

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: Linda Kesian
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Department of Planning and Land Use, M.S. O650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: Zoning Ordinance Amendment to Streamline the Community Design Review Procedure; POD 11-005

Project Location: All Unincorporated Portions of San Diego County

Project Applicant: County of San Diego; 5201 Ruffin Road, Suite B, San Diego, CA 92123

Project Description: This Zoning Ordinance Amendment consists of the creation of a community design review checklist procedure. The community design review checklist procedure is intended to streamline the community design review process and reduce Site Plan Permit processing times and costs by creating a new optional procedure for ministerial approval of "B" Designator Site Plan Permits for applicants of commercial, industrial, and multifamily residential projects that meet specific qualifying design standards and criteria. This component would require amendments to the Zoning Ordinance to implement the new community design review checklist procedure and the addition of design review compliance checklist as appendices to the nine existing Community Design Review Guidelines.

Agency Approving Project: County of San Diego

County Contact Person: Marcus Lubich Telephone: 858-694-8847

Date Form Completed: April 9, 2013

This is to advise that the County of San Diego Board of Supervisors (County decision-making body) has approved the above described project on _____ (date/item #) and found the project to be exempt from the CEQA under the following criteria:

Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)

Declared Emergency [C 21080(b)(3); G 15269(a)]

Emergency Project [C 21080(b)(4); G 15269(b)(c)]

Statutory Exemption. C Section:

Categorical Exemption. G Section:

G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.

G 15182 – Residential Projects Pursuant to a Specific Plan

G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning

Activity is exempt from the CEQA because it is not a project as defined in Section 15378.

2. Mitigation measures were were not made a condition of the approval of the project.

3. A Mitigation reporting or monitoring plan was was not adopted for this project.

Statement of reasons why project is exempt: This project amends the County of San Diego Zoning Ordinance to authorize a streamlined version of the community design review procedure.

Current Design Review Process: If a property is zoned with a special area designator "B," the Zoning Ordinance requires that the Director, PDS, must approve a discretionary site plan permit before a building permit can be issued. Under the site plan permit process, architectural features of the building plans undergo review for consistency with approved community design guidelines. The process includes a recommendation to the Director from the appropriate community design review board or community planning/sponsor group as to whether the proposed development meets approved community design guidelines. This project proposes an alternative process that allows design approval through an applicant's compliance with a design review checklist.

Design Review Checklist. This project establishes a checklist with clear, objective design standards for each community with existing design guidelines. The objective standards are based on the community's current design guidelines. To develop the checklist standards, each guideline within the community's design guidelines was reviewed to determine if it could be incorporated into the checklist as an objective standard. If a design guideline

included vague language, the community group responsible for design review provided clarification. Then the checklist standard was written using clear, objective language to convey the requirement as implemented by the group.

Under the design review checklist process, proposed development must be for a use that is allowed and could be approved with a building permit but for the "B" designator. If the development meets all applicable objective checklist standards, the Director will grant an exemption to the site plan permit requirement pursuant to Zoning Ordinance Section 5757 as proposed in this Zoning Ordinance Amendment. As with the site plan permit, the local community group makes a recommendation to the Director regarding whether the development meets all applicable objective standards in the checklist.

Environmental Impacts. Currently, individual project compliance with existing community design guidelines is accomplished through a discretionary site plan permit process which requires CEQA analysis. The new design review checklist process created by this project is ministerial and is not subject to CEQA. It can be seen with certainty that a project approved under the proposed design review process will not have a significant environmental impact for the following reasons:

The checklist applies only to parcels with a special area designator "B" and which are zoned for commercial, industrial and multi-family residential uses. These uses are limited to more urbanized and developed areas of the county, as shown in the attached maps, which identify properties zoned with "B" designators for each community with design guidelines. The checklist applies only to a development's architectural design to assure compliance with community architectural design requirements.

Commercial, industrial, and multi-family projects in the more urbanized and developed locations identified on the attached maps are typically infill development or renovation of existing structures. Implementation of the checklist process will not increase or otherwise affect the density or intensity of development beyond that which is already allowed under the General Plan and the Zoning Ordinance.

Infrastructure for roads, sewer, water, and utilities already exist in the urbanized and developed areas of the county where the checklist applies. These areas are served by fire districts, topography is not steep, and access is not an issue. Further, these areas have been disturbed so biological and cultural impacts would not occur.

In addition, during the building permit review process, development will be reviewed by the County for conformance with applicable county, state and federal regulations, including but not limited to the County Zoning Ordinance, the County Consolidated Fire Code, County Water Conservation in Landscaping Ordinance, California stormwater and water quality laws, and Federal Emergency Management Agency floodway and floodplain requirements. Compliance with the County Zoning Ordinance assures that the amount, location, and type of development is consistent with the General Plan. Compliance with the fire code and landscape ordinance assures that structures will have fire-resistive building materials and that landscaping will conserve water and prevent fires from spreading. Compliance with applicable stormwater and water quality laws assures that the project will implement low impact development practices so as not to impact surface or groundwater quality. Compliance with federal floodway and floodplain regulations assures that development will not occur in floodways, that people will not be exposed to flooding hazards, and that flood flows will not be redirected or impeded.

Furthermore, when a County grading permit is required for a project, CEQA review is also required. The CEQA analysis for a grading permit would disclose and provide feasible mitigation for any significant impacts to biological resources, geology and soils, air quality, hydrology and water quality, and cultural resources.

A traffic impact fee will also be imposed on all projects requiring building permits to mitigate cumulative traffic impacts. The purpose of the Transportation Impact Fee (TIF) program is to provide funding for construction of transportation facilities needed to support traffic generated by new development. The Department of Public Works is required to collect a TIF at or before the building permit issuance for projects that generate traffic. Fees collected in a local planning area are used to fund traffic improvements in that planning area.

All projects must meet each of the following prerequisites in order to qualify for the Design Review Checklist Exemption: the subject parcel is zoned with a "B" Community Design Review Special Area Designator; the project is consistent with General Plan, Zoning Ordinance, and applicable Community Plan; the project is not governed by a pre-existing Site Plan Permit or other discretionary permit; project does not require approval of any other discretionary permits from the County of San Diego; the subject parcel is not zoned with a "D" Design Review Special Area Designator or a "H" Historic/Archeological Landmark and District Special Area Designator; the project does not propose to impact or disturb biological resources, floodways, 100-year floodplains, steep slopes in excess of 25% or significant or prominent natural features; and the project site does not have any unresolved code enforcement violations.

Based on these facts, it can be seen with certainty that there is no possibility that the proposed design review checklist may have a significant effect on the environment, and therefore it is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: (858) 694-8847

Name (Print): Marcus Lubich Title: Project Manager

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.