

(R-88-164)

RESOLUTION NUMBER R- **269116**

ADOPTED ON JUN 22 1987

WHEREAS, pursuant to the provisions of the City Charter and State laws, The City of San Diego is charged with the responsibility of overseeing and managing the preservation, use and development of its environment; and

WHEREAS, the Council of The City of San Diego is currently involved in a comprehensive review of its current policies on residential, industrial and commercial development; and

WHEREAS, on June 22, 1987, the City Council held a public hearing in which the passage of a proposed Interim Development Ordinance ("IDO") was discussed; and

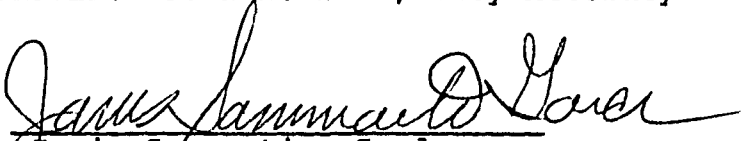
WHEREAS, in the course of that discussion on the IDO, the creation of a Resource Protection Overlay Zone was also proposed;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it approve in concept, a Resource Protection Overlay Zone, as proposed by Councilmember Mike Gotch in a memorandum dated June 19, 1987, attached hereto as Exhibit A, and discussed at the City Council hearing of June 22, 1987.

BE IT FURTHER RESOLVED, that the City Manager report back to the City Council within thirty (30) days following a workshop and public hearings on the creation of a Resource Protection Overlay Zone.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

JSG:ta
07/17/87
Or.Dept:Clerk
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City of San Diego

MEMORANDUM

DATE: June 19, 1987
TO: Mayor and Councilmembers
FROM: Councilmember Mike Gotch *Mike Gotch*
SUBJECT: RESOURCE PROTECTION AMENDMENT TO THE INTERIM
DEVELOPMENT ORDINANCE

It is of great importance to me and the Citizens of San Diego that the environmentally sensitive areas of our city be afforded the greatest protection we can muster. They provide our City with its distinct character and beauty, and it is our responsibility to protect them in the same manner in which we will protect the City from the rampant growth we have experienced.

Therefore, at the June 22 Council hearing on the Interim Development Ordinance I will move to direct the Planning Department to prepare a measure designed to preserve the major natural resource areas of the City: its hillsides, canyons, floodplains, wetlands and streams which are not already afforded equivalent protection under the City's Coastal Zone Implementation ordinances.

This resource protection amendment to the Interim Development Ordinance should include each of the specific components outlined below. I look forward to and urge your favorable consideration of this amendment.

INTERIM - RESOURCE PROTECTION ORDINANCE

A. PURPOSE AND INTENT

This section will detail the major objectives of the ordinance including but not limited to:

1. Achieving the stated goals of the Hillside Review Overlay Zone (i.e. assuring that the natural character and identity of the hillside and canyon areas are protected and that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, severe cutting or

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scarring) in addition to the supplementary goals of prohibiting any significant disturbance to native vegetation or prime viewshed areas.

2. Restricting the channelization of rivers and streams, limiting the placement of permanent structures and/or fill within the floodplains, protection of identified wetland habitat by prohibiting all fill/or structures and the creation of adequate buffer areas around such habitat, and the preservation and enhancement of existing riparian habitat areas.

B. PERMITTED USES

Specific use restriction areas which affect the permitted uses of the underlying zones shall be mapped and the remaining permitted uses identified. These areas will include wetlands, natural stream channels and associated buffer areas.

C. DEFINITIONS

Any new terms not already utilized in the Municipal Code shall be defined (e.g. prime viewshed area).

D. SPECIFIC DEVELOPMENT REGULATIONS AND PERFORMANCE STANDARDS

The regulations and development standards shall be designed to achieve a level of resource protection consistent with the stated purpose and intent of the ordinance.

In the case of the hillside and canyon areas, the development regulations will provide strict development encroachment criteria for the most sensitive slopes above percent grade. The percentage encroachment will generally not exceed ten percent, but may be increased to 20 percent to preserve a reasonable use of the property. The sensitive slopes shall be those containing undisturbed native habitat potential geologic hazards, or prime viewshed values.

In the case of floodplain areas, the development permitted by the underlying zoning shall be approved only where the applicant can demonstrate that a number of performance standards would be met:

1. The development is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works.
2. Existing environmentally sensitive habitat areas will not be significantly adversely affected.
3. The design of the development incorporates the findings.

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and recommendation of a site specific and watershed hydrologic study in order to ensure that:

- a. The development would not cause significant increases in runoff or flood flow velocities and
- b. The development would not significantly increase nor contribute to downstream bank erosion and sedimentation of wetlands, lagoons, or other environmentally sensitive habitat areas.

In wetland areas, the ordinance will generally provide for a 100-foot buffer between any building and/or fill area and the wetland.

E. APPLICATION SUBMITTAL REQUIREMENTS

Many of the development regulations and performance standards require information, mapping and special studies not routinely requested under existing discretionary permits (i.e. slopes analysis, hydrologic studies, vegetation and habitat resource surveys, geology reports, etc.). The interim nature of the ordinance will increase reliance on site specific studies (provided by the applicant) since citywide resource mapping may not be immediately available. The required supplemental information should therefore be specified in the ordinance.

F. PUBLIC HEARING REQUIREMENTS

The Planning Director or a designated representative shall conduct a noticed public hearing in accordance with Municipal Code Section 101.0220.

G. REQUIRED FINDINGS OF FACT

The findings shall be related to the stated purpose of intent of the ordinance as well as the specific development regulations. A broad finding of consistency with the city's General Plan, and applicable Community Plans should be included.

H. APPEAL PROCEDURES

Planning Director Decisions shall be appealable to the Planning Commission and City Council as provided in Section 101.0230 and 101.0240 of the Municipal Code.

I. PERMIT EXEMPTIONS

A permit shall not be required for interior modifications or repairs nor any exterior repairs, alterations or maintenance which does not increase the envelope of an existing building or accessory structure.

Other exemptions should be considered as appropriate including existing development projects in the permit processing "pipeline."

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Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Ellen Bayard* Deputy.

Office of the City Clerk, San Diego, California

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