



The County of San Diego

Planning Commission Hearing Report

Date:	October 7, 2016	Case/File No.:	Local Coastal Program – PDS2013-POD-13-009
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Local Coastal Program Update
Time:	11:00 a.m.	Location:	Western areas of the San Dieguito Community Planning Area within the Coastal Zone
Agenda Item:	# 2	General Plan:	Various
Appeal Status:	N/A	Zoning:	Various
Applicant:	County of San Diego	Community:	San Dieguito
Environmental:	N/A	APNs:	Various

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to review and comment on the Draft Local Coastal Program (LCP) update. Comments received on the Draft LCP will be used to prepare a Final LCP that will be presented to the Planning Commission and Board of Supervisors after environmental review is completed. The LCP includes an update for the San Dieguito Community Plan Land Use Plan (Draft LUP) (Attachment A) and an Implementation Plan (Draft IP) (Attachment B).

Planning & Development Services (PDS) recommends that the Planning Commission take the following action:

- a. Find that the Planning Commission has reviewed and considered the information contained in this Staff Report.
- b. Provide staff with comments on the Draft LCP (LUP and IP), with emphasis on the new draft policies and ordinances.

2. Key Requirements for Requested Action

- a. The Draft LCP addresses California Coastal Act (Coastal Act) regulations.

- b. The Draft LCP addresses the issues raised in the Draft Existing Conditions, Vulnerability and Risk, and Key Issues Report (Attachment C).

B. REPORT SUMMARY

Today's hearing is a required component of a grant agreement between the County and the California Coastal Commission (Coastal Commission) and provides an opportunity for the public and the Planning Commission to review and comment on the Draft LCP. The LCP includes both the Land Use Plan (LUP) and the Implementation Plan (IP). This hearing is an opportunity for the Planning Commission to provide input into and comment on the Draft LCP before the document is finalized. To assist the Commission in their review, staff has summarized the 164 updated policies in a matrix (Attachment D) to allow the Commission to see the policies and modifications to existing policies as they relate to the LCP.

Following today's hearing, staff will be receiving and compiling comments on the Draft LUP and IP from internal and external stakeholders and subsequently complete any necessary updates to the draft documents. The Draft documents are available on the PDS website for public comments; any comments received will be considered during the development of the final LCP.

PDS staff will meet with the Community Planning Group in the fall. Staff will return to the Planning Commission for final recommendations in December. To become effective, the LUP and IP will need to be approved by the Board of Supervisors (Board) and subsequently approved by the Coastal Commission.

C. BACKGROUND

The Coastal Act allows the County to assume permitting authority for development occurring within the Coastal Zone, with the exception of tidelands, submerged lands, and public trust lands. Before assuming permitting authority, the Coastal Act requires that the County adopt an LCP for the portion of the Coastal Zone within its jurisdiction and that the adopted LCP be certified by the Coastal Commission.

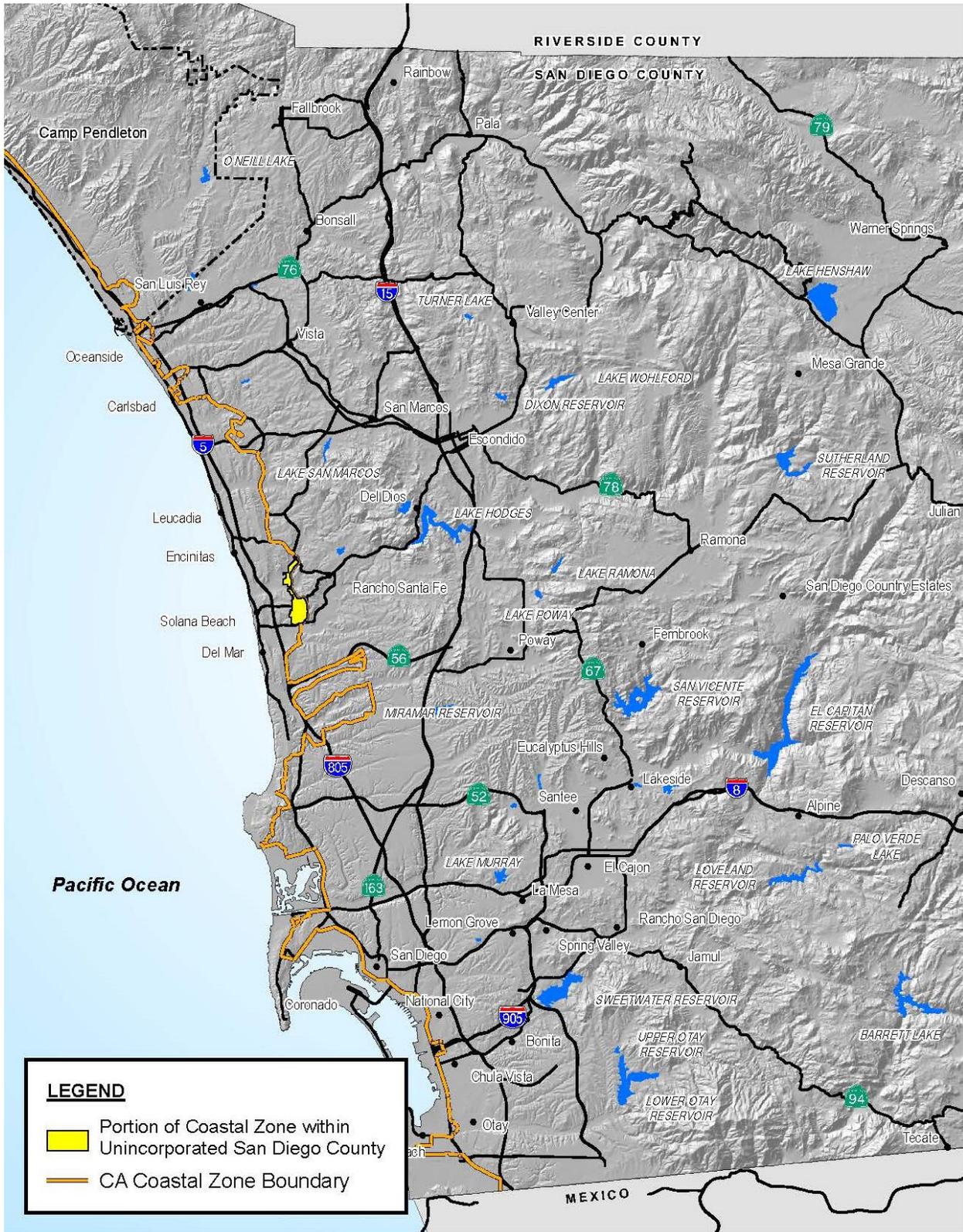
The County's LCP was approved in 1982 and 1985, respectively, by the Coastal Commission. The County deferred acceptance of the approved LCP because the cities of Solana Beach and Encinitas incorporated, which reduced the size of the LCP area under County jurisdiction. Although the County adopted revised plans in 1988 and 2011, these documents were not approved by the Coastal Commission. Revisions to the LCP are necessary to qualify for certification so that the County can assume authority for all coastal zone permitting.

On July 31, 2013 (1), the Board provided authorization to apply for and accept grants for the purposes of updating the LCP. The Coastal Commission subsequently awarded a grant to the County on November 13, 2014. A grant agreement was executed on May 26, 2015. Pursuant to this agreement, staff is required to bring the Draft LCP to the Planning Commission as part of the community outreach process.

D. PROJECT DESCRIPTION

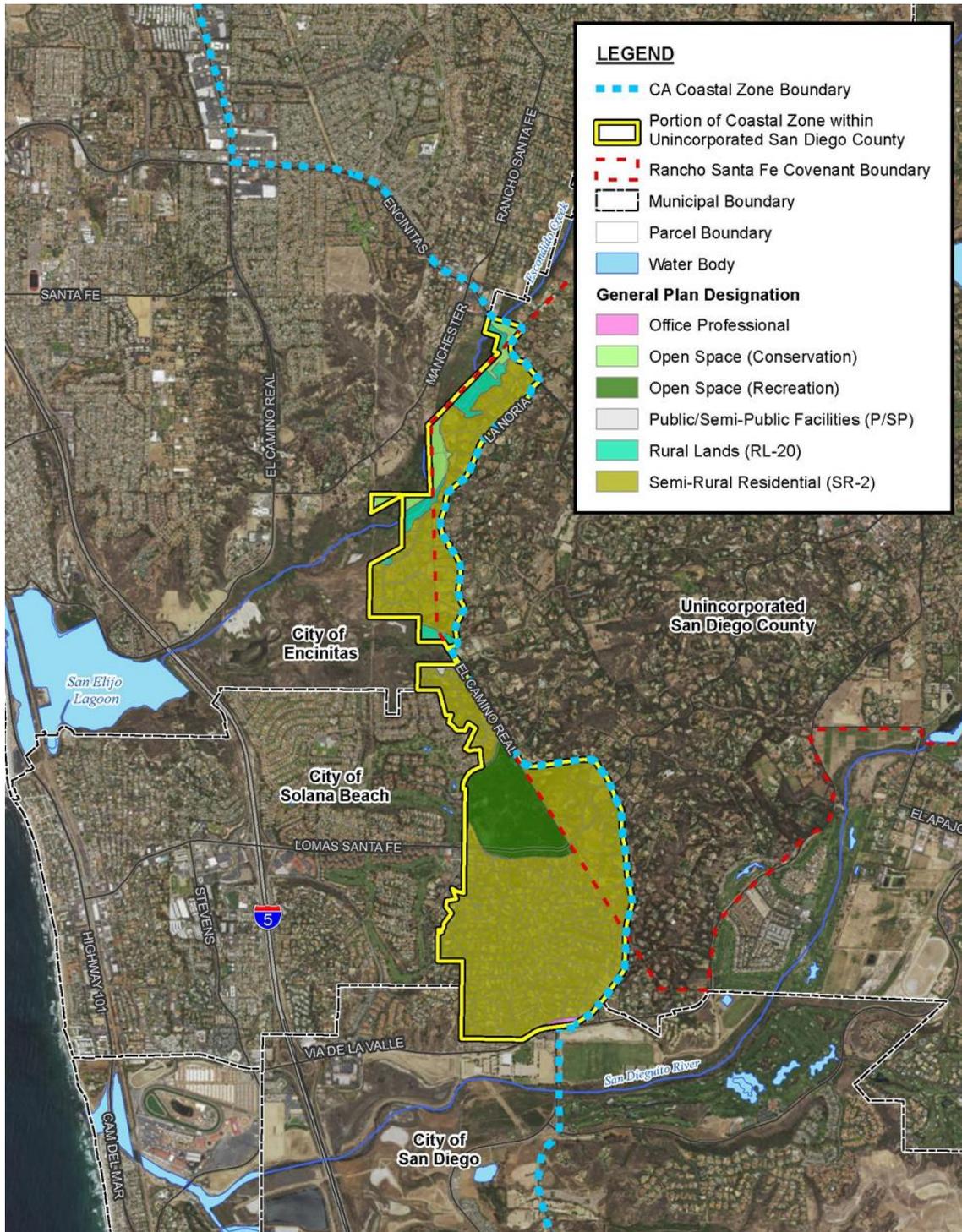
The County has jurisdiction over approximately 1,050 acres within the Coastal Zone in the western areas of the County's San Dieguito Community Planning Area. The Coastal Zone is adjacent to the cities of Encinitas and Solana Beach to the west and the City of San Diego to the south (See Figure 1).

Figure 1 – Vicinity Map



The Coastal Zone includes 473 parcels; 424 parcels are developed and 49 are undeveloped. Most parcels in the Coastal Zone are designated for low density residential use. Approximately 160 acres are designated as open space, including San Dieguito Park. Approximately 3.5 acres are designated for office professional use. (See Figure 2).

Figure 2 – General Plan Designations



An LCP consists of two primary documents; these include the LUP and the IP. The Draft LUP includes goals and policies for the Coastal Zone. The Draft IP provides the development regulations needed to carry out the Draft LUP. The Draft IP describes how existing Zoning regulations and Special Area Designators coincide with the Coastal Zone boundary and includes regulations to further clarify the intent of the updated policies included in the Draft LUP. The Draft IP also includes processing and permitting requirements for potential projects within the Coastal Zone. The Draft LUP and IP have been prepared based on the requirements of the Coastal Act and the Coastal Commission's LCP Update Guide.

E. ANALYSIS AND DISCUSSION

Working with the Consultant (AECOM), staff prepared the Draft LCP by completing the "Draft Existing Conditions, Vulnerability and Risk and Key Issues Report," reviewing the Coastal Act and the LCP Update Guide, and collaborating with the Coastal Commission. The LCP Update Guide covers the policies contained in the Coastal Act and implementation measures directly related to carrying out the policies.

The Coastal Act currently applies to all properties within the Coastal Zone. The Draft LCP will allow the County to assume permitting authority and implement regulations, rather than the Coastal Commission. Currently, the Coastal Act and associated policies are being enforced on all properties within the Coastal Zone. Therefore, the Draft LCP does not represent a new set of policies and regulations, but is a tool that allows the County to more effectively serve residents and customers within the Coastal Zone.

The Draft LUP includes no changes to existing land use designations for the area within the Coastal Zone but includes policies to meet the requirements of the Coastal Act. The LUP includes references to existing County Policies that will ensure the Coastal Act requirements are met. When existing County Policies did not exist, policies were developed to address any gaps. If existing policies existed, but needed to be modified to meet the requirements of the Coastal Act, these changes were made.

The Draft LUP includes 164 policies which are included in the Draft LUP. The policies are grouped into eight categories and are summarized as follows:

1. Public Access and Recreation
 - a. Appropriately site new access points and facilities
 - b. Protect and preserve existing access points and facilities
2. Environmentally Sensitive Habitats (ESHA)
 - a. Appropriately site new development
 - b. Protect and minimize impacts to ESHA
 - c. ESHA modification strategies
3. Water Resources
 - a. Minimize impervious surfaces
 - b. Control erosion and runoff
 - c. Incorporate best management practices
 - d. Compliance with State Water Resources Control Board requirements
4. Agriculture
 - a. Encourage preservation of agricultural resources

- b. Prime farmland criteria
- 5. Scenic and Visual Resources
 - a. Protect scenic and visual qualities
 - b. Appropriately site new development
 - c. Preserve existing viewpoints
- 6. Planning, New Development, and Public Works
 - a. Consistency with adopted plans and procedures
 - b. Land subdivision/development criteria
 - c. Repair and maintenance criteria
- 7. Cultural and Paleontological Resources
 - a. Resource preservation
 - b. Appropriate treatment of resources
- 8. Coastal Hazards
 - a. Hazard avoidance
 - b. Modification of hazards

The proposed additions and revisions are necessary to address the unique issues and features identified in the County's Coastal Zone as referenced in the "Draft Existing Conditions, Vulnerability and Risk, and Key Issues Report." Furthermore, the additions and revisions are needed to ensure that Coastal Act regulations that are currently enforced by the Coastal Commission are implemented by the County.

The Draft LUP (Attachment A) and Draft IP (Attachment B) are provided to the Planning Commission for their review. To assist the Commission in their review of the LUP, staff has summarized the 164 policies in a matrix (Attachment D) to allow the Commission to easily review the nature of the policies that are proposed. The matrix is organized by the policy groups listed above and describes the source of the policy. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15265(a)(1), CEQA does not apply to activities and approvals pursuant to the California Coastal Act by a local government for the preparation and adoption of an LCP. However, staff is currently preparing a CEQA document in effort to amend the San Dieguito Community Plan (General Plan Amendment) by replacing the non-certified LCP with this newly revised LCP, anticipated to be certified by the Coastal Commission in the spring of 2017. The CEQA analysis will accompany the Final LCP and be presented to the Planning Commission in December 2016.

F. PUBLIC INPUT

Staff presented the LCP update process and study topics associated with the project to the Rancho Santa Fe Association Covenant Board on November 5, 2015 and the San Dieguito Community Planning Group on November 12, 2015. No major concerns were raised during these presentations.

On November 2, 2015 and December 16, 2015, Tribal governments in the San Diego region were notified, per SB-18, that staff is preparing an update to the LCP. Correspondence was received from five Tribal governments. Three Tribal governments requested additional information, but did not request consultation; one Tribal government did not request additional information or consultation. The San Luis Rey Band of Mission Indians requested consultation, which was conducted on January 21, 2016. The consultation remains open to allow additional discussions related to the future CEQA document. Additional notifications, related to SB-18 and the future CEQA document, were sent to applicable Tribal governments on August 3, 2016, requesting comments by November 1, 2016.

AB-52 notifications to applicable Tribal governments were sent in August 2016 requesting comments. One Tribal government contacted the County but did not request AB-52 consultation. On September 9, 2016 staff sent subsequent notifications to applicable Tribal governments indicating that AB-52 consultation is not required because of the type of environmental document anticipated by staff.

On December 11, 2015 (4), the Planning Commission accepted a staff report summarizing the LCP update process and project study topics. A notice for the December 11, 2015 Planning Commission hearing was circulated on November 25, 2015 to property owners within 300 feet of the LCP update area, agencies requiring notification per California Government Code Section 65352, and other stakeholders. These notifications included a link to a project web site with information on the LCP update. Staff established a web page at project initiation, to provide the most current information on the project as it progresses through the planning phases.

In addition to public outreach, PDS is coordinating with the County Department of Parks and Recreation, Department of Environmental Health, and Department of Public Works. Staff will also continue soliciting feedback on the Draft LCP from the Rancho Santa Fe Association Covenant Board, the San Dieguito Community Planning Group and other interested stakeholders during presentations in the fall.

RECOMMENDATIONS

PDS recommends that the Planning Commission take the following action:

1. Find that the Planning Commission has reviewed and considered the information contained in this Staff Report.
2. Provide staff with comments on any portion of the Draft LCP, if any, with particular emphasis on the draft policies.

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MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment A – Draft Local Coastal Program Land Use Plan

Attachment B – Draft Local Coastal Program Implementation Plan

Attachment C – Draft Existing Conditions, Vulnerability and Risk, and Key Issues Report

Attachment D – Land Use Plan Policy Matrix