

APPENDIX I
PROPOSED ZONING SPECIAL AREA REGULATIONS
(D DESIGNATORS)

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This Appendix provides the full text of two proposed Zoning Special Area Regulations (D Designators) associated with potential approvals of PSR Analysis Area proposals.

Proposed D Designator 1 (pages I-2 through I-5 of this Appendix) would serve as one component of the proposed mitigation for Climate Change/GHG and Air Quality impacts associated with any approvals for increases in residential density and/or commercial/industrial intensity (i.e. commercial or industrial uses not previously allowed).

Proposed D Designator 2 (page I-6 of this Appendix) addresses consistency with General Plan Policy LU-1.2 for the PSR SD15 Proposed Project Map, which includes a proposed Village density on a portion of the SD15 property. The full text of the Policy LU-1.2 policy consistency review (for CEQA review) is provided in Chapter 2.9 (Land Use) of this SEIR, and references this proposed D designator.

PROPOSED D DESIGNATOR 1

One Component of the Proposed Mitigation for Climate Change/GHG and Air Quality Impacts

Note: The referenced map attachments to this proposed D Designator will be included with the Form of Ordinance considered by decision makers. In addition to showing properties where this D Designator would be applied, they would show the General Plan land use designations and zoning use regulations adopted with the adoption of the General Plan Update of August 3, 2011 (GPU), as referenced in the text of the proposed D Designator.

Ordinance No. _____ (New Series)

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN
PROPERTIES RELATED TO THE PROPERTY SPECIFIC REQUESTS
GENERAL PLAN AMENDMENT AND REZONE**

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 below, and more precisely delineated on the Property Specific Requests Special Area Regulation Changes Maps attached hereto as Attachment ____ and as on file with the Clerk of the Board of Supervisors of the County of San Diego.

D Special Area Regulations Designator – Mitigation for Air Quality and Greenhouse Gas (GHG)/Climate Change impacts associated with increased residential densities and/or development intensities adopted as part of the Property Specific Requests General Plan Amendment and Rezone (GPA12-005; REZ14-006).

Objective:

This D designator shall serve as one component of the mitigation required for Air Quality and GHG/Climate Change impacts associated with increased residential densities and/or development intensities adopted as part of the Property Specific Requests (PSRs) General Plan Amendment and Rezone (GPA12-005; REZ14-006).

This D designator is applied to all properties that have been approved for a change in the General Plan land use designation or zoning use regulation as part of the final adoption of the above referenced project. For these properties, any future development projects that propose a residential density or commercial/industrial development intensity higher than what was allowed under the land use designation and/or zoning adopted with the General Plan Update of 2011 shall:

- A. Be prohibited from including wood burning fireplaces or wood burning stoves in the construction of all structures; and,
- B. Be required to mitigate GHG impacts associated with this additional development potential to no net increase or net zero in GHG emissions.

Section 2

Standards:

When any development is proposed on a property subject to this D designator, Planning & Development Services (PDS) staff shall first determine whether the project proposes either a) a residential density higher than what would have been allowed under the General Plan land use designation or zoning density (where applicable) adopted with the General Plan Update of August 3, 2011 (2011 GPU); or, b) a use that would not have been permitted under the zoning use regulation adopted with the 2011 GPU (a use that would have been permitted includes only Permitted Uses and Permitted Uses Subject to Limitations as defined by the zoning use regulation adopted with the 2011 GPA). **If the project includes a proposal for either of the above, this D designator shall apply to the project.** An application for a single-family residence on an existing legal lot (may also include structures accessory to the single-family residential use) shall not be subject to this D designator, as such a project is not affected by the allowed General Plan density. Maps showing the General Plan land use designations and zoning use regulations adopted with the 2011 GPU (for properties subject to this D designator) are provided as Attachment ____.

For residential projects within the slope-dependent Semi-Rural land use designations, a Civil Engineer's slope analysis provided by the project applicant shall be used to determine the current allowed density and the density that was allowed under the General Plan land use designation adopted with the 2011 GPU.

If completion of the first step results in a determination that the D designator does apply to the project, a Site Plan application shall be required to ensure compliance with the standards below, and the project shall not be eligible for a Site Plan waiver. The second and third steps of the process below shall be applied through the discretionary project review process.

PDS staff shall secondly apply the following standard:

1. The use of wood burning stoves shall be prohibited and any fireplaces shall be fueled by natural gas. This restriction shall be noted on the building plans for all proposed structures.

As the third step in establishing compliance, PDS staff shall determine the extent of development proposed that is beyond what would have been allowed under the General Plan land use designation and/or zoning use regulation adopted with the 2011 GPU, and the GHG emissions associated with the increased development.

For residential projects, this shall be determined by calculating the difference in the number of dwelling units between the number proposed by the development permit application and the maximum number that would have been allowed under the General Plan land use designation and/or zoning use regulation adopted with the 2011 GPU. For non-residential projects, proposed uses that would not have been allowed under the zoning use regulation adopted with the 2011 GPU shall be the basis of quantifying new GHG emissions. The GHG emissions associated with the increased development for either a residential or non-residential project shall be determined as part of a GHG emissions report that would be prepared for the project by an air quality specialist listed on the County's CEQA Consultants List and reviewed by County staff including an air quality/GHG specialist.

Once the GHG emissions associated with the increased development have been determined, PDS staff shall fourthly apply either standard 2a or 2b below:

- 2a. Project applicants shall achieve no net increase in GHG emissions from additional density or development intensity (e.g., new zoning use categories not previously allowed) above the 2011 GPU/zoning over the life of the project (30 years). Applicants shall be required in their respective CEQA documents to quantify the GHG emissions from their projects that exceed the GHG emissions for the 2011 GPU density or intensity forming the basis of the County of San Diego Draft Climate Action Plan (CAP) emission forecasts (i.e., projections). This increase in emissions shall be reduced through on-site design features and mitigation measures, and by off-site mitigation, including purchase of carbon offset credits by the applicant, if needed. Applicants shall demonstrate compliance with relevant CAP measures as identified in the “CAP Consistency Review Checklist” in addition to all feasible on-site design features and mitigation measures. Off-site mitigation, including purchase of carbon offset credits, would be allowed after all feasible on-site design features and mitigation measures have been incorporated.
- 2b. Project applicants shall reduce all project GHG emissions to net zero to achieve no net increase over baseline conditions (i.e., carbon neutrality). Project emissions shall be reduced to zero through on-site design features and mitigation measures and off-site mitigation, including purchase of carbon offset credits by the applicant or its designee. Applicants shall demonstrate compliance with relevant CAP measures as identified in the “CAP Consistency Review Checklist” before considering additional feasible on-site design features and mitigation measures. Off-site mitigation, including purchase of carbon offset credits, would be allowed after all feasible on-site design features and mitigation measures have been incorporated.

The following four paragraphs are applicable to standard 2a or 2b above:

The County will consider, to the satisfaction of the Director of Planning & Development Services (PDS), the following geographic priorities for GHG reduction features, and GHG reduction projects and programs: 1) project design features/on-site reduction measures; 2) off-site within the unincorporated areas of the County of San Diego; 3) off-site within the County of San Diego; 4) off-site within the State of California; 5) off-site within the United States; and 6) off-site internationally.

If carbon offset credits are provided as mitigation after all feasible measures are provided on site, the applicant, or its designee, shall purchase and retire carbon offsets in a quantity sufficient to offset the net increase from GHG emissions above the density or intensity allowed in the 2011 GPU for the life of the project (i.e., 30 years). This includes all GHG emissions from construction (including sequestration loss from vegetation removal) and operations.

Carbon offset credits must be purchased through any of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard, (ii) any registry approved by CARB to act as a registry under the state’s cap-and-trade program, (iii) through the CAPCOA GHG Rx and the SDAPCD, or (iv) if no registry is in existence as identified in options (i), (ii), or (iii), above, then any other reputable registry or entity that issues carbon offsets consistent with California Health & Safety Code section 38562(d)(1)), to the satisfaction of the Director of PDS.

If utilizing the purchase of carbon credits to fulfill the requirement to offset GHG emissions associated with the increased development, prior to County's issuance of the project's first grading permit (for construction GHG emissions) or first building permit (for operations GHG emissions) the applicant, or its designee, shall provide evidence to the satisfaction of the Director of PDS that the project applicant or its designee has purchased and retired carbon offsets in a quantity sufficient to offset the net increase of construction and operations GHG emissions generated by the project. Operations emissions may be offset in phases, commensurate with the overall phasing of the project.

PROPOSED D DESIGNATOR 2

*Addressing Consistency with General Plan Policy LU-1.2 for the
PSR SD15 Proposed Project Map*

Note: The referenced map attachment to this proposed D Designator will be included with the Form of Ordinance considered by decision makers. It will show the SD15 property where this D Designator would be applied, if the Board of Supervisors approves the Proposed Project Map for SD15.

Ordinance No. _____ (New Series)

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF
CERTAIN PROPERTY RELATED TO THE PROPERTY SPECIFIC REQUESTS
GENERAL PLAN AMENDMENT AND REZONE**

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 below and more precisely delineated on the Property Specific Requests Special Area Regulation Changes Map attached hereto as Attachment A and as on file with the Clerk of the Board of Supervisors of the County of San Diego.

D Special Area Regulations Designator – A component of establishing consistency with General Plan Policy LU-1.2 for Property Specific Request (PSR) San Dieguito 15 (SD15) associated with adoption of Village residential densities and a Village Regional Category on a portion of the property as part of the Property Specific Requests General Plan Amendment and Rezone (GPA12-005; REZ14-006).

Objective:

A finding of consistency with General Plan Policy LU-1.2 (as adopted by the Board of Supervisors with the adoption of the General Plan Update on August 3, 2011) relied on implementation of this D designator to ensure future development within the area approved for Village densities and a Village Regional Category is designed to meet the Leadership in Energy and Environmental Design (LEED)-Neighborhood Development Certification or an equivalent, as outlined in the policy.

Section 2

Standards:

When any development is proposed within the portions of the subject property that are designated Village Residential 10.9 (VR-10.9) and General Commercial on the General Plan Land Use Map, a Site Plan application shall be required to ensure compliance with the standards below, and the project shall not be eligible for a Site Plan waiver.

The Site Plan shall be reviewed to ensure the development within the VR-10.9 and General Commercial portions of the property is designed to meet the LEED-Neighborhood Development Certification or an equivalent.