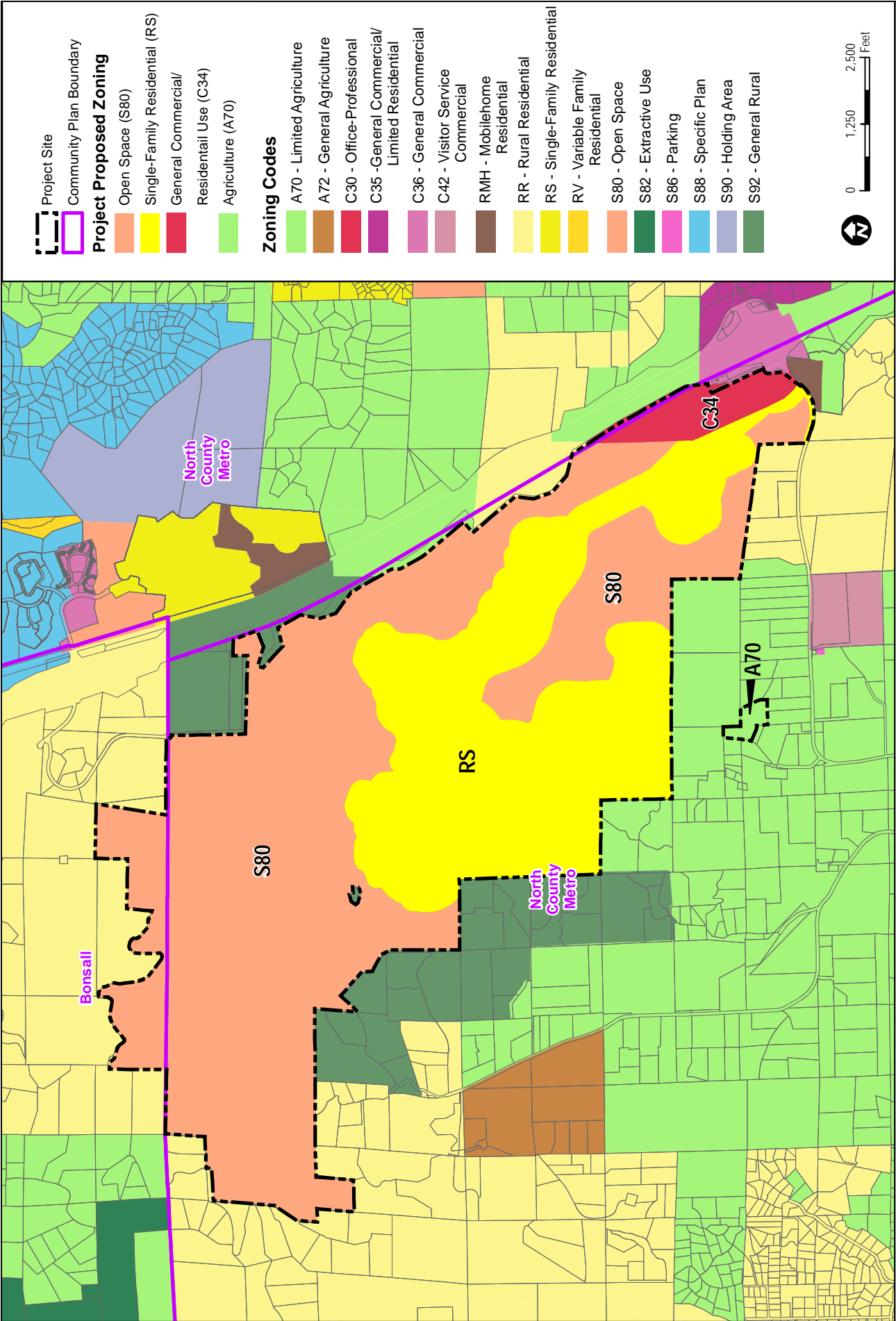


**Attachment J –
ORDINANCE APPROVING PDS2015-REZ-15-001**



ZONING SOURCE: SANGIS

FIGURE 9

Proposed Zoning

ORDINANCE NO. _____(NEW SERIES)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION
OF CERTAIN PROPERTY WITHIN THE NORTH COUNTY METRO SUBREGIONAL
PLAN AND THE BONSALE COMMUNITY PLAN AREA
REF: PDS2015-REZ-15-001

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

Section 1. The zoning classification of certain real property is hereby changed as set forth herein, and more precisely delineated on the Rezone plat, as illustrated in Exhibit “A” of this ordinance and described in Exhibit A. All documents are on file with the Clerk of the Board of Supervisors of the County of San Diego.

Section 2. The zoning classification of the real property described below is hereby changed as follows:

The existing zoning classifications are as follows:

OLD ZONE:

Development Regulations	Zoning Box 1	Zoning Box 2	Zoning Box 3	Zoning Box 4	Zoning Box 5	Zoning Box 6
Use Regulations	RR	S82	S92	A70	C30	C36
Animal Regulations	L	L, M	M	L	S	Q
Density	0.25, 0.5	0.05, -	0.25	0.25, 0.5	-	30
Lot Size	4 Ac, 2 Ac	20 Ac	4 Ac	4 Ac, 2 Ac	6,000	-
Building Type	C	A, W	C	C	W	T
Max Floor Area	-	-	-	-	-	-
Floor Area Ratio	-	-	-	-	-	-
Height	G	G	G	G	G	G
Lot Coverage	-	-	-	-	-	-
Setback	W, C	C, E	C	C	E	O
Open Space	-	-	-	-	-	-
Special Area Regs.	B	B, -	B, -	-, B	B, D	B, D

The zoning classifications are changed to read as follows:

NEW ZONE:

Development Regulations	General Commercial/ Residential	Single Family Residential	Limited Agriculture	Open Space
Use Regulations	C34	RS	A70	S80
Animal Regulations	S	S	A	A
Density	-	-	-	-
Lot Size	-	-	-	-
Building Type	P	K	W	-
Max Floor Area	-	-	-	-
Floor Area Ratio	-	-	-	-
Height	H	H	G	-
Lot Coverage	-	-	-	-
Setback	V	V	V	-
Open Space	B*	B*		-
Special Area Regs.	B, D	B**,D	D	-

* Applies to multi-family only (three or more dwelling units per lot)

** Only applies to Terraces neighborhood and portions of Mesa neighborhood (See Figure 11 of Specific Plan)

Section 3. The following “D” Designator requirements are hereby adopted.

Objectives:

To ensure that all future projects comply with the Newland Sierra Specific Plan and to ensure that all mitigation measures within the project EIR are implemented.

Standards:

In addition to those standards and criteria specified in Sections 5906 and 5910 of the Zoning Ordinance, the following specific criteria shall also be applied to the Site Plan review and evaluation to achieve the above objective:

1. Each Site Plan shall incorporate all applicable mitigation measures and project design features through conditions on the Site Plan as set forth in the Newland Sierra

Environmental Impact Report (EIR) dated June 2018. The conditions of the Site Plan approval shall be complied with as specified in the permit.

2. All landscaping, lighting, signage and private parks shall be compatible with the Newland Sierra Specific Plan.
3. The architecture of the Summit, Knoll, Mesa, Valley, Hillside, Terraces, and the Town Center subareas shall be compatible with the Newland Sierra Specific Plan.
4. All grading shall be compatible with the grading guidelines and development standards set forth in the Newland Sierra Specific Plan.
5. To reduce GHG emissions, require as a condition of each implementing Site Plan, that all project design features be incorporated into the Building Permits, including, but not limited to electric vehicle (EV) charging stations and solar photovoltaic on residential structures.
6. In order to ensure operations-related GHG emissions are offset to zero, the project applicant shall purchase and retire carbon offsets, for a 30-year period, consistent with the performance standards and requirements set forth in Mitigation Measure M-GHG-2 of the EIR dated June 2018 and described below.

Each implementing Site Plan shall include a condition that Prior to Issuance of Building Permits, the project applicant or designee shall provide PDS (consisting of documentation from the issuing registry or a County-approved third party verifier) that the Project applicant or designee has purchased and retired carbon offsets for the incremental portion of the project within the Site Plan in a quantity sufficient to offset, for a 30-year period, the operational GHG emissions from that incremental amount of development to net zero, consistent with the performance standards and requirements set forth below.

The amount of carbon offsets required for each implementing Site Plan shall be based on the GHG emissions for each land use within the implementing Site Plan and shall include operational GHG emissions as identified in the approved GHG Emissions Report (EIR Appendix K and e.g., Tables 2.7-9 through 2.7-14 of the EIR dated June 2018). The total project operational emissions with GHG Reduction Features incorporated (Table 2.7-8 of the EIR dated June 2018) would be 43,498MT CO₂e annually at the time of full buildout. Therefore, the project shall be required to reduce the annual missions by 43,498 MT CO₂e per year for a 30-year period (project life) or a total of 1,304,940 MT CO₂e. The “project life” is 30 years, which is consistent with the methodology by the SCAQMD’s 2008 GHG Guidance.

Each implementing Site Plan shall include a tabulation that identifies the overall carbon offsets required to mitigate the entire project’s GHG emissions, the amount of carbon offsets purchased to date, and the remaining carbon offsets required to reduce

the project's emissions to net zero. Any carbon offset utilized to reduce the project's GHG emissions shall be a carbon offset that represents the past reduction or sequestration of one metric tonne of carbon dioxide equivalent that is "not otherwise required" (CEQA Guidelines section 15126.4(c)(3)). The carbon offsets that are purchased to reduce GHG emissions as described in the measure shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions as set forth in Cal. Health. & Saf. Code Section 38562(d)(1).

Carbon offsets shall be issued by any of the following: (i) the Climate Action Reserve, the American Carbon Registry, and the Verra, (ii) any registry approved by CARB to act as a registry under the State's cap-and-trade program, or (iii) if no registry is in existence as identified in options (i) and (ii), above, then any other reputable registry or entity that issues carbon offsets that is acceptable to the Director of the Planning & Development Services Department. Prior to use of option (iii), it shall be demonstrated that the other reputable registry or entity follows accounting, quantification and monitoring protocols, as well as eligibility and procedural performance standards, that are comparable to those used by the registries identified in option (i).

The project applicant or its designee shall demonstrate, to the satisfaction of the Development Services Director, that the following geographic priorities for carbon offsets have been met: 1) off-site within the unincorporated areas of the County of San Diego; 2) off-site within the County of San Diego; 3) off-site within the State of California, 4) off-site within the United States; and 5) off-site internationally. As listed, geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide cross-over benefits related to air quality criteria pollutant reductions within the San Diego Air Basin, and to aid in San Diego County jurisdictions' efforts to meet their GHG reduction goals. The project applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such offset projects and programs are financially competitive in the global offset market. The project applicant or its designee shall submit proof to the County that offsets are unavailable in a higher priority category before seeking offsets from the next lower priority category.

For clarity, the following example is provided as to the project's operational GHG emissions purchase and retirement strategy. If 100 single-family residential units and one park are developed and become operational in the year 2023, GHG emissions for those land uses would be calculated and carbon offsets for those emissions would be secured for a 30-year period; however, to be conservative, an operational year of 2021 has been applied to all land uses. Thus, the 100-single family-residential units would be multiplied by the MT CO₂E/dwelling unit provided in EIR Table 2.7-9 (single-family residential), and the park would be multiplied by the MT CO₂E/acre provided in EIR Table 2.7-14 (parks). These values would then be multiplied by 30, to calculate the

total carbon offsets required for that phase of development (e.g., 100 single-family residential units \times 16 MT CO₂E/du \times 30).

The EIR dated June 2018 acknowledges that the project's GHG emissions estimates are conservative because the project's GHG emissions are expected to decrease beyond the estimates presented in the EIR's analysis, in part, due to reasonably foreseeable improvements in fuel efficiency, vehicle fleet turnover, technological improvements related to transportation and energy, and updates to emissions models and methodologies. Thus, subject to County oversight and the process described below, the operational emission estimates that govern implementation of this project are subject to a "true up" at the election of the project applicant and subject to the approval of the County's Board of Supervisors, as considered pursuant to a noticed public hearing process that accords with applicable legal requirements, including those set forth in CEQA for the post-approval modification of mitigation implementation parameters.

Specifically, if the project applicant elects to process a "true-up" exercise subsequent to the County's certification of the Final EIR and approval of the project, the project applicant shall provide an updated operational GHG emissions inventory for the project, including emissions from mobile sources, energy, area sources, water consumption, and solid waste. Subject to the satisfaction of the County's Board of Supervisors, these calculations shall be conducted using a County-approved model and/or methodology and must validate the continuing adequacy of modeling inputs used in the EIR that are not proposed to be altered as part of the "true-up" exercise. The inclusion of the validation requirement ensures that any updated operational GHG emissions inventories for the project fully account for then-existing information that is relevant to the emissions modeling. Alternatively, the project applicant may purchase all carbon offset credits to reduce operational GHG emissions at issuance of the first building permit.

The "true up" operational GHG emissions inventory, if conducted, will be provided in the form of a project-specific Updated Emissions Inventory and Offset Report to the County's Board of Supervisors prior to the issuance of building permits for the next buildout phase. The subject technical documentation shall be prepared by a County-approved, qualified air quality and greenhouse gas technical specialist.

In all instances, substantial evidence must confirm that any reduction to the total carbon offsets value as identified in the certified Final EIR for the project is consistent with the project commitment to achieve and maintain carbon neutrality (i.e., net zero emissions) for the 30-year life of the project.

7. To reduce vehicle trips and vehicle miles traveled, the project shall implement the Transportation Demand Management (TDM) program. Each implementing Site Plan shall include conditions of approval that require the implementation and on-going management of the TDM program and measures, including, but not limited to, an

electric bike share program, a car-share program, a ride share or shuttle system that connects the various neighborhoods to the Town Center, subsidized transit passes, establish a transportation coordinator, and TDM marketing for employees and residents. Project Design Features as listed in Table 2.7-7 of the EIR dated June 2018 shall be implemented.

8. To ensure that all road improvements required by TM-5597 are completed prior to issuance of a building permit a Site Plan shall be approved that contains a condition that requires that the following improvements required by be completed based on the Equivalent Dwelling Unit (EDU) thresholds identified below. Each Site Plan shall include a table that identifies the EDU's approved to date as well as the EDU resulting from the proposed Site Plan approval. If the total EDU exceeds any of the thresholds below, it shall have a condition that the applicable improvement required by TM 5597 be completed prior to issuance of a building permit(s) that exceeds the applicable threshold. The following are the EDU thresholds:

Intersections

Deer Springs Road/I-15 Northbound Ramps – 640 EDU
Deer Springs Road/I-15 Southbound Ramps – 370 EDU
Deer Springs Road/Mesa Rock Road – 900 EDU
Deer Springs Road/Sarver Lane – 350 EDU
Deer Springs Road/Twin Oaks Valley Road – 280 EDU
Twin Oaks Valley Road/Buena Creek Road – 80 EDU
Buena Creek Road/South Santa Fe Avenue – 273 EDU
Buena Creek Road/Monte Vista Drive – 165 EDU

Road Segments

Deer Springs Road
Twin Oaks Valley Road to Sarver Lane – 40 EDU
Sarver Lane to Mesa Rock Road – 58 EDU
Mesa Rock Road to I-15 – 24 EDU

Twin Oaks Valley Road
Deer Springs Road to Buena Creek Road – 41 EDU
Buena Creek Road to Cassou Road – 80 EDU

Waiver: The Site Plan requirement cannot be waived. However, grading permits may be issued prior to approval of any Site Plans.

9. The fair share contribution of \$200,000 (\$50,000 upon issuance of first grading permit; \$150,000 upon issuance of the first building permit) shall be deposited into a Trust Account. As a condition of the first Site Plan, \$150,000 shall be deposited into a Trust Account as approved by the Director of PDS prior to approval of any building permits.

10. Each implementing Site Plan shall include all applicable project features identified in the Specific Plan as conditions of approval, including but limited to, prohibiting turf grass in residential front yards, low-water use landscaping, plumbing for greywater systems, and incorporating vineyards into the landscape.

Waivers:

This site plan requirement may be waived by the Director of Planning and Development Services for this issuance of a grading permit.

Section 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.