



The County of San Diego

Planning Commission Hearing Report

Date:	January 25, 2019	Case/File No.:	POD-17-004; REZ-18-008
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Zoning Ordinance Update No. 31 and County Code Amendments
Time:	9:00 a.m.	Location:	All Districts
Agenda Item:	2	General Plan:	Various
Appeal Status:	Board of Supervisors is the final decision maker	Zoning:	Various
Applicant/Owner:	County of San Diego	Community:	All
Environmental:	Addendum	APNs:	Various

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed Zoning Ordinance Update No. 31 and the associated County Code Amendments (Zoning Ordinance Update).

The 18 amendments to the Zoning Ordinance and County Code are organized into six categories: a) Zoning Ordinance Amendments – Definitions; b) Zoning Ordinance Amendments – Animal Regulations; c) Zoning Ordinance Amendments – Development Regulations; d) Zoning Ordinance Amendments – General Regulations; e) Zoning Ordinance Amendments – Property Zoning; and f) County Code Amendments.

If the required findings can be made, Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

- a. Find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, the Draft Addendum thereto, dated August 3, 2018, on file with PDS as PDS2017-POD17-004; PDS2018-REZ-18-008, and the Environmental Review Update Checklist Form, dated January 5, 2018, on file with PDS as Environmental Review Number PDS2017-POD-17-004; PDS2018-REZ-18-008, prior to making its recommendation on the Zoning Ordinance Update (Attachment I). Revisions to Section 375 (Ex-Parte Communications) of the San Diego County Administrative Code is not a project as defined under the California

Environmental Quality Act (CEQA) because it is an administrative action. This ordinance change is not subject to CEQA and is not included in the Addendum to the General Plan EIR.

- b. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, ANIMAL REGULATIONS, DEVELOPMENT REGULATIONS, AND GENERAL REGULATIONS (POD 17-004; REZ 18-008) (Attachment A - Clean & Attachment B - Strikeout).

- c. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APN 183-074-04-00 WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE ZONING ORDINANCE UPDATE (REZ 18-008) (Attachment C - Clean & Attachment D - Strikeout).

- d. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING ARTICLE 21A, SECTION 375 OF THE SAN DIEGO ADMINISTRATIVE CODE RELATED TO EX-PARTE COMMUNICATION (Attachment E - Clean & Attachment F - Strikeout).

- e. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE SAN DIEGO COUNTY CODE RELATED TO LIGHT POLLUTION (Attachment G – Clean & Attachment H - Strikeout).

2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and policies of the General Plan?
- b. Does the project comply with the California Environmental Quality Act (CEQA)?

B. PROPOSAL

1. Background

In conformance with State law and the General Plan Implementation Plan, PDS proposes periodic Zoning Ordinance amendments for consideration by the Board of Supervisors (Board). This is the 31st Zoning Ordinance update since the Ordinance was originally adopted in 1978. The most recent Zoning Ordinance update was approved by the Board on December 3, 2014 (10).

The proposed amendments to the Zoning Ordinance and County Codes are intended to implement County initiatives, improve the clarity of regulations, streamline regulations or correct errors that create difficulties for customers and staff, add definitions or regulations that address new uses or business practices, and implement new State and Federal regulations.

This update also implements actions contained within the Report on Options to Improve Housing Affordability in the Unincorporated Area directed by the Board in October 2018 (2). These changes include revising Group Residential use types to facilitate independent living for seniors, revising Accessory Dwelling Unit (ADU) and Junior ADU regulations to encourage production of lower cost housing options consistent with recent State law changes, revising administrative permit requirements to streamline the approval process and provide more “by-right” or ministerial approvals, and revising the County of San Diego’s Density Bonus Program to increase the number of incentives available to projects in exchange for providing affordable housing units.

PDS staff maintains a list of potential ordinance and code changes that are either suggested by customers, community members, or County departments who regularly use these documents. When determining which changes to bring forward as part of the proposed ordinance and code amendments, staff sorts the requests into categories of impacts and changes. Any proposed change is then evaluated under California Environmental Quality Act to determine if there is a previously adopted Negative Declaration or a previously certified Environmental Impact Report (EIR) covering the project for which a subsequent discretionary action is required. Staff then researches each eligible request by consulting customers, members of various industry groups, and subject matter experts, including coordination with other County departments.

The amendments included as part of these periodic updates are intended to be minor in nature. More substantial amendments, which could result in more significant impacts, or generate significant public concern and comments are processed as separate projects.

2. Project Description

This update proposes 18 total changes, 16 different Zoning Ordinance sections and two changes to the County Code of Administrative Ordinances and the County Code of Regulatory Ordinances (County Code).

The 18 amendments to the Zoning Ordinance and County Code are organized into six categories: a) Zoning Ordinance Amendments – Definitions and Use Classifications; b) Zoning Ordinance Amendments – Animal Regulations; c) Zoning Ordinance Amendments – Development Regulations; d) Zoning Ordinance Amendments – General Regulations; e) Zoning Ordinance Amendments – Property Zoning; and f) County Code Amendments. The categories are summarized as follows:

- a) Definitions and Use Classification. The first category of amendments includes three changes to Definitions to either clarify the meaning of words, refine, and/or expand the definition to promote consistency and precision in the interpretation of the Zoning Ordinance; and one

change to Use Classifications to allow the Group Residential use classification to provide additional senior housing opportunities.

- b) Animal Regulations. The second category of amendments includes one change to the General Provisions to establish nuisance regulations for the keeping of racing pigeons that relate to noise, dust, and odor.
- c) Development Regulations. The third category of amendments includes two changes to the General Provisions related to Specific Plans and Split Zoning to clarify requirements; one change to Density Regulations to refine how residential rounding is calculated; and two changes to Building Type Regulations to provide additional exemptions from building type schedule to promote housing affordability within San Diego County.
- d) General Regulations. The forth category of amendments includes ten changes which apply throughout the County. These changes include one change to Temporary Use Regulations to expand requirements for Health Care Trailers; four changes to Accessory Use Regulations to update regulations to be consistent with State law, provide more flexible housing options, and allow for more ministerial permit processing; one change to the County of San Diego's Density Bonus Program to be consist consistent with State law and increase the maximum number of incentives available to projects; one change to Parking Regulations to correct a spelling error; and two changes to Miscellaneous General Regulations to clarify requirements for wineries; and to update wireless regulations to be consistent with State law.
- e) Property Zoning. The fifth category of amendments includes one property zoning change to achieve General Plan consistency.
- f) The sixth category of amendments includes changes to the County Code of Administrative Ordinances and the County Code of Regulatory Ordinances concerning the procedures for planning and zoning processes. The County Code of Administrative Ordinances establishes the duties, rules, regulations and systems of management of the various offices, departments, and institutions of the County of San Diego. The County Code of Regulatory Ordinances establishes regulations for businesses, public safety, public property, health, highways, zoning and construction.

3. Zoning Ordinance Changes Summary

Table B-1 below provides descriptions of the proposed Zoning Ordinance changes and the purpose for each change. See Attachment A & B for full clean and strikeout versions of zoning ordinance changes number 1 – 15, and Attachment C & D for full clean and strikeout versions of zoning ordinance change number 16.

Table B-1: Zoning Ordinance Amendments Summary

Zoning Change Number	Section / Title	Purpose
1	1006 - Applicability of the Zoning Ordinance	Add language to allow the development, use, or improvement of County libraries, sheriff stations, fire stations, and State-owned public lands to be exempt from the Zoning Ordinance.
2a	1100 - Definitions	Expand the definition of Public Passive Park/ Recreation Area to include natural areas, ecological areas, landscaping, walkways, paths, trail staging areas, trails, interpretive features, benches, picnic tables, children's play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, and other park facilities/uses with activity levels consistent with the above listed uses to confirm the types of facilities and improvements that are permitted within a Public Passive Park/Recreation Area.
2b	1100 - Definitions	Revise the definition of Trailer Coach to remove the mobilehome reference to eliminate confusion and clearly distinguish between a trailer coach and a mobilehome, which is defined separately in the Zoning Ordinance. A trailer coach is any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, and travel trailer.
3	1265 – Group Residential	Group Residential (Group Quarter) use type refers to the residential occupancy by persons who do not live together as a single household but have a common kitchen facility. Revise Group Residential use type to allow units to have a separate kitchens if restricted to occupancy by seniors.
4	3125 – Racing Pigeons	Extend adopted animal enclosure setback requirements, and performance standard provisions such as for noise, particulate matter, and odors to the keeping of racing pigeons to ensure consistency with adopted regulations and to provide greater administrative authority to pursue code compliance cases.
5	4010 – Specific Plans	Revise to clarify that all adopted and not expired Specific Plan regulations shall have priority over the Zoning Ordinance regulations for properties covered by a Specific Plan Zoning Designation.
6	4011 & 6903 – Legal Lots with Split Zoning	Add parking provisions for commercial and residential split-zoned properties to allow parking for commercial use on the residentially zoned portion of the property.

Zoning Change Number	Section / Title	Purpose
7	4115 – Computation of Permitted Number of Dwelling Units (Residential Rounding)	Revise to clarify that if a single lot has a fraction of a dwelling unit (0.5 and higher) then it can be rounded up to the nearest whole number, and add a building type exemption to allow for construction of duplexes/triplexes when a property conforms with the underlying density.
8	4315 – Exemptions for Building Type Schedules	Update exemptions to allow all types of residential buildings in Village areas, including condominiums and apartments that are now not allowed by the Zoning Ordinance, but are allowed by the General Plan to enable projects be processed without a rezone.
9	6118 – Health Care Trailers	Revise to clarify intent of health care trailer ordinance, add specificity to permit requirements and health care trailer approval requirements, and allow for second opinions for medical compliance to ensure health care trailers are temporary and for the provision of health services for mentally or physically impaired persons.
10a	6156 – Accessory Dwelling Unit (ADU) Regulation	Revise “second dwelling unit” regulations related to ministerial permit processing, total floor area, setbacks, parking requirements, and separate sale or ownership to be consistent with new “accessory dwelling unit” State law (SB 1069, AB2299, AB2406, SB 229, and AB 494) requirements. The update will also add provisions that require owner occupancy of one of the dwelling, and prohibit renting of ADUs for less than 30 days.
10b	6156 – Junior ADU Regulations	Add a new junior accessory dwelling unit (JADU) section consistent with new accessory dwelling unit State law (AB 2406). A JADU means a unit that is no more than 500 square feet in size that is contained entirely within an existing single family dwelling.
10c	6156 – Residential and Agricultural Uses (Guest Living Quarters)	Revise guest living quarters regulations to clarify that ADUs or Junior ADUs are not allowed on a lot or parcel with a guest living quarter to be consistent with zoning ordinance update changes for item 10a and 10b. Guest living quarters are living quarters attached to a primary dwelling unit without interior access or within a detached accessory building, which are for the sole use of persons employed on the premises or for temporary use by guests.
10d	6156 – Residential and Agricultural Uses (Ministerial Permits)	Revise administrative permit requirements for guest living quarters and additional height/story requirements to allow for ministerial processing or “by-right” approvals.

Zoning Change Number	Section / Title	Purpose												
11	6157 – Farm Employee Housing	Remove administrative permit requirements for farm employee housing of up to four units to comply with the California Employee Housing Act which does not allow jurisdictions to require discretionary permits.												
12	6350, 6360 & 7400 – Density Bonus	<div>Revise density bonus regulations to be consistent with new State density bonus law (AB 2501, AB 2556, AB 2442, and AB 1934) requirements related to eligible and ineligible projects, continued affordability, senior housing, replacement units, land donations, types of incentives available, and reduced parking standards. In addition, increase the maximum number of incentives available to projects by one for each category as shown in the example below in exchange for providing housing for very low, low, and moderate income persons, families, or seniors.</div> <table><tr><th>Income Category of Reserved Units</th><th colspan="3">% of Reserved Units</th></tr><tr><td>Very Low Income</td><td>5%</td><td>10%</td><td>15%</td></tr><tr><td>Maximum Number of Incentives</td><td>From 1 to 2</td><td>From 2 to 3</td><td>From 3 to 4</td></tr></table>	Income Category of Reserved Units	% of Reserved Units			Very Low Income	5%	10%	15%	Maximum Number of Incentives	From 1 to 2	From 2 to 3	From 3 to 4
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13	6787 – Location of Parking	Revise to correct spelling error of “site” distance to “sight” distance to eliminate confusion.												
14	6910 – Wholesale Limited, Boutique and Small Wineries	The current Zoning Ordinance requires Alcohol and Tobacco Tax and Trade Bureau (Bureau) for all wineries. Revise to specify that Bureau bonds are only required as mandated by the Bureau for certain wineries. Additionally, update emergency response standard requirements for wholesale, boutique, and small wineries to clarify that wineries shall demonstrate compliance with the adopted standards of the applicable fire district.												
15	6980 - Federal Communications Commission (FCC) Small Wireless Facilities	Update regulations to establish process, regulations, design guidelines, and fees for small scale wireless facilities to comply with the September 26, 2018 FCC Small Scale Wireless Report and Order (FCC 18-136). The FCC ruling took effect January 14, 2019 and requires all jurisdictions to adopt compliant regulations and limits what jurisdictions can charge Small Facilities.												
16	N/A	APN: 183-074-04-00 – Update inconsistent zoning on a specific property to change minimum lot size from one acre to 6,000 sq. ft. and change the setback designator to be consistent with the surrounding zoning district.												

4. County Code Amendments Changes Summary

Table B-2 below describes the proposed County Code changes and the purpose for each change. See Attachment C & D for full clean and strikeout versions of County Regulatory Code Change, and Attachment E & F for full clean and strikeout versions of County Administrative Code Change.

Table B-2: County Code Amendments Summary

Code Change Number	Section / Title	Purpose
1	Light Pollution (Title 5, Chapter 2, Section 51.210), County Regulatory Code	Revise the definition of Zone A to include Julian as a Dark Sky Community as requested by the Julian Community Planning Group.
2	Ex Parte Communications (Section 375), County Administrative Code	Revise to address filing requirements by members and language related to the submission of writing to the Board of Supervisors to clarify ex parte communications and submittals requirements for hearings in planning or zoning matters.

C. ANALYSIS AND DISCUSSION

The following section includes an analysis of the proposed changes for consistency with County Initiatives, an evaluation of consistency with the General Plan, and an evaluation of potential impacts through the California Environmental Quality Act.

1. County Initiative Consistency

On October 10, 2018 (2), the Board received the Report on Options to Improve Housing Affordability in the Unincorporated Area and provided direction to staff to implement several ordinance changes to reduce time and costs associated with the permit process and to correct inconsistent or outdated regulations that act as barriers to housing production. The proposed changes included in this project that were directed by the Board include items 3 (Group Residential), 7 (Computation of Permitted Number of Dwelling Units), 8 (Exemptions for Building Type Schedules), 10 (ADUs, JADUs, and Guest Living Quarters), and 12 (Density Bonus).

2. General Plan Consistency

The proposed project is consistent with the following relevant General Plan goals, policies, and actions.

Table C-1: General Plan Consistency Summary

General Plan Policy	Explanation of Project Conformance
<p>H-1.6 Land for All Housing Types Provided in Villages.</p> <p>Provide opportunities for small-lot single-family, duplex, triplex, and other multi-family building types in Villages.</p>	<p>Amending Section 4315.g of the Zoning Ordinance to allow for residential rounding for duplex and triplex units on a single lot can increase the variety of housing and tenancy types, to meet the varied needs of existing and future residents in Villages.</p>
<p>H-3.3 Density Bonus as a Means to Develop Affordable Housing.</p> <p>Provide a local density bonus program to encourage the development of housing affordable to lower income households and special needs households.</p>	<p>Amending Section 6350, 6360 & 7400 of the Zoning Ordinance to be consistent with new State density bonus laws will expand the existing density bonus program; and increasing the maximum number of incentives available to projects will encourage the use of the program to provide affordable housing to lower income individuals and families.</p>
<p>H-3.4 Housing for Moderate-Income Families in Villages.</p> <p>Facilitate the production of housing for moderate income families within Villages by permitting developments that offer affordable housing to incorporate other compatible housing types within areas zoned for single-family residential development.</p>	<p>Amending Section 6156 of the Zoning Ordinance to streamline the process for Accessory Dwelling Units, and Junior Accessory Dwelling Units can provide more housing and tenancy types at a range of prices for individuals and families in different income groups and in different life stages within areas zoned for single-family residential development.</p>
<p>H-3.6 Housing for Special Needs Populations.</p> <p>Support programs that provide housing options for homeless individuals and families, particularly homeless farmworkers and day laborers.</p>	<p>Amending Section 6157 of the Zoning Ordinance to allow farm employee housing of up to four units as an accessory use to on-going commercial agricultural operations will help provide affordable and suitable housing for lower income households, and support continued agricultural operations.</p>
<p>H-3.7 Alternative Affordable Housing Options.</p> <p>Provide programs that support the development of alternative types of affordable housing such as farmworker housing, second dwelling units, manufactured or mobile homes, shared housing, and employee or workforce housing.</p>	<p>Amending Section 1100 of the Zoning Ordinance to revise the definition of Trailer Coach to remove reference to mobilehome will create a distinction between trailer coaches and mobilehomes and support the financing of mobilehomes.</p>
<p>H-5.2 Permit Processing Time.</p> <p>Reduce permit processing time and costs for projects with priority given to projects that produce housing for lower income households.</p>	<p>Amending Section 6156 of the Zoning Ordinance to streamline the process for Accessory Dwelling Units, and adding an option for Junior Accessory Dwelling Units will remove constraints on housing development, and improve the delivery of affordable housing.</p>

General Plan Policy	Explanation of Project Conformance
<p>H-5.4 Flexibility in Regulations.</p> <p>Modify regulations, as appropriate, to streamline regulatory processes, remove unnecessary obstacles to planned densities, and to provide flexibility so that development can respond to the unique characteristics of town center areas.</p>	<p>Amending Section 1265 of the Zoning Ordinance will add language to allow separate kitchens for group residential (group quarters), only for seniors to facilitate independent. Living units with kitchens for seniors will not be counted as dwelling units in calculating density.</p>

3. California Environmental Quality Act (CEQA) Compliance

This project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project qualifies for an Addendum to the General Plan Update Environmental Impact Report (EIR) under CEQA Section 15164. An EIR Addendum dated January 4, 2019, has been prepared for the project and is on file with Planning & Development Services (PDS). There are no changes in the project, no changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the previous EIR for the project dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001. See the EIR Addendum for more information (Attachment G).

D. OUTREACH AND PUBLIC INPUT

At the initiation of the Zoning Ordinance update, a web page was created to provide the most current, direct source of information on the project. Additionally, an e-mail was sent to the 26 community planning and sponsor groups (CPGs/CSGs) chairs on December 20, 2018 to review the draft ordinances, EIR Addendum and public hearing documents available on the project website. No comments were received from the CPG/CSGs on the Zoning Ordinance update. Valley Center was the only CPG /CSG to request a meeting on the Zoning Ordinance update. Staff attended the Valley Center CPG meeting on January 14, 2019 to discuss the project and answer questions. The meeting will occur after the Planning Commission Report is published, and the recommendation will be included in the staff presentation. For other planning areas, staff coordinated closely with planning and sponsor group chairs through phone and email, to explain all portions of the project applicable to their planning area, and answer questions. See Attachment J for Public Documentation.

On July 9, 2018, the Julian Community Planning Group voted 6-4 to support new dark sky lighting standards in Julian.

Staff also coordinated with stakeholder groups including the Land Development Technical Working Group, the Building Industry Association (BIA), the San Diego Realtors Association, the Pacific Southwest Association of Realtors, the San Diego Chamber of Commerce, the San Diego Farm Bureau, Small Cell Wireless providers, the Endangered Habitats League, Sierra Club, Nature Conservancy, and Enviro Coalition. An email notification was sent to stakeholder groups which included a link to the web site with information on the project and the draft ordinance language. No comments were received from the CPG/CSGs on the Zoning Ordinance update. Staff attended meetings with the Land Development Technical Working Group and the Building Industry Association on December 6, 2018. During these

meetings stakeholders had the opportunity to provide comments, raise questions and concerns regarding all components proposed in the project. Staff will attend meetings with the San Diego Real Estate Association on February 7, 2019, the BIA on February 15, 2019, and the San Diego Chamber of Commerce on February 19, 2019. These meeting will occur after the Planning Commission Report is published.

E. RECOMMENDATIONS

Staff recommends that the Planning Commission:

- a. Find that it has reviewed and considered the information contained in the Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, the Draft Addendum thereto, dated August 3, 2018, on file with PDS as PDS2017-POD17-004; PDS2018-REZ-18-008, and the Environmental Review Update Checklist Form, dated January 5, 2018, on file with PDS as Environmental Review Number PDS2017-POD-17-004; PDS2018-REZ-18-008, prior to making its recommendation on the Zoning Ordinance Update (Attachment I). Revisions to Section 375 (Ex-Parte Communications) of the San Diego County Administrative Code is not a project as defined under CEQA because it is an administrative action. This ordinance change is not subject to CEQA and is not included in the Addendum to the General Plan EIR.
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- d. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

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- e. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE SAN DIEGO COUNTY CODE RELATED TO LIGHT POLLUTION (Attachment G – Clean & Attachment H - Strikeout).

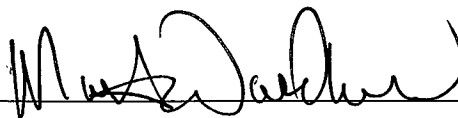
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AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

- Attachment A – Zoning Ordinance Amendment – Clean Copy
- Attachment B – Zoning Ordinance Amendment – Strike-out/Underline Copy
- Attachment C – Zoning Classification of APN 183-074-04-00 – Clean Copy
- Attachment D – Zoning Classification of APN 183-074-04-00 – Strike-out/Underline Copy
- Attachment E – Administrative Code Amendment – Clean Copy
- Attachment F – Administrative Code Amendment – Strike-out/Underline Copy
- Attachment G – Regulatory Code Amendment – Clean Copy
- Attachment H – Regulatory Code Amendment – Strike-out/Underline Copy
- Attachment I – Environmental Documentation
- Attachment J – Public Documentation
- Attachment K – Summary Table of Contents

Attachment A
Zoning Ordinance Amendment
Clean Copy

POD-17-004

Clean Copy

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Information Copy

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, ANIMAL REGULATIONS, ACCESSORY USE REGULATIONS, GENERAL REGULATIONS, AND PROPERTY ZONING.

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Definitions, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, General Regulations, Extractive Use Regulations, Fencing and Screening Regulations, Parking Regulations, and Property Zoning. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1000 Table of Contents of the Zoning Ordinance is amended to read as follows:

TABLE OF CONTENTS

PART ONE: BASIC PROVISIONS

[no changes]

PART TWO: USE REGULATIONS

[no changes]

PART THREE: ANIMAL REGULATIONS

[no changes]

PART FOUR: DEVELOPMENT REGULATIONS

[no changes]

PART FIVE: SPECIAL AREA REGULATIONS

[no changes]

PART SIX: GENERAL REGULATIONS

6000	General Provisions
6100	Temporary Use Regulations
6150	Accessory Use Regulations
6200	Off-Premise Sign Regulations

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6250	On-Premise Sign Regulations
6300	Performance Standards
6350	Density Bonus Program
6400	Resort Services Regulations
6450	Recreational Vehicle Park Regulations
6500	Mobilehome (Manufactured Home) Regulations
6550	Extractive Use Regulations
6600	Planned Development Standards
6700	Fencing & Screening Regulations
6750	Parking Regulations
6800	Enclosure Regulations
6850	Nonconformity Regulations
6900	Miscellaneous General Regulations
6900	Ambulance Service
6901	Cemeteries
6902	Animal Waste Processing
6903	Lot Line Locations
6904	Explosive Storage
6905	Fire Protection and Law Enforcement Services
6906	Requirements for Farm Labor Camps
6907	Crematoriums
6908	Columbaria
6909	Mini-Warehouses
6910	Wholesale Limited, Boutique and Small Wineries
6911	Emergency Shelters
6912	Community Gardens
6920	Cottage Industries
6930	Adult Entertainment Establishments
6935	Medical Marijuana Collective Facilities
6940	Trailer Coaches Outside Mobilehome Parks
6950	Renewable Energy
6951	Small Wind Turbine
6952	Large Wind Turbine
6954	Solar Energy System
6960	Nudist Facilities
6970	Recycling Collection Facility
6976	Marijuana Dispensaries -Non-Medical (Not Authorized Under State Law)
6975	Recycling Processing Facility
6980	Wireless Facilities

PART SEVEN: PROCEDURES

[no changes]

PART EIGHT: FALLBROOK VILLAGE REGULATIONS

[no changes]

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Section 3. Section 1006 APPLICABILITY OF THE ZONING ORDINANCE is amended to read as follows:

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks (including public active or passive parks), County Libraries, or other County facilities such as Fire Stations or Sheriff Stations.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned or state-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned or state-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land and the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, shall not apply to the development of the following uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit; photovoltaic solar energy systems; resource conversion projects using landfill gases to produce energy or other products; above ground wireless telecommunication facilities; or storage of operable vehicles and equipment; provided:
 1. Any proposed lease (and associated environmental documents) for the use of any County-owned solid waste sites and associated buffer properties to a non-County entity for a use specified in this subsection shall be reviewed by the Director prior to final lease approval by the Department of General Services. All proposed uses (including potential future uses) of the leased property shall be specifically listed in the lease. Any uses that are not specifically listed in the lease shall be subject to the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, unless a new or revised lease is reviewed by the Director and approved by the Department of General Services.

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2. All proposed uses shall conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance.
- f. The Zoning Ordinance shall not apply to the Departments of the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego.

Section 4. Section 1100 DEFINITIONS (P) the Zoning Ordinance is amended to amend the term “Public Passive Park/Recreation Area” to read as follows:

Public Passive Park/Recreational Area: An outdoor area, along with minimal incidental buildings and structures designed, developed and intended for low intensity passive recreational use by individuals, families, or small groups. Public Passive Park/Recreational Areas may be of any size and may include, natural areas, ecological areas, landscaping, walkways paths, trail staging areas, trails, interpretive features, benches for seating, scattered picnic tables, children’s play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, other park facilities/uses with activity levels consistent with the above listed uses.

Section 5. Section 1100 Definitions (T) of the Zoning Ordinance is amended to amend the term “Trailercoach” to read as follows:

Trailer Coach: Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, and travel trailer.

Section 6. Section 1265 GROUP RESIDENTIAL of the Zoning Ordinance is amended to read as follows:

1265 GROUP RESIDENTIAL.

The Group Residential use type refers to the residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include occupancy of sorority houses, retirement homes or boarding houses. If in addition to the common kitchen facility, any living unit includes a separate kitchen, that living unit shall be counted as a dwelling unit in calculating density pursuant to Section 4115, unless the Group Residential use is restricted to occupancy by seniors through a mechanism approved by the Director of Planning & Development Services.

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Living units restricted by a grant deed for seniors may include a separate kitchen and shall not be counted as a dwelling unit in calculating density pursuant to Section 4115.

Section 7. Section 3125 of the Zoning Ordinance is amended to read as follows:

3125 RACING PIGEONS.

In addition to the regulations imposed by Section 3112, racing pigeons shall be subject to Section 6300.

Section 8. Section 4010 SPECIFIC PLANS is amended to read as follows:

4010 SPECIFIC PLANS

If any Specific Plan has been adopted and not expired for property which is also subject to either the Specific Plan Area General Plan Designation or the S88 Specific Planning Use Regulations, any provision of the Specific Plan relating to subjects contained in the part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

Section 9. Section 4011 of the Zoning Ordinance is amended to read as follows:

4011 LEGAL LOTS WITH SPLIT ZONING

Where a legal lot has split zoning, the Use Regulations for each separate zone shall apply. Where a use is bisected by a split zone line within a legal lot, the more restrictive Use Regulations shall apply. If a property has split zoning that includes residential and commercial zoning, parking for a commercial use may be located on the residentially zoned portion of the property, subject to the issuance of a Zoning Verification Permit. Landscaping and planting should be used to the maximum extent practical to screen unsightly parking areas from neighboring residential.

Section 10. Section 4115 of the Zoning Ordinance is amended to read as follows:

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units allowed within any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. The maximum number of dwelling units allowed within any single lot shall be based upon rounding up to the

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nearest whole number of dwelling units if the product has a fraction of more than one half of a dwelling unit allowed by the General Plan. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or single lot, as calculated under this section, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density. The use of a dash ("-") as a density designator shall indicate no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density, unless permitted building type is identified in Section 4315. Section 4315 of the Zoning ordinance provides an exemption to Building Type for duplex or triplex construction consistent with this section. A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

Section 11. Section 4315 of the Zoning Ordinance is amended to read as follows:

4315 EXEMPTIONS FROM BUILDING TYPE SCHEDULE.

The following are exempt from provisions of Sections 4310; Building Type Schedule:

- a. Civic Use Types.
- b. Any use or structure for which a use permit is granted.
- c. Accessory Structures.
- d. Temporary structures erected pursuant to the Temporary Use Regulations.
- e. Secondary Uses.
- f. Residential projects subject to General Plan Village Land Use Designation except in RR, S92, S90, A70 and A72.
- g. Residential Rounding for Duplex or Triplex Units on a Single Parcel. Outlined in Section 4115, one Duplex or Triplex is allowed on a single lot if the number of units is consistent with the General Plan Land Use Designation.

Section 12. Section 6118 of the Zoning Ordinance is amended to read as follows:

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

- a. Business Uses.

[NO CHANGES]

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b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below.

The intent of the health care trailer ordinance is to fulfill the desire of the County to provide homeowners (with limited space in the main dwelling) with the opportunity to install temporary transitional housing for relatives who are mentally or physically impaired or for health care providers who can provide physical care for owners when they become mentally or physically impaired. The permits for health care trailers are intended to be temporary. As such, health care trailer permits shall be granted for three one-year periods subject to annual renewal. If, after the initial three-year period; there is a continued need for a health care trailer; ownership has not changed; and, the owner has complied with the provisions of the ordinance, then the Director of Planning & Development Services may grant a permit extension for additional one-year periods subject to annual renewal. Such additional one-year periods shall not exceed a total of two years. The permit may not be extended beyond five years. Applicants whose health care trailer needs are more permanent in nature should seek a permanent housing solution.

A provider of health services may include a person related by blood, marriage, or adoption to the mentally or physically impaired person or a person 18 years or older that is physically capable of providing assistance associated with the seven activities of daily living described below.

A healthcare trailer permit may be revoked if the permit holder violates any provision of this ordinance or other applicable ordinances, laws, or regulations. All permit application documents requiring applicant signatures shall be signed by the applicant under "Penalty of Perjury".

This trailer is exclusively for temporary occupancy by either:

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- a) Providers of health services which are required by an occupant of the main dwelling who is mentally or physically impaired and requires physical care by the provider, or
- b) Relatives by blood or marriage, or adoption of an occupant of the main dwelling who is mentally or physically impaired and requires physical care by the relative.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer coach or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
- b) The trailer coach or mobilehome shall meet main building setbacks-and shall not be visible from the abutting streets.
- c) The trailer coach or mobilehome shall be placed within 50 feet of the main dwelling, unless a constraint renders placement within 50 feet of the main dwelling infeasible.
- d) The trailer coach or mobilehome shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
- e) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall confirm that the mentally or physically impaired person requesting the health care trailer requires physical care in the form of assistance with one or more of the seven activities of daily living described below. The Certificate shall be renewed annually.
 - 1) Eating, which shall mean feeding oneself by getting food in the body from a receptacle (such as a plate, cup, or table) or by a feeding tube or intravenously.
 - 2) Bathing which shall mean washing oneself by sponge bath or in either a tub or shower, including the act of getting into or out of a tub or shower.
 - 3) Continence, which shall mean the ability to maintain control of bowel and bladder function; or when unable to maintain control of bowel or bladder function, the ability to perform associated hygiene (including caring for a catheter or colostomy bag).
 - 4) Dressing, which shall mean putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.
 - 5) Toileting, which shall mean getting to and from the toilet, getting on or off the toilet, and performing associated hygiene.

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- 6) Transferring, which shall mean the ability to move into or out of bed, a chair or wheelchair.
- 7) Ambulating, which shall mean walking or moving around inside or outside the home regardless of the use of a cane, crutches, or braces.
- f) The Director may request a second opinion from a County appointed physician licensed to practice medicine in the State of California to validate a Certificate of Need signed by a licensed physician if evidence of non-compliance with this ordinance is submitted to PDS.
- g) Prior to the approval of a health care trailer permit or health care trailer permit renewal, notice will be provided to surrounding property owners within 300 feet. The applicant shall provide a notarized statement that all property owners within 300 feet have been notified.
- h) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.

If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach or mobilehome by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

Section 13. Section 6156 of the Zoning Ordinance is amended as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

[NO CHANGES]

- b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops,

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hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.

- c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.
- d. Radio and Television Receiving Antennas, Dish Antennas.
- e. Greenhouse. In the RR, A70 and A72, and S92 Use Regulations a greenhouse is allowed. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, a greenhouse is limited to 500 square feet unless an Administrative Permit is approved to increase the size. A greenhouse proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan. A greenhouse in any of the Use Regulations listed above shall comply with the applicable setback and Building Code requirements. The building official shall determine if a building permit is required for a greenhouse.
- f. Silos, Windmills and Tank Houses.
- g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, Barns, Agricultural Buildings and other similar non-habitable uses (non business purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by subsection b above, shall be limited as follows:
 - 1. The total area of all detached accessory structures shall be limited to 25% of the living area of the principal residence, or as follows, whichever is greater:

Lot Size (gross)	Det. Accessory Structures in all res, Ag. & S92 Zones (formerly 6159.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf

(Note that detached accessory structures are subject to setbacks specified in Section 4842. Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet). Buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

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2. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters. However, a one story accessory structure designed to store a recreational vehicle (RV) may exceed 12 feet in height, not exceeding 16 feet, if the accessory structure meets the main building setbacks.
 3. Additional area, height may be permitted if in compliance with height/story limit specified by the applicable height/story designator.
 4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.
- h. Barns and Agricultural Storage Buildings: see 6156.g.
 - i. Offices. Offices are permitted only in zones subject to the A70, A72, S90, and S92 Use Regulations.
 - j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.
 - k. Guest Living Quarters. In the A70, A72, RR, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:
 1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
 2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
 3. Guest living quarters shall not be allowed on a lot or parcel having an accessory dwelling unit, junior accessory dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a

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discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.

- I. Accessory Living Quarters. Repealed.
- m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

[NO CHANGES]

- n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.
- o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
- p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
- q. Roadside Sales of Agricultural Products. (see Section 6157.a)
- r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
- s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:

[NO CHANGES]

- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.
- u. Farm Employee Housing. (See 6157.f)
- v. Horticultural Sales. (see also 6157.a) In all residential and S88 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in

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conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.

- w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.
- x. An Accessory Dwelling Unit (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated
 - 1. The legal lot must have an existing single-family residence, or the ADU is to be constructed concurrently with a primary single-family residence.
 - 2. The ADU is either attached to an existing dwelling, or located within the living area of the existing dwelling or detached and on the same legal lot.
 - 3. ADU may be rented but is not intended for sale separate from the primary residence.
 - 4. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU is potentially permitted and requires approval of a building permit.
 - 5. The total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing SFD, up to a maximum floor area of 1,200 square feet.
 - 6. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the living area of the existing SFD.
 - 7. The "floor area" measurements are taken from the exterior dimensions of the outside walls.
 - 8. Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g.
 - 9. No other rooms, additions, uses, etc. can be attached to a detached ADU, except a garage, or unless authorized by an approved Administrative Permit.
 - 10. An ADU is limited to 24' in height.

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11. For health, fire and life safety conditions, all ADU's must comply with the required front yard & exterior side yard setbacks. In addition, setbacks shall be provided as follows:
 - i. ADU's must provide side and rear setbacks that are sufficient for fire safety & building code. Setbacks could be as small as 3' or up to 30' from property lines.
 - ii. A setback of five feet from the side and rear lot lines is required for a 2-story ADU.
 - iii. No setbacks are required if an existing and permitted garage is being converted into an ADU, except for Fire safety.
12. An ADU attached to the primary residence must comply with the required main building setbacks.
13. A new ADU shall provide one parking space. The parking space for the ADU may be located in an existing driveway as tandem parking but must comply with the required front yard and/or exterior side yard setback(s). If establishment of the ADU involves a garage conversion, replacement off-street parking for the SFD shall be provided concurrently. These parking requirements do not apply if the ADU meets any of the following:
 - i. Is within a half mile from transit.
 - ii. Is within an architecturally and historically significant historic district.
 - iii. Is part of an existing primary residence or an existing accessory structure.
 - iv. Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU.
 - v. Is located within on block of a care share area.
14. The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable permits have been obtained and all applicable fees have been paid.
15. Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.
16. Owner-occupancy of one of the dwellings on the lot is required for the duration of use of the ADU for residential purposes.
17. Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance.

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18. The ADU shall not be rented for less than 30 days.

- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

[NO CHANGES]

- z. Small Wind Turbine. A small wind turbine shall be allowed in accordance with the Renewable Energy Regulations commencing at Section 6951.

- aa. Bed and Breakfast Home. A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:

[NO CHANGES]

- bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.

- dd. Poultry Manure Management. (see Section 6157.g)

- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.

- ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.

- gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:

[NO CHANGES]

- hh. Agricultural Homestay. (See 6157.c)

[NO CHANGES]

- ii. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:

- jj. Agricultural Tourism. (see Section 6157.b)

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kk. Junior Accessory Dwelling Units (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling.

1. Junior accessory dwelling units shall comply with the following standards:
 - (a). A JADU must be created within the existing walls of an existing single-family dwelling and must include conversion of an existing bedroom.
 - (b). The total area of a JADU shall not exceed 500 square feet.
 - (c). Only one ADU or, JADU, may be located on any residentially zoned lot that permits a single-family dwelling. A junior accessory dwelling unit may only be located on a lot which already contains one existing single-family dwelling.
 - (d). The owner of a parcel proposed for a JADU unit shall occupy as a principal residence either the primary dwelling or the JADU.
 - (e). A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
 - (f). The interior connection to the main living area must be maintained.
 - (g). The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - (i). A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - (ii). A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - (iii). A food preparation counter and storage cabinets that are reasonable to size of the unit.
 - (h). No additional parking is required beyond that required when the existing primary dwelling was constructed.
 - (i). A JADU shall not be rented for less than 30 days.
2. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the Director of PDS, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. A copy of the recorded deed restriction shall be filed with the Department stating that:
 - (a). The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;

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- (b). The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - (c). The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
 - (d). The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.

Section 14. Section 6157 is amended to read as follows:

6157 COMMERCIAL AGRICULTURE OPERATIONS

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Commercial Agriculture operations are permitted. The Commercial Agriculture use must be the principle use of the property.

- a. On-Site Agricultural and/or Horticulture Sales. The on-site agricultural and horticultural sales use type is an accessory use on premises with a principle Commercial Agricultural operation where horticulture, tree crops, row and field crops are produced or animals raised for the production of milk, honey, wool, fleece or fur, and incidental retail or wholesale sales of the products produced on the premises or items related to the products raised are allowed, as specified herein:

[NO CHANGES]

- b. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S88, S90 and S92 Use Regulations provided the following criteria are met:

[NO CHANGES]

- c. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Zoning Verification Permit provided all of the following criteria are met:

[NO CHANGES]

- d. Agricultural Microbrewery or Micro-Distillery

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[NO CHANGES]

- e. Creamery. The Creamery use type refers to an accessory use to a dairy on premises where cattle, goats, sheep or other animals are fed and kept for milking operations. The Creamery use may include the production of milk, butter, cream, cheese or other products made from milk or cream, for wholesale or on-site limited retail direct to consumers.

[NO CHANGES]

- f. Farm Employee Housing. Farm employee housing consisting of five or more farm employee housing units, requires approval of a building permit from Planning & Development Services and approval of a permit to operate from the State of California to operate an Employee Housing facility.

Farm Employee Housing of up to four farm employee housing units is an allowed accessory use to an on-going commercial agriculture operation on that same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
 2. The location of Farm Employee Housing shall comply with the required main building setbacks.
 3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor for an active Commercial Agricultural operation and shall not be otherwise occupied or rented.
 4. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm employee housing.
- g. Packing and Processing, General. In the A70, A72 and S92 Use Regulations, a Packing and Processing operation or facility, accessory to a Commercial Agriculture operation, may be allowed with an Administrative Permit and shall comply with the following provisions:
- [NO CHANGES]
- h. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator where the small animal raising animal use type is permitted without a limit on the number of poultry allowed.

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[NO CHANGES]

Section 15. Section 6350 is amended to read as follows:**DENSITY BONUS PROGRAM/AFFORDABLE HOUSING PROGRAM****6350 TITLE AND PURPOSE.**

The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program/Affordable Housing Program. The purpose of these provisions is to implement the state requirements at Government Code Section 65915 et seq. and the policies and programs in the Housing Element of the San Diego County General Plan. As required by Government Code Section 65915 et seq., these provisions offer density bonuses and incentives or concessions for the development of housing that qualifies under Section 6355. The Density Bonus/Affordable Housing Permit Procedures, commencing at Zoning Ordinance Section 7400, shall apply to all density bonus/affordable housing projects except for housing under the County Affordable Senior Housing Program, which shall comply with the procedures found at Zoning Ordinance Section 6360 a.2.

In order to be eligible for a density bonus and other incentives or concessions, a proposed project shall comply with the following provisions of the Density Bonus/Affordable Housing Program and all other applicable local, state, and federal requirements.

6355 ELIGIBILITY FOR AFFORDABLE HOUSING/DENSITY BONUS PROGRAM AND PERMIT.

- a. **Income and Age Requirements.** A housing development proposed to qualify for the Density Bonus Program/Affordable Housing Program and Affordable Housing Permit shall be designed and constructed so that it includes at least one of the following:
 1. At least five percent of the total number of base units are reserved as affordable for very low income households.
 2. At least ten percent of the total number of base units are reserved as affordable for lower income households.
 3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5. No affordable units are required to receive a density bonus. Market rate age restricted units are not eligible for an incentive, waiver, or concession.
 4. At least ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.

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5. At least ten percent of the total dwelling units in the development are reserved as affordable at a very low income level to transitional foster youth as defined in Section 66025 of the California Education Code, disabled veterans as defined in Section 18541 of the California Government Code, or homeless persons as described in the California McKinley Vento Homeless Assistance Act.
 6. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.
- b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates at least one acre of land to the County for very low income housing and has the appropriate General Plan designation, zoning, permits and approvals, and access to public facilities, shall be eligible for a density bonus.
 - c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.
 - d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.5. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).
 - e. Senior Citizen Housing. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.
 - f. Ineligible Projects -- Required Replacement of Affordable Units.
 1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if: a) the development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; or, b) if such affordable dwelling units have been vacated or demolished in the five-year period preceding the application, and c) such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
 - i. The proposed housing development, inclusive of the units replaced pursuant to this subsection (f)(2), contains affordable units at the percentages set forth in subsection a.
 - ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

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2. The number and type of required replacement units shall be determined as follows:
 - i. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, 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. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.
 - ii. If all of 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 and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, 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 highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.

6360 DENSITY BONUS.

- a. Density Bonus Allowance. A development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus as follows:
 1. Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of affordable units. The total number of base units shall be calculated in accordance with Section 6360 b and be consistent with the maximum allowable residential density under the Zoning Ordinance and the Land Use Element of the General Plan. The density bonus shall be calculated based on the Density Bonus Table.

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**DENSITY BONUS
TABLE**

Income Category	Reserved Units	Bonus		
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to Qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional Bonus for each 1% Increase in Reserved Units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
Age Restricted Senior Citizen Housing Development	100%	20%	--	20%
Transitional Foster Youth, Disabled Veterans, Homeless	10%	20%	--	20%
Land Donation for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.45.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				

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Income Category	Reserved Units	Bonus		
Household Income Category of Affordable Units	Minimum % of Base Units that must be Reserved to Qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional Bonus for each 1% Increase in Reserved Units	Maximum Bonus (% of Base Units)
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
Commercial Development with Affordable Housing	Pursuant to Government Code 65915.7	Pursuant to Section 6365		

* The density cap of 45 units per acre is calculated based on the net lot area.

2. County Affordable Senior Housing Program.

- i. An Administrative Permit authorizing a density bonus for an affordable rental senior housing project may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if the project meets the requirements of Section 6355 a.6. and this section and if it is found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - a) The type and density of the housing development would not have a harmful adverse effect on surrounding neighborhood character.
 - b) The site is physically suitable for the density of development proposed.
 - c) There is demonstrated capacity and service of sewer, water, schools (as may be required), fire, police protection and utilities available to the housing development.
 - d) The housing development and surrounding areas have adequate access to accommodate the generation of traffic.

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- e) The site has reasonable proximity and access to special support services (e.g., retail and convenience uses, public transit, emergency medical facilities, etc.) as may be required by the type and density of development proposed.
 - ii. The County Affordable Senior Housing Program shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. The residents shall be persons 62 years of age or older or 55 years of age or older in a senior citizen housing development consisting of at least 35 dwelling units, exclusive of the bonus units.
 - iii. The housing development must be located in an area with a General Plan density of at least 10.9 units per acre.
 - iv. Density bonus calculations shall be made as specified in Section 6360 b.
 - v. Bonus units must be reserved and rented to senior citizens at the same level of affordability as the proposed development.
 - vi. The maximum density, including the bonus units, cannot exceed 45 units per acre based on the net lot area.
 - vii. The applicant will be required to enter into a density bonus housing agreement with the County's Department of Housing and Community Development. The agreement shall be subject to and comply with the density bonus housing agreement provisions set forth in Section 7430.
 - viii. A housing development located in a specific plan area shall not be allowed a density bonus which causes the overall maximum density of the specific plan to be exceeded.
 - ix. Parking requirements shall be met as specified in Section 6370.
 - x. Requested incentives are subject to the provisions of Zoning Ordinance Section 6365, except that the applicant shall not be required to submit financial documents under Section 7410 b.2. An applicant for a project under the County Affordable Senior Housing Program shall receive up to four incentives, unless disapproved with written findings in accordance with Section 7420 a.
3. Land Donation for Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density.
- i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.

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- ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.
- 4. Condominium Conversion Projects. A condominium conversion project which meets the requirements of Government Code Section 65915.5 shall receive either a density bonus of 25 percent or incentives of equivalent financial value unless the development previously received density bonus or other incentives, in which case it is ineligible for the Density Bonus Program/Affordable Housing Program.
- 5. Child Care Facilities. A housing development with a child care facility that meets the eligibility requirements of Section 6355 d. shall be entitled to one of the following subject to the requirements of Government Code Section 65915(h):
 - iii. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. Any additional amount of residential space that exceeds the amount of square feet in the child care facility must be approved by the approving authority. The additional square feet of residential space may be used for additional residential units that must meet the average square footage size of the other residential units in the development.
 - iv. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- b. Density Bonus Calculations.
 - 1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.
 - i. The net lot area of the project site shall be the basis on which the number of base units is determined.
 - ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.
 - iii. When calculating the maximum number of base dwelling units permitted on a project site any fraction of a base dwelling unit shall be rounded up to the nearest whole number of dwelling units.
 - iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.

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2. **Density Bonus Units.** When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.
3. **Split Zones.** If the housing development site 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.

6365 INCENTIVES.

- a. **Types of Incentives.** An applicant eligible for an Affordable Housing Permit pursuant to Section 6355 ‡ may qualify for one or more of the following incentives whether or not a density bonus is requested:
 1. A reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
 2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- b. **Proof of Cost Reduction.** Proof of identifiable, actual cost reduction associated to reduce the cost of the housing development to provide for affordable housing costs may be required of the applicant pursuant to Section 7410.
- c. **Permitted Number.** The applicant shall receive the following number of incentives, unless disapproved in accordance with written findings as described in Section 7420 a:

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**INCENTIVES
SUMMARY**

Income Category of Reserved Units	% of Reserved Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Common Interest Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
Maximum Number of Incentives	2	3	4

- d. Incentives for Commercial Development. Pursuant to Government Code Section 65915.7, an applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to an incentive in accordance with Government Code Section 65915.7(b) provided that the agreement is approved by the Planning & Development Services Director and the commercial development will contribute to affordable housing in one of the following ways:
1. Directly constructing the affordable dwelling units on the commercial site or a site that is within the jurisdiction of the County, in close proximity to public amenities including schools and employment centers, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 2. Donating a portion of the commercial site or another site that meets the criteria in Section 6365 c.1. for development of the affordable dwelling units; or
 3. Financially contributing to the development of the affordable dwelling units.
- e. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

6367 WAIVER OF DEVELOPMENT STANDARDS

- a. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development

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at the densities or with the incentives permitted by the Density Bonus Program/Affordable Housing Program.

- b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited to the following:
 - i. A height limitation.
 - ii. A setback requirement.
 - iii. A floor area ratio.
 - iv. An onsite open-space requirement.
 - v. A parking ratio that applies to a residential development.
- c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Regulations shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

6370 PARKING REQUIREMENTS.

- a. Applicability. The following parking requirements apply to eligible developments in accordance with Section 6355- Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4(d) rather than those in this section. Any additional parking modifications will be considered an incentive pursuant to Section 6365.
- b. Number Of Parking Spaces Required.

The following maximum vehicular parking ratios apply for a project that meets the eligibility requirements of Section 6355, inclusive of parking for the disabled and guest parking.

PARKING REQUIREMENTS

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	2
4+	2.5

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- c. Lower parking ratios also apply to the following projects:
 - 1. 0.5 space per bedroom for rental or for sale projects with at least 11% very low income or 20% lower income units, and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code. Unobstructed access means if a resident is able to access the major transit stop without encountering natural or constructed impediments.
 - 2. 0.5 space per unit for rental projects that are 100% affordable to lower income households (exclusive of a manager's unit), and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 - 3. 0.5 space per unit for age-restricted rental senior projects that are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
 - 4. 0.3 space per unit for special needs housing development as defined in Section 51312 of the Health and Safety Code, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
- d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- e. This Density Bonus Program/Affordable Housing Program does not preclude the County from reducing or eliminating a parking requirement for development projects of any type in any location.
- f. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

6375 AFFORDABLE UNITS AND REPLACEMENT UNITS.

- a. Duration of Affordability.
 - 1. An applicant for new affordable housing shall agree to, and the County shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus or incentives or other concessions for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
 - 2. Replacement units shall be subject to a recorded affordability restriction for 55 years or longer.

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b. Unit Affordability Requirements.

1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
2. Owner-occupied Units. Owner-occupied affordable units and replacement units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

c. Occupancy and Resale of Moderate Income Common Interest Development Units.

1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.
2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2).

d. Location and Type of Affordable Units.

1. Location/Dispersal of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units.
 2. Phasing. If a project is to be phased, the affordable units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The affordable units shall be constructed concurrently with or prior to construction of the market rate units.
 3. Exterior Appearance. The exterior appearance and quality of the affordable units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.
- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:
- [NO CHANGES]
- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.

[NO CHANGES]

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- c. Bicycle Spaces. Bicycle spaces shall be located:

[NO CHANGES]

- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with sight distance for access to the site.

Section 16. Section 6787 is amended to read as follows:

6787 LOCATION OF PARKING AND BICYCLE SPACES ON A BUILDING SITE.

- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:
- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.
- c. Bicycle Spaces. Bicycle spaces shall be located:
- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with sight distance for access to the site.

Section 17. Section 6910 is amended to read as follows:

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- e. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
 - 1. Prior to the occupancy of the winery structures and the production of wine, a Wholesale Limited Winery shall have a valid permit, and bond issued by the U.S.

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Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use.

4. A minimum of 25% of the winery's production shall be from fruit grown on the premises. Up to 75% of the winery's production may be from sourced fruit/juice from inside or outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
Within/Outside San Diego County	75% (max.)	Permitted	Prohibited
TOTAL	100%		

No wine produced off of the premises may be used in the winery's production or sold from the premises.

- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.

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- ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
- 5. Wine production shall be less than 12,000 gallons annually.
- 6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
- 7. A Wholesale Limited Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- f. Boutique Winery. A Boutique Winery shall comply with the following provisions:
 - 1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 - 2. Wine production shall be less than 12,000 gallons annually.
 - 3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine sourced from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.

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- iii. All records shall be provided within 14 days of request by County staff.
- 4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows:

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area for the Boutique Winery.

- 5. The Boutique Winery structures permitted in Section 6910b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act;
 - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
 - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
 - v. Internet, phone and mail-order sales are allowed.

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6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
8. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
9. A minimum of six parking spaces shall be provided for patrons using the Boutique Winery, and a minimum of three spaces shall be provided for Boutique Winery operations and employees. No parking for a Boutique Winery is allowed off the premises.
10. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.

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11. Outdoor amplified sound is not allowed.
 12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
 13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.
 14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.
 15. A Boutique Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- g. Small Winery. A Small Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
 2. Wine production shall be less than 120,000 gallons annually.
 3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grown grapes. No more than 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address

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and location of the growing operation from which the fruit/juice and/or wine is imported.

- iii. All records shall be provided within 14 days of request by County.
 - iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
 - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
 - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
 - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
 - d) For wineries smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries 8 acres or larger in size, at least 25% of the "fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;
 - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
- i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;

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- iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
- 5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

- 6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
 - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - a) Harmony in scale, bulk, coverage and density.
 - b) The availability of public facilities, services and utilities.
 - c) The harmful effect, if any, upon desirable neighborhood character.
 - d) The generation of traffic and the capacity and physical character of surrounding streets.
 - e) The suitability of the site for the type and intensity of use or development which is proposed.
 - f) Any other relevant impact of the proposed use.
 - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - iii. That the requirements of the California Environmental Quality Act have been complied with.
 - iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

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7. A Small Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.

Section 18. Section 6980 is amended to read as follows:

6980 WIRELESS TELECOMMUNICATIONS FACILITIES

6981 CONFLICT RESOLUTION

[NO CHANGES]

6982 PURPOSE

[NO CHANGES]

6983 DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations contained in Sections 6980 through 6991, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

- a. Administrative Site Plan – A Site Plan, pursuant to Sections 7150 through 7174 of this Ordinance, that does not require community review except as noted in Section 6987 A of this Ordinance.

Antenna – Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Height – The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

Antenna Support – Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant – A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.

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- c. Camouflaged – Any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles. Camouflaged facilities may be considered low or high visibility depending on the type of facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).

Co-location – Locating wireless telecommunications equipment from more than one provider on a single site.

Commercial Zones - are defined as consisting of the following zones: C32, C34, C35, C36, C37, C38, C40, C42, and C44, and also S88 when the proposed site is in a commercial component of a Specific Plan.

Community Character – Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity.

- e. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by telecommunication providers at a facility.
- f. Façade Mounted Antenna – An antenna architecturally integrated into the façade of a building or structure.

Facility – See Wireless Telecommunications Facility.

Faux Trees – A term used to refer to Monopalms, Monopines and other camouflaged monopoles made to resemble different types of trees.

- g. Grade – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.

Guyed Tower – A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

- h. High Visibility – The following shall be considered High Visibility facilities:
 - 1. Monopoles, lattice towers and guyed towers
 - 2. Non-camouflaged facilities
 - 3. Faux Trees

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4. Any and all wireless facilities not defined as invisible or low visibility.
5. High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.
- i. Industrial zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.
- j. Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.
- k. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.
- l. Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

[NO CHANGES]

- m. Monopalm – a monopole camouflaged to resemble a palm tree.

Monopine – a monopole camouflaged to resemble a pine tree.

Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.

- p. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.

Public Safety Communications facilities: Telecommunications facilities operated and maintained by public agencies that support Public Safety Communications Systems, which provide wireless communications to law enforcement, fire services, emergency medical services, and other public safety/service agencies. These facilities are considered Essential Services pursuant to Section 1335.

- r. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.

Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.

Rural Zones – are defined as consisting of the following zones; A70, A72 and S92.

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- s. Service Area – The area served by a single telecommunications facility.

Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.

Special Purpose Zones - are defined as consisting of the following zones: S82, S86 and S94.

Small Wireless Facilities – are facilities where each antenna shall be no more than three cubic feet in volume. The wireless equipment and any pre-existing associated equipment on the structure must be no more than 28 cubic feet in volume. Small wireless facilities shall be mounted on new or existing structures in the public right-of-way. Small wireless facilities are also permitted on private property when attached to existing public utility poles or existing permitted telecommunication facilities. Small cell facilities on private property not attached to public utility poles must comply with discretionary permit application requirements.

- t. Telecommunications – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Tower - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

Tower – See Telecommunications Tower

- w. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility.

This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities, nor to Public Safety Communications facilities.

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Small cell wireless facilities located within the public right-of-way or on private property and attached to existing utility poles shall be processed as non-discretionary permits. Plans submitted for non-discretionary review shall comply with the following requirements:

- a. A detailed site plan with sufficient detail to determine compliance with the requirements set forth below shall be submitted.
- b. Small cell facilities on existing poles or structures shall be designed to visually and operationally blend into the surrounding area and shall be painted the same color as the facility or structure that they are attached to.
- c. Small cell facilities on new poles or structures shall be painted an earth tone color that blends with the surrounding environment and shall not be reflective or otherwise painted to attract attention.
- d. Cabinets and other equipment shall not impair pedestrian use of sidewalks or pathways, limit ADA (Americans with Disabilities Act) accessibility nor inhibit equestrian activities on designated public or private trail systems.
- e. Small cell facility equipment and related fixed objects shall not be located within the recommended clear recovery zone alongside County roadways and shall not impede sight distance at intersections or driveways for all roadway users based on County Public Road Standards for these requirements.
- f. No net loss in required parking spaces shall occur as a result of the installation of any small cell facility.
- g. Height: A small wireless facility shall comply with the following height requirements, whichever is least restrictive:
 1. no taller than 50 feet (including their antennas),
 2. no more than 10 percent taller than other structures in the area within 100 feet,
 3. or, where the small wireless facility is affixed to an existing structure, that structure is not extended in height by more than 10 percent as a result of the deployment.
 4. A small wireless facility allowed by Section 6985.a shall not increase the height of an existing telecommunications facility.
- h. When located on private property, small cell wireless facilities shall comply with all zoning requirements.

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6984.B DISCRETIONARY APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- a. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.
- b. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.
- c. Narrative.
 1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
 2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
 3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
 4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.
 5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
 6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.

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7. Hazardous Materials. Listing of all hazardous materials to be used onsite.
8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

6985.A NON-DISCRETIONARY APPLICATION PROCESSING

Any small cell permit application that proposes to colocate on an existing approved Tier 1, Tier 2, Tier 3, or Tier 4 facility described below shall not require any further discretionary review if it complies with the application requirements of Section 6984.A.

6985.B DISCRETIONARY APPLICATION PROCESSING

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

- a. Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:

TIER 1 – ADMINISTRATIVE SITE PLAN

Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:

**Industrial and Commercial
Zones**

- Invisible facilities
- Facilities on:
 - CALTRANS structures, "cobra-style" streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:

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- The antennas do not project more than 24 inches above the structure,
 - No more than a total of two antennas are located on a site
 - The equipment cabinet is no larger than 6 cubic feet.
 - The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.
- Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.
- Facilities not subject to the “B”, “D”, “H” or “J” Designators and are:
 - Hidden from public view through the use of architectural treatments (cupolas, etc.); and
 - Consistent with the existing building and community character.

Any Zone

- Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.

TIER 2 – SITE PLAN WITH COMMUNITY REVIEW

Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH COMMUNITY REVIEW:

Commercial, Industrial and Special Purpose Zones

- Low visibility facilities.

All Zones

- Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.

TIER 3 – MINOR USE PERMIT

Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:

- All facilities other than those meeting the criteria of Tiers 1, 2, or 4.

TIER 4 – MAJOR USE PERMIT**Facilities meeting the following criteria shall be processed as a MAJOR USE PERMIT:**

- Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).
- All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.

a. Exceptions

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.
2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

b. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).

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5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.
7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over
12. \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
13. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

6986 PREFERRED SITES

[NO CHANGES]

6987 DESIGN REGULATIONS

[NO CHANGES]

6988 MAINTENANCE

[NO CHANGES]

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6989 ABANDONMENT OR DISCONTINUATION OF USE

[NO CHANGES]

6990 REVOCATION

[NO CHANGES]

6991 AMORTIZATION OF HIGH VISIBILITY FACILITIES IN RESIDENTIAL AND RURAL ZONES

[NO CHANGES]

Section 19. Section 6903 LOT LINE LOCATIONS is amended to read as follows:

6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

- a. Impair any legal access or create a need for new access to any adjacent lots or parcels.
- b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.
- c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.
- d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.
- e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.
- f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.
- g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created. 1-09
- h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the

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Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.

- i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.
- j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.
- k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.
- l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.
- m. Include all or any portion of a lot that was created without a parcel map under Government Code
- n. Result is a property with split commercial and residential zoning, whereby the purpose of the Adjustment Plat is to allow commercial parking in a residential zone as allowed by Section 4011 of the Zoning Ordinance.

Section 20. Section 7400 is amended to read as follows:

DENSITY BONUS/AFFORDABLE HOUSING PERMIT PROCEDURE

7400 TITLE AND PURPOSE.

The provisions of Sections 7400 through 7449, inclusive, shall be known as Density Bonus/Affordable Housing Permit Procedures. The purpose of these provisions is to provide a review procedure for a density bonus or any associated incentive, waiver or modification of development standards as requested by an applicant pursuant to the Density Bonus/Affordable Housing Program at Zoning Ordinance Sections 6350 through 6399, except that these procedures shall not apply to the County Affordable Senior Housing Program at Section 6360 a.2.

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Applications for a development that is subject to the streamlined, ministerial approval process shall be submitted in accordance with Government Code Section 65913.4.

7402 APPLICABILITY.

The Density Bonus /Affordable Housing Permit procedures shall be applied as required by the Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, or other discretionary development approval.

7405 JURISDICTION.

- a. Applications for granting or modifying an a Density Bonus/Affordable Housing Permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a Density Bonus/Affordable Housing Permit application shall be under the original jurisdiction of the Director.

7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS/AFFORDABLE HOUSING PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
 1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
 2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
- b. Required Documents.

The applicant shall submit an application for a Density Bonus/Affordable Housing Permit in accordance with the following requirements:

1. Application. A Density Bonus/Affordable Housing Permit application shall include the following information:
 - i. A description of the requested density bonus, incentive, concession, waiver, or modification.
 - ii. Identification of the base project without the density bonus, number and location of all affordable units qualifying the project for a density bonus, level of affordability of all units, and identification of the bonus units.
 - iii. In phased housing projects, for each construction phase, the Density Bonus/Affordable Housing application shall specify, at the same level of detail as the application for the residential development: the number, unit

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type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all affordable units, phasing of all affordable units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.

- iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility can be met.
 - v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.
 - vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.
2. Financial Data. If the applicant requests one or more incentives under the Density Bonus/Affordable Housing Program, financial data shall be submitted that meets the requirements of this section.

The financial document shall address:

- i. The actual cost reductions achieved through each incentive.
 - ii. That the actual cost reduction achieved through each incentive is needed to provide for affordable housing costs.
3. An application for a Density Bonus/Affordable Housing Permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.
4. No discretionary project application that includes an application for a Density Bonus/Affordable Housing Permit shall be deemed complete unless a Density Bonus/Affordable Housing application is submitted, including financial data if required, that conforms to the requirements of this section.
5. Upon submittal, the Director shall determine if the Density Bonus/Affordable Housing Permit application is complete and conforms to the provisions of this section.
- c. Application Form, Filing and Fee.
1. An application for the granting or modifying of a Density Bonus/Affordable Housing Permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.

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2. The cost of reviewing any required financial data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial data, shall be borne by the applicant.
3. The granting of a Density Bonus/Affordable Housing Permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, development permit, development permit, zoning amendment, or other discretionary approval.

7420 FINDINGS RELATED TO INCENTIVES AND DEVELOPMENT STANDARDS.

- a. Incentives. A requested incentive shall be approved unless the approval authority makes a written finding to deny the incentive, based upon substantial evidence, of at least one of the following:
 1. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents, as defined in Health and Safety Code Section 50053, for the reserved units.
 2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment 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 and moderate income households.
 3. The incentive requested in the application would be contrary to state or federal law.
 4. The applicant has failed to submit required information or does not qualify for the requested incentive.
 5. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.
- b. Waivers or Reductions of Development Standards. A proposal by the permit applicant to waive or reduce development standards that have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program shall be approved unless the approval authority makes a written finding to deny the waiver or reduction, based upon substantial evidence, of one of the following:
 1. The development standard does not have the effect of physically precluding construction at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program.
 2. The waiver or reduction of the development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety,

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or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

3. The waiver or reduction of the development standard would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
4. The waiver or reduction of the development standard would be contrary to state or federal law.
5. The applicant has failed to submit required information or does not qualify for the requested waiver or reduction of development standards.
6. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.

7430 DENSITY BONUS/AFFORDABLE HOUSING AGREEMENT.

The provisions contained within agreement Density Bonus/Affordable Housing Agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. Agreement Required. The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Development Services, agreeing to the specific terms and conditions of the Density Bonus/Affordable Housing Program and to periodic inspections of the housing by County employees. The property owner shall execute a Density Bonus/Affordable Housing Agreement prior to any of the following:
 1. A ministerial action by the County with regard to the project.
 2. A discretionary permit issued in conjunction with a Density Bonus/Affordable Housing application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus/Affordable Housing Program and with the terms of the application.
 3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus/Affordable Housing Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.
 4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus/Affordable Housing Program through recordation of an Affordable Housing Agreement.
- b. Execution of Agreement.

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1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.
2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

7435 APPEAL.

- a. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Director may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.
- b. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a Density Bonus/Affordable Housing Permit shall expire two years after its issuance unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- b. If the Density Bonus/Affordable Housing Permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the density bonus permit shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- c. If prior to the expiration of a Density Bonus/Affordable Housing Permit, the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

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7445 DENSITY BONUS/AFFORDABLE HOUSING PERMIT TO BE RECORDED AND PROVIDE
CONSTRUCTIVE NOTICE

Upon the approval of a Density Bonus/Affordable Housing Permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The permit shall set forth the names of all owners of the property subject to the permit. The recording of the permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the permit, of the rights and obligations created by the permit.

Attachment B
Zoning Ordinance Amendment
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ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, ANIMAL REGULATIONS, ACCESSORY USE REGULATIONS, GENERAL REGULATIONS, AND PROPERTY ZONING.

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Definitions, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, General Regulations, Extractive Use Regulations, Fencing and Screening Regulations, Parking Regulations, and Property Zoning. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1000 Table of Contents of the Zoning Ordinance is amended to read as follows:

TABLE OF CONTENTS

PART ONE: BASIC PROVISIONS

[no changes]

PART TWO: USE REGULATIONS

[no changes]

PART THREE: ANIMAL REGULATIONS

[no changes]

PART FOUR: DEVELOPMENT REGULATIONS

[no changes]

PART FIVE: SPECIAL AREA REGULATIONS

[no changes]

PART SIX: GENERAL REGULATIONS

6000	General Provisions
6100	Temporary Use Regulations
6150	Accessory Use Regulations
6200	Off-Premise Sign Regulations

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6250	On-Premise Sign Regulations
6300	Performance Standards
6350	Density Bonus Program
6400	Resort Services Regulations
6450	Recreational Vehicle Park Regulations
6500	Mobilehome (Manufactured Home) Regulations
6550	Extractive Use Regulations
6600	Planned Development Standards
6700	Fencing & Screening Regulations
6750	Parking Regulations
6800	Enclosure Regulations
6850	Nonconformity Regulations
6900	Miscellaneous General Regulations
6900	Ambulance Service
6901	Cemeteries
6902	Animal Waste Processing
6903	Lot Line Locations
6904	Explosive Storage
6905	Fire Protection and Law Enforcement Services
6906	Requirements for Farm Labor Camps
6907	Crematoriums
6908	Columbaria
6909	Mini-Warehouses
6910	Wholesale Limited, Boutique and Small Wineries
6911	Emergency Shelters
6912	Community Gardens
6920	Cottage Industries
6930	Adult Entertainment Establishments
6935	Medical Marijuana Collective Facilities
6940	Trailer Coaches Outside Mobilehome Parks
6950	Renewable Energy
6951	Small Wind Turbine
6952	Large Wind Turbine
6954	Solar Energy System
6960	Nudist Facilities
6970	Recycling Collection Facility
6976	Marijuana Dispensaries -Non-Medical (Not Authorized Under State Law)
6975	Recycling Processing Facility
6980	Wireless Facilities

PART SEVEN: PROCEDURES

[no changes]

PART EIGHT: FALLBROOK VILLAGE REGULATIONS

[no changes]

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Section 3. Section 1006 APPLICABILITY OF THE ZONING ORDINANCE is amended to read as follows:

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks (including public active or passive parks), County Libraries, or other County facilities such as Fire Stations or Sheriff Stations.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned or state-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned or state-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land and the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, shall not apply to the development of the following uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit; photovoltaic solar energy systems; resource conversion projects using landfill gases to produce energy or other products; above ground wireless telecommunication facilities; or storage of operable vehicles and equipment; provided:
 1. Any proposed lease (and associated environmental documents) for the use of any County-owned solid waste sites and associated buffer properties to a non-County entity for a use specified in this subsection shall be reviewed by the Director prior to final lease approval by the Department of General Services. All proposed uses (including potential future uses) of the leased property shall be specifically listed in the lease. Any uses that are not specifically listed in the lease shall be subject to the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, unless a new or revised lease is reviewed by the Director and approved by the Department of General Services.

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2. All proposed uses shall conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance.
- f. The Zoning Ordinance shall not apply to the Departments of the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego.

Section 4. Section 1100 DEFINITIONS (P) the Zoning Ordinance is amended to amend the term "Public Passive Park/Recreation Area" to read as follows:

Public Passive Park/Recreational Area: An outdoor area, along with minimal incidental buildings and structures designed, developed and intended for low intensity passive recreational use by individuals, families, or small groups. Public Passive Park/Recreational Areas may be of any size and may include ~~wilderness, ecological or natural preserves,~~ natural areas, ecological areas, landscaping, walkways paths, trail staging areas, trails, interpretive features, benches for seating, scattered picnic tables, children's play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, other park facilities/uses with activity levels consistent with the above listed uses.

Section 5. Section 1100 Definitions (T) of the Zoning Ordinance is amended to amend the term "Trailercoach" to read as follows:

Trailer Coach: Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, ~~mobilehome~~ and travel trailer.

Section 6. Section 1265 GROUP RESIDENTIAL of the Zoning Ordinance is amended to read as follows:

1265 GROUP RESIDENTIAL.

The Group Residential use type refers to the residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include occupancy of sorority houses, retirement homes or boarding houses. If in addition to the common kitchen facility, any living unit includes a separate kitchen, that living unit shall be counted as a dwelling unit in calculating density pursuant to Section 4115, unless the Group Residential use is restricted to occupancy by seniors through a mechanism approved by the Director of Planning & Development Services.

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Living units restricted by a grant deed for seniors may include a separate kitchen and shall not be counted as a dwelling unit in calculating density pursuant to Section 4115.

Section 7. Section 3125 of the Zoning Ordinance is amended to read as follows:

3125 RACING PIGEONS.

In addition to the regulations imposed by Section 3112, racing pigeons shall be subject to Section 6300.

Section 8. Section 4010 SPECIFIC PLANS is amended to read as follows:

4010 SPECIFIC PLANS

If a any Specific Plan has been adopted and not expired for property which is also subject to either the Specific Plan Area General Plan Designation or the S88 Specific Planning Use Regulations, any provision of the Specific Plan relating to subjects contained in the part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

Section 9. Section 4011 of the Zoning Ordinance is amended to read as follows:

4011 LEGAL LOTS WITH SPLIT ZONING

Where a legal lot has split zoning, the Use Regulations for each separate zone shall apply. Where a use is bisected by a split zone line within a legal lot, the more restrictive Use Regulations shall apply. If a property has split zoning that includes residential and commercial zoning, parking for a commercial use may be located on the residentially zoned portion of the property, subject to the issuance of a Zoning Verification Permit. Landscaping and planting should be used to the maximum extent practical to screen unsightly parking areas from neighboring residential.

Section 10. Section 4115 of the Zoning Ordinance is amended to read as follows:

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units permitted-allowed within ~~the exterior boundary lines of~~ any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. ~~A product with a fraction of more than one half of a dwelling unit~~

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~~shall be rounded up to the nearest whole number of dwelling units.~~ The maximum number of dwelling units allowed within any single lot shall be based upon rounding up to the nearest whole number of dwelling units if the product has a fraction of more than one half of a dwelling unit allowed by the General Plan. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or single lot, as calculated under this section, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density. The use of a dash ("-") as a density designator shall indicate no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density, unless permitted building type is identified in Section 4315. Section 4315 of the Zoning ordinance provides an exemption to Building Type for duplex or triplex construction consistent with this section. A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

Section 11. Section 4315 of the Zoning Ordinance is amended to read as follows:

4315 EXEMPTIONS FROM BUILDING TYPE SCHEDULE.

The following are exempt from provisions of Sections 4310; Building Type Schedule:

- a. Civic Use Types.
- b. Any use or structure for which a use permit is granted.
- c. Accessory Structures.
- d. Temporary structures erected pursuant to the Temporary Use Regulations.
- e. Secondary Uses.
- f. Residential projects subject to General Plan Village Land Use Designation except in RR, S92, S90, A70 and A72.
- g. Residential Rounding for Duplex or Triplex Units on a Single Parcel. Outlined in Section 4115, one Duplex or Triplex is allowed on a single lot if the number of units is consistent with the General Plan Land Use Designation.

Section 12. Section 6118 of the Zoning Ordinance is amended to read as follows:

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

- a. Business Uses.

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[NO CHANGES]

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below.

The intent of the health care trailer ordinance is to fulfill the desire of the County to provide homeowners (with limited space in the main dwelling) with the opportunity to install temporary transitional housing for relatives who are mentally or physically impaired or for health care providers who can provide physical care for owners when they become mentally or physically impaired. The permits for health care trailers are intended to be temporary. As such, health care trailer permits shall be granted for three one-year periods subject to annual renewal. If, after the initial three-year period; there is a continued need for a health care trailer; ownership has not changed; and, the owner has complied with the provisions of the ordinance, then the Director of Planning & Development Services may grant a permit extension for additional one-year periods subject to annual renewal. Such additional one-year periods shall not exceed a total of two years. The permit may not be extended beyond five years. Applicants whose health care trailer needs are more permanent in nature should seek a permanent housing solution.

A provider of health services may include a person related by blood, marriage, or adoption to the mentally or physically impaired person or a person 18 years or older that is physically capable of providing assistance associated with the seven activities of daily living described below.

A healthcare trailer permit may be revoked if the permit holder violates any provision of this ordinance or other applicable ordinances, laws, or regulations. All permit application documents requiring applicant signatures shall be signed by the applicant under "Penalty of Perjury".

This trailer is exclusively for temporary occupancy by either:

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- a) Providers of health services which are required by an occupant of the main dwelling who is mentally or physically impaired and requires physical care by the provider, or
- b) Relatives by blood or marriage, or adoption of an occupant of the main dwelling who is mentally or physically impaired and requires physical care by the relative.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer coach or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
- b) The trailer coach or mobilehome shall meet main building setbacks and shall not be visible from the abutting streets.
- c) The trailer coach or mobilehome shall be placed within 50 feet of the main dwelling, unless a constraint renders placement within 50 feet of the main dwelling infeasible.
- d) The trailer coach or mobilehome shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
- e) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall confirm that the mentally or physically impaired person requesting the health care trailer requires physical care in the form of assistance with one or more of the seven activities of daily living described below. The Certificate shall be renewed annually.
 - 1) Eating, which shall mean feeding oneself by getting food in the body from a receptacle (such as a plate, cup, or table) or by a feeding tube or intravenously.
 - 2) Bathing which shall mean washing oneself by sponge bath or in either a tub or shower, including the act of getting into or out of a tub or shower.
 - 3) Continence, which shall mean the ability to maintain control of bowel and bladder function; or when unable to maintain control of bowel or bladder function, the ability to perform associated hygiene (including caring for a catheter or colostomy bag).
 - 4) Dressing, which shall mean putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.
 - 5) Toileting, which shall mean getting to and from the toilet, getting on or off the toilet, and performing associated hygiene.

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- 6) Transferring, which shall mean the ability to move into or out of bed, a chair or wheelchair.
- 7) Ambulating, which shall mean walking or moving around inside or outside the home regardless of the use of a cane, crutches, or braces.
- f) The Director may request a second opinion from a County appointed physician licensed to practice medicine in the State of California to validate a Certificate of Need signed by a licensed physician if evidence of non-compliance with this ordinance is submitted to PDS.
- g) Prior to the approval of a health care trailer permit or health care trailer permit renewal, notice will be provided to surrounding property owners within 300 feet. The applicant shall provide a notarized statement that all property owners within 300 feet have been notified.
- h) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.

If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach or mobilehome by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

Section 13. Section 6156 of the Zoning Ordinance is amended as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

[NO CHANGES]

- b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops,

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hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.

- c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.
- d. Radio and Television Receiving Antennas, Dish Antennas.
- e. Greenhouse. In the RR, A70 and A72, and S92 Use Regulations a greenhouse is allowed. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, a greenhouse is limited to 500 square feet unless an Administrative Permit is approved to increase the size. A greenhouse proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan. A greenhouse in any of the Use Regulations listed above shall comply with the applicable setback and Building Code requirements. The building official shall determine if a building permit is required for a greenhouse.
- f. Silos, Windmills and Tank Houses.
- g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, Barns, Agricultural Buildings and other similar non-habitable uses (non business purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by subsection b above, shall be limited as follows:
 - 1. The total area of all detached accessory structures shall be limited to 25% of the living area of the principal residence, or as follows, whichever is greater:

Lot Size (gross)	Det. Accessory Structures in all res, Ag. & S92 Zones (formerly 6159.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf

(Note that detached accessory structures are subject to setbacks specified in Section 4842. Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet). Buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

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2. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters. However, a one story accessory structure designed to store a recreational vehicle (RV) may exceed 12 feet in height, not exceeding 16 feet, if the accessory structure meets the main building setbacks.
 3. Additional area, height may be permitted if in compliance with height/story limit specified by the applicable height/story designator. ~~by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.~~
 4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.
- h. Barns and Agricultural Storage Buildings: see 6156.g.
 - i. Offices. Offices are permitted only in zones subject to the A70, A72, S90, and S92 Use Regulations.
 - j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.
 - k. Guest Living Quarters. In the A70, A72, RR, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations ~~upon issuance of an Administrative Permit~~ on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:
 1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
 2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
 3. Guest living quarters shall not be allowed on a lot or parcel having an accessory dwelling unit, junior accessory dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all

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zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.

~~4. Notice of guest living quarters Administrative Permit applications shall be given as provided in Section 7060(c).~~

~~5. Before any Administrative Permit may be granted or modified, it shall be found:~~

~~(a). That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:~~

~~(i). Harmony in scale, bulk, and coverage;~~

~~(ii). The harmful effect, if any, upon desirable neighborhood character;~~

~~(iii). The suitability of the site for the type and intensity of use or development which is proposed; and to~~

~~(iv). Any other relevant impact of the proposed use; and~~

~~(b). That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.~~

~~(c). That the requirements of the California Environmental Quality Act have been complied with.~~

~~See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.~~

I. Accessory Living Quarters. Repealed.

m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:

[NO CHANGES]

n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.

o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.

p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section

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1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.

- q. Roadside Sales of Agricultural Products. (see Section 6157.a)
- r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
- s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture provided that:

[NO CHANGES]

- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.
- u. Farm Employee Housing. (See 6157.f)
- v. Horticultural Sales. (see also 6157.a) In all residential and S88 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.
- w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.
- ~~x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:~~

- ~~1. The second dwelling unit Shall be either attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.~~
- ~~2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.~~

~~If no Administrative Permit is required to establish a second dwelling unit, and an Administrative or Minor Use Permit was approved to authorize the accessory unit proposed for conversion to a second dwelling unit, a request to rescind the existing~~

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~~Administrative or Minor Use Permit may be submitted in addition to an application for building permit and any other applicable permits; or~~

- ~~3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.~~

~~However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A of the County Groundwater Ordinance unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.~~

- ~~4. Second dwelling units Shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:~~
- ~~i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit (if an Administrative Permit is required to establish the Second Dwelling Unit pursuant to paragraph 12 below) and application for any other applicable permits; or~~
 - ~~iii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or~~
 - ~~iv. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.~~

- ~~5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.~~

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6. ~~The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.~~
7. ~~Applicants are required to provide evidence satisfactory to the Director of the following:~~
 - i. ~~Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;~~
 - ii. ~~Adequate potable water supply; and~~
 - iii. ~~That applicable school district fees have been paid.~~
8. ~~The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.~~
9. ~~No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.~~
10. ~~Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.~~
11. ~~Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.~~
12. a. ~~A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:~~
 - i. ~~Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.~~

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- ii. ~~A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.~~
- iii. ~~Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:~~
 - ~~minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.~~
 - ~~maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;~~
 - ~~off-street parking;~~
 - ~~architectural design;~~
 - ~~location of entrance;~~
 - ~~height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.~~

~~No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.~~

~~b. Before any Administrative Permit may be granted or modified, it shall be found:~~

- i. ~~That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:~~
 - ~~(a). Harmony in scale, bulk, and coverage;~~
 - ~~(b). The availability of public facilities, services and utilities;~~
 - ~~(c). The harmful effect, if any, upon desirable neighborhood character;~~

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- ~~(d). The generation of traffic and the capacity and physical character of surrounding streets;~~
 - ~~(e). The suitability of the site for the type and intensity of use or development which is proposed; and to~~
 - ~~(f). Any other relevant impact of the proposed use; and~~
 - ~~ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.~~
 - ~~iii. That the requirements of the California Environmental Quality Act have been complied with.~~
 - ~~iv. Notice shall be provided pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.~~
- ~~13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.~~
- ~~See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.~~
- x. An Accessory Dwelling Unit (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated
 - 1. The legal lot must have an existing single-family residence, or the ADU is to be constructed concurrently with a primary single-family residence.
 - 2. The ADU is either attached to an existing dwelling, or located within the living area of the existing dwelling or detached and on the same legal lot.
 - 3. ADU may be rented but is not intended for sale separate from the primary residence.
 - 4. Lot does not have an existing guest living quarters, accessory living quarters, or accessory apartment. A conversion of a guest living quarters, accessory living quarters, or accessory apartment into an ADU is potentially permitted and requires approval of a building permit.

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5. The total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing SFD, up to a maximum floor area of 1,200 square feet.
6. The total floor area of a detached ADU shall not exceed 1,200 square feet, independent of the square footage of the living area of the existing SFD.
7. The "floor area" measurements are taken from the exterior dimensions of the outside walls.
8. Total floor area of a proposed garage attached to a detached ADU shall not exceed the allowable combined square footages per Section 6156.g.
9. No other rooms, additions, uses, etc. can be attached to a detached ADU, except a garage, or unless authorized by an approved Administrative Permit.
10. An ADU is limited to 24' in height.
11. For health, fire and life safety conditions, all ADU's must comply with the required front yard & exterior side yard setbacks. In addition, setbacks shall be provided as follows:
 - i. ADU's must provide side and rear setbacks that are sufficient for fire safety & building code. Setbacks could be as small as 3' or up to 30' from property lines.
 - ii. A setback of five feet from the side and rear lot lines is required for a 2-story ADU.
 - iii. No setbacks are required if an existing and permitted garage is being converted into an ADU, except for Fire safety.
12. An ADU attached to the primary residence must comply with the required main building setbacks.
13. A new ADU shall provide one parking space. The parking space for the ADU may be located in an existing driveway as tandem parking but must comply with the required front yard and/or exterior side yard setback(s). If establishment of the ADU involves a garage conversion, replacement off-street parking for the SFD shall be provided concurrently. These parking requirements do not apply if the ADU meets any of the following:
 - i. Is within a half mile from transit.

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- ii. Is within an architecturally and historically significant historic district.
 - iii. Is part of an existing primary residence or an existing accessory structure.
 - iv. Is in an area where on-street parking permits are required, but not offered to the occupancy of the ADU.
 - v. Is located within on block of a care share area.
14. The applicant must provide evidence that there is sewer (or septic) service and water available, and that any applicable permits have been obtained and all applicable fees have been paid.
15. Separate sale or ownership of an ADU is prohibited, unless the lot is subdivided creating a separate lot for each dwelling.
16. Owner-occupancy of one of the dwellings on the lot is required for the duration of use of the ADU for residential purposes.
17. Before a building permit is issued, the owner of the property shall submit a notarized and recorded copy of an agreement stating that the owner understands and will abide by the requirements of the Zoning Ordinance.
18. The ADU shall not be rented for less than 30 days.
- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:
- [NO CHANGES]
- z. Small Wind Turbine. A small wind turbine shall be allowed in accordance with the Renewable Energy Regulations commencing at Section 6951.
- aa. Bed and Breakfast Home. A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:
- [NO CHANGES]
- bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
- dd. Poultry Manure Management. (see Section 6157.g)
- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations,

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the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.

ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.

gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:

[NO CHANGES]

hh. Agricultural Homestay. (See 6157.c)

[NO CHANGES]

ii. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:

jj. Agricultural Tourism. (see Section 6157.b)

kk. Junior Accessory Dwelling Units (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family dwelling.

1. Junior accessory dwelling units shall comply with the following standards:

(a). A JADU must be created within the existing walls of an existing single-family dwelling and must include conversion of an existing bedroom.

(b). The total area of a JADU shall not exceed 500 square feet.

(c). Only one ADU or, JADU, may be located on any residentially zoned lot that permits a single-family dwelling. A junior accessory dwelling unit may only be located on a lot which already contains one existing single-family dwelling.

(d). The owner of a parcel proposed for a JADU unit shall occupy as a principal residence either the primary dwelling or the JADU.

(e). A separate exterior entry shall be provided to serve a junior accessory dwelling unit.

(f). The interior connection to the main living area must be maintained.

(g). The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

(i). A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,

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- (ii). A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - (iii). A food preparation counter and storage cabinets that are reasonable to size of the unit.
- (h). No additional parking is required beyond that required when the existing primary dwelling was constructed.
- (i). A JADU shall not be rented for less than 30 days.
- 2. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the Director of PDS, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. A copy of the recorded deed restriction shall be filed with the Department stating that:
 - (a). The junior accessory dwelling unit shall not be sold separately from the single-family dwelling unit;
 - (b). The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - (c). The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
 - (d). The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.

Section 14. Section 6157 is amended to read as follows:

6157 COMMERCIAL AGRICULTURE OPERATIONS

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Commercial Agriculture operations are permitted. The Commercial Agriculture use must be the principle use of the property.

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- a. On-Site Agricultural and/or Horticulture Sales. The on-site agricultural and horticultural sales use type is an accessory use on premises with a principle Commercial Agricultural operation where horticulture, tree crops, row and field crops are produced or animals raised for the production of milk, honey, wool, fleece or fur, and incidental retail or wholesale sales of the products produced on the premises or items related to the products raised are allowed, as specified herein:

[NO CHANGES]

- b. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S88, S90 and S92 Use Regulations provided the following criteria are met:

[NO CHANGES]

- c. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Zoning Verification Permit provided all of the following criteria are met:

[NO CHANGES]

- d. Agricultural Microbrewery or Micro-Distillery

[NO CHANGES]

- e. Creamery. The Creamery use type refers to an accessory use to a dairy on premises where cattle, goats, sheep or other animals are fed and kept for milking operations. The Creamery use may include the production of milk, butter, cream, cheese or other products made from milk or cream, for wholesale or on-site limited retail direct to consumers.

[NO CHANGES]

- f. Farm Employee Housing. Farm employee housing consisting of five or more farm employee housing units, requires approval of a building permit from Planning & Development Services and approval of a permit to operate from the State of California to operate an Employee Housing facility.

Farm Employee Housing of up to four farm employee housing units is an allowed accessory use to an on-going commercial agriculture operation on that same parcel on which the housing is located or on another parcel under the same ownership In the RR, A70, A72, S80, S87, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

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2. ~~Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing. The location of Farm Employee Housing shall comply with the required main building setbacks.~~
3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor for an active Commercial Agricultural operation and shall not be otherwise occupied or rented.
4. ~~If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.~~
5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm employee housing.
6. ~~Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.~~
7. ~~On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Development Services stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.~~
8. ~~Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.~~
9. ~~Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Development Services of an active Commercial Agricultural Operation. A Horse Stable or Horsekeeping are not considered evidence of Commercial Agriculture for Farm Employee Housing.~~
10. ~~In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that~~

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~~it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:~~

~~a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:~~

~~1) Harmony in scale, bulk and coverage;~~

~~2) The availability of public facilities, services and utilities;~~

~~3) The harmful effect, if any, upon desirable neighborhood character;~~

~~4) The generation of traffic and the capacity and physical character of surrounding streets;~~

~~5) The suitability of the site for the type and intensity of use or development which is proposed; and to~~

~~6) Any other relevant impact of the proposed use.~~

~~b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.~~

~~c. That the requirements of the California Environmental Quality Act have been complied with.~~

~~d. That notice shall be pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.~~

g. Packing and Processing, General. In the A70, A72 and S92 Use Regulations, a Packing and Processing operation or facility, accessory to a Commercial Agriculture operation, may be allowed with an Administrative Permit and shall comply with the following provisions:

[NO CHANGES]

h. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator where the small animal raising animal use type is permitted without a limit on the number of poultry allowed.

[NO CHANGES]

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Section 15. Section 6350 is amended to read as follows:

DENSITY BONUS PROGRAM/AFFORDABLE HOUSING PROGRAM

6350 TITLE AND PURPOSE.

The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program/Affordable Housing Program. The purpose of these provisions is to implement the state requirements at Government Code Section 65915 et seq. and the policies and programs in the Housing Element of the San Diego County General Plan. As required by Government Code Section 65915 et seq., these provisions offer density bonuses and incentives or concessions for the development of housing that ~~is affordable to residents who qualify~~ qualifies under Section 6355. The Density Bonus/Affordable Housing Permit Procedures, commencing at Zoning Ordinance Section 7400, shall apply to all density bonus/affordable housing projects except for housing under the County Affordable Senior Housing Program, which shall comply with the procedures found at Zoning Ordinance Section 6360 a.2.

In order to be eligible for a density bonus and other incentives or concessions, a proposed ~~housing development~~ project shall comply with the following provisions of the Density Bonus/Affordable Housing Program and all other applicable local, state, and federal requirements.

6355 ELIGIBILITY FOR AFFORDABLE HOUSING/DENSITY BONUS PROGRAM AND PERMIT.

- a. Income and Age Requirements. A housing development proposed to qualify for ~~a density bonus~~ the Density Bonus Program/Affordable Housing Program and Affordable Housing Permit shall be designed and constructed so that it includes at least one of the following:
 1. At least five percent of the total number of base units are reserved as affordable for very low income households. ~~Ten percent of the total number of base units are reserved for lower income households.~~
 2. ~~Five percent of the total number of base units are reserved for very low income households.~~ At least ten percent of the total number of base units are reserved as affordable for lower income households.
 3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5. No affordable units are required to receive a density bonus. Market rate age restricted units are not eligible for an incentive, waiver, or concession.
 4. At least ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.

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5. At least ten percent of the total dwelling units in the development are reserved as affordable at a very low income level to transitional foster youth as defined in Section 66025 of the California Education Code, disabled veterans as defined in Section 18541 of the California Government Code, or homeless persons as described in the California McKinley Vento Homeless Assistance Act.
6. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.

~~If the development meets more than one of the qualifications listed above, the applicant shall elect only one qualifying option.~~

- b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates at least one acre of land to the County for very low income housing and meets the requirements of Government Code Section 65915 has the appropriate General Plan designation, zoning, permits and approvals, and access to public facilities, shall be eligible for a density bonus. ~~If the applicant also meets one of the eligibility requirements of subsections a.1. through a.4., that density bonus may be combined with the land donation bonus up to a maximum of 35 percent.~~
- c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.
- d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.5. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).
- e. ~~Minimum Project Size. Senior Citizen Housing. The density bonus provided by this ordinance shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.~~
- f. Ineligible Projects -- Required Replacement of Affordable Units.
 1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if: a) the development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; b) if such affordable dwelling units have been vacated or demolished in the five-year period preceding the application; and c) such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:

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- i. The proposed housing development, inclusive of the units replaced pursuant to this subsection (f)(2), contains affordable units at the percentages set forth in subsection a.
 - ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- 2. The number and type of required replacement units shall be determined as follows:
 - i. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, 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. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.
 - ii. If all of 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 and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, 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 highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within the County of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.

6360 DENSITY BONUS.

- a. Density Bonus Allowance. A housing development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus permit as follows:
 - 1. Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of ~~reserved~~ affordable units. The total number of base units shall be calculated in accordance with Section 4145

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6360 b and be consistent with the maximum allowable residential density under the Zoning Ordinance and the ~~land use element~~ Land Use Element of the General Plan.
The density bonus shall be calculated based on the Density Bonus Table.

**DENSITY BONUS
TABLE**

Income Category	Reserved Units	Bonus Units		
Household Income Category of Reserved Affordable Units	Minimum % of Base Units that must be Reserved Qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional Bonus for each 1% Increase in Reserved Units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
<u>Age Restricted</u> Senior Citizen Housing Development	100%	20%	--	20%
<u>Transitional</u> <u>Foster Youth,</u> <u>Disabled</u> <u>Veterans,</u> <u>Homeless</u>	<u>10%</u>	<u>20%</u>	<u>--</u>	<u>20%</u>
Land Donation for Very Low Income Housing	10% of Market- Rate Units	15%	1%	35%
Common Interest Development	10%	5%	1%	35%
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%

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Income Category	Reserved Units	Bonus Units		
Household Income Category of Reserved Affordable Units	Minimum % of Base Units that must be Reserved to Qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional Bonus for each 1% Increase in Reserved Units	Maximum Bonus (% of Base Units)
Child Care Facility	Must qualify under Section 6355 a.1. – a.45.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		
<u>Commercial Development with Affordable Housing</u>	<u>Pursuant to Government Code 65915.7</u>	<u>Pursuant to Section 6365</u>		

* The density cap of 45 units per acre is calculated based on the net lot area ~~per Section 4115.~~

2. County Affordable Senior Housing Program.

- i. An Administrative Permit authorizing a density bonus for an affordable rental senior housing project may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if the project meets the requirements of Section 6355 a.6. and this section and if it is found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - a) The type and density of the housing development would not have a harmful adverse effect on surrounding neighborhood character.
 - b) The site is physically suitable for the density of development proposed.
 - c) There is demonstrated capacity and service of sewer, water, schools (as may be required), fire, police protection and utilities available to

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the housing development.

- d) The housing development and surrounding areas have adequate access to accommodate the generation of traffic.
 - e) The site has reasonable proximity and access to special support services (e.g., retail and convenience uses, public transit, emergency medical facilities, etc.) as may be required by the type and density of development proposed.
 - ii. The County Affordable Senior Housing Program shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. The residents shall be persons 62 years of age or older or 55 years of age or older in a senior citizen housing development consisting of at least 35 dwelling units, exclusive of the bonus units.
 - iii. The housing development must be located in an area with a General Plan density of at least 10.9 units per acre.
 - iv. Density bonus calculations shall be made as specified in Section 6360 b.
 - v. Bonus units must be reserved and rented to senior citizens at the same level of affordability as the proposed development.
 - vi. The maximum density, including the bonus units, cannot exceed 45 units per acre based on the net lot area.
 - vii. The applicant will be required to enter into a density bonus housing agreement with the County's Department of Housing and Community Development. The agreement shall be subject to and comply with the density bonus housing agreement provisions set forth in Section 7430.
 - viii. A housing development located in a specific plan area shall not be allowed a density bonus which causes the overall maximum density of the specific plan to be exceeded.
 - ix. Parking requirements shall be met as specified in Section 6370.
 - x. Requested incentives are subject to the provisions of Zoning Ordinance Section 6365, except that the applicant shall not be required to submit financial ~~pro forma~~ documents under Section 7410 b.2. An applicant for a project under the County Affordable Senior Housing Program shall receive up to ~~three~~ four incentives, unless disapproved with written findings in accordance with Section 7420 a.
3. Land Donation for Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government

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Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density.

- i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.
 - ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.
4. Condominium Conversion Projects. A condominium conversion project which meets the requirements of Government Code Section 65915.5 shall receive either a density bonus of 25 percent or incentives of equivalent financial value unless the development previously received density bonus or other incentives, in which case it is ineligible for the Density Bonus Program/Affordable Housing Program.
5. Child Care Facilities. A housing development with a child care facility that meets the eligibility requirements of Section 6355 d. shall be entitled to one of the following subject to the requirements of Government Code Section 65915(h):
 - iii. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. Any additional amount of residential space that exceeds the amount of square feet in the child care facility must be approved by the approving authority. The additional square feet of residential space may be used for additional residential units that must meet the average square footage size of the other residential units in the development.
 - iv. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

b. Density Bonus Calculations.

1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.
 - i. The net lot area of the project site shall be the basis on which the number of base units is determined.
 - ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.
 - iii. When calculating the maximum number of base dwelling units permitted on a project site ~~in accordance with Section 4115, a decimal fraction of .5 or less shall be rounded down to the nearest whole number of dwelling units. A~~

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~~decimal fraction of greater than .5 shall~~ any fraction of a base dwelling unit shall be rounded up to the nearest whole number of dwelling units.

- iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, ~~as calculated under Section 4115,~~ shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.
- 2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.
- 3. Split Zones. If the housing development site 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.

6365 INCENTIVES.

- a. Types of Incentives. ~~The~~ An applicant eligible for an Affordable Housing Permit pursuant to Section 6355 density bonus permit may qualify for one or more of the following incentives whether or not a density bonus is requested:
 - 1. A reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but not are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c). A reduction in required site development standards or modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq. and that results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in the proposed housing development.
 - 2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located. Approval of mixed use land uses not otherwise allowed by the County Zoning Ordinance in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing

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~~development, and the nonresidential land uses are compatible with the housing project and with existing or planned development in the area where the project will be located.~~

3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, ~~financially sufficient, and actual cost reductions~~ to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c), that contribute significantly to the economic feasibility of the reserved units in the proposed housing development.
- b. Proof of Cost Reduction. Proof of identifiable, actual cost reduction associated to reduce the cost of the housing development to provide for affordable housing costs may be required of the applicant pursuant to Section 7410.
- c. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved in accordance with written findings ~~in accordance with~~ as described in Section 7420 a:

INCENTIVES SUMMARY

Income Category of Reserved Units	% of Reserved Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Common Interest Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
Maximum Number of Incentives	4 <u>2</u>	23 <u>3</u>	34 <u>4</u>

- d. Incentives for Commercial Development. Pursuant to Government Code Section 65915.7, an applicant for a commercial development that has entered into an agreement with an applicant for a residential development that provides at least 15 percent of the dwelling units as affordable to very low income households or at least 30 percent of the dwelling units as affordable to low income households shall be entitled to an incentive in accordance with Government Code Section 65915.7(b) provided that the agreement is approved by the Planning & Development Services Director and the commercial development will contribute to affordable housing in one of the following ways:
 1. Directly constructing the affordable dwelling units on the commercial site or a site that is within the jurisdiction of the County, in close proximity to public amenities including schools and employment centers, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

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2. Donating a portion of the commercial site or another site that meets the criteria in Section 6365 c.1. for development of the affordable dwelling units; or
3. Financially contributing to the development of the affordable dwelling units.

e. ~~Type Of Incentive~~

1. ~~The need for incentives will vary for different housing developments. Therefore, the allocation of incentives shall be determined on a case by case basis. The incentive may include, but is not limited to, any of the following:~~

- i. ~~Reduced minimum lot dimensions.~~
- ii. ~~Reduced minimum lot setback for each side yard (each side is a separate incentive).~~
- iii. ~~Reduced minimum lot setback for front yard.~~
- iv. ~~Reduced minimum lot setback for rear yard.~~
- v. ~~Reduced minimum group usable open space.~~
- vi. ~~Reduced minimum private usable open space.~~
- vii. ~~Increased maximum building stories.~~
- viii. ~~Increased maximum building height.~~

2. ~~Other regulatory incentives proposed by the developer or the County which result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.~~

- f. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

6367 WAIVER OF DEVELOPMENT STANDARDS

- a. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development at the densities or with the incentives permitted by the Density Bonus Program/Affordable Housing Program.
- b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance,

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general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited to the following:

- i. A height limitation.
 - ii. A setback requirement.
 - iii. A floor area ratio.
 - iv. An onsite open-space requirement.
 - v. A parking ratio that applies to a residential development.
- c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Regulations shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

6370 PARKING REQUIREMENTS.

- a. Applicability. The following parking requirements apply to eligible developments in accordance with Section 6355 that is eligible for a density bonus. Any additional modifications will be considered an incentive as explained in Section 6365. Affordable housing projects that also meet the requirements of Government Code 65913.4 and are processed through ministerial review consistent with Section 7400 are subject to the parking requirements of Government Code 65913.4(d) rather than those in this section. Any additional parking modifications will be considered an incentive pursuant to Section 6365.
- b. Number Of Parking Spaces Required.

The County shall require the following maximum vehicular parking ratios apply for a project that meets the eligibility requirements ~~for a density bonus~~ of Section 6355, inclusive of parking for the disabled and guest parking.

PARKING REQUIREMENTS

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	2
4+	2.5

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- c. Lower parking ratios also apply to the following projects:
 - 1. 0.5 space per bedroom for rental or for sale projects with at least 11% very low income or 20% lower income units, and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code. Unobstructed access means if a resident is able to access the major transit stop without encountering natural or constructed impediments.
 - 2. 0.5 space per unit for rental projects that are 100% affordable to lower income households (exclusive of a manager's unit), and within one-half mile of unobstructed access to a major transit stop as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 - 3. 0.5 space per unit for age-restricted rental senior projects that are 100% affordable to lower income households, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
 - 4. 0.3 space per unit for special needs housing development as defined in Section 51312 of the Health and Safety Code, and have paratransit service or are within one-half mile of accessible fixed bus route service operating at least eight times per day.
- d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- e. This Density Bonus Program/Affordable Housing Program does not preclude the County from reducing or eliminating a parking requirement for development projects of any type in any location.
- f. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

6375 AFFORDABLE UNITS AND REPLACEMENT UNITS.

- a. Duration of Affordability. ~~The applicant shall agree to, and the County shall ensure, the continued availability of the reserved units that qualified the housing development for a density bonus and other incentives for a period of at least 30 years, or longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.~~
 - 1. An applicant for new affordable housing shall agree to, and the County shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus or incentives or other concessions for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
 - 2. Replacement units shall be subject to a recorded affordability restriction for 55 years or longer.

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b. Unit Affordability Requirements.

1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
2. Owner-occupied Units. Owner-occupied ~~reserved~~ affordable units and replacement units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

c. Occupancy and Resale of Moderate Income Common Interest Development Units.

1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.
2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2).

d. Location and Type of Affordable Units.

1. Location/Dispersal of Units. ~~Reserved~~ Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units.
 2. Phasing. If a project is to be phased, the affordable units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The ~~reserved~~ affordable units shall be constructed concurrently with or prior to construction of the market rate units.
 3. Exterior Appearance. The exterior appearance and quality of the affordable units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.
- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:
- [NO CHANGES]
- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.

[NO CHANGES]

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- c. Bicycle Spaces. Bicycle spaces shall be located:

[NO CHANGES]

- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with ~~site~~ sight distance for access to the site.

Section 16. Section 6787 is amended to read as follows:

6787 LOCATION OF PARKING AND BICYCLE SPACES ON A BUILDING SITE.

- a. Open Parking. Except as provided in Paragraph d. below, open parking spaces shall be outside the ultimate right-of-way of any street. Refer to Section 6700 et seq. for fencing and screening requirements. Open parking spaces shall be located as follows:
- b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building.
- c. Bicycle Spaces. Bicycle spaces shall be located:
- d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs a. and c. above with the required finding that the exception to the bicycle spaces or open parking regulations does not create a safety hazard with ~~site~~ sight distance for access to the site.

Section 17. Section 6910 is amended to read as follows:

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- e. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:

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1. Prior to the occupancy of the winery structures and the production of wine, a Wholesale Limited Winery shall have a valid permit, and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.
3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use.

4. A minimum of 25% of the winery's production shall be from fruit grown on the premises. Up to 75% of the winery's production may be from sourced fruit/juice from inside or outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
Within/Outside San Diego County	75% (max.)	Permitted	Prohibited
TOTAL	100%		

No wine produced off of the premises may be used in the winery's production or sold from the premises.

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- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
5. Wine production shall be less than 12,000 gallons annually.
6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
7. A Wholesale Limited Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1 adopted standards of the applicable fire service provider.
- f. Boutique Winery. A Boutique Winery shall comply with the following provisions:
 1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. Wine production shall be less than 12,000 gallons annually.
 3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine sourced from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.

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- ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows:

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
- i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act;
 - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
 - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;

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- iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
 - v. Internet, phone and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.
- Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).
7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
- i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
8. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
9. A minimum of six parking spaces shall be provided for patrons using the Boutique Winery, and a minimum of three spaces shall be provided for Boutique Winery operations and employees. No parking for a Boutique Winery is allowed off the premises.
10. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel,

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or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.

11. Outdoor amplified sound is not allowed.
12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.
14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.
15. A Boutique Winery shall demonstrate compliance with the ~~Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1,~~ adopted standards of the applicable fire service provider.

g. Small Winery. A Small Winery shall comply with the following provisions:

1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
2. Wine production shall be less than 120,000 gallons annually.
3. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grown grapes. No more than 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

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- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.
- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
 - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
 - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
 - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
 - d) For wineries smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries 8 acres or larger in size, at least 25% of the "fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;
 - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.

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- i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).

6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
- i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - a) Harmony in scale, bulk, coverage and density.
 - b) The availability of public facilities, services and utilities.
 - c) The harmful effect, if any, upon desirable neighborhood character.
 - d) The generation of traffic and the capacity and physical character of surrounding streets.
 - e) The suitability of the site for the type and intensity of use or development which is proposed.
 - f) Any other relevant impact of the proposed use.
 - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

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- iii. That the requirements of the California Environmental Quality Act have been complied with.
- iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- 7. A Small Winery shall demonstrate compliance with the ~~Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1~~ adopted standards of the applicable fire service provider.

Section 18. Section 6980 is amended to read as follows:

6980 WIRELESS TELECOMMUNICATIONS FACILITIES

6981 CONFLICT RESOLUTION

[NO CHANGES]

6982 PURPOSE

[NO CHANGES]

6983 DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations contained in Sections 6980 through 6991, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

- a. Administrative Site Plan – A Site Plan, pursuant to Sections 7150 through 7174 of this Ordinance, that does not require community review except as noted in Section 6987 A of this Ordinance.

Antenna – Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Height – The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

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Antenna Support – Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant – A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.

- c. Camouflaged – Any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles. Camouflaged facilities may be considered low or high visibility depending on the type of facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).

Co-location – Locating wireless telecommunications equipment from more than one provider on a single site.

Commercial Zones - are defined as consisting of the following zones: C32, C34, C35, C36, C37, C38, C40, C42, and C44, and also S88 when the proposed site is in a commercial component of a Specific Plan.

Community Character – Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity.

- e. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by telecommunication providers at a facility.
- f. Façade Mounted Antenna – An antenna architecturally integrated into the façade of a building or structure.

Facility – See Wireless Telecommunications Facility.

Faux Trees – A term used to refer to Monopalms, Monopines and other camouflaged monopoles made to resemble different types of trees.

- g. Grade – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.

Guyed Tower – A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

- h. High Visibility – The following shall be considered High Visibility facilities:

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1. Monopoles, lattice towers and guyed towers
 2. Non-camouflaged facilities
 3. Faux Trees
 4. Any and all wireless facilities not defined as invisible or low visibility.
 5. High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.
- i. Industrial zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.
 - j. Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.
 - k. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.
 - l. Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:
[NO CHANGES]
 - m. Monopalm – a monopole camouflaged to resemble a palm tree.

Monopine – a monopole camouflaged to resemble a pine tree.

Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.
 - p. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.

Public Safety Communications facilities: Telecommunications facilities operated and maintained by public agencies that support Public Safety Communications Systems, which provide wireless communications to law enforcement, fire services, emergency medical services, and other public safety/service agencies. These facilities are considered Essential Services pursuant to Section 1335.

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- r. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.

Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.

Rural Zones – are defined as consisting of the following zones; A70, A72 and S92.

- s. Service Area – The area served by a single telecommunications facility.

Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.

Special Purpose Zones - are defined as consisting of the following zones: S82, S86 and S94.

Small Wireless Facilities – are facilities where each antenna shall be no more than three cubic feet in volume. The wireless equipment and any pre-existing associated equipment on the structure must be no more than 28 cubic feet in volume. Small wireless facilities shall be mounted on new or existing structures in the public right-of-way. Small wireless facilities are also permitted on private property when attached to existing public utility poles or existing permitted telecommunication facilities. Small cell facilities on private property not attached to public utility poles must comply with discretionary permit application requirements.

- t. Telecommunications – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Tower - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

Tower – See Telecommunications Tower

- w. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

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Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility.

This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities, nor to Public Safety Communications facilities.

6984.A NON-DISCRETIONARY PERMIT REQUIREMENTS

Small cell wireless facilities located within the public right-of-way or on private property and attached to existing utility poles shall be processed as non-discretionary permits. Plans submitted for non-discretionary review shall comply with the following requirements:

- a. A detailed site plan with sufficient detail to determine compliance with the requirements set forth below shall be submitted.
- b. Small cell facilities on existing poles or structures shall be designed to visually and operationally blend into the surrounding area and shall be painted the same color as the facility or structure that they are attached to.
- c. Small cell facilities on new poles or structures shall be painted an earth tone color that blends with the surrounding environment and shall not be reflective or otherwise painted to attract attention.
- d. Cabinets and other equipment shall not impair pedestrian use of sidewalks or pathways, limit ADA (Americans with Disabilities Act) accessibility nor inhibit equestrian activities on designated public or private trail systems.
- e. Small cell facility equipment and related fixed objects shall not be located within the recommended clear recovery zone alongside County roadways and shall not impede sight distance at intersections or driveways for all roadway users based on County Public Road Standards for these requirements.
- f. No net loss in required parking spaces shall occur as a result of the installation of any small cell facility.
- g. Height: A small wireless facility shall comply with the following height requirements, whichever is least restrictive:
 1. no taller than 50 feet (including their antennas),
 2. no more than 10 percent taller than other structures in the area within 100 feet,
 3. or, where the small wireless facility is affixed to an existing structure, that structure is not extended in height by more than 10 percent as a result of the deployment.

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4. A small wireless facility allowed by Section 6985.a shall not increase the height of an existing telecommunications facility.
- h. When located on private property, small cell wireless facilities shall comply with all zoning requirements.

6984.B DISCRETIONARY APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- a. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.
- b. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.
- c. Narrative.
 1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
 2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
 3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
 4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.

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5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
7. Hazardous Materials. Listing of all hazardous materials to be used onsite.
8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

6985.A NON-DISCRETIONARY APPLICATION PROCESSING

Any small cell permit application that proposes to colocate on an existing approved Tier 1, Tier 2, Tier 3, or Tier 4 facility described below shall not require any further discretionary review if it complies with the application requirements of Section 6984.A.

6985.B DISCRETIONARY APPLICATION PROCESSING

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

- a. Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:

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TIER 1 – ADMINISTRATIVE SITE PLAN

Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:

Industrial and Commercial Zones

- Invisible facilities
- Facilities on:
 - CALTRANS structures, “cobra-style” streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:
 - The antennas do not project more than 24 inches above the structure,
 - No more than a total of two antennas are located on a site
 - The equipment cabinet is no larger than 6 cubic feet.
 - The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.
- Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.
- Facilities not subject to the “B”, “D”, “H” or “J” Designators and are:
 - Hidden from public view through the use of architectural treatments (cupolas, etc.); and
 - Consistent with the existing building and community character.

Any Zone

- Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.

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TIER 2 – SITE PLAN WITH COMMUNITY REVIEW

Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH COMMUNITY REVIEW:

Commercial, Industrial and Special Purpose Zones

- Low visibility facilities.

All Zones

- Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.

TIER 3 – MINOR USE PERMIT

Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:

- All facilities other than those meeting the criteria of Tiers 1, 2, or 4.

TIER 4 – MAJOR USE PERMIT

Facilities meeting the following criteria shall be processed as a MAJOR USE PERMIT:

- Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).
- All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.

a. Exceptions

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with

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Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.

2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

b. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).
5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.
7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

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10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over
12. \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
13. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

6986 PREFERRED SITES

[NO CHANGES]

6987 DESIGN REGULATIONS

[NO CHANGES]

6988 MAINTENANCE

[NO CHANGES]

6989 ABANDONMENT OR DISCONTINUATION OF USE

[NO CHANGES]

6990 REVOCATION

[NO CHANGES]

6991 AMORTIZATION OF HIGH VISIBILITY FACILITIES IN RESIDENTIAL AND RURAL ZONES

[NO CHANGES]

Section 19. Section 6903 LOT LINE LOCATIONS is amended to read as follows:

6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

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- a. Impair any legal access or create a need for new access to any adjacent lots or parcels.
- b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.
- c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.
- d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.
- e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.
- f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.
- g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created. 1-09
- h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.
- i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.
- j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.
- k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.
- l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for

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residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.

- m. Include all or any portion of a lot that was created without a parcel map under Government Code
- n. Result is a property with split commercial and residential zoning, whereby the purpose of the Adjustment Plat is to allow commercial parking in a residential zone as allowed by Section 4011 of the Zoning Ordinance.

Section 20. Section 7400 is amended to read as follows:

DENSITY BONUS/AFFORDABLE HOUSING PERMIT PROCEDURE

7400 TITLE AND PURPOSE.

The provisions of Sections 7400 through 7449, inclusive, shall be known as Density Bonus/Affordable Housing Permit Procedures. The purpose of these provisions is to provide a review procedure for a density bonus or any associated incentive, waiver or modification of development standards as requested by an applicant pursuant to the Density Bonus/Affordable Housing Program at Zoning Ordinance Sections 6350 through 6399, except that these procedures shall not apply to the County Affordable Senior Housing Program at Section 6360 a.2.

Applications for a development that is subject to the streamlined, ministerial approval process shall be submitted in accordance with Government Code Section 65913.4.

7402 APPLICABILITY.

The Density Bonus /Affordable Housing Permit procedures shall be applied as required by the Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, or other discretionary development approval.

7405 JURISDICTION.

- a. Applications for granting or modifying an a Density Bonus/Affordable Housing Permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a Density Bonus/Affordable Housing Permit application shall be under the original jurisdiction of the Director.

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7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS/AFFORDABLE HOUSING PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
 1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
 2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
- b. Required Documents.

The applicant shall submit an application for a Density Bonus/Affordable Housing Permit in accordance with the following requirements:

1. Application. A Density Bonus/Affordable Housing Permit application shall include the following information:
 - i. A description of the requested density bonus, incentive, concession, waiver, or modification.
 - ii. Identification of the base project without the density bonus, number and location of all affordable reserved units qualifying the project for a density bonus, level of affordability of all units, and identification of the bonus units.
 - iii. In phased housing projects, for each construction phase, the Density Bonus/Affordable Housing application shall specify, at the same level of detail as the application for the residential development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all affordable reserved units, phasing of all affordable reserved units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.
 - iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility ~~given above~~ can be met.
 - v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.
 - vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.
2. Financial ~~Pre-Forma~~ Data. If the applicant requests one or more incentives under the Density Bonus/Affordable Housing Program, financial ~~pre-forma~~ data shall be

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submitted that meets the requirements of this section. ~~It shall demonstrate that the requested incentives result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.~~

The financial ~~pro-forma~~ document shall address:

- i. The actual cost reductions achieved through each incentive.
 - ii. That the actual cost reduction achieved through each incentive is needed to provide for affordable housing costs. ~~To achieve the economic feasibility that allows the developer to provide the reserved units.~~
3. An application for a Density Bonus/Affordable Housing Permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.
 4. No discretionary project application that includes an application for a Density Bonus/Affordable Housing Permit shall be deemed complete unless a Density Bonus/Affordable Housing application is submitted, including financial ~~pro-forma~~ data if required, that conforms to the requirements of this section.
 5. Upon submittal, the Director shall determine if the Density Bonus/Affordable Housing Permit application is complete and conforms to the provisions of this section.
- c. Application Form, Filing and Fee.
1. An application for the granting or modifying of a Density Bonus/Affordable Housing Permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.
 2. The cost of reviewing any required financial ~~pro-forma~~ data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial ~~pro-forma~~ data, shall be borne by the applicant.
 3. The granting of a Density Bonus/Affordable Housing Permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, development permit, development permit, zoning amendment, or other discretionary approval.

7420 FINDINGS RELATED TO INCENTIVES AND DEVELOPMENT STANDARDS.

- a. Incentives. A requested incentive shall be approved unless the approval authority makes a written finding to deny the incentive, based upon substantial evidence, of at least one of the following:

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1. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents, as defined in Health and Safety Code Section 50053, for the reserved units.
 2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment 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 and moderate income households.
 3. The incentive requested in the application would be contrary to state or federal law.
 4. The applicant has failed to submit required information or does not qualify for the requested incentive.
 5. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.
- b. Waivers or Reductions of Development Standards. A proposal by the permit applicant to waive or reduce development standards that have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program shall be approved unless the approval authority makes a written finding to deny the waiver or reduction, based upon substantial evidence, of one of the following:
1. The development standard does not have the effect of physically precluding construction at the densities or with the incentives permitted by the Density Bonus/Affordable Housing Program.
 2. The waiver or reduction of the development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 3. The waiver or reduction of the development standard would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
 4. The waiver or reduction of the development standard would be contrary to state or federal law.
 5. The applicant has failed to submit required information or does not qualify for the requested waiver or reduction of development standards.
 6. Within the Coastal Zone, the incentive would be inconsistent with the resource protection standards of the Local Coastal Program, with the exception of density.

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7430 DENSITY BONUS/AFFORDABLE HOUSING AGREEMENT.

The provisions contained within agreement Density Bonus/Affordable Housing Agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. Agreement Required. The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Development Services, agreeing to the specific terms and conditions of the Density Bonus/Affordable Housing Program and to periodic inspections of the housing by County employees. The property owner shall execute a Density Bonus/Affordable Housing Agreement prior to any of the following:
 1. A ministerial action by the County with regard to the project.
 2. A discretionary permit issued in conjunction with a Density Bonus/Affordable Housing application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus/Affordable Housing Program and with the terms of the ~~density bonus~~ application.
 3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus/Affordable Housing Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.
 4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus/Affordable Housing Program through recordation of an Affordable Housing Agreement.
- b. Execution of Agreement.
 1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.
 2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
 3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

7435 APPEAL.

- a. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Director may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.

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- b. Any decision regarding a Density Bonus/Affordable Housing application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a Density Bonus/Affordable Housing Permit shall expire two years after its issuance unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- b. If the Density Bonus/Affordable Housing Permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the density bonus permit shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- c. If prior to the expiration of a Density Bonus/Affordable Housing Permit, the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

7445 DENSITY BONUS/AFFORDABLE HOUSING PERMIT TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

Upon the approval of a Density Bonus/Affordable Housing Permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The permit shall set forth the names of all owners of the property subject to the permit. The recording of the permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the permit, of the rights and obligations created by the permit.

Attachment C
Zoning Classification of APN 183-074-04-00
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POD-17-004

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ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APN 183-074-04-00
WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE ZONING ORDINANCE UPDATE
(POD-17-004; REZ 18-008)**

The Board of Supervisors of the County of San Diego ordains as follows:

North County Metro

Section 1. The zoning classification of certain real property is hereby changed as set forth herein. All documents on file with the Clerk of the Board of Supervisors of the County of San Diego.

Lot Size and Setback Changes

APN: 183-074-04-00

Planning Area: North County Metro

General Plan designation: VR-7.3

Zoning: RR

Acreage: 0.6 acres

Lot Size: 6,000 sq. ft.

Building Type: C

Height: G

Setback: G

Animal Regulations: J

Zoning Ordinance Update No. 31 – Map 1



Legend

■ APN: 183-074-04-00

Proposed Lot Size and
Setback Changes:

APN: 183-074-04-00
Planning Area: North
County Metro
General Plan
designation: VR-7.3
Zoning: RR
Acreage: 0.6 acres
Lot Size: **6,000 sq. ft. 1
acre**
Building Type: C
Height: G
Setback: **GB**
Animal Regulations: J

Notes

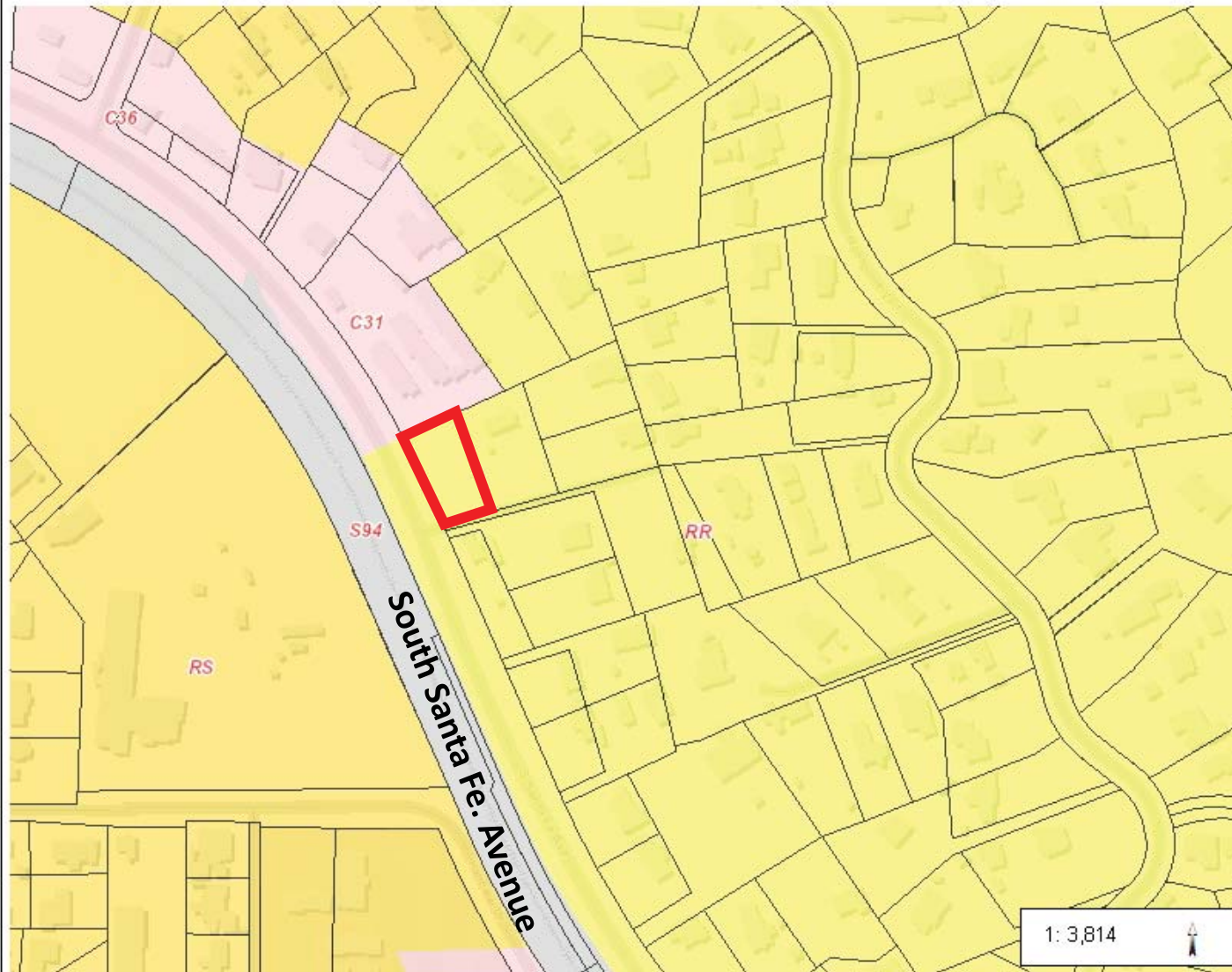
0.1 0 0.06 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
Department of Housing and Community Development

This map is a user generated static output from an Internet mapping site and
is for reference only. Data layers that appear on this map may or may not be
accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Zoning Ordinance Update No. 31 – MAP 2



Legend

■ APN: 183-074-04-00

Zoning

- Agriculture
- Commercial and Office
- Industrial
- Multi-Family Residential
- Residential Mobile Home
- Rural Residential
- Residential - Single
- Residential - Urban
- Residential - Variable
- Village Civic District
- Village
- Village
- Village
- Village
- Village
- Open Space
- Extractive Use
- Transportation and Utility
- Limited Control
- Specific Plan
- Holding Area
- General Rural
- City of San Diego/No Zone
- Indian Reservation

1: 3,814

Notes

0.1 0 0.06 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
Department of Housing and Community Development

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Attachment D
Zoning Classification of APN 183-074-04-00
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ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF APN 183-074-04-00
WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE ZONING ORDINANCE UPDATE
(POD-17-004; REZ 18-008)**

The Board of Supervisors of the County of San Diego ordains as follows:

North County Metro

Section 1. The zoning classification of certain real property is hereby changed as set forth herein. All documents on file with the Clerk of the Board of Supervisors of the County of San Diego.

Lot Size and Setback Changes

APN: 183-074-04-00

Planning Area: North County Metro

General Plan designation: VR-7.3

Zoning: RR

Acreage: 0.6 acres

Lot Size: 6,000 sq. ft. ~~4-acre~~

Building Type: C

Height: G

Setback: GB

Animal Regulations: J

**Attachment E
Administrative Code Amendment
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Information Copy**ORDINANCE NO. ____ (New Series)****AN ORDINANCE AMENDING AN ORDINANCE AMENDING ARTICLE 21A, SECTION 375 OF THE SAN DIEGO ADMINISTRATIVE CODE RELATED TO EX-PARTE COMMUNICATION****The Board of Supervisors of the County of San Diego ordains as follows:**

Section 1. The Board of Supervisors finds and determines that the San Diego County Administrative Code should be updated by amending Article 21A, Section 375 related to Ex-Parte Communication. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 375 is amended to read as follows:

SEC. 375. DEFINITIONS.

These definitions shall govern the construction and application of this Article:

(a) **Decision-making Body.** As used herein "decision-making body" shall mean the Board of Supervisors, Planning Commission and the Director of Planning and Development Services, and shall exclude County Counsel.

(b) **Clerk.** As used herein "clerk" shall mean the officially designated clerk or secretary of the decision-making body.

(c) **Hearing.** As used herein "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning and zoning and land use.

SEC. 375.10. DISCLOSURE.

A member who has received evidence outside of a hearing or has viewed the subject property after an application necessitating a hearing has been filed with the County, or is familiar with the subject property, shall fully disclose at the hearing such evidence and his or her observations and familiarity with the property so that the applicant, opponent, interested persons, and other members of the decision-making body may be aware of the facts or evidence upon which he or she is relying and have an opportunity to controvert it. All written evidence received outside of the hearing shall be filed with the Clerk-which filing shall satisfy the disclosure requirement of this section related to written evidence not relied upon by a member. If a member receives unsolicited letters or other documents less than 3 working days prior to a hearing, and the member is not relying upon those documents, then disclosure at the hearing is not required; however, those documents shall be provided to the Clerk and reported as communications received from the public in the ordinary course of business.

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SEC. 375.19. SUBMISSION OF WRITINGS TO BOARD OF SUPERVISORS.

No writings submitted by any member of the public, shall be received as evidence by the Board of Supervisors at any hearing subject to this Article unless they are filed with the Clerk no later than the close of business on the third working day before the matter to which they relate is scheduled to be heard. For good cause shown, the Board may receive as evidence writings which have not been timely filed with the Clerk. The Board may impose reasonable conditions on receiving late-filed writings, including that the hearing be continued. Lack of compliance with this section may result in denial of the writing from the administrative record and/or a failure to exhaust administrative remedies.

	Before Application Filed	Pending Application but Before Staff Report/Agenda Item Finished	Post Agenda Packet but Before Hearing (the 72 hours)
Rule 375	Not applicable	Applies	Applies depending on timing
A-72	Not applicable	Applies	Applies
GC 54957.5	Not applicable	Not Applicable	Applies

Attachment F
Administrative Code Amendment
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ORDINANCE NO. ____ (New Series)

AN ORDINANCE AMENDING AN ORDINANCE AMENDING ARTICLE 21A, SECTION 375 OF THE SAN DIEGO ADMINISTRATIVE CODE RELATED TO EX-PARTE COMMUNICATION

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Administrative Code should be updated by amending Article 21A, Section 375 related to Ex-Parte Communication. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 375 is amended to read as follows:

SEC. 375. DEFINITIONS.

These definitions shall govern the construction and application of this Article:

(a) Decision-making Body. As used herein "decision-making body" shall mean the Board of Supervisors, Planning Commission and the Director of Planning and Development Services, and shall exclude County Counsel.

(b) Clerk. As used herein "clerk" shall mean the officially designated clerk or secretary of the decision-making body.

(c) Hearing. As used herein "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning and zoning and land use.

SEC. 375.10. DISCLOSURE.

A member who has received evidence outside of a hearing or has viewed the subject property after an application necessitating a hearing has been filed with the County, or is familiar with the subject property, shall fully disclose at the hearing such evidence and his or her observations and familiarity with the property so that the applicant, opponent, interested persons, and other members of the decision-making body may be aware of the facts or evidence upon which he or she is relying and have an opportunity to controvert it. All written evidence received outside of the hearing shall be filed with the Clerk which filing shall satisfy the disclosure requirement of this section related to written evidence not relied upon by a member. If a member receives unsolicited letters or other documents less than 3 working days prior to a hearing, and the member is not relying upon those documents, then disclosure at the hearing is not required; however, those documents shall be provided to the Clerk and reported as communications received from the public in the ordinary course of business.

POD-17-004

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SEC. 375.19. SUBMISSION OF WRITINGS TO BOARD OF SUPERVISORS.

No writings of ~~more than five pages in length,~~ submitted by any member of the public, shall be received as evidence by the Board of Supervisors at any hearing subject to this Article unless they are filed with the Clerk no later than the close of business on the third working day before the matter to which they relate is scheduled to be heard. For good cause shown, the Board may receive as evidence writings which have not been timely filed with the Clerk. The Board may impose reasonable conditions on receiving late-filed writings, including that the hearing be continued. ~~Writings filed with the Clerk must comply with this provision otherwise;~~ Lack of compliance with this section may result in denial of the writing from the administrative record and/or a failure to exhaust administrative remedies.

	Before Application Filed	Pending Application but Before Staff Report/Agenda Item Finished	Post Agenda Packet but Before Hearing (the 72 hours)
Rule 375	Not applicable	Applies	Applies depending on timing
A-72	Not applicable	Applies	Applies
GC 54957.5	Not applicable	Not Applicable	Applies

Attachment G
Regulatory Code Amendment
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POD-17-004

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ORDINANCE NO. ____ (New Series)

**AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE SAN DIEGO
COUNTY CODE RELATED TO LIGHT POLLUTION**

Section 1. The Board of Supervisors finds and determines that the San Diego County Code should be updated by amending Chapter 2, Division 1, Title 5 related to Light Pollution. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 51 is amended to read as follows:

SEC. 51.201. PURPOSE.

The purpose of this chapter is to minimize light pollution to allow citizens of the County to view and enjoy the night environment in rural mountain areas and to protect the Palomar and Mount Laguna observatories from the detrimental effect that light pollution has on astronomical research.

SEC. 51.202. GENERAL REQUIREMENTS FOR OUTDOOR LIGHTING FIXTURES.

- a) All artificial outdoor luminaires installed or reinstalled after January 1, 1985 shall comply with this chapter.
- b) All artificial outdoor luminaires shall comply with the County Building and Electrical Codes and the Zoning Ordinance.

SEC. 51.203. DEFINITIONS.

The following definitions shall apply to this chapter:

- a) "Outdoor luminaire" means an outdoor illuminating device, outdoor fixture, lamp and other similar device, whether permanently installed or portable, that produces artificial light.
- b) "Class I lighting" means outdoor lighting for an outdoor sales or eating area, vehicle fueling area, assembly or repair area, billboard or other sign, recreational facility or other similar application, where color rendition is important for commercial or safety purposes.
- c) "Class II lighting" means outdoor lighting for commercial, industrial and residential walkways, roadways and parking lots, equipment yards, outdoor security and residential entrance lighting .
- d) "Class III lighting" means outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting and landscape lighting.

POD-17-004

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- e) "Building official" means the Director of Planning and Development Services and any person appointed or hired by the Director to administer and enforce this chapter.
- f) "Residential entrance light" means an exterior lighting fixture mounted on a building required by the California Electrical Code or California Building Code to illuminate an outdoor entrance or exit with grade level access.
- g) "Zone A" means the area within a 15 mile radius of the center of the Palomar Observatory and the area within a 15 mile radius of the center of Mount Laguna Observatory, and the Julian Community Planning Area due to its small rural mountain character.
- h) "Zone B" means all areas within the unincorporated area of the County not included in Zone A.
- i) "Luminaire" means a complete lighting unit, including the lamp, the fixture and other parts.
- j) "Holiday decoration" means an outdoor luminaire that is used only for temporary decorative purposes, to celebrate a specific holiday.
- k) "Fully shielded" means a luminaire constructed in a manner that all light emitted by the fixture, either directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire is projected below the horizontal plane, as determined by photometric test or certified by the manufacturer. Any structural part of the luminaire providing this shielding shall be permanently affixed so that no light is able to be emitted above the horizontal plane.
- l) "Luminous tube lighting" means gas-filled glass tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- m) "On premises advertising sign" means a sign located on the premises of a facility that is open to the public, that advertises the name of the facility, the product or service the facility offers, the facility's hours of operation or some other fact related to the facility.

SECTION 51.204. REQUIREMENTS FOR LAMP SOURCE AND SHIELDING

The requirements for lamp source and shielding of light emissions for outdoor luminaires shall be as provided in the following table:

Lamp Type and Shielding Requirements Per Fixture**Class I - Color Rendition Important**

LAMP TYPE	ZONE A (15 miles & Julian Community Planning Area)	Zone B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Fully Shielded
Others 4050 Lumens & Below	Fully Shielded ¹	Fully Shielded

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Class II - Parking Lots, Security, Etc.

LAMP TYPE	ZONE A (15 miles & Julian Community Planning Area)	Zone B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited, except fully shielded HPS is allowed for private roadways
Others 4050 Lumens & Below	(a) Fully Shielded Fixture with motion sensor, or (b) Unshielded Luminaire, 2000 lumens maximum with motion sensor or (c) Residential Entrance Light, 2000 lumens maximum	(a) Fully Shielded Fixture, or (b) Unshielded Luminaire, 2000 lumens maximum with motion sensor or (c) Residential Entrance Light, 2000 lumens maximum

Class III – Decorative

LAMP TYPE	ZONE A (15 miles & Julian Community Planning Area)	Zone B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Prohibited except if less than 2000 lumens per fixture
Luminous Tube	Prohibited	Fully Shielded

¹Lighting for On-Premises Advertising Displays, as defined under Section 5490 of the Business and Professions Code, shall be shielded where feasible and focused to minimize spill light into the night sky or adjacent properties.

Attachment H
Regulatory Code Amendment
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POD-17-004

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DRAFT February 27, 2019
Information Copy

ORDINANCE NO. ____ (New Series)

AN ORDINANCE AMENDING TITLE 5, DIVISION 1, CHAPTER 2 OF THE SAN DIEGO COUNTY CODE RELATED TO LIGHT POLLUTION

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Code should be updated by amending Chapter 2, Division 1, Title 5 related to Light Pollution. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 51 is amended to read as follows:

SEC. 51.201. PURPOSE.

The purpose of this chapter is to minimize light pollution to allow citizens of the County to view and enjoy the night environment in rural mountain areas and to protect the Palomar and Mount Laguna observatories from the detrimental effect that light pollution has on astronomical research.

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SEC. 51.203. DEFINITIONS.

The following definitions shall apply to this chapter:

- a) "Outdoor luminaire" means an outdoor illuminating device, outdoor fixture, lamp and other similar device, whether permanently installed or portable, that produces artificial light.
- b) "Class I lighting" means outdoor lighting for an outdoor sales or eating area, vehicle fueling area, assembly or repair area, billboard or other sign, recreational facility or other similar application, where color rendition is important for commercial or safety purposes.
- c) "Class II lighting" means outdoor lighting for commercial, industrial and residential walkways, roadways and parking lots, equipment yards, outdoor security and residential entrance lighting .
- d) "Class III lighting" means outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting and landscape lighting.

POD-17-004

(Underline indicates addition)
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DRAFT February 27, 2019
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- e) "Building official" means the Director of Planning and Development Services and any person appointed or hired by the Director to administer and enforce this chapter.
- f) "Residential entrance light" means an exterior lighting fixture mounted on a building required by the California Electrical Code or California Building Code to illuminate an outdoor entrance or exit with grade level access.
- g) "Zone A" means the area within a 15 mile radius of the center of the Palomar Observatory and the area within a 15 mile radius of the center of Mount Laguna Observatory, and the Julian Community Planning Area due to its small rural mountain character.
- h) "Zone B" means all areas within the unincorporated area of the County not included in Zone A.
- i) "Luminaire" means a complete lighting unit, including the lamp, the fixture and other parts.
- j) "Holiday decoration" means an outdoor luminaire that is used only for temporary decorative purposes, to celebrate a specific holiday.
- k) "Fully shielded" means a luminaire constructed in a manner that all light emitted by the fixture, either directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire is projected below the horizontal plane, as determined by photometric test or certified by the manufacturer. Any structural part of the luminaire providing this shielding shall be permanently affixed so that no light is able to be emitted above the horizontal plane.
- l) "Luminous tube lighting" means gas-filled glass tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- m) "On premises advertising sign" means a sign located on the premises of a facility that is open to the public, that advertises the name of the facility, the product or service the facility offers, the facility's hours of operation or some other fact related to the facility.

SECTION 51.204. REQUIREMENTS FOR LAMP SOURCE AND SHIELDING

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Lamp Type and Shielding Requirements Per Fixture

Class I - Color Rendition Important

LAMP TYPE	ZONE A (15 miles <u>& Julian Community Planning Area</u>)	Zone B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Fully Shielded
Others 4050 Lumens & Below	Fully Shielded ¹	Fully Shielded

POD-17-004

(Underline indicates addition)
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Class II - Parking Lots, Security, Etc.

LAMP TYPE	ZONE A (15 miles <u>& Julian</u> <u>Community Planning Area</u>)	Zone B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited, except fully shielded HPS is allowed for private roadways
Others 4050 Lumens & Below	(a) Fully Shielded Fixture with motion sensor, or (b) Unshielded Luminaire, 2000 lumens maximum with motion sensor or (c) Residential Entrance Light, 2000 lumens maximum	(a) Fully Shielded Fixture, or (b) Unshielded Luminaire, 2000 lumens maximum with motion sensor or (c) Residential Entrance Light, 2000 lumens maximum

Class III – Decorative

LAMP TYPE	ZONE A (15 miles <u>& Julian</u> <u>Community Planning Area</u>)	Zone B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Prohibited except if less than 2000 lumens per fixture
Luminous Tube	Prohibited	Fully Shielded

¹Lighting for On-Premises Advertising Displays, as defined under Section 5490 of the Business and Professions Code, shall be shielded where feasible and focused to minimize spill light into the night sky or adjacent properties.

Attachment I
Environmental Documentation



County of San Diego

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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

January 5, 2019

AN ADDENDUM TO THE PREVIOUSLY CERTIFIED PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SAN DIEGO GENERAL PLAN UPDATE (SCH 2002111067)

FOR PURPOSES OF CONSIDERATION OF A ZONING ORDINANCE CLEAN-UP PDS2017-POD-17-004, REZ 18-008

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred.

CEQA Guidelines Section 15164 applies to the Zoning Ordinance Clean-Up. There are some changes and additions which need to be included in an Addendum to the previously certified Program EIR for the County of San Diego General Plan Update in accordance with CEQA Guidelines Section 15164. These modifications would not involve a substantial increase in the severity of previously identified significant effects identified in the Program EIR for the County of San Diego General Plan Update and would not create new potentially significant impacts that would require new mitigation. The Final Program EIR for the County of San Diego Zoning Ordinance Update is hereby amended by this Addendum and the Environmental Checklist as described below.

Background

Sections 7501 and 7503.e of the Zoning Ordinance authorize the Director of PDS to initiate requests to amend the Zoning Ordinance as necessary to implement and ensure consistency with the General Plan. In conformance with State law and the General Plan Implementation Plan, PDS periodically packages a series of proposed Zoning Ordinance amendments for consideration by the Board. This project constitutes the 31st Zoning Ordinance update package since the Ordinance was originally adopted in 1978.

Staff maintains an ongoing list throughout the year of potential ordinance and code changes that are either suggested by County staff, customers, or community members who regularly utilize these documents. In support of PDS's efforts toward continuous improvement, it is important for the Zoning Ordinance and County Code to be revised on a regular basis. The revisions are intended to improve the clarity of regulations, to streamline regulations or correct errors that

create difficulties for customers and staff, and to add definitions or regulations that address new uses or business practices. The amendments included as part of these periodic updates are intended to be minor in nature. More substantial amendments which could result in more significant impacts or generate a significant amount of public concerns and comments are typically processed as separate projects.

When determining which changes to bring forward as part of the package of proposed ordinance and code amendments, staff researches each request by consulting customers, members of various industry groups and knowledgeable staff, including threading potential issues with other County departments such as Agriculture, Weights and Measures, General Services and the Sheriff Department. Staff also researches similar regulations in other jurisdictions to identify best practices and potential issues. Finally, staff closely considers all comments received during the public review period.

A Program EIR for the County's General Plan Update, Environmental Review Number 02-ZA-00, State Clearing House Number 2002111067, was certified by the Board of Supervisors on August 3, 2011. The certified Program EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural And Paleontological Resources; 6) Geology And Soils; 7) Hazards and Hazardous Materials; 8) Hydrology and Water Quality; 9) Land Use and Planning; 10) Mineral Resources; 11) Noise; 12) Population and Housing; 13) Public Services; 14) Recreation; 15) Transportation and Traffic; 16) Utilities and Service Systems, and 17) Climate Change.

Of these seventeen environmental subject areas, it was determined that only Geology/Soils and Population/Housing would not involve potentially significant impacts. The remaining environmental issues evaluated included impacts that would be significant and unavoidable with the exception of the following four subject areas in which all impacts would be mitigated below a level of significance: Cultural and Paleontological Resources, Land Use and Planning, Recreation, and Climate Change. For those areas in which environmental impacts will remain significant and unavoidable, even with the implementation of mitigation measures, overriding considerations exist which make the impacts acceptable.

Project Changes

Similar to the General Plan Update, the proposed Zoning Ordinance Clean-Up includes changes that encompass the entire unincorporated County of San Diego. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The Zoning Ordinance Clean-Up also addresses language related to updated or new state legislation. The proposed update to the Zoning Ordinance includes provisions related to Definitions, Animal Regulations, Development Regulations, and General Regulations. Table 1 and Table 2 below provide descriptions of the proposed Zoning Ordinance and County Code changes and the purpose for each change.

Table 1: Zoning Ordinance Amendments Summary

Zoning Change Number	Section / Title	Purpose
1	1006 - Applicability of the Zoning Ordinance	Add language to allow the development, use, or improvement of County libraries, sheriff stations, fire stations, and State-owned public lands to be exempt from the Zoning Ordinance.
2a	1100 - Definitions	Expand the definition of Public Passive Park/ Recreation Area to include natural areas, ecological areas, landscaping, walkways, paths, trail staging areas, trails, interpretive features, benches, picnic tables, children's play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, and other park facilities/uses with activity levels consistent with the above listed uses to confirm the types of facilities and improvements that are permitted within a Public Passive Park/Recreation Area.
2b	1100 - Definitions	Revise the definition of Trailer Coach to remove mobilehome reference to eliminate confusion and clearly distinguish between a trailer coach and a mobilehome which are defined separately in the Zoning Ordinance. A trailer coach is any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, and travel trailer.
3	1265 – Group Residential	Group Residential (Group Quarter) use type refers to the residential occupancy by persons who do not live together as a single household but have a common kitchen facility. Revise Group Residential use type to allow units to have a separate kitchens if restricted to occupancy by seniors.
4	3125 – Racing Pigeons	Extend adopted animal enclosure setback requirements, and performance standard provisions such as for noise, particulate matter, and odors to the keeping of racing pigeons to ensure consistency with adopted regulations and to provide greater administrative authority to pursue code compliance cases.
5	4010 – Specific Plans	Revise to clarify that all adopted and not expired Specific Plan regulations shall have priority over the Zoning Ordinance regulations for properties covered by a Specific Plan Zoning Designation.
6	4011 & 6903 – Legal Lots with Split Zoning	Add parking provisions for commercial and residential split-zoned properties to allow parking for commercial use on the residentially zoned portion of the property.
7	4115 – Computation of Permitted Number of	Revise to clarify that if a single lot has a fraction of a dwelling unit (0.5 and higher) then it can be rounded up to the nearest whole number, and add a building type exemption to allow for construction of duplexes/triplexes when a property conforms with the underlying density.

Zoning Change Number	Section / Title	Purpose
	Dwelling Units (Residential Rounding)	
8	4315 – Exemptions for Building Type Schedules	Update exemptions to allow all types of residential buildings in Village areas, including condominiums and apartments that are now not allowed by the Zoning Ordinance, but are allowed by the General Plan to enable projects be processed without a rezone.
9	6118 – Health Care Trailers	Revise to clarify intent of health care trailer ordinance, add specificity to permit requirements and health care trailer approval requirements, and allow for second opinions for medical compliance to ensure health care trailers are temporary and for the provision of health services for mentally or physically impaired persons.
10a	6156 – Accessory Dwelling Unit (ADU) Regulation	Revise “second dwelling unit” regulations related to ministerial permit processing, total floor area, setbacks, parking requirements, and separate sale or ownership to be consistent with new “accessory dwelling unit” State law (SB 1069, AB2299, AB2406, SB 229, and AB 494) requirements. The update will also add provisions that require owner occupancy of one of the dwelling, and prohibit renting of ADUs for less than 30 days.
10b	6156 – Junior ADU Regulations	Add a new junior accessory dwelling unit (JADU) section consistent with new accessory dwelling unit State law (AB 2406). A JADU means a unit that is no more than 500 square feet in size that is contained entirely within an existing single family dwelling.
10c	6156 – Residential and Agricultural Uses (Guest Living Quarters)	Revise guest living quarters regulations to clarify that ADUs or Junior ADUs are not allowed on a lot or parcel with a guest living quarter to be consistent with zoning ordinance update changes for item 10a and 10b. Guest living quarters are living quarters attached to a primary dwelling unit without interior access or within a detached accessory building, which are for the sole use of persons employed on the premises or for temporary use by guests.
10d	6156 – Residential and Agricultural Uses (Ministerial Permits)	Revise administrative permit requirements for guest living quarters and additional height/story requirements to allow for ministerial processing or “by-right” approvals.
11	6157 – Farm Employee Housing	Remove administrative permit requirements for farm employee housing of up to four units to comply with the California Employee Housing Act which does not allow jurisdictions to require discretionary permits.

Zoning Change Number	Section / Title	Purpose												
12	6350, 6360 & 7400 – Density Bonus	<p>Revise density bonus regulations to be consistent with new State density bonus law (AB 2501, AB 2556, AB 2442, and AB 1934) requirements related to eligible and ineligible projects, continued affordability, senior housing, replacement units, land donations, types of incentives available, and reduced parking standards. In addition, increase the maximum number of incentives available to projects by one for each category as shown in the example below in exchange for providing housing for very low, low, and moderate income persons, families, or seniors.</p> <table><tr><th>Income Category of Reserved Units</th><th colspan="3">% of Reserved Units</th></tr><tr><td>Very Low Income</td><td>5%</td><td>10%</td><td>15%</td></tr><tr><td>Maximum Number of Incentives</td><td>From 1 to 2</td><td>From 2 to 3</td><td>From 3 to 4</td></tr></table>	Income Category of Reserved Units	% of Reserved Units			Very Low Income	5%	10%	15%	Maximum Number of Incentives	From 1 to 2	From 2 to 3	From 3 to 4
Income Category of Reserved Units	% of Reserved Units													
Very Low Income	5%	10%	15%											
Maximum Number of Incentives	From 1 to 2	From 2 to 3	From 3 to 4											
13	6787 – Location of Parking	Revise to correct spelling error of “site” distance to “sight” distance to eliminate confusion.												
14	6910 – Wholesale Limited, Boutique and Small Wineries	The current Zoning Ordinance requires Alcohol and Tobacco Tax and Trade Bureau (Bureau) for all wineries. Revise to specify that Bureau bonds are only required as mandated by the Bureau for certain wineries. Additionally, update emergency response standard requirements for wholesale, boutique, and small wineries to clarify that wineries shall demonstrate compliance with the adopted standards of the applicable fire district.												
15	6980 - Federal Communications Commission (FCC) Small Wireless Facilities	Update regulations to establish process, regulations, design guidelines, and fees for small scale wireless facilities to comply with the September 26, 2018 FCC Small Scale Wireless Report and Order (FCC 18-136). The FCC ruling took effect January 14, 2019 and requires all jurisdictions to adopt compliant regulations and limits what jurisdictions can charge Small Facilities.												
16	N/A	APN: 183-074-04-00 – Update inconsistent zoning on a specific property to change minimum lot size from one acre to 6,000 sq. ft. and change the setback designator to be consistent with the surrounding zoning district.												

Table 2: County Code Amendments Summary

Code Change Number	Section / Title	Purpose
1	Light Pollution (Title 5, Chapter 2, Section 51.210), County Regulatory Code	Revise the definition of Zone A to include Julian as a Dark Sky Community as requested by the Julian Community Planning Group.
2	Ex Parte Communications (Section 375), County Administrative Code	Revise to address filing requirements by members and language related to the submission of writing to the Board of Supervisors to clarify ex parte communications and submittals requirements for hearings in planning and zoning matters.

In accordance with California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, Article 20, Section 15378(b)(5), revisions to Section 375 (Ex-Parte Communications) of the San Diego County Administrative Code is not a project as defined under the California Environmental Quality Act (CEQA) because it is an administrative action that does not affect the environment. This ordinance change is not subject to CEQA and is not included in the Addendum to the General Plan EIR.

The proposed project would not result in any new significant environmental impacts or substantially worsen or increase the severity of impacts already identified in General Plan Update EIR, based on the analysis provided in this Environmental Review Update Checklist. There are no substantial changes with respect to the circumstances under which the proposed project is undertaken that require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified that show significant effects or more severe effects than those analyzed in the Final EIR.

Finding

The Final Program EIR for the County of San Diego General Plan Update, as amended by this Addendum and the Environmental Review Checklist, may be used to fulfill the environmental review requirements of the Zoning Ordinance Clean-Up. Because the changes to the Zoning Ordinance meet the conditions for the application of CEQA Guidelines Section 15164, a preparation of a subsequent or supplemental EIR is not required.



County of San Diego

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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

January 5, 2019

ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM FOR PROJECTS WITH PREVIOUSLY APPROVED ENVIRONMENTAL DOCUMENTS

FOR PURPOSES OF CONSIDERATION OF A ZONING ORDINANCE CLEAN-UP PDS2017-POD-17-004, REZ 18-008

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the Zoning Ordinance Clean-Up.

1. Background on the previously certified EIR:

A Program Final EIR for the County's General Plan Update, Environmental Review Number 02-ZA-001, State Clearing House Number 2002111067, was certified by the Board of Supervisors on August 3, 2011. The certified Program Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural and Paleontological Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Public Services; Recreation; Transportation and Traffic; Utilities and Service Systems, and Climate Change.

Of these environmental subject areas, it was determined that only Geology/Soils and Population/Housing would not involve potentially significant impacts. The certified Final Program EIR found that the project would cause significant effects which could be mitigated to a level below significance for the following areas: Cultural and Paleontological Resources, Land Use and Planning, Recreation, and Global Climate Change. Effects to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Public Services, Transportation and Traffic, and Utilities and Service Systems remained significant and unavoidable. A Statement of Overriding Considerations was made in approving the General Plan Update. The previously certified Program Final EIR is available at <http://www.sandiegocounty.gov/pds/gpupdate/environmental.html>

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

- a. Contact: Tara Lieberman, Environmental/Land Use Planner
- b. Phone number: (858) 495-5466
- c. E-mail: Tara.Lieberman@sdcounty.ca.gov

3. Project applicant's name and address:

Tara Lieberman
County of San Diego
Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

4. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES

☒

NO

☐

The project proposes updates to the San Diego County Zoning Ordinance and San Diego County Code of Regulatory Ordinances to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development, nor does it propose any new primary uses. The proposed update includes provisions related to Definitions, Animal Regulations, Development Regulations, and General Regulations.

The proposed amendments and additions to the San Diego County Zoning Ordinance consist of updates to the following sections:

Definitions:

Trailer Coach (Section 1100):

The Zoning Ordinance update would update the definition of Trailer Coach to remove 'mobilehome' from its description to distinguish between trailer coach and mobilehome definitions.

Public Passive Park/Recreational Area (Section 1100):

The Zoning Ordinance update would change the definition of Public Passive Park/Recreational Area to allow for additional Department of Parks and Recreation facilities, such as natural areas, ecological areas, landscaping, walkways paths, trail staging areas, trails, interpretive features, benches for seating, scattered picnic tables, children's play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, other park facilities/uses with activity levels consistent with the above listed uses.

Group Residential (Section 1265):

The Zoning Ordinance update would change the definition of Group Residential to specify that living units that have an independent kitchen are not to be counted as a dwelling unit for the purpose of computing the number of permitted dwelling units. Additionally, living units restricted by a grant deed for seniors may include a separate kitchen and shall not be counted as a dwelling unit in calculating density pursuant to Section 4115. Moreover, if, in addition to the common kitchen facility, any living unit includes a separate kitchen, that living unit shall be counted as a dwelling unit in calculating density pursuant to Section 4115, unless the Group Residential use is restricted to occupancy by seniors through a mechanism approved by the Director of Planning & Development Services.

Animal Regulations:

Racing Pigeons (Section 3125):

The Zoning Ordinance update would include provisions to require keepers of racing pigeons to comply with Section 3112 and Section 6300, which include regulations for odors, particulate matter, noise, and ensuring animal enclosures are within the minimum setbacks.

Development Regulations:

Legal Lots with Split Zoning (Section 4011):

In cases of split zoning that includes residential and commercial zones, the text update would allow parking for the commercial portion of the property to be provided within the residential portion of the property. The text would also include that the provision of

commercial parking within the residential portion of the property would be subject to a Zoning Verification Permit and landscaping should be used to the maximum extent practical to screen unsightly parking areas from neighboring residential.

Computation of Permitted Number of Dwelling Units (Section 4115):

The maximum number of dwelling units allowed within any single lot shall be based upon rounding up to the nearest whole number of dwelling units if the calculated number of units has a fraction of more than one half of a dwelling unit allowed by the General Plan. The update would also add exemptions to the building type schedule for residential projects subject to General Plan Village Land Use Designation (except in RR, S92, S90, A70 and A72) by allowing the development of duplexes and triplexes and residential rounding for such building types.

Exemptions from Building Type Schedule (Section 4315):

The Zoning Ordinance update would add exemptions to the building type schedule for residential projects subject to General Plan Village Land Use Designation (except in RR, S92, S90, A70 and A72, and for residential rounding for duplexes and triplexes.

Inconsistent Zoning on Specific Property:

The County Code update would update the lot size for a parcel in the North County Metro Planning Area to be consistent with adjacent properties. The change includes reducing the one-acre minimum lot size to a 6,000 square-foot minimum lot size with a setback category of 'G.'

General Regulations:

Applicability of the Zoning Ordinance (Section 1006):

The Zoning Ordinance update would allow libraries, state-owned properties, County Parks (including public active or passive parks), or other County facilities such as Fire Stations or Sheriff Stations to be exempt from the Zoning Ordinance as it relates to the development, use, or improvements of new or existing properties.

Temporary Healthcare Trailers (Section 6118.b.3):

The Zoning Ordinance update would clarify intent of healthcare trailers, add specificity to permit requirements and healthcare trailer approval requirements, add provisions of healthcare trailers to meet main building setbacks and not be visible from abutting streets. The update would also add specificity to ensure healthcare trailers are temporary and for the provision of health services for mentally or physically impaired persons.

Additionally, the new text would add the requirement of notifying surrounding property owners within 300 feet prior to the approval of a healthcare trailer permit.

Accessory Dwelling Units (Section 6156):

The Zoning Ordinance update would change the current Accessory Dwelling Unit (ADU) regulation to be consistent with state law. The new text would provide a definition for and the types of ADUs that would be allowed within the County's unincorporated areas. The new text would also require the ADU to comply with Building and Safety Codes as well as other applicable Zoning Ordinances, including setback requirements. Additionally, the update would include provisions for determining that ADUs cannot be used for short-term rent (less than 30 days) and are not intended to be sold separately from the main unit.

The update would change the current ADU parking requirements to one parking space per unit. Additionally, the update would allow the provision of tandem parking, including on existing driveways but must comply with the required front yard and/or exterior side yard setback(s).

Junior Accessory Dwelling Units (Section 6156):

The Zoning Ordinance update would adopt new Junior Accessory Dwelling Unit (JADU) regulations, which would provide greater flexibility and a lower cost housing option. New regulations would allow only one ADU or JADU per residential lot, a JADU cannot exceed 500 square feet, and a JADU must be created within the existing walls of an existing primary dwelling and must contain a separate exterior entry.

Additionally, the regulations would include the requirement of owner occupancy of either of the primary residence or JADU, the owner must record a deed restriction stating that JADU cannot be sold separately, and restricting JADU to size limitations. Furthermore, a JADU must include an efficiency kitchen, may share a bath with primary residence, and additional parking, water, sewer, and power connection fees are prohibited.

Residential and Agricultural Uses (Guest Living Quarters) (Section 6156):

The Zoning Ordinance update would clarify that ADUs and JADUs are not allowed on the same lot as Guest Living Quarters.

Residential and Agricultural Uses (Ministerial Permits) (Section 6156):

The Zoning Ordinance update would allow for ministerial approval of guest living quarters, and additional height/story.

Farm Employee Housing (Section 6157.f):

The Zoning Ordinance update would remove Administrative Permit requirements for Farm Employee Housing of up to four units and comply with the California Employee Housing Act (EHA), which does not allow the County to require discretionary permits for farmworker housing.

Density Bonus Program (Sections 6350 and 6360):

The update will revise density bonus regulations to be consistent with new state density bonus law (AB 2501, AB 2556, AB 2442, and AB 1934) requirements related to eligible and ineligible projects, continued affordability, senior housing, replacement units, land donations, types of incentives available, and reduced parking standards. In addition, the update will increase the maximum number of incentives available to projects.

Location of Parking (Section 6787):

The Zoning Ordinance update would correct the spelling error to read “sight,” instead of “site,” for access to the site.

Wholesale Limited, Boutique and Small Wineries (Section 6910):

The Zoning Ordinance update would update provisions related to Alcohol and Tobacco tax and Trade Bureau bonds to require bonds if required by the Bureau. The update also proposes to require that any Wholesale Limited Winery, Boutique Winery, and Small Winery comply with all adopted standards of the applicable fire services provider.

Wireless Telecommunications Facilities (Section 6980):

The Zoning Ordinance update would include new Federal Communications Commission (FCC) Small Cell Wireless Regulations that establish process, regulations, and design guidelines for small scale wireless facilities.

The proposed revisions to the San Diego County Code of Regulatory Ordinances consist of updates to the following section:

Light Pollution (Title 5, Chapter 2, Section 51.210):

The County Code update would update the definition of Zone A to include Julian Community Plan area due to the small rural mountain character and protect observatories from light pollution.

Ex Parte Communications (Section 375):

In accordance with California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, Article 20, Section 15378(b)(5), revisions to Section 375 (Ex-Parte Communications) of the San Diego County Administrative Code is not a project as defined under the California Environmental Quality Act (CEQA) because it is an administrative action that does not affect the environment. This ordinance change is not subject to CEQA and is not included in the Addendum to the General Plan EIR.

5. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☒ NONE

☐ Aesthetics

☐ Agriculture and Forest Resources

☐ Air Quality

☐ Biological Resources

☐ Cultural Resources

☐ Geology & Soils

☐ Greenhouse Gas Emissions

☐ Hazards & Haz Materials

☐ Hydrology & Water Quality

☐ Land Use & Planning

☐ Mineral Resources

☐ Noise

☐ Population & Housing

☐ Public Services

☐ Recreation

☐ Transportation/Traffic

☐ Utilities & Service Systems

☐ Mandatory Findings of Significance

☐ Tribal Cultural Resources

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM without modification.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

January 5, 2019

Signature

Date

Tara Lieberman

Printed Name

**Environmental/Land Use
Planner**

Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

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NO

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Scenic Vistas:

The General Plan Program Final EIR identified impacts to scenic vistas, scenic resources, visual character or quality, and light and glare as potentially significant. Impacts to scenic vistas and resources were less than significant with mitigation; however, impacts to visual quality/character and light or glare were significant and unavoidable.

The viewshed and visible components of the landscape within that viewshed, including the underlying landform and overlaying land cover, establish the visual environment for the scenic vista. The project does not propose any development, nor does it propose any new primary uses. The uses regulated pursuant to these amendments may be located near or within the viewshed of a scenic vista. Some future uses regulated pursuant to these Zoning Ordinance and County Code Amendments could be operated out of existing buildings on developed sites, which would not have a substantial adverse effect on the viewshed of a scenic vista.

The uses regulated pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Therefore, the proposed project will not have a substantial adverse effect on a scenic vista.

Since the project does not propose any development and implementation of the project will not result in significant adverse effects on a scenic vista, it will also not contribute to a cumulatively considerable effect on a scenic vista.

Scenic Resources:

The project does not propose any development, nor does it propose any new primary uses. Some future uses allowed pursuant to these Zoning Ordinance and County Code Amendments

could be operated out of existing buildings on developed sites, which would not have a substantial adverse effect on scenic resources within a State scenic highway. Some uses allowed pursuant to these amendments may be located near or within the composite viewshed of a State scenic highway. The uses regulated pursuant to these amendments will not have a substantial adverse effect on a scenic resource within a State scenic highway because these uses will comply with policies to protect local and state scenic corridors, such as General Plan Policy COS-11.1. Additionally, the types, sizes and locations of structures (and uses) that are regulated under these amendments are characterized as secondary uses and are further regulated under the proposed amendments.

In addition, the uses allowed pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Therefore, the proposed project will not have any substantial adverse effect on a scenic resource within a State scenic highway.

Since the project does not propose any development and implementation of the project will not result in significant adverse effects on a scenic resource, it will also not contribute to a cumulatively considerable effect on a scenic resource within a State scenic highway.

Existing Visual Character:

Some future uses allowed pursuant to these Zoning Ordinance and County Code Amendments could be operated out of existing buildings on developed sites, which would not have a substantial adverse effect on the existing visual character or quality of a site and its surroundings. Some uses allowed pursuant to these amendments may be visible from the surrounding areas, however this would not have a substantial adverse effect on the existing visual character or quality of a site and its surroundings because future uses allowed pursuant to these amendments would be required to be consistent with policies in the Conservation and Open Space Element of the County General Plan and with all applicable community plan policies.

The uses allowed pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Therefore, the proposed project will not substantially degrade the existing visual character or quality of a site and its surroundings.

Since the project does not propose any development and implementation of the project will not substantially degrade the existing visual character or quality of a site or its surroundings, it will also not contribute to a cumulatively considerable effect on visual impacts.

Day or Nighttime Views:

The project does not propose: any development; making revisions to the Zoning Ordinance or County Code that would lead to the use of outdoor lighting or building materials; and the use of outdoor lighting or building materials with highly reflective properties such as highly reflective glass or high-gloss surface colors. Therefore, the project will not create any new sources of light pollution that could contribute to skyglow, light trespass or glare and adversely affect day or nighttime views in an area.

Title 5, Chapter 2, Section 51.210: Light Pollution

The proposed update to Title 5, Chapter 2 of the San Diego County Regulatory Code will revise the definition of Zone A to include the community planning area of Julian. This revision will require Julian to comply with the lighting standards for dark sky communities. As such, while the update does not propose any development or the use of outdoor lighting or building materials with highly reflective properties, such as highly reflective glass or high-gloss surface colors, subsequent development that previously did not have to comply with Zone A standards may be subject to said standards.

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

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NO

☒Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a Non-Agricultural Use:

Some future uses allowed pursuant to these Zoning Ordinance and County Code Amendments could be operated out of existing buildings on developed sites, which would not have an adverse effect on any agricultural resources. While some future uses allowed pursuant to these amendments could be located on properties containing agricultural resources, future development would be still need to be in conformance with existing zoning for agricultural uses.

The character of amendments proposed do not lessen or revise policies, regulations, or mitigations governing the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland) to non-agricultural uses. Therefore, no

potentially significant project or cumulative level conversion of agricultural resources to a non-agricultural use will occur as a result of this project.

Conflict with Existing Zoning for Agricultural Use, or Williamson Act Contract:

The amendments proposed for this project do not introduce new uses in agricultural zones or propose amendments governing agricultural lands or lands under Williamson Act Contracts. Additionally, the project does not propose to rezone any properties. Therefore, there will be no conflict with existing zoning for agricultural use, or a Williamson Act contract.

Conflict with Existing Zoning for Forest Land, Timberland, or Timberland Zoned Timberland Production:

The project will not result in changes to zoning regulations governing forest land or timberland. The County of San Diego does not have any existing Timberland Production Zones. In addition, the project does not propose rezones to any properties. Therefore, project implementation will not result in changes to zoning regulations or encourages changes in zoning governing forest land or timberland.

III. AIR QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

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NO

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Conflicts with or Obstruction of Implementation of the San Diego Regional Air Quality Strategy (RAQS) or Applicable Portions of the State Implementation Plan (SIP):

Section 4115: Computation of Permitted Number of Dwelling Units:

The proposed update to this section specifies how the number of dwelling units allowed for properties that allow for duplex or triplex construction shall be computed. The update states that the maximum number of dwelling units allowed within any single lot shall be rounded up to the nearest whole number of dwelling units if the product has a fraction of more than one half of a dwelling. While this update pertains to allowed densities, a factor that plays a role into growth projections used to analyze air quality, the update does not actually propose any change in said density. Any future increase in dwelling units resulting from this change in density calculation would be insignificant and would not obstruct implementation of existing RAQS and the SIP.

The project does not propose any development and does not propose any changes to the existing zoning or General Plan Designations on any properties, or any changes to the allowed densities anticipated in SANDAG growth projections used in development of the RAQS and SIP. As such, the project is not expected to conflict with or obstruct implementation of either the RAQS or the SIP. Therefore, the project would not violate ambient air quality standards.

Violate any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation:

In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Land Use Environment Group (LUEG) has established guidelines for determining significance which incorporate the Air Pollution Control District's (SDAPCD) established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. These screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. Since APCD does not have screening-level criteria for emissions of volatile organic compounds (VOCs), the use of the screening level for reactive organic compounds (ROC) from the South Coast Air Quality Management District (SCAQMD) for the Coachella Valley (which are more appropriate for the San Diego Air Basin) are used.

The nature of this project does not require any construction and does not generate any vehicle trips or any operational emissions associated with vehicle trips. Some future uses allowed pursuant to these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, and would conform to the existing General Plan Designations and projected Average Daily Trips (ADTs) on the site. The project does not propose any construction and/or operations that have the potential to emit any criteria air pollutants.

According to the Bay Area Air Quality Management District CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans, projects that generate less than 2,000 ADT are below the screening-level criteria established by the guidelines for criteria pollutants. As such, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Cumulatively Considerable Net Increase of any Criteria Pollutant for Which the Project Region is Non-Attainment under an Applicable Federal or State Ambient Air Quality Standard:

San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O_3). San Diego County is also presently in non-attainment for the annual geometric mean and for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM_{10}) under the CAAQS. O_3 is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM_{10} in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

The project does not propose any construction and/or operations that have the potential to emit any criteria air pollutants. No net increase in vehicular trips is anticipated as a result of the project. Construction operations would be required to comply with all applicable requirements for dust and pollution control, as such; there would be no considerable net increase in any criteria pollutant.

Since implementation of the project will not result in air pollution, the project will not contribute to a cumulatively considerable impact related to exposure of sensitive receptors to substantial pollutant concentrations.

Exposure of Sensitive Receptors to Substantial Pollutant Concentrations:

Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development, nor does it propose any new primary uses. The project does not propose any construction and/or operations that have the potential to emit any criteria air pollutants.

Since implementation of the project will not result in air pollution, the project will not contribute to a cumulatively considerable impact related to exposure of sensitive receptors to substantial pollutant concentrations.

Creation of Objectionable Odors Affecting a Substantial Number of People:

The proposed update includes a new section pertaining to racing pigeons (Section 3125: Racing Pigeons) that would make the keeping of racing pigeon subject to the performance standards of Section 6300 of the Zoning Ordinance that, among other things, ensure that particulate matter, air contaminants and odors shall not be detected beyond the lot lines of the property wherein the racing pigeons are located. Applicants for permits may be required to submit information on environmental impacts as may be necessary to demonstrate the ability of the proposed uses to comply with applicable performance standards. This regulatory change is considered more restrictive and would lessen potential environmental impacts.

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or

regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES
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NO
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Adverse Effects on Sensitive Natural Community or Species Identified as a Candidate, Sensitive, or Special Status Species in a Local or Regional Plan, Policy, or Regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service:

The proposed project would not have an impact on any candidate, sensitive or special status species. Some future uses allowed by these Zoning Ordinance Amendments could be operated out of existing buildings on developed site, which would not have an impact on any candidate, sensitive or special status species. Any future uses conducted pursuant to these amendments in the vicinity of candidate species or their habitats would be required to comply with existing County, State and Federal regulations that ensure the protection of candidate, sensitive or special status species including the Federal Endangered Species Act. Therefore, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The project does not propose any development and would not have an impact on any riparian habitat or other sensitive natural communities. Some future uses allowed pursuant to these amendments would be operated out of existing buildings on developed sites, which would not have an adverse effect on any riparian habitat or other sensitive natural communities. Any future uses allowed pursuant to these amendments in the vicinity of riparian habitat or other sensitive natural communities would be required to comply with all existing State and Federal regulations that ensure the protection of riparian habitat or other sensitive natural communities.

Therefore, the project would not result in substantial adverse effects to any riparian habitat or sensitive natural community identified in the County of San Diego Multiple Species Conservation Program, County of San Diego Resource Protection Ordinance, Natural Community Conservation Plan, Fish and Wildlife Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

Adverse Effects to Federally Protected Wetlands as Defined By Section 404 of the Clean Water Act:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and would not have an impact on federally protected wetlands defined by Section 404 of the Clean Water Act. Some future uses allowed pursuant to these Zoning Ordinance Amendments could be operated out of existing buildings on developed

sites, which would not have a substantial adverse effect on federally protected wetlands. Any future uses allowed pursuant to these amendments within the vicinity of federal wetlands would be required to comply with all existing State and Federal regulations that ensure the protection of wetlands. There are no proposed amendments to any Zoning Ordinance or County Code provisions related to wetland habitat protection. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.

Interference with the Movement of any Native Resident or Migratory Fish or Wildlife Species or with Wildlife Corridors, or impeding the use of native Wildlife Nursery Sites:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and would not result in substantial adverse effects, either directly or through habitat modification, to corridors or native wildlife nursery sites. Some future uses allowed by these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, which would not result in substantial adverse effects, either directly or through habitat modification, to corridors or native wildlife nursery sites because these uses will be found in already developed areas with no landform modification occurring. Any future uses on land that contains native habitat, and possibly even on land that provides corridors or native wildlife nursery sites, would be required to comply with all existing County, State and Federal regulations that ensure the protection of sensitive species and breeding sites. Therefore, the project would not have a substantial adverse impact on the movement of any native resident or migratory fish or wildlife species, or established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Conflicts with the Provisions of any Adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other Approved Local, Regional or State Habitat Conservation Plan, Policies or Ordinances:

The proposed amendments would not modify any adopted HCPs or NCCPs, or other provisions related to biological resource protection. Any future uses associated with these Zoning Ordinance amendments will still be subject to applicable HCPs/NCCPs such as the Multiple Species Conservation Program or the Southern California Coastal Sage Scrub NCCP. Future uses will also be subject to any applicable regional or local policies/ordinances that protect biological resources, such as the County's General Plan Policies.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

NO



Cause a Change in the Significance of a Historical or Archaeological Resource as defined in State CEQA Guidelines Section 15064.5:

Unincorporated San Diego County contains historical sites that are designated on local, State, and national historical lists and meets the definitions of historical resources under Section 15064.5 of the State CEQA Guidelines or the County's Resource Protection Ordinance. All known historic buildings, or sites have been identified so that any permit activity relating to a property having known significant historic sites will be required to undergo additional review by an environmental specialist. All discretionary projects are subject to a rigorous cultural review with the goal of identifying significant historic sites and conditioning their preservation.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There are no proposed amendments to any sections which regulate historical resources. In addition, the project does not propose any development and, therefore, would not result in a substantial adverse change to an historical resource due to demolition, destruction, alteration, or structural relocation. This coupled with the measures in place to identify any permit-related activities associated with historic resources will prevent potential significant impacts to historical resources. Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of historical resources. However, as discussed above, implementation of the proposed project would not have the potential to result in substantial adverse changes to the significance of historical or archaeological resources. Therefore, the proposed project would not have the potential to contribute to cumulatively considerable impacts associated with historical resources.

Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature:

Future uses allowed pursuant to these Zoning Ordinance and County Code Amendments would be evaluated to determine any potential impacts to unique geologic features pursuant to the County's Guidelines for Determining Significance for Unique Geologic Resources. Given the existing conditions, nature of the project, regulatory processes, and the fact that unique geologic resources are such a rarity in San Diego County, potential impacts to unique geologic features are not anticipated. Construction and operation of cumulative projects would be subject to protections for unique geologic features established through the General Plan or other regulations. Therefore, project impacts are considered less than significant.

Impacts to paleontological resources generally occur from the physical destruction of fossil remains by excavation operations that cut into geologic formations. Trenching and tunneling activities may also result in impacts to paleontological resources. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. No development is proposed as a part of this project. Future uses pursuant to these amendments would not allow for such trenching activities without a discretionary permit subject to paleontological resource review and existing regulations within the County's Grading and Clearing Ordinance. Therefore, with the proposed project would not result in a potentially significant impact to unique paleontological resources.

Disturb any Human Remains, including those Interred Outside of Formal Cemeteries:

Archaeological materials, including human burials, have been found throughout unincorporated San Diego County. The location of most of these sites is kept confidential in order to protect these resources. Ground disturbing impacts, including grading, excavation and utilities installation during construction, would have the potential to cause adverse impacts to currently undiscovered human remains. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. No development is proposed as part of this project. Future uses pursuant to these Zoning Ordinance and County Code Amendments would not allow for such trenching activities without a discretionary permit subject to archaeological resource review and existing regulations within the County's Grading and Clearing Ordinance. Therefore, the proposed project would not result in a potentially significant impact to human remains.

Cumulative projects located in the southern California region would have the potential to result in impacts associated with human remains due to grading, excavation or other ground-disturbing activities. However, as described above, such activities are not expected to occur as a result of this project unless discretionary permits are obtained. Therefore, the project would not contribute to the cumulative disturbance of human remains.

VI. GEOLOGY AND SOILS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

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NO

☒Exposure of People Or Structures to Potential Substantial Adverse Effects, Including The Risk of Loss, Injury, or Death Involving Rupture of A Known Earthquake Fault, Seismic-Related Ground Failure, Including Liquefaction, Strong Seismic Ground Shaking, or Landslides:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and there will be no impact from the exposure of people or structures to adverse effects from a known fault-rupture hazard zone as a result of this project. Future uses allowed pursuant to these amendments may be located within a fault-rupture hazard zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42 (SP 42), Revised 1997, Fault-Rupture Hazards Zones in California or within an area with substantial evidence

of a known fault. However, any structures that will be built will be required to comply with the requirements that address seismic events through engineering requirements prior to the issuance of a building permit. Therefore, there will be no potentially significant impact from the exposure of people or structures to a known fault-rupture hazard zone as a result of this project.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and there will be no impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking. Some future uses allowed pursuant to these amendments may be located within 5 kilometers of the centerline of a known active-fault zone as defined within the Uniform Building Code's Maps of Known Active Fault Near-Source Zones in California. To ensure the structural integrity of all buildings and structures, any future projects must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved before the issuance of a building permit. Therefore, compliance with the California Building Code and the County Code ensures that any future development will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development, however some future uses allowed pursuant to these amendments may be located within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. To ensure the structural integrity of all buildings and structures, any future structures located in these areas must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved by a County Structural Engineer before the issuance of a building or grading permit. Therefore, there will be a less than significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction.

Result in Substantial Soil Erosion or the Loss of Topsoil:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. Soils throughout San Diego County are identified as having a soil erodibility rating of "slight", "moderate" and/or "severe" as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. The project does not propose any development and will not result in any soil erosion or the loss of topsoil. In addition, the development of future uses allowed pursuant to these amendments will not result in substantial soil erosion or the loss of topsoil because any project that involves grading is required to comply with San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING). Compliance with these regulations minimizes the potential for water and wind erosion. Due to these factors, the project will not result in substantial soil erosion or the loss of topsoil.

In addition, the project will not contribute to a cumulatively considerable impact because no development is proposed with this project. All the of past, present and future projects that involve grading or land disturbance are required to follow the requirements of the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING); Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); and County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). Refer to XVIII. Mandatory Findings of Significance for a comprehensive list of the projects considered.

Unstable Geological Conditions that Will Result in Adverse Impacts Resulting From Landslides, Lateral Spreading, Subsidence, Liquefaction or Collapse:

The project does not propose any development and will not potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Located on Expansive Soil Creating Substantial Risks to Life or Property:

Some future uses regulated pursuant to these amendments may be located on properties with expansive soils as defined within Table 18-I-B of the Uniform Building Code (1994). This was confirmed by staff review of the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. However, the project will not have any significant impacts because any new construction associated with future uses will be required to comply with the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Therefore, these soils will not create substantial risks to life or property.

Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems where Sewers are not available for the Disposal of Wastewater:

This project does not propose any development and does not propose any septic tanks or alternative wastewater disposal systems since no wastewater will be generated. Some future uses allowed pursuant to these amendments may rely on existing public sewer for the disposal of wastewater. In these situations, septic tanks for alternative wastewater disposal systems will not be required. Where no public sewers are available, future uses will have to discharge domestic waste to on-site wastewater systems (OSWS), also known as septic systems. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH has reviewed the OSWS lay-out for the project pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria." DEH will review and approved the OSWS layout for future projects pursuant to DEH, Land

and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria". Therefore, future projects will have to demonstrate the presence of soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems as determined by the authorized local public agency. In addition, future projects will comply with the San Diego County Code of Regulatory Ordinances, Title 6, Div. 8, Chap. 3, Septic Tanks and Seepage Pits.

VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES

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NO

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The County has prepared Guidelines for Determining Significance and Report Format and Content Requirements for addressing climate change in CEQA documents. The County has also adopted a Climate Action Plan (CAP) that includes GHG reduction measures that, if fully implemented, would achieve an emissions reduction target that is consistent with the state-mandated reduction target embodied in AB 32. A set of project-specific implementing thresholds are included in the Guidelines that will be used to ensure consistency of new projects with the County's CAP and the GHG emission reduction target. Development projects that could have cumulatively considerable GHG emissions impacts would need to incorporate relevant measures from the County's CAP and use one of the implementing thresholds from the Significance Guidelines to assess significance.

This project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. This project does not propose any development and would not generate greenhouse gas emissions directly or cause greater emissions than currently anticipated under the existing General Plan and Zoning Ordinance.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego's General Plan incorporates various climate change goals and policies. These policies provide direction for individual development projects to reduce GHG emissions and help the County meet its GHG emission reduction targets identified in the Climate Action Plan. The County's Climate Action Plan (CAP) includes GHG reduction measures that, if fully implemented, would achieve an emissions reduction target that is consistent with the state-mandated reduction target embodied in AB 32. A set of project-specific implementing thresholds are included in the County's

Guidelines for Determining Significance and are used to ensure project consistency with the County's CAP, GHG emission reduction target, and the various General Plan goals and policies related to GHG emissions that support CAP goals.

This project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. This project does not propose any development, however all future uses allowed pursuant to these amendments would be required to conform to the General Plan. Therefore, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES

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NO

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Creation of A Significant Hazard to the Public or the Environment Through the Routine Transport, Storage, Use, or Disposal of Hazardous Materials or Wastes/Creation of A Significant Hazard to the Public or the Environment through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and does not propose to demolish or renovate any structures. Structures that were constructed prior to 1980 may contain Lead Based Paint (LBP) and Asbestos Containing Materials (ACMs). Lead is a highly toxic metal that was used up until 1978 in paint used on walls, woodwork, siding, windows and doors. Lead containing materials shall be managed by applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 CCR Division 4.5, the worker health and safety requirements (Title 8 CCR Section 1532.1) and the State Lead Accreditation, Certification, and Work Practice

Requirements (Title 17 CCR Division 1, Chapter 8). Asbestos was used extensively from the 1940's until the late 1970's in the construction industry for fireproofing, thermal and acoustic insulation, condensation control, and decoration. The USEPA has determined that there is no "safe" exposure level to asbestos. It is therefore highly regulated by the USEPA, CalEPA, and the CalOSHA. Demolition or renovation operations that involve asbestos-containing materials must conform to San Diego Air Pollution Control District (SDAPCD) Rules 361.140-361.156. In accordance with existing regulations, any future projects in which structures may contain these substances will be required to complete asbestos and lead surveys to determine the presence or absence of ACMs or LBP prior to issuance of a building permit that includes demolition of onsite structures and prior to commencement of demolition or renovation activities.

The San Diego County Department of Environmental Health Hazardous Materials Division (DEH HMD) is the Certified Unified Program Agency (CUPA) for San Diego County responsible for enforcing Chapter 6.95 of the Health and Safety Code. As the CUPA, the DEH HMD is required to regulate hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk management plans. The Hazardous Materials Business Plan is required to contain basic information on the location, type, quantity and health risks of hazardous materials stored, used, or disposed of onsite. The plan also contains an emergency response plan which describes the procedures for mitigating a hazardous release, procedures and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the HMD, the Office of Emergency Services, and other emergency response personnel such as the local Fire Agency having jurisdiction. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, the DEH HMD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances. Contaminated materials which are removed from demolition sites must be disposed of appropriately at a landfill or other approved site as required by the Department of Environmental Health and Department of Public Works.

Therefore, due to the strict requirements that regulate hazardous substances outlined above and the fact that the minor amendments to the required setbacks for explosive storage shall comply with all applicable federal and state requirements; the project will not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances or related to the accidental explosion or release of hazardous substances.

Production of Hazardous Emissions or Handling Hazardous or Acutely Hazardous Materials, Substances, or Waste Within One-Quarter Mile of An Existing or Proposed School:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and will not have any effect on an existing or proposed school. Future uses allowed pursuant to these amendments may be located within one-quarter mile of an existing or proposed school however, the proposed amendments do not alter the provisions which regulate uses which emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste.

Therefore, due to the strict requirements that regulate hazardous substances within local, State, and Federal regulations, the project will not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances within one-quarter mile of an existing or proposed school.

Location on a Site which is included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 Creating a Hazard to the Public or the Environment:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development and would not create a significant hazard to the public or environment. Additionally, the project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash), is not on or within 1,000 feet of a Formerly Used Defense Site (FUDS), does not contain a leaking Underground Storage Tank (UST) and is not located on a site with the potential for contamination from historic uses such as intensive agriculture, industrial uses, a gas station or vehicle repair shop. Some future uses allowed pursuant to these amendments may be located on sites which are included on one of the following lists or databases: the State of California Hazardous Waste and Substances sites list compiled pursuant to Government Code Section 65962.5., the San Diego County Hazardous Materials Establishment database, the San Diego County DEH Site Assessment and Mitigation (SAM) Case Listing, the Department of Toxic Substances Control (DTSC) Site Mitigation and Brownfields Reuse Program Database ("CalSites" Envirostor Database), the Resource Conservation and Recovery Information System (RCRIS) listing, the EPA's Superfund CERCLIS database or the EPA's National Priorities List (NPL).

However, these future uses would be evaluated for potential hazards at the time of discretionary permit review or prior to building permit issuance. Therefore, the project would not create a significant hazard to the public or environment.

Location Within an Airport Land Use Plan Or, Where Such A Plan Has Not Been Adopted, Within Two Miles of a Public Airport or Public Use Airport/ Within the Vicinity of a Private Airstrip Resulting in A Safety Hazard For People Residing or Working in the Project Area:

The project does not propose any development and does not propose any construction of any structures equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. Some future uses allowed pursuant to these amendments may be located within an Airport Influence Area (AIA) for a public airport or public use airport within the unincorporated County. These future projects will be reviewed for compatibility with the appropriate Airport Land Use Compatibility Plan (ALUCP) during a discretionary action or prior to issuance of any building permits. For example, amending the Zoning Ordinance to clarify that Public Safety Communications Facilities are considered Essential Services rather than Wireless Telecommunication Facilities would not have a significant effect since any future facilities would be required to conform to the maximum height limits for the property and would be further restricted by the applicable ALUCP to ensure ongoing airport safety. Any potential impacts would be evaluated and mitigated as necessary. The

proposed project will not result in hazards to airport safety or surrounding land uses for the following reasons:

- Future projects will comply with the California Land Use Planning Handbook's Safety Compatibility Criteria for Safety Compatibility Zones.
- Future projects will be compatible with the applicable Airport Land Use Compatibility Plan (ALUCP) by the San Diego County Regional Airport Authority.
- Future projects will comply with Airport Land Use Compatibility Policies for the appropriate ALUCP.
- Future projects would not be allowed to propose any distracting visual hazards including but not limited to distracting lights, glare, sources of smoke or other obstacles or an electronic hazard that would interfere with aircraft instruments or radio communications.
- The project does not propose any amendments to the Zoning Ordinance or County Code that would authorize construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport.
- The project does not propose any amendments to existing regulations that affect any artificial bird attractor, including but not limited to reservoirs, golf courses with water hazards, large detention and retention basins, wetlands, landscaping with water features, wildlife refuges, or agriculture (especially cereal grains).

Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

Future uses allowed pursuant to these amendments may be located within one mile of a private airstrip. However, prior to approval of any discretionary permits or issuance of any building permits, sites would be evaluated for potential safety hazards to aircraft and/or operations from an airport or heliport. Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan:

OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project will not interfere with the Operational Area Emergency Plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN:

The San Diego County Nuclear Power Station Emergency Response Plan will not be interfered with by the project due to the location of the project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

OIL SPILL CONTINGENCY ELEMENT:

The Oil Spill Contingency Element will not be interfered with because the project does not propose any development.

EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN:

The Emergency Water Contingencies Annex and Energy Shortage Response Plan will not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

DAM EVACUATION PLAN:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development. The Dam Evacuation Plans for the dams within the County of San Diego will not be interfered with because even though some future projects may be located within a dam inundation zone, the project

does not propose changes to the regulations pertaining to a unique institution that would be difficult to safely evaluate in the event of a dam failure. Unique institutions, as defined by the Office of Emergency Services, include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities for patients with disabilities, adult and childcare facilities, jails/detention facilities, stadiums, arenas, amphitheaters, or a similar use. Since the project does not propose a unique institution in a dam inundation zone or any changes in any regulations pertaining to a unique institution, the project would not impair implementation of or physically interfere with the implementation of an emergency response plan.

Exposure of People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires, including Where Wildlands are Adjacent to Urbanized Areas or Where Residences are Intermixed with Wildlands:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any development. Future uses allowed by these proposed amendments may be located in many areas throughout the unincorporated areas of the County that are in a variety of settings. Each will be addressed below:

Some future uses allowed by these amendments may be located in areas that are completely surrounded by urbanized areas and/or irrigated lands and there are no adjacent wildlands. Therefore, based on the location of those future projects, it is not anticipated that there will be exposure of people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

Some future uses allowed by these amendments may be located within and served by independent fire protection districts and may also be located adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because future uses will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County. Implementation of these fire safety standards will occur during the building permit process. Therefore, through compliance with the Consolidated Fire Code and through compliance with applicable Fire Protection District's conditions on a future project, it is not anticipated that the project will expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project will not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with the Consolidated Fire Code.

Some future uses allowed by these amendments may be located within and served by a County service area fire protection district and may also be located adjacent to wildlands that have the potential to support wildland fires. However, future projects will comply with the regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and through compliance with the San Diego County Fire Authority conditions, therefore, the project is not anticipated to expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project will not contribute to a cumulatively considerable impact because projects in the surround area of these future projects are required to comply with the County Fire Code.

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

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NO

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Violate Any Waste Discharge Requirements:

Future uses allowed pursuant to these proposed amendments may require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to regional surface water and storm water permitting regulations for The County of San Diego. These future projects will be required to demonstrate compliance with all applicable regulations including: A Waste Discharge Requirement Permit, NPDES General Permit for Discharges of Storm Water Associated with Construction Activities, NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities, or Section 401 Water Quality Certification. In addition, some future projects may be required to implement site design measures and/or source control BMPs and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable from entering storm water runoff. The required measures will enable future projects to meet waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9-2007-0001), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

Finally, the future projects' conformance to the waste discharge requirements listed above ensures the project will not create cumulatively considerable water quality impacts related to waste discharge because, through the permit, the project will conform to Countywide watershed standards in the JURMP and SUSMP, derived from State regulation to address human health and water quality concerns. Therefore, the project will not contribute to a cumulatively considerable impact to water quality from waste discharges.

An Increase in any Listed Pollutant to an Impaired Water Body Listed Under Section 303(D) of the Clean Water Act:

Future uses allowed pursuant to these proposed amendments may be located within various hydrologic units throughout the unincorporated areas of the County of San Diego. According to the Clean Water Act Section 303(d) list, these watersheds are impaired for numerous pollutants. However, it is expected that future uses will be required to employ site design measures and/or source control BMPs and/or treatment control BMPs such that potential pollutants will be reduced in any runoff to the maximum extent practicable so as not to increase the level of these pollutants in receiving waters. The required BMPs will be consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result the project will not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulations for County of San Diego include the following: San Diego Region, Order No. R9-2007-0001, (NPDES No. CAS 0108758); County Watershed Protection Ordinance; Stormwater Management, and Discharge Control Ordinance (WPO); County Stormwater Standards Manual. The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. The Watershed Protection Ordinance has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Each project subject to WPO is required to prepare a Stormwater Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts that may occur in the watershed.

Cause or Contribute to an Exceedance of Applicable Surface or Groundwater Receiving Water Quality Objectives or Degradation of Beneficial Uses:

The Regional Water Quality Control Board has designated water quality objectives for waters of the San Diego Region to protect the existing and potential beneficial uses of each hydrologic unit. The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. No development is proposed as part of this project. Future uses allowed pursuant to these amendments may be located in various hydrologic units that have existing and potential beneficial uses for inland surface waters, coastal waters, reservoirs, and lakes, and ground water. However, it is expected that site design measures and/or source control BMPs and/or treatment control BMPs will be employed by future projects to reduce potential pollutants in runoff to the maximum extent practicable, such that a future project will not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. In addition, required BMPs are consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the project will not contribute to a cumulatively considerable exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Refer to Section VIII., Hydrology and Water Quality, Question b, for more information on regional surface water and storm water planning and permitting process.

Substantially Deplete Groundwater Supplies or Interfere Substantially With Groundwater Recharge such that there would be a Net Deficit in Aquifer Volume or a Lowering of the Local Groundwater Table Level:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. No development is proposed as part of the project and the project will not use any groundwater for any purpose, including irrigation, domestic or commercial demands. Some future uses allowed pursuant to these amendments may obtain their water supply from a Water District that obtains water from surface reservoirs or other imported water source. Those projects will not use any groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the proposed amendments do not involve regulations regarding operations that would interfere substantially with groundwater recharge including, but not limited to the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge. Some future projects allowed pursuant to these amendments could be located outside of the boundaries of a Water District and would rely on groundwater. However, prior to the issuance of any building permits for future facilities on sites that are groundwater dependent, the applicant will be required to demonstrate that there is adequate groundwater available to support the proposed use and would not deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, less than a significant impact to groundwater resources is anticipated.

Substantially Alter the Existing Drainage Pattern of the Site or Area in a Manner which would Result in Substantial Erosion, Siltation Or Flooding On- Or Off-Site:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The project does not propose any construction of new or expanded development that could alter the drainage pattern of a site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. Some future uses allowed pursuant to these Zoning Ordinance and County Code Amendments are expected to require building permits, grading permits, on-site wastewater system permits or well permits, as well as other discretionary and ministerial permits which are subject to regional surface water, storm water and groundwater planning and permitting process which has been established to improve the overall water quality in County watersheds. These future projects may be required to prepare a Stormwater Management Plan (SWMP) and implement certain site design measures, source control, and/or treatment control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff. These measures will control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9-2007-0001), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP). The SWMP specifies and describes the implementation process of all BMPs that will address equipment

operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream drainage swales. The Department of Public Works will ensure that the Plan is implemented as proposed. Due to these factors, it has been found that the project will not result in significantly increased erosion or sedimentation potential and will not alter any drainage patterns of the site or area on- or off-site. In addition, because erosion and sedimentation will be controlled within the boundaries of a project, future projects will not contribute to a cumulatively considerable impact. For further information on soil erosion refer to VI. Geology and Soils.

Create or Contribute Runoff Water which would Exceed the Capacity of Existing or Planned Storm Water Drainage Systems:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. This project does not propose any new or expanded development and does not propose to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. Some future uses allowed pursuant to these amendments would not result in the conversion of previously pervious land to impervious surfaces as the uses may be agricultural in nature or will be conducted on developed sites. Therefore, these uses would not create or contribute runoff water that would exceed the capacity of existing storm water drainage systems. Some future uses allowed pursuant to these amendments could result in the conversion of previously permeable surfaces to impervious surfaces. These uses are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds as stated in e) and f) above. Due to these factors, the project will not contribute runoff water that would exceed the capacity of existing storm water drainage systems.

Provide Substantial Additional Sources of Polluted Runoff:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. This project does not propose any development or any grading activities. Some future uses allowed pursuant to these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, which would not produce potential sources of polluted runoff and would be required to conform to other applicable codes and ordinances regulating polluted runoff. Some future uses allowed pursuant to these amendments could produce potential sources of polluted runoff. However, since existing sites are required to implement site design measures and/or source control BMPs and/or treatment control BMPs, potential pollutants will be reduced in runoff to the maximum extent practicable. In addition, all operations on a site will be required to conform to the restrictions and conditions of the use permit regulating the project site, if one is present. Other future uses allowed pursuant to these amendments would also be required to include site design measures and/or source control BMPs and/or treatment control BMPs that will be employed such that potential pollutants will be reduced in runoff to the maximum extent practicable. Refer to IX. Hydrology and Water Quality Questions a, b, c, for further information.

Place Housing or Other Structures which would impede or Redirect Flood Flows within A 100-Year Flood Hazard Area as Mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or Other Flood Hazard Delineation Map, including County Floodplain Maps:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. Some future uses allowed pursuant to these amendments could be located on properties that contain areas within a 100-year flood hazard area. However, the proposed amendments do not amend any regulations regarding allowed uses in flood hazard areas. Additionally, the amendments will not authorize the placement of access roads or other improvements which will impede or redirect flood flows in these areas. Therefore, this project will not place structures, access roads or other improvements which will impede or redirect flood flows within 100-year flood hazard areas.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. This project does not propose any development. Some future uses allowed pursuant to these amendments could be located on properties that contain areas within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps. However, the proposed amendments do not amend any regulations regarding allowed uses in flood hazard areas, nor do the amendments authorize the placement of structures within a 100-year flood hazard area. Additionally, the amendments will not authorize the placement of access roads or other improvements which will limit access during flood events or affect downstream properties. Therefore, the project is not proposing to place structures with a potential for human occupation within 100-year flood hazard areas and will not place access roads or other improvements which will limit access during flood events or affect downstream properties.

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Flooding, Including Flooding as a Result of the Failure of a Levee or Dam; and/or Inundation by Seiche, Tsunami, or Mudflow:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The proposed amendments do not amend any regulations regarding development within special flood hazard areas. Some future uses allowed pursuant to these amendments could be located within a special flood hazard area as identified on a Flood Insurance Rate Map (FIRM), County Flood Plain Map or Alluvial Fan Map. However, future projects would be required to be located at an elevation that would prevent exposure of people or property to flooding. Therefore, this project would not expose people or structures to a significant risk of loss, injury or death involving flooding.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. Some future uses allowed pursuant to these amendments may lie within a mapped dam inundation area for a major dam/reservoir within San Diego County, as identified on an inundation map prepared by the dam owner. The San Diego County Office of Emergency Services has an established emergency evacuation plan for certain areas. These Zoning

Ordinance and County Code Amendments do not amend any provisions related to dams or levees or to provisions related to "Unique Institutions". Unique Institutions include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities with patients that have disabilities, adult and child care facilities, jails/detention facilities, and stadiums, arenas and amphitheaters. Therefore, the project will not result in exposing people or structures to a significant risk of loss injury, or death due to flooding as a result of the failure of a levee or dam.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. Reservoirs in San Diego County are for water storage and the land surrounding the reservoirs is owned by the agency that controls the reservoir and development cannot occur along the shore. Therefore, future uses will not be subject to inundation by seiche.

Future uses allowed pursuant to these amendments would apply only in the unincorporated areas of San Diego County and would be located at least 1.8 miles or more from the coast; therefore, in the event of a tsunami, would not be inundated.

Mudflow is a type of landslide. If a future use allowed by these amendments is located within a landslide susceptibility zone and involves substantial landform modification/grading that may expose people or property to inundation due to a mudflow, a discretionary grading permit would be required and would require further environmental review. Additionally, future projects involving grading would have to comply with the San Diego County Code, Title 8, Division 7, Section 87.209 and provide a soils investigation to insure that recommendations to correct weak or unstable soil conditions have been incorporated into the grading plan and specification. Therefore, it is not anticipated that the project will expose people or property to inundation due to a mudflow.

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
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NO
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Physically Dividing an Established Community:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The uses allowed pursuant to these amendments do not propose the introduction of new infrastructure such major roadways or water supply systems, or utilities to the area. Therefore, the proposed project will not significantly disrupt or divide an established community.

Conflicts with any Applicable Land Use Plan, Policy, or Regulation of an Agency with Jurisdiction Over the Project Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. The uses allowed pursuant to these amendments would affect land zoned as agricultural, residential, commercial, industrial and extractive throughout the unincorporated County, which are consistent with a number of General Plan Land Use Designations. The project is consistent with the General Plan because these uses are anticipated by these land use designations that provide agriculture, commerce, industry, extraction and residences and their accessory uses, and are consistent with their respective use regulations. A future use may be located anywhere within the unincorporated areas of the County and would be subject to the policies of the applicable community plan. Therefore, this project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating and environmental effect.

XI. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

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NO

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The Loss of Availability of a Known Mineral Resource that Would Be of Value to the Region and the Residents of the State:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. Some future uses allowed pursuant to these amendments may be located on lands classified by the California Department of Conservation – Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997) as an area where geologic information indicates no significant mineral deposits are present (MRZ-1). Some future uses allowed pursuant to these amendments may be located on lands where geologic information indicates mineral deposits are present or may be present as identified on lands classified as an area of "Identified Mineral Resource Significance" (MRZ-2), "Potential Mineral Resource Significance" (MRZ-3) or "Undetermined Resource Significance" (MRZ-4). For any future uses which involve significant development or landform modification/grading, a discretionary grading permit and further environmental review would be required which would evaluate potential impacts to mineral resources. Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state will occur as a result of this project.

Loss of Locally-Important Mineral Resource Recovery Site Delineated on a Local General Plan, Specific Plan or other Land Use Plan:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project and there is no proposal to change the Zoning Use Classification or the General Plan designation of any properties. The future uses allowed pursuant to these amendments affect agricultural, residential, commercial, industrial and extractive use types. Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

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NO

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Exposure of Persons to or Generation of Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. Future uses which may be allowed pursuant to these amendments may be located throughout the unincorporated areas of San Diego County in various settings and locations. Such uses will be required to comply with standards set by the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, state and federal noise control regulations. Some future uses allowed pursuant to these amendments may generate noise. The conformance of all projects to the County of San Diego General Plan Noise Element and County of San Diego Noise Ordinance ensures that future projects will not create cumulatively considerable noise impacts, because the projects will not exceed the local noise standards for noise sensitive areas; and the projects will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns. Therefore, the project will not contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. As indicated in the response listed under XII. Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity of a future project to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, state and federal noise regulations. Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Prior to the issuance of these permits, future projects will be reviewed to ensure that the proposed uses are set back adequately from any public road or transit right-of-way with projected noise contours of 65 dB or more; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses so that the projects do not have any chance of being impacted by groundborne vibration or groundborne noise levels. In addition, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level. Therefore, the project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

A Substantial Permanent Increase in Ambient Noise Levels in the Project Vicinity Above Levels Existing Without the Project:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. As indicated in the response listed under Section XI. Noise, the project would not expose existing or planned noise sensitive areas in the vicinity of a future project to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses which involve permanent noise sources that may increase the ambient noise levels of an area do not exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations. Therefore, the project would not result in a substantial permanent increase in ambient noise levels above levels existing without the project.

A Substantial Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity Above Levels Existing Without the Project:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project therefore the project will not result in any uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity including but not limited to outdoor commercial or industrial uses that involve crushing, cutting, drilling, grinding, or blasting of raw materials; truck depots, transfer stations or delivery areas; or outdoor sound systems. Some future uses allowed pursuant to these amendments may create temporary or periodic increases in ambient noise levels, however, these future uses will be required to comply with the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses which involve permanent noise sources that may increase the ambient noise levels of an area do not exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations. Also, general construction noise is not expected to exceed the construction noise limits of the County of San Diego Noise Ordinance (Section 36.409), which are derived from State regulations to address human health and quality of life concerns. Construction operations will occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that a future project will operate construction equipment in excess of 75 dB for more than an 8 hours during a 24-hour period. Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity.

For Projects Located within an Airport Land Use Plan or, Where Such a Plan Has Not Been Adopted, Within Two Miles of a Public Airport or Public Use Airport, or For Projects Within The Vicinity of a Private Airstrip, Would the Project Expose People Residing or Working in the Project Area to Excessive Noise Levels:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. Some future uses allowed pursuant to these amendments could be located within an Airport Land Use Compatibility Plan (ALUCP) for County airports or within 2 miles of a public airport or public use airport. However, the uses allowed pursuant to these amendments are not considered noise sensitive uses that would be impacted by noise generated by an airport. In addition, these future uses are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which will be subject to the County noise standards and to any applicable ALUCP. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses conform to the applicable ALUCP. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise on a project or cumulative level.

XIII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is

undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

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NO

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The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. The proposed amendments allow for uses in agricultural, commercial, extractive, industrial, and residential zones subject to specified standards and limitations. No changes are proposed which would displace existing housing units or would revise zoning of residential properties. Additionally, the implementation of new state laws intended to increase accessory dwelling units would help keep families and communities together. Therefore, the proposed project will not displace any existing housing or necessitate the construction of replacement housing elsewhere.

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. There are no changes proposed which would eliminate existing housing units or would revise zoning of residential properties. Additionally, the changes to the accessory dwelling unit language will not eliminate existing housing units. Therefore, the proposed project will not displace a substantial number of people.

XIV. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

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NO

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The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which would require demonstration of the availability of services and facilities to serve a proposed project. If services are not available, new and/or physically altered governmental facilities would be required to be constructed as a part of a project in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services.

Additionally, the updated regulation for small wineries would make it less likely to require new fire or safety services due to more fire-safe design standards. Therefore, the project will not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

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NO

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Increase in the use of Existing Neighborhood and Regional Parks or other Recreational Facilities such that Substantial Physical Deterioration of the Facility Would Occur or be Accelerated:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. The project does not propose any residential use, included but not limited to a residential subdivision, mobilehome park, or construction for a single-family residences that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

Require the Construction or Expansion of Recreational Facilities which Might Have an Adverse Physical Effect on the Environment:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development associated with this project. The project does not include any changes to regulations regarding recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities cannot have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a

design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES
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NO
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Increase in Traffic which is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System; Exceedance, Either Individually or Cumulatively, of A Level Of Service Standard Established by the County Congestion Management Agency for Designated Roads or Highways:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development proposed by this project. The proposed amendments will not allow any new uses which would increase traffic effecting the capacity of the street system, either individually or cumulatively. Concurrently the amendments will not change a level of service standard established by the county congestion management agency for designated roads or highways. There will be no trips generated as a result of this project, and as such there will be no impact.

A Change in Air Traffic Patterns, including Either an Increase in Traffic Levels or a Change in Location that Results in Substantial Safety Risks:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development proposed by this project. The main compatibility concerns for the protection of airport airspace are related to airspace obstructions (building height, antennas, etc.) and hazards to flight (wildlife attractants, distracting lighting or glare, etc.). Some future uses allowed pursuant to these amendments could be located within an Airport Influence Area, or within 2 miles of a public airport. These sites would be required to comply with the allowable land uses identified for the applicable safety zone within the ALUCP for an airport. Some of these future uses allowed pursuant to these amendments are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which are subject to the applicable ALUCP. These projects would be reviewed to ensure that they would not result in a change in air traffic patterns because the allowable land uses within airport safety zones are created for the purpose of ensuring ongoing airport safety, including maintenance of air traffic patterns. Furthermore, the project would not exceed the FAR Part 77 criteria related to airspace obstructions. Therefore, the proposed project will not have a significant impact on air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Substantial Increase In Hazards Due To A Design Feature (E.G., Sharp Curves Or Dangerous Intersections) Or Incompatible Uses (E.G., Farm Equipment)/Inadequate Emergency Access/Inadequate Parking Capacity:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development proposed by this project. The project does not propose any new uses which would

place incompatible uses (e.g., farm equipment) on existing roadways. Some future projects are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which would be required to provide safe and adequate site distances at all driveways and intersections to the satisfaction of the Director of the Department of Public Works. All road improvements will be constructed according to the County of San Diego Public and Private Road Standards. Roads used to access future project sites would be required to meet County standards. In addition, the proposed project will not place incompatible uses (e.g., farm equipment) on existing roadways, or create or place curves, slopes or walls which impede adequate site distance on a road. Therefore, the proposed project will not increase hazards due to design features or incompatible uses.

Some future uses allowed by these amendments are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which would be reviewed by the local Fire Protection District that would include requirements for adequate emergency fire access prior to the approval of any permits. Some permits will require additional review under CEQA and any identified significant impacts would be mitigated. Therefore, the project will not result in inadequate emergency access.

Future uses, such as the development of Accessory Dwelling Units could be associated with additional parking, however prior to this proposed amendment, Section 6156 allowed for parking associated with secondary dwelling units. As such, the effects of increased parking requirements have already been analyzed. The proposed revisions to Section 6156 are being made to ensure that the Zoning Ordinance complies with State law.

Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation (E.G., Bus Turnouts, Bicycle Racks):

Some future uses allowed pursuant to these amendments may be located on developed sites. If these uses do not generate any additional ADTs, project implementation will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. Some future projects are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which may generate additional ADTs. These projects will be reviewed for compliance with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Therefore, the project will not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. TRIBAL CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES

NO



Since the previous EIR for The General Plan Update (PDS2002-3910-02ZA001[ER], SCH#2002111067) was certified, there has been a change in circumstances. Assembly Bill 52 (AB-52) became effective on July 1, 2015. AB-52 requires that tribal cultural resources (TCR) be evaluated under CEQA. AB-52 consultation does not apply since the environmental document is not a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report.

XVIII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES
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NO
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Exceedance of Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board:

Some future projects are expected to require building permits, grading permits, on-site wastewater systems (OSWS), also known as septic systems, and well permits, as well as other discretionary and ministerial permits. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH would review the OSWS lay-out pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria" prior to the issuance of any building permits for a project. Some future uses would discharge domestic waste to a community sewer system that is permitted to operate by the by the Regional Water Quality Control Board (RWQCB). Prior to the issuance of any building permits, a project facility availability form would be required from the appropriate district which will serve the project to assure that there is adequate capacity to accommodate the project. Therefore, because future projects will be discharging wastewater to a RWQCB permitted on-site wastewater system (OSWS) or a community sewer system and will be required to satisfy any required conditions, the proposed project is consistent with the wastewater treatment requirements

of the RWQCB, including the Regional Basin Plan and the proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

Require or Result in the Construction of New Water or Wastewater Treatment Facilities, New Storm Water Drainage Facilities or Expansion of Existing Facilities, the Construction of which could cause Significant Environmental Effects:

There is no development proposed by this project. Therefore, the project does not require the construction of any new or expanded water or wastewater treatment facilities which could cause significant environmental effects. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits. Prior to issuance of any permits, projects would be required to demonstrate that adequate water and/or wastewater treatment facilities would be available to the project from the appropriate agencies/districts. No future uses under these amendments are expected to exceed existing capacity and availability of water and wastewater utilities. Therefore, the project will not require any construction of new or expanded facilities which could cause significant environmental effects.

Some future uses allowed pursuant to these amendments may be located on developed sites and would not include new or expanded storm water drainage facilities. Moreover, the project does not involve any landform modification or require any source, treatment or structural Best Management Practices for storm water. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which could involve new or expanded storm water drainage facilities. However, these future projects would be reviewed and conditioned to ensure that they will not result in any adverse physical effect on the environment. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

Require New or Expanded Entitlements to Water Supplies or New Water Resources to Serve the Project:

The project proposes amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections. There is no development proposed by this project. Some future uses allowed pursuant to these amendments may be located on developed sites and would be served by existing available water supplies. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which would require evidence from the appropriate Water District where municipal water service is proposed or an approved well permit, indicating adequate water resources and entitlements are available to serve the requested water resources prior to issuance of building permits for a future project. Therefore, the project will not require expanded entitlements.

Result in a Determination by the Wastewater Treatment Provider, which Serves or May Serve the Project that it has Adequate Capacity to Serve the Project's Projected Demand in Addition to the Provider's Existing Commitments:

Some future uses allowed pursuant to these amendments may be located on developed sites and would be served by existing available wastewater treatment provider's service capacity or by an existing on-site wastewater system. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits. Review of these permits would require evidence from the appropriate wastewater treatment provider that it has adequate capacity to serve a project's projected demand in addition to the provider's existing commitments prior to issuance of any permits for a future project. Therefore, the project will not interfere with any wastewater treatment provider's service capacity.

Served by a Landfill with Sufficient Permitted Capacity to Accommodate the Project's Solid Waste Disposal Needs:

Some future uses allowed pursuant to these amendments may generate solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.). There are five permitted active landfills in San Diego County with remaining capacity. A minor increase in construction activity could lead to increases in construction and demo waste in landfills, however, there is sufficient existing permitted solid waste capacity to accommodate the project's solid waste disposal needs.

Noncompliance with Federal, State, and Local Statutes and Regulations Related to Solid Waste:

Some future uses will generate solid waste and will be required to deposit all solid waste at a permitted solid waste facility. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.). Future projects will deposit all solid waste at a permitted solid waste facility and therefore, will comply with Federal, State, and local statutes and regulations related to solid waste.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES

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NO

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Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. There is no substantial evidence that there are biological or cultural resources that would be affected or associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVIII of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX Hydrology and Water Quality XII. Noise, XIII. Population and Housing, and XVI. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

XX. ATTACHMENTS

None

**XXI. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW
UPDATE CHECKLIST FORM**

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego General Plan, 2011.

County of San Diego General Plan Final Program EIR, certified on August 3, 2011.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Agricultural Resources, approved March 19, 2007.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Air Quality, approved March 19, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, approved September 15, 2010

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historical Resources, approved December 5, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Geologic Hazards, approved July 30, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Mineral Resources, approved July 30, 2008

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Noise, approved March 19, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Transportation and Traffic, approved August 24, 2011

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Vectors, approved January 15, 2009

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Visual Resources, approved July 30, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content

Requirements for Wildland Fire and Fire Protection, approved August 31, 2010

County of San Diego Zoning Ordinance

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control Board, San Diego Region

Attachment J
Public Documentation

Phil Bell

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Valley Center, CA 92082

vcphilbell@gmail.com

760.638.0360

January 8, 2019

Re: Revision of Medical Trailer Ordinance- Section 6118.b.3

Thank you for allowing my input in the proposed revision of the zoning ordinance dealing with medical trailers.

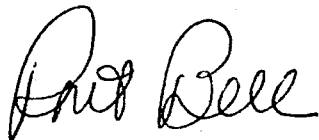
I am a disabled firefighter, retired after 18 years with the Vista Fire Department. I was injured on the job, requiring 6 separate back operations. As a result of these injuries, I have no feeling from my waist down, suffer constant, intractable pain, use a cane and a walker and my prognosis is that everything I'm feeling now, will only get worse.

I say this as an introduction to my specific condition and as a segue into my current ownership of a medical trailer. I was, and still am ecstatic over the ability to have an occupancy whereby my relatives can stay and assist myself and my wife in treatment of my condition. My experiences with the County of San Diego, and every department having anything to do with the medical trailer process, has been beyond exemplary. The initial application process was seamless, the planners I called to answer questions were kind and compassionate. The inspectors especially deserve my thanks as they understood every facet of these occupancies and made a difficult process so much easier. I am indebted to them all.

Please, I'm imploring you, do not allow ANY change to this ordinance. From every proposed revision, I feel a little more of my own personal control again being taken away. My disability causes me to lose more and more of my dignity every day. I'm only 60 years old, far too young to ask for helping with toileting, dressing, mobility, etc. Yet, that is where I find myself. To look to a future where my independence might be taken away after 5 years, where my trailer might need to be moved so it can't be seen from the street, where I need to share with my neighbors why I have this trailer in my yard, all of these things are proposed in the revision.

The ordinance as it stands is in no need of changes. If abuses are occurring, go after those individuals that are abusing the ordinance. Remove their ability to have this incredible benefit. They don't need it. I DO! Please, don't change this ordinance. It works exactly as it is supposed to.

Respectfully Submitted-

A handwritten signature in black ink, appearing to read "Phil Bell", with a stylized, cursive script.

Attachment K
Summary Table of Contents

Zoning Ordinance and County Code Clean-Up Summary Table and Reference Guide

Zoning Ordinance Clean-Up (Clean-Up)
Item 1 – Section 1006 – Applicability of the Zoning Ordinance (Attachment B, Pages 3-4)
The Zoning Ordinance currently exempts County Parks, Indian Reservations, and federally-owned lands from zoning regulations. The Clean-Up proposes to add language to exempt County parks (including public active or passive parks), County Libraries, or other County facilities such as Fire Stations or Sheriff Stations from zoning regulations as it relates to the development, use, or improvements of new or existing properties. State-owned public lands are also exempt from zoning regulations based on current State law. The Clean-Up also proposes to add language to exempt state-owned public lands from Zoning Ordinance regulations to be consistent with State law.
Item 2a – Section 1100 – Definitions (Attachment B, Page 4)
The definition of Public Passive Park/Recreation Area is proposed to be expanded to include a list of items that are permitted within a Public Passive Park/Recreation Area such as natural areas, ecological areas, landscaping, walkways paths, trail staging areas, trails, interpretive features, benches for seating, scattered picnic tables, children’s play areas, scattered horseshoe pits, drinking fountains, safety/security lighting, off-street parking, restrooms, ranger residences, volunteer pads/caretaker residences, maintenance sheds, primitive camping, other park facilities/uses with activity levels consistent with the above listed uses.
Item 2b – Section 1100 – Definitions (Attachment B, Page 4)
<p>The definition of a Trailer Coach is proposed to be updated to remove a reference to mobilehome, which is separately defined in the Zoning Ordinance, to distinguish between trailer coach and mobilehome definitions.</p> <p>A mobilehome is a structure designed and equipped to contain not more than two dwelling units to be used with or without a permanent foundation, and which is in excess of 8 feet in width or in excess of 40 feet in length.</p> <p>A trailer coach is any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, and travel trailer.</p>
Item 3 – Section 1265 – Group Residential (Attachment B, Pages 4-5)
<p>The group residential use is proposed to be expanded to allow separate kitchens for Group Residential (group quarters) restricted to seniors to facilitate independent living. The Zoning Ordinance currently requires group quarters with kitchens to be counted as a dwelling unit when calculating density. The Clean-Up proposes to remove this restriction when units are restricted to occupancy by seniors.</p> <p>The Group Residential use type refers to the residential occupancy of living units by persons who do not live together as a single housekeeping unit but have a common kitchen facility. Typical uses include occupancy of sorority houses, retirement homes or boarding houses.</p>
Item 4 – Section 3125 – Racing Pigeons (Attachment B, Page 5)
Extend animal enclosure setback requirements and performance standard provisions contained in Zoning Ordinance Section 6300 to the keeping of racing pigeons. The purpose of these provisions is to control dangerous or objectionable environmental impacts associated with uses. Performance standards include as noise limits, vibrations, particulate matter and air contaminants thresholds, lighting requirements, and unpleasant odor restrictions.
Item 5 – Section 4010 - Specific Plan (Attachment B, Page 5)
Revise language to clarify that all adopted and not expired Specific Plan regulations with either the S88 zoning designation or Specific Plan Area General Plan designations shall prevail over the Zoning Ordinance regulations if any conflict exists.
Item 6 – Section 4011 – Legal Lots with Split Zoning (Attachment B, Page 5 and 57)
Add language to provide parking provisions for commercial and residential split zoned properties with the issuance of a Zoning Verification Permit. For a property with split zoning that includes residential and commercial zoning, parking for a commercial use is proposed to be allowed on the residentially zoned portion of the property, subject to the issuance of a Zoning Verification Permit. Landscaping and planting is also recommended to be used to the maximum extent practical to screen unsightly parking areas from neighboring residential.

Zoning Ordinance and County Code Clean-Up Summary Table and Reference Guide

Item 7 – Section 4115 – Computation of Permitted Number of Dwelling Units (Attachment B, Pages 5-6)
Revised language is proposed to clarify that if a single lot has a fraction of a dwelling unit (0.5 and higher) then it can be rounded up to the nearest whole number and add a building type exemption to allow for residential rounding for duplex and triplex units.
Item 8 – Section 4315 – Exemptions for Building Type Schedules (Attachment B, Page 6)
Currently, building type designators specify the types of structures permitted on a lot. In some circumstances, the approval of apartments or condominium projects, which are consistent with the General Plan and zoning density, require a zone change to permit the condominium or apartment building type. The Clean-Up proposed to add an exemption for Village residential projects to allow residential projects, including apartments, attached single family units, or condominium ownership, to be processed without a change in Zoning Designator.
Item 9 – Section 6118 – Healthcare Trailers (Attachment B, Pages 6-9)
The Clean-Up proposes to clarify the intent of the health care trailer ordinance and add language to permit requirements and health care trailer approval requirements to ensure health care trailers are temporary and for the provision of health services for mentally or physically impaired persons. The Clean-Up also proposes to implement a maximum duration of use for a temporary health care trailer of five years.
Item 10a – Section 6156 – Accessory Dwelling Units (Attachment B, Pages 13-19)
Second Dwelling Unit regulations are proposed to be updated to be consistent with new Accessory Dwelling Unit (ADU) State Law (SB 1069, AB2299, AB2406, SB 229, and AB 494). New requirements are outlined in the revised ordinance sections, and include: <ul style="list-style-type: none"> - ministerial permit processing for all ADUs, - total floor area allowed (50% of the primary dwelling or 1,200 sq. ft.), - maximum height of 24 ft, - 3 foot minimum setbacks, - Requirement for owner to occupy either the ADU or main unit, and - 1 off-street parking space. The update will also proposes to add provisions that require owner occupancy of one of the dwellings and prohibit renting of ADU for less than 30 days.
Item 10b – Section 6156 – Junior Accessory Dwelling Units (Attachment B, Pages 19-21)
A new Junior Accessory Dwelling Unit (JADU) section consistent with new ADU State Law (AB 2406) is proposed in order to provide greater flexibility and lower cost housing option for homeowners and renters, per the October 10, 2018 Board of Supervisors direction. A JADUs are required to be contained within existing dwellings, have exterior entrances, and to not exceed 500 sq. ft. An off-street parking space is not required for a JADU.
Item 10c – Section 6156 – Residential/Agricultural Uses (Guest Living Quarters) (Attachment B, Page 11)
The Clean-Up proposes to add language to Guest Living Quarters regulations to clarify that ADUs and JADUs are not allowed on the same lot as guest living quarters.
Item 10d – Section 6156 – Residential/Agricultural Uses (Ministerial Permits) (Attachment B, Page 11)
Administrative Permit requirements for guesting living quarters are proposed to be updated to allow approval through a ministerial permit process. The Clean-Up also proposes to allow additional height/story, when consistent with Zoning ordinance standards, with ministerial processing, rather than an administrative permit.
Item 11 – Section 6157 – Farm Employee Housing (Attachment B, Pages 21-24)
Remove Administrative Permit requirements for Farm Employee Housing. This will comply with the California Employee Housing Act (EHA) which does not allow jurisdictions to require discretionary permits for farmworker housing. The proposed changes also remove contract requirements and annual certificate approval requirements.

Zoning Ordinance and County Code Clean-Up Summary Table and Reference Guide

Item 12 – Section 6350, 6360 & 7400 – Density Bonus (Attachment B, Pages 24-36, 57-62)
<p>Density bonus regulations are proposed to be updated to be consistent with new state density bonus law (AB 2501, AB 2556, AB 2442, and AB 1934). New requirements are outlined in the revised ordinance sections, and include:</p> <ul style="list-style-type: none"> - eligible projects (5% of units reserved for very-low income and 10% for disabled veterans) - ineligible project requirements to ensure replacement unit provisions, - clarifies the types of incentives available (reductions or deviations in zoning standards or architectural requirements), - adds requirements of proof of actual cost reduction for deviations, - allows rounding up of density for any fractional unit, and - adds incentives for commercial development to add housing (through direct construction, donating a portion of the site or financial contribution for a project). - Existing parking standards (1 space for 0-1 bedroom units, 2 spaces for 2-3 bedroom units and 2.5 spaces for 4 bedroom units or greater) are also proposed to be updates, along with lower parking ratios for projects that have higher percentages of income restricted units. <p>In addition the update will increase the maximum number of incentives available to projects to encourage the use of the density bonus program. Incentives include a reduction or deviation in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but not are not limited to, a reduction in setback and square footage requirements, increased building heights, or a reduction in the ratio of vehicular parking spaces that would otherwise be required. These reductions or deviations shall result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).</p>
Item 13 – Section 6787 – Location of Parking (Attachment B, Page 37)
<p>Language updates are proposed to correct spelling error of “site” distance to “sight” distance to eliminate confusion.</p>
Item 14 – Section 6910 – Wholesale Limited, Boutique and Small Wineries (Attachment B, Pages 37-45)
<p>For wineries, the Clean-Up proposes to add language to specify that Alcohol and Tobacco Tax and Trade Bureau (Bureau) bonds are only required, if required by the Bureau. Additional proposed changes include updates to emergency response standard requirements to allow the applicable Fire Protection District to determine the response times. Currently, the Zoning Ordinance specifies response times that are based on intensity of development associated with General Plan categories. The proposed change introduces greater flexibility that allow the Fire Protection District to determine response times based on the location and types of uses associated with the winery.</p>
Item 15 – Section 6980 – Small Wireless Facilities (Attachment B, Pages 45-55)
<p>The Federal Communications Commission has adopted new rules related to permit processing for small wireless facilities. The Clean-Up proposes to establish a process, regulations, and design guidelines for Small Scale Wireless Facilities to be in compliance with new Federal Communications Commission rules. The proposed regulations will require facilities to be visually and operationally blend into the existing environment and ensure that any equipment does not interfere with pedestrian, equestrian, bicycle use, or clear recovery zones within the public right-of-way. The proposed regulations also require no loss in parking spaces and compliance with height requirements, whichever is least restrictive, 50 ft., no more than 10% taller than other structures within 100 ft., or not more than 10% taller than the structure it is affixed, but no increase in the height of an existing telecommunications facility. The proposed changes also included provision for adding small wireless facilities to existing approved wireless facilities when the visually and operationally blend into the environment.</p>
Item 16 – Inconsistent Zoning on Specific Property (Attachment C, Pages 1)
<p>APN: 183-074-04-00</p> <p>Planning Area: North County Metro</p> <p>General Plan designation: VR-7.3</p>

Zoning Ordinance and County Code Clean-Up Summary Table and Reference Guide

<p>Zoning: RR</p> <p>Acreage: 0.6 acres</p> <p>Lot Size: Reduced from 1 acre to 6,000 sq. ft.</p> <p>Building Type: C</p> <p>Height: G</p> <p>Setback: Changes from B to G (reducing from front setback from 60 ft. To 50 ft., interior setback from 15 ft. to 10 ft., and rear yard from 50 ft. to 40 ft.)</p> <p>Animal Regulations: J</p>
County Code Clean-Up
Item 1 – Regulatory Code Title 5 – Light Pollution (Attachment H, Pages 1-3)
To Clean-Up proposes to expand Dark Sky Community regulations to Julian due to its small rural mountain character and to protect the observatories from light pollution. The Light Pollution Ordinance includes regulations between
Item 2 – Administrative Code Section 375 – Ex Parte Communications (Attachment F, Pages 1-2)
<p>Language to address filing requirements by members and requirements related to the submission of documents to the Board of Supervisors is proposed to be updated to be consistent with current practices and recent legal decisions.</p> <p>SEC. 375. DEFINITIONS.</p> <p>These definitions shall govern the construction and application of this Article:</p> <ul style="list-style-type: none"> (a) Decision-making Body. As used herein "decision-making body" shall mean the Board of Supervisors, Planning Commission and the Director of Planning and Development Services, <u>and shall exclude County Counsel.</u> (b) Clerk. As used herein "clerk" shall mean the officially designated clerk or secretary of the decision-making body. (c) Hearing. As used herein "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning and zoning and land use. <p>SEC. 375.10. DISCLOSURE.</p> <p>A member who has received evidence outside of a hearing or has viewed the subject property <u>after an application necessitating a hearing has been filed with the County,</u> or is familiar with the subject property, shall fully disclose at the hearing such evidence and his <u>or her</u> observations and familiarity with the property so that the applicant, opponent, interested persons, and other members of the decision-making body may be aware of the facts or evidence upon which he <u>or she</u> is relying and have an opportunity to controvert it. All written evidence received outside of the hearing shall be filed with the Clerk <u>which filing shall satisfy the disclosure requirement of this section related to written evidence not relied upon by a member. If a member receives unsolicited letters or other documents less than 3 working days prior to a hearing, and the member is not relying upon those documents, then disclosure at the hearing is not required; however, those documents shall be provided to the Clerk and reported as communications received from the public in the ordinary course of business.</u></p> <p>SEC. 375.19. SUBMISSION OF WRITINGS TO BOARD OF SUPERVISORS.</p> <p>No writings <u>of more than five pages in length,</u> submitted by any member of the public, shall be received as evidence by the Board of Supervisors at any hearing subject to this Article unless they are filed with the Clerk no later than the close of business on the third working day before the matter to which they relate is scheduled to be heard. For good cause shown, the Board may receive as evidence writings which have not been timely filed with the Clerk. The Board may impose reasonable conditions on receiving late-filed writings, including that the hearing be continued. <u>Writings filed with the Clerk must comply with this provision otherwise; Lack of compliance with this section may result in denial of the writing from the administrative record and/or a failure to exhaust administrative remedies.</u></p>