paralleling Friars Road.

Figure 5.12: Conceptual Bicycle Circulation Plan



5.7 Parking, Loading, Traffic, and Transportation Demand Management Standards

5.7.1 Residential Off-Street Parking Space and Loading Bay Requirements

The parking requirements in Tables 5.3 and 5.5 shall apply to all uses in the River Park and Mixed Use Site. Parking ratios may be reduced if the City's Development Services Director finds: (1) residential units in a project in the Plan Area have been designed in a transit oriented manner to allow residents to easily access the trolley station; and (2) necessary protective measures to prevent spillover parking to adjacent landowners or uses have been implemented.

Reduced parking ratios shall be prepared by a licensed traffic engineer in a Parking Study that is accepted and approved by the City of San Diego Development Services Director.

Table 5.3 Residential Off-Street Parking Space Requirements¹

Studio	1.0 space per dwelling unit (DU)	0.05 motorcycle spaces per unit and 0.3 bicycle spaces per unit
1-Bedroom	1.25 space per DU	0.1 motorcycle spaces per unit and 0.4 bicycle spaces per unit
2-Bedroom	1.75 spaces per DU	0.1 motorcycle spaces per unit and 0.5 bicycle spaces per unit
3-Bedroom	2.0 spaces per DU	0.1 motorcycle spaces per unit and 0.6 bicycle spaces per unit

¹Parking rates are based on transit area rates due to on-site trolley service.

5.7.1.1 Guest or Service Parking

Guest or common area parking for multi-family residential development shall be provided at 20% of the total required off-street parking spaces for the development. These spaces shall be permanently reserved and clearly marked for visitor or service use only. For development in excess of 200 dwelling units, the number of common area parking may be decreased to no less than 15% of total required off-street parking. The common area parking requirements can also be met by on-street parking per the standards outlined in the San Diego Municipal Code (Section 142.0525(c)(4)).

5.7.1.2 Off-Street Loading

The following standards shall apply for multi-family residential development:

- Development containing 100 or more dwelling units shall provide at least one off-street loading bay that shall be at least 35 feet deep, 13 feet wide, and 13 feet tall (measured from the inside walls);
- Loading bays shall have direct access into the internal circulation system of the development and elevators;
- Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading bay and parking areas and decrease potential conflicts; and
- Loading bay location shall not create traffic conflicts.

5.7.1.3 Motorcycle and Bicycle Parking

Motorcycle and bicycle parking for residential uses shall be provided per parking rates shown in Table 5.3.

5.7.1.4 Bicycle Storage

Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five dwelling units. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one dwelling unit shall provide racks or fixtures on which to lock individual bicycles.

5.7.1.5 Accessible Parking

Accessible parking shall be provided for all uses in accordance with the requirements per the California Building Code as noted in Table 5.4 below:

Table 5.4 Accessible Parking Space Requirements

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

5.7.2 Non-Residential Off-Street Parking Space and Loading Bay Requirements

The parking requirements in Table 5.5 shall apply to non-residential uses as listed.

Table 5.5 Non-Residential Off-Street Parking Space Requirements¹

Commercial Uses		
Stadium Use	0.27 spaces per seat	Based on stadium parking evaluated in the Transportation Report
Office	2.9 spaces per 1,000 square feet	
Scientific Research and Development	2.1 spaces per 1,000 square feet	
Commercial Retail	4.3 spaces per 1,000 square feet	
Hotel	1.0 space per room (includes some conference area)	Conference area parking to be provided separate from hotel use if conference area density exceeds 50 square feet (SF) per room. For conference area density exceeding 50 SF per room, 10 spaces per 1,000 SF shall be used for conference area parking.
Eating and Drinking establishments	12.8 spaces per 1,000 square feet	

¹ Parking rates are based on transit area rates due to on-site trolley service

5.7.2.1 Motorcycle and Bicycle Parking

Motorcycle parking for non-residential uses shall be provided at a ratio of 2% of the minimum number of automobile parking spaces required of two spaces, whichever is greater. Both Short-Term and Long-Term bicycle parking shall be provided.

Short-term bicycle parking spaces are intended for use by visitors and shall be calculated based on the total number of automobile parking spaces required for the a specific use. The minimum number of required short-term bicycle parking spaces shall be two; or 0.1 per 1,000 square feet of building floor area, excluding floor area devoted to parking; or 5% of the required automobile parking space minimum, whichever is greater. Short-term bicycle parking spaces shall be convenient and secure and shall consist of permanently-anchored bicycle racks located within 200 feet of a visitor entrance.

Long-term bicycle parking spaces are intended for use by employees and shall be required for non-residential development at a rate of 5% of the required automobile parking for any specific use with more than ten full-time employees. The minimum number of required long-term bicycle parking spaces is one.

5.7.2.2. Off-Street Loading

For development containing 30,000 to 100,000 square feet of commercial space, one off-street loading bay shall be provided that shall be a minimum of 30 feet deep, 14 feet wide, and 14 feet tall (measured from the inside walls). Small lots of 5,000 square feet or less in size shall be exempt.

For developments containing over 100,000 square feet of commercial space:

- One off-street loading bay shall be provided, with the bay measuring a minimum of 35 feet deep, 14 feet wide, and 14 feet tall;
- Loading bays shall provide direct access into the internal circulation system of the development;
- Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading and parking areas and decrease potential traffic conflicts; and
- Loading bay location shall not create traffic conflicts.

5.7.3 Shared Parking

Due to the mixed use urban nature of the Specific Plan, Shared Parking may be used to provide efficient parking for the Plan Area. Shared Parking shall be based upon the variations in the number of parking spaces needed (demand) over the course of the day for each of the proposed uses. The hour in which the highest number of parking spaces is needed (peak parking demand) for the proposed development, determines the minimum number of parking spaces.

Shared Parking may be approved through the building permit process for a development in the Plan Area by following the process for Shared Parking Requirements in San Diego Municipal Code section 142.0545. However, on game days, shared parking facilities shall be allowed to be identified anywhere within the River Park and Mixed Use Site. Shared Parking during game days are not subject to the requirement that shared parking facilities

be located within 1200 feet of the use being served since stadium fans are expected to walk further distances for parking.

All of the land uses within the Plan Area shall be eligible for shared parking with the exception that a minimum parking supply of 1.0 space per residential unit shall be provided for the residential uses.

5.7.4 Structured Parking Facility Standards

The following standards apply to all above-grade structured parking facilities:

- All enclosed ground level parking areas shall be separated from the public sidewalk by habitable residential or non-residential space or utility rooms. The minimum depth of residential space, measured from the exterior building wall to the interior wall separating the habitable space from the parking area, shall be 10 feet.
- The minimum depth of commercial space, measured from the exterior building wall to the interior wall separating the commercial space from the parking area, shall be 20 feet.
- All parking located above the ground level shall meet the following standards:
 - o *Development* located on a site of less than 30,000 square feet does not require encapsulated parking.
 - o *Development* located on a site of 30,000 square feet or more shall encapsulate 50 percent of the cumulative *building facades* directly abutting *street frontages* with habitable residential or non-residential uses.
 - o Roof-top parking is allowed if all parking spaces, excluding drive aisles, are covered with a roof or trellis structure.
 - o Parking levels located above the ground level shall be shielded from view by a solid wall or headlight-obscuring screen a minimum height of 42 inches, measured from the finished floor of the adjoining parking space.
 - o Any open areas in the exterior *building facade* of the structure shall be designed as an integral component of the overall architecture of the development.
 - All interior surfaces of a parking structure visible from the exterior of the garage shall be painted.
 - All duct work or utility functions serving above-grade parking facilities shall be screened from view.
 - All interior lighting fixtures shall be designed so that the light source is not directly visible from the exterior of the garage. Lighting for any roof-top parking levels shall either be wall-mounted or on poles. Any poles shall be a maximum height of 15 feet, located at least 40 feet from any *property line*, and designed so that the light source is shielded from view from any *property line*.
 - All parking structures open to the sky shall be engineered and circulation designed to accommodate vertical expansion of three additional parking levels or the maximum amount permitted under the FAR limits applicable to the site, whichever is less.

- Every vehicular access point to public *structured parking* shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter "P" on a green background. Additional space may be added to the *sign* to indicate whether the *lot* is full or to provide information on prices, ownership, management, hours of operation, and whether it is private or *public parking*. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other *signs* for the *structure*.

5.7.5 Off-Site Parking Provisions

Developments may provide required off-street parking spaces at an off-site location. The off-site location shall be within 500 feet of the development served by the parking, measured property line to property line, and shall be secured by CC&Rs recorded on both properties in a form acceptable to the City Attorney's Office that ensure the parking facility's use without reduction in spaces in perpetuity (unless another off-site location is secured in compliance with this Section), provided that parking shall not be considered "off-site" if it is located within the River Park and Mixed Use Site.

5.7.6 Parking Space Standards

All parking space design requirements by this Division shall meet City standards. The number of parking spaces required for uses within the Plan Area shall be governed by Table 5.3 in this Specific Plan.

5.7.7 Vehicular Access

All driveways shall be perpendicular to the public sidewalk.

The maximum linear feet of curb cut for vehicular access shall be calculated at a ratio of 1 linear foot per 500 square feet of site area. Parcels containing 10,000 square feet and less may double this ratio (2 linear feet of curb cut per 500 feet of site area). Curb cuts that serve up to ten parking spaces shall be between 12 and 20 feet wide. Curb cuts that serve over ten parking spaces shall be between 20 and 30 feet wide.

All vehicular access curb cuts shall be located at least 65 feet from the curb line of the closest intersection. Curb cuts on the same parcel must be separated by at least 80 feet, with the exception of a curb cut to provide access to an off-street loading bay, which may be closer than 80 feet if the widths of both curb cuts are minimized to the extent possible. Curb cuts shall be located to minimize conflicts and maximize on-street parking. On parcels of 5,000 square feet or less, the dimensions listed above shall be reduced in half.

5.7.8 Driveway Slopes and Security Gates

Driveway slopes shall meet current City requirements. There shall be a transition behind the public right-of-way not to exceed a gradient of 5 percent for a distance of 10 feet. Security gates shall be located a minimum distance of 10 feet from the front property line, and the door swing of any security gate shall not encroach into the 10 foot required minimum distance from the front property line.

5.7.9 Transportation Demand Management

To reduce single-occupant vehicle trips into the Plan Area, applicants for proposed commercial and hotel development containing over 50,000 square feet of gross floor area shall achieve a minimum of 25 points by implementing TDM measures contained in Table 5.6.

Table 5.6 TDM Measures

Points	Measure
20	Five-year, 50% subsidy for transit passes for employee occupants
5	Designated shuttle stop, including signage, seating, lighting and on-going maintenance, for the publicly accessible shuttle serving the downtown area, with routing to include key destination points such as airport, hotels, and visitor-serving facilities.
15	"Shared Use Vehicles" - a minimum of 1 vehicle shall be provided for every 50,000 square feet of leasable gross floor area.
15	Electric, natural gas, fuel cells, fueling stations - a minimum of 1 space per 30,000 square feet of office space, a minimum of 1 space per 100 hotel rooms - a minimum of 50% of the stations shall be electric vehicle charging stations
10	On-site day-care
5	Bicycle storage - a minimum of 1 space for every 10 parking spaces
5	Upgraded transit stop adjacent to new development, including shelter, seating, lighting and ongoing routine maintenance through an agreement with the appropriate transit agency for the life of the improvement.
5	On-site shower facilities available to all tenants/employees of a building - a minimum of 1 space per 100,000 square feet of office space - a minimum of 1 space per 100 hotel rooms
5	Participation by building management and tenants in carpool coordination, ridesharing and car-sharing programs.
5	Discounted parking rates for carpools containing three or more adults - minimum 25% discount
5	Preferential parking for car-sharing, carpool and vanpool (minimum 5% of permitted parking)

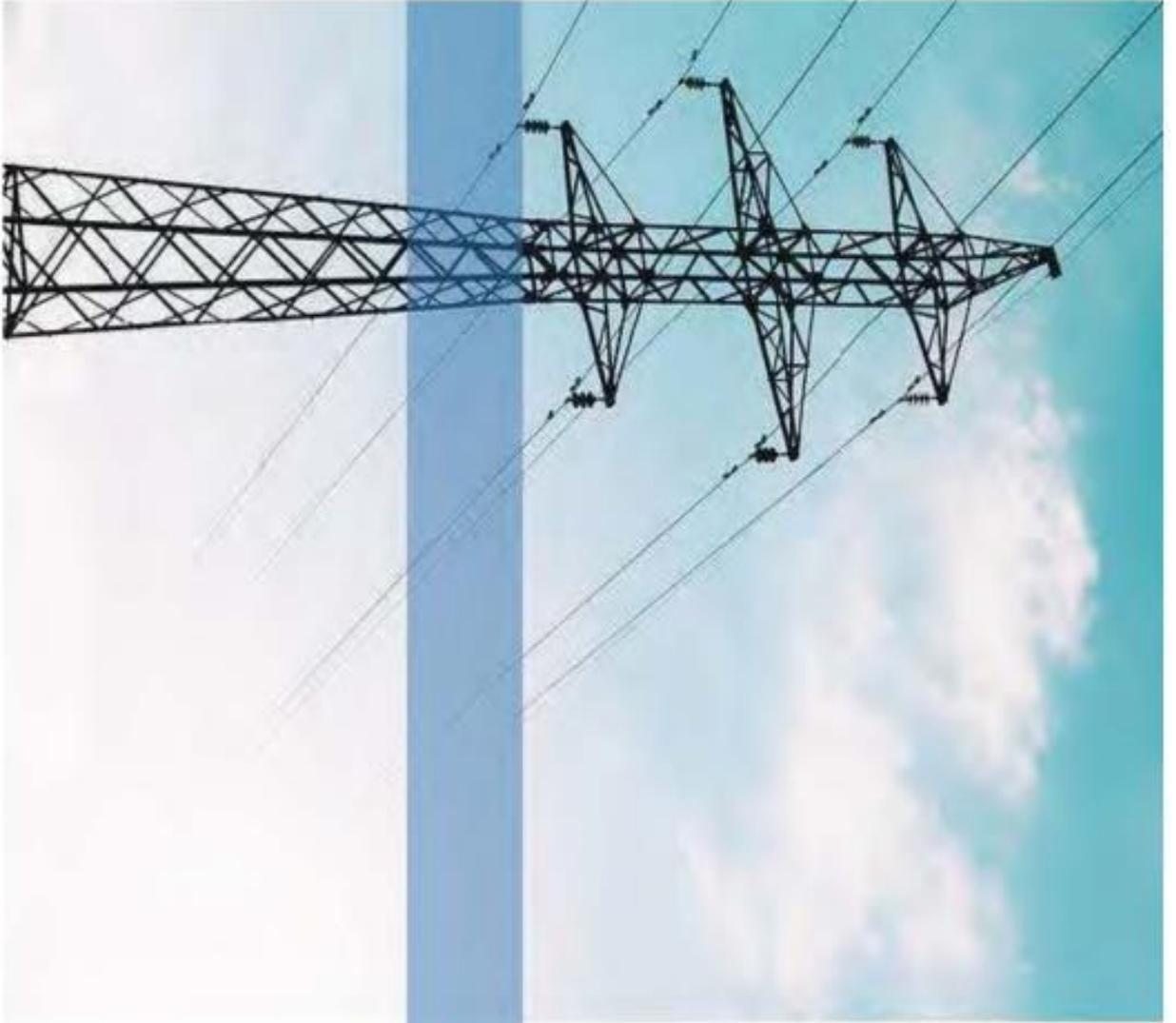
Table 5.6 TDM Measures

Points	Measure
5	Discounted parking rates for vehicles with CARB classifications ULEV, SULEV, PZEV, and ZEV - minimum 20% discount

5.7.10 Transportation Management Plan ("TMP") and Parking Management Plan ("PMP")

A Transportation Management Plan to manage overall vehicular, pedestrian, bicycle and transit traffic during game days shall be developed and provided to the Development Services Department Director prior to the first Stadium Game. The TMP shall be updated annually to ensure new phases of development are taken into account as they are constructed. Elements of the TMP should include managing vehicular access (access Plan for each lot that includes pre-assigned access route, proposed revenue control system, number of ingress and egress lanes, reversible lanes etc.), transit facilities (incentives, additional transit capacity), pedestrian facilities (path of travel, access routes, safety crossing measures), and bicycle facilities (bike routes, bike parking locations, bike incentives etc.). In addition, the TMP will include details on other traffic control measures and stakeholder coordination.

A Parking Management Plan shall be developed for the River Park and Mixed Use Site that identifies policies and procedures to minimize the level of traffic and parking congestion before and after stadium games. The PMP may, but is not required to, include the following elements: lot designations for players, management, employee parking, VIPs, season ticket holders, the general public, the disabled, and bicycle riders, and the location of available supply for employees.



CHAPTER 6
PUBLIC UTILITIES

6.0 Public Utilities

Public utilities that serve the development are addressed in this Chapter. The River Park and Mixed Use Site is located within the urbanized community of Mission Valley. As such, public utilities including water, sewer, gas and electricity, are readily available to serve the development within the Plan Area. Development within the River Park and Mixed Use Site will provide the necessary connections, extensions and upgrades to the existing utilities, as well as a drainage plan and storm water control plan to control runoff and carry storm water.

6.1 Water Facilities

The City of San Diego Water Utilities Department provides water to the River Park and Mixed Use Site as part of the Metropolitan System. Water infrastructure will be provided in compliance with applicable City design and construction standards and provide the necessary capacity to serve the development within the Specific Plan.

The River Park and Mixed Use Site is entirely within the University Heights 390 Pressure Zone operated by the City of San Diego. Onsite piping includes a 16" water main running north-south on the east side of the site with a 12" branch line feeding a 10" loop around the existing stadium. The 48" 536 Zone Alvarado 2nd Pipeline enters the site at the southeast corner, turns north, then west, and exits the site in the northwest corner of the site (refer to *Figure 6.1, Conceptual Water Utilities Plan*).

In the vicinity of the River Park and Mixed Use Site, there are three supply sources for the 390 Zone distribution piping.

1. The first is a pressure regulating station in the northeast portion of the River Park and Mixed Use Site. At this

location three pressure regulating valves, two 10" valves and one 2" valve, drop pressure from the 48" 536 Zone Alvarado 2nd Pipeline transmission main to the onsite 16" distribution main.

2. The second is a pressure regulating station in Friars Road just east of Northside Drive. At this location three pressure regulating valves, two 10" valves and one 4" valve, drop pressure from the 48" 536 Zone Alvarado 2nd Pipeline transmission main to the 12" and 16" distribution piping in and south of Friars Road.

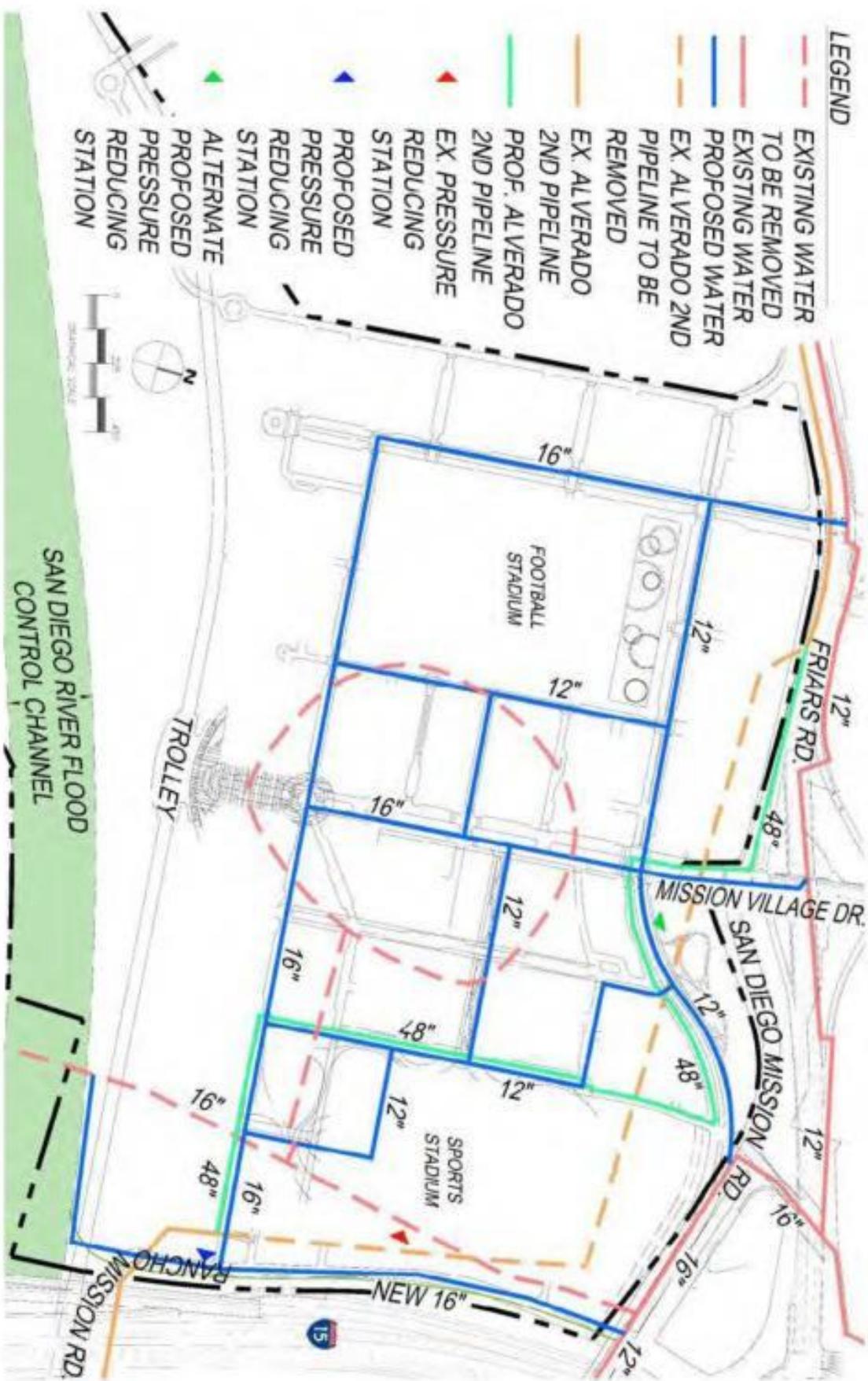
3. The third is a pressure regulating station located at the intersection of Rio San Diego Drive and Interstate 805 Freeway. At this location a single 12" pressure regulating valve drops pressure from the 36" 536 Zone Kearny Mesa Pipeline to the 16" distribution main in Rio San Diego Drive.

Therefore, the existing 390 Zone water system in the vicinity of the River Park and Mixed Use Site is well supplied with redundant connections and looping.

The existing 48" transmission main within the River Park and Mixed Use Site will need to be maintained in place or it can be relocated to suit the development plan.

The River Park and Mixed Use Site will be served by the 390 Pressure Zone. Elevations of the site range from approximately 50 feet to 80 feet. With a hydraulic grade line of 390 feet, the expected maximum and minimum static pressures are 147 psi and 134 psi, respectively. These pressures exceed the City's desirable maximum of 120 psi. However, the areas surrounding

Figure 6.1: Conceptual Water Utilities Plan



the River Park and Mixed Use Site, particularly to the west, are already served by the 390 Zone indicating that it is not practical to implement the City's desired maximum static pressure criterion in this area.

Proposed onsite development is anticipated to incorporate onsite water distribution system looping which will make connections to the existing 16" onsite water main as well as connect to the existing 12" water main in Friars Road.

With a well-connected and looped onsite distribution system consisting of minimum 12" water lines, fire flows in excess of 4,000 gpm are expected to be available within the proposed development site.

6.2 Sewer Facilities

Sewer service will be provided by the City. Design and construction of the sewer system in the Plan Area shall be in compliance with the City sewer facilities design standards. The design of sewer facilities shall be coordinated with the City of San Diego Utilities Department.

The existing sewer collection system for the River Park and Mixed Use Site consists of 8" gravity sewers around the existing stadium connecting to a single 18" gravity sewer which flows south and connects to the existing North Mission Valley Interceptor. There is also an existing 36" gravity sewer adjacent to the easterly property line that also connects to the North Mission Valley Interceptor.

Figure 6.2, *Conceptual Sewer Utilities Plan* shows the existing sewer facilities in the vicinity of the River Park and Mixed Use Site. Noticeable is that the size of the North Mission Valley Interceptor varies from 78" diameter east of Interstate 15, increasing to 96" west of Interstate 15, decreasing to 84" about

halfway through the existing stadium site, and then back to 78" west of Fenton Parkway all the way to the end.

The Stadium Site onsite sewer also conveys wastewater from several single family homes north of Friars Road and east of Mission Village Drive, as well as from the fire station north of Friars Road and west of Mission Village Drive. Service operations shall be coordinated with the City to ensure that existing services will remain operational during the development of the River Park and Mixed Use Site.

The westerly portion of the River Park and Mixed Use Site will connect to the existing 36" sewer at the southeast corner of the River Park and Mixed Use Site. The remaining portion of the River Park and Mixed Use Site will connect to the existing 18" gravity sewer. There is sufficient capacity in the existing 36" sewer, 18" sewer and North Mission Valley Interceptor to accommodate the anticipated sewer flows generated from the development.

6.3 Storm Water/Drainage

A majority of the River Park and Mixed Use Site is located in the 100-year flood plain and the Special Flood Hazard Area of the San Diego River. Development in the Stadium Site will be conducted according to the process discussed in sections 3.4.4.3 and 8.5 of this Specific Plan.

6.3.1 Existing System

The River Park and Mixed Use Site is almost completely impervious with the exception of the grass field within the existing stadium. Portions of the River Park and Mixed Use Site fall under Zone AE and Zone A, which are mapped 100-year floodplains by the Federal Emergency Management Agency ("FEMA").

As shown Figure 6.3, *Conceptual Storm Drain Utilities Plan*, there are four storm drain lines located within the boundary of the River

Park and Mixed Use Site. A system west of the existing stadium which begins as an 18-inch, and then transitions to a 24-inch, 30-inch, and 36-inch reinforced concrete pipe ("RCP") with an outlet into the San Diego River. East of the stadium there is a storm

drain which begins as a 24-inch, and then transitions to a 30-inch, and 36-inch RCP. There is also one storm drain which is connected to the stadium consisting of 24-inch pressure RCP.

Figure 6.2: Conceptual Sewer Utilities Plan

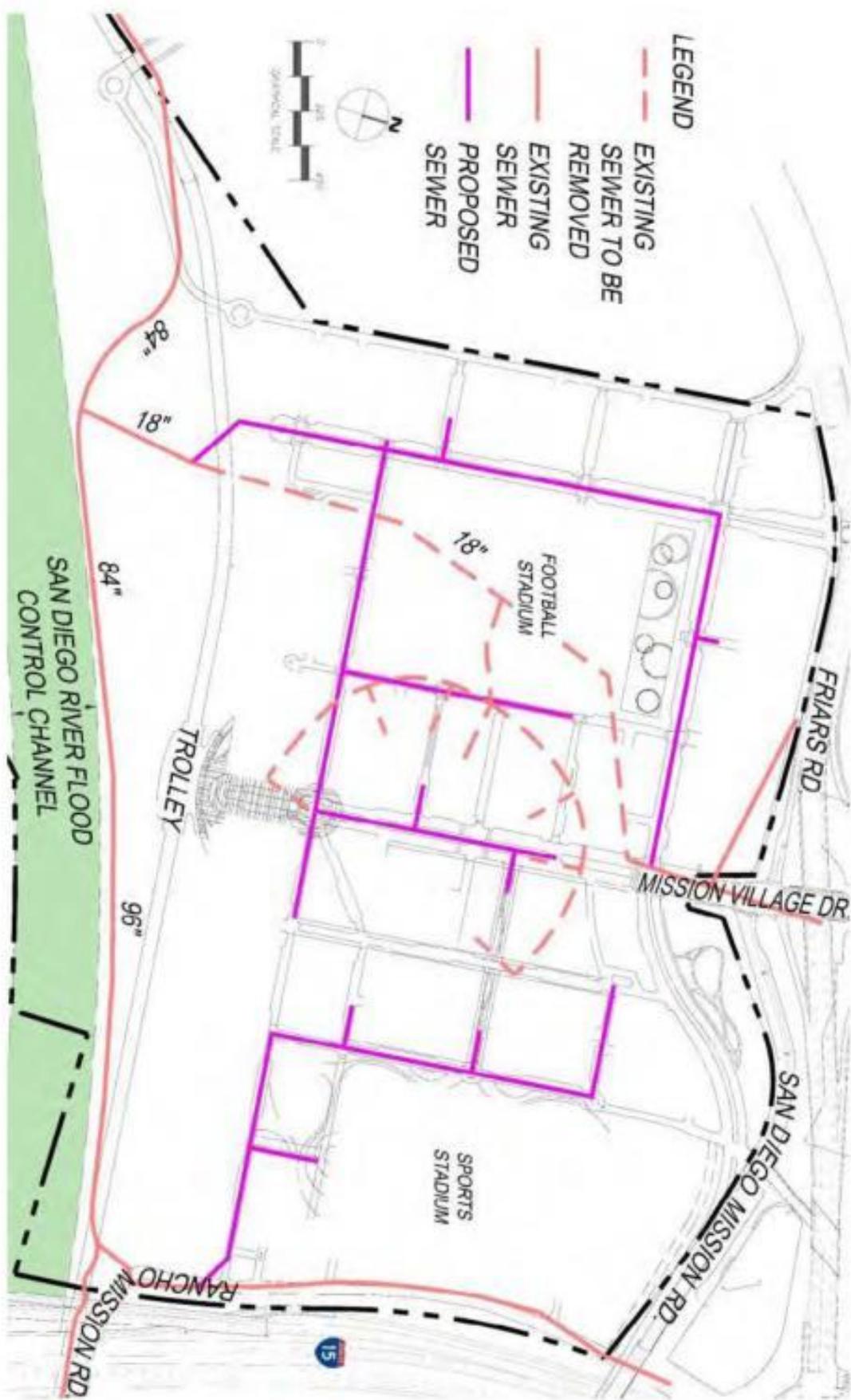
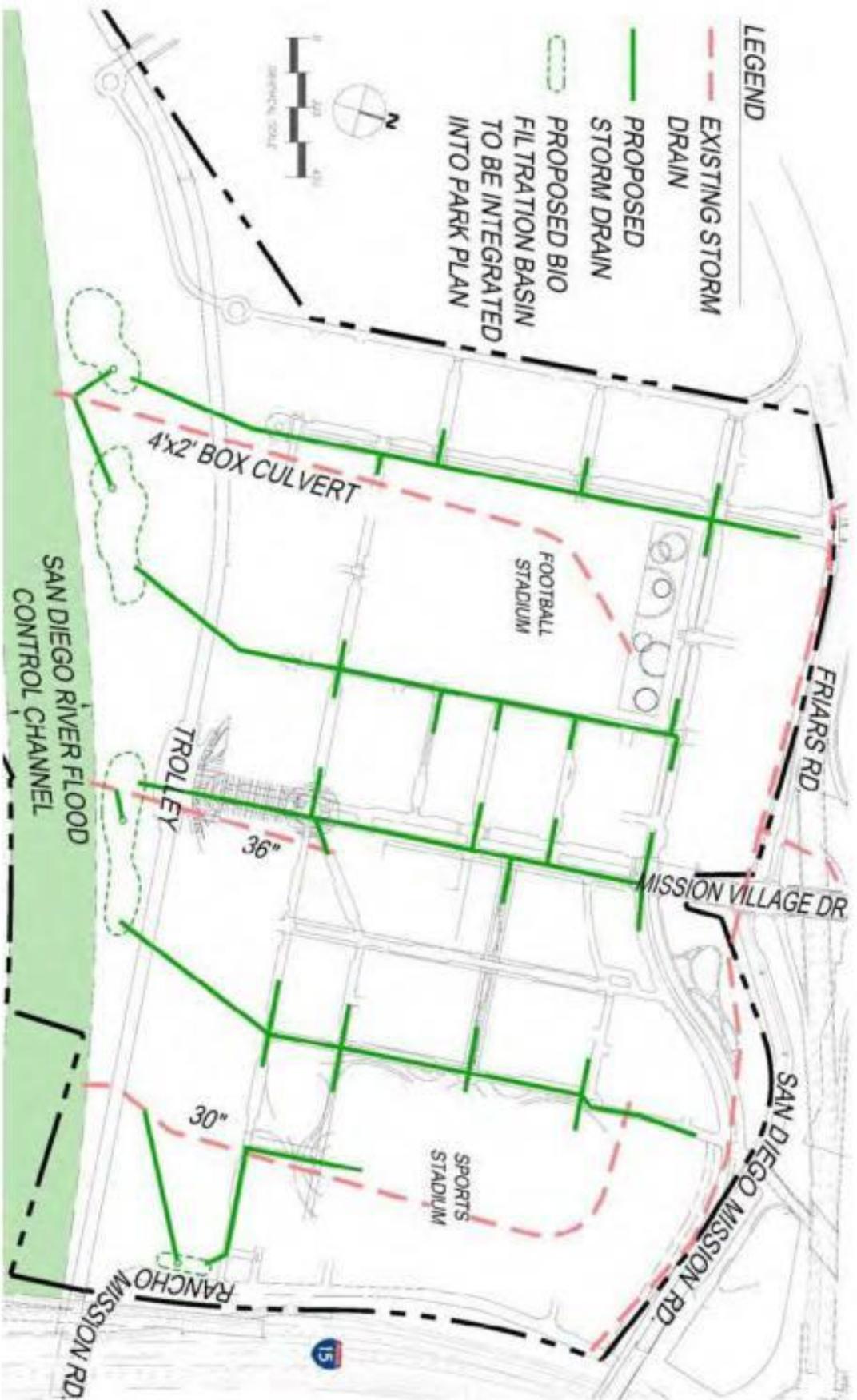


Figure 6.3: Conceptual Storm Drain Utilities Plan



The systems east and west of the existing stadium collect runoff via several grate inlets that are located along each storm drain alignment. The parking lot surface runoff is captured in these inlets and is conveyed through the storm drains and discharges through outfalls along the San Diego River. The central system also discharges into the San Diego River. All three systems cross through the North Mission Valley Interceptor Sewer, which is an existing 84-inch/96-inch plastic lined reinforced concrete pipe ("PLRCP") sewer. The storm drain pipes cross the sewer via a specialized concrete structure, but are not hydraulically connected to the sewer. The section of the storm drain that crosses through the sewer concrete structure consists of a 34-inch steel pipe encased in a 36-inch steel sleeve.

The Murphy Canyon Channel is along the eastern perimeter of the River Park and Mixed Use Site and west of Interstate 15. It is a vegetated channel that outlets storm water towards the San Diego River. Murphy Canyon Creek north of the River Park and Mixed Use Site may have insufficient capacity to convey the 100 year storm event. Storm water not conveyed within the creek travels overland across the Kinder Morgan Fuel Tank facility across San Diego Mission Road and across the Qualcomm parking lot to the San Diego River. The existing site drainage does not drain down towards the Murphy Canyon Creek.

6.3.2 Proposed Storm Drain System

The River Park and Mixed Use Site's drainage system will need to address existing peak-flow capacity deficiencies. The three existing outfall pipes that discharge into the river do not have sufficient capacity to discharge the River Park and Mixed Use Site's 100-year runoff from the approximately 166 acres of development. The existing pipes can convey low flows but under peak flow conditions, the parking lot storm drains become surcharged and excess runoff flows overland through the parking lot in a southerly direction and into the San Diego River.

In order to design a proposed storm drain system that ties into a smaller storm drain system downstream, a surcharge bubbler junction structure would be required at the connection point so that excess peak flows would flow overland in a downstream location (in a manner that would not impact any improvements), while low flows could still drain into and through the existing storm drain outfalls into the river. The bubbler system is to be located downstream of the MTS Trolley line in order to divert low flows into the water quality treatment BMPs, and high flows (in excess of the existing pipe's capacity), would discharge overland and into the river.

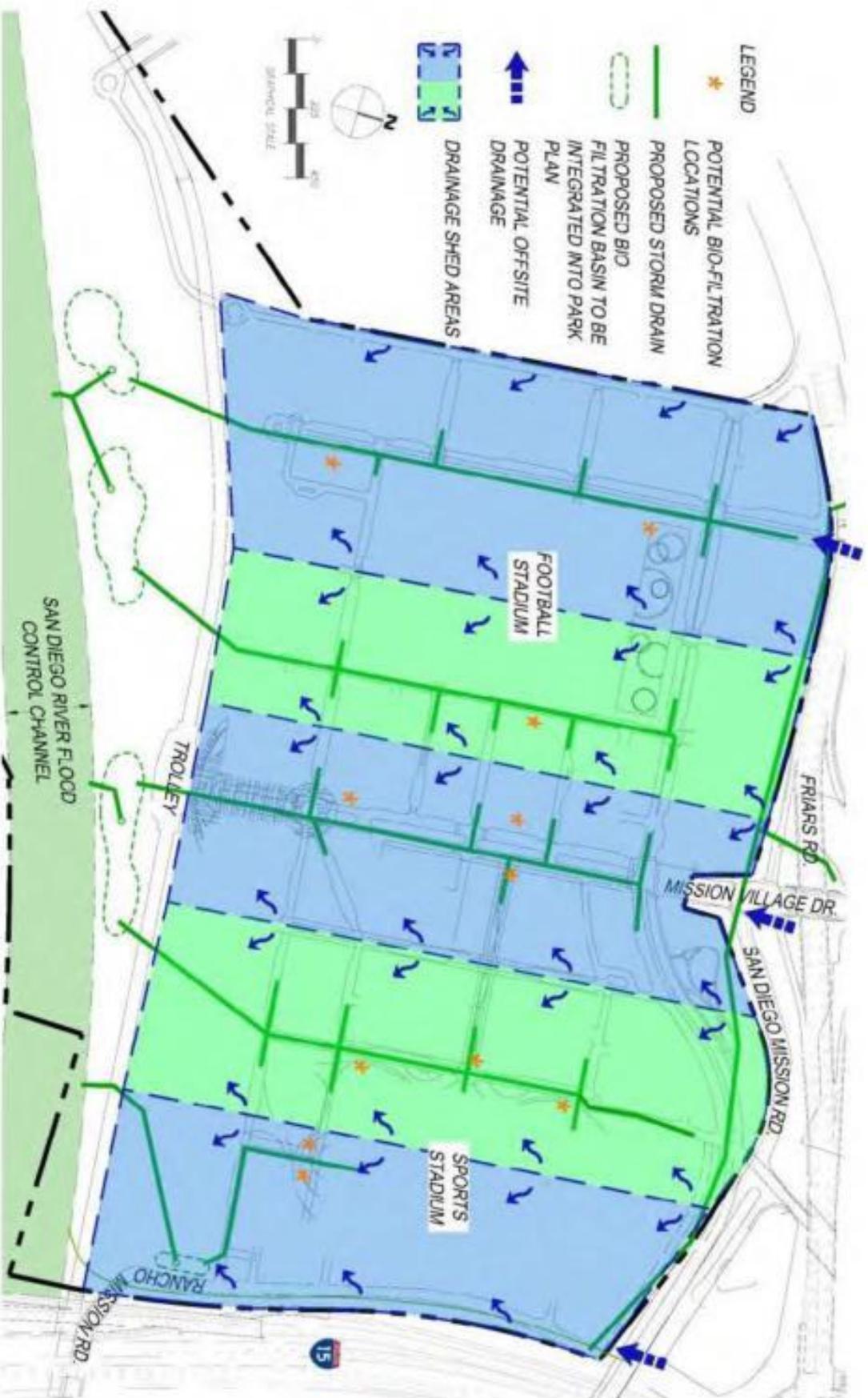
Murphy Canyon Creek overflow will be diverted to the east side of the proposed Sports Stadium and discharged overland to the San Diego River. A new storm drain connection to the concrete portion of Murphy Canyon Creek may be included as an option for later phases of development on the River Park and Mixed Use Site.

6.3.3 Water Quality Information

The proposed development will meet all current storm water quality standards and codes, including Low Impact Development (LID) and pollutant control and hydromodification BMPs. Storm runoff generated onsite will be required to be treated prior to discharging it offsite (refer to *Figure 6.4, Conceptual Drainage and Water Quality Plan*).

In May 2013, the California Regional Water Quality Control Board for the San Diego Region reissued (SDRWQCB) a municipal storm water, National Pollutant Discharge Elimination System permit (Municipal Separate Storm Sewer Systems [MS4] Permit) that covered its region. The City is a co-permittee of the San Diego Region. The MS4 permit has been updated and was amended in February 2015 by Order R9-2015-0001 and in November 2015

Figure 6.4: Conceptual Drainage and Water Quality Plan



by Order R9-2015-0100. The proposed development is considered a Priority Development Project ("PDP") and will require the submittal of a Storm Water Quality Management Plan ("SWQMP") for City review during the plan review process. The SWQMP will describe how the proposed development will collect and treat storm water runoff before it is discharged from the site.

The runoff treatment BMPs can either be distributed throughout the site plan, or centralized, to reduce the cost and complexity of the design. Development will implement a centralized BMP strategy in order to employ regional pollutant control BMPs. Because the River Park and Mixed Use Site generally drains in a southern direction, placement of regional drainage treatment solutions will be near the San Diego River and integrated into the park located south of the MTS Trolley line.

6.3.4 Flood Control

Grading on the River Park and Mixed Use Site is designed to comply with both FEMA and City floodplain regulations. Building finish floor elevations shall be elevated to an elevation at least 2 feet above the FEMA floodplain elevation. A two foot minimum freeboard from the FEMA 100-year water surface elevation is required per City of San Diego Municipal Code Section 143.0146(b)(2).

Note that no grading or filling of this existing floodplain area can be performed without addressing the applicable floodplain regulations from FEMA and the City. A CLOMR will be processed with FEMA prior to or during final engineering reviews. A Letter of Map Revision (LOMR) will be required after as-built plans are prepared. This FEMA determination will allow the development to raise the areas proposed for development from the Special Flood Hazard area in the post-grading condition.

6.4 Energy Use

6.4.1 SDG&E Electric Distribution Facilities

SDG&E has two main 12kV underground feeds into the River Park and Mixed Use Site. One originates from the north at Friars Road at Mission Village Drive, which after entering the site has a branch that extends south-east and provides one point of service to the stadium near the scoreboard, with another branch feeding the stadium near the player's entrance, adjacent to the stadium office areas. These two branch feeds will be able to be removed from service when the stadium can be taken out of service prior to demolition. In addition to feeding the stadium, this electric 12kV distribution system from Friars also continues southwest across the parking lot, and continues west on Northside Drive (by the IKEA building). This system will need to be maintained and kept in service. The second feed on-site originates from Rancho Mission Road at Interstate 15, and extends west providing service to the existing Trolley Station. This system will need to remain in service.

The main feed for the future development on-site will originate at the Friars Road/Mission Village Drive entrance, and/or the relocated south-west line that will need to be maintained from Friars to Northside Drive (near the IKEA). There are multiple 12kV circuits at this location and capacity to meet the future electric load requirements of the new development should be sufficiently available. If for some reason the load exceeds the capacity of SDG&E's existing systems, the reinforcement of the systems is the financial and cost responsibility of SDG&E as there is proper 12kV circuits already at the site, as per California Public Utility Commission New Line Extension Rules.

6.4.2 SDG&E Gas Facilities

SDG&E has one gas source on-site, a 3" high pressure main currently feeding the stadium from Friars Road at Mission Village

Drive. This system appears to also be located joint trench with the SDG&E electric system and provides service also near the player's entrance area of the stadium. The SDG&E gas system does not appear to be with the SDG&E electric system from Friars extending beyond the stadium to Northside Drive. As a result, the gas system currently serving the stadium can also be removed once their service requirements have ended prior to demolition.

SDG&E also has 4" high pressure gas mains in Friars Road and Northside Drive. As a result, there is adequate capacity in the area to provide gas service to meet the loads of the future development plan.

6.4.3 AT&T Telephone

AT&T also has two underground telecommunications (including fiber) feeds into the River Park and Mixed Use Site, both appearing to be joint trench with SDG&E's electric system (one entering from the north at Friars at Mission Village Drive and providing service to the Stadium near the player's entrance area, the other entering from the south-east on Rancho Mission Road at Interstate 15 and providing service to the MTS Trolley Station). AT&T does not appear to have facilities with the SDG&E electric system from Friars extending beyond the stadium to Northside Drive. As a result, the AT&T system currently serving the stadium can also be removed once their service requirements have ended prior to demolition.

AT&T may utilize its extensive existing fiber and copper runs in both Rancho Mission Road as well as Friars Road, with both locations being used as sources to the future development's communications and fiber needs. It is anticipated that AT&T will have sufficient capacity to serve the Plan Area.

6.4.4 Cox Cable Television

Cox has a single communications source on the River Park and Mixed Use Site, with fiber and coax cable currently feeding the stadium from the south-east at Rancho Mission Road and Interstate 15. This system appears to be located in a sole trench extending west to approximately to the scoreboard area. Cox also has internal wiring located throughout the entire stadium providing CATV service internally. The Cox system does not appear to be with the SDG&E electric system from Friars extending into the stadium and beyond the stadium to Northside Drive.

Cox will likely utilize the entrance of their system at Rancho Mission Road and Interstate 15 as their fiber and coax source for the new development, however it may also want to tie into their existing systems in Friars and Northside Drive. Cox does not have any concerns about meeting the communications system needs of the new development.

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CHAPTER 7
PUBLIC SERVICES

7.0 Public Services

7.1 Solid Waste Disposal

The City is responsible for solid waste disposal for the Plan Area. Solid wastes generated within the Plan Area are transported to the Miramar Landfill, which is owned and operated by the City. The Miramar Landfill leases approximately 802 acres from the federal government, of which approximately 476 acres comprises the waste disposal area. The permitted remaining capacity as of May 2004 is 15,920,430 cubic yards. The Miramar Landfill is an environmentally secure, lined landfill which is covered on a daily basis in conformance with regulatory and environmental requirements. Miramar Landfill accepts more than 1.4 million tons of waste on an annual basis. After the Miramar Landfill has reached capacity, the City of San Diego has arranged for preferred pricing for tipping fees at the Republic Waste Sycamore Landfill located at 8514 Mast Boulevard in Santee.

All construction and demolition shall comply with the City's construction and demolition (C&D) debris ordinance, which requires that the majority of construction, demolition, and remodeling projects requiring building and demolition permits pay a refundable C&D Debris Recycling Deposit and divert their debris by recycling, reusing, or donating usable materials. The ordinance is designed to keep C&D materials out of local landfills and ensure that they get recycled.

7.2 Fire

Fire protection is provided by the City's Fire-Rescue Department. The City of San Diego's Fire Station 45 is located across Friars Road adjacent to the River Park and Mixed Use Site. The River Park and Mixed Use Site will also be served by three other fire stations: Fire Station 14 at 4011 32nd Street, Fire Station 18 at 4676 Felton Street, and Fire Station 23 at 2190 Cornstock Street.

The Murphy Canyon Site will be served by Fire Station 28 at 3880 Kearny Villa Road.

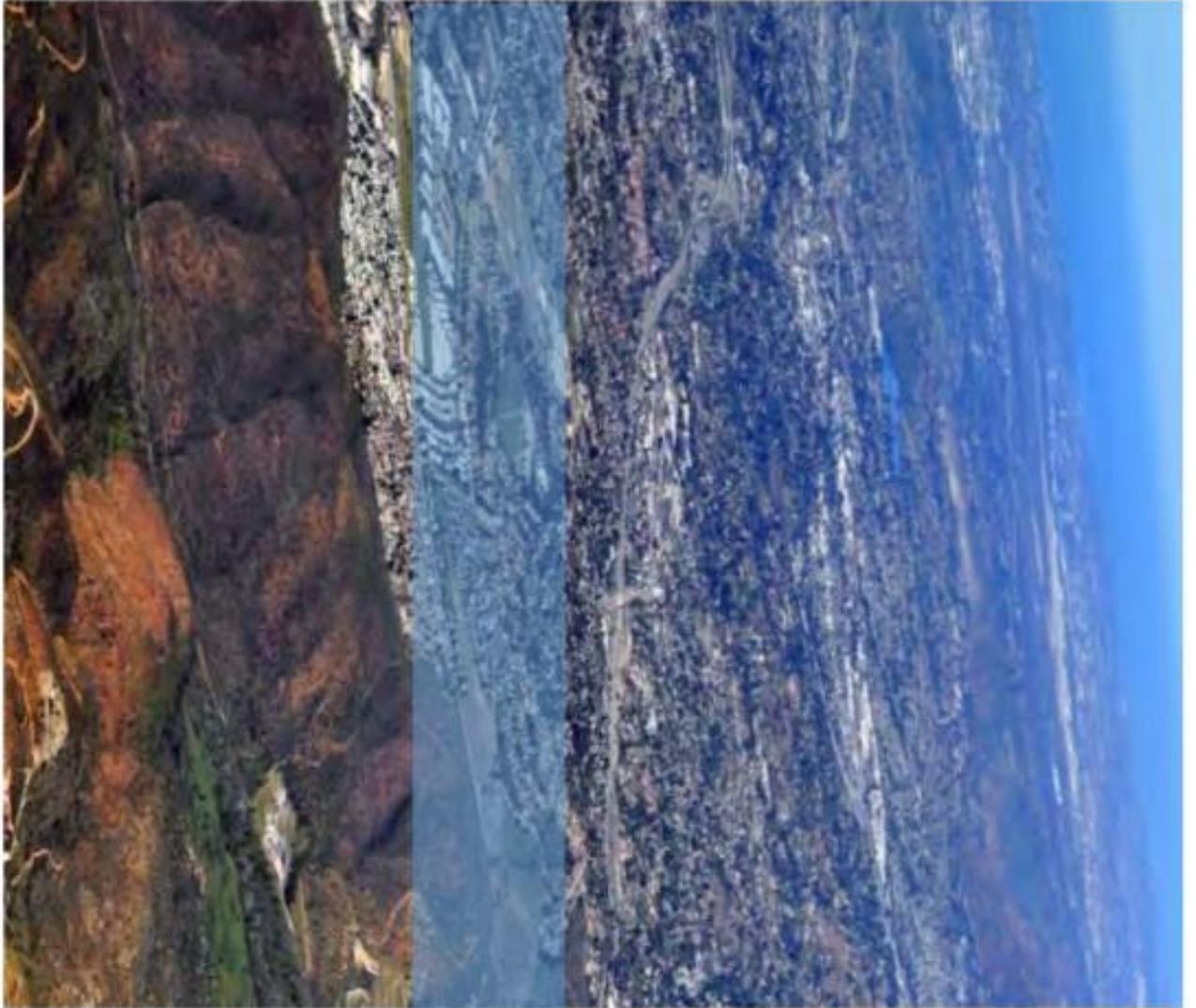
7.3 Police

Police protection for the Plan Area is provided by the City's Police Department - Eastern Division. The Eastern Division Substation is located at 9225 Aero Drive, approximately 1.8 miles northeast of the River Park and Mixed Use Site, and serves the Mission Valley Community east of Highway 163.

7.4 Schools

The Plan Area would be served by the San Diego Unified School District. State imposed fees to mitigate for impacts to schools operated by the District shall be paid consistent and in conformance with State law.

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CHAPTER 8
IMPLEMENTATION AND FINANCING

8.0 Implementation and Financing

8.1 Development Intensity

The maximum development intensity allowed in the River Park and Mixed Use Site is based on the amount of traffic generated by the maximum development plan allowed in this Specific Plan. This maximum ADT (average daily trips) has been developed based on the land use concept and vision for the comprehensive plan of development set forth in this Specific Plan. There are no additional ADT limits applicable to the Murphy Canyon Site other than those limits imposed under the development regulations for the CC-1-3 zone.

The maximum amount of development in the River Park and Mixed Use Site is limited by peak hour trips in order to minimize or avoid impacts to intersections in and around the River Park and Mixed Use Site. Build-out development within the River Park and Mixed Use Site on a typical day with no games, shall not generate more than 71,533 total driveway ADT and not more than 4,849 total driveway AM peak-hour trips, (2,993 in and 1,856 out) and not more than 7,150 total driveway PM peak-hour trips (3,225 in and 3,925 out). Additional development beyond that limit may not be approved by the City unless the applicant can demonstrate through a traffic analysis prepared by a qualified traffic engineer approved by the City that additional peak hour trips will not cause any study area intersection which is operating at an acceptable level of service to fall below LOS "D" or the developer agrees to construct and/or provide the City with funding to construct improvements that will ensure that study area intersections do not fall below LOS "D" as a result of the improvement. Such study area intersections are:

1. Mission Gorge Road/Friars Road

2. Mission Gorge Road/Twain Avenue
3. Fairmount Avenue/Twain Avenue
4. Mission Gorge Road/ Fairmount Avenue
5. Fairmount Avenue/Alvarado Canyon Road
6. Fairmount Avenue/I-8 EB ramps
7. Riverdale Street/Friars Road
8. Santo Road/Friars Road
9. Rancho Mission Road/Friars Road
10. Rancho Mission Road/San Diego Mission Road
11. Rancho Mission Road/Ward Road
12. Ward Road/Camino Del Rio N.
13. I-15 NB ramps/Friars Road
14. I-15 SB ramps/Friars Road
15. Project Driveway/San Diego Mission Road (proposed)
16. Mission Village Drive/Friars Road WB
17. Mission Village Drive/Friars Road EB
18. Mission Village Drive/ San Diego Mission Road
19. Project Driveway/Friars Road (proposed)

20. Northside Drive/Friars Road
21. Fenton Parkway/Friars Road
22. Qualcomm Way /Friars Road WB
23. Qualcomm Way /Friars Road EB
24. Qualcomm Way/Camino De La Reina
25. Qualcomm Way/1-8 WB ramps
26. Frazee Road/Friars Road
27. SR 163 NB ramps/Friars Road
28. Ulric Street/SR 163 SB on-ramp
29. Ulric Street/Friars Road
30. Mission Center Road/Friars Road WB
31. Mission Center Road/Friars Road EB

For purposes of the traffic limits, traffic from a professional football stadium shall not be counted toward the driveway ADT or driveway peak hour trips. Development of a professional football stadium, and the traffic associated with such a stadium, shall be separately approved through the City's process for land use permits and approvals.

The ADT estimates in this Specific Plan are based on one conceptual development scenario for the Specific Plan, which would result in a total of 71,533 driveway ADT. However, other development scenarios and land use mixes may occur as long as the maximum ADT is not exceeded. Development is expected to occur in phases, which trigger the timing for payment or

construction of various traffic minimization improvements based on driveway ADT.

Table 5.2 shows the amount of development driveway ADT that may be constructed before additional traffic improvements are required. Prior to building permit approval, developers will be required to make full payment or fair share payment for these improvements depending on the level of traffic impact in accordance with the provisions of this Specific Plan, any schedule prepared by the City, and any lease or development agreement entered into by a developer of the Plan Area.

8.2 Land Use Types and Intensities

In response to changing market and planning conditions, the Specific Plan allows for flexibility in the selection of the land use types and intensities that may occur within each planning district, provided that land uses are in accordance with the zone of the district and meets the design requirements of this Specific Plan. Permitted uses under the Specific Plan that are permitted anywhere in the Plan Area may include, but not be limited to: a Sports Stadium as specified in the Specific Plan; a professional football and/or collegiate football joint use stadium; parks and open space; community and civic uses; multi-family residential uses; and retail commercial and business park/office uses as specified in this Specific Plan and further regulated by the City's Municipal Code.

The selected land use type and intensity must not result in and exceedance of the overall traffic generation of 71,533 driveway ADT assumed in the Specific Plan Transportation Report.

There shall be a minimum of 800 multi-family residential units in the River Park and Mixed Use Site.

8.3 Phasing

8.3.1 Overall Phasing

The Specific Plan envisions a balanced mixed use community which includes a world-class sports and entertainment district coupled with housing, retail and office / employment clusters. It is anticipated that the Sports Stadium will develop first, followed by construction of the Active Sports Fields and River Park / Community Park areas, and development on parcels on the periphery of the River Park and Mixed Use Site. The River Park and Active Fields shall commence construction not later than the date of the completion of the Sports Stadium. The existing stadium is anticipated to continue operation until 2018, during construction and operation of the Sports Stadium. Following development of the Sports Stadium, park areas and additional areas on the periphery of the River Park and Mixed Use Site, the existing stadium will be demolished and removed to create mixed use development areas. Development of these areas will continue until buildout has occurred.

Implementation of the Specific Plan contemplates the construction of new infrastructure and facilities, as well as improvements to existing infrastructure and facilities. Improvements to the circulation network, drainage facilities, utilities (e.g., water, sewer, etc.) and other infrastructure will be implemented as discussed in this Specific Plan. Design and implementation of these infrastructure facilities will be designed and constructed to City standards following the appropriate ministerial reviews by the City.

On-site roads will be constructed in accordance with the City's street design standards, which will ensure that a safe and efficient circulation system is provided as the development proceeds. Infrastructure improvements, including water, sewer, drainage, and dry utilities, will be phased in logical progression

with development to meet the infrastructure needs as development progresses.

This Specific Plan does not require that the development occur in any specific order. More than one phase of development may occur at one time, provided that the necessary infrastructure is in place or occurs to the extent deemed physically feasible concurrently as specified in each phase(s) of development. To ensure that funding for traffic improvements is provided in synch with development, the Specific Plan includes a Transportation Phasing Plan associated with a development ADT level. These improvements shall be constructed or funded prior to building permits for the next phase of development under the Transportation Phasing Plan. The inability to obtain permits to construct certain off-site improvements associated with a particular ADT shall not preclude the development of the River Park and Mixed Use Site past such ADT provided that the funds for the off-site improvement are deposited with the City at the time provided in Table 5.2 and any schedule prepared by the City in accordance with this Specific Plan.

In estimating the traffic generated by a selected land use type, the trip generation rates presented in Table 8.1 may be used. Alternatively, actual traffic counts can also be collected and monitored to obtain an accurate traffic generation for the current development level and site(s) for a potential professional football and/or collegiate football stadium. In addition, per SANDAG Smart Growth Policies, trip reduction for mixed use development shall be 10% and trip reduction credit for the transit shall be 5% for all land uses.

Table 8.1
Trip Generation Rate Summary

Description	Unit	Trip Rate	AM	PM
			Commuter Peak ADT %(In:Out)	Commuter Peak ADT %(In:Out)
Regional Retail	SF	$\ln(T) = 0.756 \ln(x) + 5.25$	2% (70:30)	9% (50:50)
Site Serving Retail	SF	40 trips/1,000 SF	3% (60:40)	9% (50:50)
Apartments	DU	6 trips/ DU	8% (20:80)	9% (70:30)
Student Focused Housing	DU	4.4 trips/ DU	5% (90:10)	7% (30:70)
Commercial Office	SF	$\ln(T) = 0.756 \ln(x) + 3.95$	13% (90:10)	14% (20:80)
Scientific Research	SF	8 trips/ 1,000 SF	16% (90:10)	14% (10:90)
Hotel	Rooms	10 trips/ room	6% (60:40)	8% (60:40)
Passive Park	Acres	5 trips/ acre	4% (60:40)	8% (60:40)

Table 8.1
Trip Generation Rate Summary

Description	Unit	Trip Rate	AM	PM
			Commuter Peak ADT %(In:Out)	Commuter Peak ADT %(In:Out)
Recreational Practice Field (Active Park)	Acre	50 trips/ acre	4% (60:40)	8% (60:40)
Professional Soccer Practice Field	Acres	Ancillary, no trip generation		

8.3.2 Grading Phases

Grading on the River Park and Mixed Use Site is contemplated to be completed in multiple phases. The first phase includes grading and fill for the new Sports Stadium. In order to generate fill material for the Sports Stadium and raise it above the floodplain, a portion of the parking lot west of the existing stadium will be temporarily lowered with the first phase of development. Approximately 500,000 CY of material will be excavated and placed in the Sports Stadium area to raise the site above the floodplain elevation. Grading for future phases includes the demolition of the existing stadium and in the process, the replacement of approximately 500,000 CY of material. The total River Park and Mixed Use Site grading will balance on site without import or export.

Grading for the San Diego River Park and play fields will be completed with first phase and will remain close to existing grade and within the Special Flood Hazard Area. All grading will remain out of the San Diego River floodway and avoid vegetation disturbance by maintaining existing elevations and edge conditions along the San Diego River.

8.4 San Diego State University Option

It is contemplated that SDSU may improve the area shown on *Figures 4.1 and 4.2* as Optional Park Areas into parkland, which, if developed, shall constitute part of the Active Fields required by this Specific Plan. The Specific Plan provides an opportunity for San Diego State University to acquire land within the Plan Area by reaching agreement with any lessee of the City. If developed as Optional Park Areas, a pedestrian connection between the existing MTS trolley station and the Optional Park Area on the south side of the San Diego River will be required to provide access from the River Park and Mixed Use Site to the Optional Park Area, in compliance with applicable flood channel regulations and applicable habitat preservation agreements.

Active Field development of Optional Park Areas shall be subject to separate environmental review by the University and other applicable agencies, as well as any discretionary or ministerial permitting required by the applicable agency for the development of these sites. Development by SDSU for property under agreement with a lessee shall be for university-related purposes and shall be permitted and developed in accordance with this Specific Plan and the allowable uses set forth herein.

8.5 Professional Football Team Option

The Specific Plan shall accommodate an option to allow for the professional football team to obtain 16 acres of land within the

River Park and Mixed Use Site for the purpose of constructing a professional football stadium as conceptually illustrated in *Figure 8.1*. The specific timing and requirements for the reservation of a site for this purpose shall be provided for in detail in any lease which the City grants for the River Park and Mixed Use Site under the legislative standards for such leases contained in the Municipal Code. The professional football stadium shall be a permitted use within the selected parcel; however, approval of the professional football stadium shall be a discretionary action by the City and shall require a Planned Development Permit pursuant to Process 5. All additional permits from the City or other agencies shall be obtained following the rules, regulations and procedures for those agencies. The additional density or intensity of use for a professional football stadium has not been included in the allowable density or intensity of use permitted by this Specific Plan. The additional driveway ADT from the professional football stadium has not been counted toward the maximum development intensity provided for in this Specific Plan and an amendment to the Specific Plan will be required if additional improvements are needed to accommodate the driveway ADT. The professional football franchise owner shall be required to separately construct, fund, or arrange for the completion of all traffic improvements necessary to accommodate the construction of the professional football stadium, or shall be required to pay their fair share for any such improvements.

Should no professional football team exercise the option to obtain 16 acres of land within the River Park and Mixed Use Site, the 16 acres of land shall be developed in a manner consistent with this Specific Plan.

Figure 8.1: Conceptual Site Plan



8.6 Floodplain Requirements

Refer to Section 3.4.4.3.

8.7 Historical Resources Requirements

Prior historical resource studies have concluded that Qualcomm Stadium may be potentially eligible for individual listing in the National Register of Historic Places, the California Register of Historical Resources, and the San Diego Register of Historic Resources as a Historical Landmark.

This Specific Plan requires the following historical resource measures to be incorporated into any development that includes the removal of the existing stadium:

- A full recording of the building including performing photo-recording and documentation consistent with applicable industry standards.
- Architectural Salvage: Prior to demolition, salvaging of architectural materials from the site for museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of the existing stadium.
- Interpretative Display and Educational Information: The development shall install interpretive signage or display panels in a publicly visible location on site that describes the history and significance of the existing stadium.

Implementation of these measures will provide a record of the historically significant building. These measures will eliminate the loss of historical information associated with the stadium demolition. No other measures or Municipal Code provisions

relating to historic resources shall apply to the demolition of the existing stadium.

8.7.1 Paleontological Resources

Any potential impacts to paleontological resources will be minimized through the implementation of a monitoring program consistent with the City's standard paleontological mitigation measures. The monitoring program will be carried out under the supervision of a qualified paleontologist and will include attendance and participation in pre-construction meetings as well as on-site inspections of active excavations.

8.8 Administration and Permits

8.8.1 Administration

The City of San Diego Development Services Department shall administer the Specific Plan to ensure compliance with the regulations and procedures of the Specific Plan.

8.8.2 No Discretionary Permit Required

No discretionary permits shall be required for development of permitted uses within the Plan Area. Neighborhood Use Permits and Conditional Use Permits may be required for the operation of certain separately regulated uses as stated in the Specific Plan development regulations.

8.8.3 Overview of Development Consistency Review Process

Applications for development within the Plan Area shall be decided in accordance with Process One.

8.8.4 Process One

An application for an approval processed in accordance with Process One shall be approved by the Development Services Department Director or his/her designee if the application meets the requirements of this Specific Plan. A public hearing will not be held.

8.9 Permit Processing Requirements

Applications for building permits shall first undergo a ministerial Specific Plan consistency determination using a summary of Specific Plan design and improvement requirements to be developed by the Director of Development Services or his/her designee. The Director of Development Services or his/her designee shall review the application to confirm its consistency with the objective standards regulating design and improvement set forth or incorporated by reference in this Specific Plan, which standards shall constitute "local agency ordinances regulating design and improvement" for purposes of applicable state law. Projects that are consistent with the Specific Plan shall be issued construction permits in accordance with Process One. Determinations of the Director of Development Service or his/her designee pursuant to this section shall be ministerial.

8.10 Demolition Permits

A demolition permit for the demolition of the existing stadium shall be issued in accordance with Process One.

8.11 Amendments to the Specific Plan

The provisions of this Specific Plan may be amended or repealed as set forth in the Specific Plan Initiative. It is acknowledged that no amendments or repeals may interfere with rights conferred by any development agreement for the Plan Area or vested rights otherwise conferred for development in the Plan Area.

8.12 Affordable Housing

Affordable housing in accordance with the City of San Diego Inclusionary Affordable Housing Regulations (San Diego Municipal Code section 142.1300 et seq), shall be provided within the Plan Area, accordance with the City's Inclusionary Affordable Housing Regulations.

The Housing Impact Fees ("HIF") on Commercial Development shall be paid at building permit application and consistent with the fee schedule in the San Diego Municipal Code. HIF fees may be deferred as allowed by City regulation. The City Manager may defer the payment of certain HIFs for a maximum period of two years from the applicant or developer entering into a Fee Deferral Agreement, or until a final inspection is requested for the Building Permits, whichever occurs earlier.

8.13 Development Impact Fees

Projects within the River Park and Mixed Use Site shall be required to pay Development Impact ("DIF") Fees consistent with City requirements for Mission Valley. The City Council has adopted a Development Impact Fee for Mission Valley to help mitigate the cost of the public facilities needed to serve development in the community. DIF fees shall be collected at the time of building permit issuance for development within the River Park and Mixed Use Site or may be deferred pursuant to City regulation. The City Manager may defer the payment of certain DIFs for a maximum period of two years from the applicant entering into a Fee Deferral Agreement, or until a final inspection is requested for the Building Permits, whichever occurs earlier.

The River Park and Mixed Use Site contains approximately 12 acres of Active Use Fields, 9 acres of neighborhood parks, and 34 acres of passive open space and Community Park within the River Park area that will be developed to accommodate the San Diego River Master Plan. Based on the SANDAG Regional Growth Forecast, the Mission Valley Community Plan has 1.84 persons

per household which would generate a requirement of 24.73 acres of population based parks. General Plan Policy RE-A.9. states: "Where development of population-based park acreage for recreational purposes is infeasible due to land constraints, consider the use of park and recreation "equivalencies" that have been identified through a Parks Master Plan, or community plan update/amendment process." Preservation and enhancement of the San Diego River Park is a key strategy of this Specific Plan and the Mission Valley Community Plan. In addition, the open space park area adjacent to the San Diego River will incorporate protections and enhancements to the River Park area, consistent with City goals and equivalencies in the General Plan.

These parks satisfy and may exceed the General Plan population based park requirements for the proposed development in the Plan Area. The River Park and Mixed Use Site developer shall construct the park space necessary to satisfy the General Plan requirement of 2.8 acres of useable park space per 1,000 persons. Therefore, the park portion of the DIF fee shall not be collected by the City of San Diego. Construction of the necessary population based parks shall be deemed to be in compliance with the General Plan population based park requirement and therefore no DIF fees for park services shall be required within the Plan Area with construction of the population based parks. Should the Specific Plan developer decide to build the required population based parks, the Specific Plan developer and the City of San Diego may enter into a mutually acceptable Park Planning and Construction Program to provide for the phasing of park facilities throughout the Plan Area.

8.14 Monitoring ADT

The Director of Development Services or his/her designee shall prepare a *Traffic Worksheet* (see Appendix D) to monitor the total traffic generated for each development in the River Park and Mixed Use Site to ensure that it does not exceed the total allowable traffic per the Specific Plan. The *Traffic Worksheet*,

printed as a single page, shall be completed and submitted with applications for construction permits. Once the *Traffic Worksheet* has been stamped as received and accepted as part of the application, a copy of the updated *Traffic Worksheet* shall also be submitted to the City to be kept with the Specific Plan file.

8.15 Lot Reconfiguration/Consolidation

Lots within the Plan Area may be reconfigured through lot consolidation and/or boundary adjustment if the resultant lot configuration does not conflict with the intent of this Specific Plan and the Subdivision Map Act. The construction of buildings over lot lines for property under the same ownership is also allowed by this Specific Plan. Further subdivision of existing lots is allowed by this Specific Plan and does not require an amendment to the Specific Plan. Subdivisions will require adherence to City regulations and the Subdivision Map Act unless otherwise exempt from the provisions of the Subdivision Map Act. Lot line adjustments and lot consolidations shall not require an amendment to this Specific Plan.

8.16 Maintenance Requirements

Maintenance areas and responsibilities will be shown with each subsequent development application proposed for building permit review.

8.16.1 Parkways and Public Areas

The Specific Plan includes development of public common space, public areas and active recreation areas that propose pedestrian activities and provide an aesthetic backdrop to development. The operation and maintenance of these common spaces and active recreation areas shall be the responsibility of the developer(s), a Property Owners Association, or Maintenance Assessment District established for all or a portion of the River Park and Mixed Use

Site, or through a maintenance agreement with the City of San Diego.

The Developer shall maintain all landscaped areas until a Maintenance Assessment District is formed.

8.16.2 Active Use Fields

The Specific Plan includes a series of Active Use Fields that will be included in the south-eastern section of the River Park and Mixed Use Site. These Active Use Fields may be developed and maintained by the developer or a Property Management Association or through a maintenance agreement with the City of San Diego.

8.16.3 Private Development Landscaped Areas

Landscaping, private recreational amenities and open areas will also be developed in conjunction with private development proposals. The maintenance of these areas will be the responsibility of individual property owners or a Property Owners Association, or through a maintenance agreement with the City of San Diego.

8.17 Financing Strategies

The development contemplated in this Specific Plan will be required to pay Development Impact Fees as required by the City, as well as Regional Transportation Capital Improvement Project fees which will contribute the necessary funds to pay for the development's impact on regional infrastructure needs. All other infrastructure improvements associated with development of the Specific Plan will be the financial responsibility of future builders who may use a variety of financing methods. No public funds, subsidies, public bond issues, or public or municipal financing will be used to pay for any of the development or infrastructure on the Plan Area, except that Community Facilities Districts or similar

assessment districts where assessments for infrastructure are paid for by local property owners may be utilized. Instead, any developer may have the opportunity to use the special legislative standards contained in the Municipal Code applicable to the Plan Area to obtain a lease from the City of San Diego under appropriate terms, which shall provide for the ability to obtain private financing secured by the lessee's interest in the lease.

8.18 Enforcement

It shall be unlawful for any person to initiate any development within the Plan Area without first following the procedures required under this Specific Plan. Whenever in this Specific Plan any act is prohibited or is made or declared to be unlawful, or the doing of any act is required, or the failure to do any act is determined to be unlawful, the City of San Diego retains its code enforcement authority to enforce any such violation or offense.



APPENDICES

A. Legal Descriptions

River Park and Mixed Use Site

PARCEL 1: (APN 433-250-16&19)

THOSE PORTIONS OF LOTS 31, 35 AND 45 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID SAN DIEGO COUNTY, IN ACTION NO. 348, ENTITLED "JUAN M. LUCCO, ET AL, VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 45; THENCE ALONG THE NORTHERLY LINE THEREOF, SOUTH 88° 48' 15" EAST, 239.02 FEET TO THE NORTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO CHARLES E. DUPONT, ET UX, RECORDED JUNE 25, 1964, RECORDER'S FILE NO. 114143, SERIES

5, BOOK 1964 OF OFFICIAL RECORDS BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 38' 01" WEST, ALONG THE WESTERLY LINE OF SAID DUPONT LAND, 261.68 FEET TO A POINT ON THE ARC OF A 8982.03 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE OF SAID CURVE BEARS NORTH 12° 50' 48" WEST TO SAID POINT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 49' 17", A DISTANCE OF 755.83 FEET TO THE WESTERLY LINE OF THE LAND DESCRIBED IN DEED TO CARNATION COMPANY, RECORDED FEBRUARY 2, 1959 IN BOOK 7476, PAGE 69 OF OFFICIAL RECORDS; THENCE NORTH 00° 38' 01" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 16.86 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 31; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 47° 28' 35" WEST 371.20 FEET TO THE EASTERLY LINE OF PARCEL MAP NO. 7254

FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG SAID EASTERLY LINE

NORTH 1° 05' 35" EAST 50.23 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL MAP; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL MAP WESTERLY ALONG THE ARC OF A 8,890.66 FOOT RADIUS CURVE THROUGH AN ANGLE OF 1° 48' 08.5" A DISTANCE OF 279.67 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL MAP; THENCE ALONG THE WESTERLY LINE OF SAID

PARCEL MAP NO. 7254 AND THE PROLONGATION THEREOF SOUTH 1° 05' 35" WEST 321.77 FEET TO A POINT IN THE ARC OF A 3030.02 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY IN THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JULY 2, 1968 RECORDER'S FILE NO. 111332 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE,

WESTERLY ALONG SAID CURVE 259.78 FEET; AND SOUTH 54° 56' 28" WEST TO THE SOUTHEASTERLY LINE OF SAID LOT 35; THENCE ALONG THE NORTHEASTERLY, EASTERLY AND NORTHERLY BOUNDARY OF CAMINO DEL RIO NORTH AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED SEPTEMBER 11, 1969, RECORDER'S FILE NO. 166295 OF OFFICIAL RECORDS, AS FOLLOWS:

SOUTH 54° 56' 28" WEST 393.85 FEET; NORTHWESTERLY ALONG THE ARC OF A 170 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH AN ANGLE OF 92° 51' 08" A DISTANCE OF 275.50 FEET; TANGENT TO SAID CURVE NORTH 32° 12' 24" WEST 168.35 FEET; NORTHWESTERLY ALONG THE ARC OF A 230 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH AN ANGLE OF 101° 24' 14" A DISTANCE OF 407.06 FEET; AND TANGENT TO SAID CURVE SOUTH 46° 23' 22" WEST TO THE SOUTHWESTERLY LINE OF SAID LOT 35; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE TO THE

MOST WESTERLY CORNER THEREOF; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 35 TO THE MOST NORTHERLY CORNER THEREOF; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT, SOUTH 58° 07' 54" EAST TO THE WESTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JULY 15, 1966, RECORDER'S FILE NO. 115132 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE SOUTH 4° 20' 34" EAST TO THE SOUTHERLY LINE OF SAID LOT 35; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO THE TRUE POINT OF BEGINNING.

PARCEL 2: (APN 433-250-13)

ALL THAT PORTION OF LOTS 36, 42 AND 43 OF RANCHO MISSION OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF ON FILE IN CASE NO. 348 OF SUPERIOR COURT IN SAN DIEGO COUNTY ENTITLED JUAN M. LUCCO, ET AL, VS, THE COMMERCIAL

BANK OF SAN DIEGO, ET AL, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARY:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 42; THENCE ALONG THE SOUTHWESTERLY LINES OF SAID LOTS 42 AND 43, SOUTH 58° 07' 54" EAST 1430.86 FEET TO A POINT ON THE ARC OF A 9259.03 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY A RADIAL LINE OF WHICH BEARS NORTH 06° 48' 18"

WEST TO SAID POINT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 29' 05" A DISTANCE OF 78.33 FEET TO THE WESTERLY BOUNDARY OF MURPHY CANYON ROAD; THENCE ALONG SAID BOUNDARY TO AND ALONG THE BOUNDARY OF ROAD SURVEY NO. 1533 AS

FOLLOWS: NORTH 15° 38' 54" WEST 487.26 FEET; SOUTH 74° 21' 06" WEST 12.00 FEET; NORTH 15° 38' 54" WEST 309.60

FEET TO THE BEGINNING OF A TANGENT 3060.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 36' 42" A DISTANCE OF 299.70 FEET; TANGENT TO SAID CURVE NORTH 10° 02' 12" WEST 179.22 FEET TO THE BEGINNING OF A TANGENT 2548.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 47' 50" A DISTANCE OF 257.81 FEET; TANGENT TO SAID CURVE NORTH 04° 14' 22" WEST 72.93 FEET TO THE BEGINNING OF A TANGENT 352.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63° 41' 34" A DISTANCE OF 391.30 FEET; TANGENT TO SAID CURVE NORTH 67° 55' 56" WEST 116.79 FEET; NORTH 72° 13' 17" WEST 97.37 FEET AND

NORTH 21° 05' 07" EAST 43.79 FEET; THENCE NORTH 72° 13' 39" WEST 530.72 FEET; THENCE NORTH 00° 54' 06" EAST 21.58 FEET; THENCE NORTH 79° 52' 32" WEST 149.77 FEET TO A POINT ON THE ARC OF AN 8000.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY A RADIAL LINE OF WHICH BEARS NORTH 17° 57' 19" WEST

TO SAID POINT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 27' 10" A DISTANCE OF 63.22 FEET; THENCE SOUTH 71° 35' 31" WEST 923.84 FEET TO THE BEGINNING OF A TANGENT 1000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 47' 13" A DISTANCE OF 432.61 FEET;

THENCE TANGENT TO SAID CURVE SOUTH 62° 12' 47" WEST 156.54 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN DEED TO THE CITY OF SAN DIEGO RECORDED JANUARY 3, 1966 AS DOCUMENT NO. 121 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE SOUTH 05° 14' 33" EAST 1744.24 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 35; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 40° 17' 08" EAST 1866.48 FEET TO THE MOST NORTHERLY CORNER THEREOF; THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID LOT 35 SOUTH 58° 07' 54" EAST 1056.17 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM LOT 42 ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES LYING NOT LESS THAN 500 FEET BELOW THE SURFACE OF THE LAND AS RESERVED BY SAN DIEGO PIPELINE CO., BY DEEDS RECORDED MARCH 8, 1966 AS FILE NO. 39319 AND 39320. ALSO EXCEPTING THEREFROM.

THE FOLLOWING DESCRIBED PARCELS:

PARCEL 2A:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 35, SAID RANCHO MISSION OF SAN DIEGO; THENCE SOUTH 40° 17' 08" WEST, 1866.48 FEET; THENCE NORTH 05° 14' 33" WEST, 1744.24 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 62° 12' 47" EAST, 156.54 FEET TO A POINT WHICH A RADIAL OF A 1000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH 27° 47' 13" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 24° 47' 13", AN ARC LENGTH OF 432.61 FEET; THENCE NORTH 87° 00' 00" EAST 386.11 FEET TO A POINT TO WHICH A RADIAL OF A 1000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, BEARS SOUTH 03° 00' 00" EAST; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID 1000.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 15° 24'

29", AN ARC LENGTH OF 268.92 FEET; THENCE NORTH 71° 35' 31" EAST, 923.84 FEET TO A POINT WHICH A RADIAL OF A 8000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH 18° 24' 29" WEST; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00° 27' 10", AN ARC LENGTH OF 63.22 FEET; THENCE SOUTH 79° 52' 32" EAST, A DISTANCE OF 149.77 FEET; THENCE SOUTH 00° 54' 06" WEST, 21.58 FEET; THENCE SOUTH 72° 13' 39" EAST, 530.72 FEET; THENCE SOUTH 21° 05' 07" WEST, 43.79 FEET; THENCE SOUTH 72° 13' 17" EAST, 97.37 FEET; THENCE SOUTH 67° 55' 56" EAST, 116.79 FEET TO A POINT TO WHICH A RADIAL OF A 352.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH 22° 04' 04" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63° 41' 34", A DISTANCE OF 391.30 FEET; THENCE SOUTH 04° 14' 22" EAST, 72.93 FEET TO A POINT TO WHICH A RADIAL OF A 2548.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 85° 45' 38" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05° 47' 50" AN ARC LENGTH OF 257.81 FEET; THENCE SOUTH 10° 02' 12" EAST, 179.22 FEET TO A POINT TO WHICH A RADIAL OF A 3060.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 79° 57' 48" WEST; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05° 36' 42" AN ARC LENGTH OF 299.70 FEET; THENCE SOUTH 15° 38' 54" EAST, 309.60 FEET; THENCE NORTH 74° 21' 06" EAST, 12.00 FEET; THENCE SOUTH 15° 38' 54" EAST, 487.26 FEET TO A POINT TO WHICH A RADIAL OF A 9259.03 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY BEARS NORTH 06° 19' 13" WEST; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A

CENTRAL ANGLE OF 00° 29' 05" AN ARC LENGTH OF 78.33 FEET; THENCE NORTH 58° 07' 54" WEST, 110.65 FEET TO A POINT TO WHICH A RADIAL OF A 4141.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH 84° 07' 23" EAST; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE,

THROUGH A CENTRAL ANGLE OF $00^{\circ} 46' 17''$ AN ARC LENGTH OF 706.30 FEET; THENCE NORTH $15^{\circ} 38' 54''$ WEST, 101.74 FEET TO A POINT TO WHICH A RADIAL OF A 2500.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH $74^{\circ} 21' 06''$ WEST; THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE; THROUGH A CENTRAL ANGLE OF $18^{\circ} 07' 37''$ AN ARC LENGTH OF 790.94 FEET; THENCE NORTH $02^{\circ} 28' 43''$ EAST, 102.43 FEET; THENCE NORTH $67^{\circ} 09' 56''$ WEST, 74.66 FEET; THENCE CONTINUING NORTH $67^{\circ} 09' 56''$ WEST, 408.34 FEET; THENCE NORTH $73^{\circ} 26' 35''$ WEST, 344.99 FEET TO A POINT TO WHICH A RADIAL OF A 400.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH $16^{\circ} 33' 25''$ EAST; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $52^{\circ} 34' 36''$, AN ARC LENGTH OF 422.11 FEET; THENCE SOUTH $53^{\circ} 58' 49''$ WEST, 395.86 FEET; THENCE SOUTH, 120.00 FEET; THENCE WEST, 110.00 FEET; THENCE NORTH $10^{\circ} 26' 46''$ WEST, 194.27 FEET; THENCE WEST, 550.67 FEET; THENCE SOUTH $87^{\circ} 00' 00''$ WEST, 350.18 FEET TO A POINT TO WHICH A RADIAL OF 1000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH $03^{\circ} 00' 00''$ WEST; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $24^{\circ} 47' 13''$, AN ARC LENGTH OF 432.61 FEET; THENCE SOUTH $62^{\circ} 12' 47''$ WEST, 193.09 FEET; THENCE NORTH $05^{\circ} 14' 33''$ WEST, 70.38 FEET, RETURNING TO SAID TRUE POINT OF BEGINNING.

PARCEL 2B:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 35, SAID RANCHO MISSION; THENCE SOUTH $58^{\circ} 07' 54''$ EAST 2,376.38 FEET TO THE TRUE POINT OF BEGINNING A RADIAL OF A 4141.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH $84^{\circ} 07' 23''$ EAST TO SAID POINT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $09^{\circ} 46' 17''$ AN ARC LENGTH OF 706.30

FEET; THENCE NORTH $15^{\circ} 38' 54''$ WEST, 101.74 FEET, TO A POINT TO WHICH A RADIAL OF A 2500.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH $74^{\circ} 21' 06''$ WEST; THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $18^{\circ} 07' 37''$, AN ARC LENGTH OF 790.94 FEET; THENCE NORTH $02^{\circ} 28' 43''$ EAST, 102.43 FEET; THENCE NORTH $67^{\circ} 09' 56''$ WEST, 74.66 FEET; THENCE SOUTH $02^{\circ} 28' 43''$ WEST 128.39 FEET TO A POINT TO WHICH A RADIAL OF A 2570.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, BEARS SOUTH $87^{\circ} 31' 17''$ EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $18^{\circ} 07' 37''$ AN ARC LENGTH OF 813.08 FEET; THENCE SOUTH $15^{\circ} 38' 54''$ EAST, 101.74 FEET TO A POINT TO WHICH A RADIAL OF A 4071.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY BEARS NORTH $74^{\circ} 21' 06''$ EAST; THENCE SOUTHEASTERLY ALONG THE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $09^{\circ} 00' 17''$ AN ARC LENGTH OF 639.89 FEET; THENCE SOUTH $58^{\circ} 07' 54''$ EAST 87.99 FEET, RETURNING TO SAID

TRUE POINT OF BEGINNING.

PARCEL 3: (APN 433-250-14)

THAT PORTION OF LOTS 42 AND 43 OF SAID RANCHO MISSION OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF ON FILE IN CASE NO. 348 OF SUPERIOR COURT IN SAN DIEGO COUNTY ENTITLED JUAN M. LUCCO, ET AL, VS, THE COMMERCIAL BANK OF SAN DIEGO, ET AL, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 35, SAID RANCHO MISSION; THENCE SOUTH $58^{\circ} 07' 54''$ EAST 2,376.38 FEET TO THE TRUE POINT OF BEGINNING A RADIAL OF A 4141.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH $84^{\circ} 07' 23''$ EAST TO SAID POINT; THENCE

NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09° 46' 17", AN ARC LENGTH OF 706.30 FEET; THENCE NORTH 15° 38' 54" WEST, 101.74 FEET, TO A POINT TO WHICH A RADIAL OF A 2500.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 74° 21' 06" WEST; THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 07' 37", AN ARC LENGTH OF 790.94 FEET; THENCE NORTH 02° 28' 43" EAST, 102.43 FEET; THENCE NORTH 67° 09' 56" WEST, 74.66 FEET; THENCE SOUTH 02° 28' 43" WEST 128.39 FEET TO A POINT TO WHICH A RADIAL OF A 2570.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, BEARS SOUTH 87° 31' 17" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 07' 37" AN ARC LENGTH OF 813.08 FEET; THENCE SOUTH 15° 38' 54" EAST, 101.74 FEET TO A POINT TO WHICH A RADIAL OF A 4071.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY BEARS NORTH 74° 21' 06" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09° 00' 17" AN ARC LENGTH OF 639.89 FEET; THENCE SOUTH 58° 07' 54" EAST 87.99 FEET, RETURNING TO SAID TRUE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JANUARY 20, 1981, AS FILE NO. 81-17470 OF OFFICIAL RECORDS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY LINE OF LOT 35 OF SAID RANCHO MISSION AND THE WESTERLY LINE OF MURPHY CANYON ROAD AS DESCRIBED IN DEEDS TO THE State of California, RECORDED MARCH 26, 1958, IN BOOK 7008, PAGE 383 AND OCTOBER 10, 1958 IN BOOK 7295, PAGE 155 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHERLY LINE OF LOT 35, NORTH 89° 03' 17" WEST (RECORDED NORTH 89° 03' 34" WEST), 208.00 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND CONVEYED TO THE State of California BY DEED RECORDED JULY 15, 1966 AS FILE NO. 115132 OF OFFICIAL

RECORDS; THENCE ALONG THE WESTERN BOUNDARY OF LAST SAID State of California LAND NORTH 4° 21' 02" WEST (RECORDED NORTH 4° 20' 34" WEST), 397.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY NORTH 4° 21' 02" WEST, 150.49 FEET; THENCE NORTH 15° 39' 20" WEST, 155.43 FEET; THENCE LEAVING SAID WESTERN BOUNDARY SOUTH 10° 05' 41" EAST, 304.43 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION IF ANY LYING WITHIN THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JULY 15, 1966 AS FILE NO. 115132 OF OFFICIAL RECORDS.

EXCEPTING FROM LOT 42 ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES LYING NOT LESS THAN 500 FEET BELOW THE SURFACE OF THE LAND AS RESERVED BY SAN DIEGO PIPELINE CO., BY DEEDS RECORDED MARCH 8, 1966 AS FILE NO. 39319 AND 39320.

Family Tailgate Lots (North of Friars Road)

CLEAR SITE 19-A, FRIARS ROAD (EAST PORTION)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 36 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO COUNTY, ENTITLED "JUAN M. LUCCO, ET AL VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED MORE SPECIFICALLY IN THE PARCEL DESCRIBED AS CLEAR SITE 19-A, FRIARS ROAD (EAST PORTION) PER DOCUMENT # 2004-0678671 RECORDED JULY 21, 2004 AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 36; THENCE ALONG THE NORTHERLY LINE OF SAID LOT, NORTH 89° 32' 13" WEST 1100.00 FEET TO AN ANGEL POINT IN THE BOUNDARY OF LAND DESCRIBED UNDER PARCEL 1 IN DEED TO THE CITY OF SAN DIEGO, RECORDED JANUARY 3, 1966 AS DOCUMENT NO. 121 OF OFFICIAL RECORDS, BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE BOUNDARY OF SAID LAND, SOUTH 00° 54' 06" WEST (RECORD SOUTH 00° 25' 55" WEST) 604.71 FEET TO A POINT IN THE ARC OF A 1000 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY IN THE NORTHERLY LINE OF THAT PORTION OF FRIARS ROAD DESCRIBED IN QUITCLAIM DEED TO THE COUNTY OF SAN DIEGO, RECORDED MARCH 3, 1967 AS DOCUMENT NO. 29314; THENCE ALONG SAID NORTHERLY LINE, EASTERLY ALONG SAID CURVE 21.67 FEET TO THE EASTERLY TERMINUS OF SAID CURVE, AND NORTH 71° 35' 31" EAST TO THE NORTHWESTERLY LINE OF FRIAR'S ROAD, ACCORDING TO MAP OF ROAD SURVEY NO. 289, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE TO THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO MILLS DEVELOPMENT COMPANY, RECORDED DECEMBER 2, 1958 AS DOCUMENT NO. 201830 OF OFFICIAL RECORDS, BEING A POINT IN THE BOUNDARY OF MISSION VILLAGE DRIVE; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LAND AS FOLLOWS:

NORTH 20° 50' 04" WEST 20.00 FEET TO THE BEGINNING OF A 45.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THE RADIAL LINE OF SAID CURVE BEARING SOUTH 20° 50' 04" EAST TO SAID POINT; THENCE NORTHEASTERLY ALONG SAID CURVE, 63.61 FEET THROUGH AN ANGLE OF 80° 59' 26"; THENCE TANGENT TO SAID CURVE NORTH 11° 49' 30" WEST 30.00 FEET, THENCE CONTINUING NORTH 11° 49' 30" WEST 30.00 FEET; THENCE CONTINUING NORTH 11° 49' 30" WEST 30.00 FEET; THENCE CONTINUING 11° 49' 30" WEST 60.00 FEET; THENCE CONTINUING NORTH 11° 49' 30" WEST 30.00 FEET; THENCE CONTINUING NORTH 11° 49' 30" WEST 79.35 FEET TO A POINT

OF TANGENCY WITH A 2029.45 FOOT RADIUS CURVE, CONCAVE EASTERLY, THENCE NORTHERLY ALONG SAID 2029.45 FOOT RADIUS CURVE, A DISTANCE OF 199.88 FEET TO SAID NORTHERLY LINE OF SAID LOT 36; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE TRUE POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY ANY LAND LYING EASTERLY OF THE WESTERLY RIGHT-OF-WAY OF MISSION VILLAGE DRIVE AND ALL OIL, GAS, MINERAL AND HYDROCARBON RIGHTS AND SUBSTANCES IN AND UNDER THE LAND, BUT BENEATH A PLANE 500 FEET BELOW THE SURFACE OF THE LAND, BUT WITHOUT ANY RIGHT OF SURFACE ENTRY.

ASSESSOR'S PARCEL NUMBER: 433-240-19 WOP

CLEAR SITE 19-A, FRIARS ROAD (WEST PORTION)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 36 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO, ENTITLED "JUAN M. LUCO, ET AL VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED MORE SPECIFICALLY IN THE PARCEL DESCRIBED AS CLEAR SITE 19-A, FRIARS ROAD (WEST PORTION) PER DOCUMENT # 2004-0678671 RECORDED JULY 21, 2004 AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LAND LOT 36; THENCE ALONG THE NORTHERLY LINE OF SAID LOT, NORTH 89° 32' 13" WEST 1100.00 FEET TO AN ANGEL POINT IN THE BOUNDARY OF LAND DESCRIBED UNDER PARCEL 1 IN DEED TO THE CITY OF SAN DIEGO, RECORDED JANUARY 3, 1966 AS FILE NO. 121 OF OFFICIAL RECORDS, BEING THROUGH TRUE POINT

OF BEGINNING; THENCE ALONG THE BOUNDARY OF SAID LAND, SOUTH 00° 54' 06" WEST (RECORD SOUTH 00° 25' 55" WEST) 461.71 FEET TO A POINT ON THE ARC OF A 472.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY A RADIAL LINE OF WHICH BEARS SOUTH 42° 44' 48" EAST TO SAID POINT BEING ALSO HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37° 33' 17", A DISTANCE OF 309.37 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 84° 48' 29" WEST 168.21 FEET; TO A POINT HEREINAFTER REFERRED TO AS POINT "B";

THENCE CONTINUING SOUTH 84° 48' 29" WEST A DISTANCE OF 50.00 FEET; THENCE SOUTH 87° 00' 00" WEST A DISTANCE OF 138.80 FEET TO THE BEGINNING OF A TANGENT 1056.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 47' 13" A DISTANCE OF 456.84 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 62° 12' 47" WEST 133.28 FEET TO THE WESTERLY LINE OF SAID LAND DESCRIBED IN DEED TO THE CITY OF SAN DIEGO; THENCE ALONG SAID WESTERLY LINE NORTH 05° 14' 33" WEST TO THE NORTHERLY LINE OF SAID LOT 36; THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 32' 13" EAST TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY LAND LYING WITHIN THE BOUNDARIES OF LAND SHOWN PER ROS NO. 222269 AND THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF MISSION CITY UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 11677 THENCE ALONG THE EASTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, SAID LINE BEING THE WESTERLY BOUNDARY OF LAND DESCRIBED IN DEED TO THE CITY OF SAN DIEGO, RECORDED JANUARY 13, 1966 AS FILE NO. 121 OF OFFICIAL RECORDS, SOUTH 05° 14' 57" EAST 807.07 FEET TO THE NORTHERLY LINE OF FRIARS ROAD AS DESCRIBED IN DEED

RECORDED MARCH 3, 1967 AS FILE NO. 29313 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHERLY LINE NORTH 62° 12' 50" EAST (RECORD NORTH 62° 12' 47" EAST) 133.30 FEET TO A TANGENT 1056.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE ALONG SAID CURVE 91.56 FEET THROUGH A CENTRAL ANGLE OF 04° 58' 04"; THENCE LEAVING SAID NORTHERLY LINE NORTH 22° 49' 07" WEST 16.00 FEET; THENCE NORTH 09° 56' 22" EAST 120.04 FEET TO A TANGENT 85.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE ALONG SAID CURVE 89.04 FEET THROUGH A CENTRAL ANGLE OF 60° 01' 12"; THENCE NORTH 20° 02' 26" WEST 122.92 FEET; THENCE NORTH 19° 11' 07" EAST 25.17 FEET; THENCE NORTH 26° 04' 36" WEST 405.15 FEET TO THE NORTHERLY LINE OF SAID LOT 36; THENCE ALONG SAID NORTHERLY LINE NORTH 89° 31' 10" WEST 131.69 FEET TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NUMBER: 433-240-23

Murphy Canyon Facility Site

LOTS 11 THROUGH 16 INCLUSIVE OF MURPHY CANYON GATEWAY UNIT NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11502, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, MAY 2, 1986.

APN: 421-391-01 & 02; 421-392-01, 02, 03 & 04

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B.1 General Definitions

The following definitions apply to the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the City's Municipal Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Municipal Code appears in the text in italicized letters.

Active commercial uses mean commercial uses that are accessible to the general public, that generate walk-in clientele, and that contribute to a high level of pedestrian activity. *Active commercial uses* include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, hotel lobbies, banks, travel agencies, airline ticket agencies, child care services, libraries, museums, and galleries.

Alternative Interim Uses means uses permitted under the base land use regulations of this Division but which are not identified as *active commercial uses*. *Base floor area ratio* (Base FAR) means the minimum and maximum development potential permitted for a site, which is expressed as a ratio of the amount of *gross floor area* to the size of the parcel. The minimum base FAR is the minimum floor area which must be built on a site in a new development. Maximum base FAR is the maximum floor area permitted to be built.

Bed and breakfast means a visitor-serving establishment with up to twenty rooms for overnight stays that serves breakfast every morning.

Blank wall means any street wall area that is not transparent, including solid doors and mechanical area wall(s).

Bona-fide eating establishment means a place that is primarily used for serving individually prepared meals to guests for compensation. A *bona-fide eating establishment* contains suitable kitchen facilities on the premises and adequate seating for patrons.

Brewery Tasting Room means an establishment which is licensed by the California Department of Alcoholic Beverage Control under a Type 1 or Type 23 duplicate license to sell malt beverages the licensee produces for on-site and off-site consumption.

Brewpub means a *bona-fide eating establishment* which is licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption.

Brewpub Tasting Room means an establishment which is licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption.

Building base means the lower portion of a building located immediately above grade.

Building materials mean all materials visible from the exterior of a development, including materials used for walls, roofs, windows, doors, and architectural or decorative features applied to the building façade.

Common indoor open space means a usable indoor area commonly accessible to all residents and users of the building for passive or active recreation.

Common outdoor open space means usable outdoor area commonly accessible to all residents and users of the building for passive or active recreation.

Community Gardens are premises that are used for crop cultivation by individuals or collectively, and may be divided into multiple plots.

Covenants, Conditions, and Restrictions (CC&Rs) mean recorded documents specifying rights and restrictions on a site.

Courtyard means an open space unobstructed to the sky, located at or above-grade level and bounded on two or more sides by building walls.

Cultural institution or cultural use means a non-profit institution recognized as 501(c), displaying or preserving objects of interest in the arts or sciences. *Cultural uses* include libraries, museums, non-profit art galleries, and interpretive centers.

Design Review means the formal review of a proposed development through the established process relevant to the size and nature of the proposed development.

Employment uses mean those non-residential uses which provide employment opportunities.

Group living means residential or institutional uses licensed by the State of California that provide supportive residential facilities to specified sections of the population.

Home occupations have the same meaning as in Municipal Code Section 141.0308.

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment.

Logo means an identifying symbol using graphics, color schemes, figures, hieroglyphics, numerals, letters, or words

Mass and scale means the visual perception of the organization of the GFA of the structure compared to adjoining development.

Mid-zone means the portion of a building above the building base and below the tower.

Mixed use development means development that includes two or more land uses.

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities.

Mobile food trucks do not include pushcarts as defined below.

Outdoor Activities are temporary uses that include farmer's markets and other markets, arts and cultural events, social or community events.

Pedestrian entrance means a functional entrance or door that is accessible to the general public from an enclosed occupied space. This does not include entrances to mechanical equipment or storage areas, emergency exits, or decorative nonfunctional doors and entrances.

Private open space means an area connected or immediately adjacent to a dwelling unit. *Private open space* may include a balcony, porch, at-grade or above-grade patio or roof deck used exclusively by the occupants of the dwelling unit and their guests.

Public open space means an area owned by the City of San Diego intended for use by the general public, or an area on private property for which a public park, open space, or similar easement or covenant has been recorded in favor of the City of San Diego for use by the general public.

Pushcart means moveable, wheeled, non-motorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots.

Residential care facilities have the same meaning as in Municipal Code Section 141.0312.

Screen or screening means partial or full enclosure of a space or area by solid materials that are compatible with the materials and architectural design of the development in order to block views of the area from nearby development or public rights-of-way.

Senior housing or senior unit means a housing development as defined in State of California Civil Code Section 51.3.

Setback is the horizontal distance between the property line and the nearest front, side, or rear building wall.

Shopkeeper unit means a unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code.

Stepback means the distance measured from a property line to the building walls of the upper floors of a building above a specified height

Street wall means the building facade along a property line adjacent to any public street. The street wall may include arcades, colonnades, recessed entrances, private open space, or urban open space.

Structured parking means all parking facilities that serve a primary use or that are open to the general public.

Tenant improvements mean interior or minor exterior improvements to an existing building. **Tenant improvements** may include finishing or remodeling of interior space to accommodate

a new tenant or occupant, the installation of ancillary mechanical equipment, or the installation of replacement doors or windows to serve a specified use.

Tower means that portion of a building located above the building base or the mid-zone, if applicable, to the top of the building.

Transportation demand management (TDM) means a series of measures that encourage use of alternative forms of transportation to alleviate traffic demand on area roadways.

Upper tower means the upper 20 percent of a tower, measured above the building base or mid-zone to the top of the building, including mechanical penthouses.

Urban open space means any usable space accessible to the general public which is 1,000 square feet or greater in size and includes plazas or parks.

B.2 Signage Definitions

Notwithstanding any provision of the San Diego Municipal Code or any other law of the City to the contrary, the following definitions shall apply to signs in the River Park and Mixed Use Site:

Advertising display sign means a sign where the sign copy does not pertain to the use of the River Park and Mixed Use Site, a product sold on the River Park and Mixed Use Site, sponsorship of activities on the River Park and Mixed Use Site, or the sale or lease of the River Park and Mixed Use Site on which the sign is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the sign. Such signs include vehicle-mounted signs and billboards.

Aerial view sign means a sign that is applied on a roof or placed horizontally approximately parallel with the plane of a playing field intended to be viewed from above.

Architectural digital display sign means a sign which is integrated with, or otherwise integrated into, any architectural component of a structure which is controlled by electronic process in such a manner that different copy changes are instantaneously displayed on the sign. *Architectural digital display signs* may display still images, scrolling images, or moving images including video and animation, utilizing a series or grid of lights and/or projection onto the surface of the structure that may be changed by electronic means, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optics, projection, or other electronic media or technology now existing or later developed. *Architectural digital display signs* may contain individual pixels of a digital image, or other electronic media or technology now existing or later developed, that are embedded into the architectural components of the structure separated vertically or horizontally from one another, and may allow outward views from and within the supporting structure. Such a design may include digital mesh or netting, individual large scale illuminated pixels or other electronic media or technology now existing or later developed covering a building wall diffused behind translucent material forming an aggregate image, or horizontal or vertical banding integrated into the structure's architecture, which when viewed from a distance may be read as a unified image.

Banner means a printed or electronic banner, pennant, streamer, or other similar display.

Naming identification sign means a sign attached to the Sports Stadium, professional football and/or collegiate football stadium or any component of a structure within the Soccer City River Park and Mixed Use Site identifying an entity or entities for which the Sports

Stadium, professional football and/or collegiate football stadium or portions thereof is named, including but not limited to, entries, exhibit halls, plazas, and concession areas.

Electronic message center sign means a sign which is controlled by electronic process in such a manner that different copy changes are instantaneously displayed on the sign. An electronic message center sign may display still images, scrolling images, or moving images including video and animation, utilizing a series or grid of lights that may be changed by electronic means, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optics, or other electronic media or technology now existing or later developed. An electronic message center sign may include advertising display signs, information signs, Sports Stadium, professional football and/or collegiate football stadium naming identification signs, and Stadium naming identification signs.

Exempt signs shall mean the following signs within the River Park and Mixed Use Site:

- Aerial view signs;
- Construction site signs;
- Information signs;
- Internal signs;
- Signs of twenty-five (25) square feet or less on kiosks, pushcarts or tents;
- Signs required by law;
- Signs on temporary or mobile broadcast facilities;
- Temporary signs; and

- Window signs.

Ground sign means any sign supported wholly by uprights, braces, or poles in or on the ground including poster panels, painted bulletins, signs on fences, and signs on structures other than buildings and canopies.

Information sign means traffic, directional, way finding, warning or other informational signs.

Internal sign means a sign within or outside of the Sports Stadium, professional football and/or collegiate football stadium and Stadium building, structure, tent, pavilion, or other permanent or temporary structure, intended to be primarily viewed from within the Stadium District. *Internal signs* shall include, but are not limited to:

- Signs inside the Stadium viewed from seating areas and on concourse areas including general, club and suite seating and concourses, and food and beverage establishments within the Stadium.
- Signs inside of the Sports Stadium, professional football and/or collegiate football stadium.
- All scoreboards and signs that are integral with such scoreboards directed toward the interior of the structure; the "back" of the scoreboards primarily visible from outside of the Sports Stadium or collegiate football stadium and Stadium shall not be *internal signs*.

Internally illuminated sign means a sign that has the light source enclosed within it so the source is not visible to the e Signs inside of the Sports Stadium, professional football and/or collegiate football stadium. *Projecting sign* means a sign other than any type

of wall sign that is attached to and extends from the face of a structure.

Roof sign means a sign erected upon, against, or directly above a roof or roof eave, atop or above the parapet, or on an architectural adjunct above the roof or roof eave.

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

Sign copy means the words, symbols, or emblems on a sign surface, whether in permanent or removable form.

Sign copy area means the area of the smallest geometric figure that can enclose the words, symbols, or emblems of a wall sign. For internally illuminated signs, the entire illuminated sign face is the sign copy area.

Sign face means the entire area of a sign on which sign copy could be placed for roof signs, ground signs, projecting signs, and advertising display signs.

Sign permit means a permit to install or alter any sign pursuant to this Article.

Sports Stadium means a professional soccer or joint use professional soccer/collegiate football stadium.

Stadium naming identification sign means a sign attached to the *Stadium* or any component of a *structure* within the *River Park and Mixed Use Site* identifying an entity or entities for which the *Stadium* or portions thereof is named, including but not limited to, stadium gates, levels, plazas, and concession areas.

Temporary sign means a sign that is not permanently affixed to the ground or a building and is used for special events or temporary uses.

Wall sign means a sign attached to, or a sign copy area on, a *structure* or adjunct of a *structure*, including an equipment screen or dormer that completely screens the mechanical equipment of the *structure*, and has its exposed sign face parallel or approximately parallel to the plane of the *structure* to which the sign is attached.

C. Environmental Mitigation Measures

The following are development features of the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan which shall be required of projects constructed within the Plan Area:

I. AESTHETICS

A. Visual Quality

1. Owners, lessees, or contractors shall ensure through appropriate postings and daily visual inspections that no unauthorized materials (such as graffiti or posters) would be posted on any temporary construction barriers or temporary pedestrian walkways and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.
 - a. Pedestrian-level lighting shall be used adjacent to the Sports Stadium and along all two lane streets within the Plan Area.
 - b. Floodlights shall be located so as to minimize impacts onto sensitive receptors.
 - c. All new lighting shall be designed to minimize glare and to prevent light impacts upon adjacent sensitive receptors.
 - d. The use of highly reflective building materials for the exterior walls of structures shall be minimized.
 - e. Use high performance glass with high shading coefficient and low reflectivity, such as Heat Mirror or Low E type glass.
 - f. Architectural and/or landscape screening elements shall be incorporated into design so as to minimize glare impacts on adjacent sensitive receptors.
 - g. Parking facilities exits shall be located and designed so as to minimize glare impacts from vehicle headlights on adjacent sensitive receptors.
 2. All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect.
 - a. Development in the Plan Area shall implement the following stadium floodlighting good practices:
 1. To the extent feasible and consistent with the functions and uses of the development in the Plan Area, the following design measures shall be implemented:
 1. To the extent feasible and consistent with the functions and uses of the development in the Plan Area, the following design measures shall be implemented:
 2. Development in the Plan Area shall implement the following stadium floodlighting good practices:
 - a. Professionally recommended lighting levels for each activity shall be designed by a professional electrical consulting engineer to meet minimum illumination
2. All landscaped areas shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect.
 - a. Development in the Plan Area shall implement the following stadium floodlighting good practices:
 1. To the extent feasible and consistent with the functions and uses of the development in the Plan Area, the following design measures shall be implemented:
 2. Development in the Plan Area shall implement the following stadium floodlighting good practices:
 - a. Professionally recommended lighting levels for each activity shall be designed by a professional electrical consulting engineer to meet minimum illumination

levels while preventing over-lighting and reducing electricity consumption.

- b. The location, height, cutoff, and angle of all lighting shall be correctly focused on the field to avoid stadium lighting being directed at neighboring areas.
- c. The beam spread of each floodlight shall be selected to put the maximum amount of light on the field without producing a hot spot.
- d. Shielded fixtures with efficient light bulbs shall be used in the parking lot to prevent any glare and light spillage beyond the property line.

II. AIR QUALITY

A. Construction

1. Construction contractors shall maintain and properly tune all construction equipment in accordance with manufacturer's specifications.
2. Contractors shall minimize idling times either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measures.). Clear signage shall be provided for construction workers at all access points.
3. A blasting execution plan shall be developed prior to any implosion event. This blasting execution plan shall evaluate the feasibility of staged implosion to minimize dust generation and exposure.

4. A public notification program shall be instituted prior to the implosion event which includes recommendations to minimize exposure to airborne dust.

5. The implosion shall be scheduled during periods of low/no wind speeds.

6. A dust control plan shall be developed to identify measures and equipment necessary to minimize dust from windblown storage piles, offsite tracking of dust, debris loading, truck hauling of debris, vehicle speed limits, and to identify other dust suppression measures.

7. An ambient air quality monitoring program shall be implemented proximate to the stadium to measure actual particulate matter concentrations.

8. Non-toxic soil stabilizers shall be applied according to manufacturers' specifications or vegetation shall be planted on all inactive construction areas (i.e., previously graded areas inactive for 10 days or more and not scheduled for additional construction activities within 12 months) to the extent feasible.

9. All trucks hauling dirt, sand, soil, or other loose materials offsite shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer).

10. A construction relations officer shall be appointed by the owner, lessee, or contractor to act as a community liaison concerning onsite construction activity, including resolution of issues related to fugitive dust generation.

11. Streets shall be swept if visible soil material has been carried onto adjacent public paved roads.
 12. Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers as necessary.
 13. Water or non-toxic soil stabilizers shall be applied, according to manufacturers' specifications, as needed to reduce offsite transport of fugitive dust from all unpaved staging areas and unpaved road surfaces.
 14. Traffic speeds on all unpaved roads shall not exceed 15 mph.
 15. Contractors shall use low emission vehicles to the extent technologically and economically feasible. This may include vehicles using alternative fuels, low sulfur diesel, diesel with particulate traps, methanol, or electricity.
 16. Contractors shall comply with applicable Proposition 65 notice requirements in the event that construction activities utilize toxic materials, or cause toxic materials to be released into the air, including if toxics are identified in the fugitive dust.
 17. The owner, lessee, or contractor shall limit on-site construction vehicle speeds to no more than 15 miles per hour to reduce dust.
 18. The owner, or lessee, or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
 19. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of spillage or dust.
 20. All clearing, earth-moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 25 mph), so as to prevent excessive amounts of dust.
 21. All construction equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications.
- B. Operation**
1. Internal street lighting, parking area lighting, and practice field lighting, shall be energy efficient and comply with applicable energy efficiency measures described in the Greenhouse Gas Reduction section of this document.
 2. A public information campaign shall be established to encourage the use of park and ride lots serving the stadium as well as the electric trolley station. See also the requirement for preparation of a Transportation Demand Management (TDM) program as described in the Greenhouse Gas Reduction Section of this document.
- III. BIOLOGICAL RESOURCES**
- A. Construction**
1. MHPA boundaries on adjacent properties shall be delineated on the construction documents.

2. A qualified biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. The qualified biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all construction activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the qualified biologist.
3. Prior to initiation of any construction-related grading, the construction foreman, construction crew, and/or the qualified biologist shall have a preconstruction meeting to discuss the sensitive nature of the adjacent habitat with the construction crew, the limits of construction, construction staging areas, mitigation measures including site-specific monitoring and preconstruction avian clearance surveys, and monitoring.
4. To avoid direct permanent impacts to sensitive habitats and species, the limits of construction shall be clearly delineated by a survey crew prior to construction. The limits of construction shall be defined with silt fencing or orange construction fencing before initiation of construction grading.
5. During construction, spoils, trash, and any construction-generated debris shall be removed to an off-site disposal facility. A trash abatement program shall be established during construction.
6. Dust suppression measures shall be implemented during construction to minimize the creation of dust clouds and possible degradation of sensitive vegetation communities, special-status species suitable habitat, and critical habitat.
7. To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation).
8. Construction activities shall not occur within 300 feet of an active nest (within 500 feet for raptors). A qualified biologist shall conduct a pre-construction survey 10 calendar days prior to the start of construction activities (including removal of vegetation). If nesting birds are detected, a letter report or mitigation plan in conformance with applicable local, state and federal laws and guidelines (e.g., appropriate follow-up surveys, monitoring schedules, visual construction barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. No-disturbance buffers (i.e., areas where work shall not occur) around active nests would be set at distances at the discretion of the qualified biologist and would be dependent on species, nest location, and an

individual's habituation to human activity. Recommended distances include 100 feet for passerine birds and 500 feet for raptors; however, these distances can be reduced/enlarged at the discretion of the qualified biologist based on the behavior and response of the nesting individuals to construction-related activity. If nesting birds are not detected during the pre-construction survey, no further mitigation is required.

current levels, which would decrease pollutant load contributions to the San Diego River.

2. Development design shall consider features that reduce bird collisions with buildings. Design features that shall be considered to reduce bird collisions may include the following: transparent passageways, corners, atria, or courtyards so that birds do not get trapped; appropriately shielded outside lighting that is directed away from native habitats to minimize attraction to light-migrating songbirds; interior lighting that is turned off at night or designed to minimize light escaping through windows; and landscaping designed to keep birds away from the building's facade. Use of non-reflective or opaque glass; external shades (or other devices to reduce glare, transparency, or reflectiveness) on windows; ultraviolet patterned glass; angled glass; and/or louvers can aid in reducing bird collisions.
3. Land Use Adjacency Guidelines: The owner, lessee, or contractor shall provide an implementing plan and include references on/in CDs of the following:
 - a. Grading/Land Development/MHPA Boundaries - MHPA boundaries on-site and adjacent properties shall be delineated on the construction documents. All grading shall occur within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
9. The owner, lessee, or contractor shall survey for least Bell's vireo and southwestern willow flycatcher prior to the commencement of construction. If least Bell's vireo or southwestern willow flycatcher are detected within an area potentially impacted by construction or construction noise levels exceeding 60 dBA hourly average or exceeding the dBA of ambient noise levels should they be greater than 60 dBA hourly average (i.e., whichever is greater), the developer shall consult with the City. Construction activities may be able to proceed during the breeding season provided adequate noise attenuation is implemented based on a study prepared by a qualified acoustician. Noise monitoring would be required to demonstrate the proper noise attenuation is being achieved. If the sensitive species are not present no further mitigation is required.

B. Operation

1. The Existing Stadium Site Conditions cause storm water to drain directly into the MHPA (i.e., San Diego River). The development will be required to comply with City of San Diego Storm Water regulations that require implementation of storm water BMPs to protect water quality. Stormwater runoff would be reduced from

- b. Drainage - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- c. Toxics/Project Staging Areas/Equipment Storage - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any construction limits. Provide a note in/on the construction documents that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- d. Lighting - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to applicable outdoor lighting regulations.
- e. Barriers - New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- f. Invasive Species - No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- g. Brush Management -New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent with the City's MSCP Subarea Plan.
- h. Noise - Due to the Stadium Site's location adjacent to the MHPA, where the qualified biologist has

identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

Coastal California Gnatcatcher (federally threatened)

The MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the Director of Development Services or his or her designee:

A. A qualified biologist shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

i. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and

ii. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and submitted to the City at least two weeks prior

to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

- iii. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 15).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60

dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and any applicable resource agencies, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Director of Development Services and his or her designee and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

- i. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.iii shall be adhered to as specified above.
- ii. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

IV. GEOLOGIC AND SOILS

A. Construction

1. A State-certified geologist shall review all excavations for evidence indicative of faulting, or seismically-induced ground deformation. If during grading, an

active fault is determined to extend through the area, appropriate building setbacks from the fault line shall be established.

2. Development of the Plan Area shall comply with the construction and design recommendations provided in the site-specific geotechnical report.

3. Prior to the issuance of building or grading permits, the owner, lessee, or contractor — shall prepare and submit to the Director of Development Services or his or her designee a final design-level geotechnical, geologic, and seismic hazard investigation report that complies with all applicable state and local code requirements prepared by a qualified geotechnical engineer and certified engineering geologist.

4. Stockpiled and excavated soil shall be covered with secured tarps or plastic sheeting.

B. Operation

1. An assessment of the potential for subsidence in the Plan Area shall be conducted as part of the geotechnical evaluation.

V. GREENHOUSE GAS REDUCTION

A. Cool/Green Roofs

1. Buildings shall, to the extent feasible, incorporate green or cool roof design elements, such as minimum solar reflection and thermal emittance or vegetated areas.

B. Plumbing fixtures and fittings

1. Residential and non-residential buildings shall utilize low-flow plumbing fixtures, fittings, and appliances.

C. Energy Performance Standard/Renewable Energy

1. Projects will be designed to have reduced energy budgets as specified in the City's Climate Action Plan.

2. The demand reduction may be provided through on-site renewable energy generation, such as solar, or by designing projects to have an energy budget that meets the above-mentioned performance standards.

D. Electric Vehicle Charging

1. Multiple-family projects of 10 dwelling units or less will include 3% of the total parking spaces required, or a minimum of one space, whichever is greater, shall include electrical car charging stations

2. Non-residential projects: 3% of the total parking spaces required in a non-residential project, or a minimum of one space, whichever is greater, will include electrical car charging stations.

E. Shower facilities

1. Nonresidential development that would accommodate over 10 tenant occupants (employees), would include changing/shower facilities in accordance with the table below:

Number of Tenant Occupants	Shower/Changing Facilities Required	Two-Tier (12"x15" x72") Personal Effects Lockers Required
0-10	0	0
11-50	1 shower stall	2
51-100	1 shower stall	3
101-200	1 shower stall	4
Over 200	1 shower stall plus 1 additional shower stall for each 200 additional tenant occupants	1 two-tier locker plus 1 two-tier locker for each 50 additional tenant-occupants

F. Designated Parking Spaces

1. Projects will provide designated parking for a combination of low-emitting, fuel-efficient, and carpool/vanpool vehicles in accordance with the following table:

Number of Required Parking Spaces	Number of Designated Parking Spaces
0-9	0
10-25	2
26-50	4
51-75	6
76-100	9
101-150	11
151-200	18
201 and over	At least 10% of total

G. Transportation Demand Management: Development within the Plan Area would implement Transportation Demand Management (TDM) measures, which may include the following or other measures selected by the owner, lessee, or contractor:

- Five-year, 50% subsidy for transit passes for employee occupants
- Designated shuttle stops.
- "Shared Use Vehicles" - a minimum of 1 vehicle shall be provided for every 50,000 square feet of leasable gross floor area.
- Electric, natural gas, fuel cells, fueling stations - a minimum of 1 space per 30,000 square feet of office space and a minimum of 1 space per 100 hotel rooms would be provided and a minimum of 50% of the stations would be electric vehicle charging stations.
- On-site day-care
- Bicycle storage - a minimum of 1 space for every 10 parking spaces
- Upgraded transit stop adjacent to new development, including shelter, seating, lighting and ongoing routine maintenance through an agreement with the appropriate transit agency for the life of the improvement.
- On-site shower facilities available to all tenants/employees of a building - a minimum of 1 space per 100,000 square feet of office space and a minimum of 1 space per 100 hotel rooms
- Participation by building management and tenants in carpool coordination, ridesharing and car-sharing programs.

- Discounted parking rates for carpools containing three or more adults - minimum 25% discount
- Preferential parking for car-sharing, carpool and vanpool (minimum 5% of permitted parking)
- Discounted parking rates for vehicles with CARB classifications Ultra-Low Emissions Vehicle (ULEV), Super Ultra-Low Emissions Vehicle (SULEV), Partial Zero Emissions Vehicle (PZEV), and Zero Emissions Vehicle (ZEV) - minimum 20% discount

H. Urban Tree Canopy

1. Development within the Plan Area would create an urban tree canopy coverage of at least 15 percent and would have a goal to achieve coverage of 35 percent.

VI. HAZARDOUS MATERIALS/HUMAN HEALTH/PUBLIC SAFETY

A. Emergency Response and Evacuation

1. The Sports Stadium owner, lessee, or developer shall prepare plans and policies pertaining to emergency response and evacuation procedures to be submitted to each business/residential building in the River Park and Mixed Use Site and to the City for their information. Plans shall also be submitted to the SDFD Fire Prevention Bureau and Unified San Diego County Emergency Services Organization. Plans shall include, but not be limited to, maps of evacuation routes for both pedestrians and vehicle traffic; locations of hospitals, fire stations, and police stations; locations of fire extinguishers; and designation of responsible personnel and agencies.

2. To assist in response to a seismic event, an emergency response and building-specific evacuation diagram for Plan Area structures shall be posted in each on-site building. Such signage shall be posted in appropriate locations to reduce the potential for injury to visitors and employees.

B. Hazardous Materials and Contamination

1. A detailed Contaminated Soils and Groundwater Management Plan shall be developed prior to any on-site grading. The comprehensive Plan shall meet local, state, and federal regulations pertaining to the handling and disposal of impacted soil and groundwater. The Plan shall address both the construction and operations periods of the Plan Area development and be submitted to the County of San Diego Department of Environmental Health and the Regional Water Quality Control Board (RWQCB). At a minimum, the Plan shall include:
 - A Soil and Groundwater Sampling Plan;
 - A Health and Safety Plan, including employee training; and
 - Details provided by the licensed contractor regarding how hazardous materials would be appropriately handled and disposed of during and following construction.
 - The contractor shall provide a description of construction waste streams, including

projections of frequency, amounts generated, and hazard classifications.

- Management methods to be used for each waste stream, including temporary on-site storage and BMPs treatment methods and companies providing treatment services; waste testing methods to ensure correct classification; methods of transportation; disposal requirements and sites; and recycling, reuse, and waste minimization/source reduction plans.

- Spill control and management procedures for spill containment, collection, and treatment.

- In the event that previously undiscovered contaminated soil or hazardous materials are encountered in the Plan Area during construction, identification and remediation procedures shall be developed in accordance with applicable federal, State and City regulations, which would ensure that the potential for the risk of upset would avoided.

2. Handling and removal of hazardous materials will comply with federal, state and local regulations, which include requirements for disposal of hazardous materials at facilities licensed to accept such waste.

3. The owner, lessee, or contractor shall comply with all state and federal regulations pertaining to the handling and disposal of impacted soil and groundwater during site excavation and grading.

4. A survey for asbestos and asbestos-containing material (ACM) shall be conducted prior to issuance of the demolition permit for the existing stadium and associated infrastructure. If present, Regulated ACM and Category I/Class I Non-Friable and Category I/Class II Non-Friable ACM that is suspected to become friable shall be removed and disposed of in accordance with applicable regulatory requirements.

5. A survey for lead-based paint (LBP) shall be conducted prior to demolition of the existing stadium and associated infrastructure. LBP material, if present, shall be removed and disposed of in accordance with applicable regulatory requirements.

6. Facility components that are suspected to contain polychlorinated biphenyls (PCB) materials or equipment (including transformers, light ballasts, or elevators) shall be inspected for the presence of PCBs prior to demolition of the existing stadium and associated infrastructure. PCB-containing materials or equipment shall be removed and disposed of in accordance with applicable regulatory requirements.

C. Stadium Demolition

1. Prior to demolition of the existing stadium, the owner, the owner, lessee, or contractor shall prepare and submit a Demolition and Implosion Plan to the City of San Diego Development Services Department and City of San Diego Fire-Rescue Department (SDFD) Fire Prevention Bureau for review. The Plan shall include, at a minimum:

- An engineering survey prior to demolition and implosion;
- Description of demolition equipment to be utilized;
- Fire and security precautions;
- Provisions for notification to the public of implosion;
- Emergency response protocol;
- Requirements for the retention of a licensed demolition contractor to transport, install, and detonate explosives to implode portions of the existing Qualcomm Stadium;
- Defined exclusion zone for implosion;
- Safe handling and use procedures for explosive materials, including vehicular transport of explosive materials;
- Post demolition and implosion inspection, including inspection of adjacent structures, including the adjacent new stadium; and
- Safe disposal procedures for demolition debris and deteriorated explosives.

VII. HISTORICAL RESOURCES

A. Archeological Resources - Prior to Construction

1. The owner, lessee, or contractor shall indicate the requirement for archaeological monitoring and Native American monitoring on the applicable construction documents.
 2. A site-specific records search (quarter-mile radius or less if approved by the City) shall be completed and verification that the search was completed shall be submitted to the City. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- ### B. Archeological Resources - During Construction
1. An archaeological monitor shall be present full time during all soil-disturbing and grading/excavation/trenching activities that could result in impacts to archaeological or Native American resources as applicable.
 2. The City shall be notified in the case of any discoveries of archaeological and/or Native American resources.
 3. In the event of a discovery, the archaeological or Native American monitor shall direct the contractor to temporarily divert all soil-disturbing activities including, but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources. The City shall be notified of the discovery within 24 hours by fax or email with photos of the resource in context, if possible. No soil shall be exported off-site until a determination can be made

regarding the significance of the resource specifically if Native American resources are encountered.

4. The Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If the resource is significant, the contractor or monitor shall submit to the City an Archaeological Data Recovery Program that has been reviewed by the Native American consultant/monitor. If the resource is not significant, the contractor or monitor shall submit a letter to the City indicating that artifacts will be collected, curated, and documented. The letter shall also indicate that that no further work is required.

5. If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains, and the procedures set forth in state and local regulations.

6. The contractor or monitor shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued in accordance with the state and local requirements.

C. Historical Resources

1. Prior to demolition, Secretary of Interior-qualified professionals (in history or architectural history) shall perform photo-records and documentation of the existing stadium in accordance with the applicable industry standards. If historical as-built drawings do not exist (or are not reproducible to applicable industry standards), then measured drawings shall be prepared

to document the structure and its alterations. Following completion of the documentation, the materials shall be placed on file with the City, San Diego History Center, San Diego Central Library, and the Library of Congress.

2. Prior to demolition, the owner, lessee, or contractor shall coordinate with the City (at the City's sole discretion) to make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of San Diego Stadium. The materials to become architectural salvage shall include historic-period elements that will be removed during development, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. No materials shall be salvaged or removed until recordation and documentation are completed and an inventory of key exterior and interior features and materials is completed by Secretary of Interior-qualified professionals. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, or decayed will not be included in the salvage program and will not be available for future use or display.

3. The owner, lessee, or contractor shall develop and install interpretive signage or display panels in a publicly visible location that describes the history and significance of the existing stadium. The interpretive signage shall include historic photographs and a brief

narrative describing the history and significance of the existing stadium.

VIII. HYDROLOGY AND WATER QUALITY

A. Prior to the issuance of a grading permit for the Sports Stadium Area, a Conditional Letter of Map Revision Based on Fill (CLOMR-F), shall be obtained from FEMA and presented to the City Engineer.

B. Prior to construction activities on any development area within the Plan Area, the developer shall prepare a master erosion control plan for that developed area, which includes detailed flood control plans, for submittal the City of San Diego Public Works Department. The plans shall include hydrology/hydraulic calculations and drainage improvement plans, showing quantitatively how projected storm water runoff would not exceed existing design conditions.

C. Development must demonstrate compliance with the City's permit requirements for storm water and will incorporate construction and post-construction best management practices to prevent storm water runoff into receiving water bodies.

will post a notice in a local newspaper as notifying residents of construction activity.

3. A sign, legible at a distance of 50 feet, shall also be posted at high visibility areas on the construction site. All notices and signs shall indicate the dates and duration of construction activities, as well as a telephone number where residents can inquire about the construction process and register complaints.

4. Pile drivers used within 1,500 feet of off-site residences shall be equipped with noise control measures to reduce sound energy emissions associated with pile driving (e.g., use of noise attenuation shields or shrouds). Holes for piles will be pre-drilled to the extent feasible.

5. Construction contractors shall be required in writing to comply with the City's Noise Ordinance.

6. The owner, lessee, or contractor shall endeavor to schedule high noise-producing activities to minimize disruption on sensitive uses.

7. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.

8. Vehicles in loading and unloading queues shall have their engines turned off after 5 minutes when not in use.

9. The contractor or its authorized agent shall be required to:

1. All construction equipment shall be in proper operating condition and fitted with standard factory silencing features.

2. The owner, lessee, or contractor shall notify residents within 800 feet of the construction site and in addition

IX. NOISE

A. Construction

1. All construction equipment shall be in proper operating condition and fitted with standard factory silencing features.

2. The owner, lessee, or contractor shall notify residents within 800 feet of the construction site and in addition

- Adjust all audible back-up alarms downward in sound level, reflecting locations that have expected lower background level, while still maintaining adequate signal-to-noise ratio for alarm effectiveness. Consider signal persons and strobe lights, or alternative safety equipment and/or processes as allowed, for reducing reliance on high-amplitude sonic alarms.

- Place stationary noise sources, such as generators and air compressors, away from affected noise-sensitive receivers to the farthest extent practical on the site. Place non-noise-producing mobile equipment such as trailers in the direct sound pathways between suspected major noise-producing sources and these sensitive receivers. To minimize flanking underneath or through vertical gaps, the construction contractor shall cover the openings with at least 0.5-inch-thick plywood, hay bales, or other sufficiently dense material.

10. The construction contractor shall establish a telephone hot-line for use by the public to report any significant adverse noise conditions associated with the construction and operation of the development contemplated in the Specific Plan. If the telephone is not staffed 24 hours per day, the contractor shall be required to include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This hot-line telephone number shall be posted at the development site during construction in a manner visible to passersby. This telephone number shall be maintained until the River Park and Mixed Use Site development has been

considered commissioned and ready for operation. The contractor shall be required to document, investigate, evaluate, and attempt to resolve all construction-related noise complaints and take all reasonable measures to reduce the noise at its source.

The following are practices for construction equipment selection that can help reduce noise and shall be implemented, as feasible:

- Use concrete crushers or pavement saws rather than impact devices such as jackhammers, pavement breakers, and hoe rams for tasks such as concrete or asphalt demolition and removal.
- Pneumatic impact tools and equipment used at the construction site shall have intake and exhaust mufflers recommended by the manufacturers thereof, to meet relevant noise limitations.
- Provide impact noise producing equipment (i.e., jackhammers and pavement breaker(s)) with noise attenuating shields, shrouds or portable barriers or enclosures, to reduce operating noise.
- Line or cover hoppers, storage bins, and chutes with sound-deadening material (e.g., apply wood or rubber liners to metal bin impact surfaces).
- Provide upgraded mufflers, acoustical lining, or acoustical paneling for other noisy equipment, including internal combustion engines.

- Use alternative procedures of construction and select a combination of techniques that generate the least overall noise and vibration.
 - Use construction equipment manufactured or modified to reduce noise and vibration emissions, such as:
 - Electric instead of diesel-powered equipment.
 - Hydraulic tools instead of pneumatic tools.
 - Electric saws instead of air- or gasoline-driven saws.
- B. Operation**
1. The owner or lessee shall comply with the applicable City of San Diego requirements for operational noise.
 2. Incorporate electronic controls or limits into the final design of the new stadium audio/visual sound system, as well as tie-ins from hosted performers to control amplified speech and music noise at the source.
 3. Fireworks (pyrotechnic) shows shall be limited to a maximum of 30 events per year and shall be prohibited after 10:00 p.m. except for special holiday events (e.g. Fourth of July, New Year's Eve, a winter holiday show). Fireworks shows shall be defined as a single, coordinated pyrotechnic display continuing for an uninterrupted period of time lasting longer than five minutes and involving pyrotechnic devices that reach above the Sports Stadium. The use of fireworks (pyrotechnic devices) within the Sports Stadium that are

not a fireworks show are allowed without limitation. The use of fireworks (pyrotechnic devices) to the south of the Sports Stadium shall be prohibited. The use of fireworks (pyrotechnic devices) by guests in parking lot areas shall be prohibited.

4. Place stationary noise sources, such as generators and air compressors, away from affected noise-sensitive receivers to the farthest extent practical on the development site.

X. PALEONTOLOGICAL RESOURCES

If any paleontological materials are encountered during ground-disturbing activities for construction, all further ground-disturbing activities in the area shall be temporarily diverted and the services of a qualified paleontologist shall then be secured. The paleontologist shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource, as appropriate. The owner, lessee, or contractor shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report, and a copy of the paleontological survey, study or report shall be submitted to the San Diego Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

XI. PUBLIC SERVICES

- A. Fire**

1. Owners, lessees, or contractors shall ensure that during demolition and construction, Fire Department access will remain clear and unobstructed.
 2. During operation, all access roads, including fire lanes, shall be maintained in an unobstructed manner, and removal of obstructions shall be at the owner's or lessee's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign.
 3. Adequate on-site private fire hydrants shall be constructed. Their number and location are to be determined after the Fire Department's review of the proposed development's plot plan. The maximum distance between fire hydrants on roads and fire lanes in a regional commercial area is 300 feet.
- B. Police**
1. Owners, lessees, or contractors shall ensure that during construction, Police Department access will remain clear and unobstructed.
 2. Owners, lessees, or contractors shall provide security features on the construction site(s), such as guards, fencing, and locked entrances.
 3. Alarms and/or locked gates shall be installed on doorways providing public access to commercial facilities.
 4. Landscaping should not be planted in a way that could provide cover for persons tampering with doors or windows of commercial facilities, or for persons lying in wait for pedestrians or parking garage users.
 5. Safety features shall be incorporated into project design to assure pedestrian safety, assist in controlling pedestrian traffic flows, and avoid pedestrian/vehicular conflicts on-site. Safety measures may include provision of security and traffic control personnel; approved street closures for special events or peak pedestrian activity; clearly designated, well-lit pedestrian walkways on-site; special street and pedestrian-level lighting; physical barriers (e.g., low walls, landscaping), particularly around the perimeter of the parking garages, to direct pedestrians to specific exit locations that correspond to designated crosswalk locations on adjacent streets; and guide signs for site-bound pedestrians approaching the site from the MTS Trolley Station.
 6. Owners, lessees, or contractors shall implement private security measures including security fencing, lighting, locked entry, and regular security patrols on the property.
 7. Owners, lessees, or contractors shall consult with the San Diego Police Department regarding crime prevention features appropriate for the design of the development.
 8. Upon completion of construction of the Sports Stadium, the owner, lessee, or contractor shall provide the San Diego Police Department with a diagram of each portion of the stadium, including access routes, and any additional information that might facilitate police response.

9. Barriers and/or fencing shall be installed around construction sites to secure construction equipment and the site and to prevent trespassing, vandalism, and attracting nuisances.

C. Parks & Recreation

1. Development shall incorporate project design features such as plazas, terraces and paseos that encourage access to a variety of open space uses for residents and visitors to the River Park and Mixed Use Site.

XII. TRANSPORTATION/CIRCULATION

A. Construction

1. The owner, lessee, or contractor shall prepare a traffic control plan for submittal to the City and shall implement the plan during construction to avoid delays on surrounding roadways.

Construction vehicles shall comply with the provisions of the California Vehicle Code, including stopping when encountering school buses using red flashing lights.

B. Operation

1. Bus access shall be maintained to the River Park and Mixed Use Site.

2. Owners and lessees shall enhance connections and linkages to transit. This will particularly include physical linkages to the MTS Trolley Station on the River Park and Mixed Use Site, as well as directional signage to bus and rail lines, and the provision of landscaped bus stops

with passenger amenities such as benches and shaded areas.

3. Owners and lessees shall provide up to two transit information kiosks on the River Park and Mixed Use Site for the purpose of providing information about the available transit in the area, and of dispensing tickets/passes, if feasible.

4. As detailed in the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan (Section 5.5), owners or lessees shall construct or provide the necessary funding for the following off-site transportation improvements when development reaches the indicated ADT threshold and prior to building permits being approved for the following thresholding trigger. Traffic improvements and required implementation timing is detailed in the following Off-Site Transportation Improvements Table:

Off-Site Improvements for Funding or Construction		
<p><i>Transportation Management Plan</i></p> <ul style="list-style-type: none"> • Prepare a Transportation Management Plan (TMP) that identifies policies and programs to help manage vehicular, pedestrian, bicycle and transit congestion during game days. • Developer shall pay 100%. 	<p>First event at Sports Stadium</p>	<p>Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)</p>
<p><i>Parking Management Plan</i></p> <ul style="list-style-type: none"> • Prepare a Parking Management Plan (PMP) that identifies parking policies and programs to help manage vehicular, pedestrian, bicycle and transit parking during game days. • Developer shall pay 100%. 	<p>First event at Sports Stadium</p>	
<p><i>New Signalized Project Driveway / Friars Road</i></p> <ul style="list-style-type: none"> • Construct a new project driveway as the fourth leg of the existing Mission Valley Fire station 45 intersection. Widen Friars Road on the south side to include dual westbound left-turn and dual eastbound right-turns lanes. Construct the project driveway as a 6-lane Major with dual northbound left-turn and dual right-turn lanes. Include Class II bike lanes and sidewalks on both sides of the Friars Road and the project driveway. 	<p>First event at Sports Stadium</p>	
<p><i>New Signalized Project Driveway / San Diego Mission Road</i></p> <ul style="list-style-type: none"> • Construct a new project driveway on San Diego Mission Road (opposite the fuel tank farm site) with appropriate lane configurations. Include Class II bike lanes and sidewalks on both sides of San Diego Mission Road. Install a traffic signal. Developer shall pay 100%. 	<p>First event at Sports Stadium</p>	

Off-Site Improvements for Funding or Construction		
<p><i>Mission Village Drive/San Diego Mission Road</i></p> <ul style="list-style-type: none"> Widen the Mission Village Drive/ San Diego Mission Road intersection to include a dedicated right-turn lane, three through lanes and an exclusive left-turn lane on the southbound approach; a dedicated right-turn lane, two through lanes and an exclusive left-turn lane on the westbound approach; a shared thru-right lane, two through lanes and a dedicated left-turn lane on the northbound approach; a shared thru-right lane, one through lane and an exclusive left-turn lane on the eastbound approach. Developer shall pay 100%. 	<p>First event at Sports Stadium</p>	<p>Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)</p>
<p><i>Rancho Mission Road / Ward Road</i></p> <ul style="list-style-type: none"> Install a traffic signal at the Rancho Mission Road/Ward Road intersection. Developer shall pay 100%. 	<p>First event at Sports Stadium</p>	
<p><i>Northside Drive / Friars Road</i></p> <ul style="list-style-type: none"> Widen the northbound approach to provide a second northbound right-turn lane at Northside Drive/Friars Road intersection. Developer shall pay 100%. 	<p>12,210 ADT³</p>	
<p><i>I-15 / Friars Road Interchange</i></p> <ul style="list-style-type: none"> Widen the westbound approach at the SB ramps intersection to include dual right-turn lanes. To enhance pedestrian and bicycle mobility, the loop on-ramp to SB I-15 is proposed to be "squared-off" such that the right-turns occur within the intersection. Restripe the overcrossing such that the dual eastbound left-turns are accommodated at the I-15 NB ramps intersection. This is accomplished restriping the additional width gained by removing the free loop ramps. No bridge deck widening is proposed. A new sidewalk and a Class II bike lane are also proposed on the north side of the 	<p>14,420 ADT</p>	

³ All ADT referred to in Specific Plan are Driveway ADT

Off-Site Improvements for Funding or Construction		
<ul style="list-style-type: none"> • Widening on the westbound approach at the NB ramps intersection to ensure acceptable intersection alignment and offset. "Square-off" the loop on-ramp to ensure right-turns occur within the intersection. • Developer shall pay 100%. 		Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)
<p><i>Mission Village Drive / Friars Road Interchange</i></p> <ul style="list-style-type: none"> • Widen the off-ramp at Mission Village Drive WB/Friars Road intersection to include an additional left-turn lane. Class II bike lanes and bike boxes at the intersection limit lines are also proposed. Widen the on-ramp at Mission Village Road WB/Friars Road intersection to include an additional on-ramp lane. Install Class II bike lanes on the on-ramp. • Widen the Mission Village Drive overcrossing to include 8-lanes. This will include three southbound through lanes, two northbound through lanes and dual left-turn lanes at the WB ramps intersection and single left-turn lane at the EB ramps intersection. Install new sidewalks and Class II bike lanes on both sides of the overcrossing. The overcrossing shall also be lengthened accordingly to accommodate the future widening of Friars Road. • Widen the off-ramp at Mission Village Drive EB/Friars Road intersection to include an additional right-turn lane. Install Class II bike lanes and bike boxes at the intersection limit lines. Widen the on-ramp at Mission Village Road EB/Friars Road intersection to include an additional on-ramp lane. Install Class II bike lanes on the on-ramp. • Developer shall pay 100%. 	23,530 ADT	
<p><i>Mission Village Drive / San Diego Mission Road</i></p> <ul style="list-style-type: none"> • Widen the southbound approach at the Mission Village Drive / San Diego Mission to include a third southbound through lane with an exclusive right-turn lane. San Diego Mission Road may require a partial street vacation to enhance vehicular stacking and queuing. • Developer shall pay 100%. 		
<p><i>Fenton Parkway / Friars Road</i></p>		25,110 ADT

Off-Site Improvements for Funding or Construction		Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)
<ul style="list-style-type: none"> ▪ Restripe to add a second eastbound left-turn lane at Fenton Parkway / Friars Road intersection. ▪ Install a right-turn overlap phase on the northbound approach of Fenton Parkway / Friars Road intersection. ▪ Developer shall pay 100%. 		
<p>Friars Road: Rancho Mission Road to I-15</p> <ul style="list-style-type: none"> ▪ Widen along the south side of Friars Road to accommodate a fourth lane between Rancho Mission Road to I-15. Install an eastbound buffered bike lane. ▪ Developer shall pay 100%. 		35,360 ADT
<p>Friars Road: I-15 to Northside Drive</p> <ul style="list-style-type: none"> ▪ Widen Friars to an 8-lane Expressway with buffered Class II bike lanes on both sides. ▪ Developer shall pay fair share contribution. 		37,910 ADT
<p>San Diego Mission Road: Fairmount Avenue to Rancho Mission Road</p> <ul style="list-style-type: none"> ▪ Widen San Diego Mission Road to a 4-lane Collector with two-way left-turn lane with Class II bike lanes on both sides. ▪ Developer shall pay fair share contribution. 		45,270 ADT
<p>I-15 / Friars Road Interchange</p> <ul style="list-style-type: none"> ▪ Widen the SB ramps intersection to include dual westbound left-turn lanes and dual right-turn lanes. "Square-off" the loop on-ramp to ensure right-turns occur within the intersection. Widen the eastbound approach to include dual left-turn lanes and dual right-turn lanes. Widen the on-ramp to include a second on-ramp lane. ▪ Widen the overcrossing to 8-lanes, which include six (6) through lanes and dual (2) left-turn lanes on the bridge deck. Install sidewalks and Class II bike lanes on both sides. ▪ Widen the eastbound approach at the NB ramps intersection to include dual left-turn lanes. Widen on the 		45,390 ADT

<p style="text-align: center;">Off-Site Improvements for Funding or Construction</p>	<p>Trigger for Payment or Construction of Improvement (at time of issuance of building permit, unless otherwise specified)</p>
<p>westbound approach to ensure acceptable intersection alignment and offset. "Square-off" the loop on-ramp to ensure right-turns occur within the intersection.</p> <ul style="list-style-type: none"> ▪ Developer shall pay fair share contribution. 	
<p>San Diego Mission Road/Rancho Mission Road</p> <ul style="list-style-type: none"> ▪ Widen the eastbound approach and construct a second eastbound left-turn lane. To ensure acceptable intersection alignment and offset, the eastbound approach will also need to be widened accordingly. ▪ Developer shall pay fair share contribution. 	<p>62,010 ADT</p>

5. A Transportation Management Plan (TMP) which includes policies and procedures to minimize the level of traffic and parking congestion before and after Stadium games and events shall be developed and approved by the City of San Diego Development Services Director prior to the first game or event at the Sports Stadium. The TMP shall be reviewed and re-approved annually to account for new development in the Plan Area or new circumstances.

XIII. UTILITIES

A. Water

1. The City shall be consulted regarding feasible water conservation features, including xeriscape practices (e.g. use of drought-tolerant landscaping and drip irrigation systems), which can be incorporated into the project designs.

2. Automatic sprinkler systems shall be set to irrigate landscaping during morning or evening hours to reduce water losses from evaporation. Sprinklers shall be reset to water less often in cooler months and during the rainfall season so that water is not wasted by excessive landscape irrigation.

3. All toilets, urinals, sinks, showers and other water fixtures installed on-site shall be low-flow fixtures.

B. Solid Waste

1. Construction

a. Waste diversion of 81% of construction and demolition materials shall be achieved. Recyclable waste material would be separated on-site into material-specific containers and diverted to a facility that recycles specific waste materials from construction.

b. A Solid Waste Management Coordinator (SWMC) for projects shall be designated to ensure that all contractors and subcontractors are educated and that procedures for waste reduction and recycling efforts are implemented. Specific responsibilities of the SWMC would include the following:

c. Review of the WMP at the preconstruction meeting, including the SWMC responsibilities.

d. Distribute the WMP to all contractors when they first begin work on-site and when training workers, subcontractors, and suppliers on proper waste management procedures.

e. Work with the contractors to estimate the quantities of each type of material that would be salvaged, recycled, or disposed of as waste, then assist in documentation.

f. Use detailed material estimates to reduce risk of unplanned and potentially wasteful material cuts.

2. Operation

a. Encourage the use of drought tolerant plants which would result in a reduction in the amount of yard waste once projects are constructed and occupied.

- b. Provide litter bins with recycling as an integral feature in all common areas to increase the opportunity to separate out recyclables from the trash.
- c. Provide recyclable collection services required by and in accordance with the Recycling Ordinance, as well as providing exterior storage space for refuse, recyclable materials, and a means of handling landscaping and green waste materials.
- d. Promote recycling to patrons.
- e. For commercial facilities, which receive solid waste collection services from a franchisee, the responsible person shall provide on-site recycling services to occupants as required by local ordinance.
- f. For multi-family residential facilities which receive solid waste collection services from a Franchisee, the responsible person shall provide on-site recycling services to occupants as required by local ordinance.
- g. Occupants of commercial facilities, which receive solid waste collection services from a franchisee, shall participate in a recycling program by separating recyclable material from other solid waste and depositing the recyclable materials in the recycling container provided by the franchisee or Recyclable Materials Collector.
- h. Occupants of multi-family residential facilities, which receive solid waste collection services from a Franchisee, shall participate in a recycling program by separating recyclable material from other solid waste and depositing the recyclable materials in the recycling container provided by the franchisee.
- i. Commercial facilities' recycling services shall comply with the applicable local ordinance.
- j. Multi-family residential facilities' recycling services shall comply with the applicable local ordinance, including collection of recyclable materials at least two times per month; collection of plastic bottles and jars, paper, newspaper, metal containers, cardboard, and glass containers; and utilization of recycling receptacles.
- k. For commercial facilities, the responsible person shall ensure that occupants are educated about the City and Plan Area's recycling services, including providing information about the types of recyclable materials accepted, the location of recycling containers, and the occupants responsibility to recycle.

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D. Traffic Monitoring Worksheet

Traffic Monitoring Worksheet

Planning District	Land Use	Development Level	Total Driveway Trips	Total Peak Hour Trips			
				AM		PM	
				In	Out	In	Out
Mixed Use (MU)							
Parks/Open Space (OS)							

General Notes:

- The monitoring worksheet will be prepared by a Registered Traffic Engineer and submitted to City of San Diego for review and approval.
- Deviation from the total ADT or total AM and PM peak hour trips will require preparation of a traffic study by a registered traffic engineer.

Prepared By: _____

Date: _____

**EXHIBIT G
TO THIS INITIATIVE**

SAN DIEGO RIVER PARK AND SOCCER CITY DEVELOPMENT AGREEMENT

Recording Requested by:

CITY OF SAN DIEGO

When Recorded Mail To:

CITY OF SAN DIEGO
Office of the City Clerk
202 C Street, Second Floor
San Diego, California 92101
Attention: City Clerk

FREE RECORDING
GOVERNMENT CODE
SECTION 6103

DEVELOPMENT AGREEMENT

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FREE RECORDING
GOVERNMENT CODE
SECTION 6103

DEVELOPMENT AGREEMENT

by and among

CITY OF SAN DIEGO,

and

**THE LESSEE OF THE PROPERTY AS OF THE DATE OF THE
EXECUTION DATE OF THIS AGREEMENT**

**CONCERNING THE SAN DIEGO RIVER PARK AND SOCCER CITY
SAN DIEGO DEVELOPMENT IN MISSION VALLEY, SAN DIEGO**

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) is executed this ____ day of _____, 2017, by and among: (1) CITY OF SAN DIEGO (“City”), and (2) the Property Owner(s) (other than the City) or Lessee(s) of that certain Property under a lease entered into under the standards set forth in the San Diego River Park and Soccer City Initiative, as defined below, as of the Effective Date of this Agreement (“Developer”) (each a “Party” and collectively “Parties”).

RECITALS

- A. The City intends to enter into or has entered into a ground lease providing for the redevelopment of the existing football stadium site, located at 9449 Friars Road, San Diego, California 92108 (“Existing Stadium Site”) and an adjacent parcel north of Friars Road formerly utilized for San Diego Chargers tailgating (“Family Tailgate Lot”), and the development and utilization of an up-to twenty-acre portion of the athletic training site located at 4020 Murphy Canyon Road, San Diego, California 92123 (“Murphy Canyon Training Facility Site”) (collectively, the “Property”) for the purposes of providing a potential site for a professional soccer franchise for San Diego County, which would allow for construction of a sports stadium, practice fields, and supporting transit-oriented development (the “Project”), as described more specifically in the San Diego River Park, Soccer City, and Qualcomm Stadium Redevelopment Specific Plan (“Specific Plan”), as such may be adopted by the City prior to the Effective Date.
- B. The City intends to proceed with the development of the Property by ground lease so that the City may retain long-term control over the Property to accomplish the purposes of the Specific Plan and maintains the ability to terminate the lease and recover the Property if the lease obligations are not met by Developer.
- C. The cost of maintaining the Property is very expensive, as is the demolition or dismantling of the existing professional football stadium located on the Property (“Existing Stadium”). The Existing Stadium has certain lease commitments that have been made by the City. The City will be faced with major annual costs to maintain Existing Stadium and large unfunded costs for demolition and removal if the land is not transferred to a willing and able developer who agrees to take the burden of these costs.
- D. The Parties agree that special development regulations should apply to this unique Property and that those regulations should be preserved so that the Property may be developed over a period of time in a consistent and organized manner, preserving certain design intensities, features, and characteristics, and supporting the development of a world-class professional soccer or other outdoor sports stadium (“Sports Stadium”) and mixed-use urban village consistent with the City’s General Plan and City of Villages Strategy. The development of the Property in this manner provides the unique opportunity for transit-oriented development to be integrated with entertainment, park, and recreational opportunities within walking distance of an existing light rail transit stop.
- E. California law provides that the parties to a development agreement may provide that, unless otherwise specified, the rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations and policies in force at the time of execution of the agreement. The Parties intend that this Agreement shall be executed by the City on the Effective Date (as defined below).
- F. The City finds that this Agreement provides for significant benefits to the City that could not be derived or provided except through this Agreement including: the coordinated development of the Existing Stadium Site as a world-class Sports Stadium and mixed-use urban village consistent with the City’s General Plan and goal to create a City of Villages; monetary contributions for future installation of specified traffic improvements that may be constructed by the City; the provision of open space and active recreational fields along the San Diego River; the provision of public park space that meets or exceeds City requirements; and the demolition and dismantling of Existing Stadium. In addition, the development of the Property will expand and improve the City’s property and sales tax base; invest significant private

capital into the local economy; generate substantial construction employment and new permanent employment opportunities for the City and the region; and provide new housing adjacent to an existing light rail transit stop, furthering the City's greenhouse gas reduction goals and policies.

- G. The City is authorized to enter into development agreements with persons having legal or equitable interests in real property for the development of such property pursuant to California and local law.
- H. Developer represents and hereby warrants that it is the holder of a ground lease to the Property and thereby has legal and equitable interests in the Property.
- I. The City finds that this Agreement is consistent with the City's General Plan, and that the City has completed all necessary proceedings, if any, in accordance with the City's rules and regulations for its approval.

AGREEMENT

NOW, THEREFORE, City and Developer agree as follows:

1. Purpose. The purpose of this Agreement is to: (1) accomplish the objectives set forth in the Recitals to this Agreement; (2) set forth the terms and conditions for how the Property may be developed by the Developer and/or Developer's Assigns (as defined in Section 19.1); and (3) assure the Developer that the Property can be developed in accordance with the Development Regulations described in this Agreement.
2. Property. This Agreement shall apply to the Property more specifically described in Exhibit A.
3. Effective Date. This Agreement shall not become effective and no Party shall have any rights or obligations hereunder until the "Effective Date," which for purposes of this Agreement shall mean the date of the execution of this Agreement by the City and the Developer (the "Execution Date"). The Execution Date shall occur after the date the initiative that proposes this Agreement (the "Initiative") becomes effective. The execution of a ground lease for the Property is a condition precedent to this Agreement, and therefore the Execution Date shall not occur until a ground lease for the Property has been executed. The Execution Date shall occur within thirty-one (31) days following the execution of a lease for the Property.
4. Term. The term of this Agreement ("Term") shall commence on the Effective Date and shall continue thereafter until the earlier of the following: (i) the date that is twenty (20) years after the Effective Date; or (ii) the date this Agreement is terminated pursuant to Section 12 or Section 14 of this Agreement.
5. Significant Public Benefits. The completion of the development contemplated in the Specific Plan, including the completion of the Sports Stadium and parks, shall constitute significant public benefits.
6. Development Regulations. The rules, regulations, and official policies governing the permitted land uses, density, height, design, and improvement of the Property (the "Development Regulations") shall be the City's rules, regulations, and official policies as they may exist on the Effective Date of this Agreement. The Development Regulations include, but are not limited to: the General Plan; Mission Valley Planned District Ordinance; San Diego Zoning Code; Mission Valley Community Plan; Kearny Mesa Community Plan, Mission Valley Public Facilities Financing Plan; and the Specific Plan. Changes to these Development Regulations shall not apply to the Property during the Term of this Agreement except upon the written consent of the Developer and/or Developer's Assigns, pursuant to Section 8.1.
 - 6.1. Changes in Building and Fire Codes. Notwithstanding any provision of this Agreement to the contrary, development of the Property shall be subject to changes which may occur from time to time in applicable building and fire codes, and their associated fees, that may be adopted by the City.
 - 6.2. Changes Mandated by Federal or State Law. This Agreement shall not preclude the application to development of the Property of changes in, or additions to, state and federal

laws and regulations. In the event state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, such provisions shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations and to effectuate to the extent possible the terms of this Agreement.

7. Subsequent Approvals and Permits and Acts of the City. Except as otherwise set forth in this Agreement, the City shall not require the Developer and/or Developer's Assigns to obtain any further discretionary approvals or permits for the development of the Property in accordance with this Agreement during the term of this Agreement unless such permits or approvals are required by the Development Regulations or by the terms of this Agreement. The procedures for obtaining such permits shall be those procedures set forth in the Specific Plan in effect on the Effective Date of this Agreement. It is anticipated that the Developer will seek additional ministerial permits as required by the City, including, without limitation, grading permits, demolition permits and building permits, as needed to implement development on the Property (collectively, "Future Ministerial Permits"). The City agrees to grant such Future Ministerial Permits to the Developer and/or Developer's Assigns provided: (1) the development authorized by Future Ministerial Permit is in substantial accordance with the development permitted under the Specific Plan; and (2) the Developer and/or Developer's Assigns have complied with the rules, regulations, and official policies for obtaining such Future Ministerial Permit set forth in the Development Regulations and as otherwise provided in this Agreement. This paragraph shall not prevent the City from exercising such discretion as it may have under the Development Regulations. The City agrees that the terms, conditions, and requirements for Future Ministerial Permits shall not prevent the Developer's or and/or Developer's Assigns' development of the Property in substantial accordance with the terms of this Agreement.
8. Vested Rights. During the term of this Agreement, the Developer shall have a vested right to develop the Property in accordance with this Agreement and the Development Regulations, provided that the Developer is not in substantial default of this Agreement. Except as otherwise specified in this Agreement or in any applicable lease of the Property between the Developer and the City, nothing in this Agreement shall be deemed to obligate the Developer to initiate or complete development of the Property as contemplated in the Specific Plan, or any portion thereof, within any time period of time or at all or to develop the Property or any portion thereof to the full size or density allowed in the Specific Plan.
 - 8.1. Certain Changes Prohibited Without Consent of Developer. Except as otherwise provided in this Agreement, during the Term, the City shall not, as to the Property, without the prior written consent of Developer, which written consent may or may not be given in the Developer's sole and complete discretion: (a) change the Development Regulations as they apply to the Property so as to prevent or adversely affect development of the Property in accordance with the Development Regulations; or (b) apply to the Property any new or amended ordinance, resolution, rule, regulation, requirement or official policy that is inconsistent with the Development Regulations, so as to prevent or adversely affect development of the Property in accordance with the Development Regulations; or (c) apply to the Property any new or amended ordinance, resolution, rule, regulation, requirement or official policy that requires additional discretionary review or approval not otherwise required for the development of the Property by the Development Regulations; or (d) apply to the Property any new or amended ordinance, resolution, rule, regulation, requirement or official policy that materially adversely affects the timing or phasing of construction or development, or which limits the availability of utilities or other infrastructure for the development of the Property. For the purposes of this Section 8.1, "prevent or adversely affect development of the Property" shall include, without limitation, any changes which fundamentally affect the ability of a use permitted by the Specific Plan ("Permitted Use") to operate within the Property (e.g., prohibit a Permitted Use, change parking standards for a Permitted Use, etc.). Changes of City-wide, non-discriminatory applicability which affect internal operational requirements for Permitted Uses (e.g., safety requirements, security requirements, etc.) and that do not conflict with express provisions of any Future Ministerial Permits shall not be considered to be changes which "prevent or adversely affect development of the Property."
 - 8.2. Rights Are Vested. Unless amended or terminated in the manner specified in this Agreement (and subject to the provisions of this Agreement), Developer shall have the rights and benefits afforded by this Agreement and this Agreement shall be enforceable

by the Developer and the City notwithstanding any growth control measure or any development moratorium adopted after the Effective Date, or any change in the applicable general or specific plans, zoning, or subdivision regulations adopted by the City which alter or amend the Development Regulations or Permitted Uses, or the adoption of any new or amended ordinance, resolution, rule, regulation, requirement or official policy that is inconsistent with the Development Regulations or Permitted Uses, so as to prevent or adversely affect development of the Property in accordance with the Development Regulations or Permitted Uses. This Section shall be construed to prohibit the City from applying to the Property any development moratorium or growth control measure that is adopted specifically to delay or prohibit the development of the Property, or as an interim measure pending contemplated general plan, specific plan or zoning changes, or as a general growth control management measure except as provided for pursuant to Sections 6.1 or 6.2.

- 8.3. Future Changes to Development Regulations. Following the Effective Date, if the City modifies the Development Regulations in a manner that the Developer, in its sole and complete discretion, determines is more beneficial than the Development Regulations in place on the Effective Date, then the Developer may choose in its sole and complete discretion to be governed by the modified land use regulations rather than the Development Regulations in place on the Effective Date, without the Developer being deemed to have waived or limited any rights, remedies or privileges under this Agreement.
9. Compliance With Existing Settlement Agreements. The City shall take all actions required under existing settlement agreements with third parties to effectuate the remediation of the contamination on the Existing Stadium Site. The City shall ensure that all terms and obligations of any existing settlements that pertain to the Property ("Settlement Agreements") continue to be met, and the City shall be responsible for all matters affecting or relating to such Settlement Agreements or any applicable cleanup and abatement orders from the Regional Water Quality Control Board, San Diego Division. The Developer shall have no duties or obligations related to such existing Settlement Agreements or cleanup and abatement orders.
- 9.1. The City (i) shall not modify or terminate any existing Settlement Agreements in a manner which adversely affects the City's rights thereunder; and (ii) shall use commercially reasonable efforts to enforce the Settlement Agreements as part of the City's efforts to redevelop the Existing Stadium Site under the comprehensive plan of redevelopment set forth in the Specific Plan, including, without limitation, exercising its rights under the Settlement Agreements and taking actions on its own behalf to obtain indemnification from third parties or notifying third parties to take required actions under the Settlement Agreements related to redevelopment of the Existing Stadium Site.
- 9.2. Among other things, the City shall (i) notify third parties of their obligations to either indemnify the City or implement any remediation and risk mitigation measures that may be designed and constructed as part of the redevelopment of the Existing Stadium Site; and (ii) submit the any required notices or redevelopment plans to third parties, which redevelopment plan shall include the Specific Plan.
- 9.3. The Parties agree and intend that the development on the Property shall constitute "redevelopment" as defined in any applicable Settlement Agreements.
10. Police Power. In all respects not provided for in this Agreement, the City shall retain full rights to exercise its police power to regulate the development of the Property. Any uses or developments requiring a use permit, tentative tract map, or other discretionary permit or approval in accordance with the Development Regulations shall require a permit or approval pursuant to this Agreement, and, notwithstanding any other provision set forth herein, this Agreement is not intended to vest the Developer's and/or Developer's Assigns' rights to the issuance of such permit or approval nor to restrict the City's exercise of discretion with respect thereto, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in this Agreement. Not by way of limitation of the foregoing, it is specifically understood that the City reserves the right to amend, pursuant to procedures provided by law and this Agreement, City laws, rules, regulations, and policies applicable to the Property as to which the Developer's and/or Developer's Assigns' rights are not expressly vested and such amendment or amendments shall be binding on the Property

except to the extent that such amendment or amendments conflict with the express provisions of this Agreement, which provide, inter alia, that no amendment to the Development Regulations shall be applicable if not agreed to by the Developer and/or Developer's Assigns in writing pursuant to Section 12 of this Agreement or as authorized by Sections 6 or 8 of this Agreement.

11. No Third Party Beneficiaries. The only parties to this Agreement are City and Developer. This Agreement does not involve any third party beneficiaries, and it is not intended and shall not be construed to benefit or be enforceable by any other person or entity.
12. Amendments or Cancellation of This Agreement. Except as otherwise permitted herein, this Agreement may be amended or terminated only by the mutual written and executed consent of the City and of the Developer or Developer's Assign(s) whose property may be affected by the amendment. Notwithstanding the foregoing, this Agreement may be amended or terminated with respect to any legal parcel within the Property ("Separate Site") without affecting the rights and obligations of the Developer or Developer's Assigns of the other parcels within the Property by the mutual written and executed consent of the City and the Developer or Developer's Assign of such Separate Site. All such amendments described in this Section 12 must be approved by ordinance; provided, however, that termination or cancellation of the Agreement with respect to a Separate Site may be approved by a written memorandum signed by the Mayor on behalf of the City upon the application of the owner or lessee of such Separate Site.
13. Periodic Review. The City shall review the Developer's performance pursuant to the terms of this Agreement at least once every twelve (12) months during the term hereof. During each periodic review the Developer shall demonstrate good faith compliance with the terms hereof. In connections with such review, the City shall have a reasonable opportunity to assert matters which it believes have not been undertaken in accordance with this Agreement, to explain the basis for such assertion, and to receive from the Developer a justification of its position on such matters.
14. Events of Default.
 - 14.1. Default by Developer. If the City determines following a noticed public hearing and on the basis of substantial evidence that the Developer and/or Developer's Assigns have not complied in good faith with their obligations pursuant to this Agreement or the ground lease for the Property, the City shall by written notice to any such non-complying party, specify the manner in which such party has failed to comply and state the steps that such party must take to bring itself into compliance. If the non-complying party does not commence all steps reasonably necessary to bring itself into compliance as required and diligently pursue steps to completion within thirty (30) days after receipt of the written notice from the City specifying the manner in which such non-complying party has failed to comply (or, if such non-compliance cannot reasonably be cured within said thirty (30) day period, failed to commence such cure within said period and thereafter diligently pursued the same to completion), then such non-complying party shall be deemed to be in default under the terms of this Agreement. The City may then: (1) seek a modification of this Agreement as to such party; (2) terminate this Agreement as to such party; or (3) seek any other available remedies against such party as provided in this Agreement. Notwithstanding any of the foregoing or any other provision of this Agreement, no Developer or Assign shall be liable under this Agreement for a default by another Developer or Assign.
 - 14.2. Default by City. If the City has not complied in good faith with its obligations under this Agreement, the Developer shall, by written notice to the City, specify the manner in which the City has failed to comply and shall state the steps necessary for City to bring itself into compliance. If the City does not commence all steps reasonably necessary to bring itself into compliance as required and diligently pursue steps to completion within thirty (30) days after receipt of the written notice from the Developer specifying the manner in which the City has failed to comply, then the City shall be deemed to be in default under the terms of this Agreement. The Developer may then exercise any of all of the following remedies: (1) seek a modification of this Agreement; or (2) seek a specific performance or similar equitable remedy as provided in Section 14.3 of this Agreement.

- 14.3. Specific Performance and Damages Remedies. The Parties acknowledge that, except as provided in this Section 14.3 and in Section 14.4 of this Agreement, money damages and remedies at law generally are inadequate and that specific performance is appropriate for the enforcement of this Agreement. The remedy of specific performance or, in the alternative, a writ of mandate, shall be the sole and exclusive remedy available to either Party in the event of the default or alleged default by the other, with the exception that the City shall be entitled to damages against a Developer or Assign for such Developer or Assign's breach of its obligations under Section 17 of this Agreement. The limitations on the remedy of damages in this Agreement shall not prevent the City from enforcing a Developer or Assign's monetary obligations hereunder.
- 14.4. Recovery of Legal Expenses by Prevailing Party in Any Action. If any legal action is brought by any Party to this Agreement as a result of any breach of this Agreement or to enforce any provision of this Agreement, the prevailing Party shall be entitled to recover all expenses incurred therefrom including reasonable attorneys' fees and court costs.
15. Timing of Development. Because the California Supreme Court has held that failure of the parties to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the intent of the Developer and the City to cure that deficiency by acknowledging and providing that the Developer shall have the right (without the obligation) to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject to the terms of this Agreement.
16. Force Majeure. No party to this Agreement shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused, through no fault of the party whose performance is prevented or delayed, by floods, earthquakes, other acts of God, fires, wars, riots or similar hostilities, strikes or other labor difficulties, state or federal regulations, or court actions. Except as specified above, nonperformance shall not be excused because of the act or omission of a third party.
17. Hold Harmless. The Developer and/or Assign agrees to indemnify, defend, and hold harmless the City, its officers, agents, employees, and representatives from liability for damage or claims for damage for personal injury including death and claims for property damage which may arise from the direct and indirect operations of the Developer or Assign or those of its contractors, subcontractors, agents, employees, or other persons acting on its behalf which relate to the development of the Developer or Assign's Separate Site(s). Such obligation shall not be joint and several, and the Developer and/or Assign shall be liable only for its own actions, and those of its own contractors, agents, employees and other persons acting on its behalf in connection with its own Separate Site(s). The City shall have the right to select and retain counsel to defend any actions, and, subject to the foregoing sentence, the Developer and/or Assigns shall pay the reasonable cost for this defense. The provisions of this paragraph shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of the City or its officers, agents, employees, or representatives. The indemnity provisions in this paragraph shall survive termination of this Agreement.

The Developer and/or Assigns shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this Development Agreement. The City will promptly notify Developer and/or Assigns of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Developer and/or Assigns shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Developer and/or Assigns shall pay all reasonable costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and the Developer and/or Assigns regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Developer and/or Assigns shall not be required to pay or perform any settlement unless such settlement is approved by the Developer and/or Assigns. The indemnity provisions in this paragraph shall survive termination of this Agreement.

18. Fees. This Agreement does not preclude the inclusion of and changes to facility benefit assessments, facility financing plans, development impact fees or other related fees adopted on a community or City-wide basis where such inclusion or change is caused by inflation, later more accurate cost estimation, later commonly accepted higher standards of construction or to address community facility deficiencies arising from and attributing to unforeseen circumstances in the development of the Property.

19. Transfers and Assignments.

19.1. Right to Assign. At any time during the term of this Agreement, Developer shall have the right to sell, transfer or assign all or any portion of the Property, or a lease thereof, and the rights under this Agreement to any person (the "Assign") who (i) has a net worth that meets or exceeds \$5,000,000, as determined in the City's good faith reasonable business judgment; and (ii) has agreed in writing to be subject to all of the duties and obligations in this Agreement applicable to the portion of the Property so transferred. All such transfers shall require the approval of the City, which shall not be unreasonably withheld provided that the transferring Party has given thirty (30) days prior written notice of the proposed transfer to the Mayor and provides the City with notice of the name and address of the Assign within thirty (30) days of the effective date of the transfer (the "Transfer Effective Date").

19.2. Liabilities Upon Transfer. Upon the Transfer Effective Date, the Developer shall be released from its obligations under this Agreement with respect to the Property, Separate Site, or portion thereof so transferred, and the City agrees to look solely to the Assign for compliance with the provisions of this Agreement as such provisions relate to the portion of the Property or Separate Site acquired by the Assign, except that nothing in this Section 19.2 shall affect the assignment of rights or delegation of duties permitted or specified in any applicable lease entered into by the City and the Developer. Any such Assign shall be entitled to the benefits of this Agreement and shall be subject to the obligations of this Agreement, applicable to the parcel(s) transferred. A default by any Assign shall only affect that portion of the Property owned or leased by such Assign and shall not cancel or diminish in any way the Developer's rights hereunder with respect to any portion of the Property not owned by an Assign. Each Assign shall be responsible for the reporting and annual review requirements relating to the portion of the Property owned or leased by such Assign, and any amendment to this Agreement between the City and an Assign shall only affect the portion of the Property owned by such Assign.

19.3. Mortgage Protection. This Agreement shall not prevent or limit the Developer or any Assign from encumbering their interest in the Property or any portion thereof or any improvement thereon in any manner whatsoever by any mortgage, deed of trust or other security device securing financing with respect to their interest in the Property. The City acknowledges that the lender(s) providing such financing may require certain Agreement interpretations and modifications and agrees, upon request, from time to time, to meet with the Developer and/or Assigns and representatives of such lender(s) to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification, provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any mortgagee of a mortgage or a beneficiary of a deed of trust ("Mortgagee") on the Developer's or the Assign's interest in the Property shall be entitled to the following rights and privileges.

19.3.1. Mortgage Not Rendered Invalid. Neither entering into this Agreement nor any breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any mortgage or deed of trust on the Developer's or the Assign's interest in the Property made in good faith and for value.

19.3.2. Request for Notice to Mortgagee. The Mortgagee of any mortgage or deed of trust encumbering the Developer's or the Assign's interest in the Property, or any part thereof, who has submitted a request in writing to the City in the manner specified herein for giving notices shall be entitled to receive written notification from the City of any default by the Developer and/or the Assign in the performance of the Developer's or the Assign's obligations under this Agreement.

19.3.3. Mortgagee's Time to Cure. If the City timely receives a request from a Mortgagee requesting a copy of any notice of default given to the Developer or the Assign under the terms of this Agreement, the City shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to the Developer or applicable Assign. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed under this Agreement.

19.3.4. Project Property Taken Subject to Obligations. Any Mortgagee who comes into possession of the Developer's or the Assign's interest in the Property or any portion thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of foreclosure, shall take the Developer's or the Assign's interest in the Property or portion thereof subject to the terms of this Agreement; provided, however, that in no event shall such Mortgagee be held liable for any default or monetary obligation of the Developer or the Assign arising prior to acquisition of title to the Developer's or the Assign's interest in the Property by such Mortgagee. However, no Mortgagee (nor its successors or assigns) shall be entitled to a building permit or occupancy certificate until all obligations due under this Agreement for the portion of the Developer's or the Assign's interest in the Property acquired by such Mortgagee have been satisfied.

19.3.5. No Mortgage on Any City Ownership Interest in Property. Nothing herein shall allow the Developer or the Assign to record a security interest affecting any City ownership interest in the Property, except as set forth in any lease between the Developer and the City.

20. Agreement Binding on Successors and Assigns. The burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors of interest of the Parties to this Agreement, and constitute covenants that run with the Property. In order to provide continued notice, the Parties will record this Agreement and any subsequent amendments.

21. Relationship of Parties. The Parties acknowledge that the Developer is not an agent of the City and the City is not an agent of the Developer. This Agreement does not create a joint venture between the Parties.

22. Notices. Any notice or demand that shall be required or permitted by law or any provision of this Agreement shall be in writing. If the notice or demand will be served upon a Party, it either shall be personally delivered to the Party; deposited in the United States mail, certified, return receipt requested, and postage prepaid; or delivered by a reliable courier service that provides a receipt showing date and time of delivery with courier charges prepaid. The notice or demand shall be addressed as follows:

TO CITY:	City of San Diego Office of the City Attorney 1200 Third Avenue Suite 1620 San Diego, California Attn: City Attorney
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TO DEVELOPER:	To be provided by Developer
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23. Severability. If any provisions of this Agreement shall be held to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, unless the court shall specifically find that the invalid part is so fundamental and essential to the understanding of the Parties that the entire Agreement shall be invalidated.

24. Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought. No waiver of any right or remedy in respect to any occurrence or event shall be deemed a waiver of any right or remedy in respect to any other occurrence or event.

25. Applicable Law. The laws of the State of California shall govern the interpretation and enforcement of this Agreement.
26. Time Is of the Essence. Time is of the essence regarding each provision of this Agreement in which time is an element.
27. Legislative Act. A development agreement is a legislative act that shall be approved by ordinance and subject to referendum. Pursuant to state law, a development agreement shall not be approved unless the adopting body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan. These requirements have been satisfied by the People of the City of San Diego's finding that this Agreement is consistent with the City's General Plan, the Specific Plan, and their adoption of this Agreement by initiative ordinance.
28. Section Headings. All section headings are inserted for convenience only and shall not affect construction or interpretation of this Agreement.
29. Incorporation of Exhibits. The following exhibits are attached to this Agreement and incorporated by this reference as follows:

EXHIBIT DESIGNATION	DESCRIPTION
A	Legal Description

30. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be identical and may be introduced in evidence or used for any other purpose without any other counterpart, but all of which shall together constitute one and the same Agreement.
31. Authority to Execute. The persons executing this Agreement warrant and represent that they have the authority to execute this Agreement on behalf of the party for which they are executing this Agreement. They further warrant and represent that they have the authority to bind their respective party to the performance of its obligations under this Agreement.
32. Recordation. This Agreement and any amendment, modification, or cancellation to it shall be recorded in the Office of the County Recorder of the County of San Diego for recordation no later than 10 business days after receipt of a fully executed Agreement.
33. Date of Agreement. The Execution Date of this Agreement shall be the date when both Parties have signed the Agreement.

[SIGNATURE PAGE FOLLOWS]

**SIGNATURE PAGE TO
DEVELOPMENT AGREEMENT**

“DEVELOPER”

[Signature of the Developer to be provided on
separate form.]

“CITY”

CITY OF SAN DIEGO

By: _____

Its: Mayor

APPROVED AS TO FORM AND LEGALITY:
MARA ELLIOTT
CITY ATTORNEY

BY: _____
Deputy City Attorney

All Parties' signatures to be notarized.

EXHIBIT A TO DEVELOPMENT AGREEMENT

Description of Real Property

Existing Stadium Site

PARCEL 1: (APN 433-250-16&19)

THOSE PORTIONS OF LOTS 31, 35 AND 45 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID SAN DIEGO COUNTY, IN ACTION NO. 348, ENTITLED "JUAN M. LUCO, ET AL, VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 45; THENCE ALONG THE NORTHERLY LINE THEREOF, SOUTH 88° 48' 15" EAST, 239.02 FEET TO THE NORTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO CHARLES E. DUPONT, ET UX, RECORDED JUNE 25, 1964, RECORDER'S FILE NO. 114143, SERIES 5, BOOK 1964 OF OFFICIAL RECORDS BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 00° 38' 01" WEST, ALONG THE WESTERLY LINE OF SAID DUPONT LAND, 261.68 FEET TO A POINT ON THE ARC OF A 8982.03 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE OF SAID CURVE BEARS NORTH 12° 50' 48" WEST TO SAID POINT; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 49' 17", A DISTANCE OF 755.83 FEET TO THE WESTERLY LINE OF THE LAND DESCRIBED IN DEED TO CARNATION COMPANY, RECORDED FEBRUARY 2, 1959 IN BOOK 7476, PAGE 69 OF OFFICIAL RECORDS; THENCE NORTH 00° 38' 01" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 16.86 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 31; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 47° 28' 35" WEST 371.20 FEET TO THE EASTERLY LINE OF PARCEL MAP NO. 7254 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG SAID EASTERLY LINE NORTH 1° 05' 35" EAST 50.23 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL MAP; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL MAP WESTERLY ALONG THE ARC OF A 8,890.66 FOOT RADIUS CURVE THROUGH AN ANGLE OF 1° 48' 08.5" A DISTANCE OF 279.67 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL MAP; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL MAP NO. 7254 AND THE PROLONGATION THEREOF SOUTH 1° 05' 35" WEST 321.77 FEET TO A POINT IN THE ARC OF A 3030.02 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY IN THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JULY 2, 1968 RECORDER'S FILE NO. 111332 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE, WESTERLY ALONG SAID CURVE 259.78 FEET; AND SOUTH 54° 56' 28" WEST TO THE SOUTHEASTERLY LINE OF SAID LOT 35; THENCE ALONG THE NORTHEASTERLY, EASTERLY AND NORTHERLY BOUNDARY OF CAMINO DEL RIO NORTH AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED SEPTEMBER 11, 1969, RECORDER'S FILE NO. 166295 OF OFFICIAL RECORDS, AS FOLLOWS:

SOUTH 54° 56' 28" WEST 393.85 FEET; NORTHWESTERLY ALONG THE ARC OF A 170 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH AN ANGLE OF 92° 51' 08" A DISTANCE OF 275.50 FEET; TANGENT TO SAID CURVE NORTH 32° 12' 24" WEST 168.35 FEET; NORTHWESTERLY ALONG THE ARC OF A 230 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH AN ANGLE OF 101° 24' 14" A DISTANCE OF 407.06 FEET; AND TANGENT TO SAID CURVE SOUTH 46° 23' 22" WEST TO THE SOUTHWESTERLY LINE OF SAID LOT 35; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE TO THE MOST WESTERLY CORNER THEREOF; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 35 TO THE MOST NORTHERLY CORNER THEREOF; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT, SOUTH 58° 07' 54" EAST TO THE WESTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JULY 15, 1966, RECORDER'S FILE NO. 115132 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE SOUTH 4° 20' 34" EAST TO THE SOUTHERLY

LINE OF SAID LOT 35; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO THE TRUE POINT OF BEGINNING.

PARCEL 2: (APN 433-250-13)

ALL THAT PORTION OF LOTS 36, 42 AND 43 OF RANCHO MISSION OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF ON FILE IN CASE NO. 348 OF SUPERIOR COURT IN SAN DIEGO COUNTY ENTITLED JUAN M. LUCO, ET AL, VS, THE COMMERCIAL BANK OF SAN DIEGO, ET AL, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARY:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 42; THENCE ALONG THE SOUTHWESTERLY LINES OF SAID LOTS 42 AND 43, SOUTH 58° 07' 54" EAST 1430.86 FEET TO A POINT ON THE ARC OF A 9259.03 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY A RADIAL LINE OF WHICH BEARS NORTH 06° 48' 18" WEST TO SAID POINT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 29' 05" A DISTANCE OF 78.33 FEET TO THE WESTERLY BOUNDARY OF MURPHY CANYON ROAD; THENCE ALONG SAID BOUNDARY TO AND ALONG THE BOUNDARY OF ROAD SURVEY NO. 1533 AS FOLLOWS: NORTH 15° 38' 54" WEST 487.26 FEET; SOUTH 74° 21' 06" WEST 12.00 FEET; NORTH 15° 38' 54" WEST 309.60 FEET TO THE BEGINNING OF A TANGENT 3060.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 36' 42" A DISTANCE OF 299.70 FEET; TANGENT TO SAID CURVE NORTH 10° 02' 12" WEST 179.22 FEET TO THE BEGINNING OF A TANGENT 2548.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 47' 50" A DISTANCE OF 257.81 FEET; TANGENT TO SAID CURVE NORTH 04° 14' 22" WEST 72.93 FEET TO THE BEGINNING OF A TANGENT 352.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63° 41' 34" A DISTANCE OF 391.30 FEET; TANGENT TO SAID CURVE NORTH 67° 55' 56" WEST 116.79 FEET; NORTH 72° 13' 17" WEST 97.37 FEET AND NORTH 21° 05' 07" EAST 43.79 FEET; THENCE NORTH 72° 13' 39" WEST 530.72 FEET; THENCE NORTH 00° 54' 06" EAST 21.58 FEET; THENCE NORTH 79° 52' 32" WEST 149.77 FEET TO A POINT ON THE ARC OF AN 8000.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY A RADIAL LINE OF WHICH BEARS NORTH 17° 57' 19" WEST TO SAID POINT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 27' 10" A DISTANCE OF 63.22 FEET; THENCE SOUTH 71° 35' 31" WEST 923.84 FEET TO THE BEGINNING OF A TANGENT 1000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 24' 29" A DISTANCE OF 268.92 FEET; THENCE TANGENT TO SAID CURVE SOUTH 37° 00' 00" WEST 386.11 FEET TO THE BEGINNING OF A TANGENT 1000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 47' 13" A DISTANCE OF 432.61 FEET; THENCE TANGENT TO SAID CURVE SOUTH 62° 12' 47" WEST 156.54 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE LAND DESCRIBED IN PARCEL 1 IN DEED TO THE CITY OF SAN DIEGO RECORDED JANUARY 3, 1966 AS DOCUMENT NO. 121 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE SOUTH 05° 14' 33" EAST 1744. 24 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 35; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 40° 17' 08" EAST 1866.48 FEET TO THE MOST NORTHERLY CORNER THEREOF; THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID LOT 35 SOUTH 58° 07' 54" EAST 1056.17 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM LOT 42 ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES LYING NOT LESS THAN 500 FEET BELOW THE SURFACE OF THE LAND AS RESERVED BY SAN DIEGO PIPELINE CO., BY DEEDS RECORDED MARCH 8, 1966 AS FILE NO. 39319 AND 39320. ALSO EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED PARCELS:

PARCEL 2A:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 35, SAID RANCHO MISSION OF SAN DIEGO; THENCE SOUTH 40° 17' 08" WEST, 1866.48 FEET; THENCE NORTH 05° 14' 33" WEST, 1744.24 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 62° 12' 47" EAST, 156.54 FEET TO A POINT WHICH A RADIAL OF A 1000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH 27° 47' 13" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 24° 47' 13", AN ARC LENGTH OF 432.61 FEET; THENCE NORTH 87° 00' 00" EAST 386.11 FEET TO A POINT TO WHICH A RADIAL OF A 1000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, BEARS SOUTH 03° 00' 00" EAST; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID 1000.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 15° 24' 29", AN ARC LENGTH OF 268.92 FEET; THENCE NORTH 71° 35' 31" EAST, 923.84 FEET TO A POINT WHICH A RADIAL OF A 8000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH 18° 24' 29" WEST; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00° 27' 10", AN ARC LENGTH OF 63.22 FEET; THENCE SOUTH 79° 52' 32" EAST, A DISTANCE OF 149.77 FEET; THENCE SOUTH 00° 54' 06" WEST, 21.58 FEET; THENCE SOUTH 72° 13' 39" EAST, 530.72 FEET; THENCE SOUTH 21° 05' 07" WEST, 43.79 FEET; THENCE SOUTH 72° 13' 17" EAST, 97.37 FEET; THENCE SOUTH 67° 55' 56" EAST, 116.79 FEET TO A POINT TO WHICH A RADIAL OF A 352.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH 22° 04' 04" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63° 41' 34", A DISTANCE OF 391.30 FEET; THENCE SOUTH 04° 14' 22" EAST, 72.93 FEET TO A POINT TO WHICH A RADIAL OF A 2548.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 85° 45' 38" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05° 47' 50" AN ARC LENGTH OF 257.81 FEET; THENCE SOUTH 10° 02' 12" EAST, 179.22 FEET TO A POINT TO WHICH A RADIAL OF A 3060.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 79° 57' 48" WEST; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05° 36' 42" AN ARC LENGTH OF 299.70 FEET; THENCE SOUTH 15° 38' 54" EAST, 309.60 FEET; THENCE NORTH 74° 21' 06" EAST, 12.00 FEET; THENCE SOUTH 15° 38' 54" EAST, 487.26 FEET TO A POINT TO WHICH A RADIAL OF A 9259.03 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY BEARS NORTH 06° 19' 13" WEST; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00° 29' 05" AN ARC LENGTH OF 78.33 FEET; THENCE NORTH 58° 07' 54" WEST, 110.65 FEET TO A POINT TO WHICH A RADIAL OF A 4141.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH 84° 07' 23" EAST; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00° 46' 17" AN ARC LENGTH OF 706.30 FEET; THENCE NORTH 15° 38' 54" WEST, 101.74 FEET TO A POINT TO WHICH A RADIAL OF A 2500.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 74° 21' 06" WEST; THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE; THROUGH A CENTRAL ANGLE OF 18° 07' 37" AN ARC LENGTH OF 790.94 FEET; THENCE NORTH 02° 28' 43" EAST, 102.43 FEET; THENCE NORTH 67° 09' 56" WEST, 74.66 FEET; THENCE CONTINUING NORTH 67° 09' 56" WEST, 408.34 FEET; THENCE NORTH 73° 26' 35" WEST, 344.99 FEET TO A POINT TO WHICH A RADIAL OF A 400.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH 16° 33' 25" EAST; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52° 34' 36", AN ARC LENGTH OF 422.11 FEET; THENCE SOUTH 53° 58' 49" WEST, 395.86 FEET; THENCE SOUTH, 120.00 FEET; THENCE WEST, 110.00 FEET; THENCE NORTH 10° 26' 46" WEST, 194.27 FEET; THENCE WEST, 550.67 FEET; THENCE SOUTH 87° 00' 00" WEST, 350.18 FEET TO A POINT TO WHICH A RADIAL OF 1000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, BEARS NORTH 03° 00' 00" WEST; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 24° 47' 13", AN ARC LENGTH OF 432.61 FEET; THENCE SOUTH 62° 12' 47" WEST, 193.09 FEET; THENCE NORTH 05° 14' 33" WEST, 70.38 FEET, RETURNING TO SAID TRUE POINT OF BEGINNING.

PARCEL 2B:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 35, SAID RANCHO MISSION; THENCE SOUTH 58° 07' 54" EAST 2,376.38 FEET TO THE TRUE POINT OF BEGINNING A RADIAL OF A 4141.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH 84° 07' 23" EAST TO SAID POINT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09° 46' 17" AN ARC LENGTH OF 706.30 FEET; THENCE NORTH 15° 38' 54" WEST, 101.74 FEET, TO A POINT TO WHICH A RADIAL OF A 2500.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 74° 21' 06" WEST; THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 07' 37", AN ARC LENGTH OF 790.94 FEET; THENCE NORTH 02° 28' 43" EAST, 102.43 FEET; THENCE NORTH 67° 09' 56" WEST, 74.66 FEET; THENCE SOUTH 02° 28' 43" WEST 128.39 FEET TO A POINT TO WHICH A RADIAL OF A 2570.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, BEARS SOUTH 87° 31' 17" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 07' 37" AN ARC LENGTH OF 813.08 FEET; THENCE SOUTH 15° 38' 54" EAST, 101.74 FEET TO A POINT TO WHICH A RADIAL OF A 4071.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY BEARS NORTH 74° 21' 06" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09° 00' 17" AN ARC LENGTH OF 639.89 FEET; THENCE SOUTH 58° 07' 54" EAST 87.99 FEET, RETURNING TO SAID TRUE POINT OF BEGINNING.

PARCEL 3: (APN 433-250-14)

THAT PORTION OF LOTS 42 AND 43 OF SAID RANCHO MISSION OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF ON FILE IN CASE NO. 348 OF SUPERIOR COURT IN SAN DIEGO COUNTY ENTITLED JUAN M. LUCO, ET AL, VS, THE COMMERCIAL BANK OF SAN DIEGO, ET AL, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 35, SAID RANCHO MISSION; THENCE SOUTH 58° 07' 54" EAST 2,376.38 FEET TO THE TRUE POINT OF BEGINNING A RADIAL OF A 4141.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, BEARS NORTH 84° 07' 23" EAST TO SAID POINT; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09° 46' 17", AN ARC LENGTH OF 706.30 FEET; THENCE NORTH 15° 38' 54" WEST, 101.74 FEET, TO A POINT TO WHICH A RADIAL OF A 2500.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, BEARS SOUTH 74° 21' 06" WEST; THENCE NORTHWESTERLY AND NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 07' 37", AN ARC LENGTH OF 790.94 FEET; THENCE NORTH 02° 28' 43" EAST, 102.43 FEET; THENCE NORTH 67° 09' 56" WEST, 74.66 FEET; THENCE SOUTH 02° 28' 43" WEST 128.39 FEET TO A POINT TO WHICH A RADIAL OF A 2570.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, BEARS SOUTH 87° 31' 17" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 07' 37" AN ARC LENGTH OF 813.08 FEET; THENCE SOUTH 15° 38' 54" EAST, 101.74 FEET TO A POINT TO WHICH A RADIAL OF A 4071.50 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY BEARS NORTH 74° 21' 06" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09° 00' 17" AN ARC LENGTH OF 639.89 FEET; THENCE SOUTH 58° 07' 54" EAST 87.99 FEET, RETURNING TO SAID TRUE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JANUARY 20, 1981, AS FILE NO. 81-17470 OF OFFICIAL RECORDS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY LINE OF LOT 35 OF SAID RANCHO MISSION AND THE WESTERLY LINE OF MURPHY CANYON ROAD AS DESCRIBED IN DEEDS TO THE State of California, RECORDED MARCH 26, 1958, IN BOOK 7008, PAGE 383 AND OCTOBER 10, 1958 IN BOOK 7295, PAGE 155 OF OFFICIAL

RECORDS; THENCE ALONG SAID SOUTHERLY LINE OF LOT 35, NORTH 89° 03' 17" WEST (RECORDED NORTH 89° 03' 34" WEST), 208.00 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND CONVEYED TO THE State of California BY DEED RECORDED JULY 15, 1966 AS FILE NO. 115132 OF OFFICIAL RECORDS; THENCE ALONG THE WESTERN BOUNDARY OF LAST SAID State of California LAND NORTH 4° 21' 02" WEST (RECORDED NORTH 4° 20' 34" WEST), 397.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY NORTH 4° 21' 02" WEST, 150.49 FEET; THENCE NORTH 15° 39' 20" WEST, 155.43 FEET; THENCE LEAVING SAID WESTERN BOUNDARY SOUTH 10° 05' 41" EAST, 304.43 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THAT PORTION IF ANY LYING WITHIN THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JULY 15, 1966 AS FILE NO. 115132 OF OFFICIAL RECORDS.

EXCEPTING FROM LOT 42 ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES LYING NOT LESS THAN 500 FEET BELOW THE SURFACE OF THE LAND AS RESERVED BY SAN DIEGO PIPELINE CO., BY DEEDS RECORDED MARCH 8, 1966 AS FILE NO. 39319 AND 39320.

Family Tailgate Lot

ASSESSOR'S PARCEL NUMBER: 433-240-19

ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 36 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO, ENTITLED "JUAN M. LUCO, ET AL VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, COUNTY, DESCRIBED MORE SPECIFICALLY IN THE PARCEL DESCRIBED AS CLEAR SITE 19-A, FRIARS ROAD (EAST PORTION) PER DOCUMENT # 2004-0678671 RECORDED JULY 21, 2004 EXCEPTING THERE FROM ANY LAND LYING EASTERLY OF THE WESTERLY RIGHT-OF-WAY OF MISSION VILLAGE DRIVE.

ASSESSOR'S PARCEL NUMBER: 433-240-23

ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 36 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO, ENTITLED "JUAN M. LUCO, ET AL VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, COUNTY, DESCRIBED MORE SPECIFICALLY IN THE PARCEL DESCRIBED AS CLEAR SITE 19-A, FRIARS ROAD (WEST PORTION) PER DOCUMENT # 2004-0678671 RECORDED JULY 21, 2004 EXCEPTING THERE FROM ANY LAND LYING WITHIN THE BOUNDARIES OF LAND SHOWN PER ROS NO. 22269.

Murphy Canyon Training Facility Site

The Developer has entered into a lease with the City for an up-to twenty acre portion of the Murphy Canyon Training Facility Site, which twenty-acre portion will be determined by the Developer and the City in their lease for the Property. This Exhibit shall be supplemented with the legal description of the twenty-acre portion when such lease has been executed. The twenty-acre parcel shall be located within the property defined by the following legal description:

LOTS 11 THROUGH 16 INCLUSIVE OF MURPHY CANYON GATEWAY UNIT NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,

ACCORDING TO MAP THEREOF NO. 11502, FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAN DIEGO, MAY 2, 1986.

APN: 421-391-01 & 02; 421-392-01, 02, 03 & 04

**EXHIBIT H
TO THE INITIATIVE**

**SAN DIEGO MUNICIPAL CODE SECTIONS
FOR INFORMATIONAL PURPOSES ONLY**

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Article 3: Police Regulated Occupations and Businesses

Division 15: Entertainment Establishments

*(Retitled from "Cabarets — Dance Halls" to
"Entertainment Establishments" on 11-20-2000 by O-18887 N.S.)*

§33.1501 Purpose and Intent

The Council of the City of San Diego encourages the development of arts and culture in San Diego, and recognizes that many entertainment venues provide a means for such development. The Council of the City of San Diego further recognizes that the variety of entertainment venues in the City provide a rich and diverse cultural experience for the residents of the City and visitors to the City. The Council also recognizes that many non-alcoholic entertainment venues provide a safe place for families and young adults to gather.

The Council of the City of San Diego finds that the operations of *entertainment establishments* present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with the attendant adverse public safety impact on the surrounding business and residential community.

Therefore, it is the purpose of this Division to regulate the operations of *entertainment establishments* for the public safety. All *permittees* will be held responsible for controlling patron conduct in and around the *establishments*, making adequate provisions for security and crowd control, protecting the City's youth from criminal activity and minimizing disturbances as a result of the operation of the *entertainment*.

It is also the intent of this Division to provide options to the *Chief of Police* in regulating the variety of businesses and events which provide *entertainment*. Council finds that the imposition of conditions tailored to the particular *establishment* will allow the business or event to flourish while meeting the City's public safety needs and avoiding unnecessary conditions on existing businesses or organizations which would change the mode of operation of a law-abiding business or organization with a history of compliance with the City laws.

(Retitled to "Purpose and Intent" and amended 11-20-2000 by O-18887 N.S.)

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§33.1502 Definitions

For purposes of this Division:

“*ABC License*” means the license issued by the California Department of Alcoholic Beverage Control.

“*Admission Charge*” means any charge for the right or privilege to enter any place of *entertainment* including a minimum service charge, an event charge, a cover charge, a charge for the use of seats and tables, or any other similar charge. It also includes the purchase or presentation of a ticket or token directly or indirectly required as a condition for entrance. It does not include tips, gratuities, voluntary donations, or suggested donations for employees or for any person providing *entertainment*.

“*Bona fide restaurant*” means an eating establishment where a minimum percentage of its food sales are 50% of gross receipts.

“*Conditional use permit*” means any permit issued by the City of San Diego pursuant to Chapter X, Article 1, Division 5, or pursuant to a planned district ordinance, upon which the *Chief of Police* has had a meaningful role in determining conditions on the permit related to the operation of a *public dance, entertainment, or amusement premises*.

“*Dance and dancing*” means movement of the human body, accompanied by music or rhythm.

“*Entertainment*” or “*Entertainment Establishment*” means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including:

- (a) Presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, musical song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent; shows, reviews, any other such activity which may be attended by members of the public.
- (b) *Dancing* to live or recorded music.
- (c) The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as “DJ” or “disc jockey.”

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“*Theater*” means any commercial establishment where regular theatrical performances, such as performances of literary compositions that tell a story, are given, usually on a stage, and usually with ascending row seating or some arrangement of permanent seating.

(“*Cabaret — Entertainment Regulated*” repealed and “*Definitions*” added 11-20-2000 by O-18887 N.S.)
(Amended 12-15-2011 by O-20114 N.S.; effective 1-14-2012.)

§33.1503 Entertainment Permit Required

- (a) It is unlawful for any person to provide or permit any *entertainment* which is open to the public without a *police permit*.
- (b) The issuance of a “Special Event Permit” pursuant to Chapter II, Article 2, Division 40 of this Code, upon which the *Chief of Police* has had input in determining conditions on the *permit* related to the *entertainment*, satisfies the *entertainment permit* requirement of this Division. A separate *entertainment permit* is not required.

(“*Cabaret — Entertainers*” repealed and “*Entertainment Permit Required*” added 11-20-2000 by O-18887 N.S.)

§33.1504 Exemption from the Permit Requirement

The following types of *entertainment* and events are exempt from the *police permit* required by this Division. This exemption does not relieve any of the *entertainment* and events from complying with all other applicable laws, including the laws related to noise levels, particularly those contained in Chapter V of this Code.

- (a) *Entertainment* sponsored by any agency of The City of San Diego, the County of San Diego, the various Boards of Education, or of any other political subdivision of the State of California, or any non-profit organization, such as Girl Scouts, Boy Scouts, Little League, Boys and Girls Club, whose primary objective is the sponsoring and control of youth activities and child welfare. If the event is a dance, the following requirements must be met:
- (1) No person eighteen years of age or older may be admitted as a guest, unless such person is a bona fide student at, or member of, the sponsoring agency or organization;
- (2) No *alcoholic beverages* may be served, consumed or permitted on the *premises*;

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- (3) Chaperones from the sponsoring agency are present on the *premises* at the rate of two adults, who are at least twenty-five years of age or older, for every one hundred guests; and
 - (4) The event must finish by 12:00 a.m. and the *premises* and the adjoining parking lots must be promptly vacated by all the guests.
- (b) *Entertainment* sponsored by a City authorized business improvement district when
- (1) the business improvement district is created pursuant to and is abiding by state law, Streets and Highways Code sections 36500 and 36600, et. seq., and in compliance with agreements between the business improvement district and the City;
 - (2) the event is for the purpose of improving the business district of the business improvement district; and
 - (3) the business improvement district is the *responsible person* for the event.
- (c) *Entertainment* limited to the use of a radio, music recording machine, juke box, television, video games, video programs, or recorded music by an *establishment*;
- (d) *Entertainment* provided for members and their guests at a private club having an established membership when admission is not open to the public. For purposes of this Section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, membership in which is by application and for which regular dues are charged, and the advantages of which club belong to members, and the operation of which is not primarily for monetary gain;
- (e) *Entertainment* provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no *admission charge*.
- (f) *Entertainment* conducted in connection with a regularly established recreation or theme park;
- (g) *Entertainment* conducted by or sponsored by any bona fide club, organization, society or association which is exempt from taxation pursuant to Internal Revenue Code section 501(c)(3), when all proceeds, if any arising from such *entertainment* are used exclusively for the benevolent purposes of such club, society or association;

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- (h) Performances by the students at educational institutions as defined by the Education Code where such performances are part of an educational or instructional curriculum or program;
- (i) *Theaters*;
- (j) Motion picture theaters not providing live entertainment;
- (k) Dance lessons, theatrical and performing arts lessons;
- (l) Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;
- (m) Fund-raisers for a political cause;
- (n) *Entertainment* consisting of ambient or incidental music provided for the guests by musicians such as a piano player, harpist, strolling violinist, mariachi band, guitarist or band. If there is an *admission charge* required to observe such *entertainment*, it will not be considered incidental.
- (o) Any establishment, venue or assemblage of 49 persons or less, as described in the maximum occupancy load, provided that all the following conditions exist:
 - (1) There is no admission charge.
 - (2) The premises is not licensed and used for the sale of *alcoholic beverages*, such as a bar or restaurant which has an ABC license and serves *alcoholic beverages*.
 - (3) Customer dancing is not allowed.
 - (4) The entertainment ceases between the hours of 2:00 a.m. and 6:00 a.m.
- (p) For any of the following police-regulated businesses and occupations:
 - (1) "*nude entertainment*," regulated under Division 36 of this Article;
 - (2) "*casino parties*," regulated under Division 41 of this Article;
 - (3) "*commercial amusement establishments*," regulated under Division 16 of this Article;

- (4) “*peep show establishments*,” regulated under Division 33 of this Article;
 - (5) “*bingo*,” regulated under Division 34 of this Article;
 - (6) “*cardrooms*,” regulated under Division 39 of this Article.
- (q) Any establishment that is a *bona fide restaurant* provided all of the following conditions exist:
- (1) There is no *admission charge*.
 - (2) There is no required purchase or donation (such as minimum drink order).
 - (3) The establishment is closed and all customers have vacated the premises between 11:00 pm and 8:00 am.
 - (4) Customer *dancing* is not allowed.

*(“Cabaret — Employees Prohibited from Certain Acts” repealed and “Exemption from the Permit Requirement” added 11-20-2000 by O-18887 N.S.)
(Amended 12-15-2011 by O-20114 N.S.; effective 1-14-2012.)
(Amended 1-2-2013 by O-20230 N.S.; effective 2-1-2013.)*

§33.1505 Hours of Operation

All *entertainment establishments* shall be closed and all patrons shall vacate the premises between 2:00 a.m. and 6:00 a.m., unless the *permittee* also has an after-hours *permit* issued pursuant to Chapter III, Article 3, Division 8. The *Chief of Police* may require additional hours of closure as a condition on the *permit*. It is unlawful for any *responsible person* to fail to abide by the hours of closure.
(“Cabaret — Employees Prohibited from Associating with Patrons” repealed and “Hours of Operation” added 11-20-2000 by O-18887 N.S.)

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§33.1506 Disturbing the Peace; Disorderly Conduct

The *responsible person* shall make reasonable efforts to prevent the admission of any *person* whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or 647 (disorderly conduct) at the *premises* or on any parking lot or similar facility used by the *establishment*. The *responsible person* shall make reasonable efforts to remove persons exhibiting such conduct from the *establishment*.

("Cabaret — Employees Percentage Compensation Prohibited" repealed and "Disturbing the Peace; Disorderly Conduct" added 11-20-2000 by O-18887 N.S.)

§33.1507 Reasonable Passageway Required

It is unlawful for any *responsible person* to fail to provide a reasonable passageway through any part of a room used by patrons and entertainers for their ingress and egress.

("Minors Prohibited" repealed and "Reasonable Passageway Required" added 11-20-2000 by O-18887 N.S.)

§33.1508 Observation of Noise Abatement Laws Required

The *responsible person* shall observe all laws applicable to noise abatement, including those contained in Chapter V of this Code.

("Notices Posted" repealed and "Observation of Noise Abatement Laws Required" added 11-20-2000 by O-18887 N.S.)

§33.1509 Disorderly Conduct Within 100 Feet Prohibited

The *responsible person* shall control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct upon the *establishment* and within 100 feet of the *establishment*. The 100-foot distance shall be measured in a straight line from the property line of the licensed *establishment*.

("Cabaret — Hours of Operation" repealed and "Disorderly Conduct Within 100 Feet Prohibited" added 11-20-2000 by O-18887 N.S.)

§33.1510 Orderly Dispersal Required

The *responsible person* shall cause the orderly dispersal of individuals from the vicinity of the *establishment* at closing time, and shall not allow them to congregate in the vicinity in a disorderly fashion.

("Adequate Lighting Required" repealed and "Orderly Dispersal Required" added 11-20-2000 by O-18887 N.S.)

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§33.1511 Alcoholic Beverage on Premises

- (a) It is unlawful for any *person* to bring an *alcoholic beverage* onto the *premises* unless such action is allowed by the *permittee's ABC license*.
- (b) It is unlawful for any *responsible person* to allow any *person* to bring an *alcoholic beverage* onto the *premises* unless such action is allowed by the *permittee's ABC license*.

("Public Dance — Definition" repealed and "Alcoholic Beverage on Premises" added 11-20-2000 by O-18887 N.S.)

§33.1512 Chief of Police Authority Where There is Immediate Threat to Public Safety

- (a) The *Chief of Police* may require a *permittee* or *responsible person* to close down operations and disperse all patrons for the remainder of its daily operation whenever conduct by disorderly patrons reaches a magnitude that presents an immediate threat to the public safety and well-being of the patrons and general public in the vicinity.
- (b) It is unlawful for any *person* to fail to comply with any directive issued by the *Chief of Police* under authority of Section 33.1512(a).
(Added 11-20-2000 by O-18887 N.S.)

§33.1513 Conditions on Entertainment Permits

- (a) The *Chief of Police* may impose conditions relating to the operation of the *entertainment* on the *police permit*. Conditions may relate to:
 - (1) the days, hours and location of operation;
 - (2) whether separate entrances, exits, and restroom facilities on the *premises*, or other similar restrictions designed to prevent minors from obtaining alcohol are required;
 - (3) the age of *persons* allowed on *premises*;
 - (4) whether licensed security guards are required, and if so, how many;
 - (5) whether the *Chief of Police* must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; and
 - (6) other similar conditions related to public safety and welfare;

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- (b) Conditions shall be based on specific and articulable facts reasonably related to insuring public safety, including the protection of minors from alcohol and other criminal activity.
- (c) Conditions will be listed on the *permit*.
- (d) Conditions may not be imposed unless the *Chief of Police* has considered the input of the *permittee* on the appropriateness of the conditions.
- (e) The *Chief of Police* may not impose conditions that conflict with any local, state or federal law, or that conflict with the *permittee's ABC License*.
- (f) Notwithstanding Section 33.1513(a), if the applicant has an *ABC license* or a *conditional use permit* issued since January 1, 1993 upon which the *Chief of Police* has had meaningful input in determining conditions on the *permit* related to the operation of the *entertainment*, including the ages of the patrons, and there has been no change in the manner or type of entertainment offered, those conditions will be the conditions of the *police permit* issued under authority of this Division. Nothing in this subsection is intended to prevent the *Chief of Police* from imposing any condition related to the age of patrons inside an *ABC establishment* if the *ABC license* does not address that issue. The intent of this subsection is to allow the sale and service of food to minors in a bona fide public eating place (*ABC license* types 41, 47, and various club licensed premises) with reasonable conditions placed on the *permit* to prevent curfew violations and protect the minors from alcohol and other criminal activity.
- (g) Unless otherwise stated on the *permit*, a *permit's* conditions are subject to change only (1) at the time of renewal of the *permit* and at the request of the *permittee*, or (2) in conjunction with a modification of the same conditions on an *ABC license* or *conditional use permit*. At the time of renewal, the *Chief of Police* may order the removal or modification of any condition as requested. Nothing in Section 33.1513(f) or (g) is intended to prevent the *Chief of Police* from modifying any condition in conjunction with regulatory action taken against the *permittee* pursuant to Division 4 of this Article.
- (h) Imposition, suspension or revocation of any particular condition is appealable through the procedures set forth in Division 5 of this Article.
- (i) The Chief of Police may not use the conditions to suppress or regulate speech in any manner contrary to the First Amendment.

(Added 11-20-2000 by O-18887 N.S.)

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§33.1514 Duration of Validity of Permit

Any *public dance*, cabaret, or commercial recreational assemblage *permit* issued on or before November 20, 2000, shall be valid for one year from the date it was issued, with the exception of a single event, subject to any conditions or restrictions existing at the time it was issued. To obtain a renewed *permit*, an application for renewal shall be submitted to the *Chief of Police*. At the time the application for renewal is submitted, the *Chief of Police* may impose conditions on the permit in accordance with this Division.

(Added 11-20-2000 by O-18887 N.S.)

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Article 9.5: Noise Abatement and Control
("Noise Abatement and Control"
added 9-18-1973 by O-11122 N.S.)

Division 1: General
("General" added 9-18-1973 by O-11122 N.S.)

§59.5.0101 Purpose and Intent

The Council of The City of San Diego finds and declares that:

- (a) Inadequately controlled noise presents a growing danger to the health and welfare of the residents of the City of San Diego;
- (b) The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the City of San Diego is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase;
- (c) The making, creation, or continuance of such excessive noises, which are prolonged or unusual in their time, place, and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of San Diego;
- (d) Every person is entitled to an environment in which the noise is not detrimental to his or her life, health, or enjoyment of property; and
- (e) The necessity, in the public interest, for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City of San Diego and its inhabitants.

(Amended 9-22-1976 by O-11916 N.S.)

§59.5.0102 Definitions

Whenever the following words and phrases are used in this article, they shall have the meaning ascribed to them in this section:

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- (a) Average Sound Level — a sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters Sl. 4-1971. Average sound level is also called equivalent continuous sound level.
- (b) Community Noise Equivalent Level — an average sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and after addition of ten (10) decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
- (c) Construction Equipment — any tools, machinery, or equipment used in connection with construction operations, including all types of “special construction” equipment as defined in the pertinent sections of the California Vehicle Code when used in the construction process on any construction site, regardless of whether such construction site be located on-highway or off-highway.
- (d) Decibel (dB) — a unit measure of sound (noise) level.
- (e) Emergency Work — work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger of damage, or work by public or private utilities when restoring utility service.
- (f) Motor Vehicles — any and all self-propelled vehicles as defined in the California Vehicle Code, specifically including but not limited to “mini-bikes” and “go-carts.”
- (g) Noise Level — the same as “sound level.” The terms may be used interchangeably herein.
- (h) Person — a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private.
- (i) Sound Level — in decibels, that quantity measured with a sound level meter as defined herein, by use of the “A” frequency weighting and “fast” time averaging unless some other time averaging is specified.
- (j) Sound Level Meter — an instrument for the measurement of sound, including a microphone, an amplifier, an attenuator, networks at least for the standardized frequency weighting A, and an indicating instrument having at

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least the standardized dynamic characteristic "fast," as specified in American National Standard Specifications for Sound Level Meters SI. 4-1971 or its successor.

- (k) Sound Amplifying Equipment — equipment as specified in Section 33.0203b of the San Diego Municipal Code.
- (l) Disturbing, Excessive or Offensive Noise — any sound or noise conflicting with the criteria or levels set forth in this article.
- (m) Supplementary Definitions of Technical Terms — definitions of technical terms not defined herein shall be obtained from American National Standard Acoustical Terminology, SI.1-1960 (R- 1976).

(Amended 9-22-1976 by O-11916 N.S.)

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Article 9.5: Noise Abatement and Control

Division 2: Administration

("Administration" added 9-18-1973 by O-11122 N.S.)

§59.5.0201 Establishment of Noise Abatement and Control Administrator

There is hereby established within the Neighborhood Code Compliance Department of The City of San Diego the function of Noise Abatement and Control Administration which shall be administered by the Director of the Neighborhood Code Compliance Department (hereinafter referred to as the "Administrator").
(Amended 7-25-1994 by O-18088 N.S.)

§59.5.0202 Duties and Responsibilities of the Noise Abatement Administrator

- (a) The Administrator and his staff have the responsibility of regulating and controlling the emission of all excessive or offensive noises within the City of San Diego and shall take such action, subject to the provisions of this article, as is reasonable and necessary to abate noise. The Administrator shall coordinate the activities of all City departments relating to noise control and reduction in those activities carried out by the various departments, including the Environmental Impact Report review process relating to noise pollution. The Administrator may exercise or delegate any of the functions, powers and duties vested in his office or in the administration of his office.
- (b) The Administrator is expressly charged:
 - (1) To make any necessary investigations, inspections, or studies which, in his opinion, are necessary for the purpose of enforcing the provisions of this article or controlling or abating a disturbing, excessive or offensive noise. Information derived from noise studies shall be made available to the public upon request.
 - (2) To institute necessary proceedings to prosecute violations of this article and to compel the prevention and abatement of disturbing, excessive, or offensive noise, and as further set forth in Division 6 of this article.
 - (3) To allow exceptions to the requirements of this article, subject to conditions, when practical difficulties or unnecessary hardship involved in carrying out this article exist, if the exception will not be contrary to the purpose and intent of this article or detrimental to the public health, safety, and general welfare of the citizens of the City of San Diego.

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- 4) To do any and all other acts which may be necessary for the successful prosecution of the purposes of this article and such other acts as may be specifically enumerated herein as duties.

*("Duties and Responsibilities of the Administrator Noise Abatement" retitled and amended 11-18-1997 by O-18439 N.S.)
(Retitled to "Duties and Responsibilities of the Noise Abatement Administrator" and amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)*

§59.5.0205 Inspection by Administrator

- (a) The Administrator may inspect, at any reasonable time and in a reasonable manner, any device or mechanism (1) which is intended to, or which actually does produce sound and (2) which creates or may create any disturbing noise, including, but not limited to, the premises where such device or mechanism is used.
- (b) If entry to premises is denied or refused, the Administrator shall obtain an inspection warrant from a court of a competent jurisdiction.
(Amended 9-22-1976 by O-11916 N.S.)

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Article 9.5: Noise Abatement and Control

Division 3: Noise Abatement Contract Compliance
("Noise Abatement Contract Compliance"
added 9-18-1973 by O-11122 N.S.)

§59.5.0301 Contract Provisions

(a) Contract

As used in this section, the term "contract" shall mean any written agreement or legal instrument whereby The City of San Diego is committed to expend, or does expend, public funds in consideration for work, labor, services, equipment, or any combination of the foregoing, except that the term "contract" shall not include:

- (1) Contracts for financial or other assistance entered into by The City of San Diego with any federal, state or other local governmental entity or agency.
- (2) Contracts, resolutions, indentures, declarations of trust, or other legal instruments authorizing or relating to (a) the purchase of insurance, (b) the authorization, issuance, award and sale of bonds, and (c) certificates of indebtedness, notes, or other fiscal obligations of the City.

(b) Contract Provisions

No contract shall be awarded or entered into by The City of San Diego unless such contract contains provisions requiring that:

Devices and activities which will be operated, conducted, or constructed pursuant to the contract and which are subject to the provisions of this Code, will be operated, conducted, or constructed without causing a violation of this article.

(c) Regulations

The Administrator may, from time to time, recommend to the City's Purchasing Agent and/or other City departments such specifications for the operation or construction of devices and activities pursuant to City contracts.

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The Administrator shall make the recommendations necessary to achieve compliance with the provisions of this section.

- (d) No person shall cause or permit the operations of a device or conducting of an activity in such a way as to violate any provisions of a contract required by this action.
- (e) The provisions of this section shall not apply to those contracts awarded prior to three (3) months from the effective date (October 19, 1973) of this article.
(Amended 9-22-1976 by O-11916 N.S.)

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Article 9.5: Noise Abatement and Control

Division 4: Limits

*("Noise Level Limits, Standards and Control"
added 9-18-1973 by O-11122 N.S.)*

(Retitled to "Limits" on 9-22-1976 by O-11916 N.S.)

§59.5.0401 Sound Level Limits

- (a) It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

TABLE OF APPLICABLE LIMITS

Land Use	Time of Day	One-Hour Average Sound Level (decibels)
1. Single Family Residential	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	40
2. Multi-Family Residential (Up to a maximum density of 1/2000)	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
3. All other Residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
4. Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	60
5. Industrial or Agricultural	any time	75

- (b) The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts. Permissible construction noise level limits shall be governed by Sections 59.5.0404 of this article.

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- (c) Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of Part A. of this section, measured at or beyond six feet from the boundary of the easement upon which the equipment is located.
- (d) This section does not apply to firework displays authorized by permit from the Fire Department.
- (e) This section does not apply to noise generated by helicopters at heliports or helistops authorized by a conditional use permit, nor to any roller coaster operated on City-owned parkland.

(Amended 9-11-1989 by O-17337 N.S.)

(Amended 11-28-2005 by O-19446 N.S.; effective 2-9-2006.)

§59.5.0402 Motor Vehicles

(a) Off-Highway

- (1) Except as otherwise provided for in this article, it shall be unlawful to operate any motor vehicle of any type on any site, other than on a public street or highway as defined in the California Vehicle Code, in any manner so as to cause noise in excess of those noise levels permitted for on-highway motor vehicles as specified in the table for "45 mile-per-hour or less speed limits" contained in Section 23130 of the California Vehicle Code, and as corrected for distances set forth in subsection A.2. below.

(2) Corrections

The maximum noise level as the off-highway vehicle passes may be measured at a distance of other than fifty (50) feet from the center line of travel, provided the measurement is further adjusted by adding algebraically the applicable correction as follows:

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Distance (Feet)	Correction (decibels)
25	-6
28	-5
32	-4
35	-3
40	-2
45	-1
50 (preferred distance)	0
56	+1
63	+2
70	+3
80	+4
90	+5
100	+6

- (3) A measured noise level thus corrected shall be deemed in violation of this section if it exceeds the applicable noise-level limit as specified above.
- (b) Nothing in this section shall apply to authorized emergency vehicles when being used in emergency situations, including the blowing of sirens and/or horns.
("Motor Vehicles" renumbered from Sec. 59.5.0403 on 9-22-1976 by O-11916 N.S.)

§59.5.0403 Watercraft

Violations for excessive noise of watercraft operating in waters under the jurisdiction of The City of San Diego shall be prosecuted under applicable provisions of the California Harbors and Navigation Code. Permits issued by The City of San Diego for the operation of watercraft not in compliance with noise criteria of the Harbors and Navigation Code shall be reviewed and approved by the Administrator prior to issuance.

("Watercraft" renumbered from Sec. 59.5.0407 and amended 9-22-1976 by O-11916 N.S.)

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§59.5.0404 Construction Noise

- (a) It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.
- (b) Except as provided in subsection C. hereof, it shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.
- (c) The provisions of subsection B. of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified within 48 hours after commencement of work.
(Amended 1-3-1984 by O-16100 N.S.)

§59.5.0406 Refuse Vehicles and Parking Lot Sweepers

No person shall operate or permit to be operated a refuse compacting, processing, or collection vehicle between the hours of 7:00 p.m. to 6:00 a.m. or a parking lot sweeper between the hours of 7:00 p.m. to 7:00 a.m. in any residential area unless a permit has been applied for and granted by the Administrator.
("Refuse Vehicles" added 9-18-1973 by O-11122 N.S.; amended 9-22-1976 by O-11916 N.S.)
(Amended 6-9-2010 by O-19960 N.S.; effective 7-9-2010.)

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Article 9.5: Noise Abatement and Control

Division 5: Public Nuisance Noise
("General Noise Regulations"
added 9-18-1973 by O-11122 N.S.)
(Retitled to "Public Nuisance Noise"
on 9-22-1976 by O-11916 N.S.)

§59.5.0501 General Prohibitions

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any disturbing, excessive, or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- (b) The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to the following:
 - (1) The level of the noise;
 - (2) Whether the nature of the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or unnatural;
 - (4) The level of the ambient noise;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night the noise occurs;
 - (8) The duration of the noise; and
 - (9) Whether the noise is recurrent, intermittent, or constant.

(Amended 1-3-1984 by O-16100 N.S.)

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§59.5.0502 Disturbing, Excessive, Offensive Noises — Declaration of Certain Acts Constituting

The following activities, among others, are declared to cause disturbing, excessive or offensive noises in violation of this section and are unlawful, namely:

- (a) Horns, Signaling Devices, etc.

Unnecessary use or operation of horns, signaling devices, or other similar devices, on automobiles, motorcycles, or any other vehicle.

- (b) Radios, Television Sets, Phonographs, Loud Speaking Amplifiers and Similar Devices.

- (1) Uses Restricted

The use or operation of any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loud speakers and sound amplifier or other similar machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, or comfort of any reasonable person of normal sensitivity in any area of the City is prohibited. This provision shall not apply to any participant in a licensed parade, or to any person who has been otherwise duly authorized by The City of San Diego to engage in such conduct.

- (2) Prima Facie Violations

Any of the following shall constitute evidence of a prima facie violation of this section:

- (A) The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier or similar machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle in which it is located.
- (B) The operation of any sound amplifier, which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in

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such a manner as to be plainly audible at a distance of fifty (50) feet and when operated in such a manner as to cause a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet from the source.

(3) Enforcement of Prima Facie Violations

(A) Any person who is authorized to enforce the provisions of this Article and who encounters evidence of a prima facie violation of this section is empowered to confiscate and impound as evidence, any or all of the components amplifying or transmitting the sound.

(B) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of the Penal Code, who encounters evidence of a prima facie violation of this section whereby the component(s) amplifying or transmitting the sound are attached to a vehicle may, in accordance with the provisions of California Vehicle Code section 22655.5, impound the vehicle, as containing evidence of a criminal offense, when the amplifying and/or transmitting component(s) cannot be readily removed from the vehicle without damaging the component(s) or vehicle.

(c) Animals

(1) The keeping or maintenance, or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long-continued noise, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity.

(2) The noise from any such animal or animals that disturbs two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.

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- (d) Hospitals, Schools, Libraries, Rest Homes, Long-Term Medical or Mental Care Facilities

To make noise adjacent to a hospital, school, library, rest home, or long-term medical or mental care facility, which noise unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys occupants in said institutions.

- (e) Playing of Radios on Buses and Trolleys

The operation of any radio, phonograph, or tape player on an urban transit bus or trolley so as to emit noise that is audible to any other person in the vehicle is prohibited.

- (f) Playing of Radios, Phonographs, and Other Sound Production or Reproduction Devices in Public Parks and Beach Areas and Public Parking Lots and Streets Adjacent Thereto.

The operation of any radio, phonograph, television set, or any other sound production or reproduction device in any public park or on any public beach or any public parking lot or street adjacent to such park or beach, without the prior written approval of the City Manager or the Administrator, in such a manner that such radio, phonograph, television set or sound production or reproduction device emits a sound level exceeding those found in the following table at any point ten (10) feet or more from the noise source is prohibited:

TABLE OF APPLICABLE LIMITS

Time of Day.....	Sound Level Limit
7 a.m. to 7 p.m.	65 decibels
7:01 p.m. to 6:59 a.m.	55 decibels

- (g) Leaf Blowers

- (1) A "leaf blower" means any portable, hand-held or back pack, engine powered device with a nozzle that creates a directable airstream which is capable of and intended for moving leaves and light materials.
- (2) No person shall operate a leaf blower in any residential zoned area between the hours of 7 p.m. and 8 a.m. on weekdays and 5 p.m. and 9

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a.m. on weekends or on legal holidays specified in section 21.04 of this Code.

- (3) After October 9, 1991 and through June 30, 1993, no person may operate any leaf blower at a sound level in excess of 70 decibels measured at a distance of 50 feet or greater from the point of noise origin. Beginning on July 1, 1993, no person may operate any leaf blower at a sound level in excess of 65 decibels measured at a distance of 50 feet or greater from the point of noise origin.
- (4) Beginning on July 1, 1993, leaf blowers shall be equipped with functional mufflers and an approved sound limiting device required to ensure that the leaf blower is not capable of generating a sound level exceeding any limit prescribed in this section.
- (5) All litter and debris generated by leaf blower operation shall be cleaned up and disposed of in accordance with Chapter 9, Article 4, of this Code.

(Amended 9-9-1991 by O-17676 N.S.)

§59.5.0503 Burglar Alarms

- (a) Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such burglar alarms can be terminated within 20 minutes of being activated.
- (b) Notwithstanding the requirements of this provision, any member of the Police Department of The City of San Diego shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation. On or after thirty (30) days from the effective date of this article, any building, dwelling or motor vehicle upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building, dwelling, or motor vehicle.

(Amended 1-3-1984 by O-16100 N.S.)

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Article 9.5: Noise Abatement and Control

Division 6: Violations And Enforcement
("Violations And Enforcement"
added 9-18-1973 by O-11122 N.S.)

§59.5.0601 Violations: Misdemeanors

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1000.00) or be imprisoned in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Notwithstanding the above described penalties, following the conviction of a defendant for any prima facie violations of this article, the prosecutor may bring a motion requesting the court to order the destruction of any or all of the components amplifying or transmitting the sound.

(Amended 10-30-1989 by O-17380 N.S.)

§59.5.0602 Violations: Additional Remedies: Injunctions

As an additional remedy, the operation or maintenance of any activity, device, instrument, vehicle or machinery in violation of any provision of this article, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Amended 9-22-1976 by O-11916 N.S.)

§59.5.0604 Manner of Enforcement

Violations of this article shall be prosecuted in the same manner as other misdemeanor violations of the San Diego Municipal Code; however, nothing in this article shall prevent the Administrator, in his enforcement of the provisions of this article for which he is responsible, from making efforts to obtain voluntary compliance by way of warning, notice, or educational means.

("Manner of Enforcement" added 9-18-1973 by O-11122 N.S.)

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§59.5.0605 Display of Permits and Other Notices

Any permit or certificate required herein shall be displayed or maintained on the premises designated on the permit.

("Display of Permits and Other Notices" added 9-18-1973 by O-11122 N.S.)

§59.5.0606 False and Misleading Statement: Unlawful Reproduction or Alteration of Documents

(a) No person shall knowingly make a false or misleading statement or submit a false or misleading document to the Administrator as to any matter within his jurisdiction.

(b) No person shall make, reproduce, alter, or cause to be made, reproduced, or altered, a permit, certificate, or other document issued by the Administrator or required by this article.

(Amended 9-22-1976 by O-11916 N.S.)

§59.5.0607 Severability

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are hereby declared to be severable.

("Severability" added 9-22-1976 by O-11916 N.S.)

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Article 9.5: Noise Abatement and Control

Division 8: Sound Trucks — Loud Speakers — Sound Amplifiers
("Sound Trucks — Loud Speakers — Sound Amplifiers"
added 2-23-1987 by O-16813 N.S.)

§59.5.0801 Sound Trucks — Loud Speakers — Sound Amplifiers Defined

- (a) "Sound Truck" — shall mean any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto, any sound amplifying equipment.
- (b) "Sound Amplifying Equipment" — the words, "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.
("Sound Trucks — Loud Speakers — Sound Amplifiers Defined" added 2-23-1987 by O-16813 N.S.)

§59.5.0802 Noncommercial Use of Sound Trucks — Registration Required

It shall be unlawful for any person to use or cause to be used a sound truck with its sound amplifying equipment in operation for noncommercial purposes in the City of San Diego before filing a registration statement with the Director of the Communications Division of the General Services Department. This registration statement shall be filed in duplicate and shall state the following:

- (a) Name and home address of the applicant;
- (b) Address of place of business of applicant;
- (c) License number and body style, make and year of the sound truck to be used by applicant;
- (d) Name and address of person who owns the sound truck;
- (e) Name and address of person having direct charge of the sound truck;

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- (f) Names and addresses of all persons who will use or operate the sound truck;
- (g) The purpose for which the sound truck will be used;
- (h) A general statement as to the section or sections of the City in which the sound truck will be used;
- (i) The proposed hours of operation of the sound truck;
- (j) The number of days of proposed operation of the sound truck;
- (k) A general description of the sound amplifier and of each accessory unit to be used with it.

("Noncommercial Use of Sound Trucks — Registration Required" added 2-23-1987 by O-16813 N.S.)

§59.5.0803 Endorsement of Registration Statement of Noncommercial Sound Trucks

All persons using or causing to be used sound trucks for noncommercial purposes shall submit their sound trucks together with the sound amplifying and sound reproducing equipment which they intend to use to an inspection to be given by or under the direction of the Director of the Communication Division of the General Services Department of the City of San Diego. The Deputy Director shall test said equipment in the course of his inspection and shall endorse the original registration statement of the person applying for a permit, together with the copies of said statement, if said equipment may be calibrated and/or controlled so as to comply with the regulations provided in this Division. Said endorsement shall designate the calibration or points at which the controls of the sound amplifying and reproducing equipment may be set in order to maintain the maximum sound level permissible under the regulatory provisions of this Division.

("Endorsement of Registration Statement of Noncommercial Sound Trucks" added 2-23-1987 by O-16813 N.S.)

§59.5.0804 Registration Statement Amendment

Any person using, or causing to be used, sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to Section 59.5.0802 within forty-eight (48) hours after any change in the information therein furnished.

("Registration Statement Amendment" added 2-23-1987 by O-16813 N.S.)

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§59.5.0805 Registration and Identification

The Director of the Communications Division of the General Services Department shall return to each applicant under Section 59.5.0802 one copy of said registration statement duly certified by the Director of the Communications Division of the General Services Department as a correct copy of said application. Said certified copy of the application, as endorsed, shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any officer of the City of San Diego, upon request.

("Registration and Identification" added 2-23-1987 by O-16813 N.S.)

§59.5.0806 Regulations for Use

Noncommercial use of sound trucks in the City of San Diego with sound amplifying equipment in operation shall be subject to the following regulations:

- (a) The only sounds permitted are music or human speech.
- (b) Operations are permitted between the hours of 8:00 a.m. and 9:00 p.m. at and during public events and affairs of interest to the general public.
- (c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each stop.
- (d) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.
- (e) No sound truck with its amplifying device in operation shall be operated within the Central Traffic District of the City of San Diego as said Central Traffic District is defined in Chapter 8.
- (f) The human speech and music amplified shall not be obscene, lewd, indecent or slanderous.
- (g) The volume of sound shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility and so that the volume of sound shall not exceed an "A"

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weighted sound level of 65 decibels on the "slow" scale at a distance of 50 feet from the sound amplifying equipment as measured by a sound level meter which meets "American National Standard" ANSI S1.4-1983 or its successor.

- (h) No sound amplifying equipment shall be operated unless the axis of the center of any sound reproducing equipment used shall be parallel to the direction of travel of the sound truck; provided, however, that any sound reproducing equipment may be so placed upon said sound truck as to not vary more than 15 (degrees) either side of the axis of the center of the direction of travel.
- (i) No sound truck with its amplifying device in operation shall be driven on the same street past the same point more than twice in a period of one hour.
- (j) It shall be unlawful to operate a noncommercial sound truck in violation of these regulations.

("Regulations for Use" added 2-23-1987 by O-16813 N.S.)

§59.5.0807 Commercial Use Sound Truck Regulated — License Required

It shall be unlawful for any person to operate or cause to be operated any sound truck in the City of San Diego for commercial advertising purposes with sound amplifying equipment in operation unless an application has been made to the Director of the Communications Division of the General Services Department and said application has been approved and endorsed. The Director shall inspect and test said sound truck together with its sound amplifying and sound reproducing equipment to operate and conform to the regulatory provisions provided in Section 59.5.0806.

Said sound trucks shall be inspected on an annual basis to insure that their operation remains in conformity to the regulatory provisions contained in Section 59.5.0806. In the event said sound truck is found in violation of any regulatory provision contained in Section 59.5.0806, said violation shall be cause for revocation of such license.

("Commercial Use Sound Truck Regulated — License Required" added 2-23-1987 by O-16813 N.S.)

§59.5.0808 Application for License

Persons applying for the license required under Section 59.5.0807, shall file with the Director of the Communications Division of the General Services Department an application in writing, giving in said application the information required in the registration statement required in Section 59.5.0802 and deposit the fee prescribed therefor in the City Composite Rate Schedule.

("Application for License" added 2-23-1987 by O-16813 N.S.)

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§59.5.0809 Issuance of License

A license shall be issued under Section 59.5.0807 upon payment of the required permit fee, unless the application required in Section 59.5.0808 hereof has been denied by the Director of the Communications Division of the General Services Department as indicated by writing or stamping with his signature "DENIED" on a copy of the license application.
("Issuance of License" added 2-23-1987 by O-16813 N.S.)

§59.5.0810 Possession and Display of License

A licensee shall keep such license in his possession in the sound truck during the time the sound truck's sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any officer of the City of San Diego, upon request.
("Possession and Display of License" added 2-23-1987 by O-16813 N.S.)

§59.5.0811 Regulations for Use

It shall be unlawful for any person to operate or cause to be operated any sound truck for commercial sound advertising purposes in violation of the regulations set forth in Section 59.5.0806.
("Regulations for Use" added 2-23-1987 by O-16813 N.S.)

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Article 3: Land Development Terms
(Added 12-9-1997 by O-18451 N.S.)

Division 1: Definitions
(“Definitions” added 12-9-1997 by O-18451 N.S.)

§113.0101 Purpose of Definitions

The purpose of this division is to provide clear and concise definitions of words and phrases that have meanings specifically related to the Land Development Code and to apply these terms in a consistent way throughout the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§113.0102 Identification of Definitions

Each word or phrase that is defined in this division appears in the text of the Land Development Code in italicized letters.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§113.0103 Definitions

Abutting property means a *lot* or parcel of land that shares all or part of a common *lot* line with another *lot* or parcel of land.

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

Accessory structure means a *structure* attached to or detached from a primary *structure* located on the same *premises* that is customarily incidental and subordinate to the primary *structure* or use. The term *accessory structure* includes accessory buildings.

Accessory use means a use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a *primary use* of the land or building located on the same *premises*.

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Advertising display sign means a *sign* where the *sign copy* does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the *sign* is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the *sign*. Such *signs* include vehicle-mounted *signs* and billboards.

Affiliate means business entities, organizations, or individuals who either directly or indirectly (1) control one another or have the power to control one another or (2) are controlled by a third party or are subject to control by a third party. *Affiliates* include chief executive officers and members of boards of directors or their equivalents.

Alley means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an *abutting property*.

Amended map means a map as set forth in the *Subdivision Map Act*, Section 66469 through 66472.1, that is used to correct errors or to amend an existing final map or *parcel map*.

Antenna means a device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an Omni-directional (whip), directional (panel), dish, or GPS *antenna*. It does not include the support structure.

Appealable area means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1; however, this map may be updated as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

Applicant means any person who has filed an application for a permit, map, or other matter and that is the *record owner* of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application; including any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.

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Archaeological site, important (See *important archaeological site*)

Architectural projection means any building feature that extends beyond the *structural envelope* or above the roof or parapet line.

As-graded report means a report that summarizes the results of the observation and testing of *grading* operations.

Atrium means a roofed, interior building area that is open vertically through two or more *floor* levels and does not include enclosed stairways, elevators, escalators, plumbing, electrical, air conditioning, or other equipment.

Attic means a portion of the space immediately below a pitched roof and above the highest finished *floor*. See Section 113.0210 for additional information on determining *attic*.

Awning means a shelter supported entirely from the exterior wall of a building and composed of non-rigid and rigid material including the supporting framework.

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

Base flood elevation means the water surface elevation of a *base flood*.

Basement means a building area that is wholly or partially below *grade*.

Beach, coastal (See *coastal beach*)

Bedroom means an enclosed space within a dwelling unit that is designed or could be used for sleeping and has a permanent door permitting complete closure and separation from all *kitchen*, living room, and hallway areas. A room or other enclosed space is not considered a *bedroom* if it is the sole access to another *bedroom*.

Benefitted area means the entire area that receives a benefit from a *public improvement* or *public improvements*.

Bluff, coastal (See *coastal bluff*)

Bluff edge, coastal (See *coastal bluff edge*)

Boarder means an individual resident who is furnished sleeping accommodations and meals in a residential *structure*.

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Breakaway wall means a wall that is not part of the structural support of the building and is designed and constructed to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Building envelope means the three-dimensional space within which a *structure* could be located as established by the applicable *setbacks* and maximum allowable *structure height*. See Section 113.0213 for additional information on determining a *building envelope*.

Building facade means all walls, or portions thereof, of a building that are visible when projected perpendicularly to a single plane that is most parallel to the closest *public right-of-way*, excepting alleys. See Section 113.0216 for additional information on determining *building facade*.

Business day means any day except a Saturday, Sunday, or holiday listed in Municipal Code Section 21.0104, unless otherwise specified.

Capital improvement program project means a tangible City project with a life expectancy greater than one year that is counted as a fixed asset with values for capitalization purposes. Capitalized assets have values for assessment of prosperity and financing purposes.

Certificate of Correction means a recorded document as set forth in the *Subdivision Map Act*, Sections 66469-66472.1 that is used to correct errors on a limited portion of a recorded *final map* or *parcel map*.

Certification means a *signed*, written statement that required inspections and tests have been performed and that the work performed complies with the applicable requirements.

Changeable copy sign means a *sign* on which copy can be changed either in the field or by remote means.

Channelization means artificial *flood* control works designed and constructed to contain all of a specified *flood* event; however, within the Coastal Overlay Zone *channelization* also means the filling or substantial alteration of the floodplain.

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Child care facility means a facility that provides nonmedical care for children less than 18 years of age, on less than a 24-hour basis including small family day care homes, large family day care homes, and child care centers.

Church means an institution that people regularly attend to participate in or hold religious services, meetings, or other activities. This term does not carry a secular connotation and includes the buildings or other locations in which the religious services of any denomination are held.

Clearing means the cutting and removal of existing vegetation from a *premises* without disturbance to the soil or surface or destruction of the root system.

Coastal beach means the land between the edge of the sea and the first line of terrestrial vegetation or *development* or the toe of an adjacent *sensitive coastal bluff* or seawall, whichever is most seaward.

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

Coastal bluff edge means the termination of the top of a *coastal bluff* where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*. See Section 113.0219 for additional information on determining the *coastal bluff edge*.

Coastal bluff face means that portion of a *coastal bluff* lying between the toe of the existing bluff and the *coastal bluff edge*.

Coastal bluff, sensitive (See *sensitive coastal bluff*)

Coastal development means “development” as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

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Condominium conversion means the change in ownership from a single *structure* or group of *structures* used for residential rental units to individual ownership of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to the applicable provisions of the laws of the State of California.

Construction permit means a permit issued pursuant to Land Development Code Chapter 12, Article 9. Construction permits include the following: Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, Fire Permits, and Sign Permits.

Court, interior (See *interior court*)

Coverage, lot (See *lot coverage*)

Date of final action means the date all rights of appeal are exhausted for a permit, map, or other matter.

Decision date means the date a designated staff person approves or denies a permit or other matter.

Dedication means real property or an interest in real property offered to and accepted by the City for public use.

Dedication, unaccepted offer of (See *unaccepted offer of dedication*)

Deemed complete means that the City Manager has determined that an application includes all of the information, materials, fees, and deposits required.

Density means the relationship between the number of *dwelling units* existing or permitted on a *premises* and the area of the *premises*.

Designated historical resource means a *historical building*, *historical district*, *historical landscape*, *historical object*, or *historical structure*, *important archaeological site* or *traditional cultural property* which has been designated by the Historical Resources Board pursuant to Land Development Code Chapter 12, Article 3, Division 2, is included in the City of San Diego Historical Resources Board Register, or has been listed in or determined to be eligible for listing in the California Register of Historic Resources or the National Register of Historic Places.

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Development means the act, process, or result of dividing a parcel of land into two or more parcels; of erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, *structure*, improvement, *lot*, or *premises*; of *clearing*, *grubbing*, excavating, embanking, *filling*, managing brush, or agricultural *clearing* on public or private property including the construction of slopes and facilities incidental to such work; or of disturbing any existing vegetation.

Development permit means a permit issued pursuant to Land Development Code Chapter 12, Article 6. *Development permits* include the following: Neighborhood Use Permits, Conditional Use Permits, Neighborhood Development Permits, Site Development Permits, Planned Development Permits, Coastal Development Permits, and Variances.

Disabled Person, pursuant to the Fair Housing Amendments Act of 1988, means any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

Dormer means a roofed *structure* projecting from a sloping roof and usually housing a window or ventilating louver.

Dwelling unit, means a room or suite of rooms in a building or portion thereof, used, intended or designed to be used or occupied for living purposes by one *family*, and containing only one *kitchen*.

Dwelling unit, multiple (See *multiple dwelling unit*)

Dwelling unit, single (See *single dwelling unit*)

Encroachment means an intrusion of *development* into the *public right-of-way*, into *environmentally sensitive lands*, into lands containing a *historical resource*, or into required *yards*.

Environmental determination means a decision by any non-elected City decision maker, to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or to determine that a project is exempt from the California Environmental Quality Act (CEQA), under State CEQA Guidelines Section 15061(b).

Environmentally sensitive lands means land containing *steep hillsides*, *sensitive biological resources*, *coastal beaches*, *sensitive costal bluffs*, or *Special Flood Hazard Areas*.

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Excavation means the act, process, or result of earthen material or substance being removed, cut into, dug, quarried, uncovered, displaced, or relocated.

Existing grade means the *grade* of a *premises* that existed before any *development* occurred or the *grade* of an existing pad that was approved by a *tentative map*. See Section 113.0228 for additional information on determining *existing grade*.

Exploration means the search for minerals by geological, geophysical, geochemical, or other techniques including sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

Externally illuminated sign means a *sign* that reflects light from a source intentionally directed upon it, including silhouettes of letters or symbols placed before a background of reflected light.

Family means two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of placement of guardianship; or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit.

Fence means a vertical barrier or enclosure constructed of any material that supports no load other than its own weight.

Fence, open (See *open fence*)

Fence, solid (See *solid fence*)

Fill means any soil, excavated or dredged material, riprap, rock, concrete, construction debris, pilings, sand, or other material or substance that is added to any location on a *premises*.

Final map means a map as defined by the *Subdivision Map Act*, Section 66426, usually used to subdivide a property into five or more *lots*.

Findings means determinations based upon a statement or set of statements of factual evidence that are used as the criteria for making a decision on a discretionary action.

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

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

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

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

Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to *structures* that reduce or eliminate the damage to a *premises* and its contents that would otherwise result from a *flood*.

Floodplain, (See *Special Flood Hazard Area*)

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the water surface elevation more than one foot. *Floodway* also means the area within a *Special Flood Hazard Area*, as shown on the *Flood Insurance Rate Maps*.

Floor means a horizontal, continuous, supporting, or nonsupporting surface of a *structure*.

Floor Area Ratio (FAR) means the numerical value obtained by dividing the *gross floor area* of all buildings on a *premises* by the total area of the *premises* on which the buildings are located. See Section 113.0234 for additional information on calculating *gross floor area*.

Freeway means a limited-access roadway as provided by the California Streets and Highways Code.

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Geotechnical report means a preliminary report that states existing soil conditions and provides recommendations for the proposed construction operations. For purposes of the Land Development Code, the term *geotechnical report* includes soils reports, geological reconnaissance, geotechnical investigations, and seismic studies.

Grade means the elevation of the surface of the ground.

Grade, existing (See *existing grade*)

Grade, proposed (See *proposed grade*)

Grading means any earthwork that involves *grubbing*, excavating, embanking, or filling.

Gross floor area means the sum of the horizontal square footage of all existing, proposed, and phantom *floors* of a building which may or may not be completely enclosed within the exterior surface of the surrounding exterior walls. See Section 113.0234 for additional information on calculating *gross floor area*.

Ground sign means any *sign* supported wholly by uprights, braces, or poles in or on the ground including poster panels, painted bulletins, *signs* on *fences*, and *signs* on *structures* other than buildings and canopies.

Grubbing means the removal or destruction of vegetation by disturbance to the root system or soil surface by mechanical, chemical, or other means.

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in *hotels*, *motels*, bed and breakfast facilities, private clubs, lodges, and fraternity or sorority houses.

Hardscape means patterned paving material including tiles; mortared pavers; wood timbers; colored, patterned concrete with a tile, brick, or stone appearance; or a patterned paving material with enhanced concrete that has an exposed aggregate, colored, or salt finish.

Hazardous waste means waste that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. Unless expressly provided otherwise, the term *hazardous waste* shall include extremely *hazardous waste* as defined in the Code of Federal Regulations (40 CFR Part 264).

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Height, structure (See *structure height*)

Historical building means a construction that possesses historical, scientific, architectural, aesthetic, or cultural significance that was created principally to shelter human activity (such as a house, barn, *church*, *hotel*, or similar construction).

Historical district means a significant concentration, linkage, or continuity of sites, buildings, *structures*, or objects that are united historically, geographically, or aesthetically by plan or physical *development* and that have a special character, historical interest, cultural or aesthetic value, or that represents one or more architectural periods or styles in the history and *development* of the City.

Historical landscape means a modified feature of the land that possesses historical, scientific, aesthetic, cultural, or ethnic significance to a neighborhood or community.

Historical object means a construction of historical, scientific, aesthetic, cultural, or ethnic significance that is usually by design or nature movable and primarily artistic in nature or relatively small in scale and simply constructed (such as *signs*, light fixtures, and *street* or garden furniture).

Historical resource means a *designated historical resource*, *historical building*, *historical structure*, *historical object*, *important archaeological site*, *historical district*, *historical landscape*, or *traditional cultural property*.

Historical structure means a functional construction that possesses historical, scientific, architectural, aesthetic, or cultural significance, usually made for purposes other than sheltering human activity (such as large-scale engineering projects, water control systems, transportation systems, mine shafts, kilns, ovens, lighthouses, and radio telescopes).

Hotel/Motel means a building containing six or more *guest rooms* that are rented for less than 30 days and used or designed to be used for sleeping purposes. *Hotel* or *motel* does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

Idle means to curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone.]

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Important archaeological site means a site or location of past human occupation with significant subsurface deposits, where important prehistoric or historic activities or events occurred, that possesses unique historical, scientific, cultural, religious, or ethnic value of local, regional, state, or federal importance. *Important archaeological sites* include:

- (a) Archaeological sites listed in the City of San Diego Historical Resources Board Register or listed in or determined to be eligible for listing in the California Register of Historical Resources or in the National Register of Historic Places;
- (b) Areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or large camps); and
- (c) Locations of past or current traditional religious or ceremonial observances as defined by California Public Resources Code Section 5097.9, et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burials, pictographs, petroglyphs, solstice observation sites, and sacred shrines).

Interested person means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing or a person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing.

Interior court means a space that is open and unobstructed to the sky and is bounded on three or more sides by walls that extend above *grade*.

Internally illuminated sign means a *sign* that has the light source enclosed within it so the source is not visible to the eye.

Kitchen means an area used or designed to be used for the preparation of food which includes facilities to aid in the preparation of food such as a sink, a refrigerator and stove, a range top or oven.

Land use plans means the General Plan and adopted community plans, specific plans, precise plans, and sub-area plans.

Large retail establishment means a single tenant retail establishment 50,000 square feet or greater *gross floor area* or one multiple tenant retail establishment 50,000 square feet or greater *gross floor area* where the multiple tenants share common check stands, a controlling interest, storage areas, warehouses, or distribution facilities.

Lateral access means the public access along the shoreline paralleling the water's edge.

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Local Coastal Program has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6, which states: “*Local Coastal Program* means a local government’s (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.”

Lodger means any person renting a room in a residential *structure* for living or sleeping purposes without having free access to and use of the rest of the *structure*.

Lot means a parcel, tract, or area of land established by plat, *subdivision*, or other legal means to be owned, used, or developed. See Section 113.0237 for additional information on determining a *lot*.

Lot coverage means that portion of a *lot* that is occupied by buildings or *structures* that are roofed or otherwise covered or that are unroofed and have a finished *floor* that extends more than 3 feet above *grade*. *Lot coverage* is expressed as a percentage. See Section 113.0240 for additional information on calculating *lot coverage*.

Low income means any household whose income exceeds 50 percent but does not exceed 80 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Lowest floor means the *lowest floor* of the lowest enclosed area. An unfinished or flood-resistant enclosure that is usable solely for parking vehicles, building access, or storage is not considered a building’s *lowest floor*.

Luminous tube lighting means gas-filled tubing that, when subjected to high voltage, becomes luminescent in a color characteristic of the gas used.

Map, amended (See *amended map*)

Manufactured home means a *structure* that is transportable in one or more sections that has been built on a permanent chassis and designed for use as a dwelling when attached to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Map, final (See *final map*)

Map, parcel (See *parcel map*)

Map, subdivision (See *subdivision map*)

Map, tentative (See *tentative map*)

Market value means the current dollar value of a *structure* that is determined in accordance with procedures established by the City Manager.

Marquee means a permanent, roofed *structure* that is attached to and supported by a building and that projects over the *public right-of-way*.

Medical marijuana consumer cooperative means a facility where marijuana is transferred to qualified patients or primary caregivers in accordance with the Compassionate Use Act of 1996 and the Medical Marijuana Program Act, set forth in California Health and Safety Code sections 11362.5 through 11362.83. A *medical marijuana consumer cooperative* shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.

MHPA means multiple habitat planning area as identified by the City of San Diego *MSCP Subarea Plan*. The *MHPA* includes areas to be preserved as well as those areas where *development* will be allowed.

Mined lands means the surface, subsurface, and groundwater of an area in which *surface mining* operations are proposed to be, are being, or have been conducted, including private ways or roads appurtenant to these areas, land excavations, workings, *mining waste*, and areas in which *structures*, facilities, equipment, machines, tools, or other materials or property that result from or are used in *surface mining* operations are located.

Mining waste means the residual soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from or displaced by *surface mining* operations.

Minor-oriented facility means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the *primary use* is devoted to people under the age of 18.

Mobilehome means a *structure* that is transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 30 feet or more in length, or, when erected on-site, has 240 or more square feet of *lot coverage*, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any *structure* which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a *certification* and complies with the standards established under this part. Mobilehome includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. and 5401, et seq.).

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Moderate income means any household whose income exceeds 80 percent but does not exceed 120 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Monopole means a support structure, which consists of a single pole supporting a panel, omni or dish *antenna*.

Motel (See *hotel/motel*)

MSCP Subarea Plan means the City of San Diego plan implementing the Multiple Species Conservation Program.

Multiple dwelling unit means a building containing two or more *dwelling units* on a single *lot*. The term does not include companion units or employee housing.

Off-street parking space means an unobstructed area not located in a public *street* or *alley* that is maintained exclusively for the parking of one passenger vehicle.

Open fence means a *fence* that has at least 35 percent of the vertical surface area of each 6-foot section open to light. Within the Coastal Overlay Zone, *open fence* means a fence designed to permit public views that has at least 75 percent of its surface area open to light.

Operator means any person who is directly engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone.]

Overburden means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by *surface mining* operations.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone.]

Owner, record (See *record owner*)

Parcel map means a map as defined by the *Subdivision Map Act*, Section 66426, usually used to subdivide a property into four *lots* or less.

Parking, shared (See *shared parking*)

Parking space, off-street (See off-street parking space)

Parkway means the area within the *public right-of-way* between the curb of a *street* and the *public right-of-way* line.

Penthouse means a *structure* for enclosing mechanical equipment or stairs that is located on the roof of a multi-story building and set back from the vertical projections of the exterior building walls.

Permit holder means an *applicant* who has been granted a permit, or the *applicant's* successor, or the person using the property that is subject to the permit.

Planned Urbanized Communities include recently developed and developing communities characterized by urban or suburban levels of density and intensity. *Planned Urbanized Communities* are one of the Development Character Areas represented on Figure 131-01A.

Playground means any outdoor *premises* or grounds owned or operated by the City that contains any play or athletic equipment used or intended to be used by any person less than eighteen (18) years old.

Premises means an area of land with its *structures* that, because of its unity of use, is regarded as the smallest conveyable unit.

Previously conforming means the circumstance where a use, *structure*, or *premises* complied with all applicable state and local laws when it was first built or came into existence, but because of a subsequent change in zone or development regulations, is not in conformance with the current zone or all development regulations applicable to that zone.

Previously conforming density means the circumstance where a residential *development* is currently an allowed use in the zone and was constructed with a lawful number of units, but due to a change in the zone or zoning regulations, now has a greater number of units than is allowed in the zone.

Prezoning ordinance means an ordinance adopted by the City Council that delineates the zoning of territory not yet incorporated into the City.

Primary use means the allowed use on a *premises* that occupies a majority of the area of the *premises*.

Projecting sign means a *sign* other than any type of *wall sign* that is attached to and extends from the face of a *structure*.

Property line means a line that defines the boundaries of a *lot* or *premises* for purposes of applying development regulations. See Section 113.0246 for additional information on determining *property lines*.

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Proposed Grade means the grade of a *premises* that will result after all *development* has been completed.

Proposition A Lands include lands characterized by very low density, residential, open space, natural resource based park or agricultural uses, have the same meaning as the former future urbanizing land designation, and are subject to Proposition A, the Managed Growth Initiative of 1985. *Proposition A Lands* are one of the Development Character Areas represented on Figure 131-01A.

[Editors Note: Refer to the Land Use and Community Planning Element of the 2008 General Plan for further description of the former future urbanizing land designation, the current Development Character Areas, and Proposition A, the Managed Growth Initiative.]

Public improvement means the act or result of construction, reconstruction, or repair of improvements that are for or incidental to a public purpose.

Public nuisance has the same meaning as stated in Municipal Code Section 11.0210.

Public park means a publicly owned area that is designated as a park.

Public right-of-way means a public easement for *streets*, *alleys*, or other uses.

Public service easement means any easement granted to the City of San Diego for public utilities of any kind and related facilities.

Public vantage point means any publicly accessible location on dedicated or publicly owned property, including roadways and parks, that affords a view of open space areas, unblocked by existing or potential *structures* built in accordance with provisions of the applicable zone. Open space areas include the ocean, a coastal lagoon, a canyon, a hillside, or any other open space area identified in an adopted community plan.

Public utility means a person or entity furnishing gas, electricity, or communication services to the citizens of San Diego under a franchise granted by the City or the State of California.

Reasonable Accommodation, pursuant to the Fair Housing Amendments Acts of 1988 and the California Fair Employment and Housing Act, means accommodations necessary to afford *disabled persons* an equal opportunity to use and enjoy a dwelling.

Reclamation means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, *flooding*, erosion, and other adverse effects from *surface mining* operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone. For the definition of reclamation within the Coastal Overlay Zone, refer to Land Development Code Section 113.0103, added by City Council on December 9, 1997 by O-18451.]

Record owner means the owner of real property as shown on the latest equalized property tax assessment rolls of the San Diego County Assessor.

Recyclable material means material that is suitable for reuse, remanufacture, or reconstitution, including glass, plastic, paper, and metal. *Recyclable material* does not include general refuse, *hazardous waste*, or *hazardous waste materials*.

Recyclable construction and demolition debris means material generated at construction and demolition sites that is suitable for reuse, remanufacture, or reconstitution, including asphalt, concrete, aggregates, bricks, rocks, ceramics, drywall, metals, wood, soils or other material.

Recycling facility means a center for the collection or processing of *recyclable materials*. A facility that uses *recyclable materials* to manufacture an end product that does not require further processing is a manufacturing facility, not a *recycling facility*.

Recycling Market Development Zones means industrial areas that have been designated by the City Council to stimulate businesses that manufacture recycled products and process *recyclable material*.

Reimbursement district means the *benefited area* within which a property is subject to a reimbursement charge for the purpose of reimbursing a developer or the City, or both, for the cost of *public improvements* that are not attributable to the project that funded the entire cost of *public improvements*.

Remainder parcel means that portion of a subdivided property that is not divided for the purpose of sale, lease, or financing as defined in the *Subdivision Map Act*, Section 66424.6.

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Remaining yard means the portion of the yards on a premises that is not within the street yard.

Resolution of lien means the resolution passed by the City Council establishing the amount due from each parcel within a reimbursement district.

Retaining wall means a wall designed to resist the lateral displacement of soil or other materials.

Roof deck means an enclosed or partially enclosed area, with or without an overhead structure, cover, or roof, that is located on a flat or relatively flat roof of a building. Any walled area erected exclusively to screen mechanical equipment is not a roof deck.

Roof eave means the lowest part of a roof that overhangs the wall below and from which rain would drain.

Roof line means the top edge of a roof or the top of the parapet, whichever is the higher elevation.

Roof sign means a sign erected upon, against, or directly above a roof or roof eave, atop or above the parapet, or on an architectural adjunct above the roof or roof eave.

Rooming house means a dwelling unit where three or more rooms, excluding kitchens and bathrooms, are rented to three or more individuals under three or more separate rental agreements or leases. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 U.S.C. section 3604(f) and the California Fair Employment and Housing Act (California Government Code section 12900 *et seq.*), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a rooming house.

School means an institution of learning that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

Screen means the act, process, or result of visually shielding or obscuring a structure or use from adjacent property by fencing, walls, berms, or densely planted vegetation.

Seismic safety study means the most recent update of the document so titled, including the Geologic Hazard Maps, Geotechnical Land Use Maps, and Fault Maps, as approved by the City Engineer and on file with the City Engineer and the City Clerk.

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

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

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines

Biology Guidelines

Historical Resources Guidelines

Submittal Requirements for Deviations within the Coastal Overlay Zone See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land

Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

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Sensitive coastal bluff means a *coastal bluff* that is designated within hazard category numbers 41 through 47, inclusive, on the City's Geologic Hazard Maps plus the area of an additional 100-foot strip located landward and contiguous to the *coastal bluff edge*.

Setback means a required distance inward from and perpendicular to a *property line* at or behind which all *structures* must be located unless otherwise specified. See Section 113.0252 for additional information on measuring *setbacks*.

Setback line means a continuous line located at the *setback* running parallel to the closest *property line*. See Section 113.0249 for additional information on determining *setback line*.

Sex offender means any individual who has been charged by criminal indictment or complaint or convicted of a sex-related offense outside the *family* unit as defined by the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification of any such sections.

Sex offender treatment and counseling facility means a medical treatment or counseling facility that physically or psychologically treats five or more *sex offenders* within 1 calendar year.

Shared parking means the sharing, under legal agreement, of an off-street parking facility or facilities by two or more uses.

Shopkeeper unit means a *dwelling unit* with both living quarters and commercial space that meet all occupancy separation requirements of the California Building Code, where the commercial use is located on the ground *floor* and operated by the resident of the *dwelling unit*.

Side street means a *street* abutting a corner *lot* that is approximately parallel to the line along which lot depth is measured as described in Section 113.0243.

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

Sign, advertising display (See *advertising display sign*)

Sign, changeable copy (See *changeable copy sign*)

Sign copy means the words, symbols, or emblems on a *sign* surface, whether in permanent or removable form.

Sign copy area means the area of the smallest geometric figure that can enclose the words, symbols, or emblems of a *wall sign*. For internally illuminated *wall signs*, the entire illuminated *sign face* is the *sign copy area*. See Section 113.0255 for additional information on how to calculate *sign copy area*.

Sign, externally illuminated (See *externally illuminated sign*)

Sign face means the entire area of a *sign* on which *sign copy* could be placed for *roof signs*, *ground signs*, *projecting signs*, and *advertising display signs*. See Section 113.0258 for additional information on how to calculate *sign face*.

Sign, ground (See *ground sign*)

Sign, internally illuminated (See *internally illuminated sign*)

Sign, projecting (See *projecting sign*)

Sign, roof (See *roof sign*)

Sign, wall (See *wall sign*)

Single dwelling unit means a detached *dwelling unit* or attached *dwelling units* where each dwelling unit is on an individual *lot*.

Social service institution means an organization engaged in activities that promote social welfare, including philanthropic assistance to the sick, needy, or unfortunate. This term does not include residential care facilities, provisions for on-site residence or confinement, adult day care, alcohol recovery facilities, and parolee rehabilitation services.

Solid fence means a *fence* that provides a solid screen.

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

Specified anatomical areas means and includes less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of the areolae, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes the fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth above.

SRO (single room occupancy) *hotel* means a *structure* which contains six or more SRO *hotel rooms*. An SRO *hotel* does not include any institution in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care, or fraternity or sorority houses.

SRO *hotel room* means a *guest room* or efficiency unit, as defined by California Health and Safety Code section 17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests

Stabilization means the act, process, or result of applying measures designed to reestablish a weather-resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the property's basic existing form.

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

Story means the area between *grade* and finished *floor*, the area between finish-*floor* elevations or the area between the finish-*floor* elevation and the roof elevation. See Section 113.0261 for additional information on measuring *story*.

Street means that portion of the *public right-of-way* that is dedicated or condemned for use as a public road and includes highways, boulevards, avenues, places, drives, courts, lanes, or other thoroughfares dedicated to public travel, but does not include *alleys*.

Street frontage means the length of one *premises' property line* along the *street* it borders.

Street, side (See *sidestreet*)

Street wall means all contiguous walls of a building whose overall limits make up the *building facade*. See Section 113.0264 for additional information on determining the *street wall*.

Street wall line means the *street wall* and a line extending outward from the outermost points of the *street wall* parallel to the *street* until the extensions of the lines intersect the side or rear *property lines* or encircle the building. See Section 113.0267 for additional information on determining *street wall line*.

Street yard means the area of a *lot* or *premises* that lies between the edge of the nearest *street* and the *street wall line*.

Structural envelope means the three-dimensional space enclosed by the exterior surfaces of a building or *structure*.

Structure means an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, *fence*, pier, post, *sign*, or shelter.

Structure height means the vertical distance between all points on top of a *structure* or any of its appurtenances and *grade* directly below. See Section 113.0270 for additional information on measuring *structure height*.

Subdivider has the same meaning as stated in the *Subdivision Map Act*, Section 66423.

Subdivision has the same meaning as stated in the *Subdivision Map Act*, Section 66424.

Subdivision map means any map that is filed for the purpose of subdividing property as defined by the *Subdivision Map Act*. It may be a final map or a *parcel map*.

Subdivision Map Act means the provisions found in California Government Code Section 66410, et seq.

Substantial conformance means that a revision to a *development* that was approved through a permit or *tentative map* complies with the objectives, standards, guidelines, and conditions for that permit or *tentative map*.

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Substantial improvement for the purposes of Sections 129.0104(c) and 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new *development* of a structure, the cost of which, equals or exceeds 50 percent of the *market value* of the structure before the start of construction of the improvement.

Surface mining means all, or any part, of the process involved in the mining of minerals on mined lands by removing *overburden* and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. *Surface mining* operations include but are not limited to:

- (a) In-place distillation or retorting or leaching.
- (b) The production and disposal of *mining waste*.
- (c) Prospecting and exploratory activities.

[**Editors Note:** This definition only applies outside of the Coastal Overlay Zone. For the definition of *surface mining* within the Coastal Overlay Zone, refer to Land Development Code Section 113.0103, added by City Council on December 9, 1997 by O-18451.]

Targeted rental household means any household whose combined annual gross income for all members does not exceed sixty-five percent (65%) of the Area Median Income as adjusted for household size as determined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

Targeted ownership household means a household whose combined annual gross income for all members does not exceed one hundred percent (100%) of the Area Median Income as adjusted for household size as determined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

Temporary event means an activity or use of limited duration that involves the placement of non-permanent structures and/or involves exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use. For purposes of this definition, limited duration means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

Tentative map has the same meaning as stated in the *Subdivision Map Act*, Section 66424.5.

Traditional cultural property means a locale which has been, and may continue to be, of religious, mythological, economic, or social importance to an identifiable ethnic group. This includes sacred areas where religious ceremonies were or are practiced or that are central to a group's origins as a people (such as a mountain, river, or cave). Also included are areas where plants or other materials were or are gathered for food, medicine, or other economic purposes.

Transit area means (1) the area within a one-quarter-mile radius of either public streets as having the location, mix of densities, mix of uses, and *development* patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10 to 15-minute frequency of service); or, (2) existing and proposed trolley stops and major bus transfer centers that have been approved for *development* by the Metropolitan Transit Development Board (MTDB) with identified, available funding, as identified in Map No. C-900 on file in the office of the City Clerk as Document No. OO-18911-2.

Unaccepted offer of dedication means real property or an interest in real property offered to, but not accepted by, the City for public use and on which the City retains the right to accept the offer of *dedication* at a later date.

Uncontrolled fill means any *fill* on which no soil testing was performed or no compaction reports or other soils reports were prepared or submitted during or after placement.

Underfloor means the usable or unusable space under the lowest usable finished *floor* of a *structure* on a sloping *lot*.

Urbanized Communities include the central portion of the City and are characterized by the established, built-out neighborhoods and downtown core. Urbanized Communities are one of the Development Character Areas represented on Figure 131-01A

Vehicular use area means the area of a *premises* used for parking and vehicular traffic for all types of vehicles excluding covered parking *structures* or underground parking areas.

Very low income means any household whose income does not exceed 50 percent of median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Visibility area means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 and the Street Design Manual for additional information on adequate sight distance and measuring *visibility areas*.

Wall, retaining (See *retaining wall*)

Wall sign means a *sign* attached to, or a *sign copy area* on, a *structure* or adjunct of a *structure*, including an equipment *screen* or *dormer* that completely *screens* the mechanical equipment of the *structure*, and has its exposed *sign face* parallel or approximately parallel to the plane of the *structure* to which the *sign* is attached.

Wetland buffer means an area or feature(s) that protects the functions and values of the adjacent *wetland*.

Wetlands are defined as areas which are characterized by any of the following conditions:

1. All areas persistently or periodically containing naturally occurring *wetland* vegetation communities characteristically dominated by hydrophytic vegetation, including but not limited to salt marsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodlands, riparian scrub, and vernal pools;
2. Areas that have hydric soils or *wetland* hydrology and lack naturally occurring *wetland* vegetation communities because human activities have removed the historic *wetland* vegetation or catastrophic or recurring natural events or processes have acted to preclude the establishment of *wetland* vegetation as in the case of salt pannes and mudflats;
3. Areas lacking *wetland* vegetation communities, hydric soils and *wetland* hydrology due to non-permitted filling of previously existing *wetlands*;
4. Areas mapped as *wetlands* on Map No. C-713 as shown in Chapter 13, Article 2, Division 6 (Sensitive Coastal Overlay Zone).

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It is intended for this definition to differentiate for the purposes of delineating *wetlands*, between naturally occurring *wetlands* and *wetlands* intentionally created by human actions, from areas with *wetlands* characteristics unintentionally resulting from human activities in historically non-wetland areas. With the exception of *wetlands* created for the purpose of providing *wetland* habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating *wetland* characteristics, which are artificially created are not considered *wetlands* by this definition. Taking into account regional precipitation cycles, all adopted scientific, regulator, and technological information available from the State and Federal resource agencies shall be used for guidance on the identification of hydrophytic vegetation, hydric soils and *wetland* hydrology.

Wireless communication facility means the *antennas*, support structures, and other equipment or apparatus necessary for providing personal wireless services and information services.

Yard means an open area that lies between the *setback line* and the nearest parallel *property line* within which no *structures* may be located, unless otherwise specified. See Section 113.0276 for additional information on determining *yards*.

(Amended 6-3-2003 by O-19191 N.S.)
(Amended 9-7-2004 by O-19313 N.S.)
(Amended 2-28-2005 by O-19360 N.S.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006)
(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)
(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)
(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)
(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)
(Amended 2-12-2014 by O-20348 N.S.; effective 3-14-2014.)
(Amended 3-25-2014 by O-20356 N.S.; effective 4-24-2014.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)
(Amended 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

(Amended 10-15-2015 by O-20567 N.S.; effective 11-14-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
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Article 1: General Information on Required Reviews and Enforcement

Division 2: Enforcement Authorities For the Land Development Code

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0201 Purpose of Enforcement Authorities for the Land Development Code

The purpose of this division is to ensure the protection of the public health, safety, and welfare by providing enforcement authority and remedies.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0202 General Enforcement Authority Regarding the Land Development Code

- (a) In addition to the enforcement authority provided in Municipal Code Section 12.0102, the City Manager or designated Code Enforcement Official shall have the authority to promulgate policies and regulations reasonably necessary to implement the intent and provisions of the Land Development Code including all provisions of the Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations. The City Manager or designated Code Enforcement Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of the Land Development Code.
- (b) Violations of the Land Development Code may also be enforced by using any of the enforcement remedies referred to in Municipal Code Chapter 1, Article 2, Division 1 and in this division. This division and any other applicable sections of the Municipal Code shall be read together in any administrative or judicial proceeding to form the basis of a Land Development Code violation. General enforcement definitions that may govern the application of this article are in Municipal Code Chapter 1, Article 1, Division 2.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

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§121.0203 Authority to Inspect Private Property

- (a) Pursuant to the general authority to inspect private property provided in Municipal Code Section 12.0104, the City Manager or designated Code Enforcement Official has the authority to enter a *structure* or *premises* to determine the following:
 - (1) Whether a building is unsafe, substandard, or dangerous as defined in Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures);
 - (2) Whether a building is of unreinforced masonry bearing wall construction; or
 - (3) Whether Municipal Code or applicable state code violations exist.
- (b) In addition to the powers set forth in Section 121.0203(a), the City Manager or designated Code Enforcement Official has the authority to enter any *structure*, during reasonable hours or at any time that extreme danger exists, in the discharge of official duties to do the following:
 - (1) Inspect, reinspect, or test the installation of electrical wiring, devices, appliances, and equipment;
 - (2) Disconnect or cut any wire if necessary to protect public safety or property or if the wire may interfere with the work of the Fire Department;
 - (3) Disconnect or order the discontinuance of electrical service to any electrical wiring, device, appliance, or equipment found to be dangerous to the public safety or property because it is defective or defectively installed or maintained;
 - (4) Disconnect or remove any appliance, installation, fixture, or meter associated with a plumbing, heating, mechanical, hydraulic, ventilating, air conditioning, electrical, or refrigeration system or any related technology or application when necessary for the protection of public health and safety; or
 - (5) Inspect any *sign* for compliance with Chapter 14, Article 2, Division 12 (Sign Regulations).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

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§121.0204 Authority to Report Violations

The City Manager or designated Code Enforcement Official may report violations of the Land Development Code to the State Contractors License Board or other appropriate state licensing or regulatory agency.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0205 Authority to Issue Stop Orders

The City Manager or designated Code Enforcement Official may issue a Stop Work Order or a Stop Use Order in accordance with Sections 121.0309 or 121.0310.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0206 Liability

- (a) The City Manager or designated Code Enforcement Official charged with the enforcement of the Land Development Code, acting in good faith and without malice in the discharge of the duties required by the Land Development Code or other applicable law or ordinance, shall not be held personally liable for damages to persons or property as a result of an act, or by reason of an act, or omission in the discharge of these duties. A suit brought against the City Manager or designated Code Enforcement Official because of any act or omission by the City Manager or employee in the enforcement of any provision of the Land Development Code or other applicable laws or ordinances implemented through the enforcement of the Land Development Code, or enforced by the code enforcement agency, shall be defended by the City until termination of the proceedings, and the City shall assume responsibility for any resulting judgment.
- (b) The Land Development Code shall not be construed to relieve from, or lessen the responsibility of, any person who owns, operates, or controls any *structure* for any damages to person or property caused by defects. The City Manager, the code enforcement agency, or the City shall not be held liable by reason of the inspections authorized by the Land Development Code or any permits or certificates issued under the Land Development Code.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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§126.0108 Utilization of a Development Permit

- (a) A *development permit* grants the *permit holder* 36 months to initiate utilization of the *development permit*. If utilization does not occur in accordance with this Section within 36 months after the date on which all rights of appeal have expired, and an application for an extension of time was not timely filed, the *development permit* shall be void.
- (b) To demonstrate utilization, the *permit holder* shall establish, with evidence identified in Section 126.0108(c), that at least one of the following circumstances occurred before expiration of the *development permit*:
 - (1) Significant investment was incurred to meet permit conditions;
 - (2) Substantial work was performed in reliance on the *development permit* granted; or
 - (3) Use of the property has occurred in the manner granted by the *development permit*.
- (c) Upon request, the *permit holder* shall provide evidence of the following, to the satisfaction of the City Manager:
 - (1) Issuance of a *construction permit* for the entire project or for a substantial portion of the activity regulated by the *development permit*, according to standards developed by the City Manager;
 - (2) Compliance with the terms contained in the individual permit, such as a phasing program, or the terms contained in an approved Development Agreement;
 - (3) Evidence of substantial use as granted by the *development permit*, according to standards developed by the City Manager;
 - (4) Approval of a *final map* or a *parcel map*, or acceptance of an easement, if the map or easement was a condition of, or was processed concurrently with, the *development permit*; or
 - (5) Other facts demonstrating the occurrence of any of the circumstances described in Section 126.0108(b).

- (d) *Development permits for capital improvement program projects* are exempt from the permit utilization requirement of Section 126.0108(a), except that if 10 years has passed from the date on which all rights of appeal have expired and the City is unable to establish, with evidence in accordance with Section 126.0108(c), that at least one of the circumstances identified in Section 126.0108(b) occurred, then the *development permit* shall be void.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to "Utilization of a Development Permit" and amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

§126.0110 Cancellation or Rescission of a Development Permit

- (a) A *permit holder* may request cancellation of a *development permit* at any time before utilization of the permit. The *permit holder* shall submit the request for cancellation in writing to the City Manager. The *development permit* shall be void as of the date it is cancelled by the City Manager.
- (b) If a *development permit* has already been utilized in accordance with Section 126.0108, the *permit holder* may submit an application to rescind the *development permit* in accordance with the following:
- (1) Where the *development* complies with all use and *development* regulations the application to rescind a *development permit* shall be processed in accordance with Process One.
 - (2) For *development* not in compliance with Section 126.0110(b)(1), an application to rescind a *development permit* shall be processed in accordance with the same process as would a new application for the same permit.

The *development permit* shall be void as of the date it is rescinded by the City Manager.

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Article 9: Construction Permits

Division 7: Public Right-of-Way Permits

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0701 Purpose of Public Right-of-Way Permit Procedures

The purpose of these procedures is to establish the process for review of Public Right-of-Way Permit applications for compliance with the regulations set forth in Chapter 5, Article 4 and Chapter 6, Article 2 and to protect the public health, safety, and welfare.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0702 When a Public Right-of-Way Permit Is Required

(a) A Public Right-of-Way Permit is required for the following unless otherwise exempt under Section 129.0703:

- (1) The construction of *public improvements* by an entity other than the City;
- (2) The construction of privately owned *structures, facilities, or improvements in the public right-of-way or in a public service easement*;
- (3) Any construction activity within a *public right-of-way* as required by Municipal Code Sections 54.0116 and 54.0117;
- (4) The planting of any tree, shrub, or plant greater than 30 inches in height in the *public right-of-way*; where not otherwise covered by a Street Tree Permit per Chapter 6, Article 2, Division 6 (Street Planting).

(b) The City Engineer may:

- (1) Require a building permit for private structures encroaching in the *public right-of-way* in addition to, or in place of, a Public Right-of-Way Permit; or
- (2) Waive the requirement for a Public Right-of-Way Permit as provided in the Land Development Manual.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§129.0703 Exemptions from Requirement for a Public Right-of-Way Permit

Exemption from the Public Right-of-Way permit requirements does not authorize any work to be done in violation of the provisions of the *public right-of-way* regulations or other applicable local or state regulations. A Public Right-of-Way Permit is not required for the following work:

- (a) The installation of underground irrigation systems in the *parkway* that will be maintained by the fronting property owner; and
- (b) The installation of landscape in the *parkway* that is less than 30 inches high and will be maintained by the fronting property owner or where otherwise covered by a Street Tree Permit per Chapter 6, Article 2, Division 6 (Street Planting).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:
 - (1) Private *hardscape* improvements in the *public right-of-way* including ramps required to accommodate required access for *disabled persons*;

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- (2) Fences or walls that meet the following criteria:
 - (A) There is no present use for the subject *public right-of-way*,
 - (B) The proposed *encroachment* is consistent with the underlying zone, city standards, and policies:
 - (C) The proposed *encroachment* shall be 3 feet or less in height.
 - (3) The *encroachment* is permitted under Chapter 6, Article 2, Division 11 (Utilities) or as a private underground utility service to the *applicant's* property.
 - (4) The *encroachment* is permitted under Section 141.0619(b) (Pushcarts).
 - (5) The *encroachment* is permitted under Chapter 6, Article 2, Division 10 (Newsracks).
 - (6) The *encroachment* is permitted under Section 141.0621 (Sidewalk Cafes).
 - (7) Temporary monitoring wells in the *public right-of-way*.
 - (8) *Encroachments* for temporary shoring and tie-backs.
 - (9) Encroachment of below-*grade structures* into the *public right-of-way* up to 3 feet behind the existing curb line and at least 3 feet below the existing curb line, or encroachment of above-*grade structures* into the *public right-of-way* up to 4 feet and at least 8 feet above the finished *grade* of the curb line.
- (b) If the proposed *encroachment* is erected, placed, constructed, established or maintained in the *public right-of-way* when the *applicant* is not the *record owner* of the property on which the *encroachment* will be located, a Site Development Permit is required in accordance with section 126.0502(d)(7), except for the following:
- (1) *Encroachments* listed in Section 129.0710(a)(4) through (8)
 - (2) Underground utility connections to a public main shall require a Neighborhood Development Permit in accordance with Section 126.0402(j).
 - (3) Temporary monitoring wells in the *public right-of-way*.
 - (4) *Encroachments* where the *applicant* has written permission from the *record owner* of the underlying fee title in a form to the satisfaction of the City Manager shall be processed in accordance with Section 129.0710(a).

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- (c) If the proposed *encroachment* includes underground or overhead *structures* which extend into the *public right-of-way* beyond the ultimate curb line, or other *encroachments* which, in the opinion of the City Manager, are of sufficient public interest to warrant City Council approval, a Process Five Site Development Permit shall be obtained in accordance with section 126.0502(e) prior to the issuance of a Public Right-of-Way Permit.
- (d) A Neighborhood Development Permit decided in accordance with Process Two shall be required for pedestrian plaza encroachments in the *public right-of-way* which are beyond the established curb line.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 1-23-2013 by O-20235 N.S.; effective 2-22-2013.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

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Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

§129.0715 Encroachment Maintenance and Removal Agreement

- (a) An Encroachment Maintenance and Removal Agreement is required for any privately-owned and/or privately-maintained *encroachment* located in the *public right-of-way* or in a *public service easement* subject to the following:
 - (1) The *encroachment* shall not adversely affect the public's health, safety, or general welfare and shall be installed and maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the *record owner* or *permit holder*, as applicable, to the satisfaction of the City Engineer.
 - (2) The *record owner* or *permit holder*, as applicable, shall agree to indemnify the City with an indemnification agreement satisfactory to the City Manager and City Attorney.

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- (3) The *record owner* or *permit holder*, as applicable, shall agree to and shall remove or relocate the *encroachment* to the satisfaction of the City Engineer within 30 days after notice by the City Engineer, or the City Engineer may cause such work to be done, and the costs thereof shall be a lien upon said land, or the *record owner* or *permit holder*, as applicable, shall agree to an equivalent to the requirement for removal as determined by the City Engineer.
- (4) For *encroachments* over or under the *public right-of-way*, the *record owner* or *permit holder*, as applicable, shall agree to and shall provide an alternate *public right-of-way* or relocation of any existing or proposed City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the City Engineer that any existing or proposed City facility cannot be economically placed, replaced, or maintained due to the presence of the *encroachment*.
- (5) Whatever rights and obligations were acquired by the City with respect to the *public right-of-way* or *public service easement* shall remain and continue in full force and effect and shall in no way be affected by the City's grant of permission to construct and maintain the *encroaching structure*.
- (6) Except as provided in Section 129.0715(a)(7), the *record owner* or *permit holder*, as applicable, shall maintain a policy of \$1 million liability insurance, satisfactory to the City Engineer, to protect the City from any potential claims which may arise from the *encroachment*.
- (7) For *encroachments* serving a *single dwelling unit*, the *record owner* or *permit holder*, as applicable, shall maintain a policy of \$500,000 liability insurance satisfactory to the City Engineer to protect the City from any potential claims which may arise from the *encroachments*.
- (8) In the event the City is required to place, replace, or maintain a *public improvement* over which the *record owner* or *permit holder*, as applicable, has constructed an *encroachment*, the *record owner* or *permit holder* shall pay the City that portion of the cost of placement, replacement, or maintenance caused by the construction or existence of the *encroachment*.
- (9) The *record owner* or *permit holder*, as applicable, shall pay the City for the cost of placing, replacing, or maintaining a *public improvement* within a *public right-of-way* when the City's facility has failed as a result of the construction or existence of the *encroachment*.

- (10) The costs of placing, replacing, or maintaining the *public improvement* shall include the cost of obtaining a necessary alternate easement.
- (11) The *record owner* or *permit holder*, as applicable, shall pay the City or public utility, as applicable, for all costs of relocating, replacing, or protecting a facility within the *public right-of-way* or *public service easement* when such relocation, replacement, or protection results from the construction or existence of the *encroachment*.
- (b) The City may require a *record owner* or *permit holder*, as applicable, to record the Encroachment Maintenance and Removal Agreement in the Office of the County Recorder.

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§129.0720 Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way or Public Service Easement

The preparation of plans for and the construction of, work regulated by this division shall only be performed by persons with the following qualifications:

- (a) Public Improvement Plans required for work authorized under this division shall be prepared by a civil engineer licensed by the State of California;
- (b) *Geotechnical reports* required for work authorized under this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code and as specified in Land Development Manual;
- (c) Drainage reports required for work authorized under this division shall be prepared by a civil engineer licensed by the State of California;
- (d) *Grading* plans required by this division shall be prepared by professionals as licensed and allowed by the California Business and Professions Code;
- (e) Landscaping plans for revegetation or planting in *public rights-of-way* required for work authorized under this division shall be prepared by a landscape architect or other professional as licensed and authorized by the California Business and Professions Code; and
- (f) All construction work regulated by this division shall be performed by a contractor licensed by the State of California, with the following exceptions:

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- (1) Any person owning property that is or will be that person's primary residence may perform *grading* on that property.
- (2) Any construction work authorized by a Public Right-of-Way Permit as a result of application by a *public utility* may be performed by the *public utility*.

("Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way" added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Retitled to "Qualifications to Prepare Plans and Perform Construction Work in the Public Right-of-Way or Public Service Easement" 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§129.0730 Decision Process for Public Right-of-Way Permits

A decision on an application for a Public Right-of-Way Permit shall be made in accordance with Process One. A Public Right-of-Way Permit shall be approved if the proposed work is consistent with the Municipal Code, applicable *development* standards, and any *development permits* approved for that project.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0731 Timeliness of Decision

For a Public Right of Way Permit required by Chapter 14, Article 2, Division 12, a decision to approve or deny the permit shall be made no more than forty-five *business days* after the date on which the application is *deemed complete*. When a decision is not made within the required time, and the *applicant* does not waive time, the application shall be deemed denied. The timeliness requirement may be waived by the *applicant*.
("Timeliness of Decision" added 1-13-2004 by O-19253 N.S.)
(Amended 2-14-2005 by O-19356 N.S.)

129.0732 Judicial Review

For a Public Right of Way Permit required by Chapter 14, Article 2, Division 12, an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.
("Judicial Review" added 1-13-2004 by O-19253 N.S.)

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§129.0741 Issuance of a Public Right-of-Way Permit

- (a) A Public Right-of-Way Permit may be issued after the construction plans have been approved by the City Engineer, the prescribed fees have been paid, the required insurance has been guaranteed, and the required bond has been posted.
 - (b) A Public Right-of-Way Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

§129.0742 Commencement of Work within a Public Right-of-Way or Public Service Easement

- (a) The *applicant* shall not begin any work, construction, or use within a *public right-of-way* or *public service easement* that will be authorized by a Public Right-of-Way Permit until the required permit has been issued.
 - (b) Work within the *public right-of-way* shall be performed only during the dates and hours specified in the permit or on the approved traffic control plans.
- (“Commencement of Work Within a Public Right-of-Way” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*
(Retitled to “Commencement of Work within a Public Right-of-Way or Public Service Easement” and amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§129.0750 Expiration of a Public Right-of-Way Permit

- (a) A Public Right-of-Way Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:
 - (1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Public Right-of-Way Permit shall be specified on the permit; or
 - (2) A Public Right-of-Way Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.

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- (3) A Public Right-of-Way Permit associated with a valid Building Permit shall expire concurrently with the Building Permit.
- (b) If the work authorized by a Public Right-of-Way Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§129.0751 Extension of Time for a Public Right-of-Way Permit

The expiration date for a Public Right-of-Way Permit may be extended as follows:

- (a) An application for an extension of time shall be filed with the City Manager before, but no earlier than 60 calendar days before, the permit expiration date. The City Manager may extend the Public Right-of-Way Permit for a period not exceeding 180 calendar days if the City Manager determines that circumstances beyond the control of the permittee prevented completion of the work. A Public Right-of-Way Permit shall not be extended more than once except as provided in Section 129.0751(d).
- (b) If an application for an extension of time has been submitted by the expiration date, and in accordance with this section, the existing Public Right-of-Way Permit shall automatically be extended until the City Manager has made a decision on the application for an extension.
- (c) If a Public Right-of-Way Permit expires before an application is submitted for an extension of time, an extension shall not be granted. To proceed with the same *development*, a new application is required and the application shall be treated as a new application.
- (d) If an extension of time has been previously approved in accordance with Section 129.0751(a), the City Manager may extend the expiration of a Public Right-of-Way Permit one additional time if the City Manager finds the following:
 - (1) There has not been a significant change in the regulations applicable to the site since the date of permit issuance;
 - (2) The additional extension is in the public interest; and
 - (3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0752 Construction Change to a Public Right-of-Way Permit

- (a) A proposed construction change to a Public Right-of-Way Permit must be approved before the commencement of the construction change. A decision on a construction change shall be made in accordance with Section 129.0730.
- (b) A proposed construction change to a Public Right-of-Way Permit that was approved in conjunction with another permit or map may be approved only if the proposed change is in *substantial conformance* with the other approved permit or map. If the proposed change is not in *substantial conformance* with the other approved permit or map, the other permit or map must be amended before consideration of the construction change.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0760 Inspection of Work in the Public Right-of-Way

All work in the *public right-of-way* that is authorized by a Public Right-of-Way Permit shall be inspected by the City Engineer in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual. Professional inspection in accordance with Section 129.0761 shall be provided by the Engineer of Record as designated by the permittee.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0761 Designation of Engineer of Record

- (a) The permittee shall retain and designate an Engineer of Record for each area of technical expertise needed to provide professional inspection services as required by the City Engineer and described in the Land Development Manual.
- (b) If an Engineer of Record is changed, the work shall be stopped until the replacement Engineer has agreed in writing to accept responsibility as Engineer of Record. The permittee is responsible for notifying the City Engineer in writing of any change before work resumes.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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§129.0770 Completion of Work

The permittee shall notify the City Engineer when the work is ready for final inspection. Final approval shall not be given until all work has been completed in accordance with the final approved plans and the as-built plans and *As-Graded Reports* have been submitted to and approved by the City Engineer in accordance with standards established in the Land Development Manual. If the work in the *public right-of-way* is a requirement for a Building Permit, the Certificate of Occupancy shall not be issued until the work is completed by the permittee and approved by the City.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0111 Grouping of Use Categories

For the purpose of determining applicable development regulations, use categories shall be grouped according to the following:

- (a) Any use within the open space use category is considered an open space use or open space *development*.
- (b) Any use within the agricultural use category is considered an agricultural use or agricultural *development*.
- (c) Any use within the residential use category is considered a residential use or residential *development*.
- (d) Any use within the institutional, retail sales, commercial services, offices, and vehicle and vehicular equipment sales and services categories is considered a commercial use or commercial *development*.
- (e) Any use within the wholesale, distribution, storage, and industrial categories is considered an industrial use or industrial *development*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) Open Space Use Category

This category includes uses that may occur on land that has been identified for public recreational uses or to be left in a generally natural state. The open space subcategories are:

- (A) Active Recreation — Public park facilities that require major land *development* for installation, require a high level of maintenance, and can accommodate large assemblages of people.
- (B) Natural Resources Preservation — Undeveloped land left in a natural state for specific use as visual open space or environmental mitigation.

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- (C) Park Maintenance Facilities — Major *structures* or facilities used in conjunction with the maintenance of *public parks*.
 - (D) Passive Recreation — Recreational facilities associated with pastimes that are incidental to natural open space. These facilities require minor land *development* for installation, require minimum maintenance, do not attract large assemblages of people, and have little impact on natural open space.
- (2) Agriculture Use Category
- This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The agriculture subcategories are:
- (A) Agricultural Processing — Uses related to the processing or preparation of crops, animals, or animal by-products grown or raised on the same *premises* for consumption or transportation to markets.
 - (B) Aquaculture Facilities — Uses that grow plants and animals in a water medium, either indoors or outdoors.
 - (C) Dairies — Uses related to the milking of livestock and processing milk for consumption or transportation to markets.
 - (D) Horticulture Nurseries and Greenhouses — Uses that propagate and grow plants in containers or in the ground and the associated sales of those plants.
 - (E) Raising and Harvesting of Crops — Uses that involve the planting, maintaining, and harvesting of crops for consumption or for commercial purposes.
 - (F) Raising, Maintaining, and Keeping of Animals — Uses that involve the feeding, housing, and maintenance of animals for private or commercial purposes.

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(3) Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential subcategories are:

- (A) *Rooming houses.* *Rooming house* has the same meaning as in San Diego Municipal Code Section 113.0103.
- (B) *Mobilehome Parks* — A *premises* with two or more mobilehomes used as dwelling units other than companion units or employee housing.
- (C) *Multiple Dwelling Units* — Dwelling units where more than one dwelling unit is located on a single *lot*.
- (D) *Single Dwelling Units* — Dwelling units where no more than one dwelling unit is located on a *lot*, usually detached, and occupied by a single household unit.

(4) Institutional Use Category

This category includes uses that provide unique services that are of benefit to society as a whole. All of the uses in this use category are separately regulated uses. See Section 131.0112(b).

(5) Retail Sales Use Category

This category includes uses involving the sale, lease or rental of new or used goods to the general public. The retail sales subcategories are:

- (A) *Building Supplies and Equipment* — Uses that provide goods to repair, maintain, or visually enhance a *structure* or *premises*.
- (B) *Consumer Goods, Furniture, Appliances, and Equipment* — Uses that provide goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.
- (C) *Food, Beverages, and Groceries* — Uses that provide food for consumption off of the *premises*.
- (D) *Pets and Pet Supplies* — Uses that provide household pets and pet supplies for sale; grooming services.
- (E) *Sundries, Pharmaceuticals, and Convenience Sales* — Uses that provide goods for personal grooming and for the day-to-day maintenance of personal health and well-being.

- (F) Wearing Apparel and Accessories — Uses that provide goods to cover, protect, or visually enhance the human form.
- (6) Commercial Services Use Category
This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:
 - (A) Building Services — Uses that provide maintenance and repair services for all structural and mechanical elements of *structures*, as well as the exterior spaces of a *premises*.
 - (B) Business Support — Uses that provide personnel services, printing, copying, and photographic services, or communication services.
 - (C) Eating and Drinking Establishments — Uses that prepare or serve food or beverages for consumption on or off the *premises*.
 - (D) Financial Institutions — Uses related to the exchange, lending, borrowing, and safe-keeping of money.
 - (E) Funeral and Mortuary Services — Uses that provide services related to the death of a human.
 - (F) Instructional Studios - Uses that provide a place where skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.
 - (G) Maintenance and Repair - Uses that provide maintenance, cleaning and repair services for consumer goods.
 - (H) Off-Site Services - Uses that provide for deliveries of a wide variety of products and that provide services that are used at a location separate from the business providing the delivery or service.
 - (I) Personal Services - Uses that provide a variety of services associated with personal grooming and the maintenance of health and well-being.

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- (J) Radio and Television Studios - Uses that provide for the production, recording, and broadcasting of radio and television shows and motion pictures.
 - (K) Visitor Accommodations - Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside the Coastal Overlay Zone, includes *SRO hotels*.)
 - (L) Tasting rooms - Uses accessory to a beverage manufacturing plant that offer tastings and sell beverages manufactured on the *premises* for on-site or off-site consumption. The subcategory includes establishments such as breweries, wineries, and distilleries that offer tastings and sales of alcoholic beverages in accordance with a license issued by the California Department of Alcoholic Beverage Control. This subcategory does not include uses that qualify as retail tasting stores under Section 141.0507.
- (7) Office Use Category
- This category includes uses in an enclosed building that focus on business, government, professional, medical, or financial services. The offices subcategories are:
- (A) Business and Professional — Uses related to earning a livelihood through a commercial or mercantile endeavor or through the practice of a vocation requiring specialized training or education.
 - (B) Government — Uses related to the administration of the regulations of local, state, or federal government.
 - (C) Medical, Dental, and Health Practitioner — Uses related to diagnosis and treatment of human illness and physical malfunction that can be performed in an office setting. Medical and dental laboratories are included in this subcategory, unless otherwise indicated.
 - (D) Regional and Corporate Headquarters — Uses related to the administration of large or geographically widespread businesses that may be located separately from the main activity of those businesses.

- (8) Vehicle and Vehicular Equipment Sales and Services Use Category
- This category includes uses that provide for the sale, rental, maintenance, or repair of new or used vehicles and equipment. The Vehicle and vehicular equipment sales and services subcategories are:
- (A) Commercial Vehicle Repair and Maintenance — Uses that repair and maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats.
 - (B) Commercial Vehicle Sales and Rentals — Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, or commercial boats.
 - (C) Personal Vehicle Repair and Maintenance — Uses that repair the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior and interior surfaces of these vehicles.
 - (D) Personal Vehicle Sales and Rentals — Uses that provide for the sale or rental of new or used autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats.
 - (E) Vehicle Equipment and Supplies Sales and Rentals — Uses related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents them.
- (9) Distribution and Storage Use Category
- This category includes uses that distribute and store goods. Long-term and short-term storage of commercial goods and personal items is included. The subcategories are:
- (A) Equipment and Materials Storage Yards - Uses engaged in the outdoor s13
 - (B) storage of large equipment or products or large quantities of material.

- (B) Moving and Storage Facilities - Uses engaged in the moving and storage of household or office furniture, personal items, appliances, and equipment.
- (C) Distribution Facilities - Uses engaged in the commercial storage and distribution of goods.

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

- (A) Heavy Manufacturing - Uses that process, fabricate, assemble, or treat materials using large outdoor equipment such as cranes and large tanks to produce unpackaged bulk products such as steel, paper, lumber, fertilizer, and petrochemicals. This subcategory includes heavy manufacturing uses that typically produce disturbing noise, dust, or other pollutants capable of harming or annoying adjacent uses.
- (B) Light Manufacturing - Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosives or unrefined petroleum. This subcategory includes light manufacturing uses that produce a wide variety of products including, but not limited to, durable goods, machinery, equipment, or large food and beverage production facilities that do not meet the criteria for artisan food and beverage production pursuant to Section 141.1001.
- (C) Marine Industry — Uses that produce, distribute, and store commercial marine vessels and equipment.
- (D) Research and Development — Uses engaged in scientific research and testing leading to the development of new products and processes.
- (E) Trucking and Transportation Terminals — Uses engaged in the dispatching and long-term or short-term storage of large vehicles. Minor repair and maintenance of vehicles stored on the *premises* is also included.

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(11) *Signs* Use Category

This category includes all *structures* that provide identification of businesses, products, services, or sites. The *sign* subcategory is: Allowable *Signs* — *Structures* that are placed on the ground, or on *building facades* or roofs, whose *sign copy* identifies a business, a *premises*, activities on a *premises*, or direction to a *premises*. See Section 142.1205.

- (b) Separately regulated uses are uses that may or may not meet the description of a use subcategory but are listed separately from any subcategory because in some or all zones they are regulated differently from other uses. Each use category contains a list of separately regulated uses, some of which may meet the description of a use subcategory within the same or another category. The use regulations identified for the separately regulated use shall supersede the use regulations for the use subcategory that may match the particular use.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 10-15-2015 by O-20567 N.S.; effective 11-14-2015.)
(Amended 12-1-2016 by O-20752 N.S.; effective 12-31-2016.)

[Editors Note: Amendments as adopted by O-20752 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20752-SO.pdf]

§131.0120 Applicable Overlay Zones in Base Zones

In addition to the regulations of the base zones applied to property as described in this article, overlay zone regulations may also apply. Overlay zone regulations are located in Chapter 13, Article 2.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0308 Home Occupations

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. An *applicant* may deviate from the requirements in Section 141.0308(k) through (n) by obtaining a Neighborhood Use Permit in accordance with Section 126.0203.

- (a) Home occupations are permitted only as *accessory uses* to a residential use.
- (b) Any products produced for sale must be manufactured by hand, grown on the *premises*, or prepared within a *kitchen* that meets the standards for cottage food operations in a *dwelling unit* in accordance with California Health and Safety Code section 114365.
- (c) The home occupation shall not result in the elimination or the reduction of required off-street parking.
- (d) *Signs* advertising the home occupation are not permitted. Other advertising shall not include the address of the *premises*.
- (e) Home occupations, except for horticultural uses permitted in Chapter 13, Article 1, Division 3 (Agricultural Base Zones) and Division 4 (Residential Base Zones), shall be conducted within an enclosed *structure* on the *premises*.
- (f) Materials or products associated with the home occupation on the *premises* must be stored within an enclosed *structure*.
- (g) Indoor storage of materials or products associated with the home occupation shall not exceed 1,000 cubic feet for the entire *premises* or any more restrictive limitations imposed by the Building and Housing Codes or the County Health Department.
- (h) The operation of the home occupation shall be consistent with permitted residential uses, shall not create any conditions that amount to a *public nuisance*, and shall not be detrimental to the residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.
- (i) The resident of the *premises* shall not rent space to others in association with a home occupation.

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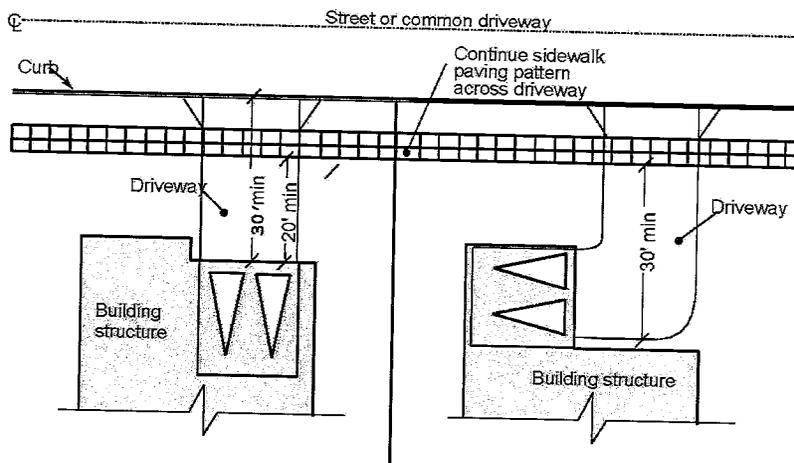
- (j) Only a resident of the *premises* may engage in a home occupation on the *premises*.
- (k) Home occupations may have a maximum of one employee or partner on the *premises* between 7:00 a.m. and 7:00 p.m., Monday through Saturday. For the purpose of Section 141.0308(k) an employee does not include a resident of the home.
- (l) Home occupations may have a maximum of one customer on the *premises* at a time, by appointment only, between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host customers on the *premises* more frequently than one customer within a 2-hour time period.
- (m) Home occupations may have a maximum of one vendor on the *premises* at a time between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host vendors on the *premises* more frequently than one vendor within a 2-hour time period.
- (n) A maximum of one vehicle for business-related purposes is permitted on-street in the residentially zoned area and shall be parked in compliance with the regulations in Section 36.0139 if applicable.
 - (1) Business-related vehicles may not exceed a one-ton carrying capacity.
 - (2) Tow-trucks are not a permitted home occupation vehicle.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

Diagram 142-05A
Minimum Distance Between an Off-Street Parking Space
and a Sidewalk or Curb Opening



(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 8-1-2007 by O-19650 N.S.; effective 8-31-2007.)

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) **Minimum Required Parking Spaces.** The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development* of *multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

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Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽³⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet	1.25	1.0	1.5	0.05	0.3
1 bedroom or studio over 400 square feet	1.5	1.25	1.75	0.1	0.4
2 bedrooms	2.0	1.75	2.25	0.1	0.5
3-4 bedrooms	2.25	2.0	2.5	0.1	0.6
5+ bedrooms	2.25	2.0	(See footnote 6)	0.2	1.0
Affordable Housing dwelling units regulated by Section 142.0527	N/A	N/A	0.25 beyond that required in Section 142.0527	(See footnote 3)	(See footnote 3)
Condominium conversion ⁽⁵⁾ 1 bedroom or studio over 400 Square feet 2 bedrooms 3+ bedrooms	1.0	0.75	1.25	N/A	N/A
	1.25	1.0	1.5	N/A	N/A
	1.5	1.25	1.75	N/A	N/A
Rooming house	1.0 per tenant	0.75 per tenant	1.0 per tenant	0.05 per tenant	0.30 per tenant
Boarder & Lodger Accommodations	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers	1.0 per two boarders or lodgers, except 1.0 per boarder or lodger in beach impact area	N/A	N/A
Residential care facility (6 or fewer persons)	1 per 3 beds or per permit	1 per 4 beds or per permit	1 per 3 beds or per permit	N/A	N/A

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Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)			Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽³⁾ Spaces Required Per Dwelling Unit
	Basic ⁽¹⁾	Transit Area ⁽²⁾	Parking Impact ⁽⁴⁾		
Small lot subdivision in accordance with Section 143.0365					
Studio up to 400 square feet	1.25	1.0	1.5	N/A	N/A
1 bedroom or studio over 400 square feet	1.5	1.25	1.75	N/A	N/A
2+ bedrooms	2.0	1.75	2.25	N/A	N/A
Transitional Housing (6 or fewer persons)	1 per 3 beds or per permit	1 per 4 beds or per permit	1 per 3 beds or per permit	N/A	N/A
Continuing Care Retirement Communities					
Dwelling units	1.0	0.75	1.25	N/A	N/A
Convalescent and memory care rooms	1.0 per 3 beds	1.0 per 3 beds	1.0 per 3 beds	N/A	N/A
Employees	1 per peak shift	0.75 per peak shift	1.25 per peak shift	See Section 142.0530(f)	See Section 142.0530(e)
Accessory uses (Spaces per square foot ⁽⁷⁾)	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	Retail Sales: 2.5 per 1,000 Eating and Drinking Estb.: 5 per 1,000	N/A	N/A

Footnotes for Table 142-05C

- ¹ Basic. The basic parking ratio applies to *development* that does not qualify for a reduced parking requirement (in accordance with the *transit area* parking ratio or the *very low income* parking ratio), or for an increased parking requirement in accordance with the Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for both a reduced parking ratio (*transit area* or *very low income* parking ratio) and an increased parking ratio (Parking Impact Area) shall also use the basic parking ratio.
- ² Transit Area. The *transit area* parking ratio applies to *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone) or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).
- ³ The required motorcycle and bicycle parking spaces are those required for *dwelling unit* type for studios up to 400 square feet through 5+ *bedrooms*.

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- 4 **Parking Impact.** The parking impact ratio applies to *development* that is at least partially within a designated beach impact area or a campus impact area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone), unless otherwise noted.
- 5 **Bicycle.** Bicycle racks are not required for a dwelling unit with a garage accessible only by residents of the dwelling unit.
- 6 **5+ Bedrooms in Parking Impact Areas.** Beach impact area: 2.5 spaces per dwelling unit. Campus impact area: 1 space per bedroom.
- 7 **Accessory Uses.** Square footage includes *gross floor area* plus *floor area* that is below *grade* and excludes *floor area* devoted to parking.
- 8 **Condominium conversion.** Existing parking located in required front yards shall not be counted toward meeting the required minimum number of parking spaces. Where the number of onsite parking spaces as originally approved exceeds the required parking in Table 142-05C, that number of spaces shall be maintained.
 - (b) **Eligibility For Shared Parking.** Up to 25 percent of the parking spaces required by this section may be unassigned and eligible for *shared parking* in accordance with Section 142.0545 except that at least one space shall be assigned to each dwelling unit. Within the beach impact area of the Parking Impact Overlay Zone, off- *premises* parking shall not be permitted for residential uses.
 - (c) **Common Area Parking Requirement.** The common area parking requirement applies to *multiple dwelling unit development* that is being processed in conjunction with a Planned Development Permit and that is located in one of the following communities: Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, East Elliott, Fairbanks Ranch Country Club, Miramar Ranch North, Mira Mesa, Otay Mesa, Rancho Bernardo, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, Tierrasanta, and Torrey Highlands, and University. The following standards will be applied by the decision maker to determine the number of common area parking spaces to require as a condition of approval.
 - (1) The number of common area parking spaces that may be required is 20 percent of the total *off-street parking spaces* required. This requirement may, however, be increased or decreased based on consideration by the decision maker of the following:
 - (A) For large developments, generally in excess of 200 dwelling units, the number of common area parking may be decreased to no less than 15 percent of the total *off-street parking spaces* required.

- (B) In areas where there are few or no on-street parking spaces, where on-street parking spaces are generally occupied, or where on-street parking spaces are not conveniently located, the number of required common area parking spaces may be increased.
 - (C) For any project with characteristics, surroundings, or expected residents that are likely to have an effect on the demand for common area parking, the number of common area parking spaces may be increased or decreased accordingly.
- (2) All common area parking that is provided off-street must be clearly identified and reserved for visitors.
 - (3) All common area parking that is provided off-street is eligible for shared parking in accordance with Section 142.0545.
 - (4) The common area parking requirement may be met on-street by parking spaces that meet the following criteria:
 - (A) The parking spaces completely abut the subject property's street frontage.
 - (B) The parking spaces are within a local street that is improved to City standards to accommodate on-street parking.
 - (C) If the parking spaces are existing, most of them are not usually occupied.
 - (D) On-street parking spaces shall be counted according to on-street parking demarcation or parking meters or, if none exists, as one space per 20 feet of full-height curb.
- (d) Minimum Required Parking Without a 20-foot Driveway. Any *multiple dwelling unit* with a garage that does not provide a driveway that is at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A (Section 142.0520), shall provide one additional parking space. This additional parking space may be on-street, abutting the subject property.

*(Added 12-9-1997 by O-18451 N.S.)
(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
(Amended 7-5-2006 by O-19506 N.S.; effective 8-4-2006.)
(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)*

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(Amended 11-13-08 by O-19802 N.S.; effective 12-13-2008.)
(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)
(Amended 5-5-2015 by O-20483 N.S.; effective 6-4-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

(Amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)

[Editors Note: Amendments as adopted by O-20704 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20704-SO.pdf]

§142.0527 Affordable Housing Parking Regulations

The Affordable Housing Parking Regulations establish the minimum number of on site parking spaces required for affordable housing *dwelling units* that meet the criteria in Section 142.0527(a)(3).

- (a) Definitions. For the purposes of Section 142.0527, the following definitions apply:
- (1) Civic Uses means cultural facilities, libraries, museums and art galleries, post offices, public parks, recreation centers, or social service agencies.
 - (2) Family Housing means a *development* where 50 percent or more of the *dwelling units* contain two or more *bedrooms*.
 - (3) Affordable housing *dwelling units* are *dwelling units* within a *multiple dwelling unit development* that meet the following criteria:
 - (A) *Dwelling units* are rental units reserved for a period of at least 30 years for *low income* or *very low income* households in which the tenants do not pay more than 35 percent of gross household income toward gross rent (including utilities). These provisions shall be included in a written agreement with the San Diego Housing Commission; and

- (B) The *development* falls into at least one of the following categories:
- (i) Family Housing;
 - (ii) Housing for Senior Citizens, meeting the criteria of “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code;
 - (iii) Housing for *disabled persons*;
 - (iv) SRO *hotel*; or
 - (v) Studio (up to and including 400 square feet) or 1 *bedroom* (greater than 400 square feet), provided the studio or 1 *bedroom* is not within a *development* for Family Housing or Housing for Senior Citizens.
- (b) Parking Demand. The minimum required automobile parking spaces for affordable housing *dwelling units* shall be determined using the following indexes (See the Land Development Manual: Calculating Affordable Housing Parking Requirements for guidance on calculating the Walkability and Transit Indexes.):
- (1) Walkability Index
- The Walkability Index shall be determined by assigning one point for each of the following criteria, for a maximum Walkability Index of 4 points.
- (A) Retail, theater, or assembly and entertainment uses present within one-half mile of the affordable housing *dwelling units*.
 - (B) More than 120 *lots* developed with retail, theater, or assembly and entertainment uses within one-half mile of the affordable housing *dwelling units*.
 - (C) Office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, healthcare uses, or Civic Uses within one-half mile of the affordable housing *dwelling units*.

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- (D) More than 50 lots developed with office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, or healthcare uses, or Civic Uses within one-half mile of the affordable housing *dwelling units*.

(2) Transit Index

The Transit Index shall be determined by assigning points for the number of peak hour trips within a defined distance from the affordable housing *dwelling units*. For bus transit, the distance is one-quarter mile from the affordable housing *dwelling units* for each bus transit stop. For fixed rail and bus rapid transit, the distance is one-half mile from the affordable housing *dwelling units* for each fixed stop. Inbound/outbound stops for the same route are calculated as one stop.

- (A) 0-15 peak hour trips/hour (1 point)
- (B) 16-30 peak hour trips/hour (2 points)
- (C) 31-45 peak hour trips/hour (3 points), or
- (D) 46 or greater peak hour trips/hour (4 points)

(3) Determination of Parking Demand

- (A) The Walkability/Transit Index is the sum of the Walkability Index and the Transit Index divided by two.
- (B) The Walkability/Transit Index shall determine the parking demand as follows:
 - (i) 0.0 – 1.99: High parking demand
 - (ii) 2.0 – 3.99: Medium parking demand
 - (iii) 4.0: Low parking demand

(c) Alternative compliance may be used to determine the Walkability Index in accordance with the following:

- (1) A project shall be deemed to have alternatively complied with Section 142.0527(b)(1)(B) when it is demonstrated to the satisfaction of the City Manager that there are more than 120 retail, theater, or assembly and entertainment uses within one-half mile of the affordable housing *dwelling units*.

- (2) A project shall be deemed to have alternatively complied with Section 142.0527(b)(1)(D) when it is demonstrated to the satisfaction of the City Manager that there are more than 50 office, nonresidential day care, nursery school, kindergarten through grade 12, hospitals, or healthcare uses, or Civic Uses within one-half mile of the affordable housing *dwelling units*.
- (d) Affordable housing *dwelling units* Parking Ratios. Table 142-05D provides the parking ratios required for affordable housing *dwelling units* as defined in Section 142.0527(a)(3).

Legend for Table 142-05D

Symbol in Table 142-05D	Description of Symbol
H	High parking demand
M	Medium parking demand
L	Low parking demand
-	Section 142.0527 does not apply to housing of this type

Table 142-05D

Affordable Housing Dwelling Units Parking Ratios

Bedrooms	Family Housing			Housing for Senior Citizens			Studio ⁽¹⁾ or 1 Bedroom ⁽¹⁾			Housing for Disabled Persons			SRO Hotel		
	H	M	L	H	M	L	H	M	L	H	M	L	H	M	L
Studio	0.5	0.2	0.1	0.5	0.3	0.1	0.5	0.2	0.1	0.5	0.2	0.1	0.5	0.3	0.1
1 BR	1.0	0.6	0.33	0.75	0.6	0.15	0.75	0.5	0.1	0.75	0.5	0.1	-	-	-
2BR	1.3	1.1	0.5	1.0	0.85	0.2	-	-	-	-	-	-	-	-	-
3 BR	1.75	1.4	0.75	-	-	-	-	-	-	-	-	-	-	-	-
Accessory															
Visitor ⁽²⁾	0.15			0.15			0.15			0.15			0.15		
Staff ⁽²⁾	0.05			0.05			0.05			0.1			0.05		
Assigned spaces ⁽³⁾	0.1			0.1			0.1			0.1			0.1		

Footnotes for Table 142-05D

- ⁽¹⁾ See Section 142.0527(a)(3)(B)(v).
- ⁽²⁾ Visitor and staff parking spaces are calculated by multiplying the ratio by the total number of affordable housing dwelling units.
- ⁽³⁾ For assigned parking, the number of additional parking spaces is calculated by multiplying the total parking spaces required for the affordable housing dwelling units, visitor, and staff parking by 0.1. For unassigned parking, no additional parking spaces are required.

- (e) Supplemental Regulations.
- (1) All required parking shall be provided in non-tandem parking spaces.
 - (2) Affordable housing *dwelling units* shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided for in Section 142.0550 (Parking Assessment District Calculation Exception).
 - (3) The number of accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) for Housing for Senior Citizens and housing for *disabled persons* shall be the number of spaces required in accordance with the basic parking ratio for multiple *dwelling units* in Table 142-05C.
 - (4) An *applicant* that demonstrates compliance with Section 142.0527 shall receive a determination of *substantial conformance* with respect to the parking requirements specified in Section 142.0527 when such a determination is requested in accordance with Section 126.0112, provided that the *applicant* enters into a *shared parking* agreement with respect to the spaces determined to be surplus as a result of the *substantial conformance* review, pursuant to Section 142.0545.

(“Parking Regulations for Reduced Parking Demand Housing” added 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)
(Retitled to “Affordable Housing Parking Regulations” and amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§142.0530 Nonresidential Uses — Parking Ratios

- (a) Retail Sales, Commercial Services, and Mixed-Use Development.
Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

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Table 142-05E
Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use Development

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor</i> Area Unless Otherwise Noted (<i>Floor</i> Area Includes <i>Gross Floor Area</i> plus below <i>Grade Floor</i> Area and Excludes <i>Floor</i> Area Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> ⁽²⁾	Maximum Permitted
Commercial Zones			
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	6.5
CC-1-2 CC-2-2 CC-4-2 CC-5-2	2.5	2.1	6.5
CC-1-3 CC-2-3 CC-4-3 CC-5-3	5.0 ⁽³⁾	4.3	6.5
CC-2-4 CC-3-4 CC-4-4 CC-5-4	2.5	2.1	6.5
CC-3-5	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
CC-3-5/Beach impact area ⁽⁵⁾	2.5	2.1	6.5
CC-4-5	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5
CC-2-5 CC-5-5	1.25	1.25	5.5
CC-3-6 CC-4-6 CC-5-6	2.5	2.1	6.5
CC-3-7	2.5	2.1	6.5
CC-3-8	2.5	2.1	6.5
CC-3-9	2.5	2.1	6.5
CN-1-1	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5

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CN-1-2	5.0	4.3	6.5
CN-1-3	2.5	2.1	6.5
CN-1-4	2.5	2.1	6.5
CR-1-1 CR-2-1	5.0 ⁽⁹⁾	4.3	6.5
CO-1-1 CO-1-2 CO-2-1 CO-2-2 CO-3-1 CO-3-2	5.0	4.3	6.5
CV-1-1	5.0	4.3	6.5
CV-1-2	2.5	2.1	6.5
Industrial Zones			
IH-1-1 IH-2-1	5.0	4.3	6.5
IL-1-1 IL-2-1 IL-3-1	5.0	4.3	6.5
IP-1-1 IP-2-1	5.0	4.3	6.5
IS-1-1	1.0 ⁽⁹⁾	1.0 ⁽⁹⁾	5.5
IBT-1-1	5.0	4.3	6.5
Planned Districts			
Barrio Logan: Subdistrict B	1.0 ⁽⁹⁾	1.0 ⁽⁹⁾	5.5
Barrio Logan: Except Subdistrict B	2.5	2.1	6.5
Carmel Valley	5.0	4.3	6.5
Cass Street	2.0	2.0	6.5
Central Urbanized	2.5	2.1	6.5
Golden Hill	1.25	1.25	5.5
La Jolla	1.7	1.7	5.5
La Jolla Shores	1.0	1.0 ⁽⁹⁾	5.5
Mid-City: CN-3 and CV-3	1.25	1.25	5.5
Mid-City: Except CN-3, CV-3	2.5	2.1	6.5

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Mount Hope	3.3	2.8	6.5
Mission Valley: CV	2.5	2.1	6.5
Mission Valley: Except CV	5.0	4.3	6.5
Old Town	4.0	3.4	6.5
Southeast San Diego	2.5	2.1	6.5
San Ysidro	2.5	2.1	6.5
West Lewis Street	1.0 ⁽⁴⁾	1.0 ⁽⁴⁾	5.5

Footnotes For Table 142-05E

- ¹ Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ² *Transit Area.* The *transit area* minimum parking ratios apply in the *Transit Area Overlay Zone* (Chapter 13, Article 2, Division 10) and in the *Urban Village Overlay Zone* (Chapter 13, Article 2, Division 11).
- ³ Uses Located above *Ground Floor.* The minimum parking ratio for retail sales and commercial services uses above the *ground floor* is 4.0 spaces per 1,000 square feet of *gross floor area*.
- ⁴ *Alley Access.* For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05E. Within the beach impact area of the *Parking Impact Overlay Zone*, application of this policy shall not result in a reduction of required on-site parking.
- ⁵ *Beach Impact Area.* For area of applicability, see Chapter 13, Article 2, Division 8 (*Parking Impact Overlay Zone*).

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the *primary use* on a *premises*.

Table 142-05F
Parking Ratios for Eating and Drinking Establishments

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment ⁽¹⁾ Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area and Excludes Floor Area Devoted to Parking)		
	Required Automobile Parking Spaces ⁽²⁾		
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽³⁾	Maximum Permitted
Commercial Zones			
CC-1-1 CC-2-1 CC-4-1 CC-5-1	2.5	2.1	25.0
CC-1-2 CC-2-2 CC-4-2	2.5	2.1	25.0
CC-5-2	2.5	2.1	25.0
CC-4-2/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0
CC-1-3 CC-2-3 CC-4-3 CC-5-3	15.0	12.8	25.0
CC-2-4 CC-3-4 CC-4-4	2.5	2.1	25.0
CC-4-4/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0
CC-5-4	2.5	2.1	25.0
CC-2-5 CC-3-5	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0
CC-3-5/Coastal Overlay Zone ⁽⁴⁾	5.0	4.3	25.0
CC-4-5	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	20.0
CC-5-5	1.25	1.25	20.0

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CC-3-6 CC-4-6 CC-5-6	2.5	2.1	25.0
CC-3-7	2.5	2.1	25.0
CC-3-8	2.5	2.1	25.0
CC-3-9	2.5	2.1	25.0
CN-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0
CN-1-2	15.0	12.8	25.0
CN-1-3	2.5	2.1	25.0
CR-1-1 CR-2-1	15.0	12.8	25.0
CO-1-1 CO-1-2 CO-2-1 CO-2-2 CO-3-1 CO-3-2	15.0	12.8	25.0
CV-1-1	15.0	2.1	25.0
CV-1-2	5.0	4.3	25.0
Industrial Zones			
IH-1-1 IH-2-1	15.0	12.8	25.0
IL-1-1 IL-2-1 IL-3-1	15.0	12.8	25.0
IP-1-1 IP-2-1	15.0	12.8	25.0
IS-1-1	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0
IBT-1-1	15.0	12.8	25.0
Planned Districts			
Barrio Logan: Subdistrict B	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0
Barrio Logan: Except Subdistrict B	2.5	2.1	20.0
Carmel Valley	15.0	12.8	25.0
Cass Street	5.0	4.3	25.0
Central Urbanized	2.5	2.1	6.5

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Golden Hill	1.25	1.25	20.0
La Jolla	5.0	4.3	20.0
La Jolla Shores	1.0	1.0 ⁽⁶⁾	20.0
Mid-City: CN-3 and CV-3	1.25	1.25	20.0
Mid-City: Except CN-3, CV-3	2.5	2.1	25.0
Mount Hope	3.3	2.8	25.0
Mission Valley: CV	5.0	4.3	25.0
Mission Valley: Except CV	15.0	12.8	25.0
Old Town	4.0	3.4	25.0
Southeast San Diego	5.0	4.3	25.0
San Ysidro	5.0	4.3	25.0
West Lewis Street	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	20.0

Footnotes For Table 142-05F

- ¹ Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the eating and drinking establishment's *gross floor area* and are included in calculating parking requirements.
- ² Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ³ *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area Overlay Zone* (Chapter 13, Article 2, Division 10) and in the *Urban Village Overlay Zone* (Chapter 13, Article 2, Division 11).
- ⁴ Coastal Overlay Zone. For area of applicability, see Chapter 13, Article 2, Division 4.
- ⁵ *Alley Access*. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05F. Within the beach impact area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.

(c) Nonresidential Uses. Table 142-05G establishes the required ratio of parking spaces to building *floor area* for the nonresidential uses shown that are not covered by the parking requirements in Section 142.0530(a) and (b).

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Table 142-05G
Parking Ratios for Specified Non-Residential Uses

Use	Parking Spaces Required per 1,000 Square Feet of Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking)		
	Required Automobile Parking Spaces ⁽¹⁾		
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area ⁽²⁾	Maximum Permitted
Institutional			
Separately Regulated Uses			
Botanical Gardens and Arboretums	3.3	2.8	N/A
Educational facilities:			
Kindergarten through grade 9	2.0 per classroom if no assembly area or 30 per 1,000 square feet assembly area	85% of Minimum	N/A
Grade 10 through grade 12	1 per 5 students at maximum occupancy	85% of Minimum	N/A
Vocational/trade schools	1 per student at maximum occupancy	85% of Minimum	N/A
Exhibit Halls & Convention Facilities	1 per 3 seats; 30.0 if no fixed seats	85% of Minimum	N/A
Hospitals	2 per bed	85% of Minimum	N/A
Intermediate care facilities and nursing facilities	1 per 3 beds	85% of Minimum	N/A
Interpretive Centers	3.3	2.8	N/A
Museums	3.3	2.8	N/A
Radio & Television Broadcasting	3.3	2.9	5.0
Retail Sales:	See Table 142-05E		
Commercial Services			
Eating & Drinking Establishments	See Table 142-05F		
Public assembly & entertainment			

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Theaters	1-3 screens: 1 per 3 seats 4+ screens: 1 per 3.3 seats Per assembly area if not fixed seats: 50.0	85% of Minimum	N/A
Health clubs	5.0 Clubs with Courts: 1 additional space per the maximum number of authorized players (Amateur Athletic Union) per court	85% of Minimum	N/A
Swimming pools	Commercial: 1 per 100 sq. ft. of pool surface area Community: 1 per 175 sq. ft. of pool surface area	85% of Minimum	N/A
All other assembly and entertainment	1 per 3 seats or 1 per 60 inches of bench or pew seating, whichever is greater; or 30 per 1,000 square feet of assembly area if seating is not fixed	85% of Minimum	N/A
Visitor accommodations	1 per <i>guest room</i> Conference Area: 10.0	1 per <i>guest room</i> Conference Area: 10.0	N/A
Separately Regulated Uses			
Child Care Centers	1 per staff	85% of Minimum	N/A
Funeral parlors & Mortuaries	1 per 3 seats; 30.0 for assembly area if no fixed seats	85% of minimum	N/A
Private clubs, lodges, fraternal organizations (except fraternities and sororities)	1 per <i>guest room</i> , or 2.5, whichever is greater ⁽²⁾	85% of Minimum	N/A
Single room occupancy hotels (For <i>SRO Hotels</i> that meet the criteria for affordable housing <i>dwelling units</i> stated in Section 142.0527, see Section 142.0527 for parking requirements)	1 per room	0.5 per room	N/A

Veterinary clinics & hospitals	2.5	2.1	N/A
Offices⁽⁴⁾			
Business & professional/ Government/ Regional & corporate headquarters (except in IS Zone)	3.3	2.9	5.0
Medical, dental, & health practitioners (except in IS Zone)	4.0	3.5	6.0
All office uses in the IS Zone	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	5.0
Vehicle & Vehicular Equipment Sales & Service			
Automobile service stations	2 per Station; with Maintenance Facility, 3 per Station Plus 1 per Service Bay Retail Sales: 3.0	85% of Minimum	N/A
Vehicle repair & maintenance	5.0	4.3	N/A
Vehicle sales & rentals	1 per each 10 display cars	85% of Minimum	N/A
Distribution and Storage⁽⁴⁾			
All distribution and storage uses	1.0 ⁽⁵⁾	1.0 ⁽⁵⁾	4.0
Self Storage Facilities	1.0 space/10,000 sq ft plus 3.3 space per 1,000 square foot of accessory office space	N/A	N/A
Industrial			
Heavy Manufacturing (except in IS Zone)	1.5 ⁽⁶⁾	1.5 ⁽⁶⁾	4.0
Light manufacturing (except in IS Zone)	2.5 ⁽⁶⁾	2.1 ⁽⁶⁾	4.0
Research & development (except in IS Zone)	2.5	2.1	4.0
All industrial uses in the IS Zone	1.0 ⁽⁶⁾	1.0 ⁽⁶⁾	4.0

Footnotes For Table 142-05G

- ¹ Parking spaces for carpool vehicles and zero emissions vehicles are required in accordance with Section 142.0530(d). Bicycle parking is required in accordance with Section 142.0530(e).
- ² *Transit Area*. The *transit area* minimum parking ratios apply in the *Transit Area* Overlay Zone (Chapter 13, Article 2, Division 10) and in the Urban Village Overlay Zone (Chapter 13, Article 2, Division 11).
- ³ In the beach impact area, one parking space per *guest room* or 5.0, whichever is greater.
- ⁴ Accessory Retail Sales, Commercial Services, and Office Uses. On-site accessory retail sales, commercial services, and office uses that are not open to the public are subject to the same parking ratio as the primary use.
- ⁵ *Alley Access*. For properties with *alley* access, one parking space per 10 linear feet of *alley* frontage may be provided instead of the parking ratio shown in Table 142-05G. Within the beach impact area of the Parking Impact Overlay Zone, application of this policy shall not result in a reduction of required on-site parking.
- ⁶ Facilities with a majority of *floor* area dedicated to large equipment, tanks, vessels, and automated machinery, or any similar combination of equipment may provide parking using a minimum ratio of 1.0 parking space per 1,000 square feet of *floor* area instead of the parking ratio shown in Table 142-05G.

(d) Parking Spaces for Carpool Vehicles and Zero Emissions Vehicles

- (1) Designated parking spaces for carpool vehicles (vehicles containing two or more persons) and zero emissions vehicles (any vehicles certified to zero-emissions standards) shall be provided for non-residential *development* at the ratio indicated in Section 142.0530(d)(1)(B), unless exempt under Section 142.0530(d)(1)(C).
 - (A) The required designated parking spaces for carpool vehicles and zero emissions vehicles are to be provided within the overall minimum parking requirement, not in addition to it.
 - (B) The required number of designated parking spaces for carpool vehicles and zero emissions vehicles shall be calculated based on the total number of automobile parking spaces required for the *premises* as follows:
 - (i) Zero designated parking spaces for carpool vehicles and zero emissions vehicles if there are 0-9 automobile parking spaces on the *premises*.

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- (ii) One designated parking space for carpool vehicles and zero emissions vehicles if there are 10-25 automobile parking spaces on the *premises*.
 - (iii) Three designated parking spaces for carpool vehicles and zero emissions vehicles if there are 26-50 automobile parking spaces on the *premises*.
 - (iv) Six designated parking spaces for carpool vehicles and zero emissions vehicles if there are 51-75 automobile parking spaces on the *premises*.
 - (v) Eight designated parking spaces for carpool vehicles and zero emissions vehicles if there are 76-100 automobile parking spaces on the *premises*.
 - (vi) Eleven designated parking spaces for carpool vehicles and zero emissions vehicles if there are 101-150 automobile parking spaces on the *premises*.
 - (vii) Sixteen designated parking spaces for carpool vehicles and zero emissions vehicles if there are 151-200 automobile parking spaces on the *premises*.
 - (viii) Designated parking spaces for carpool vehicles and zero emissions vehicles equal to at least 8% of the total automobile parking spaces on the *premises* if there are 201 or more automobile parking spaces on the *premises*.
- (C) The following are exempt from the requirements of Section 142.0530(d)(1)(B):
- (i) Proposed building additions that are less than 1,000 square feet; and
 - (ii) Improvements valued at less than \$200,000.
- (2) Required designated parking spaces for carpool vehicles and zero emissions vehicles shall be clearly labeled as designated for any combination of carpool vehicles and zero emission vehicles, and shall be conveniently located close to employee entrances.

- (3) If there is a charge for parking, designated parking spaces for carpool vehicles and zero emissions vehicles shall be offered at a lower rate than the charge for other vehicles.
 - (4) Required designated parking spaces for carpool vehicles and zero emissions vehicles may also be used by low-emitting and fuel-efficient vehicles, if the *applicant* determines that the designated parking spaces are otherwise underutilized.
- (e) Bicycle Parking Spaces and Facilities
- (1) Short-Term Bicycle Parking Spaces
 - (A) Short-term bicycle parking spaces are intended for use by visitors and shall be calculated based on the total number of automobile parking spaces required for the *premises*. Unless exempt under Section 142.0530(e)(1)(D), short-term bicycle parking spaces are required for non-residential *development*. The minimum number of required short-term bicycle parking spaces shall be two; or 0.1 per 1,000 square feet of building *floor* area, excluding *floor* area devoted to parking; or 5% of the required automobile parking space minimum, whichever is greater.
 - (B) Short-term bicycle parking spaces shall be convenient and secure and shall consist of permanently-anchored bicycle racks located within 200 feet of a visitor entrance.
 - (C) A credit may be applied towards the short-term bicycle parking space requirement for existing bicycle parking spaces that are located in a permanently-anchored bicycle rack in the *public right-of-way* within 200 feet of a visitor entrance for the *development*.
 - (D) The following are exempt from the short-term bicycle parking space requirements:
 - (i) Proposed building additions that are less than 1,000 square feet; and
 - (ii) Improvements valued at less than \$200,000; and

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- (iii) The following uses:
 - Cemeteries, mausoleums, crematories;
 - Maintenance and repair uses;
 - Boarding kennels;
 - Pet grooming services;
 - Veterinary clinics and hospitals;
 - Vehicle and vehicular equipment sales and service uses;
 - and
 - Industrial uses
- (2) Long-Term Bicycle Parking Spaces and Facilities
 - (A) Long-term bicycle parking spaces are intended for use by employees and shall be required for non-residential *development* at a rate of 5% of the required automobile parking for any *premises* with more than ten full-time employees, unless exempt under Section 142.0530(e)(2)(D). The minimum number of required long-term bicycle parking spaces is one.
 - (B) Long-term bicycle parking spaces shall include the following features:
 - (i) Covered lockable enclosures with permanently-anchored bicycle racks;
 - (ii) Lockable bicycle rooms with permanently-anchored bicycle racks; or
 - (iii) Lockable, permanently-anchored bicycle lockers.
 - (C) Where 10 or more long-term bicycle parking spaces are required, employee shower facilities shall be provided on the *premises*.
 - (D) The following are exempt from the long-term bicycle parking space and facilities requirements:

- (i) Proposed building additions that are less than 1,000 square feet; and
- (ii) Improvements valued at less than \$200,000.
- (f) Unspecified Uses. For uses not addressed by Tables 142-05E, 142-05F, and 142-05G the required *off-street parking spaces* are the same as that required for similar uses. The City Manager shall determine if uses are similar.
- (g) Motorcycle Parking. Motorcycle parking shall be provided at a ratio of 2 percent of the minimum number of automobile parking spaces required or two spaces, whichever is greater.
- (h) Rideshare Information. All nonresidential uses with more than 100,000 square feet of *gross floor* area are required to provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 4-11-2014 by O-20361 N.S.; effective 5-18-2014.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

§142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in *Urbanized Communities* may be located *off-premises*, subject to the following regulations.

- (a) Residential Uses. Some portion of the off-premises parking shall be within a 25-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone, the site of the off-premises parking shall be identified with appropriate signs. Within the beach impact area of the Parking Impact Overlay Zone, off-premises parking shall not be permitted for residential uses.
- (b) Nonresidential Uses. Some portion of the off-premises parking shall be within a non-residential zone and within a 600-foot horizontal distance of the *premises* on which the use requiring *off-street parking spaces* is located, and in the Coastal Overlay Zone, the site of the off-premises parking and the site of the use shall be identified with appropriate signs within the Coastal Overlay Zone.
- (c) Control of Parking Spaces. The off-premises parking, which shall be identified with appropriate directional signs for *development* in the Coastal Overlay Zone, shall be owned or controlled by the owner of the use requiring the *off-street parking spaces*.

When off-premises parking is to be provided, the owner or lessee of record of the *premises* shall furnish evidence that is satisfactory to the City Manager that they own or have a sufficient interest in the property to provide the minimum *off-street parking spaces* required by the Land Development Code. Whether *off-street parking spaces* are to be provided on property that is owned by the *applicant* or another owner, the *applicant* shall provide to the County Recorder for recordation, covenants that have been executed by the owners of the property on which the off-premises parking is proposed and the owners of the use requiring the off-street parking spaces.

The covenant shall be for the benefit of the City, in a form approved by the City Attorney, to the effect that the owners will continue to maintain the parking spaces as long as the use it serves exists. The covenant shall also recite that the title to, and right to, use the *lots* upon which the parking is to be provided will be subservient to the title to the *premises* where the *primary use* it serves is situated and shall warrant that the *lots* are not and will not be made subject to any other covenant or contract for use without prior written consent of the City.

If the owners of the use should thereafter provide parking equal in area within the same distance and under the same conditions as the ownership upon another *lot* than the *premises* made subservient in a previous covenant, the City will, upon written application accompanied by the filing of a similar covenant, release the original subservient *premises* from the previous covenant. The owners shall furnish at their own expense title reports or other evidence the City may require to insure compliance with the provisions of this section.

- (d) Off-Premises *Parking Spaces* Not to be Reduced. Off-premises *parking spaces* provided in accordance with this section shall be maintained as long as the *structure* or use for which they are provided exists unless an equivalent substitute number of spaces is provided and thereafter maintained in compliance with the Land Development Code. In no event shall parking facilities that are provided or maintained for a *structure* or use be considered as providing any of the required space for any other *structure* or use.

(Added 12-9-1997 by O-18451 N.S.)

(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

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§142.0540 Exceptions to Parking Regulations for Nonresidential Uses

- (a) Commercial Uses on Small Lots. Outside the beach impact area of the Parking Impact Overlay Zone, for *lots* that are 10,000 square feet or less, that existed before January 1, 2000, the parking requirements set forth in Table 142-05H may be applied to all commercial uses at the option of the *applicant* as an alternative to the requirements set forth in Section 142.0530. The type of access listed in Table 142-05H determines the minimum number of required *off-street parking spaces*.

**Table 142-05H
Alternative Parking Requirement for
Commercial Uses on Small Lots**

Type of Access	Minimum Number of Parking Spaces
With <i>Alley</i> Access ⁽¹⁾	1 space per 10 feet of <i>alley</i> frontage, minus one space
Without <i>Alley</i> Access	none required

Footnote to Table 142-05H

¹ The City Engineer will determine whether a *lot* has adequate *alley* access according to accepted engineering practices.

- (b) Exceeding Maximum Permitted Parking. Development proposals may exceed the maximum permitted automobile parking requirement shown in Tables 142-05E, 142-05F, and 142-05G with the approval of a Neighborhood Development Permit, subject to the following:
 - (1) The *applicant* must show that the proposed parking spaces are required to meet anticipated parking demand, will not encourage additional automobile trips, and will not result in adverse site design impacts; and
 - (2) The number of automobile parking spaces provided shall not be greater than 125 percent of the maximum that would otherwise be permitted.

- (c) Varying From Minimum Parking Requirements. Development proposals may, at the applicant's option, vary from the minimum parking requirements of this division with the approval of a Transportation Demand Management (TDM) Plan and Site Development Permit decided in accordance with Process Three, subject to the following requirements.
- (1) The TDM Plan shall be designed to reduce peak period automobile use with such techniques as carpooling, vanpooling, transit, bicycling, walking, telecommuting, compressed work weeks, or flextime.
 - (2) To compensate for a reduction in parking, the TDM Plan shall specify only those measures that would not otherwise be required by this division.
 - (3) In no case shall the number of automobile parking spaces provided be less than 85 percent of the minimum that would otherwise be required.
 - (4) The *applicant* shall show that the TDM Plan adequately mitigates the proposed reductions in automobile parking.
 - (5) The owner shall set aside land for a parking facility or allow for future construction or expansion of a structured parking facility that is sufficient to provide additional parking spaces equal in number to the number reduced.
 - (6) In the event of noncompliance with the TDM Plan, the City Manager shall require the owner to construct additional parking spaces equal in number to the spaces originally reduced.

(Added 12-9-1997 by O-18451 N.S.)

(Amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

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§142.0612 When Permits Are Required for Public Facilities

Permits are required for the construction of public facilities as follows:

- (a) A Public Right-of-Way Permit is required for the activities specified in Section 129.0702;
- (b) A Site Development Permit in accordance with Chapter 12, Article 6, Division 5 (Site Development Permit Procedures) is required for any of the following:
 - (1) Work involving more than 3,000 feet of *street frontage*; and
 - (2) Work for which established standards and regulations do not apply.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0620 When Public Improvements Are Required for Development Permits

The approval of *development permits* shall be conditioned to provide public facilities in accordance with Section 142.0610 and to mitigate any impact the *development* may have on existing public facilities.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0630 When Public Improvements Are Required for Subdivisions

The *subdivider* shall improve *public rights-of-way* and provide public facilities as required in Chapter 14, Article 4 (*Subdivision Regulations*).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0640 Impact Fees for Financing Public Facilities

(a) Purpose

The purpose of this Section is to implement the City's General Plan which contains policies related to the maintenance of an effective facilities financing program to ensure the impact of new *development* is mitigated through appropriate fees. This Section applies to communities identified as "Facilities Benefit Assessment" communities and "Development Impact Fee" communities in the City's General Plan. Facilities Benefit Assessments and Development Impact Fees are collectively identified as Development Impact Fees. Nothing in this Section shall be construed to prohibit the City from imposing additional Development Impact Fees on a particular project.

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(b) Payment of Fees

The payment of Development Impact Fees (as defined in California Government Code Section 66000) shall be required prior to issuance of any Building Permit in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees prior to issuance of any *construction permit* issued or required for *development* that would increase demand for public facilities and/or result in the need for new public facilities. The Development Impact Fee due shall be determined in accordance with the fee schedule approved by the applicable City Council resolution in effect upon the issuance of a Building Permit, or *construction permit*, as applicable, and may include an automatic increase consistent with Section 142.0640(c).

(c) Automatic Annual Increases

For communities identified as Development Impact Fee communities in the General Plan, unless otherwise specified in the applicable City Council resolution(s) establishing the Development Impact Fees, the amount of the Development Impact Fee shall be increased, starting on July 1, 2010, and on each July 1st thereafter, based on the one-year change (from March to March) in the Construction Cost Index for Los Angeles as published monthly in the Engineering News-Record. Such increases to Development Impact Fees consistent with the Construction Cost Index in Los Angeles shall be automatic and shall not require further action of the City Council. For communities identified as Facilities Benefit Assessment communities in the General Plan, the Development Impact Fee shall be the amount identified in the applicable fee schedule adopted by City Council resolution.

(d) Fee Deferral

Notwithstanding Section 142.0640(b), Building Permits or *construction permits*, as applicable, may be issued if the City Manager defers payment of the Development Impact Fees in accordance with this Subsection. Development Impact Fees due pursuant to the City's Regional Transportation Congestion Improvement Program shall not be deferred under any circumstance.

- (1) Payment of Development Impact Fees may be deferred for a maximum period of two years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable Development Impact Fees are paid.

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- (2) Payment of Development Impact Fees shall not be deferred unless and until a Fee Deferral Agreement is entered into to the satisfaction of the City Manager. The Fee Deferral Agreement shall be recorded against the applicable property in the Office of the San Diego County Recorder and shall constitute a lien for the payment of the Development Impact Fee. The Fee Deferral Agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the Fee Deferral Agreement.
 - (3) Payment of Development Impact Fees shall only be deferred if the applicable administrative processing fee, as adopted by City Council resolution, is paid by the *applicant*.
 - (4) If payment of the Development Impact Fee is deferred, the deferred Development Impact Fee due shall be determined in accordance with Section 142.0640(b)-(c), except that, if the Development Impact Fee is paid prior to the end of the deferral period as set forth in Section 142.0640(d)(1), the amount of the Development Impact Fee shall be determined by the Development Impact Fee rate for the year in which the Development Impact Fee is actually paid as set forth in the Development Impact Fee schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently-approved Development Impact Fee schedule, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(c) if applicable. If the Development Impact Fee is not timely paid as provided for in the Fee Deferral Agreement, the amount of the Development Impact Fee shall be determined in accordance with the Development Impact Fee schedule in effect when the Development Impact Fee is actually paid, or the schedule in effect at the end of the deferral period as set forth in Section 142.0640(d)(1), plus automatic increases consistent with Section 142.0640(c), whichever amount is greater.
- (e) Waiver, Adjustment, or Reduction of Fees
- Any party on whom Development Impact Fees are imposed, may file an application for a waiver, adjustment, or reduction of the Development Impact Fees with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging Development Impact Fees.

- (1) An application for a waiver, adjustment, or reduction of Development Impact Fees shall set forth the factual and legal basis to support the application for a waiver, adjustment, or reduction of Development Impact Fees.
- (2) An application for a waiver, adjustment, or reduction of Development Impact Fees shall only be processed after the applicable fee or amount of deposit, as adopted by City Council resolution, has been paid in full. If a deposit is required, and the deposit as adopted by City Council resolution is insufficient to cover the actual cost to the City to process the application, an additional deposit, in an amount determined by the City Manager, shall be required. Any unused portion of a deposit shall be returned. If the City Council grants the application for a waiver, adjustment, or reduction of the Development Impact Fees, then the fee or the amount of the deposit expended shall be returned, minus a five hundred dollar processing fee.
- (3) An application for a waiver, adjustment, or reduction of Development Impact Fees shall be filed no later than ten (10) calendar days after the Development Impact Fees are imposed or ten (10) calendar days after the Development Impact Fees are paid, whichever occurs earlier.
- (4) The decision on an application for a waiver, adjustment, or reduction of Development Impact Fees shall be decided by the City Council within sixty (60) calendar days of the date that the application is received by the City Manager. The *applicant* shall bear the burden of presenting evidence to support the application for a waiver, adjustment, or reduction of Development Impact Fees.
- (5) Notice of the time and place of the City Council hearing, including a general explanation of the matter to be considered shall be mailed at least 14 days prior to the hearing to the *applicant*, and any interested party who files a written request with the City Manager requesting mailed notice of all applications for a Development Impact Fee waiver, adjustment, or reduction. Written requests for such notice shall be valid for one year from the date on which it is filed unless a renewal request is filed prior to the end of the one-year term. If established by resolution of the City Council, an annual charge for sending notices based on the estimated cost of providing the service, shall be required prior to the requestor's name being placed on a notice list.

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- (6) An application for a waiver, adjustment, or reduction of Development Impact Fees may only be granted if:
 - (A) The City Council makes the following *finding*: there is no reasonable relationship between the amount of the Development Impact Fee and the cost of the public facilities attributable to the *development* on which the fee is imposed.
 - (B) The landowner enters into an agreement with the City providing that an intensification of use of the *development* shall subject the *applicant* or landowner to full payment of the Development Impact Fee to the satisfaction of the City Manager. The agreement shall be recorded with the Office of the San Diego County Recorder and shall constitute a lien against the applicable property for the payment of the Development Impact Fee. The agreement shall be binding upon, and the benefits of the agreement shall inure, to the parties and all successors in interest to the parties to the agreement.
- (7) If an application for a waiver, adjustment, or reduction of Development Impact Fees is granted, any Development Impact Fees previously paid with respect to the application at issue shall be refunded in accordance with the resolution adopted by the City Council granting the application, plus any interest earned by the City on the fee, as applicable.

(f) Developer Reimbursement Agreements

For purposes of this Division, a developer reimbursement agreement means an agreement to reimburse another entity for all or a portion of the cost of the entity's contracts with consultants and/or contractors for the design and construction of a public works project. The City Manager may enter into a written developer reimbursement agreement for a public works project that contains supplemental size, capacity, number, or length, or will serve communitywide needs, the need for which is not directly attributable to the *development*, provided that the following minimum requirements are satisfied:

- (1) The source of reimbursement shall be limited to Development Impact Fee (as defined in Government Code section 66000) funds.

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- (2) The public works project is identified in a City Council-adopted public facilities financing plan or impact fee study and the amount of reimbursement does not exceed the amount identified for the public works project in the adopted public facilities financing plan or impact fee study.
- (3) Any contract for expenses subject to reimbursement pursuant to a developer reimbursement agreement shall be awarded in accordance with the City Charter and San Diego Municipal Code Chapter 2, Article 2, Divisions 27, 30, 31, and 33 through 36. San Diego Municipal Code Chapter 2, Article 2, Division 32 shall not apply to consultant contracts that are entered into pursuant to a developer reimbursement agreement.
- (4) The amount of the developer reimbursement agreement shall not exceed \$30,000,000.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 9-11-2009 by O-19893 N.S.; effective 11-10-2009.)

(Retitled to "Payment of Development Impact Fees" and amended 10-11-2011 by O-20100 N.S.; effective 11-10-2011.)

(Retitled from "Payment of Development Impact Fees" to "Impact Fees for Financing Public Facilities" and amended 4-6-2016 by O-20626 N.S.; effective 5-6-2016.)

§142.0650 Requirements for Park and Recreational Facilities

The provision of park facilities and the payment of park fees are required in accordance with Municipal Code Chapter 9, Article 6, Division 4 (Development of Park and Recreational Facilities).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

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Article 2: General Development Regulations

Division 13: Inclusionary Affordable Housing Regulations

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1301 Purpose of Inclusionary Affordable Housing Regulations

The purpose of this Division is to encourage diverse and balanced neighborhoods with housing available for households of all income levels. The intent is to ensure that when developing the limited supply of developable land, housing opportunities for persons of all income levels are provided.

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1302 When Inclusionary Affordable Housing Regulations Apply

This Division applies to all residential *development* of two or more units, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those units are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction or the level of affordability, the more restrictive shall apply.

(Added 6-3-2003 by O-19189 N.S.)

(Amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

§ 142.1303 Exemptions From the Affordable Housing Inclusionary Regulations

This Division is not applicable to the following:

- (a) Residential *development* located in the North City Future Urbanizing Area that is within *Proposition A Lands* of the City of San Diego or any project located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the *Planned Urbanized Communities*, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a *development permit*, as applicable.

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- (b) Residential *development* or portion of the *development* that meets the following criteria:
 - (1) The unit is being sold to persons who own no other real property and will reside in the unit;
 - (2) The unit is affordable to and sold to households earning less than one hundred fifty percent (150%) of the *area median income*;
 - (3) The unit has two (2) or more bedrooms; and
 - (4) The unit(s) has recorded against it an agreement between the *applicant* and the San Diego Housing Commission assuring that the provisions of Section 142.1303(c) have been met.
- (c) Rehabilitation of an existing building that does not result in a net increase of *dwelling units on the premises*.
- (d) *Density* bonus units constructed in accordance with the provisions of Chapter 14, Article 3, Division 7.
- (e) Certain *condominium conversion developments* as set forth in Section 142.1306(c).
- (f) Residential *development* containing at least ten percent of the total *dwelling units* in the proposed *development* as affordable to and occupied by *targeted rental households* for a period of not less than 55 years. To ensure compliance with the Costa-Hawkins Rental Housing Act, this Section applies only to a proposed *development* where the *applicant* agrees in a contract with a public entity to restrict rents at the proposed *development* in consideration for a direct financial contribution or a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (g) Residential *development* containing at least ten percent of the dwelling units as affordable to and occupied by *targeted rental households* for a period of not less than 55 years, as a result of the *applicant's* voluntary pursuit and receipt of tax credits, multifamily housing bonds, below market interest rate loans, and/or grants to facilitate the construction of the *development*.

(Amended 3-8-2004 by O-19267 N.S.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

(Amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

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§ 142.1304 Inclusionary Affordable Housing Fee

All *development* subject to this Division, except for *condominium conversion developments* which shall comply with Section 142.1306, shall pay an Inclusionary Affordable Housing Fee to the City as follows:

- (a) The Inclusionary Affordable Housing Fee shall be the product of the applicable per square foot charge multiplied by the aggregate *gross floor area* of all of the units within the *development*.
- (b) The applicable per square foot charge shall be calculated annually by the San Diego Housing Commission according to the formula set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual as approved by the City Council.
- (c) The Inclusionary Affordable Housing Fee shall be determined using the rate in effect at the time the building permit application is filed. The Inclusionary Affordable Housing Fee shall be paid on or before the issuance of the first residential building permit for the *development*.
- (d) Any *applicant* may pre-pay the Inclusionary Affordable Housing Fee, which shall be determined using the rate in effect on the date of pre-payment.
- (e) All funds collected pursuant to this Division shall be deposited into the Affordable Housing Fund.

*(Added 6-3-2003 by O-19189 N.S.)
(Amended 8-15-2006 by O-19530 N.S.; effective 9-14-2006.)
(Renumbered from former Section 142.1310, retitled to "Inclusionary Affordable Housing Fee" and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.
Former Section 142.1304 repealed.)*

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§ 142.1305 Election to Provide For-Sale Affordable Housing Units in a For-Sale Development

- (a) Instead of paying the applicable Inclusionary Affordable Housing Fee, an *applicant* may elect to comply with this Division by providing at least ten percent of the total *dwelling units* in the proposed *development* as affordable to *targeted ownership households* in a for-sale development.
- (b) The *development* of for-sale affordable housing units is subject to the following requirements and the provisions of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.
 - (1) The for-sale affordable housing units shall be constructed and receive final inspection approval from the Building Official no later than the date that the market-rate units receive final inspection approval from the Building Official. The *applicant* may seek an alternative *development* schedule in accordance with the provisions of Sections 142.1307 and 142.1308.
 - (2) The sales price for each for-sale affordable housing unit shall not exceed an amount that is affordable to a *targeted ownership household*, as determined by the San Diego Housing Commission and detailed in the Inclusionary Housing Procedures Manual.
 - (3) The equity in a for-sale affordable housing unit shall be shared between the owner and the San Diego Housing Commission in an amount based upon length of ownership at the time of the first resale, in accordance with Table 142-13A.
 - (A) Equity means the difference between the unrestricted fair market value of the affordable unit on the date of the first resale, as determined by an appraisal approved by the San Diego Housing Commission, and the sum of: (i) the original unrestricted fair market value of the affordable unit at the time of its acquisition by the *targeted ownership household*, and (ii) the actual costs of any San Diego Housing Commission approved improvements to the affordable unit. If the foregoing calculation of equity results in a negative number, the equity shall be deemed to be zero.

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- (B) The term resale is defined in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual, and includes the sale, conveyance, transfer or refinancing of all or any part of the affordable unit by a *targeted ownership household*.
- (C) Equity shall not be shared if all of the following apply:
 - (i) The purchaser of the affordable unit is a *targeted ownership household* approved by the San Diego Housing Commission;
 - (ii) The sales price does not exceed an amount that is affordable to a *targeted ownership household* as determined by the San Diego Housing Commission; and
 - (iii) The purchaser assumes all of the obligations of the initial *targeted ownership household*.
- (4) All funds collected shall be deposited into the Affordable Housing Fund.
- (5) The San Diego Housing Commission shall be entitled to the first right of refusal on any for-sale affordable unit upon its sale.
- (6) Each for-sale affordable housing unit shall have recorded against it a Declaration of Covenants, Conditions and Restrictions that complies with Section 142.1310. The Declaration of Covenants, Conditions and Restrictions shall be secured by a recorded deed of trust in favor of the San Diego Housing Commission.

Table 142-13A

Length of Ownership at the Time of Resale	Share of Equity to Household
Months 0-12	15%
Year 2	21
Year 3	27
Year 4	33
Year 5	39
Year 6	45
Year 7	51
Year 8	57
Year 9	63
Year 10	69
Year 11	75
Year 12	81
Year 13	87
Year 14	93
Year 15 or after	100%

*(Added 6-3-2003 by O-19189 N.S.)
(Amended 8-15-2006 by O-19530 N.S.; effective 9-14-2006.)
(Remembered from former Section 142.1309, retitled to "Election to Provide For-Sale Affordable Housing Units in a For-Sale Development" and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)*

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

§ 142.1306 Inclusionary Affordable Housing Obligations for *Condominium Conversions*

- (a) All *condominium conversion developments* subject to this Division shall pay a Condominium Conversion Inclusionary Affordable Housing Fee to the City.
- (1) The Condominium Conversion Inclusionary Affordable Housing Fee shall be one-half of the Inclusionary Affordable Housing Fee, calculated pursuant to Section 142.1304 and the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.
 - (2) The Condominium Conversion Inclusionary Affordable Housing Fee shall be paid at the close of escrow of the first condominium sold within the *development*. The Condominium Conversion Inclusionary Affordable Housing Fee shall be calculated using the rate in effect at the close of escrow of the first condominium sold within the *development*. The *applicant* and the San Diego Housing Commission shall enter into a written agreement securing payment of the Condominium Conversion Inclusionary Affordable Housing Fee, which shall be recorded against the *development* and secured by a recorded deed of trust in favor of the San Diego Housing Commission. The San Diego Housing Commission shall collect all Condominium Conversion Inclusionary Affordable Housing Fees at the close of escrow of the first condominium sold within the *development*.
 - (3) Any *applicant* may pre-pay the Condominium Conversion Inclusionary Affordable Housing Fee, which shall be calculated using the rate in effect on the date of pre-payment. All pre-paid fees shall be collected by the City.
 - (4) All funds collected shall be deposited into the Affordable Housing Fund.
- (b) Instead of paying the applicable Condominium Conversion Inclusionary Affordable Housing Fee, an *applicant* for a *condominium conversion development* subject to this Division may elect to comply with this Division by providing at least five percent of the total *dwelling units* in the *development* as affordable to and occupied by *targeted ownership households* subject to Section 142.1305 and the Inclusionary Affordable Housing Implementation Procedures Manual.

- (c) This Division is not applicable to *condominium conversion developments* that meet all of the following:
- (1) All of the *dwelling units* in the *condominium conversion development* are initially affordable to and sold to households earning at or below eighty percent of the area median income; and
 - (2) The *applicant* executes a declaration under penalty of perjury that the *dwelling units* satisfy the condition set forth in Section 142.1306(c)(1) above.

In the event that the San Diego Housing Commission determines the *dwelling units* do not satisfying the conditions set forth in Sections 142.1306(c)(1) and (c)(2) above, then, upon such discovery, the San Diego Housing Commission shall require the *applicant* to pay the applicable Condominium Conversion Inclusionary Affordable Housing Fee in effect at the close of escrow of the first condominium sold within the *development*.

(Amended 3-8-2004 by O-19267 N.S.)
(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)
("Inclusionary Affordable Housing Obligations for Condominium Conversions"
added 11-21-2011 by O-20107 N.S.; effective 12-21-2011. Former Section 142.1306 repealed.)

§ 142.1307 Variance, Waiver, Adjustment or Reduction of Inclusionary Affordable Housing Regulations

- (a) A variance, adjustment, or reduction from the provisions of this Division may be requested and decided in accordance with Process Four. A waiver from the provisions of this Division may be requested and decided in accordance with Process Five. Any variance, waiver, adjustment or reduction shall require either that the findings in Section 142.1308(a) or in Section 142.1308(b) be made.
- (b) An application for a variance, waiver, adjustment, or reduction shall be filed in accordance with Section 112.0102 and shall include financial and other information that the City Manager determines is necessary to perform an independent evaluation of the *applicant's* basis for the variance, waiver, adjustment, or reduction.

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- (c) A *development* located within an adopted redevelopment project area and subject to a Redevelopment Agency agreement may seek a variance, waiver, adjustment, or reduction from the requirements of this Division, upon an express finding that the *development* is fulfilling a stated significant objective(s) of the Redevelopment Agency's approved Five Year Redevelopment Plan for the Redevelopment Project Area. The variance, adjustment, or reduction request shall be reviewed in accordance with Process Four. Waiver requests shall be reviewed in accordance with Process Five.

(Added 6-3-2003 by O-19189 N.S.)

(Renumbered from former Section 142.1304, retitled to "Variance, Waiver, Adjustment or Reduction of Inclusionary Affordable Housing Regulations" and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

§ 142.1308 Findings for Variance, Waiver, Adjustment or Reduction Approval

- (a) The decision maker may approve or conditionally approve an application for a variance, waiver, adjustment, or reduction of the applicability of the provisions of this Division only if the decision maker makes all of the following *findings*:
- (1) Special circumstances, unique to that *development*, justify granting the variance, waiver, adjustment, or reduction;
 - (2) The *development* would not be feasible without the modification;
 - (3) A specific and substantial financial hardship would occur if the variance, waiver, adjustment, or reduction were not granted; and
 - (4) No alternative means of compliance are available which would be more effective in attaining the purposes of this Division than the relief requested.
- (b) The decision maker may approve or conditionally approve an application for a variance, waiver, adjustment, or reduction to the provisions of this Division if the decision maker makes a finding that there is an absence of any reasonable relationship or nexus between the impact of the *development* and the amount of the Inclusionary Affordable Housing Fee, the Condominium Conversion Inclusionary Affordable Housing Fee, or the inclusionary requirement.

- (c) For a *development* that proposes to provide affordable housing on a site different from the proposed project site and outside the community planning area, the decision maker may approve or conditionally approve a variance to the Inclusionary Affordable Housing Regulations only if the decision maker makes the following supplemental *findings*:
 - (1) The portion of the proposed *development* outside of the community planning area will assist in meeting the goal of providing economically balanced communities; and
 - (2) The portion of the proposed *development* outside of the community planning area will assist in meeting the goal of providing transit-oriented *development*.

*(Added 6-3-2003 by O-19189 N.S.)
(Renumbered from former Section 142.1305, retitled to "Findings for Variance, Waiver, Adjustment or Reduction Approval" and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011. Former Section 142.1308 repealed.)*

§ 142.1309 General Rules for Inclusionary Affordable Housing Regulations

- (a) The Chief Executive Officer of the San Diego Housing Commission shall be responsible for determining affordability standards and occupant qualifications for any affordable units provided pursuant to this Division. The San Diego Housing Commission shall also monitor compliance with any documentation created as a result of an *applicant's* compliance with this Division.
- (b) The San Diego Housing Commission shall determine the reasonable fee to be paid by the *applicant* for the costs incurred by the San Diego Housing Commission in connection with implementation of this Division.

*(Added 6-3-2003 by O-19189 N.S.)
(Renumbered from former Section 142.1307, retitled to "General Rules for Inclusionary Affordable Housing Regulations" and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)*

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§ 142.1310 Declaration of Covenants, Conditions and Restrictions

All *development* of affordable units pursuant to 142.1305 or Section 142.1306(b) shall be subject to the following requirements, in addition to those in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

- (a) The applicable portion of the *development* shall have recorded against it a Declaration of Covenants, Conditions and Restrictions approved by and in favor of the San Diego Housing Commission.
- (b) Any Declaration of Covenants, Conditions and Restrictions required by this Division shall enjoy first lien position and shall be secured by a deed of trust in favor of the San Diego Housing Commission recorded against the *development* or unit, as applicable, prior to construction or permanent financing.

(Added 6-3-2003 by O-19189 N.S.)

(Amended 8-15-2006 by O-19530 N.S.; effective 9-14-2006.)

(Renumbered from former Section 142.1311, and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

§ 142.1311 Reporting Requirements

- (a) The San Diego Housing Commission shall annually report to the City Council and the Housing Authority of the City of San Diego on the results of implementing this Division including, but not limited to, the following:
 - (1) The number of *applicants* and location of *developments* that came before the City for ministerial or discretionary approval and the number of *applicants* and location of *developments* that were subject to the requirements of this Division;
 - (2) The number of *applicants* and location of *developments* that applied for a waiver, variance, reduction, or adjustment in accordance with this Division, and the number of *applicants* and location of *developments* that were granted a waiver, variance, reduction, or adjustment and the terms of each; and
 - (3) The number of market rate units and the number of affordable units, including the location of all affordable units, and the total Inclusionary Affordable Housing Fees and Condominium Conversion Inclusionary Affordable Housing Fees paid.

(Added 6-3-2003 by O-19189 N.S.)

(Renumbered from former Section 142.1312, and amended 11-21-2011 by O-20107 N.S.; effective 12-21-2011.)

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Article 3: Supplemental Development Regulations
(Added 12-9-1997 by O-18451 N.S.)

Division 1: Environmentally Sensitive Lands Regulations
(Added 12-9-1997 by O-18451 N.S.)

§143.0101 Purpose of Environmentally Sensitive Lands Regulations

The purpose of these regulations is to protect, preserve and, where damaged restore, the *environmentally sensitive lands* of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that *development*, including, but not limited to *coastal development* in the Coastal Overlay Zone, 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 the shoreline, and reduces hazards due to *flooding* in specific areas while minimizing the need for construction of *flood* control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

It is further intended for the Development Regulations for Environmentally Sensitive Lands and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards will also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. The habitat based level of protection which will result through implementation of the Multiple Habitat Planning Area is intended to meet the mitigation obligations of the Covered Species addressed. In certain circumstances, this level of protection may satisfy mitigation obligations for other species not covered under the Multiple Species Conservation Program but determined to be sensitive pursuant to the CEQA review process. This determination will be addressed in the environmental documentation.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)

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§143.0110 When Environmentally Sensitive Lands Regulations Apply

This Division applies to all proposed *development* when *environmentally sensitive lands* are present on the *premises*.

- (a) Where any portion of the *premises* contains any of the following *environmentally sensitive lands*, this division shall apply to the entire *premises*, unless otherwise provided in this division:
 - (1) *Sensitive biological resources*;
 - (2) *Steep hillsides*;
 - (3) *Coastal beaches* (including V zones);
 - (4) *Sensitive coastal bluffs*; and
 - (5) *Special Flood Hazard Areas* (except V zones).
- (b) Table 143-01A identifies the appropriate development regulations, the required decision process, and the permitted uses applicable to various types of *development* proposals that propose to encroach into *environmentally sensitive lands* or that do not qualify for an exemption pursuant to Section 143.0110(c).
 - (1) A Neighborhood Development Permit or Site Development Permit is required for all types of *development* proposals listed, in accordance with the indicated decision process. If *coastal development* is proposed in the Coastal Overlay Zone, a Coastal Development Permit is required in accordance with Section 126.0702.
 - (2) All types of *development* proposals are subject to Section 143.0140.
 - (3) Any *development* proposal that proposes to encroach into more than one type of *environmentally sensitive lands* is subject to all of the development regulations sections for each type of *environmentally sensitive lands* present. The applicable decision process is the higher process number indicated.
 - (4) Any *development* proposal on a site containing *environmentally sensitive lands* may be exempt from the permit requirements of this division if no *encroachment* into the *environmentally sensitive lands* is proposed and the *development* complies with Section 143.0110(c). Within the Coastal Overlay Zone, a Coastal Development Permit is required for all *coastal development* and the regulations of this division shall apply.
 - (5) Limited exceptions to the applicable development regulations for specific types of *development* are listed in Section 143.0111.

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Table 143-01A

Applicability of Environmentally Sensitive Lands Regulations

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal		<i>Wetlands, listed species habitat⁽³⁾</i>	<i>Other Sensitive Biological Resources other than Wetlands and listed species habitat</i>	<i>Steep Hillsides</i>	<i>Sensitive Coastal Bluffs and Coastal Beaches</i>	Floodplains
1. <i>Single dwelling units on individual lots equal to or less than 15,000 square feet⁽²⁾</i>	R	143.0141(a),(b)	143.0141	143.0142 except (a) ⁽⁶⁾	143.0143, 143.0144	143.0145 143.0146
	P	NDP/ Process Two	NDP/ Process Two	NDP/ Process Two	SDP/ Process Three	NDP/ Process Two
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
2. <i>Single dwelling units on lots or multiple lots totaling more than 15,000 square feet</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
3. <i>Multiple dwelling unit and non-residential development and public works projects</i>	R	143.0141(a),(b)	143.0141	143.0142	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three	SDP/ Process Three
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)
4. <i>Any subdivision of a premises</i>	R	143.0141(a),(b)	143.0141	143.0142 ⁽⁶⁾	143.0143, 143.0144	143.0145 143.0146
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)	--	--	143.0130 (a), (b)	143.0130 (c)
5. <i>Project-specific land use plans</i>	R	143.0141(a),(b), 143.0115	143.0141, 143.0115	143.0142, 143.0115	143.0143, 143.0144, 143.0115	143.0115, 143.0145 143.0146
	P	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five	SDP/ Process Four/Five	SDP/Process Four/Five
	U	143.0130(d),(e)	--	--	143.0130(a), (b)	143.0130(c)

<i>Environmentally Sensitive Lands Potentially Impacted by Project</i>						
Type of Development Proposal	Wetlands, listed species habitat ⁽³⁾	Other Sensitive Biological Resources other than Wetlands and listed species habitat	Steep Hillides	Sensitive Coastal Bluffs and Coastal Beaches	Floodplains	
6. Any development that proposes deviations from any portion of the <i>Environmentally Sensitive Lands Regulations</i> , except <i>capital improvement program projects</i>	R	143.0141(a),(b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four	SDP/ Process Four
	U	143.0130(d),(e)-	--	--	143.0130(a), (b)	143.0130(c)
7. Development other than <i>single dwelling units</i> on individual <i>lots</i> , that proposes alternative compliance for development area in <i>steep hillides</i> .	R	--	--	143.0142 except (a), 143.0151	--	--
	P	--	--	SDP/ Process Four	--	--
	U	--	--	--	--	--
8. Any <i>capital improvement program project</i> determined to be in compliance with the <i>Environmentally Sensitive Lands Regulations</i> without deviation	R	143.0141(a), (b)	143.0141	143.0142	143.0143, 143.0144	143.0145, 143.0146
	P	SDP/ Process CIP-Two	SDP/ Process CIP-Two	SDP/ Process CIP-Two	SDP/ Process CIP-Two	SDP/ Process CIP-Two
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)
9. Any <i>capital improvement program project</i> that deviates from the <i>Environmentally Sensitive Lands Regulations</i>	R	143.0141(a), (b), 143.0150	143.0141, 143.0150	143.0142, 143.0150 ⁽⁴⁾	143.0143, 143.0144, 143.0150	143.0145, 143.0146, 143.0150
	P	SDP/ Process CIP-Five	SDP/ Process CIP-Five	SDP/ Process CIP-Five	SDP/ Process CIP-Five	SDP/ Process CIP-Five
	U	143.0130(d), (e)	--	--	143.0130(a), (b)	143.0130(c)

Legend to Table 143-01A	
R	Development regulation sections (in addition to Section 143.0140) applicable to the <i>environmentally sensitive lands</i> present.
P	Type of Permit/Decision process required. Neighborhood Development Permit (NDP) Site Development Permit (SDP)
U	Regulations that identify permitted uses when they are different than the applicable zone due to the <i>environmentally sensitive lands</i> present.

Footnotes to Table 143-01A

- ¹ State and federal laws and regulations regulate adverse impacts to *wetlands* and listed species habitat. The City does not have incidental take authorization for listed species within federal jurisdictional waters.
- ² This includes the *development* of one or more *lots* as long as the total area of the *lots* does not exceed 15,000 feet and the *lots* were not joined in ownership to any contiguous *lot* or parcel on or before the adoption date of this division so that the total area of contiguous ownership exceeded 15,000 square feet.
- ³ Outside the Coastal Overlay Zone, *subdivision* of a *premises* less than 15,000 square feet (for *single dwelling unit development*) is not subject to Section 143.0142(a).
- ⁴ *Development* other than a *single dwelling unit* on an individual *lot* may use alternative compliance for development area in *steep hillsides* that does not comply with Section 143.0142(a).
- ⁵ Within the Coastal Overlay Zone, *single dwelling units* on individual *lots* equal to or less than 15,000 square feet are subject to Section 143.0142(a).

- c) A Neighborhood Development Permit or Site Development Permit is not required for the following *development* activity:
 - (1) *Development* on a *premises* containing *environmentally sensitive lands* that is limited to interior modifications or repairs, or any exterior repairs, alterations or maintenance that does not increase the footprint of an existing building or *accessory structure*, and will not encroach into the *environmentally sensitive lands* during or after construction.
 - (2) Outside of the Coastal Overlay Zone, *development* on a *premises* containing *environmentally sensitive lands* where the *development*:
 - (A) Would not encroach into *environmentally sensitive lands* during or after construction;

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- (B) Would not expand brush management Zone One into *environmentally sensitive lands*;
 - (C) Would comply with the *MHPA* adjacency guidelines as applicable;
 - (D) Would maintain a minimum 40 foot *setback* from the *coastal bluff edge* of a *sensitive coastal bluff*, and
 - (E) Would either:
 - (i) Maintain at least a 100 feet separation distance from *sensitive biological resources* and at least a 40 feet separation distance from the top of slope of *steep hillsides*; or
 - (ii) Locate *development* in a legally graded or developed portion of the *premises* separated from *environmentally sensitive lands* by an existing *fence* or other physical barrier.
- (3) Outside the Coastal Overlay Zone, minor improvements to existing *structures* on *steep hillsides*, subject to all of the following applicable requirements:
- (A) *Clearing* and *grubbing* shall not exceed 100 square feet per acre.
 - (B) *Excavation* for foundations or pilings shall total less than 10 cubic yards.
 - (C) The proposed improvements do not *encroach* into *sensitive biological resources*.
 - (D) One story *structures* supported by pilings or pillars may be located on *steep hillsides* provided that the total of all *encroachments* into the *steep hillsides* area does not exceed 5 percent of the total *floor* area of the building or *structure*.
 - (E) Residential decks up to 500 square feet may be located on *steep hillsides* provided that the deck is attached to the building or *structure* and does not exceed 12 feet in elevation above the *existing grade* at any point.
- (4) *Development* activity that is limited to permissible *grading* for the preparation of a site for cultivation of crops and where *grading* for agriculture purposes has occurred in compliance with all legal requirements within the previous 3 years.

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- (5) Outside the Coastal Overlay Zone, city public works projects for which plans, specifications, or funding have been approved by the City Council or the City Manager before July 1, 1991.
- (6) Outside the Coastal Overlay Zone, restoration projects where the sole purpose is enhancement or restoration of native habitats.
- (7) Except for brush management in *wetlands* in accordance with Section 142.0412(a)(3), Zone Two brush management activity if the brush management complies with the landscape regulations in Chapter 14, Article 2, Division 4 (Landscape Regulations) and the Biology Guidelines.
- (8) Site reconnaissance and testing for proposed projects, provided that:
 - (A) Any direct or indirect effects on *sensitive biological resources* are addressed in accordance with the Biology Guidelines of the Land Development Manual.
 - (B) Any subsurface explorations for *historical resources* are conducted in conformance with the Historical Resources Guidelines of the Land Development Manual.
 - (C) A bond consistent with Section 129.0119 has been submitted for revegetation of disturbed areas.
- (9) *Development in a Special Flood Hazard Area* that is permitted in accordance with the underlying base zone and complies with the regulations in Sections 143.0145 and 143.0146.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)
(Amended 11-28-2005 by O-19445 N.S. effective 1-12-06.)
(Amended 9-19-2005 by O-19413 N.S.; effective 10-19-2005.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 5-7-2012 by O-20161 N.S.; effective 6-6-2012.)
(Amended 8-30-2013 by O-20293 N.S.; effective 10-10-2013.)
(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)

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§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.1005 and restoration of the on-site landform to a natural-appearing condition is required.
- (b) Brush management activity is exempt from all *steep hillside* development regulations in Section 143.0142 if the brush management is the minimum necessary to comply with City fire codes and no *grading* occurs in the brush management area. Within the Coastal Overlay Zone, all brush management within 30 feet of a primary *structure* shall be subject to the Steep Hillside Regulations for development within the Coastal Overlay Zone pursuant to Section 143.0142(a)(4).
- (c) Erosion control measures are exempt from the *steep hillside* development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing primary *structures* or *public improvements*.
- (d) Outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).
- (e) *Development* in the OF zone or within any *Special Flood Hazard Area* (formerly the FW, FC, and FPF zones) in the Mission Valley Community Plan area, is subject only to the Federal Emergency Management Agency Special Regulations in Section 143.0146.
- (f) *Development* in the Calle Cristobal Assessment District area and outside the Coastal Overlay Zone is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (h).
- (g) *Development* in the Miramar Ranch North Community Plan area and the 70 acre high *school* project in Scripps Ranch is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (h).
- (h) *Development* of the 178 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986, is subject only to the *steep hillside* development regulations in Section 143.0142(b) through (g).

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- (i) Public linear trail and public maintenance access projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for *steep hillsides* in Section 143.0142(a) and for *sensitive biological resources* in Section 143.0141(d).

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 12-1-2016 by O-20752 N.S.; effective 12-31-2016.)

[Editors Note: Amendments as adopted by O-20752 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20752-SO.pdf

§143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development on Environmentally Sensitive Lands

It is unlawful to begin *development* on a *premises* that contains *environmentally sensitive lands* without submitting required documentation and obtaining the applicable *development permit*, or an exemption as required pursuant to this division. If unlawful *development* occurs on property containing *environmentally sensitive lands* and an enforcement action has been commenced by the City pursuant to Section 143.0160, a *development permit* application shall not be processed for the *premises* until the enforcement action has been concluded, or the City Manager determines a *development permit* is necessary to resolve the enforcement action.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf]

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§143.0113 Determination of Location of Environmentally Sensitive Lands, Applicability of Division and Decision Process

- (a) In connection with any permit application for *development* on a parcel, the *applicant* shall provide the information used to determine the existence and location of *environmentally sensitive lands* in accordance with Section 112.0102(b).
- (b) Based on a project-specific analysis and the best scientific information available, the City Manager shall determine the existence and precise location of *environmentally sensitive lands* on the *premises*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0115 Procedures and Regulations for Project-Specific Land Use Plans

- (a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project-specific *land use plan* is subject to the *Local Coastal Program* amendment process.
- (b) Where a Site Development Permit is requested concurrently with the processing of a project-specific *land use plan*, the proposed *development* is subject to the following regulations. However, where a Coastal Development Permit is required, the project must conform to the *Local Coastal Program*, as certified by the Coastal Commission.
 - (1) The boundaries of the Site Development Permit will be the boundaries of the project-specific *land use plan*, including all individual interior *lots* within the plan area.
 - (2) A decision on a Site Development Permit processed concurrently with a project-specific *land use plan* will be made in accordance with Process Five.

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- (3) The *environmentally sensitive lands* regulations applicable to the Site Development Permit will be determined in accordance with Table 143-01A. Sufficient information must be submitted for the entire plan area in order to evaluate potential impacts to *environmentally sensitive lands*. Any deviations proposed, other than as permitted in Section 143.0115(b)(4), are subject to Section 143.0150.
- (4) For individual *lots* outside the *MHPA*, the development area regulations for *steep hillsides* in Section 143.0142(a) may be varied provided the regulations are complied with comprehensively for the entire plan area.
- (5) The *applicant* shall prepare a *development* suitability analysis to evaluate the proposed *development* of the entire plan area and its relationship to the *environmentally sensitive lands* regulations as well as other factors such as *historical resources*, visual resources, public facilities needs, public safety issues, and adjacent land uses. The constraints and opportunities identified shall be used to determine the portions of the plan area that are most suitable for *development* and those that should be preserved as open space. Overall *development* within the plan area, including public facilities and circulation elements, shall be located to minimize impacts to *environmentally sensitive lands*, in accordance with this division and the associated guidelines in the Land Development Manual.
- (6) The project-specific *land use plan* shall include a summary of the allowable development area and any required mitigation for each parcel. If the project-specific *land use plan* contains *MHPA* lands, mitigation for impacts to *sensitive biological resources* should be directed toward acquisition of *MHPA* lands within the city boundaries and preferably within the same plan area.
- (7) Subsequent *development* proposals within the Site Development Permit area will be reviewed in accordance with the *substantial conformance* procedures. If the *development* is determined to be in conformance with the Site Development Permit and any required mitigation is provided, an amendment to the Site Development Permit will not be required. If the proposed *development* is not in conformance with the approved project-specific *land use plan*, an amendment to the Site Development Permit will be required for the *development* in addition to an amendment to the approved project-specific *land use plan*.

- (8) Any *coastal development* requiring a Coastal Development Permit must conform to the regulations in the certified *Local Coastal Program*. In case of conflict with the provisions of Section 143.0115(b)(1)-(7), the coastal development regulations apply.
- (c) Where a Site Development Permit is not requested concurrently with the processing of a project-specific *land use plan*, the proposed plan and subsequent Site Development Permits and/or Coastal Development Permits are subject to the following regulations.
- (1) The *applicant* shall prepare a *development* suitability analysis that evaluates the proposed *development* of the entire plan area and its relationship to the *environmentally sensitive lands* regulations as well as other factors such as *historical resources*, visual resources, public facilities needs, public safety issues, and adjacent land uses. The constraints and opportunities identified shall be used to determine the portions of the plan area that are most suitable for *development* and those that should be preserved as open space. Overall *development* within the plan area, including public facilities and circulation elements, shall be located to minimize impacts to *environmentally sensitive lands*, in accordance with this division and the associated guidelines in the Land Development Manual.
- (2) The project-specific *land use plan* shall indicate how subsequent *developments* within the plan area will comply with the *environmentally sensitive lands* regulations and the associated guidelines in the Land Development Manual. Where any deviation from this division is proposed for the plan area or on an *premises*, a description of the deviation shall be provided along with a statement of how the deviation benefits the overall design of the entire plan area. Deviations may be approved only under the following conditions:
- (A) When there are no feasible measures that can further minimize the potential adverse effects on *environmentally sensitive lands* and when the deviation is the minimum necessary to afford relief and accommodate the *development*; and
- (B) When there are special circumstances or conditions applying to the plan area that are peculiar to the land and not of the applicant's making, whereby strict application of the provisions of the *environmentally sensitive lands* regulations would deprive a property owner of reasonable use of his or her land and would result in a less desirable project-specific *land use plan*.

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- (3) The development area regulations for *steep hillsides* in Section 143.0142(a) may be varied for individual *lots* outside the *MHPA* provided the intent of these regulations is complied with comprehensively for the entire plan area.
- (4) The project-specific *land use plan* shall acknowledge that any privately owned property that is designated entirely as open space could be proposed for *development* in accordance with the base zone. This possibility shall be taken into consideration when analyzing the total potential development area within the plan area.
- (5) The project-specific *land use plan* shall include an implementation strategy for acquisition of those parcels designated as open space. If the project-specific *land use plan* contains *MHPA* lands, mitigation for impacts to *sensitive biological resources* should be directed toward acquisition of *MHPA* lands within the City boundaries and preferably within the same plan area.
- (6) After approval of the project-specific *land use plan*, a Site Development Permit shall be required for all proposed individual *developments* within the plan area and shall be reviewed in accordance with Process Four. Additional information pertaining to *environmentally sensitive lands* may be required in order to conduct a detailed analysis of the specific *development* proposal. Approval of the individual Site Development Permits will require conformance with the approved project-specific *land use plan* and any required mitigation shall be provided. Deviation *findings* will not be required if the proposed *development* is consistent with the approved project-specific *land use plan*. If a proposed *development* is not in conformance with the approved project-specific *land use plan*, approval of a Site Development Permit requires compliance with all of the *environmentally sensitive lands* regulations.
- (7) Conformance with the *environmentally sensitive lands* regulations and associated guidelines in the Land Development Manual is required for all *environmentally sensitive lands* impacts not addressed by the approved project-specific *land use plan*.
- (8) Any *coastal development* requiring a Coastal Development Permit must conform to the regulations in the certified *Local Coastal Program*. In case of conflict with the provisions of Section 143.0115(c)(1)-(7), the coastal development regulations apply.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

(Amended 5-7-2012 by O-20161 N.S.; effective 6-6-2012.)

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EDITORS NOTE: The Land Development Manual includes:

- Coastal Bluffs and Beaches Guidelines
- Biology Guidelines
- Historical Resources Guidelines
- Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-307377 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§143.0126 Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands

Whenever *development* activity within *environmentally sensitive lands* is deemed necessary by order of the City Manager to protect the public health or safety, the City Manager may authorize, without a public hearing, the minimum amount of impact necessary to protect the public health or safety, subject to the following:

- (a) Application. When an emergency exists, an *applicant* may use the procedures of this section instead of the standard application and decision procedures for a Site Development Permit. The *applicant* may apply for an emergency Site Development Permit in person, by letter to the City Manager, or by telephone.
- (b) Contents of Application. The application for an emergency Site Development Permit shall include the following information:
 - (1) The nature of the emergency;
 - (2) The cause of the emergency;
 - (3) The location of the emergency;
 - (4) The remedial, protective, or preventive work required to deal with the emergency;
 - (5) The circumstances during the emergency that justify the course of action taken or to be taken, including the probable consequences of failing to take emergency action; and
 - (6) Identification of options for addressing the emergency, including the least environmentally damaging alternative.

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- (c) Verification. The City Manager shall verify the facts, including the existence and nature of the emergency, to the extent that time allows.
- (d) Decision on Permit. A decision to approve, conditionally approve, or deny an emergency Site Development Permit shall be made by the City Manager.
- (e) *Findings*. An emergency Site Development Permit may be approved or conditionally approved only if the City Manager makes the following *findings*:
 - (1) An emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Site Development Permit and the *development* can and will be completed within 30 days unless otherwise specified in the permit; and
 - (2) Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible.
- (f) Conditions. The City Manager may approve an emergency Site Development Permit with conditions, including an expiration date for any work authorized by the City Manager.
 - (1) All emergency Site Development Permits shall authorize only the minimum *development* necessary to stabilize the emergency.
 - (2) If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored in a timely manner to their natural state, to the satisfaction of the City Manager. Restoration shall be in accordance with a restoration plan that conforms with the Biology Guidelines and is approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work and work on the approved restoration plan shall be initiated within 90 days of project completion or prior to the beginning of the next rainy season, whichever is greater.
 - (3) If the emergency work results in permanent impacts to *environmentally sensitive lands*, a subsequent Neighborhood Development Permit or Site Development Permit is required through the regular process in accordance with all regulations of this Division. The application for the Neighborhood Development Permit or Site Development Permit shall be submitted within 60 days of completion of the emergency work.

- (g) Within the Coastal Overlay Zone, a Coastal Development Permit is required for any emergency *coastal development* in accordance with Section 126.0718.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Retitled from "Emergency Authorization to Impact Environmentally Sensitive Lands" to "Procedures for Emergency Authorization to Impact Environmentally Sensitive Lands" and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§143.0130 Uses Allowed Within Environmentally Sensitive Lands

Allowed uses within *environmentally sensitive lands* are those allowed in the applicable zone, except where limited by this section.

- (a) *Sensitive Coastal Bluff Areas*. Permitted uses and activities in *sensitive coastal bluff areas*, as indicated on Map Drawing No. C-713, are limited to the following:

- (1) *Single Dwelling Units* together with *accessory structures* and landscape features incidental to residential uses;
- (2) Bicycle storage facilities;
- (3) Public comfort stations;
- (4) Public pergolas and gazebos;
- (5) Public parking lots;
- (6) Public seating benches;
- (7) *Open fences* and walls for public safety, provided they do not interfere with existing or designated public or visual access ways;
- (8) Safety and public information *signs*;
- (9) Public stairways, ramps, and other physical beach access facilities, as identified within an applicable land use plan;
- (10) Essential public walkways leading to permitted beach access facilities;
- (11) Essential public drainage facilities; and
- (12) Bluff repair and erosion control measures, when necessary to protect existing *primary structures* and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

- (b) *Coastal Beach Areas*. Permitted uses and activities in *coastal beach areas*, as identified on Map Drawing No. C-713, are limited to the following:

- (1) Lifeguard towers and stations and associated life and security facilities;

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- (2) Public comfort stations;
 - (3) Public piers;
 - (4) Safety and public information *signs*;
 - (5) Shoreline protective works when necessary to prevent bluff and beach erosion and to protect coastal dependent uses, public beach roadways, or existing primary *structures* in danger from wave action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
 - (6) Public stairways, ramps, and other physical access *structures*, as proposed within an applicable land use plan; and
 - (7) Public recreational equipment.
- (c) *Floodways*. Uses permitted within the *floodway* portion of a *Special Flood Hazard Area* are those allowed by the OF zone, as indicated in Table 131-02B.
- (d) *Wetlands* in the Coastal Overlay Zone. Uses permitted in *wetlands* shall be limited to the following:
- (1) Aquaculture, *wetlands*-related scientific research and *wetlands*-related educational uses;
 - (2) Wetland restoration projects where the primary purpose is restoration of the habitat;
 - (3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.
- (e) *Wetland Buffer Areas* in the Coastal Overlay Zone. Permitted uses in *wetland buffer* areas shall be limited to the following:
- (1) Public Access paths;
 - (2) Fences;
 - (3) Restoration and enhancement activities; and
 - (4) Other improvements necessary to protect *wetlands*.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§143.0140 General Development Regulations for all Environmentally Sensitive Lands

Development that proposes *encroachment* into *environmentally sensitive lands* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations.

- (a) *Environmentally sensitive lands* that are outside of the allowable development area on a *premises* shall be left in a natural state and used only for those passive activities allowed as a condition of permit approval. The landowner may elect to offer to dedicate in fee the undeveloped remainder portion of the *premises* to the City to relieve the land owner of management and liability obligations associated with that portion of the *premises*. Otherwise, the passive activities allowed on the undeveloped remainder of the *premises* and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152.
- (b) The allowable development area for all proposed *subdivisions* is based on the existing *lot* or *premises* to be subdivided. If no *development* is proposed on any newly created *lot*, the future development area of the *lot* shall be indicated on the required *grading* plan and included in the maximum allowable development area calculation for the *subdivision*.
- (c) No building *lot* shall be created that provides such a small development area that future reasonable *development* of the *lot* will require additional *encroachment* into *environmentally sensitive lands* beyond the maximum allowable development area of the original, unsubdivided *premises*. If additional development area is proposed for a *lot* that would exceed the maximum allowable development area of the original, unsubdivided *premises*, a deviation in accordance with Section 143.0150 is required, regardless of the *lot* size and the existing development area of the individual *lot*.
- (d) No temporary disturbance or storage of material or equipment is permitted in *environmentally sensitive lands*, unless the disturbance or storage occurs within an area approved for *development* by a Site Development Permit or unless it can be demonstrated that the disturbance or storage will not alter the landform or cause permanent habitat loss and the land will be revegetated and restored in accordance with the Biology Guidelines in the Land Development Manual.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 5-7-2012 by O-20161 N.S.; effective 6-6-2012.)

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EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines
Biology Guidelines
Historical Resources Guidelines
Submittal Requirements for Deviations within the Coastal Overlay Zone
See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-307377 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§143.0141 Development Regulations for Sensitive Biological Resources

Development that proposes *encroachment* into *sensitive biological resources* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) General Regulations for *Sensitive Biological Resources*

(1) All *development* occurring in *sensitive biological resources* is subject to a site-specific impact analysis conducted by a qualified Biologist, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to *sensitive biological resources* and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include any of the following, as appropriate to the nature and extent of the impact:

(A) Dedication in fee title to the City of San Diego; or

(B) Dedication of a covenant of easement in favor of the City of San Diego, the California Department of Fish and Game and the U.S. Fish and Wildlife Service for either:

(i) an off-site location with long-term viability and biological values equal to or greater than the impacted site, and with limited right of entry for habitat management, as necessary; or

- (ii) on-site creation of new habitat, or enhancement of existing degraded habitat, with limited right of entry for habitat management, as necessary. The location of the easement must have long-term viability and biological values equal to or greater than the impacted site.
 - (C) If the area of impact is small, monetary payment of compensation into a fund may be accepted in lieu of other forms of mitigation. The City shall use the fund to acquire, maintain and administer habitat areas pursuant to City Council Resolution No. R-275129, adopted February 12, 1990. Where appropriate, the City Manager is authorized to enter into agreements with public agencies or private non-profit conservancies or foundations to administer the funds and acquire or maintain habitat preservation areas.
- (2) *Grading* during wildlife breeding seasons shall be consistent with the requirements of the *MSCP Subarea Plan*.
 - (3) *Sensitive biological resources* that are outside of the allowable development area on a *premises*, or are acquired as off-site mitigation as a condition of permit issuance, are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval. If the land is not dedicated in fee to the City, identification of permissible passive activities and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in section 143.0152. The U.S. Fish and Wildlife Service and the California Department of Fish and Game are to be named as third party beneficiaries to any covenant of easement recorded pursuant to this section.
 - (4) Inside and adjacent to the *MHPA*, all *development* proposals shall be consistent with the *MSCP Subarea Plan*.
 - (5) Projects Located Inside the *MHPA*
 - (A) *Development* is permitted only in accordance with the regulations set forth in the OR-1-2 zone, pursuant to section 131.0250(b), unless exempted from the development area regulations pursuant to section 143.0111.

- (B) Any change of an agricultural use to a non-agricultural use is subject to the development area regulations of section 143.0141(a)(5)(A). Existing agricultural operations that exceed the allowable development area may remain as agricultural use only and do not count as part of the allowable development area.
- (6) Projects Located Outside of the *MHPA*
 - (A) *Development* of lands that are designated as open space in the applicable *land use plan* and zoned OR-1-1 is permitted only if necessary to achieve the allowable development area, in accordance with section 131.0250(a).
 - (B) *Encroachment* into *sensitive biological resources* is not limited, except as set forth in section 143.0141 (a)(6)(A) and 143.0141(b).
- (7) Narrow Endemic Species

Inside the *MHPA*, *development* shall avoid impacts to narrow endemic species. Outside the *MHPA*, measures for protection of narrow endemic species shall be required such as management enhancement, restoration and/or transplantation. A list of narrow endemic species is included in the Biology Guidelines in the Land Development Manual.
- (b) Wetland Regulations
 - (1) State and federal law regulates adverse impacts to *wetlands* and listed species habitat. The *applicant* shall confer, when applicable, with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the *development* proposal.
 - (2) The applicant shall solicit input from U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat.
 - (3) The applicant shall, to the maximum extent feasible, incorporate U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game recommendations into the *development* proposal prior to the first public hearing.

- (4) *Construction permits* shall not be issued for any project that impacts *wetlands* or listed species habitat until all necessary federal and state permits have been obtained.
- (5) 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 *wetlands*. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in this section.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 5-7-2012 by O-20161 N.S.; effective 6-6-2012.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines
Biology Guidelines
Historical Resources Guidelines
Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-307377 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§143.0142 Development Regulations for Steep Hillsides

Development that proposes *encroachment* into *steep hillsides* or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Steep Hillside Guidelines in the Land Development Manual.

- (a) Allowable Development Area
 - (1) Inside of the *MHPA*, the allowable development area is determined in accordance with the regulations set forth in the OR-1-2 zone, pursuant to Section 131.0250(b). However, within the Coastal Overlay Zone, *coastal development* is permitted only if in conformance with Section 143.0142(a)(4) and the certified *local coastal program*.

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- (2) Outside of the *MHPA*, the allowable development area includes all portions of the *premises* without *steep hillsides*. *Steep hillsides* shall be preserved in their natural state, except that *development* is permitted in *steep hillsides* if necessary to achieve a maximum development area of 25 percent of the premises. However, within the Coastal Overlay Zone, *coastal development* on *steep hillsides* shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142(a)(4).
- (3) Outside of the *MHPA* and outside the Coastal Overlay Zone, up to an additional 15 percent development area is permitted only as follows and as long as the total development area does not exceed 40 percent of the *premises*, pursuant to the Steep Hillside Guidelines in the Land Development Manual:
 - (A) For projects where the following major public facilities are required: publicly owned parks and recreation facilities, fire and police stations, publicly owned libraries, public *schools*, major *streets* and primary arterials, and *public utility* systems;
 - (B) For projects where the existing development area is not contiguous, and access to the entirety of the development area is not otherwise available; and
 - (C) For projects where the existing development area does not have direct access to a *public right-of-way*.
- (4) Within the Coastal Overlay Zone, *steep hillsides* shall be preserved in their natural state and *coastal development* on *steep hillsides* containing *sensitive biological resources* or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such *steep hillsides* to the maximum extent possible.
 - (A) When *encroachment* onto such *steep hillsides* is unavoidable, *encroachment* shall be minimized; except that *encroachment* is permitted in such *steep hillsides* to provide for a development area of up to a maximum of 25 percent of the *premises* on *premises* containing less than 91 percent of such *steep hillsides*. On *premises* containing 91 percent or greater of such *steep hillsides*, the maximum allowable development area is 20 percent of the *premises*; however, an additional 5 percent *encroachment* into such *steep hillsides* may be permitted if necessary to allow an economically viable use, pursuant to the Steep Hillside Guidelines.

- (B) For the purposes of this Section 143.0142(a)(4), the development area shall include Zone 1 brush management pursuant to the Landscape Regulations in Chapter 14, Article 2, Division 4.
 - (C) Up to an additional 15 percent of *encroachment* onto such *steep hillsides* is permitted for the following:
 - (i) Major public roads and collector streets identified in the Circulation Element of an applicable *land use plan*;
 - (ii) Public utility systems;
 - (iii) In the North City Local Coastal Program Land Use Plan areas only: Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site containing slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the City Manager based upon an analysis of the project site.
 - (D) For the purposes of Section 143.0142, *encroachment* shall be defined as any area of 25 percent or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management).
 - (E) In the approval of any Coastal Development Permit for a *subdivision*, and any other division of land, including *lot splits*, no *encroachment* into *steep hillsides* containing *sensitive biological resources*, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted. The decision maker shall require a *setback* for Zone One brush management consistent with Section 142.0142.
- (b) All *development* occurring in *steep hillsides* shall comply with the design standards identified in the Steep Hillside Guidelines in the Land Development Manual for the type of *development* proposed.
 - (c) Newly created slopes shall not exceed the slope gradient permitted in Section 142.0133.

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- (d) Disturbed portions of the site in 25 percent (4 horizontal feet to 1 vertical foot) or greater slopes shall be revegetated or restored in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (e) Before approval of any Neighborhood Development Permit or Site Development Permit, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.
- (f) Any increase in runoff resulting from the *development* of the site shall be directed away from any *steep hillside* areas and either into an existing or newly improved public storm drain system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off.
- (g) Erosion Control Measures
 - (1) Outside of the Coastal Overlay Zone, erosion control measures are not subject to the 25 percent development area regulations in Section 143.0142(a), but are subject to the landscape regulations in Chapter 14, Article 2, Division 4 and the Steep Hillside Guidelines in the Land Development Manual. Within the Coastal Overlay Zone, erosion control measures are subject to Section 142.0142(a)(4).
 - (2) Air-placed concrete, including gunite or shotcrete, *retaining walls*, *buttress fills*, and other similar erosion control measures may be allowed only if determined to be the only feasible means of erosion control to protect the existing primary *structures* or *public improvements*.
 - (A) These measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
 - (B) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the permittee shall provide written permission from the City Manager before approval of the Site Development Permit. Documentation of this approval shall be recorded with the conditions of permit approval.

- (h) All development on *steep hillsides* located in La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla - La Jolla Shores *Local Coastal Program land use plan*.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines

Biology Guidelines

Historical Resources Guidelines

Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§143.0143 Development Regulations for Sensitive Coastal Bluffs

Coastal development on premises containing sensitive coastal bluffs, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

- (a) No *development* is permitted on the face of a *sensitive coastal bluff*, except as permitted in Section 143.0143(g) and (h), and the *coastal bluff face* shall be preserved as a condition of permit approval.
- (b) On the portion of a *premises* where *development* is permitted, the proposed *grading* shall minimize the alteration of natural landforms and graded areas shall topographically resemble natural landforms of the surrounding area.
- (c) Only native or other drought-tolerant plant species shall be used in landscaped areas in order to minimize irrigation requirements and to reduce potential slide hazards due to overwatering of the *coastal bluffs*.

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- (d) All drainage from the improvements on the *premises* shall be directed away from any *coastal bluff* and either into an existing or newly improved public storm drain system or onto a *street* developed with a gutter system or *public right-of-way* designated to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the *coastal bluff*.
- (e) Before approval of any *development permit*, the *applicant* shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved *development*, as necessary and appropriate.
- (f) All *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

- (1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the primary *structures*, and no shoreline protection is required.

Reductions from the 40-foot setback shall be approved only if the geology report concludes the *structure* will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the *structure*. In addition, the applicants shall accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:

- (A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;
- (B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;
- (C) An analysis of the potential effects of past and projected El Nino events on bluff stability;
- (D) An analysis of whether this section of coastline is under a process of retreat.

- (2) *Accessory structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the *coastal bluff edge* provided, however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, *fences* and walls, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, buildings, pools, spas, and upper *floor* decks with load-bearing support *structures*.
 - (3) *Open fences* may be permitted closer than 5 feet to the *coastal bluff edge* only if necessary to provide for public safety and to protect resource areas accessible from public right-of-ways or on public parkland.
 - (4) Essential public drainage facilities and public walkways leading to permitted beach access facilities may be installed within the 5-foot *coastal bluff edge* setback provided they are designed to minimize impacts to the *coastal bluff face* and *coastal beach* areas.
- (g) *Coastal bluff* repair and erosion control measures may occur on the bluff face only if they comply with the following:
- (1) *Coastal bluff* repair and erosion control measures may be allowed on the *coastal bluff face* only if determined to be the only feasible means of erosion control and when necessary, to protect the existing primary *structures* or to protect *public improvements* that cannot feasibly be relocated.
 - (2) *Coastal bluff* repair and erosion control measures shall not cause significant alteration of the natural character of the bluff face.
 - (3) The *applicant* shall submit a *geotechnical report* that documents the need for an erosion control measure to the City Manager. The *geotechnical report* shall identify the type and design of the erosion control measure necessary for protection of the existing primary *structures*, based upon site-specific conditions and analysis of alternatives. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.
 - (4) Air-placed concrete, including gunite or shotcrete, *retaining walls*, *fills* or other similar erosion control measures shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

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- (5) Where erosion control measure are proposed to encroach upon or affect any portion of property owned by the City of San Diego, the *applicant* shall provide written permission from the City Manager before approval of any permit. Documentation of this approval shall be recorded with the conditions of permit approval.
- (h) Essential public facilities including drainage facilities, stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face only if identified in an approved *land use plan* or if located in an areas historically used by the public. These facilities shall be designed to minimize impacts to the bluff face and beach area.
- (i) All *development* occurring on *sensitive coastal bluffs* shall be in conformance with the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.
- (j) Public views shall be preserved pursuant to Section 132.0403.
- (k) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered, as a public easement as a condition of Coastal Development Permit approval, for *dedication* whenever all of the following conditions exist:
 - (1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway paralleling the sea, as defined within the California Coastal Commission Regulations.
 - (2) The need for the accessway has been identified in the applicable *land use plan* or no other easement exists within a lateral distance of 500 feet of the subject *premises*; and
 - (3) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable *land use plan*, justify the requirement for a vertical accessway.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines
Biology Guidelines
Historical Resources Guidelines
Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

§143.0144 Development Regulations for Coastal Beaches

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062, and *coastal development* is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

- (a) No *development* is permitted on the portion of the site containing the *coastal beach*, except as permitted in Section 143.0130(b).
- (b) All *development* occurring on a site containing *coastal beaches* must conform with the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.
- (c) Public views shall be preserved pursuant to Section 132.0403.
- (d) A vertical public access easement of not less than 10 feet in width, and running the full depth of the *premises*, shall be offered for *dedication* as a public easement as a condition of Coastal Development Permit approval whenever both of the following conditions exist:
 - (1) The need for the accessway has been identified in the applicable *land use plan*, or no other easement exists within a lateral distance of 500 feet of the subject *premises*; and
 - (2) Impacts caused by the proposed *development*, including, but not limited to, direct encroachment into an accessway identified in the applicable land use plan, justify the requirement for a vertical accessway.

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- (e) An easement for public access and passive recreational uses located along the shoreline paralleling the water's edge shall be offered for *dedication* as a public easement as a condition of *development permit* approval. The easement shall have a minimum width of 25 feet measured from the mean high tide line to the toe of an existing *coastal bluff*, the first line of terrestrial vegetation where there is no *coastal bluff*, or an existing or proposed seawall or other protective device seaward to the mean high tide line whenever both of the following conditions exist:
 - (1) The proposed *development* is located on property that contains a sandy or cobble beach or passable headland; and
 - (2) The proposed *development* will fix the location of the back of the beach, encroach onto the shoreline or cause other impacts which justify the requirement for the easement.
- (f) For applications involving a shoreline protective work, the applicant shall submit a geotechnical report that documents the need for the erosion control measure to the City Manager. If the geotechnical report documents an existing primary *structure* is in danger from erosion, the geotechnical report shall identify the type and design of the protective device necessary to protect the existing primary *structure*, and other feasible alternatives to reduce the risk and address site-specific hazardous conditions. The report must be accepted as adequate by the City Manager before any erosion control measures can be approved.
- (g) Air-placed concrete, including gunite or shotcrete, retaining walls, seawalls, fills or other similar erosion control measures shall be permitted only when necessary to protect an existing primary *structure* and when determined to be the least environmentally damaging feasible alternative pursuant to the California Environmental Quality Act. Mitigation for impacts to local shoreline sand supply shall be required.
- (h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

- (i) Where erosion control measures are proposed to encroach upon or affect any portion of property owned by The City of San Diego or other public agency, or on lands subject to the public trust, the *applicant* shall provide written permission from the City Manager or public property owner before approval of any *development permit*. Documentation of this approval shall be recorded with the conditions of *development permit* approval. When an erosion control device encroaches directly on or otherwise affects State tidelands or publicly-owned property, the property owner shall be required to compensate for the use of public property and to mitigate the impacts of the protective device on the public beach.
- (j) Mitigation for impacts on State tidelands or public beach may include, but not be limited to, a mitigation fee to be used for beach and sand replenishment within the littoral cell of the project. The fee shall be roughly proportional to the value of the beach area lost as a result of the protective device and shall be deposited in the City of San Diego Beach Sand Mitigation Fund held by the San Diego Association of Governments.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

EDITORS NOTE: The Land Development Manual includes:

- Coastal Bluffs and Beaches Guidelines
- Biology Guidelines
- Historical Resources Guidelines
- Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

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§143.0145 Development Regulations for Special Flood Hazard Areas

- (a) *Special Flood Hazard Areas* within the City of San Diego are established in accordance with the report entitled “*Flood Insurance Study, San Diego County, California*,” dated June 16, 1999 and the accompanying *Flood Insurance Rate Maps (FIRM)*, published by the Federal Emergency Management Agency (FEMA), on file in the office of the City Clerk as Document Nos. 18910-1 and 18910-2, including any supplements, amendments, and revisions which are properly promulgated by FEMA or the Federal Insurance Administrator.
- (b) For the purpose of Sections 143.0145 and 143.0146, the City Engineer is the designated Floodplain Administrator and shall administer, implement, and enforce these regulations.
- (c) The degree of *flood* protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger *floods* can and will occur on rare occasions. It is possible that increased *flood* heights may result from man-made or natural causes. This section does not imply that land outside a *Special Flood Hazard Area* or uses permitted within such areas will be free from *flooding* or *flood* damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the FEMA, for any *flood* damages that result from reliance on this chapter or any administrative decision lawfully made there under.
- (d) The following development regulations and all other applicable requirements and regulations of FEMA apply to all *development* proposing to encroach into a *Special Flood Hazard Area*, including both the *floodway* and *flood fringe* areas or that does not qualify for an exemption pursuant to Section 143.0110(c):
 - (e) *Floodways*
 - (1) Within the *floodway* portion of a *premises*, development regulations are as set forth for the OF zone, pursuant to Section 131.0231.
 - (2) *Structures* associated with any allowed use shall comply with the following requirements:
 - (A) *Structures* shall not be attached to a foundation, in order to readily move them in case of *flood*; and
- (B) *Structures* shall be removed upon imminence of *flooding*, as predicted by the National Weather Service or local public weather broadcast. If a *structure* is not removed and *flooding* occurs, the retrieval or salvage of the *structure* and repair of any damage caused by the *structure* shall be the responsibility of the owner.

- (3) *Channelization* or other substantial alteration of rivers or streams shall be limited to that necessary for the following:
 - (A) Essential public service projects, where no other feasible construction method or alternative project location exists; and
 - (B) *Flood* control projects, where no other feasible method for protecting existing public or private *development* exists and where such protection is necessary for public safety.
 - (C) Projects where the primary function is the improvement of fish and wildlife habitat.
- (4) *Development* in *floodways* shall be offset by improvements or modifications to enable the passage of a *base flood*, in accordance with the FEMA standards and regulations provided in Section 143.0146.
- (5) *Development* that involves *channelization* or other substantial alteration of rivers or streams is subject to the following requirements.
 - (A) All requirements and relevant recommendations of hydrological studies for the watershed of the affected stream, as approved by the City Engineer, shall be incorporated into the project design and mitigation measures. These requirements include erosional characteristics, flow velocities, volume, sediment transport, and maintenance of hydrology.
 - (B) The channel shall be designed to ensure that the following occur:
 - (i) Stream scour is minimized;
 - (ii) Erosion protection is provided;
 - (iii) Water flow velocities are maintained as specified by the City Engineer;
 - (iv) There are neither significant increases nor contributions to downstream bank erosion and sedimentation of *sensitive biological resources*; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins;
 - (v) Wildlife habitat and corridors are maintained;
 - (vi) Resource management criteria are implemented consistent with applicable *land use plans*; and
 - (vii) Groundwater recharge capability is maintained or improved.

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- (C) Channels that accommodate a *base flood* shall do so without increasing the water surface elevation more than one foot at any point from the level of a nonconfined *base flood* in the natural undeveloped floodplain. Channels may accommodate less than a *base flood* (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.
- (D) All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and a maintenance and monitoring process shall be established to the satisfaction of the City Engineer.
- (6) *Development* shall not significantly adversely affect existing *sensitive biological resources* on-site or off-site.
- (7) Within the Coastal Overlay Zone, no *structure* or portion thereof shall be erected, constructed, converted, established, altered or enlarged, or no landform alteration *grading*, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division shall be permitted, provided:
 - (A) Parking lots, new roadways and roadway expansions shall be allowed only where indicated on an adopted *Local Coastal Program land use plan*.
 - (B) *Floodway* encroachments for utility and transportation crossings shall be offset by improvements or modifications to enable the passage of the *base flood*, in accordance with the FEMA standards and regulations provided in Section 143.0146.
- (f) *Flood Fringe*. The applicable development regulations are those in the underlying zone, subject to the following supplemental regulations:
 - (1) Within the *flood fringe* of a *Special Flood Hazard Area*, permanent *structures* and *fill* for permanent *structures*, roads, and other *development* are allowed only if the following conditions are met:
 - (A) The *development* or *fill* will not significantly adversely affect existing *sensitive biological resources* on-site or off-site;

- (B) The *development* is capable of withstanding *flooding* and does not require or cause the construction of off-site *flood* protective works including artificial *flood* channels, revetments, and levees nor will it cause adverse impacts related to *flooding* of properties located upstream or downstream, nor will it increase or expand a (*FIRM*) Zone A;
 - (C) *Grading* and *filling* are limited to the minimum amount necessary to accommodate the proposed *development*, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and *wetlands* hydrology is maintained;
 - (D) The *development* neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in *flood* flow velocities or volume; and
 - (E) There will be no significant adverse water quality impacts to downstream wetlands, lagoons or other *sensitive biological resources*, and the *development* is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System, as implemented by the City of San Diego.
 - (F) The design of the *development* incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study.
- (2) All *development* that involves *fill*, *channelization*, or other alteration of a *Special Flood Hazard Area* is subject to the requirements for *channelization* in Section 143.0145(e)(5) and with FEMA regulations.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)
(Amended 11-13-08 by O-19805 N.S.; effective 12-13-2008.)

§143.0146 Supplemental Regulations for Special Flood Hazard Areas

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

- (a) *Development* and Permit Review
 - (1) Where *base flood elevation* data has not been provided by the *Flood Insurance Study*, the City Engineer shall obtain, review, and utilize *base flood elevation* and *floodway* data available from federal or state sources, or require submittal of such data from the *applicant*. The City Engineer shall make interpretations, where needed, as to the location of the boundaries of the areas of the *Special Flood Hazard Area*, based on the best available engineering or scientific information.
 - (2) Proposed *development* in a *Special Flood Hazard Area* shall not adversely affect the *flood* carrying capacity of areas where *base flood elevations* have been determined but the *floodway* has not been designated. “Adversely affect” as used in this section means that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the water surface elevation of the *base flood* more than one foot at any point.
 - (3) In all cases where a watercourse is to be altered the City Engineer shall do the following:
 - (A) Notify affected, adjacent communities and the California Department of Water Resources of any proposed alteration or relocation of a watercourse and submit evidence of the notice to the Federal Insurance Administration;
 - (B) Require that the *flood* carrying capacity of the altered or relocated portion of the watercourse is maintained; and
 - (C) Secure and maintain for public inspection and availability the *certifications*, *appeals*, and *variances* required by these regulations.
 - (4) The *applicant* shall grant a flowage easement to the City for that portion of the property within a *floodway*.

- (5) Appropriate agreements shall be secured between the *applicant* and the City to assure participation by the *applicant* or any successor in interest in financing of future *flood* control works.
 - (6) *Development* in a *Special Flood Hazard Area* shall not increase or expand a *FIRM Zone A*.
 - (7) In all *floodways*, any *encroachment*, including *fill*, new construction, significant modifications, and other *development* is prohibited unless *certification* by a registered professional engineer is provided demonstrating that *encroachments* will not result in any increase in *flood* levels during the occurrence of the *base flood* discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13).
- (b) Standards for *Subdivisions*
- (1) All preliminary *subdivision* proposals shall identify the *Special Flood Hazard Area* and the elevation of the *base flood*.
 - (2) All final *subdivision maps* shall provide the elevation of proposed *structures* and pads. If the site is *filled* above the *base flood elevation*, the *lowest floor*, including *basement*, shall be certified to be 2 feet above the *base flood elevation* by a registered professional engineer or surveyor, and the *certification* shall be provided to the City Engineer.
 - (3) All *subdivisions* shall be designed to minimize *flood* damage.
 - (4) All *subdivisions* shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize *flood* damage.
 - (5) All *subdivisions* shall provide adequate drainage to reduce exposure to *flood* hazards.
 - (6) The final map shall bear the notation "Subject to Inundation" for those portions of the property with a *grade* lower than 2 feet above the *base flood elevation*.
- (c) Standards of Construction
- In all *Special Flood Hazard Areas*, the following standards apply for all *development*.

- (1) All permitted, permanent *structures* and other significant improvements shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All permitted permanent *structures* and other significant improvements shall be constructed with materials and utility equipment resistant to *flood* damage.
- (3) Construction methods and practices that minimize *flood* damage shall be used.
- (4) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located to prevent water from entering or accumulating within the equipment components during conditions of *flooding*.
- (5) *Breakaway walls* shall be certified by a registered engineer or architect to meet all applicable FEMA requirements. The *certification* shall be provided to the City Engineer before final inspection approval.
- (6) New construction or *substantial improvement* of any *structure* shall have the *lowest floor*, including *basement*, elevated at least 2 feet above the *base flood elevation*. Upon completion of the *development*, the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor to be properly elevated. The *certification* shall be provided to the City Engineer before final inspection approval. The City Engineer reserves the right to require a preliminary *certification* before foundation inspection approval.
- (7) New construction or *substantial improvement* of any *structure* in *FIRM* Zone AH or AO shall have the *lowest floor*, including *basement*, elevated above the highest adjacent *grade* at least 2 feet higher than the depth number specified on the *FIRM*, or at least 4 feet if no depth number is specified. Upon the completion of the *structure* the elevation of the *lowest floor*, including *basement*, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The *certification* shall be provided to the City Engineer before final inspection approval. The City Engineer may require a preliminary *certification* before foundation inspection approval.

- (8) Permitted nonresidential construction shall either be elevated as required by Section 143.0146(c)(6) or (7) or, together with attendant utility and sanitary facilities, meet the flood proofing requirements of FEMA. *Certification* by a registered professional engineer or architect that such requirements are met shall be provided to the City Engineer before final inspection approval. The City Engineer may require a preliminary *certification* before foundation inspection approval.
- (9) Fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be certified by a registered professional engineer or architect that they comply with the flood proofing requirements of FEMA. The *certification* shall be provided to the City Engineer before final inspection approval.
- (10) Within *FIRM* Zones AH or AO, new construction and *substantial improvements* of any *structure* shall be constructed so that there are adequate drainage paths around *structures* on slopes to guide *flood* waters around and away from proposed *structures*.

(d) Standards for *Manufactured Homes*

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

- (1) The *lowest floor* shall be elevated at least 2 feet above the *base flood elevation*.
- (2) *Manufactured homes* shall be securely anchored to a permanent foundation system to resist flotation, collapse, or lateral movement.
- (3) A registered engineer or architect must certify that the conditions of this subsection have been met. The *certification* shall be provided to the City Engineer before final inspection approval.
- (4) Within *FIRM* Zones V1-30, VE, and V, the placement or installation of *manufactured homes* shall comply with the standards for coastal high hazard areas in Section 143.0146(g).

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(e) Standards for Utilities

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

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

(f) Standards for Recreational Vehicles

- (1) A recreational vehicle, as defined by FEMA and used in this Section, is a vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (2) All recreational vehicles placed in *FIRM* Zones A1-30, AE and AH shall comply with one of the following:
 - (A) Be on the site for fewer than 180 consecutive days; or
 - (B) Be fully licensed with the state and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (C) Meet the standards for *manufactured homes* in Section 143.0146(d).

(g) Standards for Coastal High Hazard Area

- (1) A coastal high hazard area is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a *FIRM* Zone V1-30, VE, or V.

- (2) Within coastal high hazard areas, *FIRM* Zones V1-30, VE, and V, the following standards shall apply:
 - (A) All new *development*, including *substantial improvement* to an existing *structure*, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the *lowest floor* (excluding the pilings or columns) is elevated to or about the *base flood* level. The pile or column foundation and *structure* attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the *base flood*. Wind loading values used shall be those required by applicable state or local building standards.
 - (B) All new *development* shall be located on the landward side of the reach of mean high tide.
 - (C) All new *development* and any *substantial improvement* to an existing *structure* shall have the space below the *lowest floor* free of obstructions or constructed with breakaway walls. Such enclosed space shall be used solely for parking of vehicles, building access or storage.
 - (D) *Fill* shall not be used for structural support of buildings.
 - (E) Man-made alteration of sand dunes which would increase potential *flood* damage is prohibited.
 - (F) The *applicant* for any new *development* shall provide the following records to the satisfaction of the City Engineer:
 - (i) Certification by a registered engineer or architect that a proposed *structure* complies with Section 143.0146(g); and

- (ii) Plans that identify the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the *lowest floor* (excluding pilings or columns) of all new *structures* and any *substantial improvements* to existing *structures*, and whether such *structures* contain a *basement*.
- (h) The City Engineer shall notify the San Diego District Offices of the Coastal Commission of any pending changes to the adopted Flood Insurance Rate Maps affecting property within the Coastal Overlay Zone when the City Engineer receives notification of such potential changes. The City Engineer shall notify the Commission staff when *coastal development* within the City of San Diego's Coastal Development Permit jurisdiction would require processing a change to the FIRM maps. The City Engineer shall ensure that the Commission's District Office has the most current effective Flood Insurance Rate Maps approved by FEMA by forwarding any revised maps affecting the Coastal Overlay Zone within thirty working days of the City Engineer's receipt.
- (i) If a *development* changes the *base flood* elevations due to physical alterations, the permit *applicant* shall be required to submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within 6 months of information becoming available or project completion, whichever comes first. All LOMR's for *flood* control projects are approved prior to the issuance of Building Permits. Building Permits shall not be issued based on Conditional Letters of Map Revision.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)

[Editors Note: Amendments as adopted by O-20634 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20634-SO.pdf

§143.0150 Deviations from Environmentally Sensitive Lands Regulations

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

- (a) Deviations from the regulations of this division may be granted only if the decision maker makes the *findings* in Section 126.0504(c).
- (b) Deviations from the Supplemental Regulations for Special Flood Hazard Areas in Section 143.0146 may be granted only if the decision maker makes the *findings* in Section 126.0504(d).
- (c) Within the Coastal Overlay Zone, deviations from the Environmentally Sensitive Lands Regulations may be granted only if the decision maker makes the *findings* in Section 126.0708.
- (d) Deviations to the wetland regulations of this Division for *development* located outside of the Coastal Overlay Zone shall not be granted unless the *development* qualifies to be processed as one of the three options set forth in the following regulations and in accordance with the Biology Guidelines in the Land Development Manual:
 - (1) Essential Public Projects Option
 - (A) A deviation may only be requested for an Essential Public Project where no feasible alternative exists that would avoid impacts to wetlands.
 - (B) For the purpose of this section, Essential Public Projects shall include:
 - (i) Any public project identified in an adopted *land use plan* or implementing document and identified on the Essential Public Projects List adopted by Resolution No. R-307377 as Appendix III to the Biology Guidelines; or
 - (ii) Linear infrastructure, including but not limited to major roads and *land use plan* circulation element roads and facilities including bike lanes, water and sewer pipelines including appurtenances, and stormwater conveyance systems including appurtenances; or

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- (iii) Maintenance of existing public infrastructure; or
 - (iv) State and federally mandated projects.
- (2) Economic Viability Option
- A deviation may be requested to preserve economically viable use of a property that would otherwise be deprived by a strict application of the regulations. Such a deviation shall be the minimum necessary to achieve economically viable use of the property and shall avoid wetland resources to the maximum extent practicable.
- (3) Biologically Superior Option
- (A) A deviation may be requested to achieve a superior biological result which would provide long term biological benefit and a net increase in quality and viability (functions and value), relative to existing conditions or the project originally proposed by the applicant, and long term biological benefit.
 - (B) Wetland resources that would be impacted by the project shall be demonstrated to be of low biological quality.

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)
(Amended 5-7-2012 by O-20161 N.S.; effective 6-6-2012.)

§143.0151 Alternative Compliance for Steep Hillside Development Area Regulations

Proposed *developments* that do not comply with the development area regulations of Section 143.0142(a) and do not result in conflicts with other regulations may be considered as alternative compliance as indicated in Table 143-01A, pursuant to the regulations in this section. The Planning Commission may approve, conditionally approve, or deny the proposed Site Development Permit with alternative compliance in accordance with Process Four, subject to the following:

- (a) Alternative compliance shall not be used in conjunction with any development permit for a *single dwelling unit* on an individual *lot*;
- (b) Conformance with all other Environmentally Sensitive Lands Regulations is required unless a deviation is approved with the Site Development Permit, in accordance with Section 143.0150;

- (c) Alternative compliance may be granted only if the decision maker makes the findings in Section 126.0504(e); and
- (d) Alternative compliance shall not be considered for lands that are designated as open space in the applicable *land use plan* or that are zoned OR-1-1 or OR-1-2.
- (e) Alternative compliance shall not be considered for lands that are within the Coastal Overlay Zone.
(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§143.0152 Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulations

As authorized by California Government Code Section 65871, the owner of any *premises* affected by issuance of a permit under this division as described in Section 143.0140(a), shall execute a covenant of easement unless the owner dedicates the remainder portion of the property in fee to the City. The covenant of easement shall be recorded against title to the affected *premises* and executed in favor of the City.

- (a) The owner shall draft the covenant of easement as follows:
 - (1) To contain a legal description of the *premises* affected by the permit with a description of the *development* area and the *environmentally sensitive lands* that will be preserved;
 - (2) To impart notice to all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting use of the *environmentally sensitive lands* covered by the permit;
 - (3) To ensure that the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected *premises*; and
 - (4) To ensure enforceability of the covenant of easement by the City, or jointly and severally by the City, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game in those instances when the covenant of easement affects *premises* containing *sensitive biological resources* or other lands that have been accepted as mitigation.

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- (b) A Process Four hearing shall be held to consider a formal, written request directed to the City by any person requesting the release of a covenant of easement recorded pursuant to this division. A release of any covenant of easement recorded pursuant to this division shall be recorded by the City only when it is determined by the decision maker that restriction of the property is no longer necessary to achieve the land use goals of the City. In any instance where the covenant of easement concerns *sensitive biological resources*, a determination by the decision maker to release the covenant may be made only with the written concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game .
- (c) In the Coastal Overlay Zone, the covenant of easement shall be required as a condition of approval at the *tentative map* stage of *coastal development* rather than at subsequent stages to the extent possible.
(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§143.0155 Administrative Guidelines for Environmentally Sensitive Lands Regulations

The City Manager is authorized to promulgate and publish Steep Hillside Guidelines, Biology Guidelines, Coastal Bluffs and Beaches Guidelines, and other support documents to be located in the Land Development Manual, as necessary to implement this division. These administrative guidelines shall serve as baseline standards for processing Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to this division. Any revisions to these guidelines will require review and approval of the Coastal Commission as an amendment to the City's certified *Local Coastal Program*.
(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines
Biology Guidelines
Historical Resources Guidelines
Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

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§143.0160 Violations and Remedies

The provisions of this division shall be enforced pursuant to Chapter 12, Article 1, Division 2, Enforcement Authorities for the Land Development Code
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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Article 3: Supplemental Development Regulations

Division 7: Affordable Housing Density Bonus Regulations

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0710 Purpose of Affordable Housing Density Bonus Regulations

The purpose of these regulations is to provide increased residential density to developers who guarantee that a portion of their residential *development* will be available to *moderate income, low income, very low income*, or senior households. The regulations are intended to materially assist the housing industry in providing adequate and affordable housing for all economic segments of the community and to provide a balance of housing opportunities for *moderate income, low income, very low income*, and senior households throughout the City. It is intended that the affordable housing *density* bonus and any additional *development* incentive be available for use in all residential *development* of five or more units, using criteria and standards provided in the General Plan, and that requests be processed by the City of San Diego and be implemented by the President and Chief Executive Officer of the San Diego Housing Commission. It is also intended that these regulations implement the provisions of California Government Code Sections 65915 through 65918.

(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

(Amended 12-5-07 by O-19689; effective 01-04-08.)

[Editors Note. Amendments as adopted by O-19689 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment. The 2008 Ordinance O-19689 was withdrawn from the California Coastal Commission and Ordinance O-20518 was then submitted and subsequently certified by the Coastal Commission on May 11, 2016.]

(Amended 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

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§143.0715 When Affordable Housing Density Bonus Regulations Apply

This Division applies to any residential *development* where current zoning allows for five or more *dwelling units*, not including *density bonus units*, where an *applicant* proposes *density* beyond that permitted by the base zone and *land use plan* at the time the application is *deemed complete*, in exchange for either of the following:

- (a) A portion of the total *dwelling units* in the *development* being reserved for *moderate, low, or very low income* households or for senior citizens through a written agreement with the San Diego Housing Commission; or
- (b) The donation of land, pursuant to the State Density Bonus Law.

(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

(Amended 12-5-07 by O-19689; effective 01-04-08.)

[**Editors Note.** Amendments as adopted by O-19689 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment. The 2008 Ordinance O-19689 was withdrawn from the California Coastal Commission and Ordinance O-20518 was then submitted and subsequently certified by the Coastal Commission on May 11, 2016.]

(Amended 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

§143.0717 Required Replacement of Affordable Units

- (a) An *applicant* is ineligible for a *density bonus* or any incentive under this Division if the property on which the *development* is proposed contains, or during the five years preceding the application, contained, rental *dwelling units* that have had the rent restricted by law or covenant to persons and families of *low income* or *very low income*, or have been occupied by persons and families of *low income* or *very low income*, unless the proposed *development* replaces the affordable *dwelling units*, and either:
 - (1) Provides affordable *dwelling units* at the percentages set forth in Section 143.0725 (inclusive of the replacement *dwelling units*), or
 - (2) Provides all of the *dwelling units* as affordable to *low income* or *very low income* households, excluding any manager's unit(s).

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- (b) The number and type of required replacement *dwelling units* shall be determined as follows:
- (1) For a *development* containing any occupied *dwelling units*, the *development* must contain at least the same number of replacement *dwelling units*, of equivalent size or type, or both, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied *dwelling units*. If some of the *dwelling units* in the *development* are unoccupied, the replacement *dwelling units* shall be of the same proportion of affordability as those *dwelling units* that are occupied.
 - (2) If all the *dwelling units* are vacant or have been demolished within the five years preceding the application, the *development* must contain at least the same number of replacement *dwelling units*, of equivalent size or type, or both, as existed at the time of the greatest number of occupied affordable *dwelling units* in that *development*, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the prior five year period, then one-half of the replacement *dwelling units* shall be made available for rent to or purchase by and occupied by persons and families in the *very low income* category, and one-half of the replacement *dwelling units* shall be made available for rent to and occupied by persons and families in the *low income* category.
 - (3) All replacement *dwelling unit* calculations resulting in fractional units shall be rounded up to the next whole number.
 - (4) All rental replacement *dwelling units* shall be affordable for at least 55 years.

("Required Replacement of Affordable Units" added 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

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§143.0720 Density Bonus in Exchange for Affordable Housing Units

- (a) A *development* shall be entitled to a *density* bonus and incentives as described in this division, for any residential *development* for which a written agreement, and a deed of trust securing the agreement, is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The agreement and deed of trust in favor of the San Diego Housing Commission are to be recorded in the Office of the Recorder of the County of San Diego as an encumbrance against the *development*.
- (b) The *density* bonus units authorized by this Division shall be exempt from the Inclusionary Housing Regulations set forth in Chapter 14, Article 2, Division 13, provided that the affordability restrictions, term of affordability, occupancy, and rents charged under the *density* bonus regulations provide greater affordability than those within the Inclusionary Housing Regulations.
- (c) A rental affordable housing *density* bonus agreement shall utilize the following qualifying criteria consistent with the procedures established by the San Diego Housing Commission:
 - (1) *Very low income* - At least 5 percent of the pre-*density* bonus units in the *development* shall be affordable, including an allowance for utilities, to *very low income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size; or
 - (2) *Low income* - At least 10 percent of the pre-*density* bonus units in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size.
 - (3) The affordable units shall be designated units, be comparable in bedroom mix and amenities to the market-rate units in the *development*, and be dispersed throughout the *development*.
 - (4) The *dwelling units* shall remain available and affordable for a period of at least 55 years or longer, as may be required by other laws or covenants.
- (d) A for-sale affordable housing *density* bonus agreement shall utilize the following qualifying criteria consistent with the procedures established by the San Diego Housing Commission:

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- (1) *Very low income* - At least 5 percent of the pre-*density* bonus units in the *development* shall be affordable, including an allowance for utilities, to *very low income* households at a rent that does not exceed 30 percent of 50 percent of the area median income, as adjusted for household size.
 - (2) *Low income* - At least 10 percent of the pre-*density* bonus units in the *development* shall be affordable, including an allowance for utilities, to *low income* households at a rent that does not exceed 30 percent of 60 percent of the area median income, as adjusted for household size.
 - (3) *Moderate income* - At least 10 percent of the total *dwelling units* in a common interest development, as defined in California Civil Code Section 4100, shall be affordable, provided that all *dwelling units* in the *development* are offered to the public for purchase.
 - (4) The initial occupant of all for-sale affordable *dwelling units* shall be a *very low income*, *low income*, or *moderate income* household.
 - (5) Prior to, or concurrent with, the sale of each *density* bonus affordable unit, the *applicant* shall require the buyer to execute and deliver a promissory note in favor of the San Diego Housing Commission so that the repayment of any initial subsidy is ensured.
 - (6) Each for-sale unit shall be occupied by the initial owner at all times until the resale of the unit.
 - (7) Upon the first resale of a unit, the seller shall comply with all conditions regarding the sale of a unit, as applied by the San Diego Housing Commission, and as set forth in California Government Code Section 65915(c)(2).
 - (8) The affordable units shall be designated units, be comparable in bedroom mix and amenities to the market-rate units in the *development*, and be dispersed throughout the *development*.
- (e) A *density* bonus agreement for housing for senior citizens shall utilize the following qualifying criteria consistent with the procedures established by the San Diego Housing Commission:

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- (1) The *development* consists of housing for senior citizens or qualifying residents as defined under California Civil Code Section 51.3 and 51.12, where at least 35 *dwelling units* are provided; or a *mobilehome* park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Section 798.76 or 799.5.
 - (2) Rental *dwelling units* shall remain available for a period of at least 55 years or longer as may be required by other laws.
- (f) The *density* bonus units shall have recorded against them a Declaration of Covenants, Conditions and Restrictions in favor of the San Diego Housing Commission that shall enjoy first lien position and shall be secured by a deed of trust that may be recorded against the project or unit, as applicable, prior to construction or permanent financing.
- (g) Provision shall be made by the San Diego Housing Commission for certification of eligible tenants and purchasers, annual certification of property owner compliance, payment of a monitoring fee to the San Diego Housing Commission, as adjusted from time to time, for monitoring of affordable unit requirements, and any other terms that the San Diego Housing Commission determines are needed to implement the provisions and intent of this division and State law.
- (h) A *condominium conversion* that provides at least 33 percent of the total *dwelling units* to *low income* and *moderate income* households, or 15 percent of the total *dwelling units* to *low income* households, shall be entitled to a *density* bonus of 25 percent or other incentives of equivalent financial value in accordance with State Density Bonus Law and this Division, unless the *development* previously received a *density* bonus or other incentives.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 12-5-07 by O-19689; effective 01-04-08.)

[**Editors Note.** Amendments as adopted by O-19689 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment. The 2008 Ordinance O-19689 was withdrawn from the California Coastal Commission and Ordinance O-20518 was then submitted and subsequently certified by the Coastal Commission on May 11, 2016.]

(Amended 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

(Amended 7-19-2016 by O-20673 N.S.; effective 8-27-2016.)

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[Editors Note: Amendments as adopted by O-20673 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20673-SO.pdf]

§143.0725 Density Bonus Provisions

A *development* proposal requesting an affordable housing *density* bonus is subject to the following:

- (a) For senior citizen housing meeting the criteria of Section 143.0720(e), the *density* bonus shall be 20 percent.
- (b) For *development* meeting the criteria for *very low income* in Section 143.0720(c)(1), the *density* bonus shall be calculated as set forth in Table 143-07A. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).
- (c) For *development* meeting the criteria for *low income* in Section 143.0720(c)(2), the *density* bonus shall be calculated as set forth in Table 143-07B. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).
- (d) For *development* meeting the criteria for *moderate income* in Section 143.0720(d), the *density* bonus shall be calculated as set forth in Table 143-07C. The increased *density* shall be in addition to any other increase in *density* allowed in this Division, up to a maximum combined *density* increase of 50 percent. For *development* meeting the same criteria within the Centre City Planned District, the bonus shall apply to the maximum allowable *floor area ratio* applicable to the *development* consistent with Section 156.0309(e).
- (e) If the *premises* is located in two or more zones, the number of *dwelling units* permitted in the *development* is the sum of the *dwelling units* permitted in each of the zones. Within the *development*, the permitted number of *dwelling units* may be distributed without regard to the zone boundaries.

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- (f) Where the *development* consists of two or more specifically identified parcels, whether contiguous or noncontiguous, the maximum number of *dwelling units* permitted on each parcel is calculated based on the area of that parcel.
- (g) Where the *development* consists of two or more noncontiguous parcels lying within two or more community planning areas, the *dwelling units* reserved at levels affordable by *moderate income, low income* or *very low income* households shall be distributed among community planning areas in the same proportion as the total number of *dwelling units* constructed within the *development*.

(Renumbered from 143.0730 to 143.0725 and amended 12-5-07 by O-19689; effective 01-04-08.)

[Editors Note. Amendments as adopted by O-19689 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment. The 2008 Ordinance O-19689 was withdrawn from the California Coastal Commission and Ordinance O-20518 was then submitted and subsequently certified by the Coastal Commission on May 11, 2016.]

*(Readopted on 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)
(Amended 7-19-2016 by O-20673 N.S.; effective 8-27-2016.)*

[Editors Note: Amendments as adopted by O-20673 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20673-SO.pdf]

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§143.0730 Density Bonus in Exchange for Donation of Land

An *applicant* for a *tentative map*, *parcel map*, or residential *development* permit, may donate and transfer land to the City for *development* with affordable *dwelling units*, in exchange for a *density* bonus, in accordance with this Division and pursuant to State Density Bonus Law.

(Added 12-9-1997 by O-18451 N.S.; amended 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)

(Retitled and Amended 12-5-07 by O-19689; effective 01-04-08.)

[Editors Note. Amendments as adopted by O-19689 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment. The 2008 Ordinance O-19689 was withdrawn from the California Coastal Commission and Ordinance O-20518 was then submitted and subsequently certified by the Coastal Commission on May 11, 2016.]

(Readopted on 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

(Amended 7-19-2016 by O-20673 N.S.; effective 8-27-2016.)

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§143.0740 Development Incentives for Affordable Housing Density Bonus Projects

The City shall process an incentive requested by an *applicant*, consistent with State Density Bonus Law and as set forth in this Section.

(a) An incentive means any of the following:

- (1) A deviation to a *development* regulation;
- (2) Approval of mixed use zoning in conjunction with a residential *development* provided that the commercial, office, or industrial uses:
 - (A) Reduce the cost of the residential *development*; and
 - (B) Are compatible with the proposed residential *development*; and
 - (C) Are compatible with existing or planned *development* in the area where the proposed residential *development* will be located.

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- (3) Any other incentive proposed by the *applicant*, other than those identified in Section 143.0740(c), that results in identifiable, financially sufficient, actual cost reductions.
- (b) Items not considered incentives by the City of San Diego include, but are not limited to the following:
- (1) A waiver of a required permit;
 - (2) A deviation from the requirements of the Coastal Height Limit Overlay Zone (Chapter 13, Article 2, Division 5);
 - (3) A waiver of fees or dedication requirements;
 - (4) A direct financial incentive;
 - (5) A deviation from the requirements of the City of San Diego Building Regulations;
 - (6) For projects required to notice the Federal Aviation Administration, an increase in height that has not received a determination of No Hazard to Air Navigation.
- (c) An incentive requested as part of a *development* meeting the requirements of Section 143.0720 shall be processed according to the following:
- (1) Upon an *applicant's* request, *development* that meets the applicable requirements of Sections 143.0720 and 143.0725 shall be entitled to incentives pursuant to Section 143.0740 unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:
 - (A) The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053;
 - (B) The incentive would have a specific adverse impact upon public health and safety as defined in Government Code section 65589.5, the physical environment, including *environmentally sensitive lands*, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the *development* unaffordable to *low income and moderate income* households;

- (C) The incentive would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act as set forth in Chapter 12, Article 8, and no incentive shall be granted without such compliance; or
 - (D) Within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City's Local Coastal Program or the *environmentally sensitive lands* regulations, with the exception of *density*.
- (2) Granting an incentive shall not require a General Plan amendment, zoning change, or other discretionary approval.
 - (3) The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.
 - (4) The *development permit* requirement for a *development* requesting an incentive shall be the same *development permit* that would be required if the incentive were not a part of the *development* proposal.
 - (5) Notwithstanding Sections 143.0740(c)(3) and (4), when a *development permit* is required, the decision to deny a requested incentive shall be made by the decision maker for the *development permit*.
- (d) The number of incentives available are identified in Table 143-07A for *very low income* households, Table 143-07B for *low income* households, and Table 143-07C for *moderate income* households consistent with the percentage of *pre-density* bonus units identified in the first column of each table.

Table 143-07A
Very Low Income Density Bonus
Households

Percent <i>Very Low Income Units</i>	Percent <i>Density Bonus</i>	Number of Incentives
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2
12	38.75	3
13	42.5	4
14	46.25	4
≥ 15	50	5

Table 143-07B
Low Income Density Bonus
Households

Percent <i>Low Income Units</i>	Percent <i>Density Bonus</i>	Number of Incentives
10	20	1
11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	1
18	32	1
19	33.5	1
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
≥ 24 – 29	50	2
≥ 30	50	3
31 - 32	50	4
≥ 33	50	5

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Table 143-07C
Moderate Income Density Bonus
Households

Percent <i>Moderate</i> <i>Income</i> Units	Percent <i>Density</i> Bonus	Number of Incentives
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2
28	23	2
29	24	2
30	25	3
31	26	4
32	27	4
33	28	5
34	29	5
35	30	5
36	31	5
37	32	5
38	33	5
39	34	5
40	35	5
41	38.75	5
42	42.5	5
43	46.25	5
≥ 44	50	5

- (e) Child Care Center: *Development* that meets the criteria in Section 143.0720 and includes a child care center as defined in Section 141.0606(a)(2) as part of, or adjacent to, such *development* shall be entitled to an additional *density* bonus or incentive provided that:
 - (1) The child care center remains in operation for the greater of 30 years, or the period of time established by Section 143.0720(c)(4);
 - (2) The percentage of children from *low, very low, or moderate income* households attending the child care center is equal to or greater than the percentage of those same households required in the residential *development*;
 - (3) The additional *density* bonus or incentive requested is either:
 - (A) An additional *density* bonus in an amount equal to the amount of square feet in the child care center up to a maximum combined *density* increase of 35 percent; or
 - (B) An additional incentive that contributes significantly to the economic feasibility of the construction of the child care center; and
 - (4) The City finds, based upon substantial evidence, that the community is inadequately served by child care centers.
- (f) Parking. In addition to any other incentive, and upon the request of an *applicant*, the City shall apply the following regulations:
 - (1) For a *development* that meets the criteria for *moderate income* in Section 143.0720(d)(3), the vehicular parking ratios in Table 143-07D or those set forth below, inclusive of disabled and guest parking, whichever is lower, shall apply:
 - (A) Zero to one bedroom: one onsite parking space.
 - (B) Two to three bedrooms: two onsite parking spaces.
 - (C) Four and more bedrooms: two and one-half parking spaces.
 - (D) Additional reductions of 0.25 spaces per *dwelling unit* shall be granted for *development* that is at least partially within a *transit area* as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).

- (2) For a *development* that meets the criteria of Sections 143.0720(c) or (e), the vehicular parking ratios in Table 143-07D or those set forth in Section 142.0527(a)(3), inclusive of disabled and guest parking, whichever is lower, shall apply.
- (3) For purposes of this Division, a *development* may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking or parking within a required front *yard* setback.
- (4) Parking reductions for a *development* providing rental and for-sale affordable housing for *very low income* and *low income* households in accordance with Sections 142.0720(c) and 142.0720(d), or rental housing for senior citizens in accordance with Section 142.0720(e) that meet transit proximity requirements are set forth in Table 143-07D.

Table 143-07D
Parking Reduction for Proximity to Transit

Type of <i>Development</i>	Percent Affordable	Transit Requirement	Parking Ratio for <i>Development</i> ¹
Rental or for-sale <i>development</i> containing market rate and <i>low income</i> and/or <i>very low income dwelling units</i> • <i>Very low income</i> • <i>Low income</i>	11% 20%	The <i>development</i> shall be located within ½ mile of unobstructed access to a rail station, a ferry terminal served by bus or rail service, or the intersection of two or more bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, or a major transit stop included in the applicable regional transportation plan.	0.5 spaces per <i>bedroom</i>
Rental housing • <i>Low & very low income</i>	100% ²		0.5 spaces per <i>dwelling unit</i>
Rental housing with an affordable housing cost to lower income senior citizens in accordance with California Civil Code Sections 51.3 and 51.12	100% ²	The <i>development</i> shall have either paratransit service, or be located within ½ mile of unobstructed access to a fixed bus route service that operates at least eight times per day.	0.5 spaces per <i>dwelling unit</i>

Footnotes for Table 143-07D

- ¹ Parking reductions shall not be subject to the parking regulations of the Transit Overlay Zone and shall not be entitled to parking reductions provided in Section 142.0550 (Parking Assessment District Calculation Exception).
- ² Exclusive of manager's unit.

*(“Affordable Housing Provisions” added 12-9-1997 by O-18451 N.S.; repealed and “Additional Development Incentive for Affordable Housing” added 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)
(Amended 12-5-07 by O-19689; effective 01-04-08.)*

[Editors Note. Amendments as adopted by O-19689 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment. The 2008 Ordinance O-19689 was withdrawn from the California Coastal Commission and Ordinance O-20518 was then submitted and subsequently certified by the Coastal Commission on May 11, 2016.]

(Amended 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)
(Amended 7-19-2016 by O-20673 N.S.; effective 8-27-2016.)

[Editors Note: Amendments as adopted by O-20673 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§143.0745 Locating Required Affordable Dwelling Units Off-site

A *development* that complies with the Affordable Housing Density Bonus Regulations may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:

- (a) Off-site affordable *dwelling units* shall be located in the same community planning area and City Council District, or within one mile of the *premises* of the *development*. The distance shall be measured in a straight line from the *property lines* of the proposed housing *developments*.
- (b) Off-site affordable *dwelling units* that do not meet the locational criteria in Section 143.0745(a) may be approved with a Process Four Planned Development Permit in accordance with Section 126.0604.
- (c) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and bedroom mix as the *development*.
- (d) The *applicant*, prior to the issuance of the first building permit for the *development*, shall secure the required number of off-site affordable *dwelling units* and enter into an agreement(s) with the President and Chief Executive Officer of the San Diego Housing Commission establishing the same terms and conditions set forth in Section 143.0720 for similar affordable *density bonus dwelling units*.
- (e) The *applicant*, prior to the issuance of the first building permit, shall record a deed restriction against the *development* that:
 - (1) Documents the required number of affordable *dwelling units* to be provided; and
 - (2) Assigns foreclosure rights of the *development premises* to the San Diego Housing Commission as follows:

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- (A) For new *development*, if the affordable *dwelling unit(s)* has not received a certificate of occupancy within 54 months of the issuance of the first building permit.
- (B) For redevelopment of an existing *structure(s)*, if the affordable *dwelling unit(s)* has not received a certificate of occupancy within 36 months of the issuance of the first building permit.

("Locating Required Affordable Dwelling Units Off-site" added 7-19-2016 by O-20673 N.S.; effective 8-27-2016.)

[Editors Note: Amendments as adopted by O-20673 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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§143.0750 Deviation to Allow for Additional Development Incentive

An applicant may request a deviation from the applicable development regulations as an additional development incentive for affordable housing pursuant to a Site Development Permit decided in accordance with Process Four provided that the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(1) are made.

("Transfer of Bonus Density Units" added 12-9-1997 by O-18451 N.S.; repealed and "Deviation to Allow for Additional Development Incentive" added 6-21-1999 by O-18654 N.S.; effective 1-1-2000.)
(Readopted on 7-28-2015 by O-20518 N.S.; effective 8-27-2015.)

Article 7: Plumbing and Mechanical Regulations

Division 4: Other Water-Conserving Plumbing Standards
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0401 Purpose of Water-Conserving Plumbing Standards

The purpose of this division is to reduce sewer flows and decrease the use of imported, potable water in the City by establishing water-conserving plumbing standards for plumbing fixtures.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0402 When the Water-Conserving Plumbing Standards Apply

The provisions of this division apply to the installation of water-conserving plumbing fixtures in any structure served by the City of San Diego Water Utilities Department.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0403 Definitions for this Division

The following definitions are applicable to this division.

Bathroom Alteration mean any alteration of or addition to a bathroom in any structure for which Section 129.0402 would require a plumbing permit for replacement of a toilet.

Bathroom Alteration Retrofit Certificate means a certificate that certifies that any responsible person who has completed a bathroom alteration has replaced any existing plumbing fixture in the altered bathroom with a water-conserving plumbing fixture.

Change of Ownership means a transfer, sale, or exchange of the fee interest in any real property.

Existing Plumbing Fixture means the following:

- (1) any toilet manufactured to use more than 3.5 gallons of water per flush;
- (2) any urinal manufactured to use more than one gallon of water per flush;

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- (3) any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute;
- (4) any faucet that emits more than 2.2 gallons of water per minute; or
- (5) any residential reverse osmosis system that does not have a shutoff valve.

Existing Structure means either of the following:

- (1) any structure served by the City of San Diego Water Utilities Department and equipped with toilets manufactured to use more than 3.5 gallons of water per flush, or urinals manufactured to use more than 1 gallon of water per flush; or
- (2) any structure served by the City of San Diego Water Utilities Department and equipped with showerheads that have a flow capacity of more than 2.5 gallons of water per minute, faucets that emit more than 2.2 gallons of water per minute, or residential reverse osmosis systems that do not have a shutoff valves.

Retrofit means to replace any existing plumbing fixture in an existing structure with a water-conserving plumbing fixture.

Transfer of Responsibility to Retrofit Certificate means a certificate filed by a transferor of any existing structure before a change of ownership that certifies that the transferor and the transferee mutually agree that responsibility for compliance with Section 147.0301 is assumed by the transferee of the existing structure.

Ultra-Low Flush Toilet Rebate Program means a City-sponsored water conservation program that offers a financial incentive to water customers who replace a toilet that is manufactured to use more than 1.6 gallons of water per flush with a toilet manufactured to use no more than 1.6 gallons of water per flush.

Water Conservation Certificate means a certificate filed by a transferor or transferee of any structure or existing structure before a change of ownership that certifies any structure or existing structure is equipped or retrofitted only with water-conserving plumbing fixtures or toilets manufactured to use no more than 3.5 gallons of water per flush.

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Water-Conserving Plumbing Fixture means:

- (1) any toilet manufactured to use no more than 1.6 gallons of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;
- (2) any urinal manufactured to use no more than 1 gallon of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;
- (3) any showerhead manufactured to have a flow capacity of no more than 2.5 gallons of water per minute;
- (4) any faucet that emits no more than 2.2 gallons of water per minute; or
- (5) any residential reverse osmosis system that has a shutoff valve.

(Amended 9-24-2002 by O-19105 N.S.)

§147.0404 Regulations to Retrofit upon Change of Ownership

- (a) Before a change of ownership, the transferor of any existing structure shall replace any existing plumbing fixture with a water-conserving plumbing fixture.
- (b) Before a change of ownership, the transferor and the transferee of any existing structure may agree to transfer responsibility for compliance with this division to the transferee in accordance with Section 147.0408. If the transferee assumes responsibility for retrofitting, the transferee shall complete the retrofit within at least 90 calendar days of the change of ownership.
- (c) The transferor and the transferee of any existing structure may agree to have compliance with this division included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the proceeds of the sale of the existing structure.
 - (1) If the transferor and the transferee agree to have compliance with this division included as a condition of escrow, the escrow agent shall retain a sufficient sum of money, agreed upon by the transferor and the transferee, to be retained from the proceeds of the sale to complete the retrofit.

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- (2) The transferee shall complete the retrofit within at least 90 calendar days of the close of escrow.
 - (3) After the transferee has completed the retrofit, the transferee shall submit proof of completion of the retrofit to the escrow agent. The escrow agent may release the retained funds from the proceeds of the sale upon receiving reasonable, satisfactory proof of completion of the retrofit from the transferee.
 - (4) The Building Official shall establish administrative regulations for the procedures to be followed by the transferor, the transferee, and the escrow agent for complying with Section 147.0404(c).
- (d) The transferor of any existing structure shall not be required to retrofit when a change of ownership occurs as a result of the following:
- (1) A court order, including an order by a probate court in the administration of an estate;
 - (2) A foreclosure or voluntary or involuntary bankruptcy;
 - (3) The exercise of eminent domain;
 - (4) The administration of a deceased person's estate, guardianship, conservatorship, or trust;
 - (5) One title co-holder of real property transferring, selling, or exchanging with one or more other title co- holders;
 - (6) A transfer, without consideration, from one family member to another family member; or
 - (7) A decree of dissolution of marriage, a decree of legal separation, or from a property settlement agreement incidental to such a decree.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0405 Retrofit upon Bathroom Alteration

Upon bathroom alteration, the responsible person shall replace any existing plumbing fixture in the bathroom being altered with a water-conserving plumbing fixture.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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§147.0406 Retrofit Exemptions

The Building Official may grant an exemption to the provisions of this division to any person if the Building Official determines that any of the following conditions exists:

- (a) A water-conserving plumbing fixture would be installed in an existing structure that has been identified by a local, state, or federal government entity as an historical site, and an historically accurate water-conserving plumbing fixture is not available;
- (b) Installation of a water-conserving plumbing fixture would require modifications to plumbing system components located beneath a finished wall or surface; or
- (c) The unique configuration of a building drainage system or portions of a public sewer, or both, require a greater quantity of water to flush the system in a manner consistent with public health.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0407 When a Plumbing Permit Is Required for Water-conserving Plumbing Fixture Installation

Any person who installs a water-conserving plumbing fixture pursuant to Section 147.0404 in any single dwelling unit, or in any multiple dwelling unit with 8 or fewer units, shall not be required to obtain a plumbing permit pursuant to Section 129.0402, unless the installation requires an alteration or replacement of drainage, waste, vent, or supply-plumbing pipes.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0408 Self-verification

- (a) Before a change of ownership, the transferor and the transferee of any structure or any existing structure shall complete the following procedures:
 - (1) The transferor shall sign a Water Conservation Certificate certifying that the transferor has complied with the requirements of this division or is exempt from retrofitting pursuant to Section 147.0406.
 - (2) After signing the Water Conservation Certificate, the transferor shall forward the Water Conservation Certificate to the transferee for review and signature.

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- (3) The transferee shall sign the Water Conservation Certificate, thereby acknowledging awareness and understanding of the requirements of this division.
 - (4) After the transferee has signed the Water Conservation Certificate, the transferor shall file the Water Conservation Certificate with the Building Official.
 - (5) If the structure or existing structure goes through escrow, the transferor also shall file a copy of the Water Conservation Certificate with the escrow agent before the close of escrow.
- (b) In the event the transferor and transferee of an existing structure agree that the transferee shall have responsibility for the retrofit upon change of ownership pursuant to Section 147.0404(b), before the change of ownership, the transferor and the transferee shall complete the following procedures:
- (1) The transferor and the transferee shall sign a Transfer of Responsibility to Retrofit Certificate certifying that the transferee has assumed responsibility for the retrofit.
 - (2) After the transferor and the transferee have signed the Transfer of Responsibility to Retrofit Certificate, the transferor shall file the Transfer of Responsibility to Retrofit Certificate with the Building Official.
 - (3) If the existing structure goes through escrow, the transferor also shall file a copy of the Transfer of Responsibility to Retrofit Certificate with the escrow agent before the close of escrow.
 - (4) Upon completing the retrofit, the transferee shall sign a Water Conservation Certificate certifying that the transferee has complied with the requirements of this division.
 - (5) Within at least 30 calendar days of the completion of the retrofit, the transferee shall file the signed Water Conservation Certificate with the Building Official.
- (c) If the transferor and the transferee have agreed to have compliance with this division included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the proceeds of the sale of the existing structure pursuant to Section 147.0404(c), the transferor and the transferee shall complete the following procedures:

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- (1) The transferor and the transferee shall sign a Transfer of Responsibility to Retrofit Certificate certifying that the transferee has assumed responsibility for the retrofit.
 - (2) After the transferor and the transferee have signed the Transfer of Responsibility to Retrofit Certificate, and before the close of escrow, the transferor shall file the Transfer of Responsibility to Retrofit Certificate with the Building Official and a copy thereof with the escrow agent.
 - (3) Upon completing the retrofit, the transferee shall sign a Water Conservation Certificate certifying that the transferee has complied with the requirements of this division.
 - (4) Within at least 30 calendar days of the completion of the retrofit, the transferee, or the escrow agent on the transferee's behalf, shall file the signed Water Conservation Certificate with the Building Official.
- (d) The transferor of any structure that is in compliance with the requirements of this division shall not be required to file a Water Conservation Certificate with the Building Official before a change of ownership pursuant to Section 147.0408 if a Water Conservation Certificate has been filed with the Building Official by a previous owner of the structure.
- (e) Upon completing the retrofit of a bathroom pursuant to Section 147.0405, the responsible person shall complete the following procedures:
- (1) The responsible person shall sign a Bathroom Alteration Retrofit Certificate certifying that the responsible person has complied with the requirements of Section 145.0405.
 - (2) Within at least 30 calendar days following completion of any bathroom alteration, the responsible person shall file the signed Bathroom Alteration Retrofit Certificate with the Building Official.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§147.0409 Agents of a Transferor

Nothing in this division is intended to create any duty upon the agent of a transferor or a transferee of any structure or any existing structure, unless otherwise mutually agreed to in writing.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

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§147.0410 Water Submeters

- (a) Notwithstanding Section 147.0402, water *submeters* shall be installed in the following types of *development* to provide for the measurement of the volume of water used in each *dwelling unit*:
 - (1) New *multiple dwelling units* with three or more *dwelling units*.
 - (2) Existing *multiple dwelling units* with three or more *dwelling units* where the entire interior potable water supply piping is being replaced.
 - (i) This subsection does not apply to existing *multiple dwelling units* whose individual units are served by more than one cold water riser and one hot water riser system.
- (b) Every water *submeter* shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.
- (c) Water *submeters* installed pursuant to this Section must be certified for use for commercial purposes pursuant to Section 12500.5 of the California Business and Professions Code, or any subsequent amendments.
- (d) For *development* of *dwelling units* designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, *dwelling units* shall be pre-plumbed for water submeters. The requirement of this Section to install a water *submeter* shall only apply when a *dwelling unit* is no longer designated as affordable housing.

(Added 4-23-2010 by O-19946 N.S.; effective 6-1-2010.)

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§1514.0302 San Diego River Subdistrict (“River Subdistrict”)

(a) Purpose

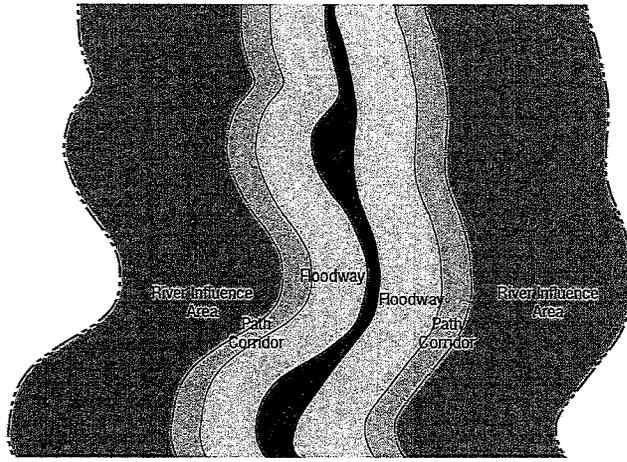
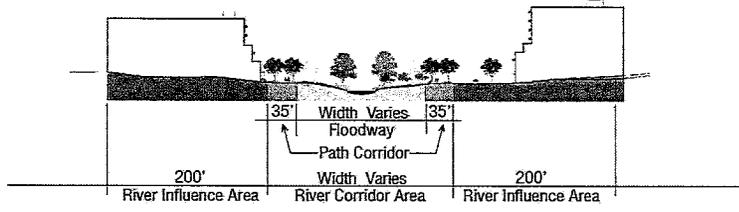
It is the purpose of the River Park Subdistrict regulations to ensure that development along the San Diego River implements the San Diego River Park Master Plan and the Mission Valley Community Plan. It is also the intent of the River Park Subdistrict regulations to preserve and enhance the character of the San Diego River valley, to provide for sensitive rehabilitation and redevelopment, and to create the River Pathway.

(b) Boundaries

The River Park Subdistrict includes the River Corridor Area and the River Influence Area. The regulations of this subdistrict apply to any project fully or partially within these boundaries. See Appendix E and Diagram 1514-03A, San Diego River Park Subdistrict Components.

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Diagram 1514-03A
San Diego River Park Subdistrict Components



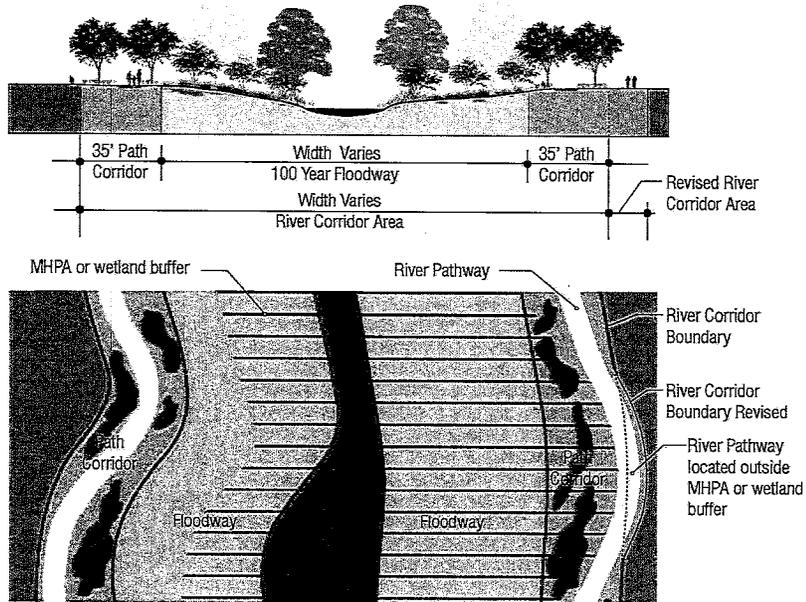
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- (c) River Corridor Area
 - (1) Permitted Uses and Development
 - (A) Development within the Floodway shall be in accordance with Section 143.0145 (Development Regulations for Special Flood Hazard Areas).
 - (B) Within the Path Corridor, only the following development shall be allowed:
 - (i) The River Pathway,
 - (ii) Trails, in accordance with Section 1514.0302(c)(4), and
 - (iii) Development determined by the City Manager to be for passive recreational use, such as picnic areas, scenic and interpretive overlooks, fitness stations, seating, and educational exhibit areas.
 - (C) Within locations that are not mapped as Multi-Habitat Planning Area (MHPA), as identified by the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141, the following development shall be allowed: children's play areas, multipurpose courts, turf fields, and development determined by the City Manager to be for active recreational use.
 - (D) Portions of the Path Corridor that are mapped as MHPA, as identified by the City of San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141 shall be developed in accordance with the MSCP Subarea Plan's Land Use Considerations and the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.
 - (2) Grading
 - (A) Grading within the Floodway shall be conducted in accordance with the MSCP Subarea Plan's Land Use Considerations and the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

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- (B) Grading within the Path Corridor shall, to the satisfaction of the City Manager:
 - (i) Avoid long, continuous engineered slopes with hard edges;
 - (ii) Provide gradual transitions at the top and bottom of slopes; and
 - (iii) Stabilize and revegetate slopes with native plants consistent with the surrounding habitat type.
- (3) River Pathway
 - (A) Development on a lot located wholly or partially in the River Corridor Area shall include a River Pathway. The River Pathway shall meander, to the satisfaction of the City Manager.
 - (B) Where portions of the Path Corridor are mapped as MHPA, as identified by the City of San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141, the River Pathway shall be located (immediately adjacent to the Path Corridor) outside the portions of the MHPA and the wetland buffer. See Diagram 1514-03B, Path Corridor Realignment for MHPA and Wetland Buffer.

Diagram 1514-03B
Path Corridor Realignment for MHPA and Wetland Buffer



- (C) The entire River Pathway shall be dedicated with an easement that allows public access.
- (D) The River Pathway shall be completed in the first phase of any phased development.
- (E) The River Pathway shall include the following features:
 - (i) A minimum 10-foot wide pathway of concrete or similar material in a color that blends with the surrounding native soil;

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- (ii) A minimum 2-foot wide area of decomposed granite or similar material along each side of the River Pathway in a color similar to the River Pathway;
 - (iii) A minimum 10-foot wide landscape area between the Floodway and the River Pathway; and
 - (iv) A minimum 12-foot vertical clearance above finished grade of the River Pathway.
- (4) Trails. Pedestrian-only trails may be located within the River Corridor Area in accordance with the following:
 - (A) Trail alignments shall mimic natural conditions and minimize grading and disturbance to vegetation.
 - (B) Trails shall be designed to provide continuous loops to the River Pathway, with no trail alignment resulting in a dead end.
 - (C) Trails located in areas mapped as MHPA, as identified by the City of San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141, are subject to the MSCP Subarea Plan's Land Use Considerations and the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.
 - (D) Trails shall include the following features:
 - (i) A maximum 8-foot width;
 - (ii) An 8-foot vertical clearance above finished grade of the trail; and
 - (iii) Surface material of decomposed granite or similar material in a color that blends with the surrounding native soil.
- (5) Picnic Areas and Overlooks
 - (A) Development on a lot located wholly or partially in the River Corridor Area shall include at least one picnic area or overlook along the River Pathway unless either exists less than one-half mile away.

- (B) Picnic areas and overlooks shall include a combination of site furniture as determined by the City Manager on a case-by case basis.
- (6) Lighting
 - (A) Light posts shall not exceed 12 feet in height.
 - (B) All lighting shall be shielded and directed away from the Floodway, the edge of the River Pathway fronting the river and the MHPA.
- (7) Site Furniture
 - (A) Site furniture, such as picnic table(s), trash and recycling receptacles, bicycle racks, shade structures, benches, interpretive signs, and drinking fountains, shall be designed and constructed in accordance with the San Diego River Park Master Plan Design Guidelines.
 - (B) Site furniture shall incorporate the San Diego River Park logo as illustrated in the San Diego River Park Master Plan Design Guidelines.
 - (C) Lots that do not have picnic areas or overlooks shall include along the River Pathway a minimum of one piece of site furniture for every 200 linear feet of the River Pathway.
- (8) Signs
 - (A) Signs shall be designed in accordance with the San Diego River Park Master Plan Design Guidelines and include the San Diego River Park Logo.
 - (B) Overlooks shall include, at a minimum, one interpretive sign.
 - (C) Development shall include an information kiosk (as described in the San Diego River Park Master Plan Design Guidelines) at any location where the River Pathway intersects a public street.

(9) Fences

(A) Fences located between the River Pathway and the River:

- (i) Shall be provided only as required to protect sensitive habitat or historic resources, and shall allow for wildlife movement;
- (ii) Shall be located a minimum of 5 feet from the River Pathway or trails and shall follow the natural grade;
- (iii) Shall consist of horizontal rails of either wood peeler logs or steel posts and cables;
- (iv) Shall not exceed 42 inches in height; and
- (v) Shall be at least 75 percent open. For purposes of this subsection, chain link fencing shall not qualify as a 75 percent open fence.

(B) Any fences located between the River Pathway and the River Influence Area shall be constructed in accordance with Section 1514.0302(d)(14).

(10) Plant Materials

(A) Development shall include a mixture of native plants and trees consistent with the surrounding habitat type.

(B) Non-native grasses and lawn areas shall not be permitted in any areas mapped as MHPA, as identified by the City of San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141.

(C) Plant materials shall provide views to the river along at least 50 percent of the river side of the River Pathway of each lot.

(D) On the river side of the River Pathway and within 10 feet of the non-river side of the River Pathway:

- (i) Trees shall have a canopy clearance of 8 feet above the finished grade of the River Pathway; and
- (ii) All other plant materials shall not exceed 30 inches above the finished grade of the River Pathway.

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(d) River Influence Area

- (1) Lot Coverage. Maximum lot coverage for any development on a lot located wholly or partially within 115 feet of the River Corridor Area shall be 65 percent.
- (2) Building Height and Massing. Maximum building height and massing on lots adjacent to the River Corridor Area shall be determined by the distance the building is set back from the River Corridor Area, and shall be in compliance with Table 1514-03C or the base zone, whichever is more restrictive. See Diagram 1514-03C, River Influence Area Maximum Building Height and Setback.

Table 1514-03C
River Influence Area Setback, Height and Massing

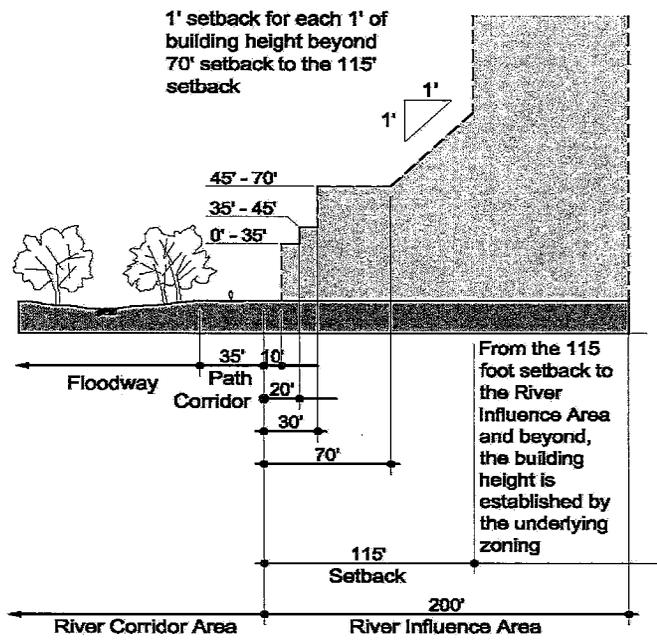
Minimum Distance the Building is Set Back from the River Corridor Area ¹	Maximum Building Height Allowed	Massing
10 feet ²	35 feet	No more than 50 percent of a building's wall may be located at the setback measured from the River Corridor Area.
20 feet	45 feet	Not regulated by this Division.
30 feet	70 feet	At or above 70 feet in height above finished grade, a building's wall shall be at least 30 percent narrower than the width of the building wall on the ground floor.
70 feet	The maximum building height allowed is equal to the number of feet the building is set back from the River Corridor Area.	
115 feet	The maximum building height allowed is established by the base zone.	

Footnotes to Table 1514-03C

- ¹ Where river and street setbacks overlap, the requirements of the River Influence Area setback shall apply.
- ² Buildings shall be set back a minimum of 10 feet from the River Corridor Area. Architectural features, such as eaves, cornices, eyebrows, trellises, bay windows, balconies, entry roofs and arbors, and fireplaces, may extend a maximum of 4 feet into the 10-foot setback.

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Diagram 1514-03C
River Influence Area Building Height and Setback



- (3) Setbacks. Setback requirements of the Mission Valley Planned District Ordinance shall apply to setbacks not identified in Table 1514-03C.
- (4) Off Setting Planes. Off setting planes requirements of the Mission Valley Planned District Ordinance shall apply.
- (5) Building Facade and Entrance. Development that abuts the River Corridor Area shall provide a river-fronting facade and entrance that are of substantially equivalent design and quality of materials as the primary building facade and entrance to the satisfaction of the City Manager.

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- (6) Building Transparency. Building facades that front the River Corridor Area or building facades that front a street that abuts and runs parallel to the River Corridor Area shall provide building transparency in accordance with the following:
 - (A) The amount of transparency, measured as the visible light transmittance (VLT), shall be at least 0.65 VLT.
 - (B) Commercial and Mixed Use Zones.
 - (i) A minimum of 50 percent of the total facade shall be transparent; and
 - (ii) A minimum of 70 percent of the ground floor shall be transparent.
 - (C) Industrial Zones. A minimum of 25 percent of the total facade shall be transparent.
- (7) Building Reflectivity. Building facades that front the River Corridor Area shall not include materials with a visible light reflectivity (VLR) factor greater than 10 percent.
- (8) Exterior Equipment Enclosures, Outdoor Storage, Loading Areas, and Refuse Collection Areas. Any exterior equipment enclosure, outdoor storage, loading area, or refuse collection area:
 - (A) Shall be located a minimum of 100 feet from the River Corridor Area;
 - (B) Shall be screened with landscape and an opaque wall at least 6 feet in height or, if the item to be screened exceeds 6 feet in height, a wall 1-foot taller than the item, to a maximum wall height of 10 feet. Screening shall be of the same design and materials as the primary building facade; and
 - (C) Loading areas shall also comply with the requirements of Section 1514.0403(d) (Off-Street Freight Loading Spaces Required).

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- (9) Access to the River Corridor Area
- (A) Building Access to the River Corridor Area. Development on lots that abut the River Corridor Area shall provide building access paths connecting the primary structure with the River Pathway in accordance with the following:
- (i) One building access path for every 300 linear feet of river frontage; and
 - (ii) The building access path shall be to the primary building entrance or to a secondary entrance that, to the satisfaction of the City Manager, is of substantially equivalent design and quality of materials as the primary entrance.
- (B) Public Access Pathway Across a Development Site. Development on lots that abut the River Corridor Area shall provide public access pathways connecting the public street and the River Pathway in accordance with the following:
- (i) At least one public access pathway shall be provided for every 1,000 linear feet of frontage along the River Corridor Area;
 - (ii) The public access pathway shall be designed to the same quality as the primary on site pathways, to the satisfaction of the City Manager; and
 - (iii) Development including a public access pathway shall include signs in accordance with Section 1514.0302(d)(14)(D).
 - (iv) An easement for public use shall be required for public access pathways.
- (C) Public Access Pathways from Streets that Abut and Run Parallel to the River Corridor Area. Public access pathways shall connect the street to the River Path at every street intersection and, at a minimum, provide a connection every 1,000 linear feet of street frontage along the River Corridor Area.

- (10) Off-Street Surface Parking. Off-street surface parking areas located adjacent to the River Corridor Area shall be set back and screened for the full height and length of the parking area, with one or more of the following:
- (A) Residential, commercial, industrial, or mixed use development, in accordance with the base zone; or
 - (B) With landscape materials, in which case the following provisions shall apply:
 - (i) Parking areas shall be set back a minimum of 20 feet from the River Corridor Area;
 - (ii) Parking areas adjacent to the River Corridor Area shall not exceed 30 percent of the length of the lot frontage along the River Corridor Area or a maximum of 120 feet of the lot frontage along the River Corridor, whichever is less;
 - (iii) Parking areas shall be screened with shrubs capable of achieving a minimum height of 30 inches along 80 percent of the length of the parking area along the River Corridor Area frontage within a 2 year period, except that screening shall not be required at pedestrian access points; and
 - (iv) Screening for parking areas shall include one 24-inch box evergreen tree for every 30 feet of frontage along the River Corridor Area. The trees shall be spaced apart or in naturalized groupings.
- (11) Parking Structures. Parking structures located adjacent to the River Corridor Area shall be set back and screened for the full height and length of the parking area, with one or more of the following:
- (A) Residential, commercial, industrial, or mixed use development, in accordance with the base zone; or
 - (B) Landscape materials in accordance with Sections 1514.0302(d)(10)(B)(i) and (ii) and in which case the following provisions shall apply:

- (i) Parking structures shall be set back a minimum of 30 feet from the River Corridor Area.
 - (ii) Parking structures adjacent to the River Corridor Area shall not exceed 50 percent of the length of the lot frontage along the River Corridor Area.
- (12) Lighting. All lighting within 100 feet of the River Corridor Area shall be shielded and directed away from the River Corridor Area.
- (13) Fences. Within 10 feet of the River Corridor Area, only the following fences are permitted:
 - (A) A solid fence that does not exceed 3 feet in height;
 - (B) A fence that is at least 75 percent open and does not exceed 6 feet in height; or
 - (C) A combination of a 3-foot tall solid fence topped with a 3-foot tall fence that is at least 75 percent open.
 - (D) For purposes of this subsection, chain link fencing shall not qualify as a 75 percent open fence.
- (14) Signs
 - (A) Within 100 feet of the River Corridor Area, wall signs fronting the river shall not exceed a height of 15 feet above finished grade.
 - (B) No ground sign may be installed between a building and the River Corridor Area except for monument signs, which may not exceed 5 feet in height and shall be located within a landscaped area at least equivalent to the area of the sign face.
 - (C) Signs fronting the River Corridor Area shall be face lighted or internally lighted.
 - (D) Public Access Pathway Signs. Development shall include a directional sign, designed in accordance with the San Diego River Park Master Plan, placed in a clearly visible location at the intersection of a public access pathway and the street, and the intersection of a public access pathway and the River Pathway.

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- (15) Plant Material. Plant materials within 15 feet of the River Corridor Area shall be non-invasive low water use species.
- (16) Streets that Abut and Run Parallel to the River Corridor Area
 - (A) Streets shall be the minimum width allowed by the Street Design Manual of the Land Development Manual.
 - (B) Development shall be designed to minimize the number of curb cuts, to the satisfaction of the City Manager.
 - (C) On-street parking shall be provided in clusters of parking bays along the river side of the street.

*("San Diego River Subdistrict ("River Subdistrict"))" added 3-27-2007 by O-19601 N.S.; effective 4-26-2007.
(Amended 6-18-2013 by O-20263 N.S.; effective 7-18-2013.)*

**EXHIBIT I
TO THE INITIATIVE**

**CITY OF SAN DIEGO CLIMATE ACTION PLAN
FOR INFORMATIONAL PURPOSES ONLY**



Mayor Kevin L. Faulconer

CITY OF SAN DIEGO

CLIMATE ACTION PLAN



Adopted
December
2015

CITY OF SAN DIEGO CLIMATE ACTION PLAN



Prepared by:
The City of San Diego

In consultation with:





KEVIN L. FAULCONER

MAYOR

Today, we are faced with an issue that affects us all. Our city's responsibility is to ensure a clean, sustainable San Diego for generations to come. Through this Climate Action Plan, San Diegans from different backgrounds are coming together to proactively address environmental concerns, strengthen our economy and improve our quality of life.

This Climate Action Plan sets forth common-sense strategies to achieve attainable greenhouse gas reduction targets. Apart from reducing greenhouse gases, this plan will:

- Create green jobs through incentive-based policies, such as the manufacturing and installation of solar panels;
- Improve public health by removing harmful pollutants from our air and improve water quality;
- Increase local control over our future by reducing dependence on imported water and energy;
- Help homebuyers educate themselves on the energy and water usage of a building before purchasing, without adding significant delay or cost to the home-buying process;
- Enhance quality of life by supporting active transportation, planting trees and reducing landfill waste; and
- Save taxpayers' money by decreasing municipal water, waste and energy usage in city-owned buildings.

San Diego is a leader in innovation and sustainability. By striking a sensible balance between protecting our environment and growing our economy, San Diego can support clean technology, renewable energy and economic growth.

We have an opportunity to improve the lives of every San Diegan in all of our neighborhoods. This plan reflects our duty to preserve our children's future and hand down a San Diego that is cleaner than it was when we received it. San Diego's next chapter starts here.

Sincerely,

A handwritten signature in black ink that reads "Kevin L. Faulconer".

Kevin L. Faulconer
Mayor, City of San Diego

ACKNOWLEDGEMENTS

Mayor Kevin Faulconer

City of San Diego City Council

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District 2, Lorie Zapf

District 3, Todd Gloria

District 4, Myrtle Cole

District 5, Mark Kersey

District 6, Chris Cate

District 7, Scott Sherman

District 8, David Alvarez

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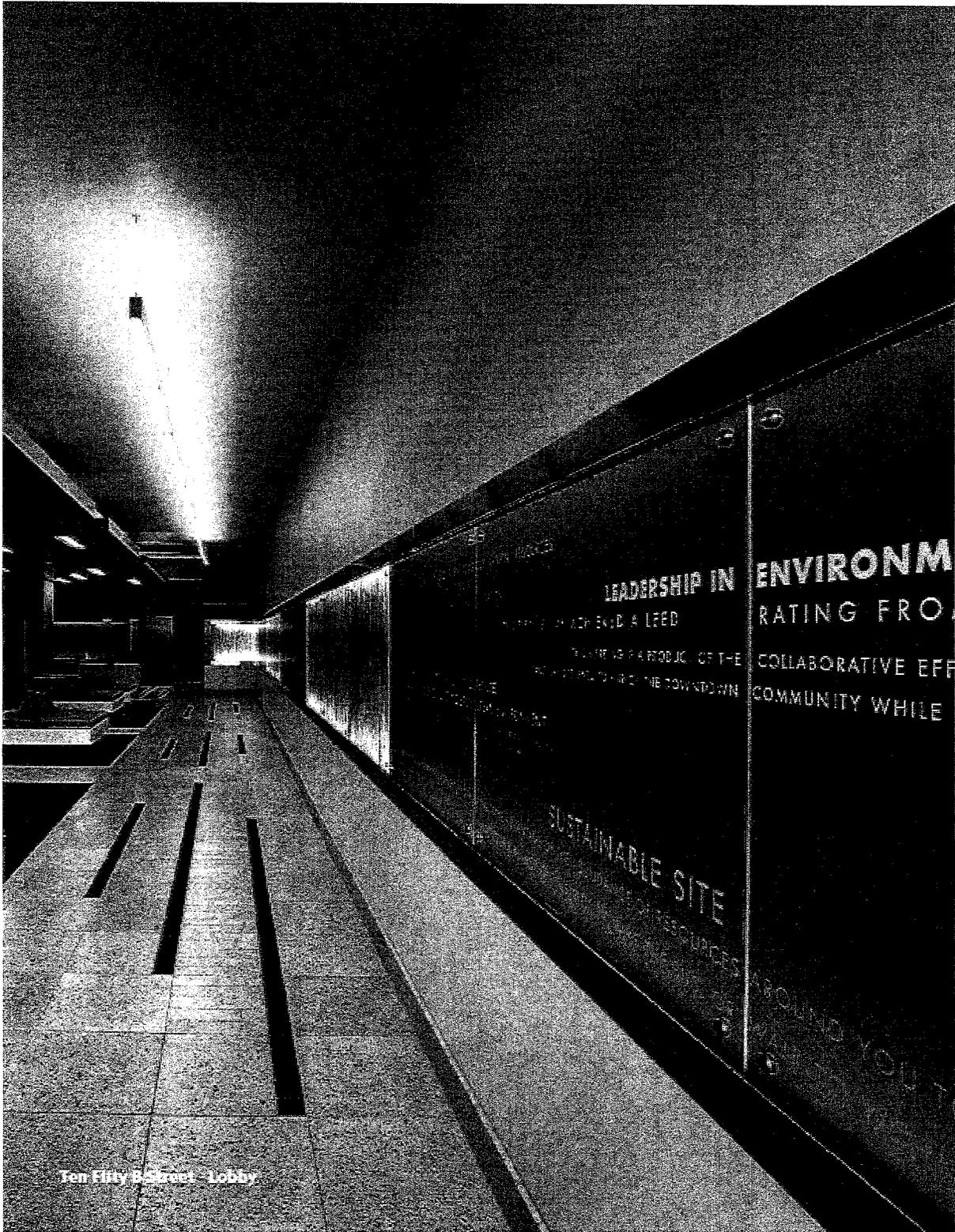
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Adopted by the City Council on December 15, 2015 by Resolution Number: R-2016-309
Amended by the City Council on July 12, 2016 by Resolution Number R-2016-762



Ten Fifty B Street Lobby

EXECUTIVE SUMMARY



Civita - Mission Valley

Former Governor Arnold Schwarzenegger's Executive Order S-3-05 established the 2050 statewide greenhouse gas (GHG) reduction target of 80 percent below 1990 levels. Governor Schwarzenegger also signed Assembly Bill 32 (AB 32) in 2006 which set a statewide reduction target of 1990 levels by 2020 and created a comprehensive, multi-year program to reduce GHG emissions in California. In 2015, Governor Jerry Brown issued Executive Order B-30-15 establishing an interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.

Pursuant to AB 32, the California Air Resources Board (CARB) adopted the Climate Change Scoping Plan with a recommendation for local governments to adopt a goal for municipal operations and community-wide emission reduction by approximately 15 percent from current levels by 2020. In accordance with this recommendation, the City's Climate Action Plan (CAP) includes a municipal operations and community-wide GHG emissions baseline calculation from 2010 and sets a target to achieve a 15 percent reduction from the baseline by 2020.

In its 2014 update to the Climate Change Scoping Plan, CARB recommended local governments chart a reduction trajectory that is consistent with, or exceeds, the trajectory created by statewide goals, such as the GHG reduction target set in Executive Order S-3-05. To remain consistent in its GHG reduction calculation approach, the City calculated its 2050 GHG emission reductions at 80 per-

cent below the 2010 baseline and set a 2035 target based upon the trajectory for meeting the City's 2050 reductions. Therefore, the 2035 target should be considered an "interim" target towards achieving the City's 2050 emission reductions target. As shown in Figure 2.2, if the measures in this CAP are implemented, the City would be on the trajectory for meeting its 2050 reduction trajectory target.

To address the state target set by Executive Order B-30-15, CARB is updating its Climate Change Scoping Plan to provide a framework for achieving the 2030 target. If CARB's updated Scoping Plan includes a recommendation for a percentage reduction for local governments, the City will amend its 2030 target accordingly. The City recognizes it may become necessary to modify the CAP to account for federal and state actions or improvements in technology and efficiency, and will do so through its annual monitoring reports. It is anticipated that an update of the CAP will occur by 2020.

CAP implementation will be dependent upon the future adoption of numerous implementation ordinances, policies, and programs. A cost/benefits analysis will be prepared as each implementation measure is presented to City Council for consideration. Attainment of the reduction targets will require significant City and regional actions, continued im-

San Diego is taking the lead in California to tackle climate change.

plementation of federal and state mandates, and dedicated San Diegans choosing to take individual actions to be a part of the solution.

These actions and associated co-benefits will contribute to the City's future prosperity and quality of life by:

- Furthering San Diego's leadership in clean technology industries, such as renewable energy, information technology, manufacturing, and waste management.
- Advancing the "City of Villages" concept of walkable and pedestrian-friendly neighborhoods with a mixture of uses that revitalize existing neighborhoods while retaining their individual character.
- Promoting active transportation and rapid transit systems to help preserve and improve accessibility for vulnerable groups, including: children, the elderly, people with disabilities, and the economically disadvantaged.
- Fostering programs to create well-paying jobs. Implementation of the CAP will lead to an increased demand for workers in high-growth "green" industries. This will lead to greater opportunities for new and existing workers to flourish in these innovative sectors.
- Building communities that are resilient to climate change through the identification of vulnerabilities and the corresponding implementation of adaptation measures. These measures are intended to protect public health and safety; secure and maintain water supplies and services;

protect and maintain urban infrastructure and community services; protect environmental quality; maintain open space, parks, and recreation; support coastal management and protection; promote urban forest management and local food production; improve building and occupant readiness; and enhance community education, knowledge and collaboration.

The City has identified **FIVE BOLD STRATEGIES** to reduce GHG emissions to achieve the 2020 and 2035 targets:

1. ENERGY & WATER EFFICIENT BUILDINGS
2. CLEAN & RENEWABLE ENERGY
3. BICYCLING, WALKING, TRANSIT & LAND USE
4. ZERO WASTE (GAS & WASTE MANAGEMENT)
5. CLIMATE RESILIENCY

These viable strategies will leverage the City's existing efforts as well as provide clear direction for meeting the challenges of a changing climate.

The 2015 CAP demonstrates to San Diego businesses and residents that the City acknowledges the existing and potential impacts of a changing climate and is committed to keeping it in the forefront of decision-making. Successful implementation of the CAP will: 1) Prepare for anticipated climate change impacts in the coming decades, 2) Help the State of California achieve its reduction target by contributing the City's fair

share of GHG reductions, and 3) Have a positive impact on the regional economy.

The CAP contains five chapters: Background, Reducing Emissions, Implementation and Monitoring, Social Equity and Job Creation, and Adaptation. Appendices A through E provide additional detail on topics covered within the CAP. A brief summary of each chapter follows:

Chapter 1 - Background: Provides an introduction and purpose for the creation of the CAP. Specifically, the CAP serves as mitigation for the City's adopted General Plan as explained in Chapter 1. The General Plan calls for the City to reduce its carbon footprint through actions including adopting new or amended regulations, programs, and incentives. General Plan Policy CE-A.13 specifically identifies the need for an update of the City's 2005 Climate Protection Action Plan that identifies actions and programs to reduce the GHG emissions of the community-at-large, and City operations. Additionally, with future implementing actions, it is anticipated that the CAP will serve as a "Qualified GHG Reduction Plan" for purposes of tiering under CEQA.

Chapter 2 - Reducing Emissions: Delivers a baseline inventory for 2010; emission forecasts for 2020 and 2035; establishes reduction targets for 2020 and 2035; and identifies federal, state and local measures to reduce emissions that when totaled meet or exceed the 2020 and 2035 targets.

Chapter 3 - Implementation and Monitoring: Details the implementation action and phasing for individual goals. For each of the five strategies, the CAP identifies goals, actions,

targets, supporting measures, parties responsible for implementation and estimated GHG reductions for 2020 and 2035. This chapter also illustrates the contents of the Annual Monitoring Report, including the results of the annual GHG inventory, social equity, and jobs monitoring.

The City anticipates that new technologies and innovative programs developed in the future can enhance, or even replace, the strategies and actions currently proposed. This consideration will allow the City to be flexible, yet diligent, in its effort to reduce emissions and prepare for a changing climate.

Chapter 4 - Social Equity and Job Creation: Describes how the impacts of climate change will disproportionately affect disadvantaged communities and how the City can proactively identify them prior to project implementation. This chapter also illustrates how climate plan policies can lead to the creation of well-paying jobs and actions the City of San Diego is taking to promote economic growth.

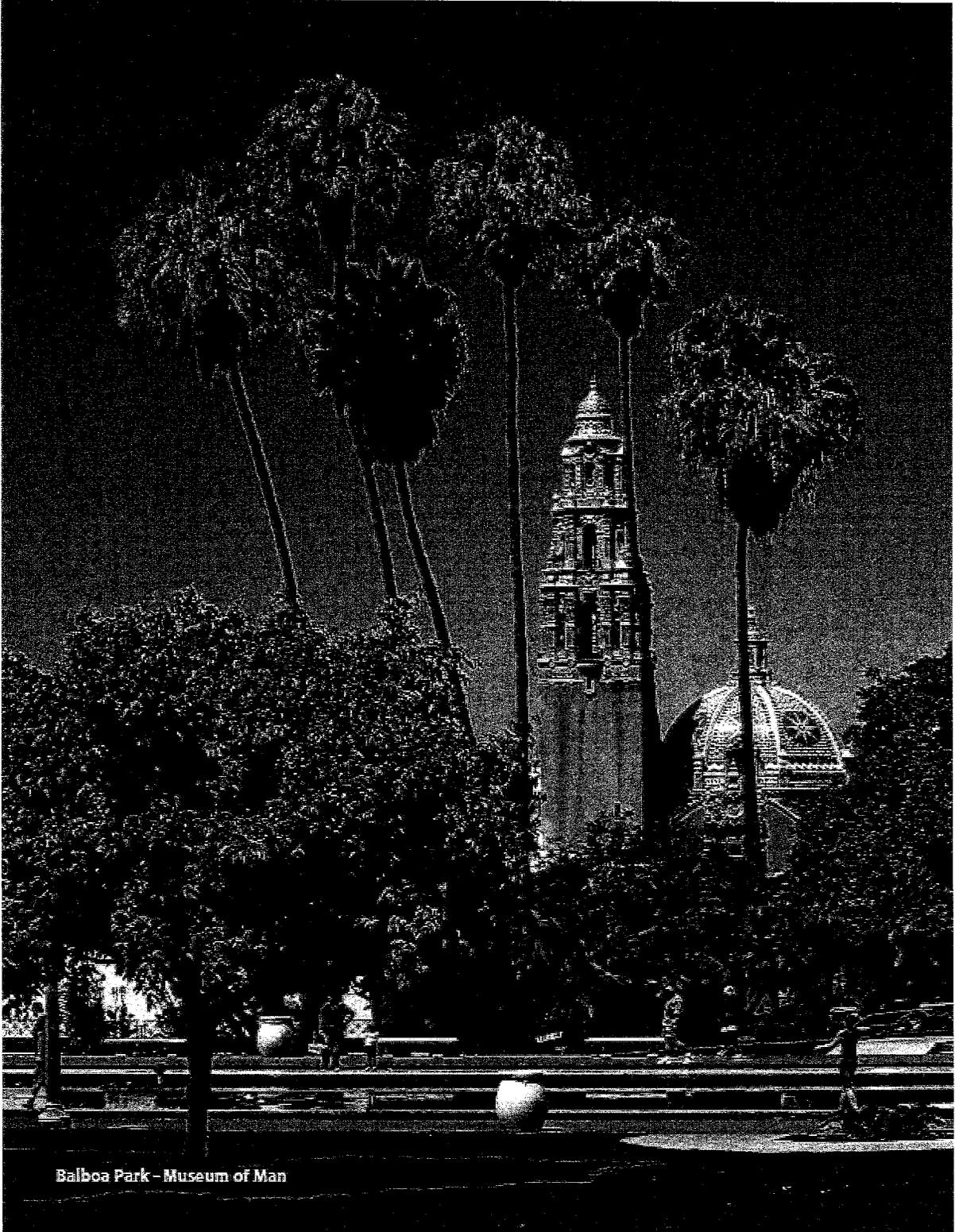
Chapter 5 - Adaptation: Identifies climate impacts for San Diego, illustrates current climate adaptation efforts throughout the state, and provides a guide to adaptation strategy development.





CHAPTER 1

BACKGROUND



Balboa Park - Museum of Man

If there is a single word that describes the San Diego region, it is "paradise." And this paradise is our home.

– Our Greater San Diego Vision 2012

When people migrated to San Diego during the transition from the late 19th to the 20th century, they were drawn to a romantic vision of the City – a Spanish Colonial paradise. That vision so enchanted people, it became a reality.

Now, in the 21st century, San Diego is considered one of the finest cities in the world with a high quality of life. Its friendly people, dynamic economy, beautiful setting, and temperate climate have made it a world-class destination. Residents and visitors alike enjoy the magnificent beauty of the region; its wonderful, diverse communities; and strong entrepreneurial spirit.

While the San Diego of today is every bit as beautiful as that vision from the early 1900's, modern life can pose its challenges - yet San Diegans have always seized the opportunity to take them on with a passion. Many of the challenges San Diegans face are local in nature and therefore easier to comprehend and solve. Others, whether regional, national, or even international in nature, are less tangible and require more complex solutions. Dealing with climate change is one of these pressing

issues. Often discussed in global terms, the impacts of the changing climate can sometimes seem insurmountable. For San Diego, these challenges present opportunities.

The potential impacts of a changing climate - higher seasonal temperatures, worsening air quality, diminished water supplies, disruption of agricultural cycles - have great consequences not only for the built and natural environment, but also for the community's health and economic vitality. However, since we directly and indirectly influence the emissions of greenhouse gases (GHGs), the major cause of climate change, we are uniquely positioned to respond.

The City will provide leadership with key strategies to reduce emissions, coupled with a focus on building sustainable economic opportunities for our residents and communities, and a commitment to improving the resilience of our communities and our City to potential future impacts of climate change.

The City of San Diego places great importance on proactive planning to reduce or eliminate the long-term risk to people and property within the community from a changing climate. The Climate Action Plan (CAP) helps implement the goals of San Diego's General Plan and provides a pathway toward a better future.

The City of San Diego General Plan (2008) is based on the City of Villages smart growth strategy which directs growth into compact, mixed-use, walkable centers linked by transit. This compact urban form reduces the need to travel and makes alternative modes of transportation easier to use. The CAP will support implementation of the General Plan through support for continued incremental changes to the urban land use form, providing greater transportation choices, and transforming how we produce and use energy. Further, the CAP will complement the General Plan policies to reduce greenhouse gas emissions with quantifiable data and benchmarks for success.

Today, San Diego has the opportunity to take action that will not only help to mitigate the impacts of climate change, but preserve and improve our quality of life. By reducing our energy and fuel consumption we save money, improve the air, and enjoy better public health. By planting trees we create shade on hot days and help to create beautiful, quality neighborhoods. Meeting this challenge at the local level can, and will, dramatically enhance our standard of life and continue to preserve the romantic vision that has charmed San Diegans for the past 150 years.

A Brief History of Climate Change Legislation

California's landmark global climate change legislation, the Global Warming Solutions Act of 2006 (AB 32), established the state's goal of substantially reducing its GHG emissions: to 1990 levels by 2020. Subsequent legislation, namely Senate Bill (SB) 97, adopted in

2007, addresses climate change by requiring lead agencies to analyze GHGs under CEQA. Additionally, the Sustainable Communities and Climate Protection Act of 2008 (SB 375) requires each Metropolitan Planning Organization to prepare a Sustainable Communities Strategy as part of its Regional Transportation Plan that includes land use, transportation, and housing policies to reduce regional GHG emissions.

Based on the 2011 California Air Resources Board's (ARB) Scoping Plan, the City of San Diego's CAP is a proactive step toward addressing the City's GHG emissions. The CAP includes a quantitative inventory of GHG emissions (baseline), a projection of emissions for 2020 and 2035 (business-as-usual scenarios), and City-specific targets to reduce GHGs by 2020 and 2035, helping to achieve statewide 2020 and 2030 targets, and putting the City on the trajectory of meeting its share of the 2050 statewide target.



Addressing Climate Adaptation

Some degree of climate change will occur regardless of the City's effort to reduce and mitigate GHG emissions. As a result, the City will need to adapt to these changes within the context of the community's environmental and socioeconomic system. The City of San Diego will develop a stand-alone climate adaptation plan that will integrate, and build upon, the strategies and measures in the CAP.

The CAP will provide a road map for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. The Climate Adaptation section of this report describes the initial stages of this

assessment. However, the work to date provides only an outline of the potential vulnerabilities that the City and its communities may face, and a cataloging of potential response measures.

The City will separately assess fully the specific vulnerabilities that we face, and work with the communities to develop strategies and measures to address these vulnerabilities. The City will conduct this assessment in a manner that is both cost-effective and aligned with the broader tenets of the CAP to reduce our contributions to climate change and create economic opportunities in the process. More information regarding climate adaptation can be found in **Chapter 5 - Adaptation**.



What are the benefits of a Climate Action Plan for San Diego?

Improving Public Health and Air Quality

The US Environmental Protection Agency (EPA) found that GHGs constitute a threat to public health and welfare and that the emissions from motor vehicles cause and contribute to the climate change problem (EPA 2013). The prevalence of asthma is strong indicator of the severity of unhealthy conditions in San Diego communities. According to the American Lung Association State of the Air 2013 Report, the greater San Diego area ranks eleventh nationally among metro areas in ozone pollution and 23rd in short-term particulates (American Lung Association, 2013). Therefore, minimizing GHG emissions from transportation will help improve air quality for these specific populations by reducing other harmful air pollutants, such as carbon monoxide, sulfur dioxide, and particulate matter.

Providing Energy Independence

Smarter building design and construction practices, including passive solar heating and cooling, building orientation, and installing renewable energy systems, will reduce the demand for imported energy. Additionally, generating clean energy locally for our community will help keep dollars here in San Diego.

Spurring Economic Development

Reinvestment in local buildings and infrastructure will provide new opportunities for skilled trades and a variety of professional services as well as increasing San Diego's global competitiveness in the world economy. The methods and tools include public/private partnerships and hands-on training, providing an opportunity for labor and businesses to work together to build a green economy.

Co-benefits of Addressing Climate Change

San Diego, as a community, will benefit from the efforts provided in this CAP. While the actions included in the CAP are generally oriented towards reducing GHG emissions, many of them also have "co-benefits" - the ancillary or additional benefits of the policy - including cost savings, job creation, improved public health and economic opportunities.



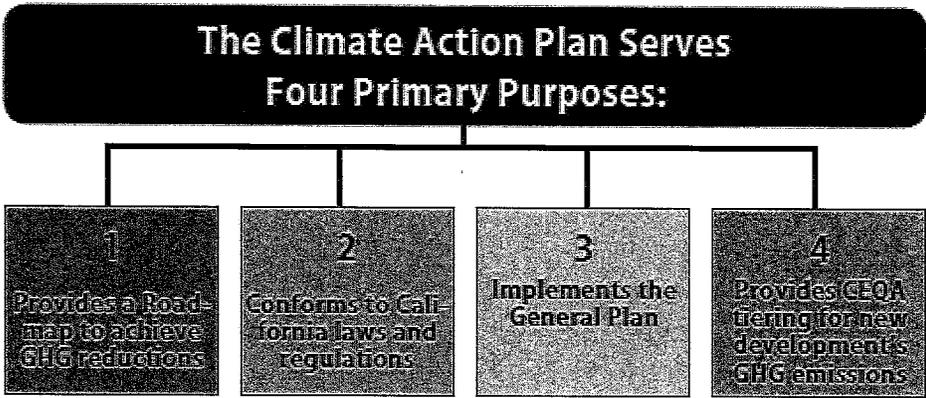
For example, strategies in the CAP are intended to increase the energy and water efficiency of buildings and expand alternative transportation choices. In turn, the energy savings increase the capacity for local residents and businesses to purchase other goods and services. If spent locally, this can boost our local and regional economy and help to create jobs.



With an expanded active transportation infrastructure, San Diego citizens and visiting tourists will have options other than driving cars. This transition to walking, bicycling, and public transit will not only reduce GHG emissions, but improve the air quality as a result of fewer vehicle miles traveled and improved traffic congestion.

Sustainability Program Manager

As a companion item to the CAP, the Mayor and City Council established the position of Sustainability Program Manager, as part of the FY15 Budget, to oversee implementation of the CAP and the development of the climate adaptation plan. It is anticipated that the Program Manager will work closely with staff from various City Departments and representatives from the community ranging from businesses and industry associations to environmental groups, and will be asked to provide annual reports to the City Council and oversee future CAP updates.



Connecting the General Plan with the Climate Action Plan

The City's first Climate Protection Action Plan (CPAP) was approved in 2005 and focused on the City's mission to reduce emissions from municipal operations. The CPAP was central to fostering heightened awareness and developing "climate change literacy" within the City and the community.

Similarly, the General Plan (GP), adopted in 2008, is the framework for the City's commitment to long-term conservation, sustainable growth, and resource management. It addresses GHG emission reductions through its City of Villages growth strategy and a wide range of inter-disciplinary policies.

The City's General Plan Program Environmental Impact Report (PEIR) Mitigation Monitoring and Reporting Program (MMRP) specifically discusses the mitigation of climate change on pages 49-50.

General plan policies related to climate change are integrated throughout the document, and summarized in Conservation Element Table CE-1.

Key policies related to the CAP are:

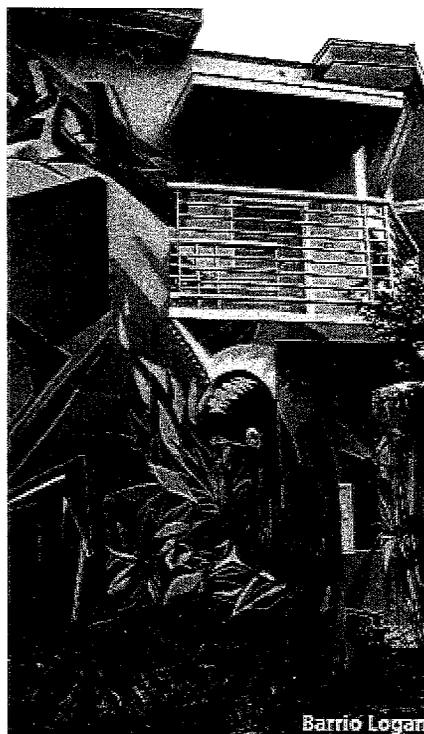
- Policy CE-A.2 to "reduce the City's carbon footprint" and to "develop and adopt new or amended regulations, programs and incentives as appropriate to implement the goals and policies set forth" related to climate change.
- Policy CE-A.13 to "regularly monitor, update, and implement the City's Climate Protection Action Plan, to ensure, at a minimum, compliance with all applicable federal, state, and local laws."

The CAP identifies measures to reduce the City's carbon footprint per Policy CE-A.2 and updates the City's Climate Protection Action Plan per Policy CE-A.13. As such, the CAP mitigates the cumulatively significant global warming impacts of the General Plan and provides a framework for mitigation of future projects.

The California Environmental Quality Act (CEQA): Tiering from the 2015 Climate Action Plan

The CAP will serve as a Qualified GHG Reduction Plan for purposes of tiering under CEQA. The CAP meets the requirements set forth in CEQA Guidelines section 15183.5, whereby a lead agency (e.g. the City of San Diego) may analyze and mitigate the significant effects of GHG emissions at a programmatic level, such as in a general plan, a long range development plan, or a separate plan to reduce GHG emissions. CEQA Guidelines section 15183.5(b) states that a plan for the reduction of greenhouse gas emissions should:

1. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
2. Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
3. Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
4. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;



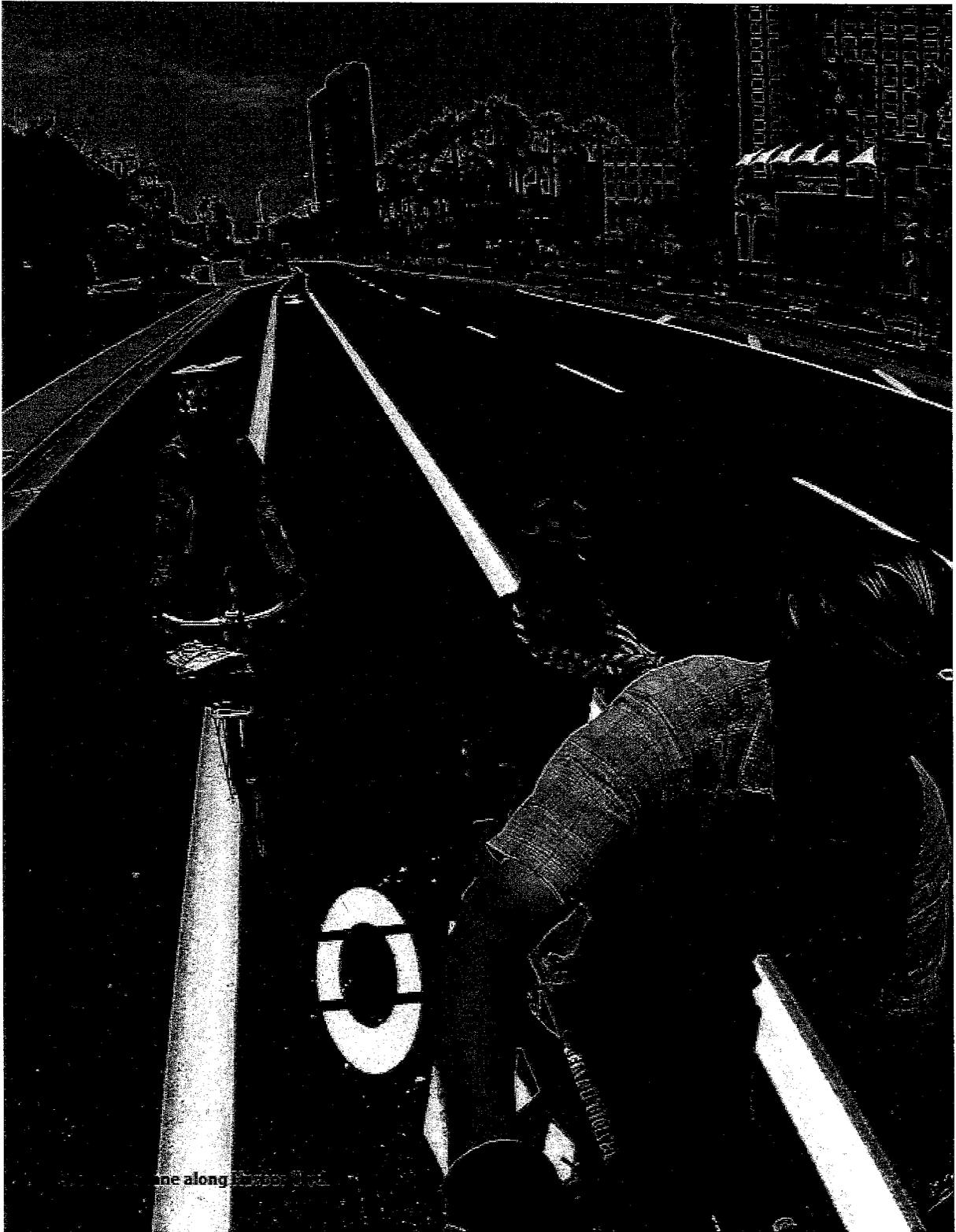
5. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
6. Be adopted in a public process following environmental review.

The CAP Consistency Checklist (Appendix C) will provide a streamlined review process for the GHG emissions analysis of proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.



CHAPTER 2

REDUCING EMISSIONS



...ne along

A GHG inventory is a collection of information about energy and emissions related activities within a specific scope or boundary. The GHG emissions inventory evaluated activities within the City of San Diego for major economic sectors, including residential buildings, nonresidential, transportation, water, solid waste, and municipal operations. The GHG emissions quantified in each of these sectors are associated with a variety of sources, including direct combustion of fossil fuels, purchased electricity, transportation (gasoline), solid waste, potable water, and materials. These sources are described in greater detail in **Appendix A**.

2010 Baseline Emissions

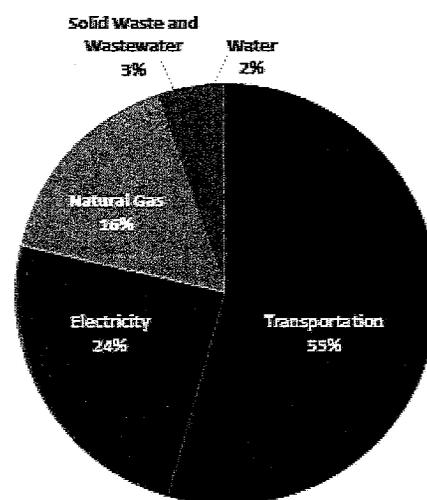
The 2010 baseline for the CAP is 12,984,993 Metric Tons of CO₂e. The GHG emissions inventory may be thought of as a point-in-time estimate of emissions. It provides a benchmark from which future emissions will be compared. The CAP uses a 2010 baseline pursuant to a recommendation from the California Air Resources Board that local governments set a 2020 reduction target of 15 percent below current emissions. Data and information from 2010 was used to calculate a reliable baseline of emissions for the City to use to set its reduction targets. The methods used to estimate GHG emissions for 2010 are consistent with the U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions.

The breakdown of GHG emissions in San Diego is very similar to that of other Southern California cities. Due to the high frequency of single-occupancy vehicles trips, the transportation sector contributes the largest out-

put of GHG emissions. This is followed by the energy sector (electricity and natural gas) and then by waste emissions (calculated as a combination of GHG emissions from the landfill and the wastewater system).

Figure 2.1 illustrates the community-wide emissions. Although not called out separately in the figure, municipal emissions contribute approximately one percent of the City of San Diego's community-wide GHG emissions. While this number may seem relatively insignificant, the GHG reduction potential represents an opportunity for the City to take a leadership role by reducing its own impacts. City operations include potable and recycled water treatment and distribution, wastewater treatment, solid waste and recycling collection, landfill management, street maintenance, and data management.

Figure 2.1: 2010 Community-wide Emissions Inventory



Business-as-usual Projections and Reduction Targets for 2020 through 2035

California has committed to reducing GHG emissions while accommodating a growing population and encouraging economic growth. The state’s road map for achieving reductions - the Air Resources Board Scoping Plan - charts future emissions by comparing various policy options to a “business-as-usual” (BAU) scenario. The BAU scenario represents future GHG emissions without further regulatory or policy intervention to reduce emissions.

Figure 2.2 illustrates the 2010 baseline, the projected BAU emission levels, and City’s reduction calculations for 2020 (24% below baseline), 2030 (41% below baseline) and 2035 (51% below baseline). The figure is displayed in metric tons of carbon dioxide equivalents (MT CO₂e).

Figure 2.2: City Projected GHG Emission Levels and Reduction Targets.

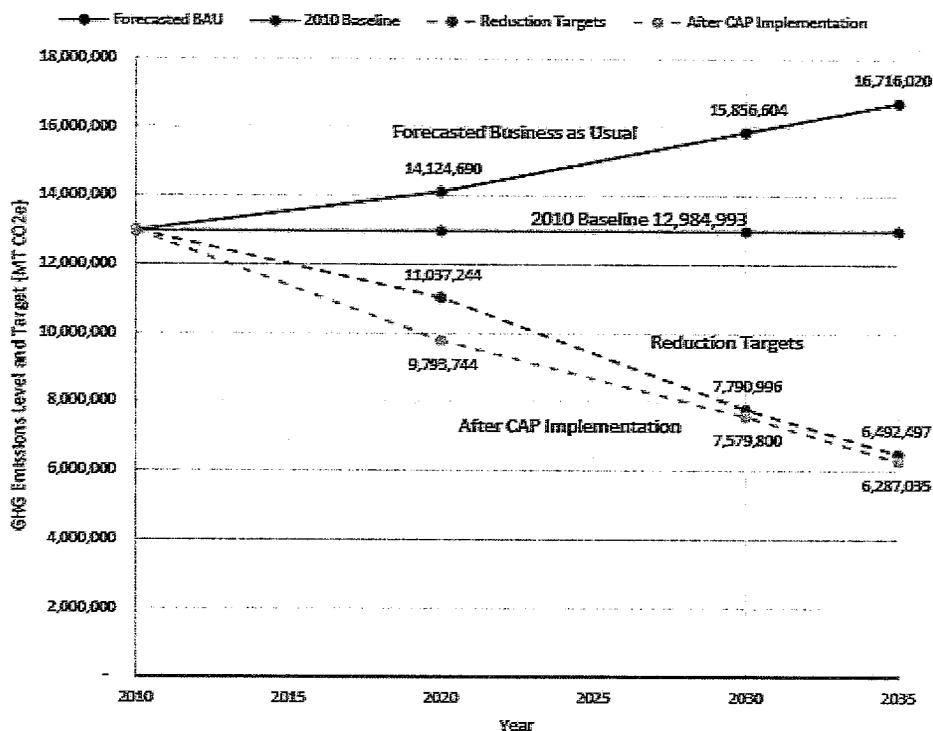


Table 2.1: GHG Emissions Reduction Values (MT CO₂e)

	2020	2030	2035
2010 Baseline	12,984,993	12,984,993	12,984,993
Total Proposed Emissions (Business as Usual)	14,124,690	16,456,004	16,716,020
City Target Emission Levels	11,037,244	7,790,996	6,492,497
Total Reductions from CAP	4,388,946	8,276,007	10,423,926
Total Resulting CO₂e Emission Levels	9,793,744	7,579,800	6,287,065

The CAP also includes a BAU projection of emissions through 2035 for the City. The BAU projection starts with the baseline year, a regulatory snapshot of the world at that time, and projects emissions into the future based on expected changes to population and economic activity. It assumes that all other variables, such as policies to reduce emission, remain constant through 2035. For example, in 2010 about 12 percent of electricity supplied to the City was from renewable sources. Even though the law requires suppliers to reach a renewable level of 33 percent by 2020, the BAU projection assumes only 12 percent renewable through 2035. **Appendix A** provides a detailed summary of the assumptions used to develop the BAU projection.

As illustrated in **Table 2.1**, the CAP consists of a 2010 inventory of GHG emissions; a BAU projection for emissions at 2020, 2030, and 2035; a calculation of the City's targets based on a reduction from the 2010 baseline; and emission reductions with implementation of the CAP.

Accounting for future population and economic growth, the City projects GHG emis-

sions of **14,124,690** MT of CO₂e in 2020 and **16,716,020** MT of CO₂e in 2035. As described on page 3, the CAP, in compliance with the California Air Resources Board (CARB) recommendation, sets a target to achieve a 15 percent reduction from the 2010 baseline by 2020. The CAP also includes reduction targets to reduce emissions below the 2010 baseline by 40 percent by 2030, and 50 percent by 2035. Therefore, the City must implement strategies that reduce emissions to **11,037,244** MT of CO₂e in 2020, **7,790,996** MT of CO₂e in 2030, and **6,492,497** MT of CO₂e in 2035.

By meeting the 2020 and 2035 targets, the City will maintain its trajectory to meet its proportional share of the 2050 state target. Future actions anticipated by the state and possible federal initiatives would reduce the need for local measures and help ensure broader participation in emission reduction efforts. If CARB adopts a recommendation for a percentage reduction for local governments for future years, the City will amend its targets accordingly.

Figure 2.3: GHG Reductions by Sector and Target Year

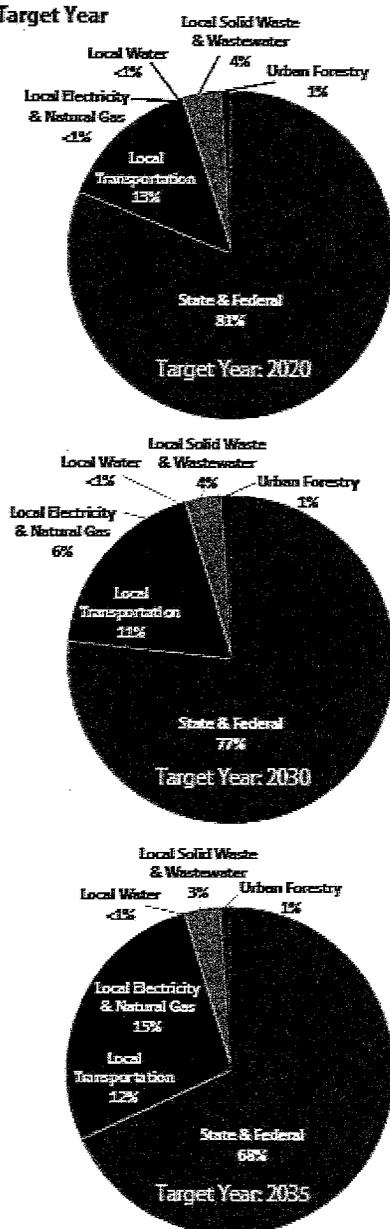


Figure 2.3 breaks down the various GHG emission reductions by sector for 2020, 2030, and 2035.

The regional, local, city actions included in the CAP were identified as part of an iterative process with the Environmental and Economic Sustainability Task Force (EESTF), City staff, and stakeholders. The final list of recommendations includes actions with the greatest reduction potential as well as actions where the City has the greatest opportunity and authority for implementation.

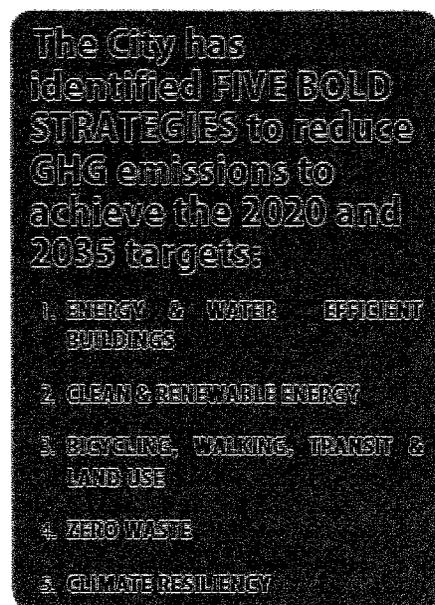
The CAP also includes mandatory GHG reduction actions that have been adopted by federal and state agencies. The City performed its analysis assuming implementation of these adopted actions. When state and federal mandates are fully implemented by 2020, these actions will provide approximately 81 percent of the 2020 GHG reductions and 68 percent of the 2035 GHG reductions. For further information on the methodology of how the GHG reduction strategies were generated, refer to **Appendix A**.

The City's ability to grow its population and economy while meeting the GHG reduction targets will require a broad-based participation that no single emissions category, organization, or institution can achieve on its own. This is a challenge that must be shared by the entire community. Everyone who lives, works, shops, or plays in the City contributes to the community's GHG emissions, and everyone will need to be part of the solution.

Local Strategies

Strategy 1: Energy & Water Efficient Buildings

Both non-residential and residential buildings offer opportunities for emissions reductions in new development as well as existing structures. Generally, building strategies focus on site-specific design and innovation, and technological improvements that increase energy efficiency and provide renewable energy generation. Because both non-residential and residential property owners, as well as their respective tenants, have different needs and demands, reduction strategies will consist of a mixture of regulatory mandates and incentives to improve building performance.



Strategy 2: Clean & Renewable Energy

Clean, renewable energy is essential to achieving the GHG reduction targets. A combination of on-site generation and large-scale renewables will assist the City in meeting its GHG reduction targets in the most efficient way. The City aims to facilitate installation of renewable energy locally, and support local job creation as part of this strategy.

Strategy 3: Bicycling, Walking, Transit & Land Use

Transportation strategies cover a broad range of activities that aim to reduce vehicle miles travelled (VMTs), improve mobility, and enhance vehicle fuel efficiency. Specific implementation measures involve changing land uses, adopting a new perspective on community design, promoting alternative modes of travel, revising parking standards, and managing parking.

Strategy 4: Zero Waste (Gas & Waste Management)

There are several different options for managing waste including source reduction, increased recycling, and gas capture.



The Growing Presence of Renewable Energy in San Diego

- The City's Miramar Landfill and the Metro Biosolids Center have contracts with companies that collect the methane gas to serve their private cogeneration facilities at the Metro Biosolids Center and North City Water Reclamation Plant and the City generator at North City Water Reclamation Plant, and produce nearly 15 MW of energy. These renewable energy facilities service the North City Water Reclamation Plant, the Metro Biosolids Center, the Miramar Landfill, and the Marine Corps Air Station Miramar. The excess energy is fed back to the SDG&E.
- The City has a contract with a company that implemented the Beneficial Utilization Digester Gas (BUDG) project which process the excess gas produced at the Point Loma Wastewater Treatment Plant to produce green gas and inject it into the SDG&E natural gas pipeline, which is being used by the 4.5 MW of ultra clean fuel cells owned by a private contractor.
- The City is partnering with the San Diego County Water Authority to conduct an in-depth study of the feasibility of a multi-year renewable energy project at the San Vicente Reservoir. The study will also evaluate the potential contribution of a large-scale pumped storage project toward meeting the City's renewable energy needs.
- The City also has photovoltaics (solar) systems installed at various facilities, including water treatment plants that produce approximately 2.2 MWs of renewable energy.

San Diego EcoDistricts - North Park and Pacific Beach

Working with two key community partners- San Diego Gas and Electric and the San Diego Green Building Council- and inspired by the EcoDistricts model, the North Park EcoDistrict was launched in early 2013. The North Park EcoDistrict goal is to evolve as a neighborhood that collectively uses resources mindfully, embraces a thriving green economy, sustains its historic nature, provides for the well-being of community members, nurtures the local environment, promotes equity in many fashions and inspires community members and other neighborhoods.

In the Pacific Beach community, a group of architects, the Pacific Beach Planning Group, and community members, in cooperation with The American Institute of Architecture (AIA), have held extensive workshops to develop a vision for a community-wide EcoDistrict. Some of the first steps identified by the AIA Sustainable Design Assessment Team include engaging the community to work collaboratively to improve the environment of Pacific Beach and to improve the conditions for bicycling and walking.

Methane gas is a by-product from the decomposition of organic material, and it is a GHG that has 20 times the warming impact as carbon dioxide. For this reason, landfills and wastewater treatment plants were among the first facilities required to report emissions under AB 32.

As reduction of waste entering the landfill greatly reduces GHG emissions, the goal for the City is to achieve a 75 percent waste diversion rate by 2020. The City also has a goal to strive for Zero Waste disposal by 2040.

Strategy 5: Climate Resiliency

Climate Resiliency can be defined as the capacity of a system to absorb disturbance and reorganize while undergoing change and still retain essentially the same function, structure and feedbacks, and therefore identity. The intent is to develop programs, policies, and processes that are not rigid or static, but rather flexible allowing change to accommodate unexpected events and shocks and continue to function effectively. This document illustrates the path forward by providing next steps and recommendations for areas of further analysis.



Federal and State Strategies

State and Federal regulations will continually evolve over the life of the CAP. The CAP provides flexibility for the City to make amendments to account for these new requirements and adjust the CAP to meet its goals.

Federal Corporate Average Fuel Economy

The US EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) joint rule established a national program consisting of new standards for model year 2012 through 2016 light-duty vehicles that has already reduced GHG emissions and improved fuel economy.



The standards for tailpipe GHG emissions and fuel economy were tightened in 2012 for 2017–2025 models, which will lead to even greater reductions by 2025 (National Highway Traffic Safety Administration, 2012).

California Renewables Portfolio Standard

Established in 2002 under SB 1078, accelerated in 2006 under SB 107 and expanded in 2011 under SB 2, California's Renewables Portfolio Standard (RPS) requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 (California Public Utilities Commission, 2014).

California Public Utilities Commission Long-Term Energy Efficiency Strategic Plan

On Sept. 18, 2008, the CPUC adopted California's first Long Term Energy Efficiency Strategic Plan, presenting a single road map to achieve maximum energy savings across all major groups and sectors in California. This comprehensive plan, running through 2020, is the state's first integrated framework of goals and strategies for saving energy, covering government, utility, and private sector actions, and holds energy efficiency as the highest priority resource in meeting California's energy needs (California Public Utilities Commission, 2013).

California Low Carbon Fuel Standards

Executive Order S-1-07, the Low Carbon Fuel Standards (LCFS) calls for a reduction of at least 10 percent in the carbon intensity of California's transportation fuels by 2020 (California Air Resources Board, 2014).

California Air Resources Board Heavy Duty Vehicle Regulations

Adopted in December 2008, this regulation requires improvements in heavy-duty vehicles. The regulation is expected to reduce GHG emissions by approximately 1 million metric tons of CO₂e by 2020, statewide. By the end of 2020 it is estimated that truckers and trucking companies will save about \$8.6 billion because diesel fuel consumption will be reduced by as much as 750 million gallons for travel in California and 5 billion gallons for travel across the nation (California Air Resources Board, 2014).

Comprehensive Energy Efficiency Program for Existing Buildings

Assembly Bill 758 (Skinner, Chapter 470, Statutes 2009) requires the Energy Commission to develop a comprehensive program to achieve greater energy efficiency in the state's existing buildings. The Energy Commission has created the Comprehensive Energy Efficiency Program for Existing Buildings Scoping Report, which outlined market needs and identified barriers to implementation. The Energy Commission will also adopt the AB 758 Action Plan, a roadmap of strategies encompassing all energy efficiency approaches. The program will also focus on implementing the roadmap to scale to achieve energy efficiency goals, partnerships, and market development and develop and institute a plan to move energy efficiency practices into the mainstream.

CHAPTER 3

**IMPLEMENTATION
AND
MONITORING**



Implementation and monitoring will ensure a successful Climate Action Plan.

The CAP identifies a comprehensive set of goals, actions, and targets that the City can use to reduce GHG emissions. These actions include a combination of ordinances, City Council policies, resolutions, programs, and incentives, as well as outreach and education activities. Before items are presented to the City Council, a cost benefit analysis will be performed, including a cost-per-GHG reduction analysis. As implementation occurs, each action will be assessed and monitored. The City of San Diego recognizes the need for proper staffing, financing, and resource allocation to ensure the success of each mechanism included in the CAP.

The City also recognizes that given the long planning horizon of the CAP, it may become necessary to modify the specific actions as circumstances change over time. For example, some of the actions are at the early stages of development and will require feasibility studies, coordination with other agencies, or funding sources to be secured before they can be implemented. Additionally, improvements in energy technology and efficiency, transportation technology and fuels, building standards, consumer behavior, and future federal and state regulations may warrant revisiting the actions over time. While the City is committed to meeting the 2020 and 2035 GHG reduction targets, the City recognizes that there are multiple ways to achieve that goal and that flexibility in implementation is necessary to allow the City to evolve its strategies to achieve the most effective path to

the desired result. The City may amend the CAP when circumstances require the CAP actions to provide additional flexibility or clarity. These circumstances include, but are not limited to, new available data and resources, state and federal legislation or regulations, new technology, new regional plans, and new standards in GHG emission reduction calculations. Specifically, for identified local ordinance, policy or program actions to achieve 2020 and 2035 GHG reduction targets, the City may substitute equivalent GHG reductions through other local ordinance, policy or program actions.



	2030	2040	2050
	MT CO ₂ e Reduction	MT CO ₂ e Reduction	MT CO ₂ e Reduction
Table 3.1: Local, Regional, State and Federal Actions			
1.1 Residential Energy Conservation and Disclosure Ordinance	3,218	6,078	5,605
1.2 City's Municipal Energy Strategy and Implementation Plan	11,580	12,321	9,011
1.3 New Water Rate and Billing Structure	12,210	14,948	12,277
1.4 Water Conservation and Disclosure Ordinance	12,589	19,898	21,470
1.5 Outdoor Landscaping Ordinance	2,090	1,888	653
2.1 Community Choice Aggregation Program or Another Program	-	531,254	1,592,878
2.2 Municipal Zero Emissions Vehicles	12,144	18,621	21,859
2.3 Convert Municipal Waste Collection Trucks to Low Emission Fuel	2,018	8,501	10,144
3.1 Mass Transit	119,234	138,016	213,573
3.2 Commuter Walking	1,092	1,338	1,488
3.3 Commuter Biking	19,077	40,177	50,574
3.4 Retiming Traffic Signals	11,024	9,032	8,508
3.5 Install Roundabouts	2,110	2,506	2,172
3.6 Promote Effective Land Use to Reduce Vehicle Miles Traveled	-	73,051	109,576
4.1 Divert Solid Waste and Capture Landfill Emissions	154,467	283,309	344,213
4.2 Capture Methane from Wastewater Treatment	16,424	18,000	18,735
5.1 Urban Tree Planting Program	43,839	82,806	102,290
SANDAG - SB 375	397,580	661,061	792,801
CA Renewable Portfolio Standard (RPS)	887,084	840,086	398,219
CA RPS - Community Choice Aggregation or Another Program	-	960,098	1,592,878
CA Solar Programs	154,975	426,262	572,333
CA Vehicle Efficiency Standards - Pavley 1/CAFE	1,407,061	2,373,735	2,498,388
CA Low Carbon Fuel Standard	628,425	571,210	569,268
CA Electric Vehicle Policies and Programs	196,542	758,803	1,185,078
CA Energy Efficiency Policies and Programs	202,142	387,265	257,192
CA CARB Tire Pressure Program	25,920	27,840	28,800
CA CARB Heavy Duty Vehicle Aerodynamics	8,100	8,700	9,000
Total Reduction from State and Federal Actions	3,510,249	6,353,998	7,111,156
Total Reductions from Regional Actions	397,580	661,061	792,801
Total Reductions from Local Actions	423,116	1,261,745	2,525,027
Total GHG Reductions with Implementation of the Climate Action Plan	4,330,945	8,276,803	10,428,984
2010 Baseline	12,984,993	12,984,993	12,984,993
Total Projected Emissions (Business-as-Usual)	14,124,690	15,856,604	16,716,020
City Target Emissions Levels	11,037,244	7,790,996	6,492,497
Resulting GHG Emissions with Implementation of the Climate Action Plan	9,793,744	7,579,800	6,287,035

* Regional, State and Federal Actions are not expanded upon further in the Implementation Tables as the City of San Diego does not need to enact local policies to support them.

Phasing

To optimize resource efficiency and overall effectiveness of implementing the actions, the CAP is divided into **three general phases**:

Phase 1: Early Actions

January 1, 2016- December 31, 2017

This phase includes short-term actions that are high-priority and return large emission reductions. In addition, short-term actions will include laying the foundation for longer-term actions. Diligent work in Phase 1 should decrease risks and increase chances for success of actions implemented in the later phases. Annual monitoring of implemented actions will inform the City, and public, of the CAP's GHG emissions reduction progress.

The early actions are necessary for the City to plan for, and reach, its 2020 and 2035 GHG Emissions Reduction Targets.

Phase 2: Mid-Term Actions

January 1, 2018- December 31, 2020

This phase includes mid-term actions specifically focused on helping the City to reach its 2020 GHG Emissions Reduction Target.

Phase 3: Longer-Term Actions

2021-2035

Long-term actions will take more time to implement but are essential for meeting the City of San Diego's 2035 GHG emissions reduction goals. While City government action is the primary focus of the CAP, many others

in the community (as well as outside of it) will need to take action to achieve our bold vision.

Legend to Implementation Tables

Strategy = Corresponds to the FIVE Bold Strategies.
Lead Departments = Responsible City parties for ensuring implementation.
General Plan Policies = Referenced 2008 General Plan policy.
Goal = Effort to achieve a result.
Action = Regulatory and/or policy mechanisms to implement the GHG reduction target.
Target = Percentage of GHG emissions to be reduced by a defined time frame.
GHG Reductions = GHG reduction potential of each action in carbon dioxide equivalents based on substantial evidence provided in Appendix A.
Supporting Measures = Supporting Measures that assist in the implementation of the Actions. These Supporting Measures are not included in the quantified GHG reductions.

Table 3.1 (opposite page) outlines the Five Bold Strategies and the City's Local Actions' GHG emissions reduction values. The Local Actions are expanded upon on the following pages. For more detailed information on GHG Reductions, please refer to **Appendix A**.

STRATEGY 1: ENERGY & WATER EFFICIENT BUILDINGS		
GOAL: Reduce daily per capita water consumption.		
ACTION 1.3:		PHASE 2
Support water rate structures that provide pricing signals that encourage water conservation and reuse, including greywater use, within the limits established by Propositions 218 and 26.		
TARGET: Reduce daily per capita water consumption by 4 gallons by 2020 and 9 gallons by 2035.	GHG REDUCTIONS:	
	2020 12,210 MT/CO ₂ e	2035 12,277 MT/CO ₂ e
ACTION 1.4:		PHASE 1
Present to City Council for consideration a Water Conservation and Disclosure Ordinance.		
TARGET: Reduce daily per capita water consumption by 4 gallons by 2020 and 9 gallons by 2035.	GHG REDUCTIONS:	
	2020 12,589 MT/CO ₂ e	2035 21,470 MT/CO ₂ e

STRATEGY 1: ENERGY & WATER EFFICIENT BUILDINGS

ACTION 1.5:

PHASE I

Implement an Outdoor Landscaping Ordinance that requires use of weather-based irrigation controllers.

TARGET:

Reduce daily per capita water consumption by an additional 3 gallons by 2020 and an additional 5 gallons by 2035.

GHG REDUCTIONS*:

2020

2035

2,090 MT/CO₂e

653 MT/CO₂e*

SUPPORTING MEASURES FOR ENERGY & WATER EFFICIENT BUILDINGS:

- Expand the Property-Assessed Clean Energy (PACE) financing programs to further support residential and non-residential energy and water efficiency actions.
- Expand incentive programs that further promote energy and water efficiency in residential and non-residential buildings.
- Implementation of amendments to the City's Building Code that require installation of cool roof materials consistent with the supplementary measures contained in the CalGreen Code for new construction, significant repairs to existing roofs, and re-roofing.
- Implement a Smart Energy Management & Monitoring System (SEMS) for municipal facilities to monitor and track energy consumption. Based upon results, staff will identify opportunities for greater efficiency and demand response.
- Develop a Zero Net Energy Policy for new municipally-owned buildings.
- Pursue LEED for Existing Buildings Operation and Maintenance Certification for municipal facilities.
- Record the annual volume percentage of recycled water used and planned to be introduced through 2035. The report will include plans for increasing future annual volumes of recycled water/potable reuse as well as report the number of grey water permits filed for systems discharging more than 230 gallons per day.
- Pursue additional financial resources and incentives for implementing energy and water efficiency measures identified by the conservation and ordinances, and to promote the expansion of greywater systems.

STRATEGY 2: CLEAN & RENEWABLE ENERGY		
LEAD DEPARTMENTS:	Development Services Department, Environmental Services Department, Economic Development Department	
GENERAL PLAN POLICIES:	CE-A.2, CE-A.5, CE-A.6, CE-B, CE-10, CE-11, UT-A.4	
GOAL:	Achieve 100% renewable energy city-wide by 2035	
ACTION 2.1:	PHASE 2 Present to City Council for consideration a Community Choice Aggregation (CCA) or another program that increases the renewable energy supply.*	
TARGET:	GHG REDUCTIONS:	
Add additional renewable electricity supply to achieve 100% renewable electricity by 2035 city-wide	2020	2035
	N/A MT/CO ₂ e	1,592,878 MT/CO ₂ e
SUPPORTING MEASURES FOR CLEAN AND RENEWABLE ENERGY:		
<ul style="list-style-type: none"> - Complete a citywide Community Choice Aggregation Feasibility Study, which would include timelines for implementation and analyze potential costs. - Implement General Plan Policy CE-A.5 to achieve net-zero energy consumption by employing sustainable or "green" building techniques for the construction and operation of buildings. - Support the State's implementation of the Green Tariff Shared Renewables Program. - Establish policies, programs and ordinances that facilitate and promote siting of new and/or photovoltaic energy generation and energy storage systems. - Provide adequate funding and resources to meet increased demand for solar photovoltaic and energy storage permitting. - Encourage solar photovoltaic installations through implementation of a professional-certification permitting program. <p>* Note: The City's renewable energy program should include presenting an ordinance to City Council to require new residential and non-residential construction to install conduit for future photovoltaics and electric vehicle (EV) charging stations, and to install plumbing for future solar water heating. Further, should the CCA Program or another program not be implemented, the City will explore the option of utilizing renewable energy credits (RECs) to contribute toward the 100% renewable energy target. Efforts should be local in nature to benefit local renewable energy businesses, create jobs, and increase resiliency for the City.</p>		

STRATEGY 2: CLEAN & RENEWABLE ENERGY		
GOAL: Increase municipal zero emissions vehicles.		
ACTION 2.2: Present to City Council for consideration an update to City Administrative Regulation 90.73 to increase the number of municipal zero emissions vehicles.		PHASE 1
TARGET: Increase the number of zero emissions vehicles in the municipal fleet to 50% by 2020 and 90% by 2035.	GHG REDUCTIONS:	
	2020	2035
	12,144 MT/CO ₂ e	21,859 MT/CO ₂ e
GOAL: Convert existing diesel municipal solid waste collection trucks to compressed natural gas or other alternative low emission fuels.		
ACTION 2.3: Present to City Council for consideration a Municipal Alternative Fuel Policy.		PHASE 1
TARGET: 100% conversion from diesel fuel used by municipal solid waste collection trucks to compressed natural gas or other alternative low emission fuels by 2035.	GHG REDUCTIONS:	
	2020	2035
	2,018 MT/CO ₂ e	10,144 MT/CO ₂ e
SUPPORTING MEASURES FOR CLEAN AND RENEWABLE ENERGY:		
<ul style="list-style-type: none"> Consider updating regulations for alternative fuel and zero emissions vehicle requirements for the City's vehicle fleet. Consider an integrated transportation strategy that combines zero emissions vehicle deployment and infrastructure. Present to City Council for consideration an Electric Vehicle Charging Plan. 		

STRATEGY 3: BICYCLING, WALKING, TRANSIT & LAND USE		
LEAD DEPARTMENTS:	Transportation and Storm Water, Planning, General Services, Development Services, Purchasing and Contracting, Economic Development, Environmental Services Departments	
GENERAL PLAN POLICIES:	CE-A.2, ME-B.6, ME-F.5, ME-F.6, LU-A.7, ME-B.9, CE-F.1, CE-F.3, ME-C.4	
GOAL: Increase the use of mass transit.		
ACTION 3.1: Implement the General Plan's Mobility Element and the City of Villages Strategy in Transit Priority Areas* to increase the use of transit.		PHASES 1, 2 & 3
TARGET: Achieve mass transit mode share of 12% by 2020 and 25% by 2035 in Transit Priority Areas.	GHG REDUCTIONS:	
	2020	2035
	119,234 MT/CO ₂ e	213,573 MT/CO ₂ e
GOAL: Increase commuter walking opportunities.		
ACTION 3.2: Implement pedestrian improvements in Transit Priority Areas to increase commuter walking opportunities.		PHASES 1, 2 & 3
TARGET: Achieve walking commuter mode share of 4% by 2020 and 7% by 2035 in Transit Priority Areas.	GHG REDUCTIONS:	
	2020	2035
	1,092 MT/CO ₂ e	1,488 MT/CO ₂ e
<p>*TRANSIT PRIORITY AREA: The Transit Priority Areas map is based on the adopted SANDAG 2150 Regional Transportation Plan (RTP). The RTP is currently being updated as a part of the San Diego Forward Regional Plan. The Transit Priority Areas map will be updated to reflect the updated RTP following adoption by the SANDAG Board, which is anticipated to occur in the fall of 2015.</p> <p>SB 748 established Section 21039 of the California Public Resources Code (CPRC), which states: "Transit priority area" means "an area within one-half mile of a water transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.222 of Title 23 of the Code of Federal Regulations."</p> <p>Major Transit Stop, as defined in CPRC Section 21064.3, means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes each having a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods. - See Appendix B</p>		

STRATEGY 3: BICYCLING, WALKING, TRANSIT & LAND USE		
GOAL: Increase commuter bicycling opportunities.		
ACTION 3.3: Implement the City of San Diego's Bicycle Master Plan to increase commuter bicycling opportunities.		PHASES 1, 2 & 3
TARGET: Achieve 8% bicycle commuter mode share by 2020 and 16% mode share by 2035 in Transit Priority Areas.	GHG REDUCTIONS:	
	2020 19,077 MT/CO ₂ e	2035 50,574 MT/CO ₂ e
GOAL: Reduce vehicle fuel consumption.		
ACTION 3.4: Implement a Traffic Signal Master Plan to retime traffic signals to reduce vehicle fuel consumption.		PHASE 2
TARGET: Retime 200 traffic signals by 2025.	GHG REDUCTIONS:	
	2020 11,024 MT/CO ₂ e	2035 8,508 MT/CO ₂ e
ACTION 3.5: Implement a Roundabouts Master Plan to install roundabouts to reduce vehicle fuel consumption.		PHASE 2
TARGET: Install roundabouts at 15 intersections by 2020 and an additional 20 intersections by 2035.	GHG REDUCTIONS:	
	2020 2,110 MT/CO ₂ e	2035 2,172 MT/CO ₂ e

STRATEGY 3: BICYCLING, WALKING, TRANSIT & LAND USE

GOAL:

Promote effective land use to reduce vehicle miles traveled.

ACTION 3.6:

Implement transit-oriented development within Transit Priority Areas.

PHASES 1, 2 & 3

TARGET:

Reduce average vehicle commute distance by two miles through implementation of the General Plan City of Villages Strategy by 2035.

GHG REDUCTIONS:

2020

0 MT/CO₂e

2035

109,576 MT/CO₂e

SUPPORTING MEASURES FOR BICYCLING, WALKING, TRANSIT & LAND USE:

- Implement bicycle improvements concurrent with street re-surfacing projects, including bike lanes, green bike lanes, sharrows, and buffered bike lanes.
- Implement a bicycle sharing program with DetoBikes. Reduce the "1 mile" barrier gap by ensuring that further expansion of the bike share program is designed and implemented to reduce the distance needed to travel between transit stops and destinations.
- Identify and address gaps in the City's pedestrian network and opportunities for improved pedestrian crossings, using the City's Pedestrian Master Plan and the City's sidewalk assessment.
- Adopt City portions of SANDAG's forthcoming first mile/last mile initiative and incorporate Safe Routes to Transit strategies in Transit Priority Areas.
- Coordinate pedestrian counting programs with SANDAG & SDSU Active Transportation Research Programs.
- Develop a Parking Plan to include measures such as "unbundled parking" for nonresidential and residential sectors in urban areas.
- Prepare a Commuter Report with measures to increase commuting by transit for City employees.
- Achieve better walkability and transit-supportive densities by locating a majority of all new residential development within Transit Priority Areas.
- Develop a new priority ranking for capital improvement projects in Transit Priority Areas that will be integrated into Council Policy 800-14, Community Development Block Grant and other grant opportunities, and Public Facilities Financing Plans. See Ch. 4 Social Equity & Job Creation.
- In addition to curbside, implement infrastructure improvements including "complete streets" to facilitate alternative transportation modes for all travel times.
- The most recent version of the California Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen tool will be used as one method to identify and help prioritize, when possible, underserved communities in census tracts ranking in the top 20% of CalEnviroScreen scores, which may be locally normalized, for transit-related infrastructure improvements and capital improvements.

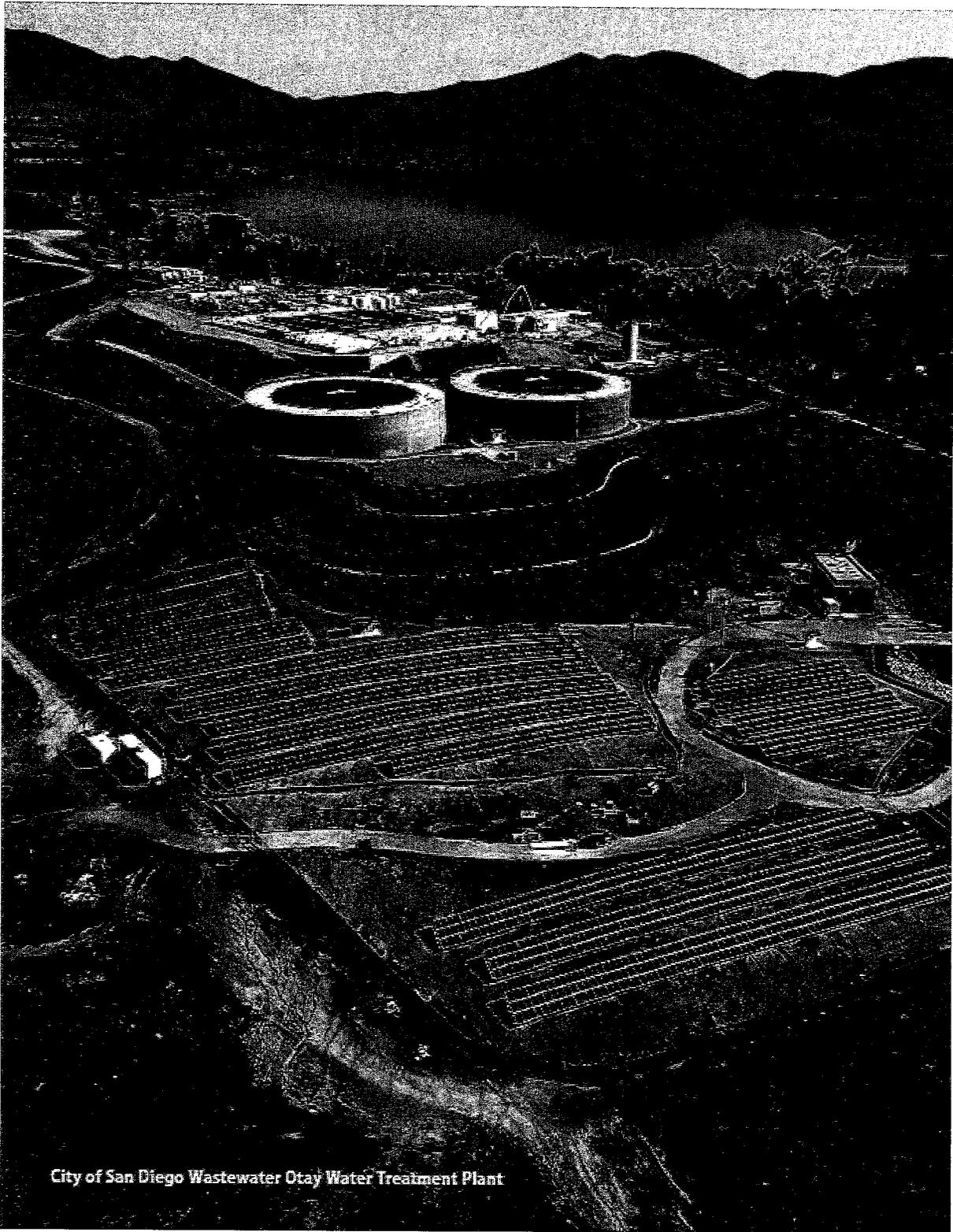
STRATEGY 4: ZERO WASTE (GAS & WASTE MANAGEMENT)		
LEAD DEPARTMENTS:	Environmental Services Department, Public Utilities Department	
GENERAL PLAN POLICIES:	CE-A.2, CE-A.3, CE-A.9, CE-E.6, CE-M.3, CE-N.4, CE-N.7, PF-L1, PF-L2	
GOAL:	Divert solid waste and capture landfill methane gas emissions.	
ACTION 4.1:	PHASE 1	
Enact the City's Zero Waste Plan, and implement landfill gas collection operational procedures in compliance with the California Air Resources Board's Landfill Methane Capture regulations.		
TARGET: Divert 75% of solid waste by 2020 and 81% by 2035. Capture 80% of remaining landfill emissions by 2020 and 90% by 2035.	GHG REDUCTIONS:	
	2020	2035
	154,467 MT/CO ₂ e	344,213 MT/CO ₂ e
GOAL:	Capture methane gas from wastewater treatment.	
ACTION 4.2:	PHASES 2	
Implement operational procedures to capture methane gas from wastewater treatment.		
TARGET: Capture 98% wastewater treatment gases by 2035.	GHG REDUCTIONS:	
	2020	2035
	16,424 MT/CO ₂ e	18,735 MT/CO ₂ e
SUPPORTING MEASURES FOR ZERO WASTE:		
<ul style="list-style-type: none"> Develop a Resource Recovery Center and "one-stop shop" at Miramar Landfill that provides opportunities to maximize waste diversion. Convert curb side recycling and curb side greenery collection programs to a weekly basis and add kitchen scraps to greenery. 		

STRATEGY 5: CLIMATE RESILIENCY		
LEAD DEPARTMENTS:	Development Services, Planning Department, Parks and Recreation Department, Public Works Department	
GENERAL PLAN POLICIES:	CE-A2, CE-J1, CE-L2, CE-L3	
GOAL: Increase urban tree canopy coverage.		
ACTION 5.1:	PHASE 2	
Present to City Council for consideration a city-wide Urban Tree Planting Program. The program shall include water conservation measures to minimize the water use for tree plantings. The measures should include planting drought-tolerant and native trees, and prioritizing tree plantings in areas with recycled water and greywater infrastructure.		
TARGET:	GHG REDUCTIONS:	
Achieve 15% urban tree canopy coverage by 2020 and 35% urban tree coverage by 2035.	2020	2035
	43,839 MT/CO ₂ e	102,290 MT/CO ₂ e
SUPPORTING MEASURES FOR CLIMATE RESILIENCY:		
<ul style="list-style-type: none"> Develop a regional (Western San Diego County) Urban Tree Canopy Assessment in collaboration with other regional jurisdictions and SANDAG. Prepare a Parks Master Plan that prioritizes parks in underserved communities. Hire an Urban Forest Program Manager. Plan for the long-term maintenance of additional trees and ensure sufficient staff and funding are available. Complete the Urban Forest Management Plan and present to City Council for adoption. 		
URBAN TREE CANOPY COVERAGE		
Urban tree canopy refers to the tree crowns that cover the ground when viewed from above. Typically, urban tree canopy coverage is measured by using high definition aerial imagery to calculate how much of the City is "shaded" by trees. Citywide tree canopy coverage is generated by street trees, trees in parks, open space, and private residence, commercial, and industrial areas.		

MONITORING & REPORTING
Measure 1: CAP Annual Monitoring Report

IMPLEMENTING MECHANISMS:	IMPLEMENTATION PHASES:		
<p>1.1 Sustainability Program Manager As a companion item to the CAP, the Mayor and City Council have established the position of Sustainability Program Manager to oversee the implementation and monitoring of all actions outlined in the CAP. To increase efficiency and reduce costs, the City will integrate these actions into the context of existing workloads and programs wherever possible. The Program Manager will establish an interdisciplinary team of staff from various City departments to coordinate implementation efforts and coordinate city-wide progress. The position will also oversee the development of the climate adaptation plan and updates to this plan.</p>	2015-2017	2018-2020	2021-2035
	✓		
<p>1.2 Annual Monitoring Report Staff will conduct an inventory of community-wide GHG emissions and develop an Annual Monitoring Report that will include specific actions, proposed outcomes and a timeline with milestones to track success in meeting 2020 and 2035 targets.</p>	2015-2017	2018-2020	2021-2035
	✓	✓	✓
<p>1.3 Citywide data collection and sharing The City continues to share data with other government entities, academic institutions, industry, corporate, and civic organizations. The City may be limited in its ability to share certain types of data (i.e. energy usage by individuals).</p>	2015-2017	2018-2020	2021-2035
	✓	✓	✓
<p>1.4 Amend policies, plans, and recommendations Staff will annually evaluate city policies, plans (including the CAP) and codes as needed to ensure the CAP reduction targets are met. Any actions requiring City Council approval will be brought back to City Council for consideration. Amendment of the CAP will be required if it is not meeting the GHG emission reductions outlined in the CAP or otherwise required by law. Additionally, it is anticipated that an update of the CAP will occur by 2020.</p>	2015-2017	2018-2020	2021-2035
	✓	✓	✓

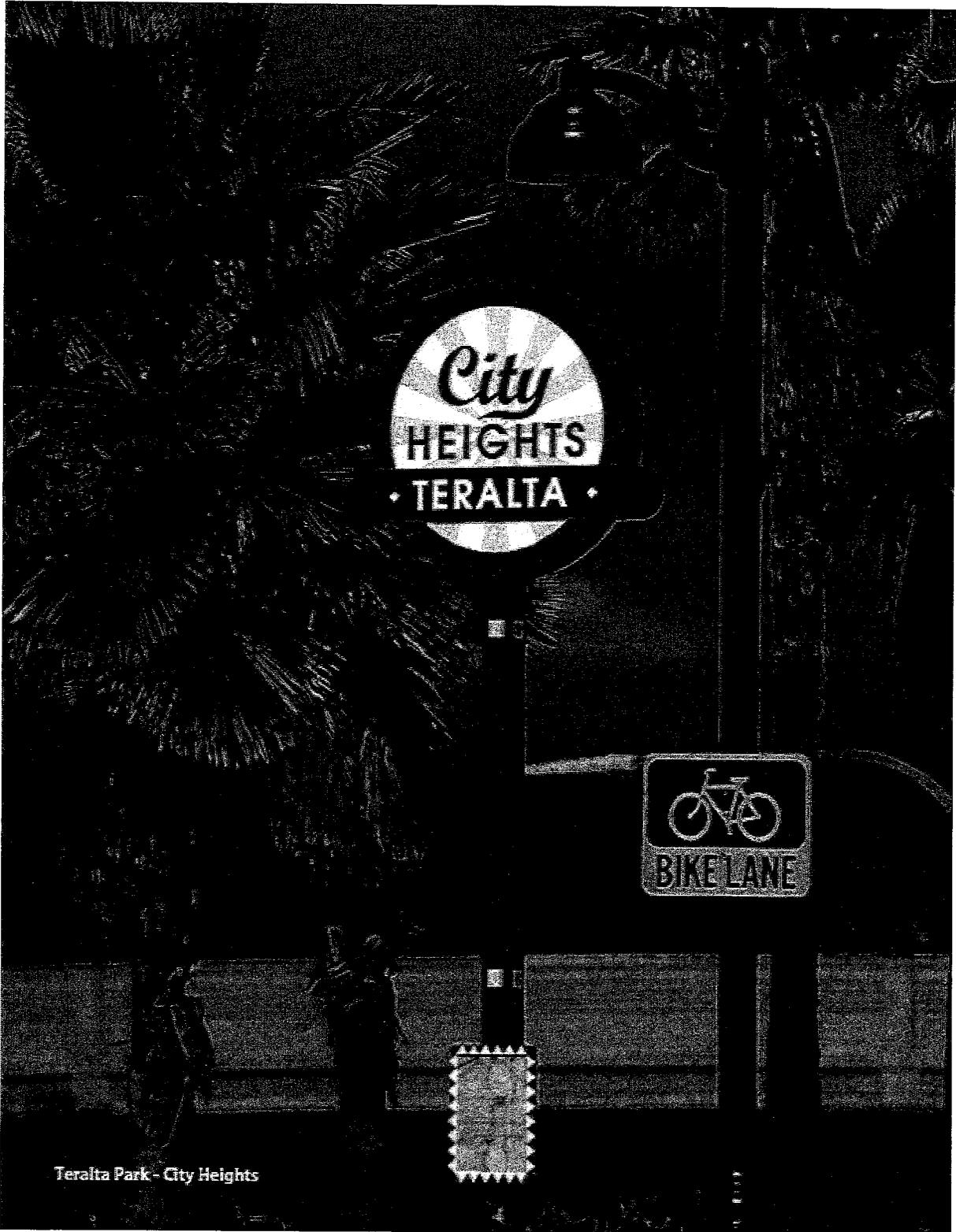
MONITORING & REPORTING			
Measure 2: Carbon Inventory Verification			
IMPLEMENTING MECHANISMS:		IMPLEMENTATION PHASES:	
2-1 Third-party Verification		2015-2017	2018-2020
The City's Environmental Services Department will complete an annual carbon (GHG) inventory as part of the Annual Monitoring Report to be verified through a neutral third-party to ensure it is accurate and complete. Voluntarily submitting the carbon inventory for third-party verification will lend credibility to the CAP and provide assurance to the public of a valid product.		✓	✓
		2021-2035	✓
MONITORING & REPORTING			
Measure 3: Social Equity and Job Monitoring			
IMPLEMENTING MECHANISMS:		IMPLEMENTATION PHASES:	
3-1 Annual Jobs Monitoring		2015-2017	2018-2020
As part of the Annual Monitoring Report (AMR), staff will report on local employment related to the Climate Action Plan. To the extent feasible, the AMR will account for the total number of jobs associated wages, new jobs, and new work for existing firms in the fields of energy efficiency, clean tech, renewable energy, and fields associated with the Climate Action Plan goals. Staff will work with organizations in the region and state currently reporting on this topic to determine the best methodology and process to use in order to maximize, and not duplicate, existing reporting efforts.		✓	✓
		2021-2035	✓
3-2 Social Equity Reporting		2015-2017	2018-2020
Monitoring of social equity will also be a component of the CAP annual monitoring report (AMR). This will include, to the extent feasible, accounting for capital improvement and grant fund expenditures in underserved communities. As this is a new area of reporting for most cities in the U.S., staff will develop the methodology for reporting on social equity as related to implementation of climate action plans and define as needed, with stakeholder input from organizations in the region and others within the U.S. with expertise in this area.		✓	✓
		2021-2035	✓



City of San Diego Wastewater Otay Water Treatment Plant

CHAPTER 4

SOCIAL EQUITY
AND
JOB CREATION



Teralta Park - City Heights

Job Creation

There are considerable economic benefits of implementing CAP strategies in the San Diego community. CAP strategies intended to reduce resource consumption (e.g., energy efficiency measures) may save money for individuals, families, and businesses. In addition, CAP strategies are intended to promote job creation through capital improvements and corresponding research, development, and innovation. These jobs are primarily in high-growth “green job” or “clean tech” with corresponding well-paying wages.

A recent study published by the Natural Resources Defense Council projected that stricter emissions standards could net 210,000 national jobs by 2020 (Stanton et al. 2013). California is poised to capture a large share of these new jobs. As illustrated by Table 4.1, California is the national leader in cleantech job creation. In the second quarter of 2013, the state led the way nationally in green project and job announcements with twelve new wind, solar, biofuels, and transportation projects that could cumulatively create more than 9,000 jobs (E2 2013). E2 reported that California’s renewable energy standards will ensure more green jobs will be created in the future, as one-third of all power used in the State will have to come from renewable sources by 2020.

Per the 2014 California Green Innovation Index (6th edition, Next 10) The San Diego region experienced the second fastest growth in distributed solar installations through the California Solar Initiative (CSI) between 2012 and 2013 (+11%), and had a total of about 137 MW installed between 2007 and 2013. The San Diego region also experienced the

**Table 4.1: Clean Tech Job Activity:
Top 15 U.S. Metro Areas**

1. San Francisco, CA
2. Los Angeles, CA
3. Boston, MA
4. New York, NY
5. Denver, CO
6. Washington D.C.
7. San Diego, CA
8. Houston, TX
9. Chicago, IL
10. Austin, TX
11. Seattle, WA
12. Atlanta, GA
13. Dallas, TX
14. Portland, OR
15. Sacramento, CA

Source: Clean Edge, 2010

fastest growth in Advanced Materials jobs between January 2011 and 2012 (+84%) and had the third highest concentration of jobs in the clean economy (about 27,000 or 14% of the state total) and second highest concentration of Clean Transportation jobs.

The San Diego Workforce Partnership’s “Green Jobs Outlook for San Diego” revealed there were almost 340,000 green jobs in San Diego as of 2011. These numbers are consistent with San Diego’s transformation into a hub of green technology innovation where approximately 840 cluster companies were located in 2013 (Cleantech San Diego 2013). Over 20 percent of these companies are solar power focused. These firms offer a range of job opportunities ranging from installation, project management, finance, and research. Clearly, climate action planning and implementation have, and will continue to, lead to the creation of “green jobs.”

What is the Value of Green Jobs?

1. Green Jobs are Local Jobs

Implementation of San Diego's Climate Action Plan strategies can create good, local jobs. Energy efficiency and climate-related projects are performed locally, thereby requiring a San Diego-based labor force. These jobs will provide direct benefits to workers in the community. As these workers spend their "green job" income, local businesses benefit from these additional expenditures, increasing demand for products, and potentially leading to additional jobs to support the demand. As such, each new green job can blossom into additional local jobs.

2. Green Jobs are Predominately Middle Class Jobs

Green jobs pay well and provide opportunities for advancement along a career track of increasing skills and wages. The promotion

of green jobs is consistent with the White House's Task Force on the Middle Class mandate: to find, highlight, and implement solutions to the economic challenges facing the American middle class. Moreover, the Federal government believes green jobs are an outgrowth of a larger movement to reform the way energy is created and used. The Obama Administration promotes green jobs as they represent a growth sector that provides good jobs (Middle Class Task Force 2009).

3. Green Jobs can Provide Pathways out of Poverty

Many green jobs require more education than high school, but less than a four-year degree and are well within reach for lower-skilled and low-income workers as long as they have access to effective training programs and appropriate supports. **Table 4.2** shows green job wages, with or without a college degree.

Table 4.2: Clean Tech Compensation

Job Title	Industry	Median Pay	Typical Job Level	Typical Degree
Electrical/Electronic Equipment Assembler		\$30,300	Mid-Level	HS/AD
Network Operations Center Technician	Smart Grid	\$45,100	Mid-Level	HS/AD
Solar Energy System Installer	Solar PV	\$37,700	Entry Level	HS/AD
Solar Fabrication Technician	Solar PV	\$45,800	Entry Level	HS/AD
Wind Turbine Technician	Wind Power	\$48,300	Entry Level	HS/AD
Sheet Metal Worker	Wind Power	\$51,500	Mid-Level	HS/AD
Construction Superintendent	Wind Power	\$76,700	Senior Level	HS/AD
Solar Energy/Solar Power Project Developer	Solar PV	\$62,300	Entry Level	BD
Utility Program Manager	Smart Grid	\$77,900	Mid-Level	BD
Solar Installation Foreman	Solar PV	\$49,200	Entry-Level	BD
Research and Development Lab Technician	Solar PV	\$40,900	Entry-Level	BD

Source: Clean Edge, 2010

Typical Job Level - There are three categories: 1) Entry-Level Positions where workers typically have less than 5 years of experience, 2) Mid-Level Positions where workers typically have between 5 and 10 years of experience, and 3) Senior-Level Positions where workers typically have more than 10 years of experience.

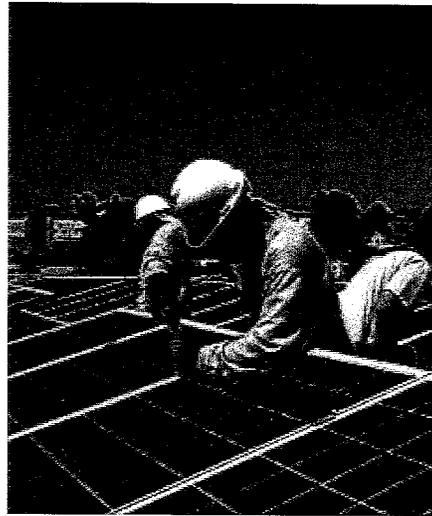
Typical Degree Level - This is the degree held by the majority of respondents.
HS/AD = High School Diploma/Associate's Degree BD = Bachelor's Degree

Job Training

Many green jobs are brand new to the economy. Other green jobs have existed in the past, but have transformed and require new knowledge (e.g., Solar panel installers). Most, but not all, green jobs will require specific skillsets to meet the green economy demands.

For workers that do not have the required skills to obtain these new jobs, there are several training options available through University of California San Diego and extension, San Diego State University, San Diego State University extension, and the large system of community colleges. San Diego workers can obtain career assistance with “green jobs” from the California Economic Development Department, Cal JOBS, and the San Diego Workforce Partnership. In addition, local apprenticeship programs are available including the International Brotherhood of Electrical Workers (IBEW) San Diego Electrical Training Center, which provides hands-on training for new apprentices or continuing education for experienced workers, the Associated General Contractors of America, San Diego Chapter, Inc. (AGC) on-the-job training apprenticeship program, and the Associated Builders and Contractors (ABC) formal apprenticeship training programs. These programs enable the local contractors to diversify and compete in new markets that help ensure growth in the industry. Additionally, outreach should ensure that disadvantaged communities are aware of and properly trained to meet the needs of jobs in the new green economy.

Many professionals will be trained via the state-certified apprenticeship system for construction workers. These four- to five-year



training programs are largely self-funded by employers and workers.

Social Equity

The benefits of the CAP are intended to be shared equally, fairly, and with lack of prejudice among all persons citywide. The City’s General Plan recognizes the importance of addressing environmental justice through equal access to and meaningful participation in the decision-making process and the need to ensure the equitable distribution of public facilities and services. The General Plan includes policies to pursue environmental justice in the planning process through greater community participation, to prioritize and allocate citywide resources to provide public facilities and services to communities in need, and to improve mobility options and accessibility for the non-driving elderly, disabled, low-income, and other members of the population.

To implement the General Plan and provide an equitable distribution of public facilities, infrastructure, and services the City developed Council Policy 800-14 which sets the City's priorities for the City's Capital Improvements Program (CIP). The policy prioritizes projects in under-served communities including those with low income households, low community engagement and low mobility or access to transportation systems based on SANDAG census tract. The City interprets the Council Policy to include the use of the California Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen tool to identify under-served communities and prioritize the CIP in census tracts ranking in the top 30% of CalEnviroScreen scores, which may be locally normalized. The policy also prioritizes projects located in areas eligible for the Community Development Block Grant funds, and projects located within a half mile of affordable housing.

Further, using the State of California Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen, the City will prioritize pursuing future grant opportunities within these communities in order to help achieve the goals and policies of the CAP. The City's prioritization will coincide with the ongoing state and regional efforts to focus grant resources in these areas.

The City also recognizes that CAP measures will not solve all climate-related health issues for disadvantaged communities. These areas will also need special assistance adapting to future climatic changes. The climate adaptation plan (which is described in **Chapter 5: Adaptation**) will identify the vulnerabilities and risks specifically associated with communities of need.

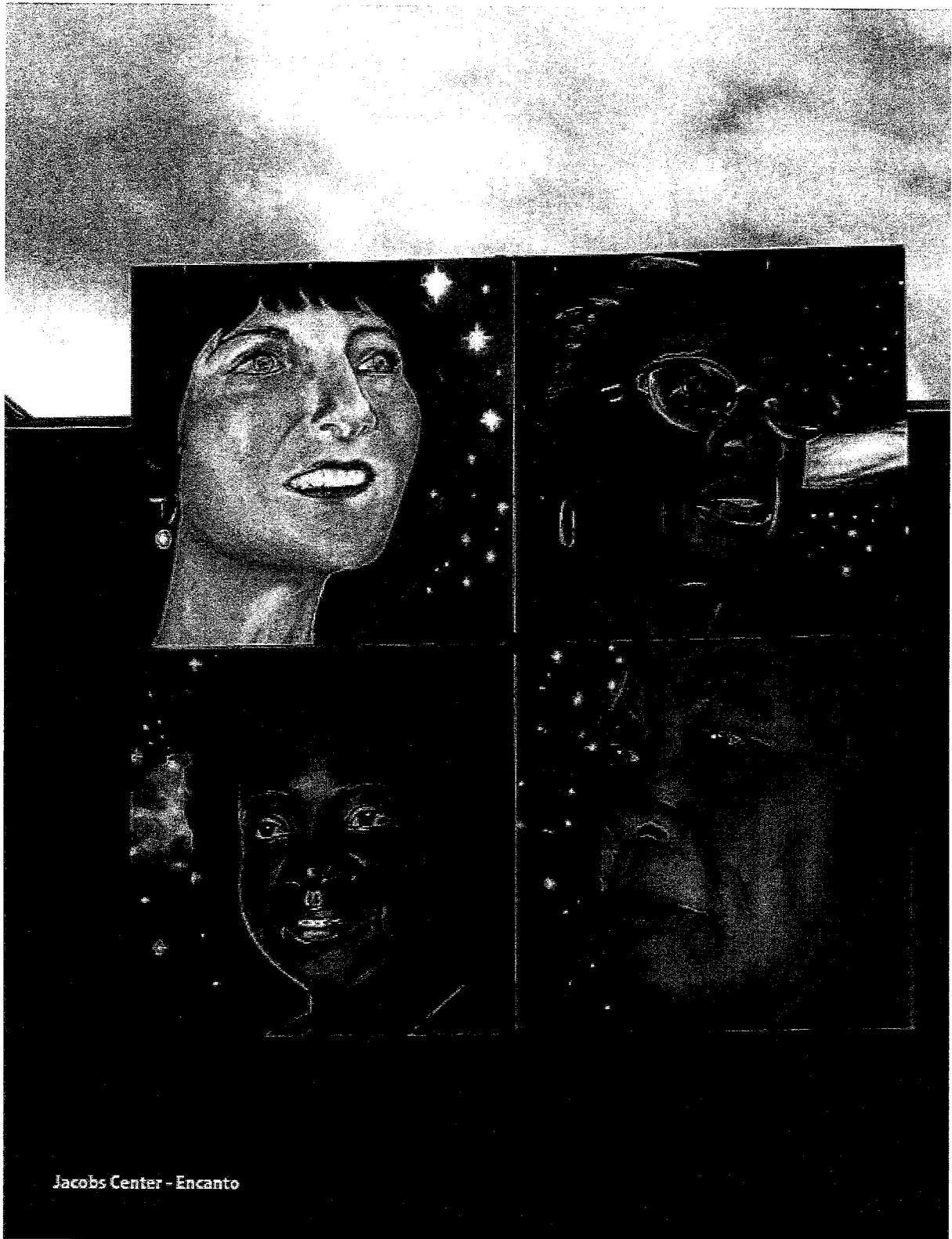
The City's Role as a Leader

While the City may not be able to promise new jobs for, or change the underlying socioeconomic factors of, disadvantaged populations (e.g., age, health status), it can take action to provide equal access to opportunities for economic advancement and promotion of social equity. To provide support to disadvantaged communities and promote equitable job growth and economic opportunity, the CAP has identified specific socioeconomic-specific goals:

- Implementation of the City's Economic Development Strategy (currently 2014 - 2016) with a mission to create a wide spectrum of job opportunities for San Diego residents by expanding the City's economic base and increasing local economic activity, and to generate new tax revenues for essential public services by expanding the City's tax base.
- The City's Economic Development Department proactively works with businesses in targeted industries to provide assistance and incentives that result in the retention and creation of jobs and investment in San Diego. The City often partners with local workforce development agencies (e.g., San Diego Workforce Partnership) and colleges to identify resources for workforce development opportunities for disadvantaged populations.
- Programs should include performance goals and data tracking for the quality of jobs created and the demographic and geographic distribution of workers.

- Provide efficiency and renewable energy training for the City employees responsible for the management of City facilities.
- Prioritize programs and actions to reduce emissions in disadvantaged communities that rank in the top 25 percent of CalEnviroScreen's ranking for San Diego region communities.
- Encourage local businesses working on climate action-related projects and programs to give advanced notice of job opportunities to San Diego community members through local community-based organizations, educational institutions, and media outlets.
- Continue to utilize the state-certified apprenticeship system for the training of construction workers.
- Continue to provide opportunities to disadvantaged populations for municipal projects consistent with the City's Local Small Business Enterprise Ordinance (Ordinance 19922, 2/4/2010).
- Maximize opportunities for workforce development by using existing programs to create career pathways.
- Ensure that all climate action-related work done through City programs comply with the City of San Diego's Prevailing Wage Ordinance, where applicable (Ordinance 20299, 9/26/2013).

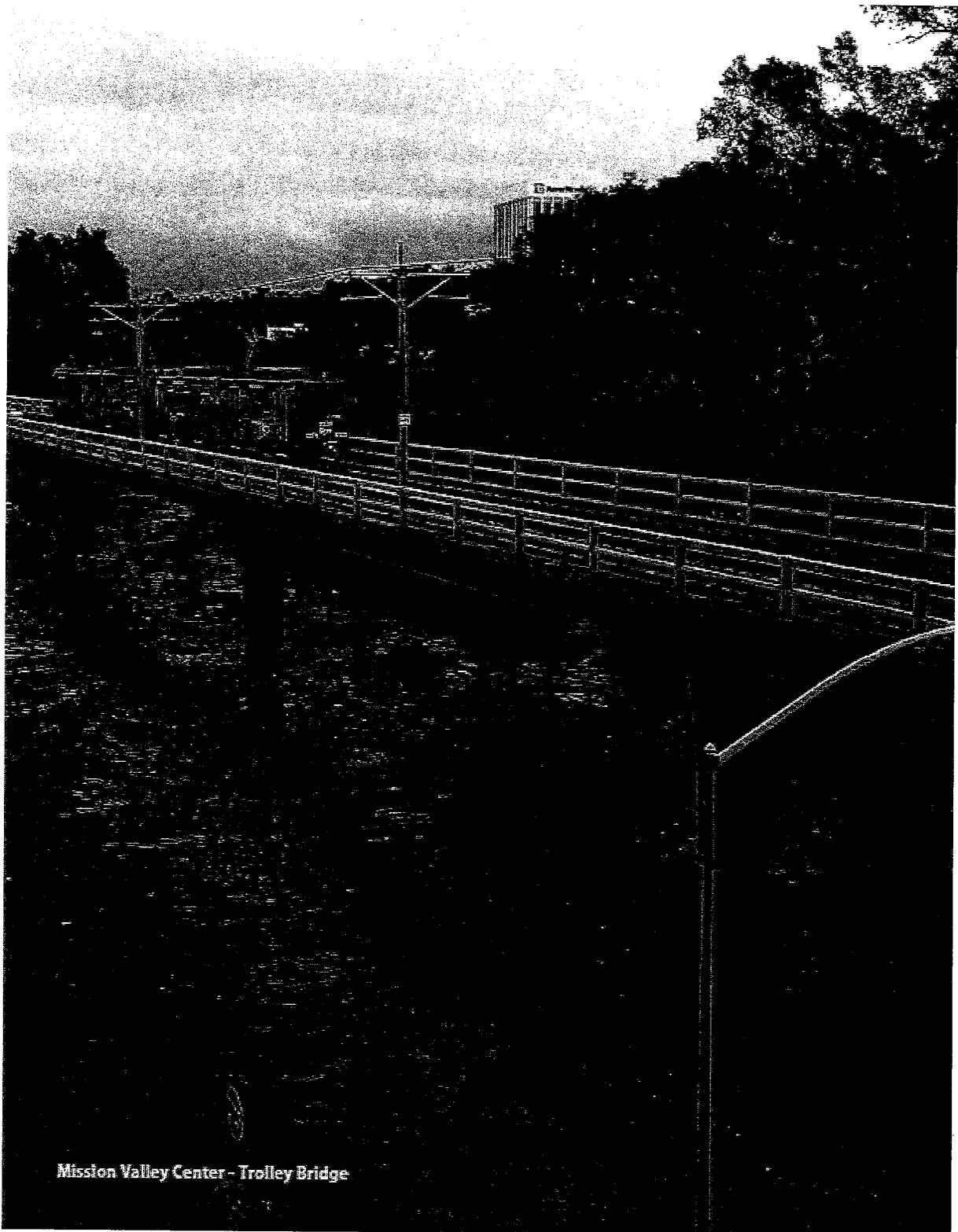




Jacobs Center - Encanto

CHAPTER 5

ADAPTATION



Mission Valley Center - Trolley Bridge

Why should San Diego adapt now?

Some degree of climate change will occur regardless of the City's effort to reduce and mitigate GHG emissions. As a result, the City will need to adapt to these changes within the context of the community's environmental and socioeconomic system. According to the Intergovernmental Panel on Climate Change (IPCC), climate adaptation refers to the "adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities" (IPCC 2007).

The City recognizes that climate adaptation is a core component of its overall response to the impacts of climate change. Development of an actionable adaptation plan will allow the City to focus and prioritize its limited resources, take advantage of early action and

The City will develop a stand alone climate adaptation plan that will integrate and build upon the strategies and measures in the CAP.

planning, and engage in effective collaboration with other local, state and federal agencies that are moving forward with similar planning efforts.

The integration of the climate adaptation plan and CAP should lead to substantial co-benefits whereby individual measures lead to both reduction of GHGs and adaptation to the impacts of climate change. The forthcoming climate adaptation plan will prioritize adaptation resources and timing based on a risk vulnerability rating that takes into account both the likelihood of specific impacts occurring and the severity of those impacts on threatened natural resources, human health, and critical infrastructure. As mentioned in Chapter 4, the vulnerabilities and risks associated with communities of need will be identified.

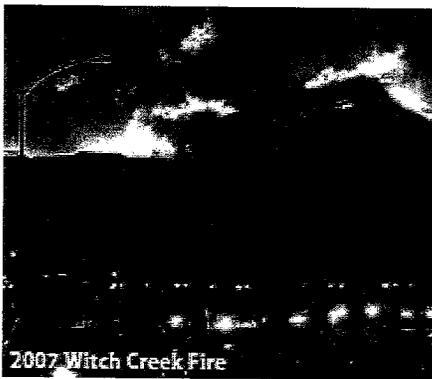
What is the difference between the Climate Action Plan and a *climate adaptation plan*?

Adaptation efforts seek to reduce vulnerability to projected climate changes and increase the local capacity to adapt (Turner et al., 2003). Adaptation aims to minimize the actual or expected effects of climate change, whereas the CAP includes actions to reduce the creation of greenhouse gases.

Currently, the City does not have the necessary resources to develop an adequate plan that would fully assess the risks and vulnerabilities, develop adaptation strategies, and prepare the community for looming heat waves, sea-level rise, impacts on infrastructure, etc. However, the City is aggressively pursuing additional funding from state and federal sources to develop a comprehensive adaptation plan that will meet the needs of the community. In the meantime, the City will continue to collaborate other local, regional, state, and federal agencies to being to prepare for a changing climate.

Climate Impacts to San Diego

Research from state, regional, and local agencies indicate that the City of San Diego faces serious vulnerabilities from climate change impacts. One such study, commissioned by the San Diego Foundation, titled "San Diego's Changing Climate: A Regional Wake-up Call," was the first of its kind to identify impacts specific to the City of San Diego (San Diego Foundation 2007). The potential impacts include, but are not limited to the following:



Increased temperatures

- The City will see hotter and drier days and more frequent, prolonged heat waves.

Reduction in air quality

- Hotter and drier days create more air pollution by raising ozone levels and this can exacerbate asthma and other respiratory and cardiovascular diseases.

Introduction of new public health issues

- Warmer temperatures year-round could lead to growing mosquito populations, increasing the regional occurrence of West Nile virus and potentially introducing tropical diseases such as Malaria and Dengue Fever.

Reductions in fresh water

- Water and energy demand will increase while extended and more frequent droughts will cause traditional sources of fresh water supplies to diminish.

Increased rate of wildfires

- Drier weather may increase the frequency and size of wildfires.

Rising sea levels

- Projected sea level rise, coastal erosion, and increasing storm surges may cause fragile sea cliffs to collapse, shrink beaches, and destroy coastal property and ecosystems.

Negative impacts on wildlife

- Native plants and species may be lost forever as entire ecosystems are challenged.

California Adaptation Efforts

More than eight years have passed since publication of the San Diego Foundation's ground-breaking report. It has been almost ten years since approval of 2005 Climate Protection Action Plan (CPAP). Over that period, the risks poised by climate change's impacts have not diminished.

State, regional, and other private entities also recognized the seriousness of the situation and have taken proactive steps to address climate change issues. Several efforts have been, or are, well underway including detailed vulnerability assessments, risk assessments, adaptation policies, and adaptation policy guides for local governments. The City of San Diego will benefit from these resources as it develops its own climate adaptation strategy. Past and current efforts, from which the City can draw, include:

Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future: Published in 2012 by the National Research Council, this Report explains that sea level along the U.S. west coast is affected by a number of factors. These include: climate patterns such as the El Niño, effects from the melting of modern and ancient ice sheets, and geologic processes, such as plate tectonics.

Draft Sea-Level Rise Policy Guidance: Authored by the California Coastal Commission and released in October 2013, provides an overview of best available science on sea-level rise for California and recommended steps for addressing sea-level rise in Coastal Commission planning and regulatory actions.

Executive Order S-13-08: Signed in 2008, the executive order required the preparation of a "California Sea Level Rise Assessment Report" (published in 2009) and requires that state agencies planning construction projects in areas vulnerable to sea level rise consider and address a range of scenarios for 2050 and 2100 coastal inundation.

Preparing for the Impacts of Climate Change in California - Opportunities and Constraints for Adaptation: published by the California Climate Change Center in response to Executive Order S-3-05, this paper examines California's opportunities and constraints for managing the impacts of climate change and provides recommendations for how government, research, and civil society can help California most effectively prepare for climate change impacts.

Safeguarding California Plan (formerly California Climate Adaptation Strategy): Adopted in 2009 and more recently updated in 2013, summarizes climate change impacts and recommends adaptation strategies across seven sectors: Public Health, Biodiversity, Coastal Resources, Water, Agriculture, Forestry, and Transportation and Energy (State of California 2009).

The Adaptation Planning Guide: Included in the California Climate Adaptation Strategy and updated in 2012, provides a decision-making framework intended for use by local and regional stakeholders to aid in the interpretation of climate science and to develop a systematic rationale for reducing risks caused by climate change (State of California 2012).

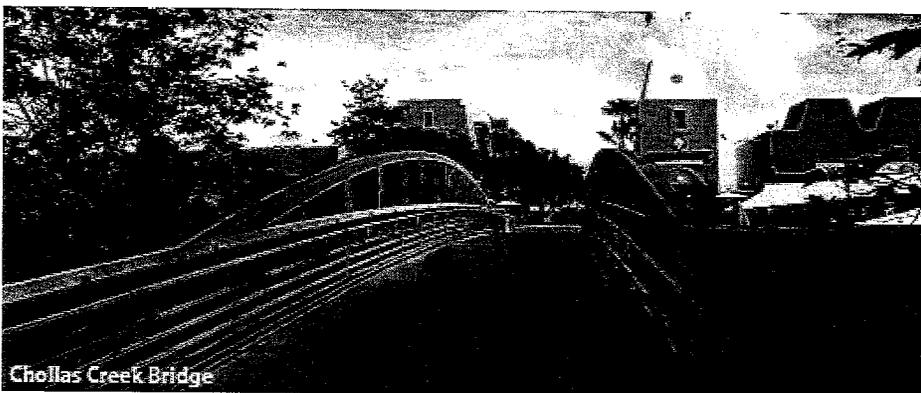
Fourth Climate Change Assessment: These assessments (third completed in 2012) down scaled global climate data to regionally relevant scales and provides information and recommendations on risks, impacts, and additional research needed.

International Council for Local Environmental Initiatives: Released in 2012, the "Sea Level Rise Adaptation Strategy for San Diego Bay" report provided the nation's first comprehensive vulnerability assessments and recommendations to build resiliency for community-wide infrastructure in San Diego.

Cal-Adapt: The California Natural Resources Agency and the California Energy Commission released a web-based tool that enables city and county planners, government agencies, and the public to identify potential climate change risks in specific areas throughout California.

Co-benefits of Adaptation:

- Agricultural and Food System Security
- Biodiversity and Habitat
- Community Education
- Economic Stability
- Emergency Management and Response
- Energy Resources
- Infrastructure and Public Facilities
- Job Creation and Local Investment
- Ocean and Coastal Ecosystem Health
- Public Health
- Transportation
- Social Equity
- Urban Forestry and Sequestration
- Water Resources



Chollas Creek Bridge

Local Vulnerabilities

The City's General Plan (2008) and community plans (multiple years) have important roles in the adaptation planning process. The General Plan lays out the policy framework for addressing climate change and the community plans have the purview to make site-specific land use and design recommendations. These plans can be utilized to help reduce the impacts from a changing climate.

Examples of planning-related adaptation strategies include:

- Designating land for a full range of uses, including open spaces and high-density areas where appropriate.
- Designing a multi-modal mobility system with multiple emergency routes.
- Fostering urban agriculture to increase food system security.
- Implementing tree-planting incentives, ordinances, and programs to save energy, sequester carbon, and reduce the urban heat island effect.
- Requiring appropriate setbacks from the coast in areas subject to sea level rise.
- Requiring developers to incorporate low-impact development tools, such as natural drainage basins and water features, to capture storm water in areas vulnerable to increased flood risk.
- Implementing brush management programs to reduce wildfire risk in fire-prone areas.
- Increasing conservation and efficiency in water use to reduce reliance on imported water and drought impacts.
- Coordinating with urban farmers and the regional San Diego County Farm Bureau to promote alternative irrigation measures or other protective recommendations.

There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction."

- Klaus Jacob, Lamont-Doherty Earth Observatory, Columbia University, Chair, Climate Adaptation Group

To adapt to the changing climate, specific sectors will require focused solutions. The following section illustrates vulnerabilities that should be considered for inclusion in the forthcoming City of San Diego climate adaptation plan.

Protect Public Health and Safety

Understanding how climate change impacts may affect human health and developing responsive solutions to protect vulnerable populations is essential. For example:

- Diminished air quality from wildfires or excessive ozone can be dangerous for asthma sufferers.
- Hotter temperatures can cause heat stress and is potentially fatal for vulnerable populations such as the elderly, the young, and outdoor-workers.
- Flooding or coastal inundation events could cause injury or property damage.

Maintain Water Supply and Services

Adequate water supply is a fundamental requirement for every community. Like many other Southern California cities, San Diego is challenged by an ever-increasing demand for water coupled with a projected decline in supply. By 2035 the San Diego County Water Authority projects an increase in total normal water demand of 20 percent (including future conservation, demand associated with projected near-term annexations, and accelerated forecasted growth) from the average demand that occurred over the period 2005-2010 (SDCWA 2010). Currently, 85 to 90 percent of the City of San Diego's water supply is met by imported water (City of San Diego 2013).

Protect and Maintain Urban Infrastructure and Community Services

The public infrastructure and services (e.g., police, fire services, drainage, and sewer systems) form the structural and functional backbone of the City. It is important to identify where the risks are greatest and which critical assets are most vulnerable. This will aid in prioritizing assets and actions to maintain service resilience.

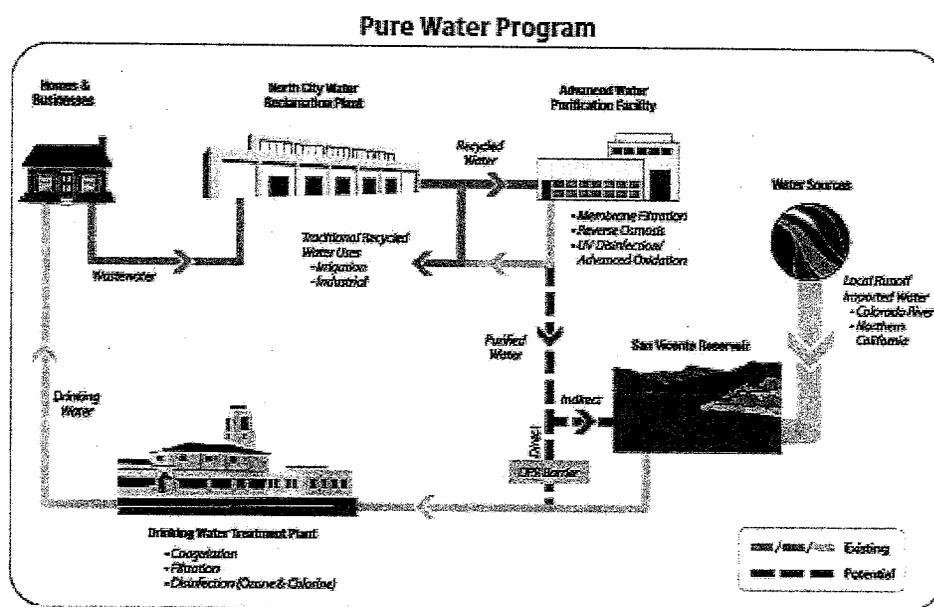
San Diego's Water Supply Choices and Related Carbon Emissions

With limited fresh water supplies locally, San Diego is pioneering the development of alternative water supplies from potable reuse. The City is actively pursuing the viability of constructing a multi-phased potable reuse project that, when completed, is anticipated to provide approximately a third of San Diego's water supplies by 2035.

Pure Water San Diego is the City's 20-year program to provide a safe, reliable and cost-effective drinking water supply for San Diego. The program includes the construction of water purification facilities, pipelines, pump stations, ongoing testing protocols, and an education and outreach program.

San Diego's production of Pure Water is expected to increase energy consumption by the San Diego Public Utilities Department over current operations. However, since Pure Water would replace purchases of imported water (currently representing 85% of San Diego's water supplies), it is appropriate to contrast the embedded energy in an acre-foot (AF) of purified water with that of

existing imported water supplies. According to the City of San Diego's 2013 Water Purification Demonstration Project Report, purified water produced at the City's North City Reclamation Facility and then pumped up to the San Vicente reservoir would require approximately 2,500 kWh/AF. By comparison, imported water requires a range of 2,000 kWh/AF to 3,300 kWh/AF of energy, depending on the blend of water from the Colorado River or the Bay-Delta in Northern California. Therefore, the embedded energy of indirect potable reuse is equivalent to that of imported water.*



* Source: City of San Diego's 2013 Water Purification Demonstration Project Report.

San Diego Green Streets

The term "Green Streets" is used in many contexts, and it is important to note that it is a storm water and low-impact development tool for private and public projects. Compliance with the new Municipal Stormwater Permit will require significant increases in implementation of non-structural, or activity-based strategies, such as education and enforcement, in addition to structural control strategies, such as grassy swales and infiltration basins. One such structural strategy that the City is employing is called "green streets." Storm water treatment techniques that may be included in green streets are porous pavement, infiltration galleries in landscape strips, trash collection devices, or other techniques that filter or infiltrate runoff within the right of way. Green street features may be incorporated into new roadway construction or retrofitted into existing streets.



Example of a Green Street

Protect Environmental Health

Healthy natural water systems, vegetation areas, wetlands, estuaries and the associated biome are important assets to the region. In San Diego, a healthy environment also increases the quality of life for residents and workers, and attracts tourists. Beyond the detrimental impacts on natural plant and wildlife communities, the decline in environmental health would have negative social and economic effects. Balancing the needs of the natural environment with those of the community has always been a challenge, and climate change will put more pressure on the competing systems.

Protect Open Space, Parks and Recreation

Parks and open space are important resources that contribute to San Diego's culture, character, and economy. Green spaces offer recreational and tourism opportunities. They also serve as a climate change adaptation resource where they can alleviate the heat island effect and potentially reduce the impact of flooding.

Coastal Management and Protection

Numerous studies focusing on sea level rise as a result of climate change have been released, including one produced by Local Governments for Sustainability (ICLEI) in 2012 titled "Sea Level Rise Adaptation Strategy for San Diego Bay." The consensus from these studies is that, without substantial reductions in GHG emissions, global temperature increases will likely lead to a rise in sea levels, which will need to be proactively managed.

Urban Forest Management and Local Food Production

Local and regional agriculture is a major driver in the national economy. Producers are responding to increasing demand for local and regional food by increasing production, creating new markets, and launching new businesses. Most recently in September 2013, California Governor Edmund G. Brown Jr. signed several bills to expand access to fresh, locally grown food in communities across California. "This farm to fork legislation expands access to fresh, local produce and will help make our communities healthier," said Governor Brown (State of California 2014).

Close to 80 percent of the U.S. population lives in urban areas and depends on the essential ecological, economic, and social benefits provided by urban trees and forests. (USDA 2010). The City of San Diego recognizes this and has prioritized the expansion of the urban forest as a critical strategy to reduce GHG emissions.

It is important to recognize that increased urban tree coverage and local food production will require increased water usage.

Building and Occupant Readiness

The City's General Plan (2008), community plans and Building Code enforcement play important roles in adaptation planning. The General Plan lays out the policy framework for addressing climate change. The community plans offer specific land use vision and goals for districts and neighborhoods that are generated by each individual community, which generates social engagement that can aid the response to the increasing risk of climate change.

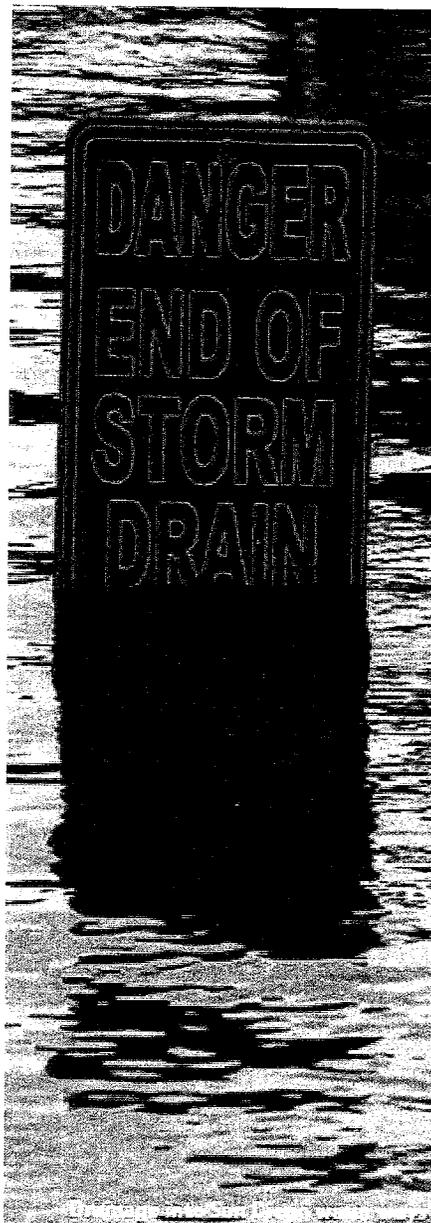
The purpose of building codes and inspection are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. The Climate Action Plan articulates the increased risks of climate change; the City of San Diego can define specific action in the form of local amendments to the statewide building code to increase building and occupant readiness.

Investing in action now saves lives and provides long term cost savings. As we increase building and occupant resiliency today, we will better able to meet the challenges of a changing climate tomorrow.



Community Education, Knowledge and Collaboration

Building resilience in all of San Diego's diverse communities to projected local climate change impacts such as increasingly intense and frequent wildfires, heat waves and coastal flooding, will require broad engagement and involvement from within City government, with other governments and public agencies, as well as with a broad cross-section of private organizations and residents. The good news is, there are a number of collaborations already underway in the San Diego region to build regional resilience to local climate impacts, which the City can leverage and build on these to actively engage various stakeholders in this effort. In implementing this plan, the City will continue to leverage the expertise and networks of various nonprofits, businesses and resident groups in order to build wider understanding and preparedness for the changes our region is already experiencing today, and will see more of in coming decades.



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United States Department of Energy

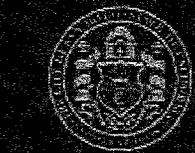
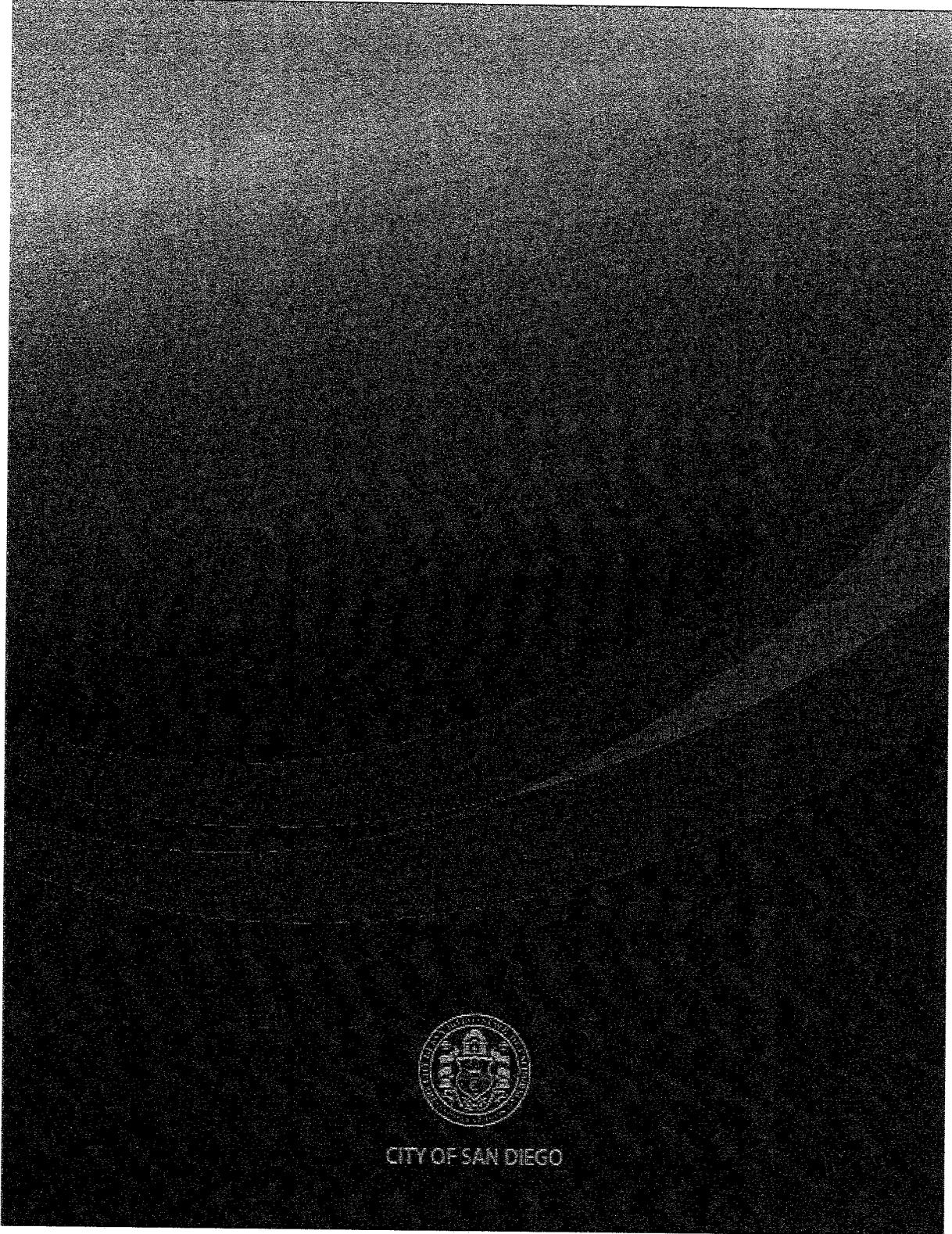
Additionally, this material is based on work supported by the Department of Energy under Award Number DE-EE0000877.



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CITY OF SAN DIEGO

**EXHIBIT J
TO THE INITIATIVE**

**CITY OF SAN DIEGO GENERAL PLAN, STRATEGIC FRAMEWORK ELEMENT
FOR INFORMATIONAL PURPOSES ONLY**



Strategic Framework

We are stewards of a remarkable resource, a City on the Pacific of great cultural and physical diversity. In the 21st century, San Diego must continue to evolve in harmony with its exceptional natural environment, always treasuring the unique character of its neighborhoods, striving for equity, and celebrating the rich mosaic that is San Diego.

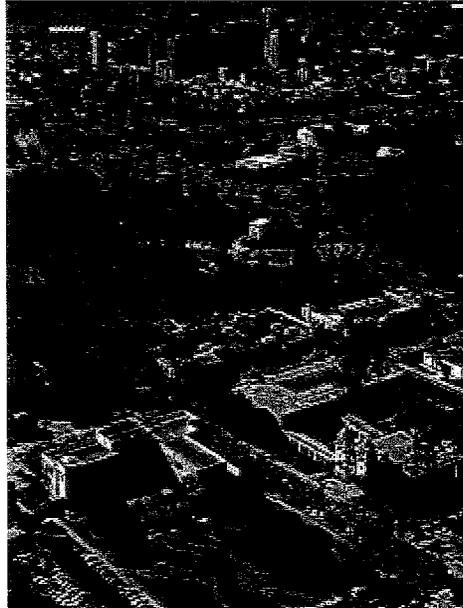
~ Strategic Framework Element Vision Statement, 2002

San Diego is a city in a region with unique and varied landscapes – ocean and beaches, estuaries and river valleys, canyons and mesas, hills and mountains, and desert. These landscapes and the City's transportation networks define San Diego's communities, each with their own character, history, and scale. These communities, and the landscapes and transportation networks that frame and link them, are the City's basic building blocks.

San Diego is a prominent California city, adjacent to Mexico, on the Pacific Rim. It is an international city, economically and culturally. It is a creative city with exceptional strength in science, commerce, education, and art. It is an important city in the nation's defense.

Building such a city across this special landscape has always been and will continue to be San Diegans' urban planning challenge. This General Plan sets out the City's policies for wise land use and the provision of services to maintain, and where necessary improve, San Diego's natural and built environments, and its residents' quality-of-life.

Over the last two centuries, San Diego has grown by expanding outward onto land still in its natural state. This is the first General Plan in the City's continuing history that must address most future growth without expansion onto its open lands. It establishes the strategic framework for how the City grows while maintaining the qualities that best define San Diego.





Strategic Framework

Role and Purpose of the General Plan

The City's General Plan is its constitution for development. It is the foundation upon which all land use decisions in the City are based. It expresses community vision and values, and it embodies public policy for the distribution of future land use, both public and private.

State law requires each city to adopt a general plan to guide its future development and mandates that the plan be periodically updated to assure its continuing relevance and value. It also requires the inclusion of seven mandatory elements: Land Use, Circulation, Housing, Conservation, Noise, Open Space, and Safety. However, state law permits flexibility in the presentation of elements and the inclusion of optional elements to best meet the needs of a particular city. The City of San Diego's General Plan addresses state requirements through the following ten elements: Land Use and Community Planning; Mobility; Economic Prosperity; Public Facilities, Services and Safety; Urban Design; Recreation; Historic Preservation; Conservation; Noise; and Housing. More information on mandatory and optional elements is found in Appendix A, SF-1. State law requires internal consistency, meaning that policies within the components of the General Plan cannot conflict with one another, and that no one element may take precedence over another.





City of Villages Strategy

The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system. It was first adopted as a part of the Strategic Framework Element of the General Plan in 2002. It was developed through an intensive process of public collaboration over a three-year period. The strategy draws upon the character and strengths of San Diego's natural environment, neighborhoods, commercial centers, institutions, and employment centers. The strategy is designed to sustain the long-term economic, environmental, and social health of the City and its many communities. It recognizes the value of San Diego's distinctive neighborhoods and open spaces that together form the City as a whole.



A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system.

Implementation of the City of Villages strategy relies upon the designation and development of village sites. There are many factors to consider when designating village sites including the capacity for growth, existing and future public facilities, transportation options, community character, and environmental constraints. Precise village boundaries, the specific mix of uses, architectural form, needed public facilities, and the type of public space within proposed village areas will be determined through community plan updates or amendments. The hierarchy of village types and development areas is described on the following page.

Transportation and Land Use Planning

Implementation of the City of Villages growth strategy is dependent upon close coordination of land use and transportation planning. The strategy calls for redevelopment, infill, and new growth to be targeted into compact, mixed-use, and walkable villages that are connected to a regional transit system. Villages should increase personal transportation choices and minimize transportation impacts through design that pays attention to the needs of people traveling by foot, bicycle, and transit, as well as the automobile. Focused development and density adjacent to transit stops that link where people live to where people work, shop, and recreate, helps make transit convenient for more people. It allows for a more cost-effective expansion of transit services.



Strategic Framework

Subregional Employment Areas are major employment and/or commercial areas within the region containing corporate or multiple-use office, industrial, and retail uses with some adjacent multifamily residential uses. Existing Subregional Employment Areas include the Mission Valley/Morena/Grantville and University/Sorrento Mesa areas.

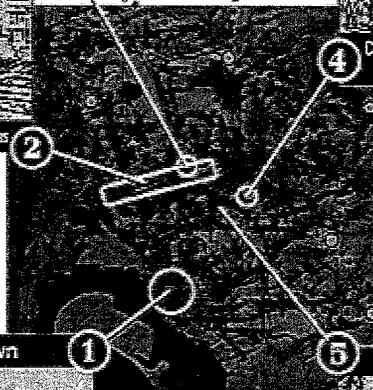
Urban Village Centers are higher-density nodes within subregional employment areas. They cluster more intensive employment, residential, commercial, and civic uses, integrated with public spaces, to encourage walking and to support transit.



Community and Neighborhood Village Centers are locally-oriented mixed-use commercial and residential



Subregional Employment Areas



districts where residents and visitors come together. They are staging areas for transit. Community and Neighborhood Village Centers can range in size from just a few to more than 100 acres. Community Village Centers serve a larger area than Neighborhood Village Centers and may have a more significant employment component than a neighborhood village.



Downtown

Downtown San Diego has a unique role to play in the next century development of the San Diego region. In addition to being the administrative, legal, cultural and entertainment center in the region, downtown also offers the most convenient and extensive transit connections and has emerged as an exciting pedestrian environment.



Transit Corridors

The City contains commercial corridors that are lively and vital, pedestrian-friendly, home to a rich variety of small businesses, restaurants, and homes, and served by higher frequency transit service. Transit corridors provide valuable new housing opportunities with fewer impacts to the regional freeway system because of their available transit service. Some corridors would benefit from revitalization.



Housing in mixed-use commercial areas provides opportunities for people to live near their place of work, and helps support the use of neighborhood shops and services. As such, the City of Villages land use pattern is both a transportation and land use strategy. The integration of transit and land use planning is illustrated by the Transit/Land Use Connections Map (see Mobility Element, Figure ME-1). This map identifies existing and community plan designated activity centers, commercial centers and corridors, and multifamily residential areas that are along the region's higher frequency existing and planned transit services.



Regional Planning/Inter-Jurisdictional Coordination

Regional coordination is needed to effectively guide land use and transportation planning, investment in regional-serving facilities, and preservation of open spaces that span multiple jurisdictions. The City of San Diego works closely with the County of San Diego, the San Diego Unified Port District, the San Diego Association of Governments (SANDAG), the San Diego County Regional Airport Authority, Tribal Governments, and other local governments and agencies throughout the region to further common goals. The City also works with state and federal representatives on legislative, regulatory, and budgetary matters that impact the City of San Diego, and with its counterparts in Mexico on border/binational issues.

SANDAG plays a key role in regional coordination efforts. SANDAG is the region's transportation and planning agency (see also the Mobility Element discussion) comprised of member agencies from the region's 19 local governments. City of San Diego interests are represented at SANDAG through the votes of the City's elected officials serving on the SANDAG Board of Directors, staff participation on SANDAG advisory committees, and direct public participation in the process. Working with SANDAG and as an independent jurisdiction, the City of San Diego must plan for, and implement transportation projects which are essential to the growth and evolution of a major urban center, and are critical to progressive land use planning decisions.

The SANDAG Board of Directors adopted a Regional Comprehensive Plan (RCP) in 2004 that provides a strategic planning framework for the San Diego region. The RCP encourages cities and the county to increase residential and employment concentrations in areas with the best existing and future transit connections, and to preserve important open spaces. The RCP includes an Integrated Regional Infrastructure Strategy and serves as a unifying document for a number of other regional initiatives covering topics such as housing, economic prosperity, habitat preservation, and environmental resource protection. The RCP addresses San Diego's relationships with neighboring counties, Tribal Governments, and northern Baja California. The City of San Diego General Plan is designed to complement and support the RCP.



Guiding Principles

The City of San Diego General Plan integrates the following basic principles which describe the essential structure of San Diego's plan and reflect the core values that guide its development:

1. An open space network formed by parks, canyons, river valleys, habitats, beaches, and ocean;
2. Diverse residential communities formed by the open space network;
3. Compact and walkable mixed-use villages of different scales within communities;
4. Employment centers for a strong economy;
5. An integrated regional transportation network of walkways, bikeways, transit, roadways, and freeways that efficiently link communities and villages to each other and to employment centers;
6. High quality, affordable, and well-maintained public facilities to serve the City's population, workers, and visitors;
7. Historic districts and sites that respect our heritage;
8. Balanced communities that offer opportunities for all San Diegans and share citywide responsibilities;
9. A clean and sustainable environment; and
10. A high aesthetic standard.

The updated General Plan translated these organizing principles into new policy direction in the ten elements of the General Plan. Because less than four percent of the City's land remains vacant and available for new development, the plan's policies represent a shift in focus from how to develop vacant land to how to reinvest in existing communities. Therefore, new policies have been created to support changes in development patterns to emphasize combining housing, shopping, employment uses, schools, and civic uses, at different scales, in village centers. By directing growth primarily toward village centers, the strategy works to preserve established residential neighborhoods and open space, and to manage the City's continued growth over the long term.

The guiding principles of the General Plan are based on the Strategic Framework Element vision statement and "Core Values" that address San Diego's physical environment, economy, and culture and society. These values were developed by the Strategic Framework Citizens Committee which included more than 45 individuals of diverse and accomplished backgrounds. In addition, thousands of others provided valuable input to the Strategic Framework Element in public hearings, public workshops, community planning group meetings, public forums, and email communications. Community planning groups provided input through their own meetings and as members of the Community Planners Committee. The complete Core Values can be found in the General Plan Appendix A, SF-2. In addition, those that contributed to the development of the SHE are acknowledged in Appendix A, SF-3.



Element Summaries

Land Use and Community Planning Element

Purpose

To guide future growth and development into a sustainable citywide development pattern, while maintaining or enhancing quality of life in our communities.

The Land Use and Community Planning Element (Land Use Element) provides policies to implement the City of Villages strategy within the context of San Diego's community planning program. The element addresses land use issues that apply to the City as a whole and identifies the community planning program as the mechanism to designate land uses, identify site-specific recommendations, and refine citywide policies as needed. The Land Use Element establishes a structure that respects the diversity of each community and includes policy direction to govern the preparation of community plans. The element addresses zoning and policy consistency, the plan amendment process, annexation policies, airport-land use planning, balanced communities, equitable development, and environmental justice. The Land Use Element also has sections covering the California Coastal Act and its implementation in San Diego, and the history and implementation of Proposition A – the Managed Growth Initiative of 1985.





Strategic Framework

Land Use and Street System

The Land Use Element identifies seven General Plan land use categories: Parks, Open Space and Recreation; Agriculture; Residential; Commercial Employment, Retail, and Services; Industrial Employment; Institutional, Public, and Semi-Public Facilities; and Multiple Use. These land uses are displayed on the General Plan Land Use and Street System Map (see fold-out map, Land Use Element, Figure LU-2, General Plan Land Use and Street System Map). This map also identifies the planned street system, freeways, expressways, arterials, and collector streets needed to serve vehicular transportation demand resulting from the development of the City in accordance with this General Plan. The map is based upon a composite of the more detailed land use and circulation system maps adopted for each community.

The seven land use categories permit an overall, citywide view of land use distribution. For greater specificity, the General Plan identifies 26 "Recommended Community Plan Designations" that are to be applied during community plan updates and amendments. These 26 designations were derived from analyzing some 160 community plan designations that share similar definitions (see Appendix B, LU-2). Standardized designations were developed so that over time, community plans will share a common terminology, enabling better citywide land use analysis and measurement against regional programs.

Community Planning

The City of San Diego has more than fifty planning areas (see Land Use Element, Figure LU-3, Planning Areas). The community planning program has a long and diverse history with the earliest community plans being adopted in the 1960s. Each document is a unique reflection of the issues and trends facing the community and includes corresponding strategies to implement community goals.

Community plans represent a vital component of the City's Land Use Element because they contain more detailed land use designations and describe the distribution of land uses better than is possible at the citywide document level. San Diego is one of the few jurisdictions in the state that has the size, diversity, and land use patterns that necessitate community-based land use plans. The community-specific detail found in community plans is also used in the review process for both public and private development projects. While the community plan addresses specific community needs, its policies and recommendations must remain in harmony with other community plans, the overall General Plan, and citywide policies. 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.



Community plans are also the vehicle for implementing state laws pertaining to provision of housing opportunities, and meeting the City's share of regional housing needs. As community plans designate land uses and assign densities, they must preserve or increase planned capacity of residential land uses to ensure that the City is able to meet its share of the region's housing needs. Implementation of community-based goals may cause a shift in densities within or between community planning areas but together they must maintain or increase overall housing capacity. Community plans and other adopted land use plans are implemented through application of a broad range of zones, regulations and programs.

Balanced Communities and Equitable Development

"Balanced communities" have a diverse mix of housing types that are suitable for households of various income levels. Balanced communities can contribute toward achievement of a fair and equitable society, and have the additional advantage of providing more people with the opportunity to live near their work. City initiatives that work toward more balanced communities and to increase the supply and distribution of affordable housing include the Inclusionary Housing Ordinance (2003) and the City of Villages strategy (2002). The City of Villages strategy strives to increase housing supply and diversity through the development of compact, mixed-use villages in specified areas. This strategy also helps to achieve some of the jobs/housing benefits of balanced communities at a broader scale by encouraging better links from homes to jobs and services throughout the region.



Mural by Edite L. Edwanis, Martin Luther King Jr. Recreation Center

The City of Villages strategy also includes a commitment to equitable development and environmental justice. Equitable development is concerned with the creation and maintenance of economically and socially diverse communities, and environmental justice strives for fair treatment of all people with respect to development and implementation of environmental laws, policies, regulations, and practices.



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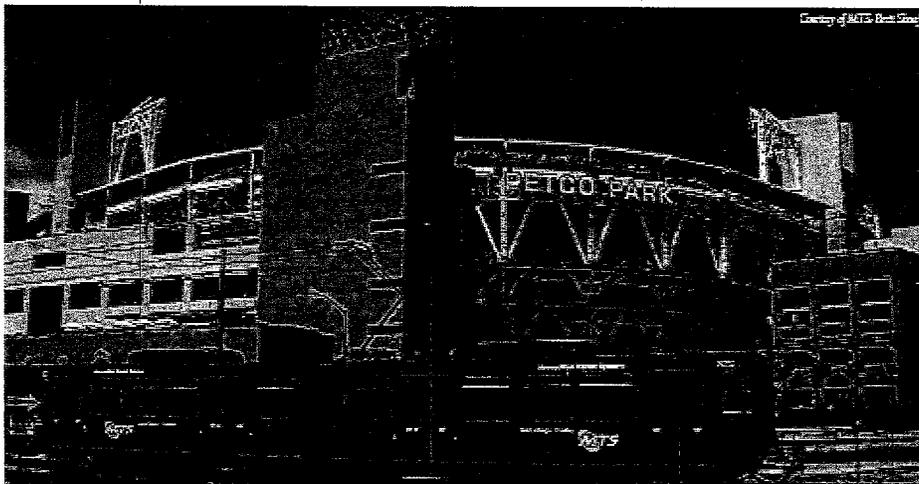
Measures to support attainment of equitable development will occur as a part of village master plans or other long-range plans as appropriate. General Plan policies call for working toward environmental justice through broadening public input, prioritizing and allocating citywide resources to benefit communities in need, and striving for equity in environmental protection and in the location of undesirable land uses, among other initiatives.

Mobility Element

Purpose

To improve mobility through development of a balanced, multi-modal transportation network.

The Mobility Element contains policies that promote a balanced, multi-modal transportation network that gets us where we want to go and minimizes environmental and neighborhood impacts. A balanced network is one in which each mode, or type of transportation, is able to contribute to an efficient network of services meeting varied user needs. For example, the element contains policies that will help walking become more attractive for short trips, and for transit to more effectively link often visited destinations, while still preserving auto-mobility. In addition to addressing walking, bicycling, transit, and streets, the element also includes policies related to regional collaboration, parking, the movement of goods, and other components of our transportation system. Taken together, these policies advance a strategy for relieving congestion and increasing transportation choices in a manner that strengthens the City of Villages land use vision.





The Land Use and Community Planning Element and Mobility Element of the General Plan are closely linked. The Land Use and Community Planning Element identifies existing and planned land uses. The Mobility Element identifies the proposed transportation network and strategies which have been designed to meet the future transportation needs generated by these land uses. Mobility Element policies related to project design and multi-modal facilities will be implemented through public and private development and capital improvement projects.

The City's transportation strategies and policies cannot be discussed in isolation. The General Plan is a part of a larger body of plans and programs that guide the development and management of the transportation system.

- The Regional Transportation Plan (RTP), prepared and adopted by the San Diego Association of Governments (SANDAG), is the region's long-range mobility plan. The RTP plans for and identifies projects for multiple modes of transportation in order to achieve a balanced regional system. It establishes the basis for state funding of local and regional transportation projects, and its adoption is a prerequisite for federal funding. SANDAG prioritizes and allocates the expenditure of regional, state and federal transportation funds to implement RTP projects.
- The region's Congestion Management Program (CMP), also prepared by SANDAG, serves as a short-term element of the RTP. It focuses on actions that can be implemented in advance of the longer-range transportation solutions contained within the RTP. The CMP establishes programs for mitigating the traffic impacts of new development and monitoring the performance of system roads relative to Level of Service (LOS) standards. It links land use, transportation, and air quality concerns.

The Mobility Element, the RTP, and the CMP all highlight the importance of integrating transportation and land use planning decisions, and using multi-modal strategies to reduce congestion and increase travel choices. The Mobility Element Section K, and Public Facilities, Financing and Safety Element Section B, contain policies on how to work effectively with SANDAG to help ensure that City of San Diego transportation priorities are implemented.





Strategic Framework

Urban Design Element

Purpose

To guide physical development toward a desired image that is consistent with the social, economic and aesthetic values of the City.

Urban Design Element policies capitalize on San Diego's natural beauty and unique neighborhoods by calling for development that respects the natural setting, enhances the distinctiveness of our neighborhoods, strengthens the natural and built linkages, and creates mixed-use, walkable villages throughout the City.

Urban design describes the physical features that define the character or image of a street, neighborhood, community, or the City as a whole. Urban design is the visual and sensory relationship between people and the natural and built environment. The built environment includes buildings, walkways and streets, and the natural environment includes features such as shorelines, canyons, mesas, and parks as they shape and are incorporated into the urban framework.



Each resident and visitor may perceive San Diego's aesthetic character differently, although there are several basic design elements that are commonly recognized by all. San Diego's distinctive character results from its natural setting, including beaches, bays, hills, canyons and mesas that allow the evolution of geographically distinct neighborhoods. The network of small human-scaled canyons creates a natural open space system that extends through many parts of the City. The topography and San Diego's year-round climate are ideal for outdoor pedestrian activity of all kinds.

There are several urban design principles relating to the existing City form and a compact and environmentally sensitive pattern of development envisioned in the City of Villages strategy. These principles are identified below to provide a framework for the goals of the Urban Design Element:



- Contribute to the qualities that distinguish San Diego as a unique living environment;
- Build upon our existing communities;
- Direct growth into commercial areas where a high level of activity already exists; and
- Preserve stable residential neighborhoods.

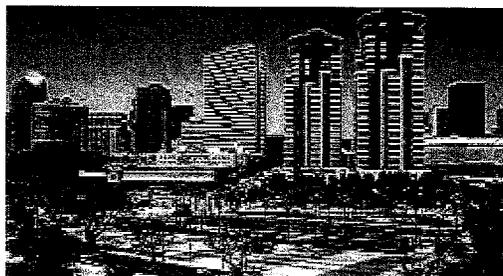
The Urban Design Element addresses urban form and design through policies that respect San Diego's natural environment, work to preserve open space systems, and target new growth into compact villages. Urban form and how it functions becomes increasingly important as increases in density and intensity occur over time. The urban design principles established in this element are intended to help achieve an identity for the City as a whole while encompassing its physical, social and cultural diversity. A higher overall quality of urban design is another fundamental goal. Urban design applies at multiple levels from citywide to community to neighborhood and ultimately to individual projects. Urban design is a process to foster quality in the built and natural environment as the City of San Diego changes.

Urban Design Element policies help support and implement land use and transportation decisions, encourage economic revitalization, and improve the quality of life in San Diego. Ultimately, the General Plan's Urban Design Element influences the implementation of all elements of the General Plan and community plans as it establishes goals and policies for the pattern and scale of development and the character of the built environment. The urban design policies will be further supplemented with site-specific community plan recommendations.

Economic Prosperity Element

Purpose

To increase wealth and the standard of living of all San Diegans with policies that support a diverse, innovative, competitive, entrepreneurial, and sustainable local economy.



The structure of San Diego's economy influences the City's physical development and capacity to fund essential services. A strong economy creates wealth that makes continued investment in, and maintenance of, San Diego's infrastructure possible. Over the past several decades the structure of the City's economy has shifted from a production-based economy to one that is increasingly based on creativity and innovation. The Economic Prosperity Element seeks to help create an environment that fosters this creativity and allows San Diego to better compete in the regional, national, and global economic setting. The element links economic prosperity goals with land use



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distribution and employment land use policies. The element also expands the traditional focus of a general plan to include economic development policies that have a less direct effect on land use. These include policies aimed at supporting existing and new businesses that reflect the changing nature of industry, creating the types of jobs most beneficial to the local economy, and preparing our workforce to compete for these jobs in the global marketplace. The element also describes how the formation of redevelopment project areas can be used to help implement community goals.

Employment Lands

San Diego's economic base is primarily composed of industries in the technological and professional services, manufacturing, visitor industries, national security, and international trade sectors. These "base sector" industries bring new wealth into San Diego by exporting goods, services, and intellectual property. Base sector industrial uses such as manufacturing, research and development, and support uses are especially desirable as they provide middle-income employment opportunities and good wages. Non-base sector uses include public sector uses, commercial services, and retail trade to residents. These uses provide essential services and jobs for residents and are encouraged to locate in village and subregional employment areas. Non-base sector uses are directly proportionate to the size of the population and strength of the economic base; they cannot expand beyond the capacity of the economic base on which they are dependent.

The General Plan includes the following approaches to encouraging base sector industrial uses to remain, locate, and expand in San Diego:

- **Community Plan Land Use Designations.** A range of community plan industrial land use designations are provided to protect industrial lands through varying degrees of limitations on non-industrial uses.
- **Prime Industrial Lands.** Prime industrial lands are employment areas that support base sector industries. The Industrial and Prime Industrial Land Identification Map (see Economic Prosperity Element, Figure EP-1) identifies the City's existing industrially-designated land and the subset of these lands that are identified as Prime Industrial Lands. Residential and most non-industrial uses are not permitted within "prime" areas in order to protect base sector uses from potential land use conflicts and to maintain capacity for base sector industry growth.
- **Business Incentives.** City incentives programs are to be monitored and updated so that they offer increased benefits to projects and industries that have a demonstrated potential of providing middle-income jobs, and contributing to community revitalization.



Having an adequate supply of workforce housing is also an important factor in meeting the needs of businesses in San Diego. The City of Villages strategy encourages higher-density housing to be located in or near certain employment areas and village centers to better link jobs, housing and transportation. This integration of uses is encouraged in areas outside of the Prime Industrial Lands (based on an analysis of area characteristics) to help meet the City's workforce housing needs. The Housing Element contains more detailed goals and strategies to increase the supply and affordability of housing in San Diego.

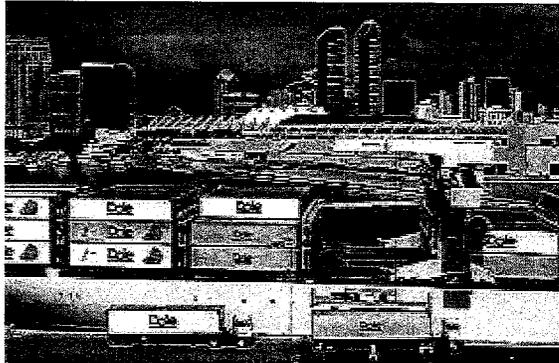
Economic Opportunities and Investments

The Economic Prosperity Element promotes economic opportunity for all segments of the population and development of workforce skills consistent with an evolving local economy. This element of the General Plan includes policies to help the private sector create jobs for local residents, encourage career ladders and benefits for service sector employment, and to help increase access to education and training to meet today's business needs.

Additional policies are designed to encourage community revitalization through improving access to regional and national sources of public and private investment, to target infrastructure development to support economic prosperity, and to leverage the redevelopment process in certain communities.

While this element establishes economic prosperity goals and policies, it also calls for the periodic preparation and more frequent updates of the City's Economic Development Strategic Plan. The strategy will identify and monitor those San Diego industries that are growing and are globally competitive. It will also translate policies into more specific programs and near- to mid-term actions, in response to changes in the global economy.

The achievement of economic prosperity goals also relies on policies in the Land Use and Community Planning Element to appropriately designate land for economic development, the Mobility Element to provide a link between housing and jobs, and the Public Facilities, Services and Safety Element to address the development of regional facilities needed to reinforce the viability of our industrial areas.





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Public Facilities, Services, and Safety Element

Purpose

To provide the public facilities and services needed to serve the existing population and new growth.

Providing adequate public facilities to serve the City's current and future population continues to be a great challenge. The Public Facilities, Services, and Safety Element (Public Facilities Element) responds to this challenge through policies that address public financing strategies, public and developer financing responsibilities, prioritization, and the provision of specific facilities and services that must accompany growth. The policies within the Public Facilities Element also apply to transportation, and park and recreation facilities and services.

The 1979 Progress Guide and General Plan (1979 General Plan) established a growth management program to address the rapid growth on the periphery of the City, and the declining growth trend in the central areas of the City. The plan sought to revitalize the central business district, and phase growth and development in outlying areas in accordance with the availability of public facilities and services.



In 1979, the City was divided into three "tiers": "Urbanized," "Planned Urbanizing," and "Future Urbanizing." The Planned Urbanizing areas consisted of newly developing communities where development was required to "pay its own way" through the use of Facilities Benefit Assessments (FBAs), or other financing mechanisms. Growth was encouraged in urbanized communities, with the assumption that General Fund (public) capital improvement expenditures would be provided in those areas. Over time, the FBAs were largely successful in providing facilities in the then-developing communities, but the General Fund fell short in meeting the public facilities needs of urbanized communities. In addition, the City's Development Impact Fee (DIF) program for the funding of public facilities in urbanized communities was not adopted until 1987.



The 2002 Strategic Framework Element identified the facilities deficit in urbanized communities, and reaffirmed the need to address existing and future public facility and service needs in those areas and throughout the City. The Strategic Framework Element was also the catalyst for an effort to identify and map certain existing facilities in each of the City's community planning areas.

Facilities Financing

Financing Strategy. As the majority of San Diego's communities are now primarily urbanized, the General Plan provides a multi-faceted facilities financing strategy framework to address existing needs, provide adequate facilities to support infill development, and plan for the ongoing need to fund operations and maintenance throughout the City.

Key points of the General Plan financing strategy are that:

- The City and current population base are responsible for funding existing facilities deficiencies;
- Funding for existing public facilities deficiencies will come through diverse funding resources, and
- New development will pay its proportional fair-share of public facilities costs.

The element identifies a menu of financing options that could be implemented in order for the City to meet its responsibility to correct existing public facilities deficiencies. To supplement the General Plan, a more detailed strategy to identify specific mechanisms for financing various facility types in targeted geographic areas will be prepared and updated more frequently as needs are reassessed and new mechanisms are developed.

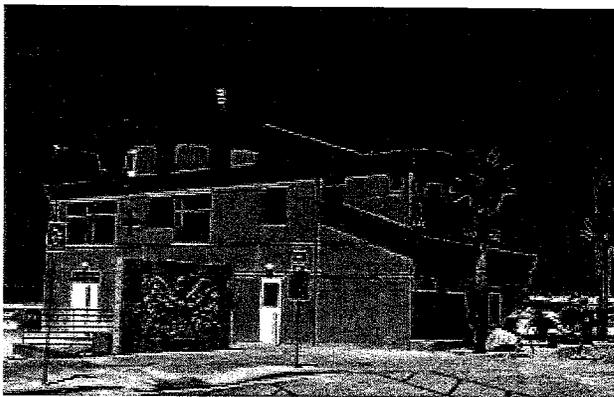
Other implementation actions include anticipated amendments to the City's DIF methodology and public facilities financing plans. Under impact fee methodologies in place as of 2006, fees collected did not keep pace with escalating facility needs and costs, and were intended to only fund a proportional share of new facilities. It is expected that DIFs will need to be applied in more communities in the future as areas developed as planned urbanizing communities in the past experience infill development that was not anticipated in their FBAs.





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Prioritization. The General Plan establishes the framework for an objective and systematic approach to prioritizing the financing of public facilities. The aim is to strengthen the relationship between the City's General Plan and annual Capital Improvements Program (CIP), to maximize efficiencies in the annual allocation of capital resources, and to implement the City of Villages strategy. Policies call for the City to use a standardized approach to facility prioritization that includes: identifying relevant criteria, evaluating projects based on that criteria, and producing a prioritized list of projects by facility type. Community plan conformance and preferences are to be a part of the prioritization process.



Evaluation of Growth, Facilities, and Services. In evaluating new growth, the General Plan requires new development to mitigate its impacts and avoid making facility deficits worse. Key policies require development proposals to fully address impacts to public facilities and services, and require projects that necessitate a community plan amendment due to increased densities to provide or help fund physical improvements that benefit the affected community planning area. In addition, General Plan policies call for the establishment of a centralized development monitoring system and for the maintenance of up-to-date public facilities financing plans to guide the provision of public facilities.

Facilities Guidelines

The General Plan provides policies to guide the provision of a wide range of public facilities and services, as summarized on Table SF-1, Public Facilities and Services Topics.



Table SF-1
Public Facilities and Services Topics

Facility Type	Topics Addressed in Policies
Fire-Rescue	<ul style="list-style-type: none"> • Response time objectives for fire and emergency medical services • Annual emergency incident volume to evaluate impacts on services
Police	<ul style="list-style-type: none"> • Average response time goals for various priority calls • Guidelines for evaluating when additional resources are needed to maintain service levels
Wastewater	Wastewater treatment and disposal services, and infrastructure planning
Storm Water Infrastructure	<ul style="list-style-type: none"> • Storm water conveyance system • Storm water facility and service demands
Water Infrastructure	Water supply and infrastructure (see Conservation Element regarding water conservation)
Waste Management (including recycling)	Waste collection, reduction, recycling, and disposal
Libraries	Library planning and design guidelines
Schools	Coordination with districts on school design, location, and joint-use
Information Infrastructure	Integrated information infrastructure system
Public Utilities	<ul style="list-style-type: none"> • Collaboration with regional public utility providers in the planning and provision of their services and facilities • Consideration of utility investments in potential village areas
Regional Facilities	Planning and implementation of regional facilities and infrastructure investments
Healthcare Services and Facilities	<ul style="list-style-type: none"> • Participation with healthcare providers in facilities siting decisions • Integration with the City's growth strategy
Disaster Preparedness	<ul style="list-style-type: none"> • Preparation for man-made and natural disasters • Plans for restoration of municipal services
Seismic Safety	Seismic, geologic, and structural considerations in the built environment to protect health and safety

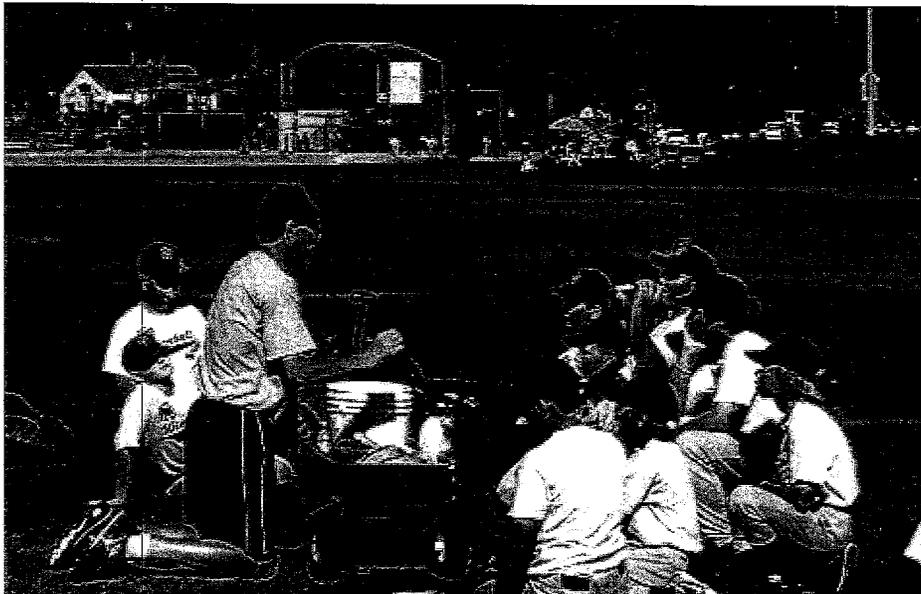


Recreation Element

Purpose

To preserve, protect, acquire, develop, operate, maintain, and enhance public recreation opportunities and facilities throughout the City for all users.

The City of San Diego has over 38,930 acres of park and open space lands that offer a diverse range of recreational opportunities. The City's parks, open space, trails, and recreation facilities annually serve millions of residents and visitors and play an important role in the physical, mental, social, and environmental health of the City and its residents. Parks can improve the quality of life by strengthening the body and assisting in maintaining physical well-being. Mental and social benefits include providing visual relief from urban development, passive recreational opportunities that refresh the mind and provide opportunities for social interaction, and healthy activities for youth. Park and open space lands benefit the environment by providing habitat for plants and animals, and space for urban runoff to percolate into the soil, while also serving to decrease the effects of urban heat islands. In addition, the City park system supports San Diego's tourism industry, and enhances the City's ability to attract and retain businesses.





San Diego's environment, its coastal location, temperate climate, and diverse topography, contribute to creating the City's first-class recreation and open space system for San Diego's residents and visitors. The goals and policies of the Recreation Element have been developed to take advantage of the City's natural environment and resources, to build upon existing recreation facilities and services, to help achieve an equitable balance of recreational resources, and to adapt to future recreation needs.

It has become an increasing challenge to meet the public's park and recreational needs as resident and visitor populations grow and the availability of vacant land decreases. The City faces increased demand on existing park lands and an inequitable distribution of parks citywide. The problems are especially acute in the older, urbanized communities. The Recreation Element contains policies to address these challenges and to work toward achieving a sustainable, accessible, and diverse park and recreation system.

The City's Parks and Open Space System

The City of San Diego provides three categories of parks and recreation for residents and visitors: population-based, resource-based, and open space. These three categories of recreation, including land, facilities and programming, constitute the City of San Diego's municipal park and recreation system.

- Population-based parks (commonly known as Neighborhood and Community parks), facilities and services are located in close proximity to residential development and are intended to serve the daily needs of neighborhoods and communities. When possible, they adjoin schools in order to share facilities, and ideally are within walking distance of many residences within their service area.
- Resource-based parks are located at, or centered on, notable natural or man-made features (beaches, canyons, habitat systems, lakes, historic sites, and cultural facilities) and are intended to serve the citywide population, as well as visitors.
- Open space lands are City-owned land located throughout the City consisting of canyons, mesas, and other natural landforms. This open space is intended to preserve and protect native plants and animals, while providing public access and enjoyment through use of hiking, biking, and equestrian trails.



Strategic Framework

Park and Recreation Guidelines

The Recreation Element provides policies to guide the City's vision and goals for park and recreation facilities citywide and within individual communities. It provides guidelines for the provision of population-based, resource-based, and open space parks and calls for the preparation of a comprehensive Parks Master Plan. Recreation Element policies also: support joint use and cooperative agreements, and protection and enjoyment of the City's canyonlands; introduce the concept of providing "equivalent" recreation facilities and infrastructure in constrained areas; and call for implementation of a financing strategy to better fund park facility development and maintenance.

Population-based parks are to be provided at a minimum ratio of 2.8 usable acres per 1,000 residents. Some of San Diego's newer communities come close to meeting this standard, but communities that were developed prior to the introduction of this ratio in the 1979 General Plan fall well short of this goal. It is difficult to acquire parklands in already-developed communities due to the cost of land and the desire to avoid displacement of existing land uses. In recognition of the City's land constraints, it is proposed that some of the 2.8 acres could be satisfied through the provision of equivalent recreation facilities. The proposed Parks Master Plan will develop and define criteria on how equivalent standards would be measured and applied.

Parks Master Plan

The Recreation Element calls for the preparation of a citywide Parks Master Plan that will establish a citywide parks network; inventory and evaluate all City park lands, recreational uses, facilities, and services; set priorities for protection and enhancement of existing park and recreation assets; develop implementation strategies to meet community needs; address inequitable access to recreational resources; and establish the basis for a sound financing mechanism to develop, enhance and maintain the City's park network and recreational resources.

Park Financing

In addition to facing land constraints, the City has been continually challenged with financial constraints regarding park development, maintenance and operations. Therefore, it is essential that new parks and recreation facilities, and improvements to existing parks and facilities, be designed and constructed to ensure their intended use with minimal funding for maintenance or upgrades during the expected useful life of the facility. Sustainable development features include the application of water and energy conservation measures, "green" building technology, low-maintenance plantings, and design that is sensitive to local environmental conditions and can help reduce long-term costs (see also the Conservation Element, Section A).



The key to providing increased recreation opportunities on a long-term basis is to identify and ensure adequate financing for park development, maintenance and staffing. The Recreation Element calls for the City to collect land and/or appropriate park fees for population-based park and recreation facilities to serve future residents.

The Recreation Element is interconnected to other elements of the General Plan. In particular, the Conservation Element provides additional policies for protecting and preserving our recreational natural resources, canyons, and open spaces, and the Public Facilities Element provides policies on public facilities financing, prioritizing, and development impact fees. Overall, the City of Villages strategy reinforces the importance of recreation as an essential quality-of-life factor that needs to be integrated into every community.

Conservation Element

Purpose

To become an international model of sustainable development and conservation. To provide for the long-term conservation and sustainable management of the rich natural resources that help define the City's identity, contribute to its economy, and improve its quality of life.

Conservation is the planned management, preservation, and wise utilization of natural resources and landscapes. The Conservation Element contains policies to guide the conservation of resources that are fundamental components of San Diego's environment, that help define the City's identity, and that are relied upon for continued economic prosperity. San Diego's resources include, but are not limited to: water, land, air, biodiversity, minerals, natural materials, recyclables, topography, views, and energy. Over the long term, conservation is the most cost-effective strategy to ensure that there will be a reliable supply of the resources that are needed now and in the future.

The City of Villages strategy to direct compact growth in limited areas that are served by transit is, in itself, a conservation strategy. Compact, transit-served growth is an efficient use of urban land that reduces the need to develop outlying areas and creates an urban form where walking, bicycling, and transit are more attractive alternatives to automobile travel. Reducing dependence on automobiles reduces vehicle miles traveled which, in turn, lowers greenhouse gas emissions. Additionally, it improves water quality by decreasing automobile-related oil and gas leaks that pollute water bodies throughout the City.



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Climate change is a growing concern for cities around the world. The burning of fossil fuels, such as coal and gasoline, as well as deforestation and other human activities are changing the composition of the atmosphere, causing concentrations of greenhouse gases such as carbon dioxide, nitrous oxide, and methane to increase significantly. The City of San Diego has taken steps to address climate change impacts at a local level. The City organization has continued to reduce its share of greenhouse gas emissions through fuel efficiency, energy conservation and the use of renewable energy, and the use of methane gas (biogas) to generate electricity, and continues to investigate additional steps that can be taken to help reduce greenhouse gas emissions, identify adaptation goals, and curb the impact of climate change at a local level. Refer to the Conservation Element, Table CE-1, Issues Related to Climate Change Addressed in the General Plan, for a comprehensive list of policies related to climate change issues.



Sustainable development is development which respects the balance and relationship between economy, ecology, and equity. The City is implementing sustainable development policies that will reduce its environmental footprint, including: conserving resources, following sustainable building practices, reducing greenhouse gas emissions, and encouraging clean technologies. In sustainable development practices, economic growth is closely tied with environmental, "clean," or "green" technologies and industries. San Diego is well positioned to become a leader in clean technology industries due to its highly qualified workforce, world-class universities and research institutions, and established high technology industries. Clean technology industries demonstrate that environmental protection and economic competitiveness goals are aligned and mutually beneficial.

The Conservation Element reflects key goals contained in many other City and regional plans and programs and will help guide their future updates. The Conservation Element sets forth a citywide vision that ties these various natural resource-based plans and programs together using a village strategy of growth and development. It contains policies for sustainable development, preservation of open space and wildlife, management of resources, and other initiatives to protect the public health, safety and welfare.



Historic Preservation Element

Purpose

To guide the preservation, protection, restoration and rehabilitation of historical and cultural resources and maintain a sense of the City. To improve the quality of the built environment, encourage appreciation for the City's history and culture, maintain the character and identity of communities, and contribute to the City's economic vitality through historic preservation.

No city can hope to understand its present or to forecast its future if it fails to recognize its past. By tracing and preserving its past, a city can gain a clear sense of the process by which it achieved its present form and substance. San Diego's rich and varied historical and cultural resources include buildings, structures, objects, landscapes, districts, archaeological sites, and traditional cultural properties that possess historical, scientific, architectural, aesthetic, cultural, or ethnic significance. Although not always easily distinguishable, these resources, with their inherent ability to evoke the past, represent important aspects of the history of San Diego and the region, from the time before and during European contact with Native Americans to the recent past. The identification, evaluation, registration, and protection of these resources, and thereby the preservation of San Diego's past for its current and future residents, are the essential components of San Diego's historic preservation program.



The continuing challenge is to integrate effective historic preservation into the larger planning process. As future growth in San Diego shifts attention from building on open land to a focus on reinvestment in existing communities, there will need to be a continued effort to protect historical and cultural resources.

The City's commitment to historic preservation results in multiple economic benefits. It is widely recognized that where preservation is supported by local government policies and incentives, designation can increase property values and pride of place. Revitalization of historic downtowns and adaptive reuse of historic districts and buildings conserves resources, uses existing infrastructure, generates local jobs and purchasing, supports small business development and heritage tourism, and enhances quality of life and community character.



Strategic Framework

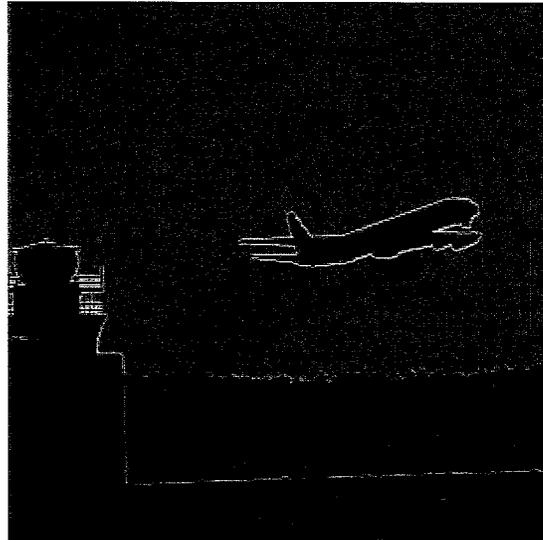
Noise Element

Purpose

To protect people living and working in the City of San Diego from excessive noise.

Noise at excessive levels can affect our environment and our quality of life. Noise is subjective since it is dependent on the listener's reaction, the time of day, distance between source and receptor, and its tonal characteristics. At excessive levels, people typically perceive noise as being intrusive, annoying, and undesirable.

The most prevalent noise sources in San Diego are from motor vehicle traffic on interstate freeways, state highways, and local major roads generally due to higher traffic volumes and speeds. Aircraft noise is also present in many areas of the City. Rail traffic and industrial and commercial activities contribute to the noise environment.



The City is primarily a developed and urbanized city, and an elevated ambient noise level is a normal part of the urban environment. However, controlling noise at its source to acceptable levels can make a substantial improvement in the quality of life for people living and working in the City. When this is not feasible, the City applies additional measures to limit the affect of noise on future land uses, which include spatial separation, site planning, and building design techniques that address noise exposure and the insulation of buildings to reduce interior noise levels.

The Noise Element provides goals and policies to guide compatible land uses and the incorporation of noise attenuation measures for new uses to protect people living and working in the City from an excessive noise environment. This purpose becomes more relevant as the City continues to grow with infill and mixed-use development consistent with the Land Use and Community Planning Element.



Housing Element

Purpose

To create a comprehensive plan with specific measurable goals, policies and programs to address the City's critical housing needs.

San Diego faces a severe housing affordability crisis. Not only are low-income people and special needs populations having difficulty finding adequate affordable housing, but now many middle-income people are finding it difficult to remain in San Diego due to the high cost of housing. The Housing Element identifies and analyzes the City's housing needs, establishes reasonable goals, objectives and policies based on those needs, and sets forth a comprehensive five-year program of actions to achieve, as fully as possible, the identified goals and objectives. The Housing Element includes objectives, policies and programs for the following five major goals:



- Provision of an adequate site inventory and new construction capacity;
- Maintenance and conservation (including preservation of existing low-income housing and rehabilitation of existing housing stock);
- Reduction of governmental constraints that are no longer necessary;
- Provision of affordable housing opportunities; and
- Implementation of administrative goals (including fair share and community balance, use of redevelopment set-aside funds, reduction of housing discrimination, and energy conservation).



Strategic Framework

The Housing Element is intended to assist with the provision of adequate housing to serve San Diegans of every economic level and demographic group.

State law directs that a Housing Element shall be updated at five-year intervals, "consist of standards and plans for the improvement of housing and for the provision of adequate sites for housing," and "make adequate provision for the housing needs of all segments of the community." The Housing Element is provided under separate cover from the rest of the General Plan due to the need for frequent Housing Element updates, and to facilitate compliance with the state reporting requirements. It must remain consistent with the other elements of the General Plan and incorporate the City of Villages strategy as one of the key components of the City's housing strategy.

Implementation

Action Plan

The General Plan provides a broad range of citywide policies that affect land development and overall quality of life. General plan policies are statements that guide decision making and are adopted by City Council resolution. Policies differ from Land Development Code regulations which contain specific, enforceable standards and are adopted by ordinance. The policies within the City of San Diego's General Plan provide a framework to guide the physical development of the City and will be used to: guide community plan updates, review discretionary permits, and provide direction for public projects, master and redevelopment plans, and other implementation programs. As projects and future implementation actions are reviewed, individual actions are to be deemed consistent with the General Plan if, considering all its aspects, it will further the goals and policies of the plan and not obstruct their attainment.

The State of California General Plan Guidelines (2003) indicate that a general plan is typically implemented through zoning, subdivisions, and capital improvements. In the City of San Diego, General Plan policies are also implemented through community plan recommendations and actions. In addition, there are many specific actions or programs that the City initiates or completes consistent with General Plan direction. In order to identify and monitor a wide variety of actions found within the General Plan, community plans, and beyond, the City has created the General Plan Action Plan (Action Plan). The Action Plan is a companion item to the General Plan which identifies action items intended to implement General Plan policies. The Action Plan will be updated, as needed, to indicate implementation progress, identify new initiatives designed to implement General Plan policies, or reflect shifting priorities over time. Upon City Council approval of a General Plan Action Plan, the Action Plan will be deemed incorporated into the General Plan by reference. However, because an implementation measure, by its nature, must be consistent with what it is implementing, Action Plan items that are updated or changed and remain consistent with the General Plan are not



amendments to the General Plan. Changes to implementing actions will be 'tracked' to assure a clear record is maintained. In addition, a Mitigation, Monitoring, and Reporting Program (MMRP) has been prepared and is incorporated by reference in the General Plan.

Because San Diego is a large and diverse city, the General Plan relies upon the community plans (legally recognized as a part of the Land Use and Community Planning Element) to provide community-specific policies and recommendations. While community plans are in the process of being updated, there may be instances where the policies of the community plan and General Plan are not fully aligned. However, there are no land use or zoning inconsistencies between the General Plan and any given community plan because the General Plan does not change community plan land use designations. The community plans are the final arbiter on issues of land use, density, and intensity. The General Plan and community plans are to play complementary roles to ensure that quality of life is maintained, essential community character is respected, and that public facilities are provided.

The City's adopted land use plans set the framework for the implementing regulations found in the Land Development Code. Despite that state law exempts charter cities from the zoning consistency requirement, it is the City of San Diego's practice to apply zoning that is consistent with community plan land use designations to ensure their implementation. Zoning is one of the primary plan implementation measures. As the California General Plan Guidelines state, "the success of a general plan, and in particular the land use element, rests in part upon the effectiveness of a consistent zoning ordinance in translating the long-term objectives and policies contained in the plan into everyday decisions." Zoning will be reviewed and changed as appropriate, especially at the time of a community plan update or amendment, to assure that revised land use designations or newly-applicable policies and recommendations can be implemented. New zoning options may be developed to better implement plan recommendations. Plan recommendations may also be implemented through subdivisions, in accordance with the Subdivision Map Act.

Additional implementation programs are referenced in more detail in the elements of the General Plan and Action Plan. Major implementation initiatives include the Public Facilities Financing Strategy, Economic Development Strategic Plan, Parks Master Plan, and other master plans and strategies. Master plans and strategies offer more in-depth analysis and implementation actions associated with their topic areas than is desirable in the General Plan. However, the formation or amendment of such plans will be evaluated against the policies of the General Plan. There are also specific legislative, regulatory, administrative, and collaborative implementation actions that will be needed. The General Plan and the associated Action Plan will be monitored to measure its effectiveness in achieving goals. The General Plan Monitoring Report, initially prepared in 2004, measures progress through: 1) Action Plan item implementation tracking, 2) San Diego Sustainable Community Program Indicators, and 3) community economic indicators.



Strategic Framework

City Budget Process

Implementation of the General Plan is accomplished through a broad range of legislative and regulatory actions that are outlined in the Action Plan. Each policy in the General Plan corresponds with an Action Plan item which identifies the implementation tool, such as a community plan update, master plan, or modification to regulations and ordinances, to help implement the policy. Although the Action Plan provides anticipated timeframes for implementing plan policies, many of the work program items are dependent on budget decisions. A Five Year Financial Outlook (Outlook) was developed in 2007 and updated in 2008 to examine the City's long range fiscal condition and establish funding priorities over the next five years. In addition, the Outlook established the framework for the development of the City's Annual Budgets. Eight significant initiatives were identified that require immediate City attention and resources and these initiatives as well as core city services are reflected in the Annual Budgets. It is during the budget process that new programs or additional funding for existing programs is allocated for the upcoming year. The General Plan Action Plan will be monitored to track the progress of General Plan implementation measures and help inform the budget process.

City of Villages Strategy

The City of Villages strategy will continue to help meet the long-term needs of the City through the incremental redevelopment of aging buildings and sites. Some of the activity centers or districts that have village characteristics are currently experiencing demand for intensified use and have infrastructure or financing for infrastructure available. These areas could develop in accordance with the City of Villages strategy in the next few years through comprehensive development plans. Sites that are currently developed with other uses may be the villages of the future. Many of San Diego's communities already have districts of different scales with village-like neighborhoods that will continue to evolve. A common feature of all the villages will be the addition of vibrant public places and the increased ease of walking between residences, transit stops, public facilities, and basic commercial uses. An emphasis within villages will be on improving the overall walkability between local destinations through the provision of safe and convenient pedestrian connections, traffic calming measures, landscape, pedestrian-scale lighting, public plazas, wayfinding programs, and other measures. As the villages become more fully developed, their individual personalities will become more defined and their development patterns will become more varied and distinctive. Some of the villages may take on specialized functions that cannot be predicted at the present time.

The rate at which the City of Villages concept can be applied throughout the City will be determined largely by market demand, public support, and the rate at which infrastructure deficiencies can be remedied. Transit will be particularly crucial. As urban area transit service is improved, many potential village locations could begin to develop in accordance with the City of Villages concept.



However, even if transit deficiencies and other infrastructure needs are fully addressed in the next two decades, it is likely that the transition from the current auto-oriented pattern of development to a more diversified pattern built with transit- and pedestrian-orientation will take many years to be fully achieved. The current automobile-dominated urban development pattern in San Diego has occurred over several decades and the incremental land use and transportation changes sought will likely take almost as long to realize.

Another significant factor that will influence the pace at which the City of Villages strategy will be implemented is the rate of future population growth in the San Diego region. The pattern of development envisioned in the City of Villages strategy will not be affected by the rate of growth, but the number of villages, and the demand for development within individual villages, will be influenced in part by population growth pressures. A demographic trend that could influence implementation of the City of Villages strategy is the steadily increasing proportion of elderly among the City's population as the Baby Boom generation ages. Many elderly people are unable to, or choose not to drive as frequently. The creation of a more pedestrian- and transit-oriented urban pattern around village centers will provide more options to the elderly than the auto-oriented pattern of development that has prevailed in the past. Under the City of Villages strategy, many elderly may choose mixed-use, mixed-income neighborhoods that are accessible by transit or walking to a full-range of services and facilities.

It should also be noted that future environmental, political, and economic conditions, and other factors that cannot be predicted at the present time could affect the rate and scale of San Diego's growth and development.

Conclusion

The General Plan is intended to provide an enlightened strategy for the future development of the City—a strategy that values the distinctiveness of our communities while recognizing that San Diego is a major metropolis. The plan builds upon what is good in San Diego's communities, protects the City's canyons and open spaces, strives for a sustainable use of resources, and seeks to preserve a high quality-of-life for future generations. The General Plan relies upon the community plans to provide the site-specific guidance that will lead to implementation of many of the General Plan policies, and the continued involvement of an engaged citizenry to monitor its implementation.

For the remainder of the adopted City of San Diego General Plan, please refer to the enclosed compact disc.