

(O-88-162)

ORDINANCE NUMBER O-17063 (NEW SERIES)

ADOPTED ON APR 18 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0403 AND 101.0403.1 RELATING TO FLOODWAY AND FLOODPLAIN FRINGE ZONES.

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

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0403 and 101.0403.1, to read as follows:

**SEC. 101.0403 FW ZONE (FLOODWAY)**

A. through E. [No change.]

**F. COASTAL ZONE REGULATIONS**

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this Section.

1. Permitted Uses (see also Subsection B.).

a. Aquaculture.

b. All other uses set forth in

Subsection B. except the following:

1) Airways and taxiways.

2) Establishments or enterprises involving large assemblages of people or automobiles including recreational

facilities, where such facilities would require permanent buildings and/or fill within the floodway or the channelization or other substantial alteration of rivers and streams.

3) Race tracks.

4) Travel trailer parks, where fill is required.

5) Any other use which requires permanent buildings and/or fill within the floodway or the channelization or other substantial alteration of rivers or streams.

2. Special Regulations (see Subsection C.).

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, no landform alteration, grading, placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division anywhere within the zone, except that temporary buildings having a floor area not to exceed three hundred (300) square feet, 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 one hundred (100) year frequency flood.

c. Channelization or other substantial alteration of rivers or streams shall be limited to:

- 1) Necessary water supply projects.
- 2) Flood control projects where no feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development.

3) Other development, a primary element of which is the improvement of fish and wildlife habitat. Such development may include new or expanded roads or highways that are essential to the economic health of the region, state or nation.

d. Any development which involves the channelization or other substantial alteration of rivers or streams shall do all of the following:

1) Incorporate into the project design and mitigation measures all relevant findings of hydrological studies for the coastal watershed of the affected stream. Such findings include but are not limited to erosional characteristics, flow velocities and sediment transport.

2) Incorporate mitigation measures designed to assure that there will be no increase in the peak runoff rate from the developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six (6) hour period once every ten (10) years.

3) Minimize stream scour, avoid increases in and reduce, where feasible, the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas. Acceptable techniques to control stream sediment include but are not limited to the planting of riparian vegetation in and near the stream.

4) If channelization is determined to be necessary, the floodway of the

stream shall accommodate a one hundred (100) year flood. To the extent feasible, all artificial channels shall consist of natural bottoms and sides and be designed and sized to accommodate existing riparian vegetation. Such vegetation shall be maintained at specified levels compatible with the design capacity of the channel.

e. Existing environmentally sensitive habitat areas will not be significantly adversely affected unless the development is consistent with specific recommendations and mitigations set forth in the adopted Local Coastal Program Land Use Plan.

f. A buffer zone of fifty (50) feet in width shall be maintained around all identified riparian areas, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the riparian habitat, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The

buffer shall be measured landward from the riparian habitat. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the riparian area and buffer. The California Department of Fish and Game and the United States Fish and Wildlife Service shall be consulted in such buffer determinations.

3. Development Plan Approval (see also Subsection D.2.).

a. Prior to the issuance of a building permit or land development permit, preliminary development plans shall be submitted to the Planning Director for approval.

b. Plans shall include the following:

1) A site plan showing the locations of proposed buildings, accessory structures, access roads, parking areas, storage areas, and any other uses of the site.

2) A landscaping plan showing the location of plant materials, existing and proposed trees, existing river channels and streambeds, proposed channelization alignments, existing sensitive habitat areas, open space areas, erosion control

measures and proposed riparian enhancement corridors.

3) A grading plan for any development which requires the alteration of the existing land configuration.

4) A hydrological study of the site and affected coastal watershed.

5) A runoff control plan.

c. In reviewing and approving development plans, the Planning Director shall determine that the development is consistent with the special regulations contained in Subsection F.2. of this section. Where a review of the development plan is sought in conjunction with a conditional use permit, planned development permit, sensitive coastal resource permit or coastal development permit, the Planning Director shall add to such permits:

1) A condition that all existing and remaining riparian habitat areas, or riparian enhancement areas, where proposed, and their buffer areas, shall be conserved through an open space easement or other suitable instrument acceptable to the City.

2) Any other conditions which are determined necessary to find the development consistent with the requirements of the Floodway Zone.

d. Any determination of the Planning Director may be appealed to the Planning Commission and City Council in accordance with the procedures set forth in SEC. 101.0230 and SEC. 101.0240 of this Code.

**SEC. 101.0403.1 FPF ZONE (FLOODPLAIN FRINGE)**

A. through C. [No change.]

**D. COASTAL ZONE REGULATIONS**

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this section.

1. Special Regulations (see also Subsection C.). Where a development, grading, landform alteration, the placement or removal of vegetation, except that related to a historic and ongoing agricultural operation, or land division is proposed within the floodplain fringe, the following regulations shall apply:

a. Within the one hundred (100) year floodplain fringe of the San Dieguito, Otay and Tijuana Rivers, Carmel Creek, and Los Penasquitos Lagoon, permanent structures



and/or fill for permanent structures, roads and other public improvements consistent with the adopted Local Coastal Program Land Use Plan will only be allowed if the applicant can demonstrate that:

1) The development is capable of withstanding periodic flooding, and does not require the construction of flood protective works, including but not limited to, artificial flood channels, revetments and levees. Flood protection works may be permitted to protect new or existing roads which are identified in the Circulation Element of The City of San Diego Progress Guide and General Plan, and applicable Local Coastal Program Land Use Plans.

2) Existing environmentally sensitive habitat areas will not be significantly adversely affected unless the development is consistent with specific recommendations and mitigations set forth in the adopted Local Coastal Program Land Use Plan.

3) In Carmel Valley only, the development will not result in a net reduction of existing riparian habitat

areas within the coastal zone portions of the floodplain. Where suitable riparian enhancement corridors are identified in an adopted community plan or other applicable plan, as a condition of development approval, new riparian vegetation shall be planted and maintained in accordance with such plans. The size of the enhancement corridor, whether located on or off the site, shall be equal to or greater than twenty percent (20%) of the graded or otherwise disturbed portions of the development site located within the Flood Plain Fringe Zone. Such revegetation shall utilize native vegetation and shall be designed and implemented by a professional landscape architect, biologist, or other qualified professional in close consultation with the Department of Fish and Game and United State Fish and Wildlife Service.

4) The design of the development incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study in order that the development:

(a) Assures that there will be no increase in the peak runoff rate from the fully developed site as compared to the discharge that would be expected from the existing undeveloped site as a result of the most intense rainfall expected once every ten (10) years during a six (6) hour period.

(b) Neither significantly increases nor contributes to downstream bank erosion and sedimentation, of wetlands, lagoons, or other environmentally sensitive habitat areas.

5) There will be no significant adverse water quality impacts to downstream wetlands, lagoons and other environmentally sensitive habitat areas.

b. Within the one hundred (100) year floodplain fringe of Sorrento Valley, fill and/or permanent structures will only be allowed if it can be shown that:

1) Existing environmentally sensitive habitat areas will not be significantly adversely affected.

2) Increased flood flow velocities will not occur.

3) Areas to be filled do not currently function as significant silt deposition areas.

4) Any loss or significant degrading of existing wildlife habitat areas will be suitably mitigated.

5) Increases in runoff and sediment will be mitigated.

6) There will be no adverse water quality impacts to downstream wetland areas.

c. All development proposed in the floodplain fringe on property which borders the Floodway Zone, or is otherwise linked physically or visually with the floodway shall:

1) Provide not less than a twenty-five (25) foot wide open space strip bordering the Floodway Zone.

2) Provide for landscaping of all buildings and parking facilities.

3) Retain and protect mature trees and other significant existing vegetation. Trees introduced to the site shall be adequately protected from

drowning during heavy rains. Any drainage or runoff system installed for this purpose shall be serviced regularly during the November 15th to March 31st rainy season so as to avoid the accumulation of standing water around the base of such trees.

d. All landscaping shall be in substantial conformance with the standards and specifications set forth in Division 7 of this Code (City-wide Landscaping Regulations and Technical Supplement).

e. New roadways and roadway expansions shall be allowed only where indicated on an adopted Local Coastal Program Land Use Plan.

f. A buffer zone of fifty (50) feet in width shall be maintained around all identified riparian areas, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the riparian habitat, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The

buffer shall be measured landward from the riparian habitat. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the riparian area and buffer. The California Department of Fish and Game and the United States Fish and Wildlife Service shall be consulted in such buffer determinations.

2. Development Plan Approval (see also Subsection C.).

a. Prior to the issuance of any permits or the use of any premises, preliminary development plans shall be submitted to the Planning Director for approval.

b. Plans shall include the following:

1) A site plan showing the locations of proposed buildings, accessory structures, access roads, parking areas, storage areas and any other uses of the site.

2) A landscaping plan showing the location of plant materials, existing and proposed trees, existing river channels and streambeds, proposed channelization alignments, existing sensitive habitat areas, open space areas, erosion control

measures and proposed riparian enhancement corridors.

3) A grading plan for any development which requires the alteration of the existing land configuration.

4) A hydrological study of the site and affected coastal watershed.

5) A runoff control plan.

c. In reviewing and approving development plans, the Planning Director shall determine that the development is consistent with the special regulations contained in Subsection D.1. of this section. Where a review of the development plan is sought in conjunction with a conditional use permit, planned development permit, sensitive coastal resource permit or coastal development permit, the Planning Director shall add to such permits:

1) A condition that all existing and remaining riparian habitat areas, or riparian enhancement areas, where proposed, and their buffer areas, shall be conserved through an open space easement or other suitable instrument acceptable to the City.

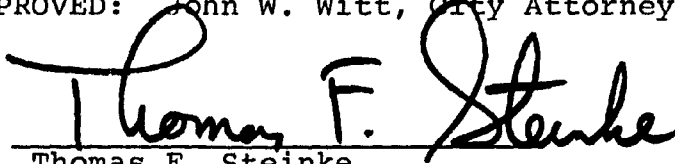
2) Any other conditions which are determined necessary to find the development consistent with the requirements of the Floodway Zone.

d. Any determination of the Planning Director may be appealed to the Planning Commission and City Council in accordance with the procedures set forth in SEC. 101.0230 and SEC. 101.0240 of this Code.

Section 2. This ordinance shall become effective on October 17, 1988, provided that by such date the Local Coastal Program of The City of San Diego (including Coastal Commission recommended rezonings) has been: (i) accepted by the Executive Director of the Coastal Commission; (ii) is finally and effectively certified by the Coastal Commission; and (iii) coastal development permit issuing responsibility is authorized by the Coastal Commission to be undertaken by The City of San Diego. In the event the aforesaid conditions are not met, this ordinance is null and void.

APPROVED: John W. Witt, City Attorney

By

  
Thomas F. Steinke  
Deputy City Attorney

TFS:wk  
03/31/88  
Or.Dept:Plan.  
O-88-162  
Form=o.none



12 B

Passed and adopted by the Council of The City of San Diego on APR 18 1988,  
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"/> |
| Ron Roberts            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Wes Pratt           | <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"/> |
| J. Bruce Henderson     | <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"/> |
| Bob Filner             | <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.

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

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 5 1988, and on APR 18 1988

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By Ellen Board, Deputy.

|   |                            |
|---|----------------------------|
| Office of the City Clerk, San Diego, California |                            |
| Ordinance Number <u>0-17063</u>                 | Adopted <u>APR 18 1988</u> |

RECEIVED  
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1988 APR -1 PM 3:23  
SAN DIEGO, CALIF.

10000

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CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION  
4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS  
101.0403 AND 101.0403.1 RELATING TO FLOODWAY  
AND FLOODPLAIN FRINGE ZONES.

**ORDINANCE NO. O-17063 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0403 AND 101.0403.1 RELATING TO FLOODWAY AND FLOODPLAIN FRINGE ZONES.

The amendments to the Floodway (FW) Zone limit the channelization or other substantial alteration of rivers or streams in the Coastal Zone. Where such alterations are permitted, the ordinance requires that a series of performance standards be met to reduce the transport of stream sediment to downstream wetlands. A primary emphasis is given to the protection of existing riparian vegetation. Additional amendments require fifty (50) foot buffer areas around all identified riparian areas.

The amendments to the Floodplain Fringe (FPF) Zone regulate the development of permanent structures and/or fill within the floodplain fringe in the Coastal Zone. Such development may only be considered when it is capable of withstanding periodic flooding and where existing environmentally sensitive habitat areas will not be significantly affected. As in the FW Zone, an emphasis is placed on the protection and enhancement of riparian habitat as a condition of development approval. In both the FW and FPF Zones new roadways and roadway expansions are allowed only where indicated on an adopted Local Coastal Program Land Use Plan. Additional amendments require fifty (50) foot buffer zones around all identified riparian areas.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on April 5, 1988  
Passed and adopted by the Council of The City of San Diego, on April 15, 1988.

AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California  
By ELLEN BOVARD, Deputy  
Pub. May 2, 1988

107990

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-17063 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAY 2

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 2 day of MAY, 19 88.

Thomas D. Kelleher

(Signature)

39 lines x .98 = \$76.44  
3 1/2 x 2 x 10.78 = \$75.46