County of San Diego

Planning & Development Services

Local Coastal Program Update

DRAFT
LOCAL COASTAL PROGRAM
IMPLEMENTATION PLAN

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Prepared For:

County of San Diego

Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

Prepared By:

AECOM

401 West A Street, Suite 1200

San Diego, CA 92101

Table of Contents

Section **Page**

GENERAL PROVISIONS....1

9000 Purpose of the Coastal Zone Regulations Implementation Plan....1

9002 Applicability....1

9004 Adoption....1

COASTAL ZONE USE REGULATIONS AND REQUIREMENTS....4

9100 Purpose....4

9102 Compliance....4

9104 Establishment and Designation of Coastal Zone Use Regulations....5

9106 Allowed Land Uses and Permit Requirements for Coastal Zone Use Regulations....6

COASTAL ZONE SITE DEVELOPMENT STANDARDS....13

9200 Site Development Standards by Subarea....13

9202 Parking Requirements....**Error! Bookmark not defined.**

9204 Landscaping Requirements....26

9206 Lighting Requirements....26

9208 Sign Requirements....28

9210 Temporary Use Requirements....31

9212 Accessory Use Requirements....31

9214 Fencing Requirements....31

COASTAL ZONE SPECIAL AREA REGULATIONS....31

9300 Purpose....31

9310 Flooding and Sea Level Rise....48

9316 Public Access and Recreation....57

COASTAL PERMITS....60

9400 Coastal Permit Requirements....60

9404 Exemptions....78

9406 Approval Authority....79

9408 Coastal Permit Process....80

9410 Determination of Permit Requirement....83

9412 Revocation....83

9414 Expiration of Coastal Permits....83

9416 Coastal Permit Amendments 83
9418 Denial of Coastal Permit Applications 84
9420 Coastal Permit Application Requirement and Fees 84
9422 Coastal Permit Appeals 85
DEFINITIONS 88
9500 Definitions 88

LIST OF FIGURES

Figure 9-1 Coastal Zone Use Regulations .... **Error! Bookmark not defined.**
Figure 9-2 Coastal Zone Subareas .... **Error! Bookmark not defined.**
Figure 9-3 Lot Area .... **Error! Bookmark not defined.**
Figure 9-4 Building Type .... **Error! Bookmark not defined.**
Figure 9-5 Height .... **Error! Bookmark not defined.**
Figure 9-6 Setbacks .... **Error! Bookmark not defined.**
Figure 9-7 Animal Regulations .... **Error! Bookmark not defined.**
Figure 9-8 Coastal Zone Special Area Designators .... **Error! Bookmark not defined.**
Figure 9-9 FEMA Special Flood Hazard Areas xxx
Figure 9-10 San Elijo Ecological Reserve Future Inundation and Flooding xxx

LIST OF TABLES

Table 9-1 Coastal Zone Use Regulations 5
Table 9-2a Coastal Zone Regulations Use and Enclosure Matrix 7
Table 9-2b Coastal Zone Regulations Use and Enclosure Matrix 8
Table 9-2c Coastal Zone Regulations Use and Enclosure Matrix 9
Table 9-2d Coastal Zone Regulations Use and Enclosure Matrix 10
Table 9-2e Coastal Zone Regulations Use and Enclosure Matrix 11
Table 9-2f Coastal Zone Regulations Use and Enclosure Matrix 12
Table 9-3a Development Standards Subareas A through J 13
Table 9-3b Development Standards Subareas K through T 13
Table 9-3c Development Standards Subareas U through Z 14
Table 9-4 Building Type Schedule 16
Table 9-5 Height Schedule 16
Table 9-6 Setback Schedule 21
Table 9-7 Animal Schedule 23
Table 9-8 Template for Annual Trail Accounting Table....
Table 9-9 CAP/STP Permit Process....
Table 9-10 CDP/MUP Permit Process....

APPENDICES

Appendix A	Related Coastal Zone Implementation Plan Ordinances
Appendix B	Implementation Plan Regulations …

PART 9: COASTAL ZONE REGULATIONS

GENERAL PROVISIONS

9000 Purpose of the Coastal Zone Regulations Implementation Plan

This document establishes the County of San Diego Implementation Plan representing the Coastal Zone Regulations, for the County of San Diego's Local Coastal Program (LCP), prepared in accordance with the California Coastal Act (CCA) of 1976. As provided by the CCA, an LCP consists of two major components: the Land Use Plan (LUP) and the Implementation Plan (IP). Whereas the LUP designates the kinds, location, and intensity of land and water uses and presents applicable resource protection and development policies, the IP provides development regulations for specific coastal zone activities described within the LUP. Accordingly, the County of San Diego IP describes the various implementation measures needed to carry out the County of San Diego LUP.

The purpose of this Section is to implement the County's LUP and to protect and promote the public health, safety, peace, comfort, convenience, and general welfare of the County. More specifically, this Section is intended to:

- Encourage public access to the San Elijo Lagoon Ecological Reserve, San Dieguito Regional Park, and Escondido and Orilia creeks, while minimizing adverse impacts on sensitive habitats.
- Minimize safety hazards and impacts from natural and man-induced hazards, including flooding, sea level rise, and geologic instability.
- Preserve and enhance existing coastal vistas while recognizing the rights of private property owners.
- Provide recreational opportunities, visitor-serving facilities, and public improvements within the funding constraints of the public sector.
- Allow land uses that respond to the institutional and natural constraints of the land and that minimize disturbance of surrounding coastal land areas.
- Preserve and enhance the unique natural resources, environmental quality, and community character of this Coastal Zone.
- Promote the development of run-off control measures and best management practices capable of minimizing water quality impacts, including from siltation and to San Elijo Lagoon and Escondido and Orilia creeks.

9002 Applicability

This Section applies to all development and uses within the Coastal Zone (boundary of Coastal Zone shown on **Figure 9-1**) of the County of San Diego.

9004 Adoption

Adoption of the provisions of Sections 9000 through 9500 of the Local Coastal Plan by the County of San Diego Board of Supervisors is pursuant to the authority contained in Public Resources Code, Sections 30000, et seq. (Coastal Act) and Title 14, Division 5.5 of the California Code of Regulations.

Upon adoption, the terms, conditions, maps, and regulations of this Section shall govern, supersede, and modify the provisions included in the County's Zoning Ordinance that are related to lands within the unincorporated County California Coastal Zone.

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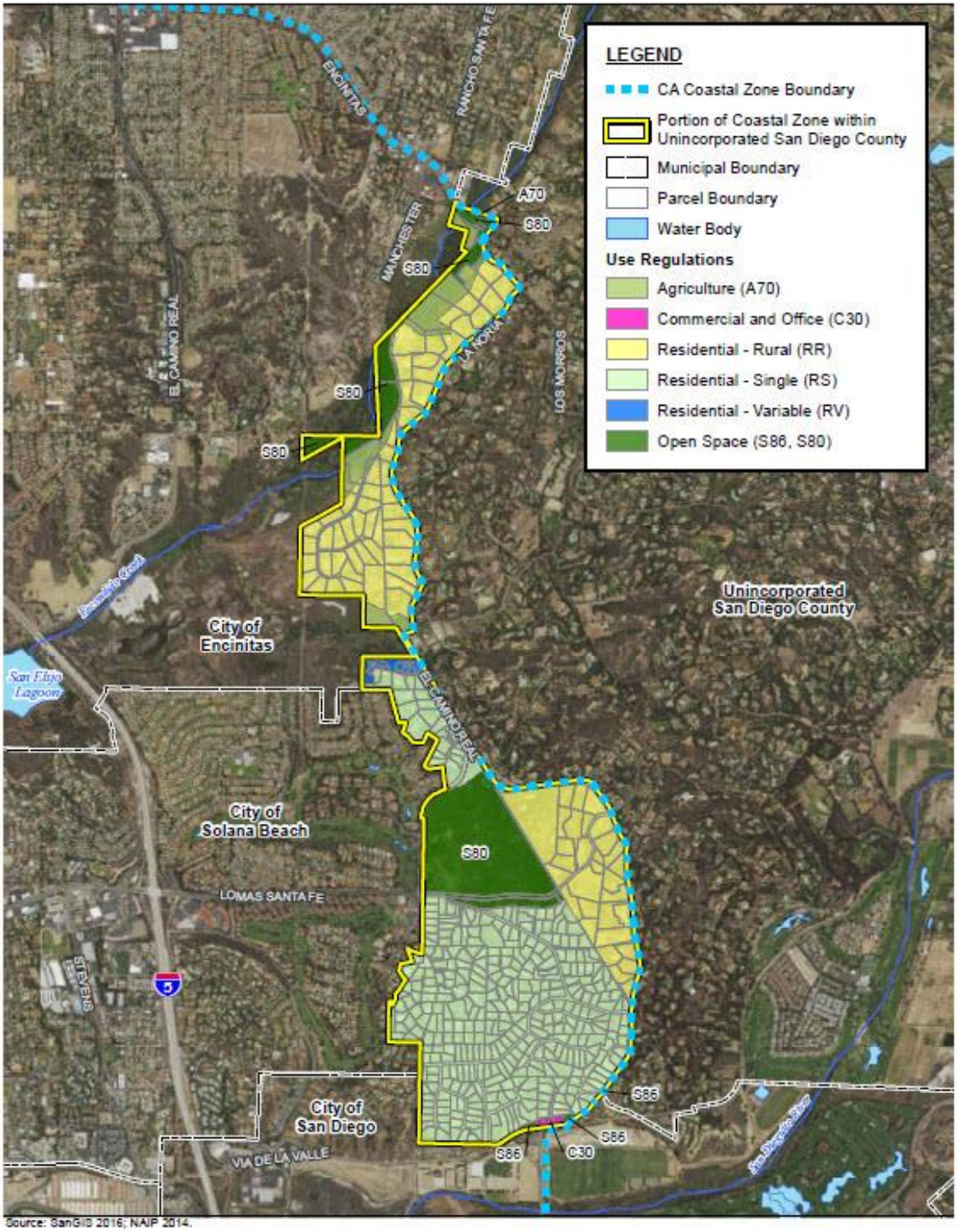


Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-1
Coastal Zone Use Regulations

Path: P:_6048\60484703_Local_Coastal_Program_Update\800-CAD-GIS\822_Maps\ImplementationPlan_Maps\Zoning.mxd, 8/2/2016, daniel_arellano

a. Responsibility for Administration

This Section shall be administered by the County of San Diego Board of Supervisors or its designee, hereafter referred to as the "Approval Authority."

b. Conflict with Other Provisions

The regulations outlined in this Section shall prevail if there is a conflict between a provision of this Section and a provision of the General Plan, or any other County-adopted-plan, -resolution, or -ordinance, not included in this Section.

c. Severability

If any chapter, section, subsection, paragraph, sentence, clause, phrase, or other portion of this IP is for any reason held to be invalid, unconstitutional, or unenforceable by a court, such a decision shall not affect the validity, constitutionality, or enforceability of the remaining portions of this IP.

COASTAL ZONE USE REGULATIONS AND REQUIREMENTS

9100 Purpose

The purpose of this Section is to establish the use regulations and related components of the IP, including all zoning uses, regulations, and requirements consistent with the policies and provisions of the Land Use Plan (LUP), and applicable to all areas within the County's Coastal Zone.

9102 Compliance

All properties within the Coastal Zone shall be subject to compliance with applicable regulations herein, except as otherwise provided in Section 9404. Specifically, the following rules shall apply to property within designated Use Regulations within the Coastal Zone:

a. No structure shall be erected and no existing structure shall be moved, altered, added to, or enlarged, nor shall any land, structure, or premises be used, designated, or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the Use Regulation in which such structure, land, or premises is located.

b. No structure shall be erected, altered, enlarged, or rebuilt to exceed in height the limit hereinafter designated for the Use Regulation, in which such structure is located.

c. No structure shall be erected, altered, enlarged, or rebuilt, except in conformity to the setback, lot coverage (if applicable), structure location, and other applicable regulations hereinafter designated for the Use Regulation in which such structure is located.

d. No use shall be established, expanded, altered, changed, or otherwise modified except as provided for in the terms of this Section.

9104 Establishment and Designation of Coastal Zone Use Regulations

a. *Establishment of Coastal Zone Use Regulations*

The County of San Diego Coastal Zone is divided into the Coastal Zone Use Regulations shown in **Table 9-1** and illustrated in **Figure 9-1.**

Table 9-1
Coastal Zone
Use Regulations

Symbol	Use Regulation	Intent
A70	Limited Agriculture	The A70 Use Regulations are intended to create and preserve areas intended primarily for agricultural crop production. Additionally, a limited number of small farm animals may be kept and agricultural products raised on the premises may be processed. Typically, the A70 Use Regulations would be applied to areas throughout the County to protect moderate to high quality agricultural land.
C30	Office-Professional	The C30 Use Regulations are intended to create and enhance areas where administrative office and professional services are the principal and dominant use. It is also intended that uses involving high volumes of vehicular traffic be excluded from the C30 Use Regulations. Typically, the C30 Use Regulations would be applied near residential areas, have a scale and appearance compatible with and complementary to the adjacent residential use, and have pedestrian as well as vehicular access.
RR	Rural Residential	The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.
RS	Single Family Residential	The RS Use Regulations are intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. The intent of the RS Use Regulation in the Coastal Zone is to create a traditional single-family residential area.
RV	Variable Family Residential	The RV Use Regulations are intended to create and enhance areas where residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. Application of the appropriate Use Regulations with appropriate development designators can create a single-family residential area, a duplex or two- family residential area, a multi-family residential area, or an area with a combination of single family, duplex, two-family or multi-family dwellings.

Symbol	Use Regulation	Intent
S80	Open Space	The S80 Open Space Use Regulations are intended to provide for appropriate controls for land generally unsuitable for intensive development. The S80 Use Regulations is applied to recreation and open space areas. Uses permitted within the S80 Use Regulations include those having a minimal impact on the natural environment, or those compatible with the hazards, resources, or other restrictions on the property. Various applications of the S80 Use Regulations with appropriate development designators can create or protect large recreation areas or limited use areas having identified hazards or natural resources.
S86	Parking	The S86 Use Regulations are intended to identify and create areas for automotive parking in association with another dominant land use. Typically, the S86 Use Regulation would be applied to assure a physical separation between one type of use and another, or to accommodate off-street parking requirements for recreational areas. Various applications of the S86 Use Regulations with appropriate development designators is intended to create small parking areas between uses rather than large parking areas.

b. **Coastal Zone Use Regulations (Coastal Zoning Map)**

The designations, locations, and boundaries of the Use Regulations are set forth in the County of San Diego LCP. The LCP is on file with the Clerk of the Board, and the Coastal Zone Use Regulations are illustrated in **Figure 9-1**. The LCP may be amended by resolution of the County of San Diego Board of Supervisors, and is subject to certification by the California Coastal Commission.

9106 Allowed Land Uses and Permit Requirements for Coastal Zone Use Regulations

a. **Tables 9-2a through 9-2f** illustrate the use regulations and permit requirements for each land use within the Coastal Zone.

b. **Principal Permitted Uses:** Principal Permitted Uses, or those permitted by-right, within the Coastal Zone are designated by a "Principal Permitted Uses" in Tables 9-2a through 9-2f.

c. **Supplemental Regulations**: The Supplemental Regulations are located in the Implementation Plan.

Table 9-2a
Coastal Zone Regulations
Use and Enclosure Matrix

COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX

NOTE: This matrix is a summary only. For complete regulations see Appendix B of the LCP Implementation Plan. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of the Implementation Plan and Appendix B, the provisions of the text and Appendix B shall apply.

USE TYPES[1]	RESIDENTIAL: Family Residential	Group Residential	Mobilehome Residential	CIVIC	Enclosed	Open	Drive-in	Administrative and Professional Services	Ambulance Services (Sec. 6900)	Community Recreation (Excluding County Parks)	Cultural Exhibits and Library Services	Child Care Center	County Park (Public Park/Playground/Recreational & Public Passive Park/Recreational)	Essential Services	Fire Protection Services	Group Care	Law Enforcement Services	Civic, Fraternal or Religious Assembly	Major Impact Services and Utilities	Minor Impact Utilities	Parking Services	Postal Services	Small Schools		Use Regulations
					See Section 6816			1410	1315	1325	1330	1332		1335	1340	1345	1346	1348	1350	1355	1360	1365	1375		
																									RESIDENTIAL
RS	PPU		1		S	S		M		M	M	M	P	S	S	M		M	M	S	M	M	S	RS	Single-Family Residential
RV	PPU		1		S	S		M		M	M	M	P	S	S	M		M	M	S	M	M	S	RV	Variable Family Residential
RR	PPU	M	1		S	S	M	M	M	M	M	M	P	S	S	M	M	M	M	S	M	M	S	RR	Rural Residential
																									COMMERCIAL
C30					S	S		PPU	S	M	S	S	P	S	S		S	M	M	S	S	M	S	C30	Office-Professional
																									AGRICULTURAL
A70	P	M	1		S	S	M		M	M	M	M	P	S	S	M	S	M	M	S		M	M	A70	Limited Agriculture
																									SPECIAL PURPOSE
S80	P				S	S				M			PPU	M	S			M	M	S		M	M	S80	Open Space
S86					S	S							P	S	S		S			S	PPU[2]			S86	Parking

MATRIX LEGEND

PPU Principal Permitted Use
[2] PPU Principal Permitted Use - Concurrent with Site Plan
S Permitted Use by Site Plan*
M Permitted by Major Use* Permit
P Permitted*
**Appealed to Coastal Commission*

[1] See IP Appendix B for Use Types 1 - 8

Revised 5/17/2018 Page 1 of 6
PDSFORMS\ZONING ORDINANCE MTRX-1

Table 9-2b
Coastal Zone Regulations
Use and Enclosure Matrix

COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX

NOTE: This matrix is a summary only. For complete regulations see Appendix B of the LCP Implementation Plan. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of the Implementation Plan and Appendix B, the provisions of the text and Appendix B shall apply.

USE TYPES[1] / COMMERCIAL	Enclosed	Semi-Enclosed	Open	Drive-In	Agricultural & Horticultural Sales	a) Agricultural Sales	b) Horticultural Sales	Animal Sales & Services	a) Horse Stables	b) Kennels	d) Veterinary [Small Animal]	Automotive & Equipment	a) Parking	Use Regulations
	See Section 6816				1415			1425				1430		
														RESIDENTIAL
RS						P	P		2	2				RS Single-Family Residential
RV						P	P		2	2				RV Variable Family Residential
RR	S	S	S			P	P		2	2				RR Rural Residential
														COMMERCIAL
C30	S			M					2	2		~~S~~	S	C30 Office-Professional
														AGRICULTURAL
A70	S	S	S			M	M		2	2	3			A70 Limited Agriculture
														SPECIAL PURPOSE
S80	S	S	M						2	2			M	S80 Open Space
S86	S	S	S	S					2	2			S	S86 Parking

Commercial continued on next page

MATRIX LEGEND

PPU Permitted Principal Use
S Permitted by Site Plan*
M Permitted by Major Use Permit*
P Permitted*
**Appealable to Coastal Commission*

[1] See IP Appendix B for Use Types 1 - 8

Revised 5/17/2018 Page 2 of 6
PDSFORMS\ZONING ORDINANCE MTRX-2

Table 9-2c
Coastal Zone Regulations
Use and Enclosure Matrix

COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX

NOTE: This matrix is a summary only. For complete regulations see Appendix B of the LCP Implementation Plan. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of the Implementation Plan and Appendix B, the provisions of the text and Appendix B shall apply.

USE TYPES[1] COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-In	Business Support Services	Communications Services	Convenience Sales and Personal Serv	Cottage Industries	Eating and Drinking Establishments [E]	Financial, Insurance and Real Estate	Food and Beverage Retail Sales [E]	Undertaking	Medical Services	Use Regulations
	See Section 6816				1445	1450	1460	1463	1465	1475	1480	1485	1500	
														RESIDENTIAL
RS														RS Single-Family Residential
RV														RV Variable Family Residential
RR	S	S	S					4						RR Rural Residential
														COMMERCIAL
C30	S			M	S	S	5		6	S	6	M	S	C30 Office-Professional
														AGRICULTURAL
A70	S	S	S					4						A70 Limited Agriculture
														SPECIAL PURPOSE
S80	S	S	M											S80 Open Space
S86	S	S	S	S										S86 Parking

Commercial continued on next page

MATRIX LEGEND

PPU Principal Permitted Uses
S Permitted by Site Plan*
M Permitted by Major Use Permit*
P Permitted Use*
**Appealable to Coastal Commission*

Revised 5/17/2019 Page 3 of 6
PDSFORMS\ZONING ORDINANCE MTRX-3

Table 9-2d
Coastal Zone Regulations
Use and Enclosure Matrix

COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX

NOTE: This matrix is a summary only. For complete regulations see Appendix B of the LCP Implementation Plan. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of the Implementation Plan and Appendix B, the provisions of the text and Appendix B shall apply.

USE TYPES[1] / COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-In	Participant Sports and Recreation	a) Indoor	b) Outdoor	Personal Services (General)	Research Services	Retail Sales	a) General	b) Specialty	Use Regulations
1400	See Section 6816				1505			1510	1520	1525			
													RESIDENTIAL
RS						P	P	P			P	P	RS Single-Family Residential
RV						P	P	P			P	P	RV Variable Family Residential
RR	S	S	S				M						RR Rural Residential
													COMMERCIAL
C30	S			M				P	M				C30 Office-Professional
													AGRICULTURAL
A70	S	S	S				M						A70 Limited Agriculture
													SPECIAL PURPOSE
S80	S	S	M			S	M						S80 Open Space
S86	S	S	S	S									S86 Parking

Commercial continued on next page

MATRIX LEGEND

PPU Principal Permitted Use
S Permitted by Site Plan*
M Permitted by Major Use Permit*
P Permitted*
**Appealable to Coastal Commission*

[1]See IP Appendix B for Use Types 1 - 8

Revised 5/17/2019 Page 4 of 6
PDSFORMS\ZONING ORDINANCE MTRX-4

Table 9-2e
Coastal Zone Regulations
Use and Enclosure Matrix

COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX

NOTE: This matrix is a summary only. For complete regulations see Appendix B of the LCP Implementation Plan. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of the Implementation Plan and Appendix B, the provisions of the text and Appendix B shall apply.

USE TYPES[1]	COMMERCIAL (cont.)						INDUSTRIAL				
	Enclosed	Semi-Enclosed	Drive-In	Open	Transient Habitation: Campground	Transient Habitation: Resort		Enclosed	Semi-Enclosed	Open	
1400	See Section 6816				6450	6400	1600	See Section 6816			**Use Regulations**
											RESIDENTIAL
RS											RS Single-Family Residential
RV											RV Variable Family Residential
RR	S	S	S		M	M					RR Rural Residential
											COMMERCIAL
C30	S		M								C30 Office-Professional
											AGRICULTURAL
A70	S	S	S		M	M		S	S	M	A70 Limited Agriculture
											SPECIAL PURPOSE
S80	S	S	S								S80 Open Space
S86	S	S	S	S							S86 Parking

[1] See Appendix B for Use Type Definitions

MATRIX LEGEND

PP	Principal Permitted Use
S	Permitted by Site Plan*
M	Permitted by Major Use Permit*
P	Permitted Use*

**Appealable to Coastal Commission*

Revised 05/17/2019 Page 5 of 6
PDSFORMS\ZONING ORDINANCE MTRX-5

Table 9-2f
Coastal Zone Regulations
Use and Enclosure Matrix

COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX

NOTE: This matrix is a summary only. For complete regulations see Appendix B of the LCP Implementation Plan. In case of conflict between the provisions gragraphically represented in this matrix and the provisions set forth in the text of the Implementation Plan shall apply.

USE TYPES[1] AGRICULTURAL	Enclosed	Semi-Enclosed	Open	Horticulture	(a) Cultivation	(b) Storage	Tree Crops	Row & Field Crops	Animal Raising	Packing and Processing	a) Limited	b) General	c) Support	d) Winery	e) Small Winery (see Section 6910)	f) Boutique Winery (see Section 6910)	g) Wholesale Limited Winery (See 6910)	Agricultural Equipment Storage	Farm Labor Camp	Site Preparation	Use Regulations
	1700	See Section 6816		1710			1715	1720	1725	1735								1740	1750	1820	
																					RESIDENTIAL
RS	M	M	S		S		S	S	2											M	RS Single-Family Residential
RV	M	M	S		S		S	S	2											M	RV Variable Family Residential
RR	S	S	S		S	S	S	S	2		M			M					S		RR Rural Residential
																					COMMERCIAL
C30									2											M	C30 Office-Professional
																					AGRICULTURAL
A70	P	P	P		PPU	P	P	P	2		S	7	M	M	M	8	8	M	S		A70 Limited Agriculture
																					SPECIAL PURPOSE
S80	S	S	S		S	S	S	S	2		S								S		S80 Open Space
S86																				M	S86 Parking

MATRIX LEGEND

PPU Principal Permitted Use
S Permitted by Site Plan*
M Permitted by Major Use Permit*
P Permitted Use*
*Appealable to Coastal Commission

[1] See IP Appendix B for Use Types 1 - 8

Revised 5/17/2019 Page 6 of 6
PDSFORMS\ZONING ORDINANCE MTRX-6

COASTAL ZONE SITE DEVELOPMENT STANDARDS

9200 Site Development Standards by Subarea

a. The following development standards apply to all property within the Coastal Zone as organized by the Subareas shown in **Figure 9-2** and outlined in **Tables 9-3a, b, and c** below.

i. **Lot Area – Tables 9-3a, 9-3b, and 9-3c and Figure 9-3** illustrate the lot size development standards within the Coastal Zone.

Table 9-3a
Development Standards
Subareas A through J

Dev Regs[1]	Subarea A	Subarea B	Subarea C	Subarea D	Subarea E	Subarea F	Subarea G	Subarea H	Subarea I	Subarea J
Use Regulation	S80	A70	S80	A70	RR	S80	S80	A70	A70	RR
Density	.125	-	.125	-	-	.125	.125	-	-	-
Lot Area	8 ac	8 ac	8 ac	8 ac	2.86 ac	8 ac	8 ac	8 ac	8 ac	2 ac
Building Type	C	C	C	B	B	C	C	B	C	C
Max. Floor Area	-	-	-	-	-	-	-	-	-	-
FAR	-	-	-	-	-	-	-	-	-	-
Height	G	G	G	G	G	G	G	G	G	G
Lot Coverage	-	-	-	-	-	-	-	-	-	-
Setback	C	C	A	A	A	A	C	A	C	B
Open Space	-	-	-	-	-	-	-	-	-	-
Animal Regs.	L	L	V	V	V	V	L	V	L	V
Special Area Regs	Por F, R	Por F, R	F, R	F, R	F, R	F, R	Por F, R	F, R	Por F, R	F, R

- = Not applicable
[1] – See Figures 9-3 through 9-8 and Tables 9-4 through 9-7 for further description of the applicable Development Regulations within the Coastal Zone.

Table 9-3b
Development Standards
Subareas K through T

Dev Regs[1]	Subarea K	Subarea L	Subarea M	Subarea N	Subarea O	Subarea P	Subarea Q	Subarea R	Subarea S	Subarea T
Use Regulation	A70	A70	RV	RS	RS	RS	RS	S80	S80	RR
Density		-		-	-	-	-	.125	.125	-
Lot Area	8 ac	4 ac	-	1 ac	1 ac	1 ac	1 ac	8 ac	8 ac	2.86 ac
Building Type	C	B	L	B	B	B	C	C	C	B
Max. Floor Area	-	-	-	-	-	-	-	-	-	-
FAR	-	-	-	-	-	-	-	-	-	-
Height	G	G	G	E	E	E	G	G	G	G
Lot Coverage	-	-	0.60	0.20				-	-	-
Setback	C	A	V	B	G	G	H	C	C	A
Open Space	-	-	B	-	-	-	-	-	-	-
Animal Regs.	L	V	A	Q	Q	Q	Q	U	U	V
Special Area Regs	F, R	F, R	P, R	R	R	R, S	R, S	R,S	R	R, S

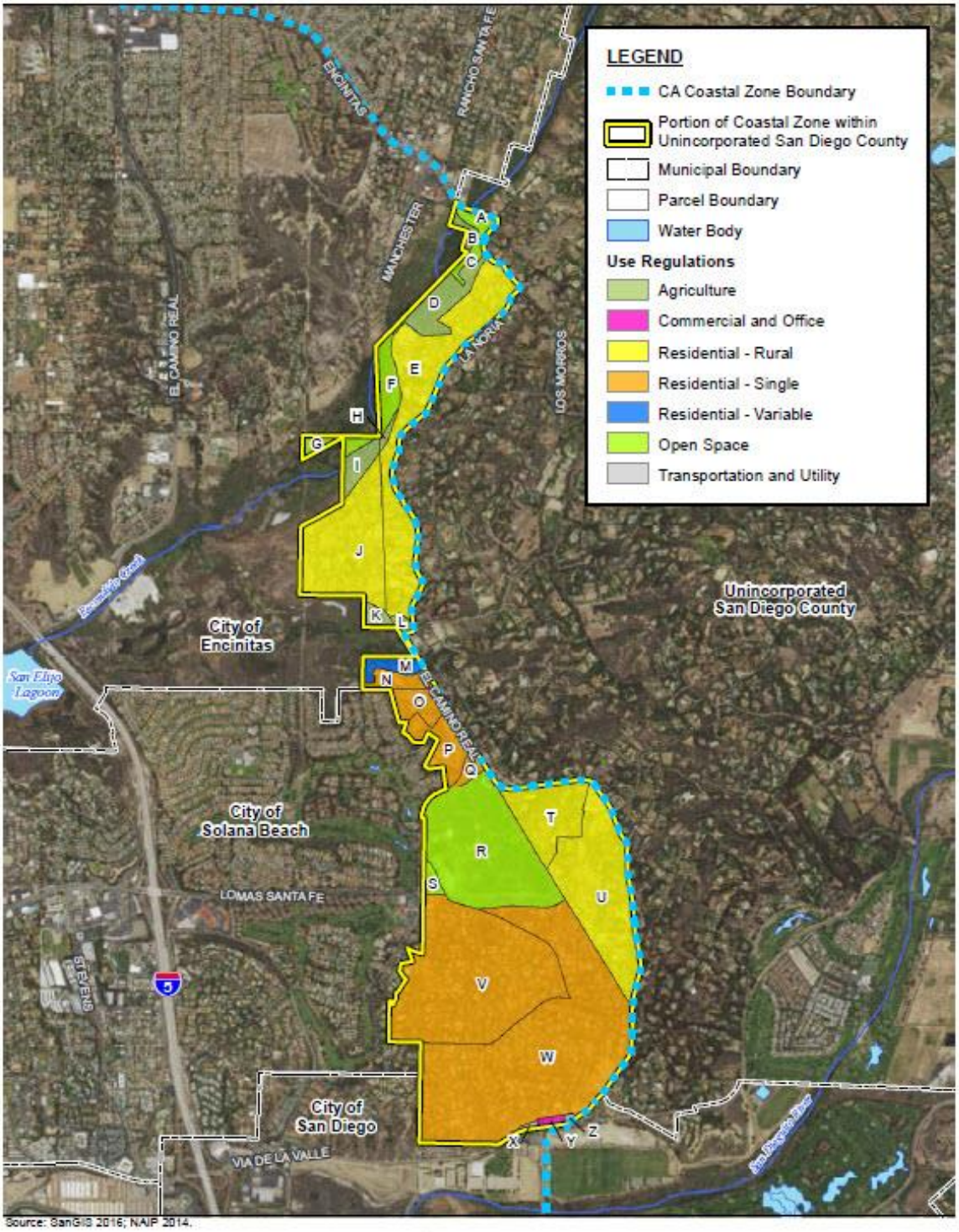
- = Not applicable
[1] – See Figures 9-3 through 9-8 and Tables 9-4 through 9-7 for further description of the applicable Development Regulations within the Coastal Zone.

Table 9-3c
Development Standards
Subareas U through Z

Dev Regs[1]	Subarea U	Subarea V	Subarea W	Subarea X	Subarea Y	Subarea Z
Use Regulation	RR	RS	RS	S86	C30	S86
Density	-	-	-	-	-	-
Lot Area	2.86 ac	1 ac	1 ac	-	-	-
Building Type	B	B	B	A	X	A
Max. Floor Area	-	-	-	-	-	-
FAR	-	-	-	-	-	-
Height	G	E	E	A	G	A
Lot Coverage	-	0.20	0.20			
Setback	A	B	B	R	M	R
Open Space	-	-	-	-	-	-
Animal Regs.	V	Q	Q	-	-	-
Special Area Regs	R	R	R	R	R	R

- = Not applicable

[1] – See Figures 9-3 through 9-8 and Tables 9-4 through 9-7 for further description of the applicable Development Regulations within the Coastal Zone.



Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-2
Coastal Zone Subareas

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ii. **Building Type** – **Figure 9-4** illustrates the allowed building type designators within the Coastal Zone. The applicable designators are defined in **Table 9-4**.

Table 9-4
Building Type Schedule

Residential								Mixed Residential Nonresidential		Nonresidential	
Designator	**Single Detached** (one dwelling unit per lot)	**Semi-Detached** (one dwelling unit per lot)	**Duplex or Double Detached** (a) (two units on same lot)	**Stacked** (same lot)	**Triplex, Three Unit Multiple** (a) (same lot)	**Attached, Three to Eight Dwelling Units** (separate lots)	**Multi-Dwelling** (same lot)	**Limited Nonresidential** (ground level and basement only)	**Unlimited Nonresidential** (any level)	**Detached** (one or more main buildings per lot)	**Attached** (same lot or separate lots)
A[1]											
B	X										
C	X							X		X	X
L	X	X	X	X	X	X	X	X	X	X	X
W										X	X
X										X	

Note:
(a) Detached dwellings are permitted.
[1] In zones subject to the "A" Building Type Designator, no buildings are permitted except: Civic Use Types; Any use or structure, for which a Major Use Permit is granted; Accessory Structures.

iii. **Height – Figure 9-5** illustrates the allowed building height designators within the Coastal Zone. **Table 9-5** defines the Height regulation designators within the Coastal Zone. All structures shall comply with the design criteria provided in the LUP, Goal 6.3.2, Policy 6.7.

Table 9-5
Height Schedule

Designator	Maximum Height[1, 2, 3] (Feet)	Maximum Number of Stories
A	15	1
E	30	2
G	35	2

Note:
[1] The following structures shall be exempt from the maximum height provisions of an applicable height designator.
[2.] If a proposed structure is located within the San Dieguito Park's "Vantage Point 2000-Foot Buffer," an MUP shall be obtained in order to exceed the maximum height cited within Table 9-5. The western Vantage Point 2000-Foot Buffer shall be described as:

A 2,000-foot radius encircling the San Dieguito Park, with the focal point known as Hawk's Nest as the circle's center point. All MUPs granted within this radius shall comply with the applicable design criteria cited in the LUP Goal 6.3.2, "Development," Policy 6.7.

3. All CDPs granted by the County for height exemptions within that San Dieguito Park Vantage Point 2,000-Foot Buffer, shall be appealable to the Coastal Commission, within the timeframe cited for appeals in this IP. If the County grants an CDP for a height exemption, at any location outside that 2,000-foot Vantage Point buffer, all appeals shall comply with the procedures set forth in this IP. The following structures shall be exempt from the maximum height provisions of an applicable height designator. Exemptions to these may be granted after review and decision on a Minor Use Permit,

   a. Radio and television receiving antennas of the type customarily used for home radio and television receivers that shall be the lowest maximum height of either 200 feet or that height designated within the Federal Code of Regulations for this use.

   b. Transmitting antennas used by licensed amateur (ham) or citizens band radio operators ~~that~~ shall be the lowest maximum height of either 200 feet ~~in height~~ or that height designated within the Federal Code of Regulations for this use.

   c. Flagpoles shall not be used as signs, or attention-attracting devices, and shall be no more than 40 feet in height.

   d. Signs shall be no more than 430 feet in height.

   e. Grain elevators, silos and water tanks that are functionally used for commercial agriculture, boarding and breeding stables, or public stables, which are located in agricultural zones; provided that no such structure shall be more than 40 feet in height.

   f. Chimneys extending no more than 3 feet above the highest point on the roof of the building, to which they are attached.

   g. Any structure, for which a CDP-is granted pursuant to other provisions of this Implementation Plan, when that CDP authorizes an exemption to the height regulations.

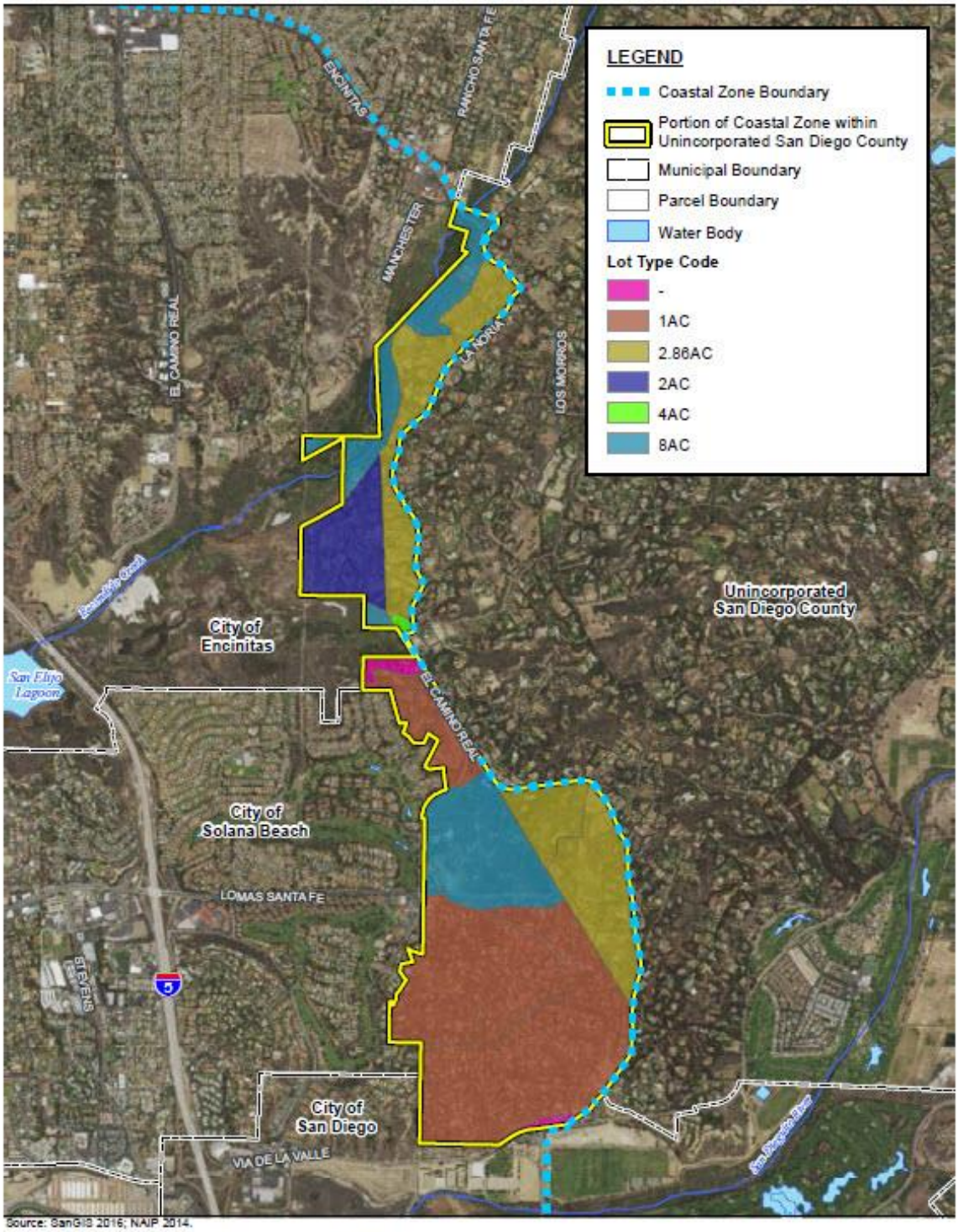
   h. Any structure used primarily to contain or support Essential Services or Fire Protection Services uses.

   i. A Photovoltaic Solar Energy System extending not more than 5 feet above the highest point of a building's roof.

   j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.

   k. Meteorological Testing (MET) Facility that shall be the lowest maximum height of either 200 feet or that height designated within the Federal Code of Regulations for this use and permitted in accordance with IP, Appendix B, Section 6123.

   l. Brewery and associated structures, including water tanks or silos, not more than 40 feet in height, located in commercial zones.



Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-3
Lot Type

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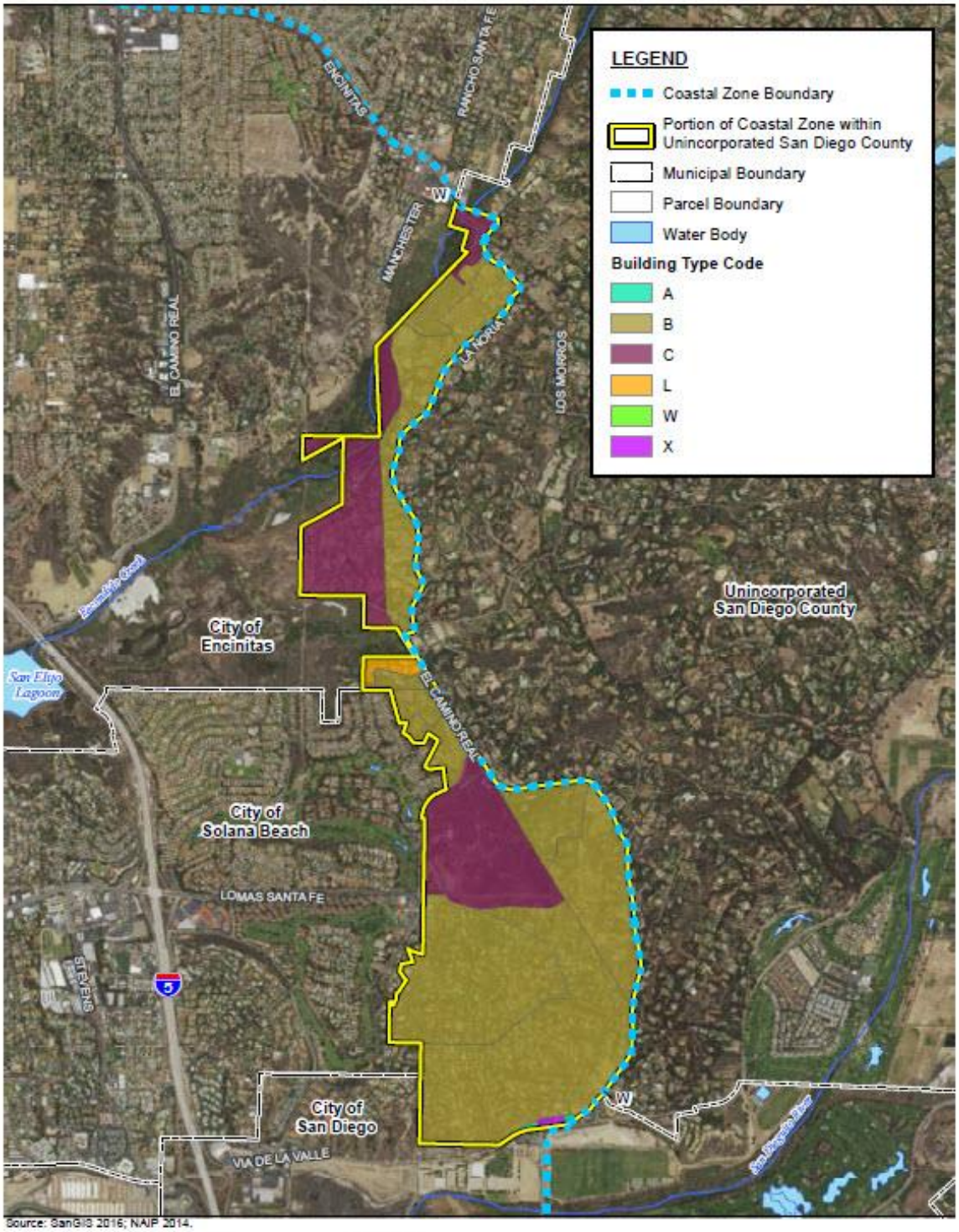

Source: SanGIS 2016; NAIP 2014.

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Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-4
Building Type

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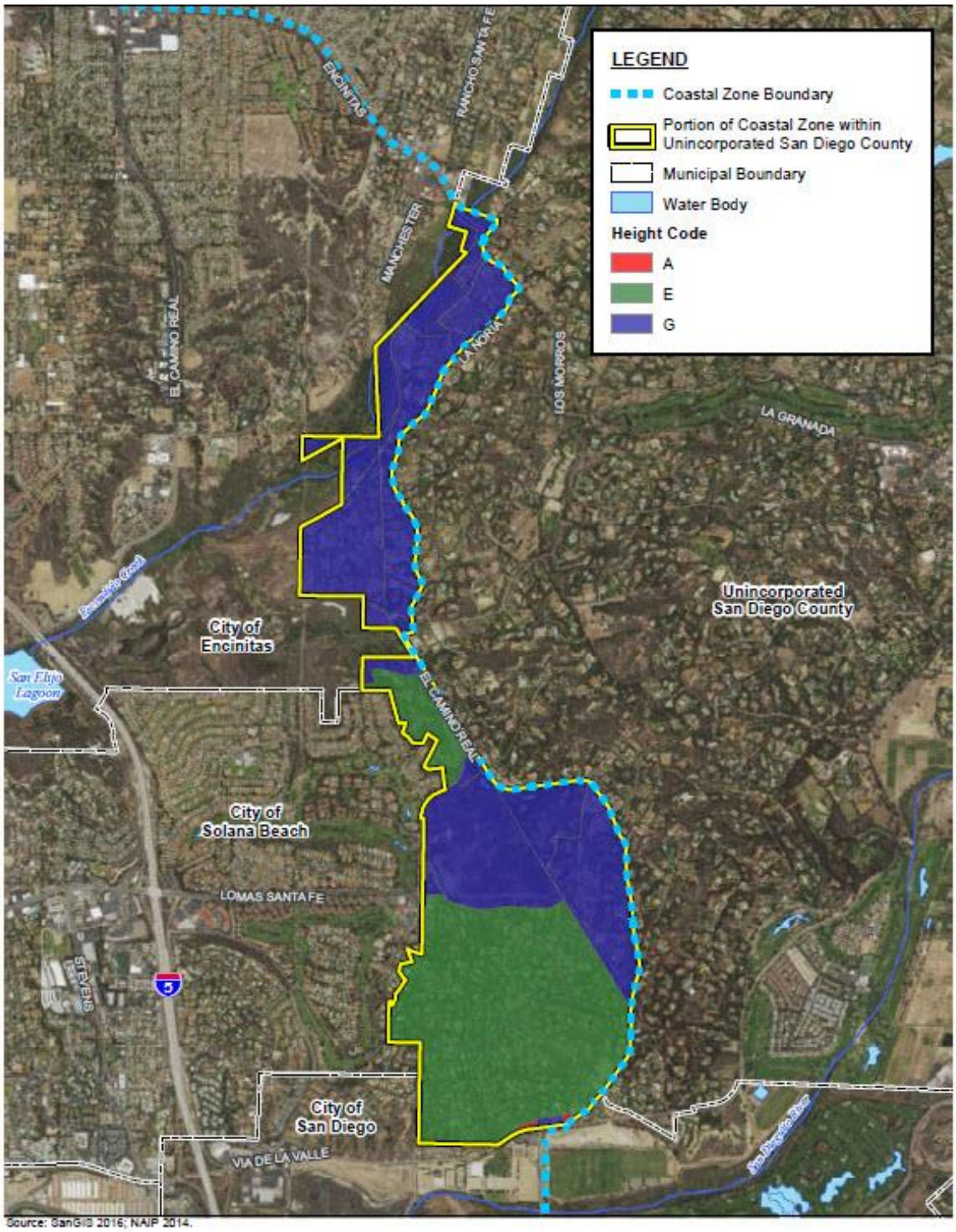


Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-5
Height

Path: P:_6048\60484703_Local_Coastal_Program_Update\800-CAD-GIS\822_Maps\ImplementationPlan_Maps\Height.mxd, 8/3/2016, daniel_arellano

iv. **Setbacks** – **Figure 9-6** illustrates the allowed Setback designators within the Coastal Zone. **Table 9-6** defines the Setbacks applicable to the Coastal Zone.

Table 9-6
Setback Schedule*

Designator	Front Yard				Side Yard		Rear Yard
	Abutting public street or private thoroughfare except those subject to Note (a). (Measured from Centerline)				**Interior Setback measured from the lot line**	**Exterior** (d) **Setback measured from centerline**	**Setback measured from lot line**
	Standard Setback	Setbacks for certain Major Subdivisions recorded after January 1, 1966					
		Street Width in Feet					
		50	**52**	**56**			
A	100	100	100	100	15	35	50
B	60	60	60	60	15	35	50
C	60	60	60	60	15	35	25
G	50	45	46	48	10	35	40
H	50	45	46	48	10	35	25
M	50	50	50	50	5 (c)	35	25
R	(e)	(e)	(e)	(e)	0 (b)	35	15
V	Setbacks to be established during Planned Development review						

Notes:

* Fire Code Setbacks may be more restrictive. Check with Rancho Santa Fe Fire Protection District.

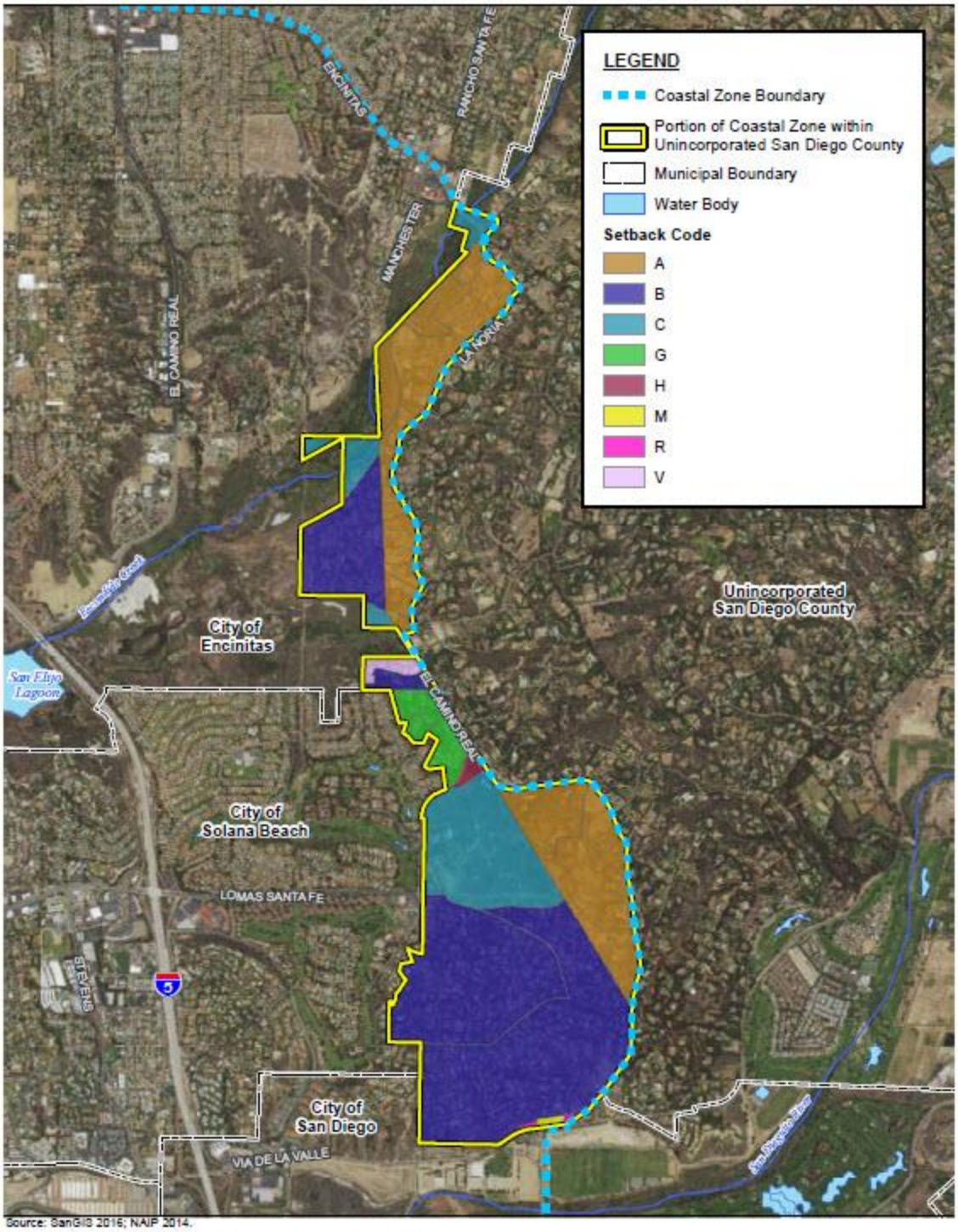
a. This provision applies only to those lots which front on a private street or easement, which is less than 40 feet in width. The front yard setback required shall be 40 feet from the centerline of said street or easement. For lots fronting on the terminal end of said street or easement the 40 feet shall be measured from a point on the centerline of said street or easement at a distance of 20 feet in front of the intersection of said centerline and the front lot line.

b. Five feet if lot line abuts property in a residential zone.

c. An additional one foot for each side yard is required for each story above the second.

d. The exterior side yard setback as measured from the nearest edge of the right-of-way shall not be less than that required for the interior side yard.

e. Equal to setback requirement of abutting property that is nearest main building.



Source: SanGIS 2016; NAIP 2014.

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Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-6
Setbacks

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v. **Animal Regulations – Figure 9-**7 illustrates the Animal Regulations that apply within the Coastal Zone. **Table 9-7** defines the Animal Regulations applicable to the Coastal Zone.

Table 9-7
Animal Schedule

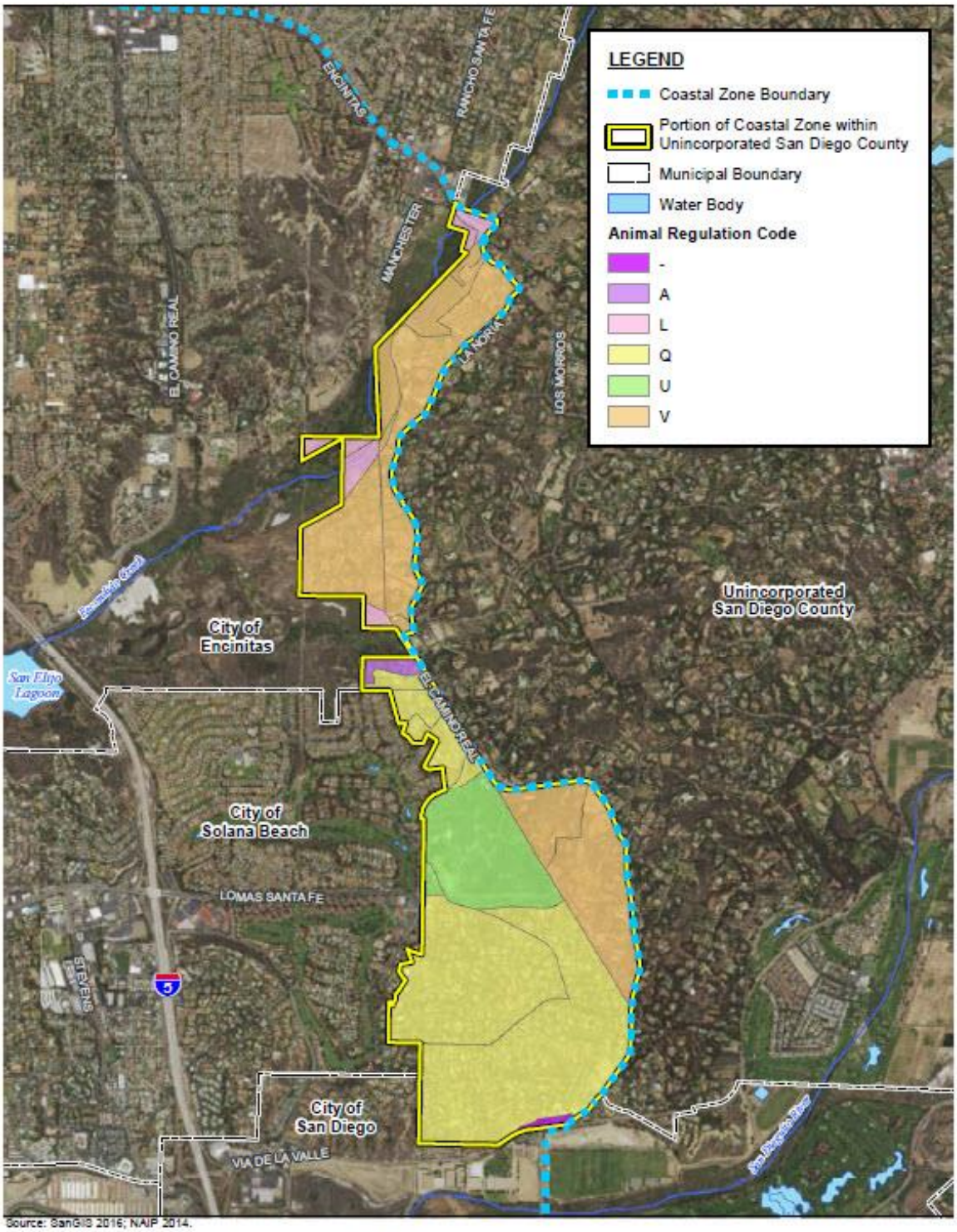
Animal Use Type *(see Note 4)*	**Restrictions and Density Range**	**Designator**				
		A	**L**	**Q**	**U**	**V**
Animal Sales and Services						
Horse Stable	Boarding of and riding lessons for up to 3 horses not owned by the property owner		X		X	X
	10 Horses per acre of usable area up to 50 horses and 5 acres +Zoning Verification		X		X	X
	10 Horses per acre of usable area up to 100 horses and 10 acres +Administrative Permit		X		X	X
	More than 100 horses and more than 10 acres of usable area + by MUP		X		X	X
Kennels *(see Note 1)*	MUP required		X			X
	One acre + by MUP	X				
Animal Raising *(see Note 6)*						
(a) Animal Raising Projects see Section 3115	½ acre+ by AD		X			X
	1 acre+ by MUP	X				
(b) Small Animal Raising (includes Poultry) *(See Note 8)* Chinchillas *(See Note 5)*	25 maximum		X	X		X
	½ acre+: 10 max	X				
	½ acre+ 25 max by ZAP	X				
	100 max by ZAP		X			
(c) Large Animal Raising (Other than horsekeeping)	8 acres + permitted		X			
	1 acre or less: 2 animals		X			
	1 to 8 acres: 1 per ½ acre		X			
	2 animals			X		X
	½ acre + 2 animals per ½ acre by ZAP	X				
(d) Horse keeping (other than Animal Sales and Services: Horse Stable)	Permitted		X	X	X	X
	2 horses + 1 horse per ½ acre over ½ acre + AD	X				
(e) Specialty Animal Raising: Bees (See Title 6, Division 2, Chapter 9, County Code) *(See Note 7)*	Permitted	X	X	X	X	X
(f) Specialty Animal Raising: Wild or Undomesticated *(See Note 3)*	ZAP Required		X		X	
(g) Specialty Animal Raising: Other (Excluding Birds or Aquaponics)	25 maximum		X	X		X
	25 maximum by ZAP		X			
	25 plus by ZAP	X			X	X
(h) Specialty Animal Raising: Birds	25 maximum		X	X	X	
	100 maximum					X
	Additional by ZAP	X	X		X	X
(i) Racing Pigeons	100 Max 1/acre plus			X		
	Permitted		X			
Animal Enclosure Setbacks						
Most Restrictive (Distance from lot lines: 10 feet)		X	X	X	X	X

AD = Administrative Permit CDP = Major Use Permit + = plus ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations and are not subject to the animal enclosure setbacks.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations, and is not subject to the Animal Schedule.

4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a ZAP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Additional regulations are applicable to beekeeping, see County Code Section 62.901 et seq.
8. Additional regulations are applicable to the keeping of roosters, see County Code Section 62.690 et seq.



Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-7
Animal Regulations

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vi. **Special Area Regulations**. **Figure9-8** illustrates the Special Area Regulations that apply within the Coastal Zone.

9204 Landscaping Requirements

a. All coastal permit applications for new development projects shall be required to provide a Landscape Plan that has been prepared in accordance with the provisions of the Landscape Ordinance, the Landscape Design Manual and the County of San Diego "Suggested Plant List for a Defensible Space" and planting guidelines emphasizing the use of fire-resistant, native, non-invasive, drought-tolerant and salt-tolerant species. These landscaping requirements are subject to review and approval through the Coastal Administrative Permit or Coastal Development Permit process, and shall be consistent with all required Special Area Regulations requirements in Section 9300 through 9316, as applicable.

9206 Lighting Requirements

a. Lighting requirements within the Coastal Zone are subject to the provisions of the County's Light Pollution Code.

b. The provision of lighting shall be subject to review and approval through the Site Plan Permit or MUP process and shall be consistent with all required Special Area Regulations requirements in Section 9300 through 9314 as applicable.

c. Lighting shall comply with the following standards (see Table 9206):

Categories:
Class I: Commercial/Industrial Uses
Class II: Parking and Security – All Uses
Class III: Decorative – All Uses

Zone: Unincorporated County Coastal Zone (outside 15-mile radius of Palomar Mountain Observatory)

Table 9206

CLASS	LAMP TYPE	ZONE B (Outside 15 Mile Radius of Palomar Mountain Observatory)
Class I	Low Pressure Sodium Lamps	Fully Shielded
	Lamps, above 4050 Lumens	Fully Shielded
	Lamps, 4050 Lumens or below Low Pressure Sodium Lamps	Fully Shielded (unless lighting is for commercial signs, then shielding is only required where feasible) Fully Shielded
Class II	Lamps, above 4050 Lumens	Prohibited, except fully shielded HPS is allowed for private roadways (private driveways excluded)
	Lamps, 4050 Lumens and Below	(a) Fully shielded fixture (luminaire); or, (b) Unshielded fixture (luminaire), 2000 lumens maximum with motion sensor; or, (c) Residential Entrance Light
Class III	Low pressure sodium	Fully Shielded
	Lamps, above 4050 Lumens	Prohibited
	Lamps, 4050 Lumens or Below	2000 Lumens maximum
	Luminous Tube (e.g. neon)	Fully Shielded

Examples of lamps, 4050 lumens:

- Standard Incandescent: 200 watt
- Tungsten-Halogen (Quartz): 150 watt
- Mercury Vapor: 75 watt
- High Pressure Sodium: 50 watt
- Metal Halide: 50 watt
- Fluorescent: 40 watt

Examples of lamps, 2000 lumens:

- 100 watt Incandescent
- 26 watt Florescent

"Fully Shielded" denotes that outdoor light fixtures (luminaire) are to be shielded, focused, or constructed so that light rays project below a horizontal plane passing through the lowest light-emitting point of the fixture.

"Residential Entrance Light" is lighting that is required at exits doors per building & electric code requirements.

d. Lighting requirements adjacent to ESHA. Lighting requirements adjacent to ESHA shall comply with the following standards.

i. Night lighting for any development located adjacent to ESHA, ESHA buffers, or where night lighting would increase illumination in ESHA, shall be prohibited.

ii. No development shall include night lighting that generates light trespass or spill light into ESHA that exceeds 0.1 footcandle. This shall be measured in the horizontal or vertical plane, at a point three feet above grade level, and one foot inside the adjacent ESHA property. This measurement shall be taken15 minutes after the initial start-up of the fixture.

iii. All night lighting adjoining ESHA shall be shielded away from ESHA.

iv. Night lighting adjacent to ESHA shall not project blue hues and colors shall impact sensitive species. A study shall be submitted for any development proposed adjacent to ESHA that shall address the most appropriate lighting colors for the proposed development.

v. Temperature of lighting adjacent to ESHA shall not project heat inside the ESHA boundary. A study shall be submitted for any development proposed adjacent to ESHA that shall address the most appropriate lighting temperature for the proposed development.

9208 Sign Requirements

a. Sign requirements within the Coastal Zone are subject to the provisions of Sections 6250 through 6290, except as modified below.

b. Sign requirements specific to the Coastal Zone include:

i. Off premise Signs. Off-premise signs shall be prohibited within the Coastal Zone.

ii. Sign Area. Signs located within the California Coastal Zone and all Residential Use Regulations shall be limited to 16 square feet.

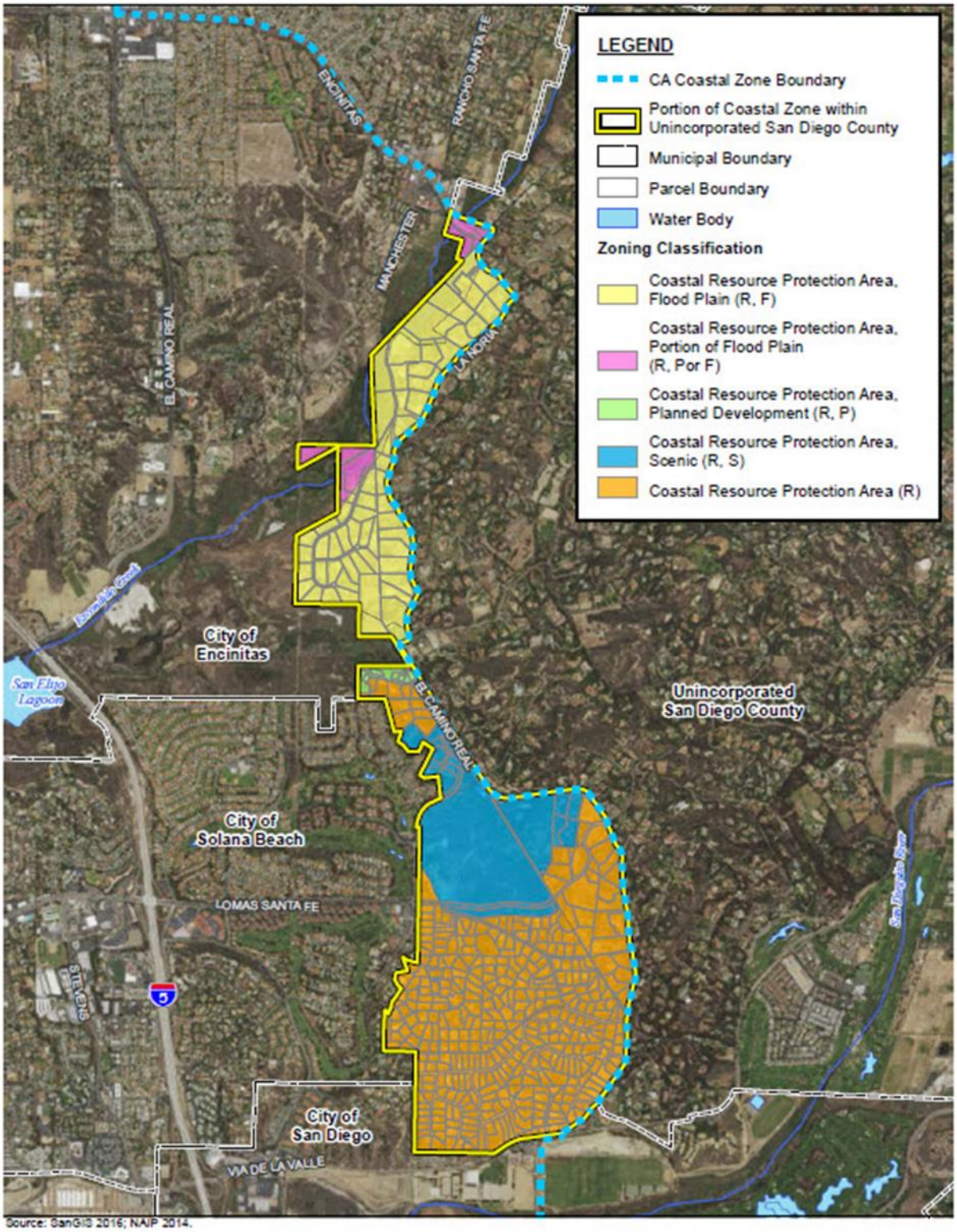
iii. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.

iv. Roof Signs. No roof signs shall be permitted within the Coastal Zone or along State or County designated scenic highways within the Coastal Zone.

v. Height. A commercial freestanding sign shall not exceed a height measured from the ground of: i) Eight feet within the Coastal Zone, except that freeway-oriented signs shall be subject to the hereinafter specified height limits pertaining to such signs; ii) Twenty feet in zones subject to the Scenic Area and Historic/Archaeological Landmark and District Special Area Regulations; iii) Freeway-Oriented signs may be increased ten feet above the height specified at 9208.b.v.i., herein.

vi. Directional Signs. Way-finding; County Jurisdictional road useage; and temporary real estate signs may be permitted in the Coastal Zone.

c. The provision of signs shall be subject to review and approval through the Site Plan Permit or MUP process and shall be consistent with all required Special Area Regulations requirements in Section 9300 through 9314 as applicable, except as otherwise noted in Section 9404 (Exemptions).



Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

Scale: 1:36,000; 1 inch = 3,000 feet

Figure 9-8
Coastal Zone Special Area Designators

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9210 Temporary Use Requirements

a. Temporary Use requirements within the Coastal Zone are subject to the provisions of Sections 6100 through 6128.

9212 Accessory Use Requirements

d. Accessory Use requirements within the Coastal Zone are subject to the provisions of Sections 6150 through 6158.

9214 Fencing Requirements

a. Fencing requirements within the Coastal Zone are subject to the provisions of Section 6708.

COASTAL ZONE SPECIAL AREA REGULATIONS

9300 Purpose

These special area regulations provide for the establishment of special requirements in areas where, by reason of location, topography, existing development conditions, or other circumstances, development impacts may be greater or circumstances may necessitate additional site-specific regulation to further the purposes of this Ordinance.

9301 New Development - Biological Inventory

The following paragraphs shall relate to biological inventories, and when necessary Biological Studies. This section applies to Environmentally Sensitive Habitat Areas and all other special area regulations.

a. New development proposals on properties with the possible presence of native plant and animal species, and native ecological communities shall include an inventory conducted by a qualified biologist. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed Biological Study shall be required. Sensitive species are those listed in any of three categories: federally listed, state listed, and California Native Plant Society (CNPS) categories 1B and 2.

b. The detailed Biological Study shall include at a minimum:

i. A site-specific survey evaluating existing habitat resources that would be affected by development at the time of proposed development.

ii. A map identifying existing habitat resources within the project's identified area of potential impact at the time of proposed development.

iii. An identification and evaluation of buffers, or setbacks, required around any identified habitat resources, including wetland or riparian vegetation, to ensure the biological integrity of the resource and consistency with the LCP.

iv. Identification of all biological impacts of the proposed development.

v. Alternatives and/or mitigation measures for reducing any identified impacts to a less than a significant level.

vi. Mitigation/Restoration and Monitoring Program for any mitigation required.

9302 Development - Environmentally Sensitive Habitat Area (ESHA)

The following standards shall be applied to all development requiring discretionary permit review.

a. ESHA shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within ESHA. Areas adjacent to ESHA shall be sited and designed to prevent degradation of those areas.

b. New development shall be sited and designed to avoid impacts to ESHA. For development permitted pursuant to Section 9302.c~~d~~. below, if there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. In that case, impacts to ESHA shall be minimized, and impacts that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures may only be approved when the applicant demonstrates it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA. For only those applications meeting Section 9302.c, mitigation for impacts to ESHA shall be provided at a 3:1 ratio.

c. If the application of the policies and standards contained in the LCP regarding use of property designated as ESHA, or ESHA buffer, including the restriction of ESHA to only resource-dependent use, would likely constitute a taking of private property without just compensation, then a use that is not consistent with the ESHA provisions of the LCP shall be allowed on the property, provided such use is:

i. Consistent with all other applicable policies of the LCP;

ii. The approved project is the alternative that would result in the fewest or least significant impacts; and

iii. The minimum amount of development necessary to avoid a taking of private property without just compensation.

d. For those cases meeting Section 9302.c, the development shall demonstrate the extent of ESHA on the property and include mitigation for unavoidable impacts to ESHA or ESHA buffers from the removal, conversion, or modification of natural habitat for new development. This shall include those site areas designated as required fuel modification and brush clearance zones. On-site mitigation shall be prioritized over off-site mitigation, however, mitigation shall not substitute for implementation of a feasible project alternative that would avoid adverse impacts to ESHA.

e. For those impacts to ESHA that do not conform to the situation described in Section 9302.c, impacts to ESHA shall be prohibited, except where no other feasible alternative exists. Where ESHA impacts are permitted in accordance with the Coastal Act, adverse impacts will be mitigated at the following ratios:

i. 1:1 for native tree replacement (e.g. oaks, walnut, sycamore), for a tree of comparable size
ii. 4:1 for wetlands
iii. 3:1 for non-wetland riparian habitats

iv. 3:1 for other habitats that support state or federal rare, threatened, or endangered species, species of special concern or CNPS 1b or 2 listed plants

v. 2:1 for coastal sage scrub not occupied by listed species.

f. For impacts to ESHA identified in Section 9302.e, that cannot be avoided through the implementation of siting and design alternatives, ESHA impacts shall be fully mitigated, and the priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

g. Mitigation measures for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five, and no more than ten years following completion of the mitigation measures. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement, and compared against an appropriate reference site, where feasible. Adaptive management techniques shall be implemented if necessary. Monitoring reports shall be provided to the County annually, and at the conclusion of the monitoring period, that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the applicant may request that the monitoring period be extended until the standards are met. However, if at any time after five years the applicant concludes that performance standards cannot be met, or if ten years have elapsed and performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures.

h. New development shall be sited and designed to avoid impacts to ESHA. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts as identified in the Biological Study shall be selected.

i. Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat (not fire protection zones) and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by Planning & Development Services and Fire Marshall. However, in no case can the buffer size be reduced to less than 50 feet. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required ESHA or park buffer areas. Habitat restoration and invasive plant eradication may be permitted within required buffer areas if designed to protect and enhance habitat values.

j. Public, non-motorized trails are considered resource dependent uses. Non-motorized trails located within or adjacent to ESHA, shall be sited to minimize impacts to ESHA to the maximum extent feasible and in general should be located around the periphery of sensitive habitat areas. Measures, including but not limited to signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.

k. ESHA shall be protected and, where feasible, enhanced. Where pedestrian access through ESHA is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used. Nesting and roosting areas for sensitive birds such as coastal California gnatcatcher, least Bell's vireo, and Belding's savannah sparrow, shall be protected by means, which may include, but are not limited to, fencing, signing, or seasonal access restrictions.

l. The use of insecticides, herbicides, rodenticides or any toxic chemical substance that has the potential to significantly degrade ESHA, shall be prohibited, within and adjacent to ESHAs, except in the following circumstances:

i. Where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration

ii. To protect public health; or

iii. As required for wildfire, or other fire, fuel modification.

m. Application of such chemical substances shall not take place during the winter season, or when rain is predicted within a week of application. Within or adjacent to ESHA, mosquito abatement shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to ESHA. If a site-specific biological study contains substantial evidence that an area previously mapped as ESHA does not contain habitat that meets the definition of ESHA, the Director Planning & Development Services shall review all available site-specific information to determine if the area in question should no longer be considered ESHA and not subject to the ESHA protection policies of the LUP. If the area is determined to be adjacent to ESHA, LUP ESHA buffer policies shall apply. The Director of Planning & Development Services shall provide recommendations to the County Board of Supervisors as to the ESHA status of the area in question. If the Board of Supervisors finds that an area previously mapped as ESHA does not meet the definition of ESHA, a modification shall be made to the LUP ESHA Maps, as part of an LCP map update and LCP Amendment. If an area is not ESHA or ESHA buffer, LCP policies and standards for protection of ESHA and ESHA buffer shall not apply and development may be allowed (consistent with the IP) after the ESHA map and LCP has been amended.

9304 Wetlands

a. Where an initial site inventory indicates the presence or potential for wetland species or indicators, the County shall require a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations.

b. The diking, filling, or dredging of wetlands, estuaries, and streams may be permitted in accordance with all policies of the LUP, where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (i) Incidental public service purposes, including but not limited to, burying cables and pipes. (ii) Restoration purposes. (iii) Nature study, or similar resource-dependent activities.

c. Wetland fill or development impacts located within wetlands, in accordance with: 1) the Coastal Act; and 2) Applicable LCP policies, mitigation measures shall include, at a minimum, creation or substantial restoration of wetlands of the same type lost. Adverse impacts to delineated wetlands will be mitigated at a ratio of 4:1 for all types of wetland, and 3:1 for non-wetland riparian areas. The mitigation ratio may be 1:1, if, prior to the development impacts occurring, the mitigation is completed and is empirically demonstrated to meet performance criteria that establish that the created or restored wetlands are functionally equivalent to relatively pristine natural wetlands of the same type as the impacted wetlands. Replacement of wetlands on-site or adjacent to the project site, within the same wetland system, shall be given preference over replacement off-site or within a different system. Areas subjected to temporary wetland impacts shall be restored to the pre-project condition at a 1:1 ratio. Temporary

impacts are disturbances that last less than 12 months and do not result in the physical disruption of the ground surface, death of significant vegetation within the development footprint, or adverse alterations to wetland hydrology.

d. A buffer of at least 100 feet in width from the upland edge of wetlands and at least 50-feet in width from the upland edge of riparian habitat shall be provided. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width). Buffers should take into account and adapt for rises in sea level. Under this policy, the CDFW, USFWS, and USACE must be consulted in such buffer determinations and in some cases, the required buffer could be greater than 100 feet. Uses and development within buffer areas shall be limited to minor passive recreational uses, with fencing, siltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area; however, water quality features required to support new development shall not be constructed in wetland buffers. In some cases, smaller buffers may be appropriate, when it is demonstrated in a site-specific biological survey, that: 1) Conditions of the site; 2) Type of habitats; 3) The nature of the proposed development; etc., show that a smaller buffer would provide adequate protection. In such cases, the CDFW shall be consulted and agree that a reduced buffer is appropriate. On appeal, the County or Coastal Commission must find that the development could not be feasibly constructed, without a reduced buffer, however, in no case shall the buffer be less than 50 feet, excluding fuel modification zones.

e. All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement, or other suitable instrument.

f. In addition to the findings required for granting a coastal permit pursuant to Section 9408, the following specific findings shall be made for wetland areas:

i. The proposed use, activity or construction will not have any significant adverse effects on the habitat or scenic values of the wetlands or on associated rare, threatened or endangered species; or that adequate measures will be provided to mitigate such significant adverse effects.

ii. The proposed use, activity or construction will not: 1) Involve wetland fill, except as related to habitat enhancement; 2) Increase sedimentation of the wetland; 3) Adversely decrease stream-flow into the wetland; nor 4) Reduce tidal interchange or internal water circulation.

iii. The proposed use, activity, or construction is consistent with the applicable goals and policies of the California Coastal Act and of the San Diego County Local Coastal Program Land Use Plan.

iv. Evidence of the preliminary approval of the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and other resource management agencies has been provided if permits are needed.

9306 Water Quality and Watershed Protection

a. INTENT. The purpose of this section is to provide the water quality protection requirements, as set forth in the Coastal Act. This section implements the LCP water quality policies, together with State Water resources Control Board and California Regional Water Quality Control Board water quality protections currently 8in effect, and with successive updates in the future. This section is intended to provide a

robust program for protecting and, where feasible, improving coastal water quality. Where there is a conflict between requirements of the LCP and other applicable standards in effect, such as NPDES Storm Water permits, the requirements that on balance are most protective of coastal resources shall be applied.

b. PRIVATE SEWER LATERALS AND ON-SITE WASTEWATER TREATMENT SYSTEMS.

i. Private sewer laterals shall be cleaned, maintained and when necessary replaced to prevent seepage and spills. On-site wastewater systems shall be pumped, maintained and when necessary modified or replaced to prevent spills.

ii. Spills from private sewer laterals and on-site wastewater systems shall be contained and cleaned-up in a manner that minimizes any release of pollutants to the stormwater conveyance system or receiving waters.

iii. Any release from a private sewer lateral that enters the stormwater conveyance system or receiving waters shall be immediately reported to the County.

iv. Failed on-site wastewater treatment systems shall be repaired or replaced.

c. CONSOLIDATING EXISTING AND NEW STORMWATER OUTFALLS.

i. Implement design and management features to minimize adverse impacts to coastal resources resulting from discharges of stormwater or dry weather runoff through stormwater outfalls.

ii. Prevent erosion at stormwater outlets. Protective measures shall be used to prevent erosion at stormwater outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion from concentrated runoff flows.

iii. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity:

a) Use vegetative bioengineered measures. Vegetative bioengineered measures (such as plant wattles) for outlet protection shall be given preference, rather than hardened structures, where site conditions are favorable for these measures to be feasible and effective. Where plant wattles are not feasible, other bioengineered measures (such as rock and plant pole cuttings) shall be considered for outlet erosion prevention.
b) Use a hardened structure consisting of loose material. Where a vegetative bioengineered measure is not feasible or effective, a hardened structure consisting of loose material (such as rip-rap apron or rock slope protection) shall be considered for outlet erosion prevention.
c) Use a fixed energy dissipation structure. Where none of the above measures would be feasible or effective, a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles) designed to handle the range of flows exiting the outlet shall be used for outlet erosion prevention. It is anticipated that larger outlets will require a fixed energy dissipation structure.

Terms used in this LCP Chapter shall have the same meaning as the same or equivalent term ~~when~~ defined in Attachment C of California Regional Water Quality Control Board amended Order No. R9-2013-0001, NPDES No. CAS0109266.

i. Additional Plan Requirements for Priority Development Projects. Specified categories of development that have a greater potential for adverse water quality and hydrologic impacts due to the development size, type of land use, and/or proximity to coastal waters. The WQHP or PDP SWQMP shall be prepared for Priority Development Projects, as identified below. The WQHP/PDP SWQMP shall include all the information required in a PDP SWQMP and, in addition, the WQHP/PDP SWQMP shall include a polluted runoff and hydrologic site characterization, a design storm standard for sizing BMPs, use of a Low Impact Development (LID) approach to retain runoff on-site, and documentation of the expected effectiveness of proposed BMPs. Additional WQHP/PDP SWQMP components include an alternatives analysis, and a description of the Treatment Control and/or Hydromodification BMPs.

a) Priority Development Projects include:

1. New development projects that create 10,000 square feet or more of impervious surfaces (collectively over the entire project site). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.

2. Redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site on an existing site of 10,000 square feet or more of impervious surfaces). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.

3. New and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site), and support one or more of the following uses:

aa) Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812).

bb) Hillside development projects. This category includes development on any natural slope that is fifteen percent or greater on a site with erodible soil.

cc) Parking lots. This category is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

dd) Streets, roads, highways, freeways, and driveways. This category is defined as any paved impervious surface used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

4. New or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surface (collectively over the entire project site), and discharging directly to an ESHA. “Discharging directly to” includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESHA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESHA (i.e., not commingled with flows from adjacent lands).

5. New development projects, or redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, that support one or more of the following uses:

    aa) Automotive repair shops. This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

    bb) Commercial car wash

    cc) Retail gasoline outlets (RGOs). This category includes RGOs that are 5,000 square feet or more.

6. Residential development that creates and/or replaces five or more dwelling units.

7. Development where 75% or more of the site’s surface area will be impervious surfaces.

8. Commercial or industrial development with a potential for generating a high pollutant load that may potentially enter coastal waters or the storm drain system.

9. Any project developed on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to release the contaminants into runoff.

10. New or redevelopment projects that result in the disturbance of one or more acres of land and are expected to generate pollutants post construction.

11. Submittal of WQHP/PDS SWQMP. An applicant shall submit a preliminary WQHP/PDP SWQMP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application, and shall submit a final WQHP/PDP SWQMP prior to issuance of the Coastal Development Permit. Any changes to the final WQHP/PDP SWQMP after issuance of the Coastal Development Permit shall be subject to additional authorization by the permit-issuing agency.

12. Requirements of WQHP/PDP SWQMP. The WQHP/PDP SWQMP shall demonstrate that a PDP complies with the following requirements:

aa) Prepare plan by a qualified licensed professional. A California-licensed professional (e.g., Registered Professional Civil Engineer, Geotechnical Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect) qualified to complete this work shall be in responsible charge of preparing the Water Quality and Hydrology Plan for a Development of Water Quality Concern.

aa) Conduct a polluted runoff and hydrologic site characterization. A polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) shall be conducted, as necessary to design the proposed BMPs.

bb) Address runoff from impervious and semi-pervious surfaces. Runoff from all new and/or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.

cc) Use an LID approach to retain design storm runoff on-site. The development shall implement an LID approach to stormwater management that will retain on-site (by means of infiltration, evapotranspiration, or harvesting), at a minimum, the runoff produced by the 85th percentile 24-hour design storm, based on the San Diego County iso-pluvial map, or an approved site-specific rainfall analysis, to the extent appropriate and feasible. In implementing an LID approach, priority shall be given to the use of preventive LID Site Design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by use of structural LID BMPs, if needed, to mitigate any unavoidable changes in stormwater flows.

ii. ~~xx.~~ The following requirements apply to the use of infiltration BMPs:

a) Infiltration BMPs shall not cause or contribute to an exceedance of applicable groundwater quality objectives as set out in the RWQCB "Basin Plan" for the San Diego area;

b) Runoff must undergo pretreatment such as sedimentation or filtration prior to infiltration;

c) Pollution prevention and source control BMPs must be implemented at a level appropriate to protect groundwater quality at sites where infiltration BMPs are to be used;

d) Infiltration BMPs must be adequately maintained to remove pollutants in stormwater to the maximum extent feasible;

e) The vertical distance from the base of any infiltration BMP to the seasonal high

groundwater mark must be at least 10 feet. Where groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained;

f) The soil through which infiltration is to occur must have physical and chemical characteristics (e.g., appropriate cation exchange capacity, organic content, clay content, and infiltration rate) which are adequate for proper infiltration durations and treatment of runoff for the protection of groundwater beneficial uses;

g) Infiltration BMPs must not be used for areas of industrial or light industrial activity, and other high threat to water quality land uses and activities as designated by the County , unless source control BMPs to prevent exposure of high threat activities are implemented, or runoff from such activities is first treated or filtered to remove pollutants prior to infiltration; and

h) Infiltration BMPs must be located a minimum of 100 feet horizontally from any water supply wells and 25 feet from any septic system or as prescribed by County of San Diego Department of Environmental Health.

i) Conduct an alternatives analysis if the design storm runoff will not be retained on-site using LID. If the proposed development will not retain on-site the runoff produced by the 85th percentile 24-hour design storm using an LID approach, an alternatives analysis shall be conducted. The alternatives analysis shall demonstrate that:

1. There are no feasible alternative project designs. Demonstrate that there are no appropriate and feasible alternative project designs (such as a reduced project footprint) that would retain on-site the runoff produced by the 85th percentile 24-hour design storm, giving precedence to an LID approach.

2. On-site runoff retention is maximized. Demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, giving precedence to an LID approach.

3. The feasibility of off-site runoff retention is considered. If there are no feasible alternative project designs, and on-site runoff retention is maximized, some or all of the runoff produced by the 85th percentile 24-hour design storm may be retained off-site, if it is demonstrated that off-site options will feasibly contribute to meeting the development's runoff retention and treatment requirements.

iii. Use Treatment Control BMPs to remove pollutants if necessary. Treatment Control BMPs are structural systems designed to remove pollutants from runoff by processes, such as gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or other physical, biological, or chemical process. Examples include vegetated swales, detention basins, and storm drain inlet filters. The following applicability and performance standards shall be required for Treatment Control BMPs:

a) Use Treatment Control BMPs to remove pollutants from any design storm runoff

not retained on-site. The development shall implement a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site.

b) Use Treatment Control BMPs prior to infiltration where necessary and effective. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be required prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.

c) Select Treatment Control BMPs effective for pollutants of concern. Where a Treatment Control BMP is required, a BMP (or suite of BMPs) shall be selected that has been shown to be effective in reducing the pollutants of concern generated by the proposed land use. If the County determines that biofiltration is not technically feasible, then a PDP may be allowed to utilize flow-thru treatment control BMPs to treat runoff leaving the site, AND mitigate for the design capture volume not reliably retained onsite.

iv. Infeasibility of 85th percentile 24-hour design. If it is infeasible to retain all, or a portion of, the site's 85th percentile 24-hour design storm on site for a PDP, then biofiltration BMPs shall be used for the remaining volume not reliably retained. Biofiltration BMPs must be designed to have an appropriate hydraulic loading rate to maximize stormwater retention and pollutant removal, as well as to prevent erosion, scour, and channeling within the BMP, and must be sized to:

a) Treat 1.5 times the design capture volume not reliably retained onsite, or

b) Treat the design capture volume not reliably retained onsite with a flow-thru design that has a total volume, including pore spaces and pre-filter detention volume, sized to hold at least 0.75 times the portion of the design capture volume not reliably retained onsite.

c) If bioretention BMPs are not technically feasible, then the PDP shall utilize flow-thru treatment control BMPs to treat runoff leaving the site. Flow through treatment control BMPs must be sized and designed to filter or treat either: 1) the runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or 2) the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two; and be ranked with high or medium pollutant removal efficiency for the PDP's most significant pollutants of concern. Flow-thru treatment control BMPs with a low removal efficiency ranking will only be approved by the County if a feasibility analysis has been conducted which exhibits that implementation of flow-thru treatment control BMPs with high or medium removal efficiency rankings are infeasible for the applicable portion of a PDP.

v. If bioretention BMPs are not technically feasible, then the PDP shall utilize flow-thru treatment control BMPs to treat runoff leaving the site. Flow through treatment control BMPs must be sized and designed to filter or treat either: 1) the runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event, or 2) the maximum

flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two; and be ranked with high or medium pollutant removal efficiency for the PDP's most significant pollutants of concern. Flow-thru treatment control BMPs with a low removal efficiency ranking will only be approved by the County if a feasibility analysis has been conducted, which exhibits that implementation of flow-thru treatment control BMPs with high or medium removal efficiency rankings are infeasible for the applicable portion of a PDP.

a) Hydromodification Management BMP Requirements. Priority Development Projects must implement BMPs to manage hydromodification that may be caused by stormwater runoff discharged from a project as follows:

    1. Hydromodification BMPs must be sized and designed such that post-project runoff conditions (flow rates and durations) will not exceed pre-development runoff conditions by more than 10 percent (for the range of flows that result in increased potential for erosion, or degraded instream habitat downstream of Priority Development Projects).

b) In evaluating the range of flows that results in increased potential for erosion of natural (non-hardened) channels, the lower boundary must correspond with the critical channel flow that produces the critical shear stress that initiates channel bed movement or that erodes the toe of channel banks.

c) A Priority Development Project may be exempted from the hydromodification management BMP performance requirements where the project discharges stormwater runoff to:

    1. Existing underground storm drains that discharge directly to water storage reservoirs, lakes, enclosed embayments, or the Pacific Ocean; or

    2. Conveyance channels whose bed and bank are concrete lined all the way from the point of discharge to water storage reservoirs, lakes, enclosed embayments or the Pacific Ocean; or

    3. An area identified by the County as appropriate for an exemption through a Watershed Management Area Analysis incorporated into a Water Quality Improvement Plan accepted by the RWQCB.

d) PDP projects must avoid critical coarse sediment yield areas as identified by the County unless measures are implemented consistent with the BMP Design Manual that allow critical coarse sediment to be discharged to receiving waters, such that there is no net impact to the receiving water.

    1. A PDP may be allowed at the County's discretion to utilize offsite alternative compliance in lieu of complying with the storm water pollutant control and hydromodification BMP performance requirements in Section xviii, above. The PDP must mitigate for the portion of the pollutant load in the design capture volume not retained onsite and/or post-project runoff conditions not fully managed onsite consistent with a Water Quality Equivalency (WQE) Guidance Document accepted by the RWQCB. If a

PDP is allowed to utilize offsite alternative compliance, flow-thru treatment control BMPs must be implemented to treat the portion of the design capture volume that is not reliably retained onsite. Flow-thru treatment control BMPs must be sized and designed in accordance with the requirements of Section xviii, above. An offsite alternative compliance project for a private PDP may be partially or wholly located within the County Right-of-way upon approval of the Authorized Enforcement Officer. Any and all costs associated with the project shall be the sole responsibility of the applicant, including design and installation and the effective operation and maintenance in perpetuity of any and all treatment and hydromodification controls required under this LCP Chapter. The County shall retain the authority to recoup as necessary any and all such costs.

vi. Content of a WQHP/PDP SWQMP Priority Development Projects includes the following:

a) PDRP/SWQMP information. All of the information required for the PDRP/SWQMP that is required for all developments (see above), including Site Design strategies and pollutant Source Control BMPs shall be included in the WQHP/PDP SWQMP for Priority Development Projects.

b) Documentation of a polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) as necessary to design the proposed BMPs.

c) A description of the BMPs that will be implemented to meet all the WQHP requirements listed above, and how these BMPs will minimize stormwater pollution and changes in runoff flows from the development. Include documentation of the expected effectiveness of the proposed BMPs, including a characterization of post-development pollutant loads, and calculations, per applicable standards, of changes in the stormwater runoff flow regime (i.e., volume, flow rate, timing, and duration of flows) resulting from the proposed development when implementing the proposed BMPs.

d) Calculations that demonstrate that the proposed BMP (or suite of BMPs) implemented to comply with PDP SWQMP requirements has been sized and designed, at minimum, to the standard(s) described above.

e) A table quantifying the site's proposed new, replaced, and pre-existing impervious and semi-pervious surface areas. Documentation that runoff from all new and/or replaced impervious and semi-pervious surfaces is addressed. For sites where the area of added and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, documentation that runoff from the entire developed area, including pre-existing surfaces, is addressed.

f) A description of the LID approach to stormwater management to be implemented, documenting that LID Site Design strategies have been given priority, and a description of the LID BMPs that will be used to retain on-site (by means of infiltration, evapotranspiration, or harvesting) the runoff, at minimum, to the

standard(s) described above, to the extent appropriate and feasible.

g) Where an alternatives analysis is required to document the site-specific engineering constraints and/or physical conditions to justify the determination that there are no appropriate and feasible alternative project designs that would retain on-site the runoff specified above, giving precedence to an LID approach. Also demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, and that the feasibility of off-site runoff retention is considered.

vii. All existing and new development shall maintain the post-construction structural BMPs and natural system management practices (NSMP). The owner of the land on which the BMPs and/or NSMPs are located or the person responsible for completing the BMPs and/or NSMPs as part of a development project shall implement, maintain, replace, or retrofit the pollutant control BMPs, hydromodification control BMPs and/or NSMPs as necessary to ensure pollutants are removed from stormwater to the MEP and all prohibited non-stormwater discharges are prevented from reaching the stormwater conveyance system or receiving waters. BMPs shall remain effective and function in the manner intended. All BMPs must be maintained to avoid the creation of nuisance or pollution associated with vectors (e.g. mosquitos, rodents, or flies).

viii. Any developer or property owner who transfers ownership of land on which a post-construction, structural BMP and/or NSMP is located or will be located, or who otherwise transfers ownership of a post-construction structural BMP and/or NSMP or responsibility for the maintenance of such a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer. If directed, the developer or property owner must provide a copy of the written notice to the County.

9308 Scenic Areas

a. Purpose. The purpose of these provisions is to regulate development in areas of high scenic value both to assure exclusion of incompatible uses and structures and to preserve and enhance the scenic resources present in adjacent areas. These regulations constitute recognition of important social, recreational, and economic values obtained from preservation and enhancement of the scenic qualities of Coastal Zone areas for the benefit of residents and visitors.

b. Application of the Scenic Area Regulations. These Scenic Area Regulations shall be applied to areas of unique scenic value including, but not limited to, critical viewshed areas as designated on the Local Coastal Program Land Use Plan (Figure 14 Viewsheds), in Coastal Zone areas with a Special Area S Designator (**Figure 9-8**), and to areas adjacent to significant recreational, historic or scenic resources.

c. Limitation on Uses. Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix in Section 6816 (IP, Appendix B), all Use Regulations shall comply with the enclosure provisions of these Scenic Area Regulations.

d. Development. Development and trails located within the Coastal Zone shall conform to the following requirements:

i. Locations along public roads, trails, and parklands, ~~and beaches~~ that offer views of scenic resources shall be considered public viewing areas.

ii. Development that may affect existing or potential public views shall be designed and sited in a manner that restores, preserves, or enhances designated view opportunities and visual qualities of the site.

iii. To protect vista points, the scenic and visual qualities within the County's Coastal Zone shall be designated as "Critical Viewsheds," within which the character of development shall be regulated to protect the integrity of the vista points (refer to LUP). The following describes that area considered Critical Viewsheds:

a) Development placed in the area that extends radially for 2,000 feet (610 meters) from the vista point, with the exception of San Dieguito Park, which would be included in its entirety;

b) Development which development could potentially obstruct, limit, or degrade the views within the critical viewshed.

iv. Development within the critical viewshed area shall be subject to design review as part of any discretionary review, and shall be based on the following criteria:

a) Building height, bulk, roof line and scale shall not obstruct, limit or degrade the existing views;

b) Landscaping shall not, at maturity, obstruct views; and

c) Landscaping shall be located to screen adjacent undesirable views (parking lot areas, mechanical equipment etc.).

v. Limitation on Uses. Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix (Section 6816 (IP, Appendix B), all Use Regulations shall comply with the enclosure provisions of the Scenic Area Regulations.

vi. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

a) A one or two family dwelling on a single lot.
b) Attached accessory structures associated with vi.a) a.above.
c) Detached accessory structures associated with vi.a) a.above, which are both 1,000 square feet and less in area, and 12 feet or less in height.
d) Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.

e. **Site Plan Permit Required.** No development permit of any type shall be issued in areas subject to the Coastal Zone Scenic Area Regulations (R, S) or within viewshed areas as delineated on the Viewsheds Figure in the LUP, until a Site Plan Permit has been submitted and approved unless, an exemption from these Scenic Area Regulations is granted pursuant to Section 9308(h) below.

f. **Content of Site Plan Permit.** The required Site Plan Permit shall include such maps, plans, drawings, and sketches as are necessary to show:

i. An accurate representation of the development as viewed from any and all pertinent vista points shown on the Local Coastal Program LUP (Figure 14 Viewsheds). The proposal shall include photographs of the development site taken from each of the proposed view points and a map showing the location of these viewpoints with respect to the development site. The Director may require additional viewpoints to be included in the Site Plan Permit;

ii. The placement, height, and physical characteristics of all existing and proposed buildings and structures located on the development site;

iii. The existing vegetation and all proposed landscaping, with heights at maturity indicated.

iv. The location and dimensions of existing and proposed ingress and egress points, interior road, and pedestrian walkways, parking and storage area;

v. The size and location of existing and proposed utilities;

vi. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;

vii. The number, size, location and design of existing and proposed signs; and

viii. The exterior lighting plan, the interior lighting of buildings and structures, which will have a visual impact on the exterior appearance of the development.

ix. New development on properties visible from public trails, in and around San Elijo Lagoon and San Dieguito Park, or other public viewing areas, shall be sited and shall be designed to protect public views of the ridgelines and natural features of the area through measures including, but not limited to:

a) Providing setbacks from the slope edge;

b) Restricting the building maximum size;

c) Reducing maximum height limits,

d) Incorporating landscape elements and screening that increase the aesthetic value and preserve from the San Elijo Lagoon and San Dieguito Park;

e) Incorporating earthen colors and exterior materials that are compatible with the surrounding natural landscape (avoiding bright whites and other colors except as minor accents); and

f) Using highly non-reflective materials, which shall be prohibited.

g. **Site Plan Permit Review Criteria.** The general criterion of a Site Plan Permit is that the proposed development shall not, to the maximum extent feasible, interfere with or degrade those visual features, natural or man-made, of the site or adjacent sites which contribute to its scenic attractiveness, as viewed from either the scenic highway or the adjacent scenic, historic, or recreational resource. In addition, the development shall comply with the scenic preservation policies set forth in the LUP

(particularly Policy 6.7). In applying this general criterion, the following specific criteria shall be evaluated, when they are applicable.

i. Building Characteristics. All development shall be compatible with the topography, vegetation, and colors of the natural environment and with the scenic, historic and recreational resources of the designated areas.

ii. Building and Structure Placement. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas. Buildings and structures shall not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations, such as protection of habitat or wildlife corridors.

iii. Landscaping. The removal of native vegetation, especially timber, shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent feasible to screen those features listed in subsections "d", "e", and "f" of this section. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.

iv. Roads, Pedestrian Walkways, Parking and Storage Areas. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which harmonize with the natural landscape of the designated area.

v. Above Ground Utilities. Utilities shall be constructed and routed underground, except in those situations where natural features prevent undergrounding, or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is feasible, above ground utilities shall be screened from view from either a scenic highway or an adjacent scenic, historical, or recreational resource by: 1) Existing topography; the placement of buildings and structures; or landscaping and plantings, which harmonize with the natural landscape of the designated area.

vi. Grading. The alteration of the natural topography of the site shall be minimized, and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either a scenic highway or an adjacent scenic, historical, or recreational resource by landscaping and plantings, which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area.

vii. Signs. Off-premise signs shall be prohibited in areas subject to the Scenic Area Regulations. The number, size, location, and design of all other signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the Site Plan Permit review and approval, any alteration to signs, other than general maintenance, shall be subject to the Site Plan Permit application process.

viii. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.

h. **Site Plan Permit Exemption.** An exemption from the requirement to process a Site Plan Permit pursuant to the special requirements of these Scenic Area regulations may be granted by the Director, under either of the following circumstances: a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any viewshed designated by the LUP, and from any areas adjacent to significant recreational, historical or scenic resources, including but not limited to Federal and State parks; or b. If it is determined that the special requirements of these Scenic Area Regulations would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property.

9310 Flooding and Sea Level Rise

Development within the Coastal Zone Special Area Designators "F" or "Por F", as illustrated on **Figure 9-8** and listed in **Tables 9-3a, 9-3b, and 9-3c,** shall conform to the following regulations:

a. A Site Plan Permit shall be required that shows: 1) The location of the 100-year floodplain, floodway, or floodway fringe, as shown on both Department of Public Works 100-year Floodplain Maps and FEMA Flood Insurance Rate Maps; 2) The location of any natural drainage (including intermittent streams) and any proposed drainage systems; and 3) All preliminary grading, including incidental grading related to site preparation.

b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.

i. In the floodway, permitted uses shall be limited to: i. Agricultural, recreational, and other such low intensity uses provided, however, that no use shall be permitted, which will substantially harm the environmental values of a particular floodway area; and ii. Mineral extraction subject to an approved Coastal Development Permit and reclamation plan, provided that mitigation measures were required, which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway, prior to the mineral extraction.

ii. Modifications to the floodway must meet all of the following criteria: i. Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after enactment of this ordinance shall not be the basis for permitting such channels. ii. Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons

or property or adversely affect wetlands or riparian habitat. iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid increase in the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, grade control structures and other erosion control techniques, including the use of rip-rap, that are designed to be compatible with the environmental setting of the river may be permitted.

c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a Site Plan Permit required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be met:

i. Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.

ii. Any development below the elevation of the 100-year flood shall be capable of withstanding periodic flooding.

iii. The design of the development incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development, (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.

iv. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway width (but not to exceed 100 feet), in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Director of Planning & Development Services.

v. Following review of a site-specific flood analysis, the floodplain setback required by this paragraph may be reduced by the Director of Planning & Development Services or the applicable hearing body, upon making all of the following findings: i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and ii. The reduction in setback will not increase flood-flows, siltation and/or erosion, or reduce long term protection of the floodway, to a greater extent than if the required setback were maintained; and iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and iv. The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and v. The reduction in setback will not be incompatible with the LUP.

vi. In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County Floodplain Maps. Development will be allowed in the Erosion/Sedimentation Hazard Area only when the Director of Public Works approves

a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.

vii. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.

viii. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the restrictions in Sections 9302 and 9304 shall also apply.

d. Sea-Level Rise (SLR). When reviewing proposed development, the County shall consider potential SLR impacts, identified based on the best available science, including those identified in the LCP Update Report included as Appendix A to the LUP. Specifically, analysis of SLR projections, based on the best available science, shall be incorporated into all planning and engineering studies related to development.

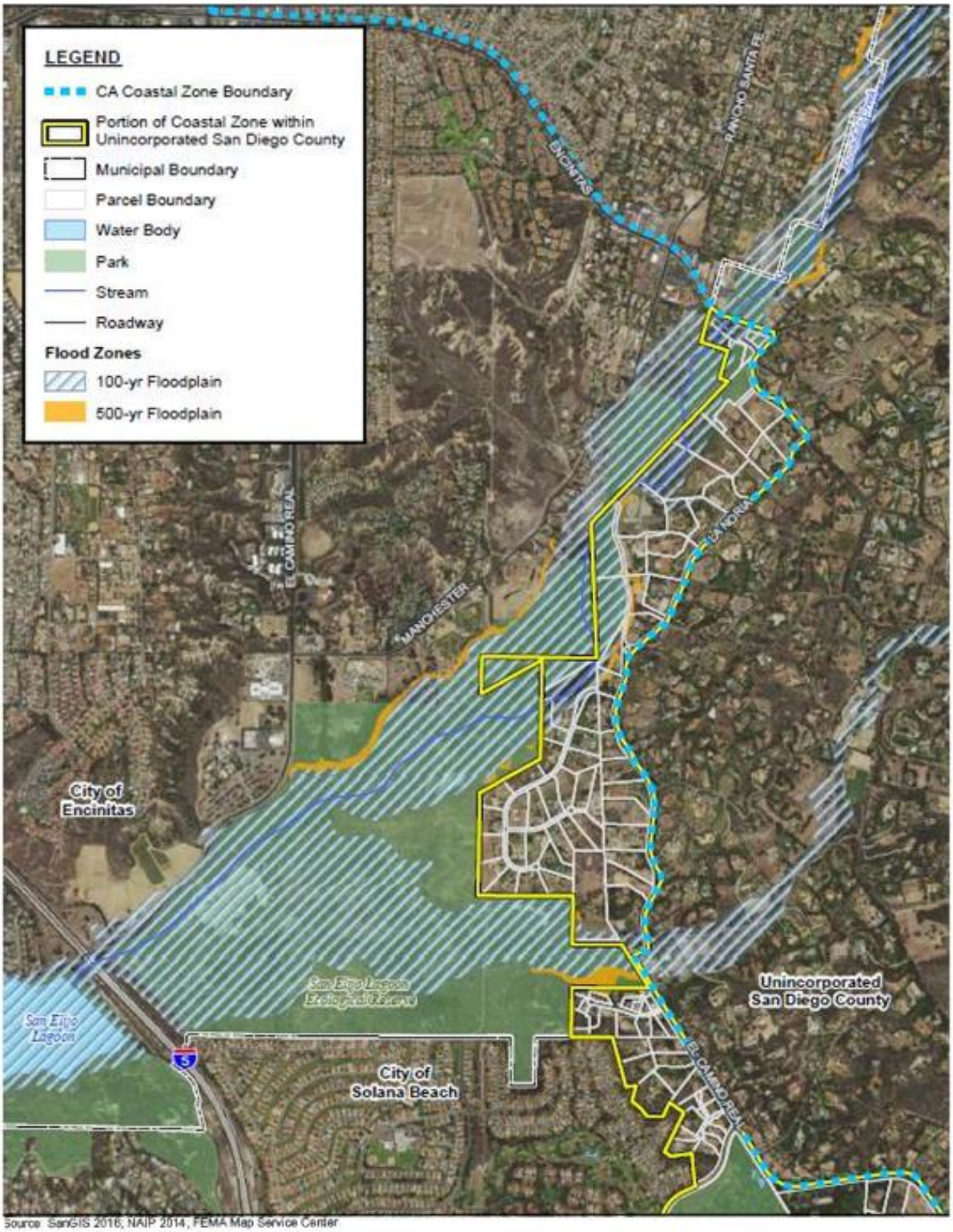
i. Using the most updated version of the SLR projections with the most recently updated 100-year floodplain and floodway, and sea level rise inundation maps (**Figures 9-9 and 9-10**), proposed new infill development in the 100-year floodplain shall be limited to structures capable of withstanding periodic flooding, without requiring the construction of on- or off-site flood protective works or channelization.

ii. The SLR maps in the LUP Appendix A will be based on the best available and current scientific information about coastal hazards and sea level rise. The SLR maps shall be used during the evaluation of coastal development permit applications that present coastal hazard risks and the preparation of technical reports and related findings. Analyses shall include multiple sea level rise scenarios, one of which is a "high" projection for the planning horizon or expected duration of the proposed development (minimum 75 years for residential and commercial development), based on best available scientific estimates of expected sea level rise at the time of the analysis.

iii. Proposed development shall be required to incorporate the best mitigation measures feasible, pursuant to Public Resources Code Section 30236.

iv. Using the most updated version of the SLR projections with the most recently updated 100-year floodplain and floodway maps, development proposals shall be required to be set back from the floodway, in accordance with the County's most recently updated Coastal Hazard Report, when required by this section. Proposed development shall be located outside any areas where the Director of Planning & Development Services has determined that the potential for flooding, erosion, or sedimentation in the floodplain may be significant. The setback shall be calculated based on the Coastal Hazard Report, when prepared in accordance with Section 9310.d.vi.

v. When required, all setback and buffer area measurements, between ~~new~~ development and all watercourses, shall be adjusted to account for current and future sea level rise elevations.

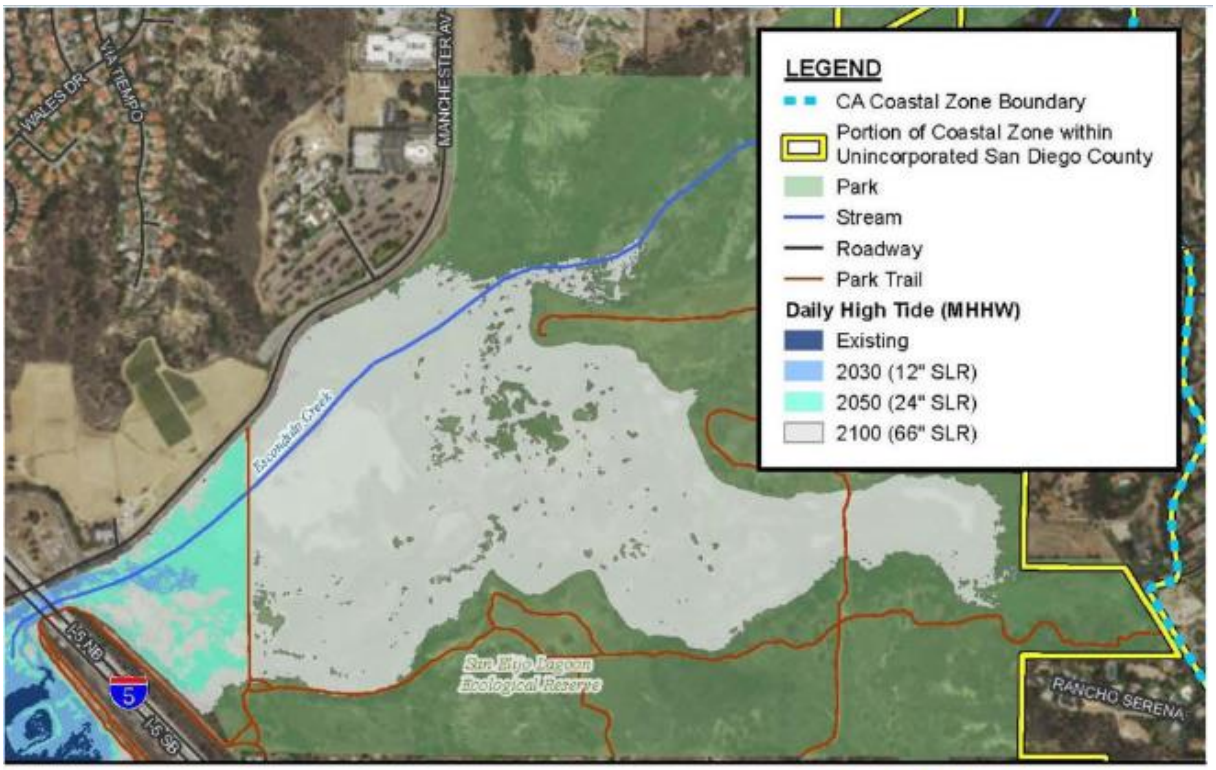


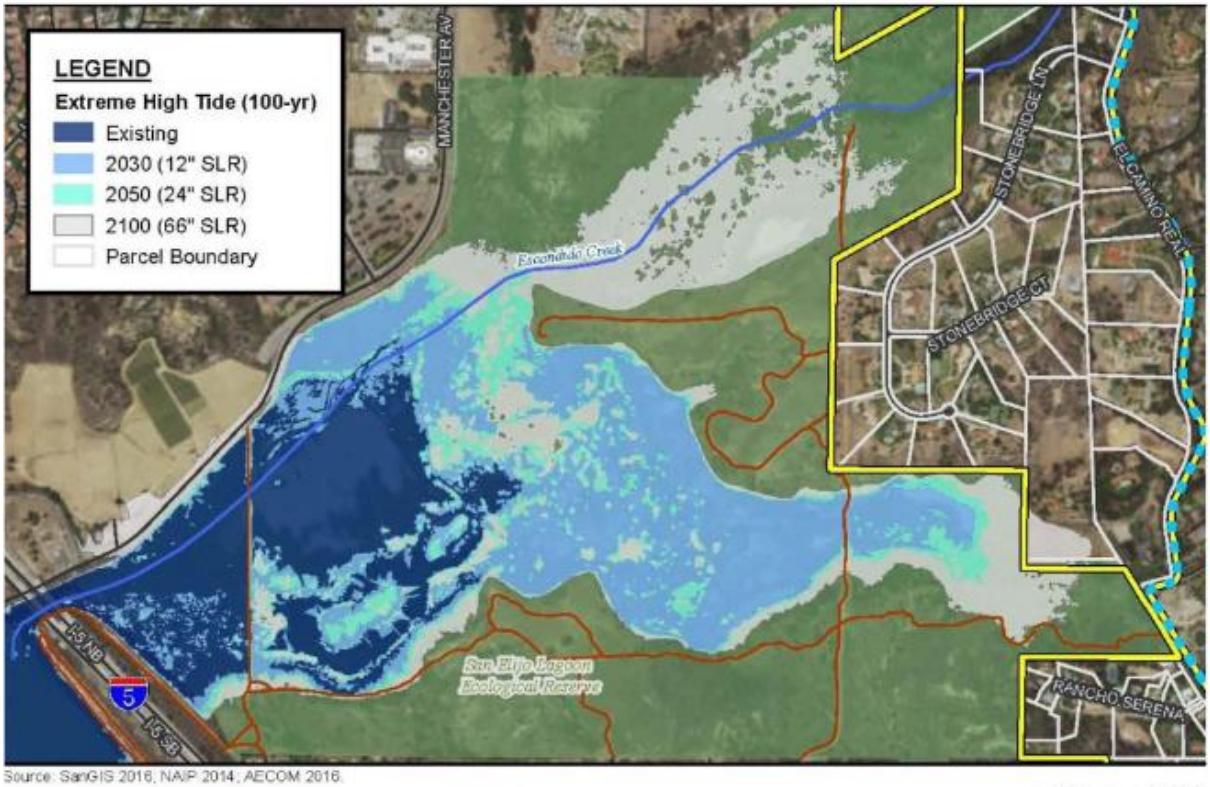
Source: SanGIS 2016; NAIP 2014; FEMA Map Service Center

2,000 1,000 0 2,000 Feet

Scale: 1:24,000; 1 inch = 2,000 feet

Figure 9-9
FEMA Special Flood Hazard Areas





Source: SanGIS 2016, NAIP 2014, AECOM 2016.

1,250 625 0 1,250 Feet

Scale: 1:15,000; 1 inch = 1,250 feet

Figure 9-10
San Elijo Ecological Reserve
Future Inundation and Flooding (High-range SLR)

vi. Sea-level rise projections. If necessary, and to allow for elevation changes of wetlands and other ESHA that may result from sea level rise and a 100-year flood, over the anticipated duration of the proposed ~~new~~ development, an additional sea level rise buffer may be required between the proposed development and on-site wetlands or riparian areas. Calculation of such an additional buffer width shall be based on the best available scientific evidence and the most recently updated County of San Diego coastal hazards study available at the time of filing an application for proposed development.

vii. Every five years, after the date of adoption of the LCP, the County Board of Supervisors or its designee shall cause an update to maps of potential 100-year flood extents as influenced by SLR, over a 100-year period. The map updates shall reflect:

1. The best available science on SLR impacts and projections; and
2. Modeling of the future 100-year flood conditions and floodway extent within the Coastal Zone shall include projections of SLR for water conditions at the downstream bay and ocean terminus.

viii. The effects of any restoration projects that may impact tidal flow within the San Elijo Lagoon Ecological Reserve.

ix. Coastal Hazard Report for Proposed Redevelopment and New Development.

a) All new development in areas potentially subject to coastal hazards shall be evaluated by reports that are prepared by a licensed civil engineer with expertise in coastal engineering and geomorphology or other suitably qualified professional. These reports shall:

1. Be based on the best available science and SLR projections, at the time a project application is deemed complete pursuant to the Government Code, Section 65943;
2. Consider the impacts from the high projection of SLR for the anticipated duration of the proposed development,
3. Demonstrate that the development will avoid or minimize impacts from coastal hazards; and
4. Evaluate the foreseeable effects that the development will have on coastal resources over time (including in terms of impacts on public access, natural landforms, and public views), as project impacts continue and change over time, including in response to SLR.

b) Site-Specific reports for a new CAP or CDP shall be required unless, hazards are identified on the latest LCP Hazards Map that is at a level of detail adequate to ensure compliance with the LCP. A coastal hazards report shall include analysis of the physical impacts from coastal hazards and SLR that might constrain the project site and/or impact the proposed development. Reports shall address and demonstrate the site hazards and effects of the proposed development on coastal resources, including discussion, maps, profiles, and other relevant information that shall describe the following:

1. Current conditions at the site, including the current:
   aa) Inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events.
   bb) Bluff erosion rates, both long-term and episodic.

2. Projected future conditions at the site, accounting for SLR over the anticipated duration of the development, including:
   aa) Bluff edge, accounting for long-term erosion and assuming an increase in erosion from SLR.
   bb) Inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events.

c) Safety of the proposed development to withstand current and projected future hazards for its anticipated duration, including:
   1. Identification of a safe building envelope on the site that avoids hazards
   2. Identification of options to minimize hazards if no safe building envelope exists that would allow avoidance of hazards
   3. Analysis of the adequacy of the proposed building/foundation design to ensure stability of the ~~new~~ development relative to expected wave run-up, flooding and groundwater inundation (e.g., hydrostatic loads, uplift, or possible corrosion) for the anticipated duration of the development in both storm and non-storm conditions.
   4. Description of any proposed future SLR adaptation measures, such as incremental removal or relocation when threatened by coastal hazards
   5. Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts, and the elevation and inland extent of current and future flooding and wave run-up.

d) For bluff-top development, the report shall include a detailed analysis of erosion risks, including the following:

   1. To examine risks from erosion, the predicted bluff edge shall be evaluated considering not only historical retreat, but also acceleration of retreat, due to continued and accelerated SLR impacts. Future long-term erosion rates shall be based upon the best available information, using resources such as the highest historic retreat rates and SLR model flood projections that take rising sea levels into account.

      aa) All temporary events or structures, or short-term development shall be exempted from the requirement to submit a coastal hazard analysis, if there is no potential for hazards risks during the temporary or short-term event or development. Temporary shall mean those events that shall not exceed five consecutive days, no more than six events per year, on the same property. There shall be a minimum of 14 consecutive days between events. Short-term shall mean any development that shall be removed within three months of its establishment.

   2. When warranted by the results of a sea level rise hazards report that indicates the development may be exposed to hazards within its

anticipated duration of the proposed structures, applicants for privately-initiated development shall acknowledge and agree, and record a deed restriction to that effect, that the property may be affected by future sea level rise, and that such hazards may threaten structures and/or render it difficult or impossible to provide public services to the site, which may alter the development design with regard to locations of structure, flooding risks, and provisions of public services to the site, such as maintenance of roadways, utilities, sewage or water systems. Further, the deed restriction shall include language specifying that the property owner has no right under Coastal Act Section 30235 (or similar LCP policies) to off-site flood protection or channelization in the future, and that holds harmless the County of San Diego, its officers, agents, and employees with respect to any approval of the project, against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

x. The properties that may be affected by the projected SLR, as shown within the LUP, Appendix A, are as follows:

a) The San Elijo Lagoon Ecological Preserve, which includes its trails; and

b) Starting at approximately Year 2100, the Southwest portion of a property located just west of the El Camino Real and La Orilla intersection (APN 262-072-04-00). At the high range SLR, the developed area of this property could be approximately 75 feet to the north from the floodway (high range calculated with a 100-year flood combined with 66-inch SLR).

9312 Fire Hazard Management in the Wildland-Urban Interface (WUI)

a. Development within the Coastal Zone shall conform to the following WUI requirements:

1. Within the WUI, the person owning or occupying a building or structure shall maintain a fuel modification zone within 100 feet of any and all habitable buildings or structures. The area within 100 feet of a habitable structure is divided into two zones as follows. Zone 1 is located from 0 - 50 feet from the residence and Zone 2 located from 50-100 feet from the residence. Required fuel modification that may take place in both zones is defined as follows: In Zone 1, vegetation that is not fire-resistant shall be removed and re-planted with fire-resistant plants. In Zone 2, all dead and dying vegetation shall be removed. Native vegetation may remain in this area provided that the vegetation is modified so that combustible vegetation does not occupy more than 50% of the square footage of this area. Weeds and annual grasses shall be maintained at a height not to exceed 6 inches. Root systems and stumps will be left in place to minimize soil disturbance and soil erosion. All fuel modification work will be done by hand crews only. The Rancho Santa Fe Fire Protection District retains the discretion to reduce or expand the fire Zones 1 and 2 on a case-by-case basis, with specific findings due to factors that may include, but are not limited to building material, topography, vegetation load, and type.

2. All coastal permit applications for projects shall be required to provide a Landscape Plan that has been prepared in accordance with the County of San Diego "Suggested Plant List for a Defensible Space" http://www.sdcounty.ca.gov/pds/docs/DPLU199.pdf and planting guidelines emphasizing the use of fire-resistant, native, non-invasive, drought-tolerant and salt-tolerant species. The Landscape Plan shall be reviewed by the Ranch Santa Fe Fire Protection District to determine if any thinning or clearing

of native vegetation is required. The Rancho Santa Fe Fire Protection District may reduce the 100-foot fuel management requirement for existing development, when equivalent methods of wildfire risk abatement are included in project design. Equivalent methods of fire risk reduction shall be determined on a case-by-case basis by the Rancho Santa Fe Fire Protection District and may include the following, or a combination of the following, but are not limited to:

i. Compliance with Building Code and Fire Code requirements for projects located in the Wildland Urban Interface (County Building Code Chapter 7A and County Fire Code Chapter 49).

ii. Installation of masonry or other non-combustible fire resistant wall up to six feet in height.

iii. Boxed eaves.

iv. Reduced landscaping that is compliant with the County of San Diego fire hazard risk reduction plant list and planting guidelines.

v. Other alternative construction to avoid the need for vegetation thinning, pruning or vegetation removal.

3. Development, including but not limited to, subdivisions and lot line adjustments shall be sited and designed so that no brush management or the 100 ft. fuel modification encroaches into ESHA. Where a new addition would encroach closer than 100 feet to an ESHA, the Fire Marshal shall review the project for fuel modification requirements. If a 100 foot fuel modification zone would encroach into ESHA, the additions shall not be permitted unless the addition would not encroach any closer to ESHA than existing principal structures on either side of the development.

9314 Steep Slopes

a. Development within Steep Slope areas as shown on Figure 10 of the LUP shall conform to the following requirements:

i. A slope analysis shall be required for each application for a CAP or CDP. This analysis shall be completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map using ten foot contour intervals or less. The slope analysis shall show the slope categories for the entire property in acres, using the following categories: i. less than 15% slope; ii. 15% and greater up to 25% slope; iii. 25% and greater up to 50% slope; and iv. 50% and greater slope.

ii. No development, grading, planting, excavation, deposit of soil or other material, or removal of natural vegetation, except as may be necessary f or fire safety or installation of utility lines, shall be permitted on steep natural slopes of 25% grade or greater. This standard may be modified only to the extent that its strict application conforms to the following: i. would preclude the minimum reasonable use of a property, as defined herein; ii. Provided that such a modification is consistent with the other provisions of this section; and iii. That clustering, setback variances, and other appropriate techniques have been utilized to the maximum extent feasible, in order to avoid or minimize alteration of such natural steep slopes. No alteration of such natural steep slopes shall be permitted in order to obtain use of a property in excess of the minimum reasonable use. For purposes of this provision, the term "minimum reasonable use" shall mean a minimum of one (1) dwelling unit per acre, on a legal lot. Any encroachment into steep slope areas over 25% shall not exceed 10% of the steep slope area over 25% grade. For legal parcels that are one acre or less, with all or nearly all of the area in slopes over 25%

grade, an encroachment into the steep slope area may be permitted, provided any area to be disturbed from its natural state shall be limited to 2,000 square feet, or 20% of the entire parcel (including areas under 25% slope), whichever is greater. In this case, areas with slopes over 25% grade may be used in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

iii. Prior to the approval of the Site Plan Permit, the following findings shall be made: i. the site is physically suitable for the design and siting of the proposed development; ii. the proposed development will result in minimum disturbance of ESHA; and iii. the proposed development is in conformance with the LUP.

iv. Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources. Access roads and driveway lengths must comply with fire code requirements.

v. Grading for access roads and driveways should be minimized; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the Planning Commission, if the determination can be made that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LUP provisions.

vi. Limiting earthmoving operations during the rainy season to prevent soil erosion, stream siltation, reduced water percolation, and increased runoff.

vii. Prevent net increases in baseline flows for any receiving waterbody.

9316 Public Access, Trails and Recreation

Development within the Coastal Zone shall conform to the following public access and recreation requirements:

a. Proposed development shall enhance and shall not impair the public's ability to access and enjoy points and passages to public access features, including those identified in Figure 6 Publicly Accessible Vantage Points and Figure 7 Regional Trail Network and Points of Interest of the LUP.

b. New subdivisions shall not provide gates, guardhouses, or other features that would limit existing public access points.

c. Changes to existing public access ways that are required as part of an existing CDP shall not allow a reduction in access. Any such changes to an existing public access way would be required to be reviewed through a Coastal Permit Amendment process.

e. Trails shall be maintained at or near original or intended standards. This shall include mowing and brush removal to replacement of damaged signs to reconstruction of the trail.

f. Maintenance of trails shall occur in compliance with the following criteria

i. Trail maintenance will be the minimum necessary to provide a safe and sustainable trail. Maintenance work will be accomplished by utilizing by-hand activities, where feasible. Trail maintenance will be limited to the existing trail tread, except where it is necessary to repair slopes or damage caused by erosion outside of the established trail tread. Vegetation trimming will be limited to the minimum width necessary to provide a: 1) safe corridor for trail

users; and 2) decrease in negative impacts to ESHA.

d) Should a trail dozer or other similar equipment be used for park maintenance activities, it shall not occur more than four times-per-year, nor be used longer than two hours in duration.

ii. Temporary trail closures may occur due to inclement weather, flooding, emergency situations (e.g., wildfire events), or safety issues related to one of these situations. County Department of Parks and Recreation (DPR) staff will evaluate trails on a case-by-case basis to determine whether temporary closure is appropriate, and the length of the closure based on trail and ESHA conditions.

iii. Permanent trail closures may occur where the trail alignment is not sustainable, redundant, or in chronically poor trail condition, as determined by DPR staff.

g. All trails shall be considered major public works and pursuant to the California Coastal Act, shall be appealable to the California Coastal Commission.

i. Trail tread widths shall be a maximum of two to four feet, except for Americans with Disabilities (ADA) accessible trails. Trail tread widths shall comply with ADA standards for trail accessibility, when feasible and required.

ii. Trail alignments shall be designed to minimize direct and indirect impacts to sensitive species and habitats, including the minimization of trail edge effects.

iii. Where feasible, trails shall be designed to incorporate buffer widths to protect sensitive resources.

iv. Trail alignments, as defined in this IP, should be chosen to minimize the need for trail structures. If trail structures are required, the structures should be the minimum necessary for trail safety and sustainability.

v. All directional signage and required fencing shall be employed in a manner that excludes trail users from ESHA.

vi. Trails may be re-routed when required for trail alignment sustainability, elimination of trail redundancies, and for those trails in chronically poor condition. The DPR staff shall consider carefully all trail alignments related to relocation of the trail tread for consistency with trail siting and construction provisions outlined above.

h. The County's Coastal Zone contains approximately four (4) miles of non-motorized trails located within ESHA. As allowed within this LCP, this amount of trails may be maintained, rerouted or redesigned as necessary within the County's coastal zone, provided that the ultimate extent of multi-use trails shall not increase beyond six (6) miles of linear trails within or adjacent to ESHA.

i. The County shall prepare an annual monitoring report showing the total linear trail mileage

rerouted and added within, and adjacent to, ESHA.

ii. The following Annual Trail Accounting Table shall be used to record rerouted and new trails in, or adjacent to, ESHA:

Table 9-8 – Template for Annual Trail Accounting Table

Park Facility Name	Baseline Mileage	New Trail Added (mi)	Trail Reroutes (mi)
San Elijo Lagoon Ecological Reserve			
San Dieguito County Park			
Trails w/in ESHA outside of a park facility (not in road right of way)			
Trails w/in ESHA within Road Right of Way			
Total:			
Remaining Trail Allowed w/in ESHA:			

iii. A map shall be included with the Annual Trail Accounting Table above that shall show existing trails in, or adjacent to, ESHA.

iv. The annual report shall be submitted to the Coastal Commission with the Annual Trail Accounting Table and a brief overview of the trail route changes in, or adjacent to, ESHA that have occurred throughout the previous year.

v. Non-motorized trails located within a public road right-of-way shall be allowed, and shall not be counted against the limit placed on trails in ESHA within the County's Coastal Zone.

vi. For any development adjacent to, or within 100 feet of a public park, beach, trail, or recreation area, notice of proposed developments shall be provided, as applicable, to the San Elijo Lagoon Conservancy and the California Department of Parks and Recreation, for their review with regard to potential impacts to public access, recreation, ESHA, and any other sensitive environmental resources.

vii. Public, non-motorized trails are to be considered resource dependent uses. Non-motorized trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible and in general should be located around the periphery of sensitive habitat areas. Measures, including but not limited to signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.

COASTAL PERMITS

9400 Coastal Permit Requirements

a. **Coastal Permit Required.** Except as otherwise provided in **Section 9404 – Exemptions,** persons wishing to undertake any development in the Coastal Zone, shall obtain a Coastal Permit, either through a Coastal Administrative Permit (CAP) Site Plan Permit (STP) or a Coastal Development Permit (CDP) Major Use Permit (MUP), in accordance with the provisions of this Section.

b. **Coastal Administrative Permit (CAP) - Site Plan Permit (STP).** Applications for development associated with a use that is listed in the respective category, within the applicable Use Regulation shall obtain a CAP, if the development conforms to the following: (1) As proposed is consistent with the LCP; (2) Requires no discretionary approval other than a CAP/STP; (3) Has no adverse effect either individually or cumulatively on coastal resources, including public access, and 4) Is a Principal Permitted Use in a Use Regulation.

I. JURISDICTION. The Jurisdiction for processing and issuing CAP/STP shall be as follows. Table 9-9 provides a summary of the process:

a) Director Planning & Development Services (PDS): The Director of PDS shall be responsible for processing and deciding all privately-initiated development requiring a CAP/STP, as identified in Tables 9-2a through 92-f (inclusive), with an "S" designator.

b) Director Parks and Recreation (DPR): The Director of Parks and Recreation shall be responsible for processing and deciding all publicly-initiated projects related to trails and pathways, the San Dieguito Park, and other public recreational facilities owned or operated by DPR.

c) Director Public Works (DPW): The Director of Public Works shall be responsible for processing and deciding all publicly-initiated projects related to stormwater facilities, County roadways, and other facilities owned and operated by DPW.

d) Director of General Services (DGS): the Director of General Services shall be responsible for processing and deciding all publicly-initiated projects related to County owned facilities not owned or operated by DPR and DPW.

Table 9-9 – CAP/STP Permit Process

CAP Director Decisionmaker	Authority	Appeals Authority
Planning & Development Services (PDS)	Process all privately-initiated development requiring a CAP, as specified in IP Tables 9.2-a through 9.2-f (inclusive), with an "S" designator.	Planning Commission
Director Parks and Recreation (DPR)	Process all publicly-initiated projects related to: 1) trails and pathways; 2) the San Dieguito Park; and 3) all other	Board of Supervisors*

CAP Director Decisionmaker	Authority	Appeals Authority
	public recreational facilities owned or operated by DPR.	
Director Public Works (DPW)	Process all publicly-initiated projects related to stormwater facilities, County roadways, and other facilities owned and operated by DPW.	Board of Supervisors
Director of General Services (DGS)	Process all publicly-initiated projects related to County-owned facilities, which are not under jurisdictions of DPR and DPW.	Board of Supervisors

**For trails in or adjacent to ESHA, final appeal is to Coastal Commission, after Board of Supervisors makes decision on an appeal.*

II. Each Director shall be responsible for administering the following CAP review procedure, as the procedure pertains to the Directors' respective jurisdiction. Each Director shall be responsible for reviewing and evaluating CAP submitted pursuant to the following procedure.

III. APPLICATION. An application for a CAP, or modification thereof, shall be signed by all property owner(s) or agent(s). The applicant shall provide proof satisfactory to the Director, of the ownership of the property and the authority of the agent(s) to sign on behalf of the owner(s). The application shall be made to the Director on such forms and containing the information as is prescribed by that Approval Authority and shall be accompanied by the fee specified within County Administrative Code, Section 362.1.

IV. TRANSMITTAL TO OTHER AGENCIES. Whenever an agency or board is required by the LCP to review a CAP submitted to the Director, the Director shall forward a copy of the application and accompanying plans, maps and diagrams to the appropriate agency or board within five working days after receiving a complete Site Plan application. The Director shall not make a decision with respect to the CAP, until the Director has considered the report and recommendation of the agency or board. Citizen Advisory Boards shall review and make recommendations within 21 days of receipt of said application unless no meeting is held within that time frame. If no recommendation is received within 45 days after transmitting the application to an agency or board, the Director may make a decision without the agency's or board's recommendation. The Director may make a decision after 35 days, if the Director has either received recommendations from all agencies, boards and planning or sponsor groups to which notice has been sent, or has been informed by said agencies, boards and/or planning or sponsor groups, that they will not be making recommendations. The Director shall transmit a copy of his decision to the agency or board at the time the decision is made.

V. REVIEW AND EVALUATION. The Director shall review and evaluate the CAP in accordance with the following guidelines:

a) Scope. The Director shall review and evaluate Site Plans for conformance with the LCP.

b) Modifications Required Prior to CAP-Decision. The Director may specify modifications, changes, and additions to the Site Plan that are required prior to making a decision. The modifications,

changes, and additions shall not exceed the scope of the Site Plan review standards and criteria set forth in the LCP, nor shall they alter or vary the requirements of those pertinent LCP sections otherwise applicable to the development proposal. However, such standards and criteria and requirements may be modified or changed as specified by the Director to eliminate or mitigate significant adverse environmental effects disclosed within the appropriate CEQA environmental documentation.

c. Improvements Required for Site Plan Decision. The Director shall ensure that all Site Plans provide for on- and off-site improvements, which may be required by the Site Plan review standards and criteria set forth by the LCP. Such requirements for improvements may be modified, as provided by subsection "b" of this section. The Director may require the applicant to enter into an agreement to provide such improvements and this agreement.

d. Waiver of Standards and Criteria. The Director may waive those standards and criteria prescribed for the review and evaluation of a CDP, which is found to have been or will be fulfilled by condition or conditions of a CDP Variance.

VI. FINDINGS REQUIRED. Prior to approving a site plan the Director shall find:

a) Standards and Criteria. That the proposed development meets the intent, and specific standards and criteria prescribed in the LCP.

b) General Plan. That the proposed development is compatible with the San Diego County General Plan; and

c) Waiver of Standards or Criteria. That any applicable standards or criteria waived by the Director pursuant to subsection 9400.c.iv.c, have been or will be fulfilled by the condition or conditions of a CAP/STP ~~Use Permit~~ or Variance.

VII. DECISION AND NOTICE.

1. Upon completion of review and evaluation of a site plan, the Director shall make a decision, as follows:

    1. Make such findings as are required by sub-paragraph 9400.b.vi., and approve the CAP; or

    2. Notify the applicant of those changes and modifications required for approval of the CAP, or

    3. Deny the CAP if the Director finds that:

        aa) The CAP cannot be conditioned by adequate requirements to insure compliance with applicable regulations; or

        bb) The CAP cannot reasonably be modified to conform to the applicable requirements.

b) Time Period. Within 60 days of receipt of a complete application for CAP review, the Director shall act as provided in subsection "a". The 60 day period may be extended with the written

consent of the applicant. Failure of the Director to act within the specified time period, or extension thereof, shall not affect the validity of the Director's decision.

c) Effective Date. All decisions of the Director made pursuant to this IP shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by subsection 9400.b.ix.

VIII. CONDITIONS. CAP may be approved or modified subject to the performance of such conditions, including the provision of required improvements as the Director shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of the LCP shall be achieved. Such conditions shall be imposed and enforced as follows:

a) Security May Be Required to Insure Performance. In order to insure the performance of conditions imposed concurrent with the granting or modification of a CAP, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the CAP. Such security shall be furnished as required.

b) Provision of Required Improvements. Whenever a CAP is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant county authority, the applicant shall execute an agreement with the cognizant County authority to make such improvements prior to the time or events specified in the CAP.

c) Condition Declared Void. Whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of the conditions of a CAP approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation or one or more of such conditions, said CAP approval shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 9400.c.xv.

d) Violation of Condition. Whenever a CAP, is approved or modified subject to a condition or conditions, use or enjoyment of the CAP in violation of, or without observance of any such condition, shall constitute a violation of the IP and said CAP may be revoked or modified as provided in Section 9400.c.xiv.

IX. APPEAL. A decision of the Director may be appealed as follows:

a) Persons Eligible. The following persons shall be eligible to file an appeal:

1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).

2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.

3. A person not having an interest in property located within 300 feet from exterior boundaries of the subject property, who after written petition to the Planning Commission or Board of Supervisors, filed within 10 days of the date on which the decision being appealed was rendered, receives permission to file an appeal. The decision of the Planning Commission or Board of Supervisors on a petition requesting permission to appeal shall be made without hearing and shall be final.

4. A County Officer, Board, Commission, or other County body other than Planning Commission, which has jurisdiction over the appeal. County citizen advisory groups

authorized to review CAP shall only be eligible to file appeals involving those CAP applications over which they have review jurisdiction.

b) Timeliness. An appeal must be filed within 10 days of the date on which the decision being appealed was rendered, or within 10 days of the date of the Planning Commission or Board of Supervisors permission to file an appeal under Section 9400.b.ix.a.3.

c) Form, Filing and Fee. An appeal shall be in writing accompanied by the fee, which shall be filed in the office of the Director.

d) Effect of Filing an Appeal. An appeal of a decision, within the time specified in paragraph "b" of this Section shall stay the proceedings in furtherance of the decision appealed and no building permit, or other permit shall be issued until such time as the appeal has been acted on as set forth in this Section.

e) Forwarding of Record. On the filing of an appeal, the Director shall transfer to the Secretary of the Planning Commission the subject documents and papers on file pertinent to the decision, together with a report of the decision.

b) Public Hearing. The Planning Commission shall hold a public hearing on the appeal, scheduled and noticed as required. Public hearings required by the Implementation Plan shall be scheduled as follows:

1. Hearings before the Planning Commission shall be scheduled by the Director of PDS, for a date not less than 10 days, but not more than 90 days, from the date that an application is determined to be complete. However, if an Environmental Impact Report is required, such hearings shall be scheduled for a date not more than one year from the date that an application is determined to be complete. The Director may, with the consent of the applicant, extend this one year or 90 day period one time for a period of time not to exceed 90 additional days.

2. Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board of Supervisors for a date not less than 10 days, but not more than 120 days, from the date specified below:

aa) Appeals. Where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal.

bb) Other Cases. Where the Board of Supervisors has sole jurisdiction to approve an application, the above time period shall commence upon the latter of either the date the application was determined to be complete, or the date a recommendation is made on the application by any San Diego County authority whose recommendation is required by law.

cc) In the event that a required hearing cannot be held within said 120 days, the Director shall inform the Board of Supervisors as to the reasons for such delay.

dd) A hearing may be delayed when the deposit account for a project is in deficit. The hearing will be scheduled once adequate funds are deposited by the applicant.

3. Any failure to hold a hearing within the time specified shall not affect the validity of any decision reached, as the result of such hearing.

g) Decision and Notice. Following the hearing on an appeal, the Planning Commission or Board of Supervisors may sustain the decision of the Director; or may approve or modify the site plan subject to specified conditions it imposes pursuant to Section 9400.c.viii; or may revoke or deny the CDP, as is appropriate. The Planning Commission shall adopt findings which specify all facts relied upon it in reaching its decision and their relation to the requirements of subsection 9400.c.v., and which state the reasons for any conditions imposed by it; provided however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both is they are different parties, and a copy thereof shall be attached to the file in the manner and said file returned to the Director.

h) Effective Date. The decision of the Planning Commission shall be final and effective immediately. Where an appeal of an environmental determination is filed, the procedures specified in Chapter 4 (commencing with Section 86.401 of Division 6 of Title 8 of the San Diego County Code) shall be followed.

X. EXPIRATION AND EXTENSION.

a) Any approval of a CDP shall expire within two years of such approval except where construction or use of the property in reliance on such CDP approval has commenced prior to its expiration. Any Minor Deviation or any modification pursuant to Section 9400.c.x, shall not extend the expiration and extension dates otherwise specified in this section.

b) If prior to the expiration of such CAP 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 CAP 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 24 months each, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

c) Notwithstanding the above, if the CAP is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the CAP 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 CAP shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the CAP 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 herein.

xi. APPLICATION FOR MODIFICATION OF A CAP

a) Any person holding an approved CAP may apply for a modification. The modification of a CAP may include modification of the physical improvements shown on the CAP Itself or the waiver or alteration of conditions imposed, Sections 9400.iii. through viii, shall apply to the application for the modification of a CAP.

b) In the event the requested modification relates to a condition which was initially imposed by action of an appellate body, the authority having jurisdiction over such modification shall consider the following:

1. The reason(s) why the subject condition was initially imposed.

2. The reason(s) why the subject condition should be retained, modified or waived.

3. The relationship of modification or waiver to the reason(s) the condition was initially imposed.

4. Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.

5. Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification.

xii. RELATION TO USE PERMIT, VARIANCE, AND LOCAL COASTAL PROGRAM AMENDMENT. When a development proposal subject to CAP review is submitted concurrently with an application for a subdivision, use permit, variance, or an amendment of the LCP, the CAP review shall be under the jurisdiction of the officer or body having jurisdiction over the subdivision, CDP, Variance, or amendment application and shall be conducted concurrently with any review required thereby.

xiii. REVOCATION OR MODIFICATION OF SITE PLAN APPROVAL FOR CAUSE. A CAP may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a CAP may include the modification of the terms of the CAP itself or the waiver, alteration, or imposition of new conditions pursuant to Section 9400.c.vii.

a) Ground for Revocation or Modification. A CAP may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
1. That such CAP was obtained or extended by fraud.
2. That one or more of the conditions upon which such CAP was granted have been violated.
3. That the use for which the CAP was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.
4. That construction on the subject property is not in conformance with the CAP or other applicable requirements.

b) Notification. The Director shall notify the owner of the property of his action in the same manner as specified in the Building Code for revocation of a building permit, or by written notice to the owner of the subject property as shown on the latest assessment roll or as indicated by later information available to the Director.

c) Appeal. Revocation or modification of a CAP may be appealed pursuant to Section 9400.c.viii.

xiv. AUTOMATIC REVOCATION OF CAP APPROVAL. If a CAP is approved or modified subject to one or more conditions, such CAP shall cease to be valid, and all rights and privileges granted thereby shall lapse, notwithstanding any other provisions of the LCP to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

xv. MINOR DEVIATION OR MODIFICATION NOT REQUIRED. A Minor Deviation or Modification to a CAP is not required for any Building, Structure or Projection in the Accessory Use Regulations, provided the Building, Structure, Projection or use meets the specific accessory use setbacks in the CAP and meets all other conditions and restrictions in the CAP. If the CAP does not specify setbacks for an Accessory Use or a Building, Structure or Projection, a Minor Deviation or Modification to the CAP is not required provided the Building, Structure, Projection or Accessory Use meets the least restrictive setbacks for the zone that applies to the subject site.

xvi. CAP TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE. Upon the approval of a CAP becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The site to be recorded shall set forth the names of all owners of the property subject to the CAP. The recording of a CAP shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the CAP, of the rights and obligations created by the CAP.

C. **Coastal Development Permit (CDP) - Major Use Permit (MUP) (CDP).** Applications for development associated with a use that is shown in Tables 9-2a through 92-f (inclusive), with an "M" designator shall require a CDP, shall be required for any other development not meeting the criteria for a CAP. These shall be known as the CDP. A CDP may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. It is unlikely that County-initiated projects would fall within the CDP permit type. Parks, trails or other County facilities do not require a CDP; however, should this situation ever arise, the processes summarized in Table 9-10 below, shall be followed. Each Department shall process permits related to its authority outlined in Table 9-9 above, but the review and processing authority shall be either the Planning Commission or Board of Supervisors.

Table 9-10
CDP/MUP Permit Process Authority

Department	CDP Decisionmaker	Appeals Authority
Planning & Development Services (PDS)	Planning Commission (privately-initiated development labeled in IP Tables 9.2-a through 9.2-f (inclusive), with an "M" designator.)	Board of Supervisors
Director Parks and Recreation (DPR)	Board of Supervisors (County-initiated recreational development)	Coastal Commission
Director Public Works (DPW)	Board of Supervisors (County-initiated stormwater and roadway development)	Coastal Commission
Director of General Services (DGS)	Board of Supervisors (County-initiated facilities development)	Coastal Commission

i. CLASSIFICATION OF CDP AND ORIGINAL JURISDICTION.

CDP shall be classified and original jurisdiction exercised over them as follows, except as otherwise provided in Sections 9400.d.xiv and 9400.d.xv:

a) CDP. Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions, any one of which requires a CDP, shall require CDP and shall be under the original jurisdiction of the Planning Commission or Board of Supervisors.

b) Minor Use Permit. Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed concurrently with tentative subdivision maps, reclassifications or CDP ~~s~~hall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and CDP. Any use allowed by a Minor Use Permit may be allowed by a CDP.

ii. APPLICATION FOR A CDP. An application for the granting of a CDP shall be made as follows:

a) Persons Eligible. The following persons shall be eligible to apply for the granting of a CDP.

1. A property owner, in which case the application shall be signed by all property owner(s) or agent(s).

2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owner(s) or agent(s).

3. A person authorized to exercise the power of eminent domain.

b) Required Documents. The application shall be accompanied by the following documents:

1. A list of the names of all persons having an interest in the application, as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than ten percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.

2. Complete plans, a description of the property involved and a complete description of the proposed use. The complete plans shall include a plot plan drawn to scale showing all structures (existing and proposed). If the CDP will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the CDP shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for CDP approval.

3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the requested CDP within 6 months after it is granted.

4. The appropriate environmental impact review document.

c) Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with the Approval Authority (Section 9400.d.i.) and shall be accompanied by the appropriate fee.

iii. HEARING AND NOTICE. All applications for granting or modifying a CDP and all actions to revoke or modify a CDP shall be heard at a public hearing scheduled and noticed.

iv. FINDINGS REQUIRED. Before any CDP 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, coverage and density;

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; 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 LCP.

c) That the proposed project complies with all requirements of the California Environmental Quality Act.

v. DECISION AND NOTICE. The Board of Supervisors, the Planning Commission, or the Director shall decide and notice matters concerning use permits as follows:

a) Applications for granting or modifying a use permit. Following the hearing on an application for granting or modifying a use permit, the Board of Supervisors, the Planning Commission, or the Director, whoever has jurisdiction over the application, shall deny the use permit or the requested modification; or shall grant or modify the use permit subject to specified conditions as may be imposed pursuant to Section 9400.d.vi. Notice of the decision on the application shall be filed in the office of the authority having jurisdiction over the application and a copy of said notice shall be mailed to the applicant at the address shown on the application. Said decision shall become effective as provided in Section 9400.d.viii.

b) Action to Revoke or Modify a Use Permit For Cause. Following the hearing in an action to revoke or modify a use permit, as prescribed in Section 9400.d.xvii., the Board of Supervisors, the Planning Commission, or the Director, whoever conducts the hearing, may decide to revoke or to modify the use permit, or may decide to take no action. Notice of the decision on the action shall be filed in the office of the deciding authority and a copy of said notice shall be mailed to the person to whom the use permit was originally granted. Said decision shall become effective as provided in Section 9400.d.viii.

vi. CONDITIONS. Use permits may be granted or modified subject to the performance of such conditions, including the provision of required improvements, and for such period of time as the Planning Commission, the Board of Supervisors, or the Director, whichever Approval Authority grants or modifies the use permit, shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of the LCP shall be achieved. Such conditions shall be imposed and enforced as follows:

a) Security May Be Required to Insure Performance. In order to insure the performance of conditions imposed concurrent with the granting or modification of a use permit, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the use permit. Such security shall be furnished.

b) Provision of Required Improvements. Whenever a use permit is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant County authority, the applicant shall execute an agreement with the cognizant County authority to make such improvements, prior to the time or events specified in the permit.

c) Condition Declared Void. Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of a use permit to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said use permit shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 9400.d.xvi.

d) Violation of Condition. Whenever a use permit is granted or modified subject to a condition or conditions, use or enjoyment of the use permit in violation of, or without observance to, any such condition shall constitute a violation of the Zoning Ordinance, and said use permit may be revoked or modified as provided by Section 9400.d.xvi.

e) Monitoring compliance. Every permittee of a use permit shall allow the Director to conduct periodic inspections of the property for which a use permit has been granted to ensure that the permittee is complying with the use permit conditions. Inspections under this section are in addition to any authorized inspections. As used in this section, "permittee" also means the permittee's employees, agents, tenants, heirs, assignees and successors. The frequency of the periodic inspections shall be at the discretion of the Director, but shall not occur more often than once every twelve months. The Director shall give the permittee written notice at least 24 hours before any inspection under this section. No permittee shall refuse to permit inspection of the property covered by the use permit after the requisite notice has been given. No inspector, however, shall conduct any inspection authorized by this section if permission to inspect is refused. If permission to inspect is refused, the inspector may obtain an inspection warrant pursuant to California Code of Civil Procedure sections 1822.50 et seq. to conduct any inspection authorized by this section. If an inspector determines during a periodic inspection that the permittee is not in compliance with any use permit condition, the Director may authorize follow-up inspections more frequently than once every twelve months until the Director is satisfied that the permittee is complying with all use permit conditions.

f) Notices under paragraph e. Notices shall either be served personally or by United States mail. Notices served by mail shall allow five business days for delivery.

vii. DEFENSE OF LAWSUITS. As a condition of approval of a CDP, Minor Use Permit, use permit modification, or use permit extension for which an application was filed on or after January 3, 2003, each applicant shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

viii. EFFECTIVE DATE. Decisions of the Planning Commission, or the Director made pursuant to Section 9400.d.v. shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 9400.d.ix. All Board of Supervisors' decisions, made pursuant to Section 9400.d.v., shall be final and effective immediately.

ix. APPEAL. CDP decisions pursuant to Sections 9400.d.v., 9400.d.xiv., 9400.d.xv., or 9400.d.xvii. may be appealed as follows:

a) Appeals Authorized.

1. A CDP decision of the Planning Commission may be appealed to the Board of Supervisors.

2. A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that: (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or CDP application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission.

3. A concurrent use permit decision by the Planning Commission may be appealed to the Board of Supervisors.

b) Resubmittal of Revised Application. If upon appeal an application for a use permit is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application resubmitted to the authority having original jurisdiction for further consideration and decision. The decision of the revised application may thereafter be appealed as provided in this Section.

c) Persons Authorized to Appeal. No person may appeal except the applicant for the granting or modification of a use permit; a County officer acting pursuant to paragraph "d" of this section; and those persons who protest the granting, revocation, or modification of a use permit either by written protest filed in the office of the Planning Commission or the Director, whichever has jurisdiction over the use permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the use permit at the hearing or consideration of the matter by said authority.

d) County Officer May Appeal. Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission, or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director made pursuant to Section 9400.d.v., without fee.

e) Manner and Time of Filing. An appeal shall be in writing, shall be accompanied by the appropriate fee and shall be filed as follows:

1. If filed personally, the appeal shall be filed in the Department of Planning and & Development Services by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.

2. If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning and Development Services, 5510 Overland Avenue, Suite 310, San Diego, CA 92123.

f) Effect of Filing the Appeal. An appeal of a decision within the time specified in paragraph "e" of this Section shall stay the proceedings and effective date of the decision of either the Planning Commission or Director, as provided by Section 9400.d.ix, until such time as the appeal has been acted on, as hereinafter set forth.

g) Forwarding of Record. Upon the filing of an appeal, the Approval Authority's decision being appealed shall transmit to the appeal authority the records concerning the decision.

h) Public Hearing. Following the filing of an appeal, the Approval Authority having appellant jurisdiction shall hold a public hearing on the matter scheduled and noticed. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.

1. Hearings before the Planning Commission shall be scheduled by the Director of PDS, for a date not less than 10 days, but not more than 90 days, from the date that an application is determined to be complete. However, if an Environmental Impact Report is required, such hearings shall be scheduled for a date not more than one year from the date that an application is determined to be complete. The Director may, with the consent of the applicant, extend this one year or 90 day period one time for a period of time not to exceed 90 additional days.

2. Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board of Supervisors for a date not less than 10 days, but not more than 120 days, from the date specified below:

aa) Appeals. Where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal.

ee) Other Cases. Where the Board has sole jurisdiction to approve an application, the above time period shall commence upon the latter of either the date the application was determined to be complete, or the date a recommendation is made on the application by any San Diego County authority whose recommendation is required by law.

ff) In the event that a required hearing cannot be held within said 120 days, the Director shall inform the Board as to the reasons for such delay.

gg) A hearing may be delayed when the deposit account for a project is in deficit. The hearing will be scheduled once adequate funds are deposited by the applicant.

4. Any failure to hold a hearing within the time specified shall not affect the validity of any decision reached, as the result of such hearing.

i) Decision and Notice. Following the hearing on an appeal, the Approval Authority having appellate jurisdiction may sustain the decision which is being appealed; or may grant or modify the use permit subject to specified conditions it imposes pursuant to Section 9400.d.vi.; or may revoke or deny the use permit, as is appropriate. The Approval Authority shall adopt findings that specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 9400.d.iv. Further, these findings shall state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant, at the time of the hearing on the appeal and prior to decision by the Approval Authority. Notice of the decision of the appellate Approval Authority, together with a copy of any findings adopted by said appellate Approval Authority, shall be mailed to the appellant and applicant, or to both if they are different parties. A copy of the notice of decision shall be attached to the Planning Commission's or Director's file in the matter.

j) Finality and Effective Date. Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the authority having jurisdiction over an appeal shall be final, conclusive, and effective immediately.

k) No Decision Reached. Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a use permit, the proceedings shall be governed by the Board of Supervisors' Rules of Procedure and Section 375.13 of the San Diego Administrative Code. Whenever the Planning Commission holds a hearing on an appeal from a decision on an application for a use permit, and thereafter, fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the Commission shall set the matter for a noticed public hearing de novo, if such hearing is requested by the Commission. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision from which the appeal has been taken shall be deemed sustained.

x. USE PERMITS TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE. Upon the approval of a use permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The use permit to be recorded shall set forth the names of all owners of the property subject to the use permit. The recording of a use permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the use permit, of the rights and obligations created by the use permit.

xi. NUISANCE. The granting or modification of a use permit shall not authorize or legalize the maintenance of any private or public nuisance.

xii. DISCONTINUANCE. Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one year after the purpose for which it was granted shall have been discontinued or abandoned.

xiii. EXPIRATION. Each valid unrevoked and unexpired use permit shall expire and become null and void at the time specified in the permit. If no time is specified, then the use permit shall expire two years after granting 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 by Section 9400.d.xiv.

Notwithstanding the above, if the use permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map (including all extensions of that tentative 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 use permit shall expire three years after recordation of the final or parcel map unless construction and/or use of the property in reliance of 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 by Section 9400.d.xiv., and provided further, that construction complies with the LCP in effect at the time of construction.

xiv. APPLICATION FOR EXTENSION OF RELIANCE PERIOD OF A CDP/MUP~~USE PERMIT~~.

a) If prior to expiration of the use permit, the applicant files a written application for extension, the period within which construction or use of the property in reliance on the use permit must be commenced may be extended by order of the Director, or Planning Commission, whichever has original jurisdiction over said use permit, at any time within 90 days of the date of expiration. An application for such a time extension shall be: 1) made on the prescribed form; 2) accompanied by the fee referenced in Section 7602 (IP, Appendix B); and 3) filed with the Approval Authority that has original jurisdiction. The time period within which construction and/or use of the property in reliance on a use permit must be commenced, may be extended subject to conditions, as provided by Section 9400.d.iv. Decisions of the Director, or Planning Commission, pursuant to this section shall become effective as provided by Section 9400.d.viii. Decisions of the Director, and Planning Commission may be appealed as provided by Section 9400.d.ix. All other provisions of the LCP shall apply to a time extension granted in accordance with this section.

b) Notwithstanding the provisions of paragraph "a" above or any other provision of the LCP, upon filing of an application to extend such reliance period for a major use permit for a planned development, in conjunction with an application filed pursuant to the County of San Diego Subdivision Ordinance, to extend a Tentative Map or Tentative Parcel Map, the Director may extend or conditionally extend such reliance period pursuant to the procedure specified in the Subdivision Ordinance for acting upon such map extensions. Sections 9400.d.ii., 9400.d.iv., 9400.d.vi., Section 7602 (IP, Appendix B), and all other provisions of the LCP not in conflict with said Subdivision Ordinance procedure, shall apply to such action by the Director.

xv. APPLICATION FOR MODIFICATION OF A USE PERMIT.

a) Any person holding a use permit may apply for a modification by complying with Section 9400.d.ii(c) For the purposes of this section, the modification of a use permit may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed pursuant to Section 9400.d.vi. Sections 9400.d.iii through 9400.d.ix, inclusive shall apply to the application for the modification of a CDP.

b) Notwithstanding the provisions of paragraph "a" above or any other provision of the LCP, upon the filing of an application to modify a MUP for a Planned Development, in conjunction with an application filed pursuant to the Subdivision Ordinance to modify a Tentative Map or Tentative Parcel Map or a resolution approving the same, the Director may modify or conditionally modify such permit pursuant to the procedure specified in the Subdivision Ordinance for acting upon such map modifications. Sections 9400.d.ii., 9400.d.iv., 9400.d.vi., and all other provisions of the LCP not in conflict with said Subdivision Ordinance procedure, shall apply to such action by the Director.

c) In the event the requested modification or waiver relates to a condition which was initially imposed by action of an appellate body, the authority have jurisdiction over such modification or waiver shall consider the following:

1. The reason(s) why subject condition was initially imposed.

2. The reason(s) why subject condition should be modified or waived.

3. The relationship of modification or waiver to the reason(s) the condition was initially imposed.

4. Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.

5. Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification or waiver.

xvi. AUTOMATIC REVOCATION OF A USE PERMIT. If a use permit is granted or modified, subject to one or more conditions, such use permit shall cease to be valid, and all rights or privileges granted thereby shall lapse, whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

xvii. REVOCATION OR MODIFICATION OF A CDP FOR CAUSE. A CDP may be revoked or modified for cause, as provided by the provisions of this section. For purposes of this section, the modification of a CDP may include the modification of the terms of the permit itself or the waiver, alteration or imposition of new conditions pursuant to Section 9400.d.vi.

a) Grounds for Revocation or Modification. A use permit may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:

1. That such permit was obtained or extended by fraud.

2. That one or more of the conditions upon which such permit was granted have been violated.

3. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.

b) Initiation of Action. An action to revoke or modify a use permit may be initiated by order of the Board of Supervisors, Planning Commission, or the Director, whichever granted, extended, or modified the permit on its own motion, or at the request of any County Officer. The Planning Commission may initiate an action to revoke or modify any use permit granted or modified by the Director or the Planning Environmental Review Board, and the Board of Supervisors may initiate an action to revoke or modify any use permit granted by either the Director, Planning Environmental Review Board, Board of Planning and Zoning Appeals or Planning Commission. The order shall set forth grounds for revocation or modification.

c) Other Provisions Applicable. Sections 9400.d.iii through 9400.d.ix, inclusive, shall apply to an action for the revocation or modification of any use permit.

xviii. EXTENSION OF TIME LIMITS. The time limits prescribed for the Use Permit Procedure may be extended by the Board of Supervisors; or by the Planning Commission, or the Director, as appropriate, upon the consent of the applicant or appellant.

xix. REAPPLICATION. No application for the granting or modifying of a use permit, which has been denied shall be filed earlier than one year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

a) Denial by Director. If the Director has denied the use permit, permission to reapply may be granted by the Director, Planning Commission or the Board of Supervisors.

b) Denial by the Planning Commission. If the Planning Commission has denied the use permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.

c) Denial by the Board. If the Board of Supervisors has denied the use permit, permission to reapply may be granted by the Board of Supervisors.

b. Additional Permits. The review of a~~n~~ CDP application may be combined with, and processed concurrently with the review of any other discretionary permit application required by the County Local Coastal Program, in accordance with this section and the IP, Appendix B of this Implementation Plan. When an application for a development is proposed, the County shall not grant any such discretionary approval for development that conflicts with any policy or standard of this Section. No such discretionary approval shall be effective until or unless, a Coastal Permit is approved that authorizes the subject development.

c. Legal Development and Permitting Processes. Development that was legally established prior to the effective date of the Coastal Act of 1976 or its predecessor, the Coastal Zone Conservation Act of 1972, if applicable, is considered lawfully established development. Improvements, repair, modification, or additions subject to such existing development may be subject to a CAP / CDP, or other County permit, in accordance with the provisions of this Section. The CAP / CDP shall only be approved, if the proposed development is consistent with the policies and standards of the County's LCP.

d. **Illegal Development and Permitting Processes.** Development that was established after the effective date of the Coastal Act of 1976 or its predecessor, the Coastal Zone Conservation Act of 1972, if applicable, and that was not authorized in a CAP / CDP or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development. No improvements, repair, modification, or additions to such existing development may be approved, unless the County also approves a CAP / CDP that authorizes the existing development. The CAP / CDP shall only be approved if the existing and proposed development, with any applicable conditions of approval, is consistent with the policies and standards of the County's LCP.

e. **Principal Permitted Use.** A Principal Permitted Use shall mean the primary use for which land or a building is, or may be intended as, occupied, maintained, arranged, or designed, as established by the County's LCP.

f. **Nonconforming Structure.** A nonconforming structure shall be a building, structure or facility, or portion thereof, which was lawfully erected, altered, or maintained prior to the certification date of the LUP that does not conform to the provisions of the LCP. When redevelopment of an existing, nonconforming structure or use includes the cumulative redevelopment of 50 percent, the entire structure shall be brought into conformance with all policies and standards of the LCP including, but not limited to steep slopes, ESHA, and floodplain policies. Cumulative increases shall be tracked starting on the date of the certification of the LCP.

g. **Nonconforming Use.** A nonconforming use shall be defined as the use of a building, structure, or site, or portion thereof, which was lawfully established and maintained prior to the adopted date of the LUP, but which, no longer conforms to the specific regulations applicable to the zone in which it is located. Such uses may be maintained and repaired, as long as the improvements do not increase the size or degree of the non-conformity.

h. **Redevelopment.** Redevelopment shall be the demolition or removal of 50 percent or more of the major structural components of an existing development, which includes exterior walls, floor and roof structures, or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development. Cumulative increases shall be tracked starting on the date of the certification of the LCP.

Redevelopment of existing impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed exposing underlying soil during construction. Redevelopment does not include trenching and resurfacing associated with utility work, resurfacing existing roadways, new sidewalk construction, pedestrian ramps, or bike lane on existing roads; and routine replacement of damaged pavement, such as pothole repair.

Redevelopment of illegal nonconforming uses or structures shall not be allowed, unless all previously required permit fees, that would have been paid if the structures had been legally constructed, altered, or repaired, are paid to the County. The total cost of the formerly required permit fees shall be calculated based on the fee schedule that is currently in effect at the time of the redevelopment application. Additionally, all required permit fees for the redevelopment application and implementation of the development shall be paid, to the County. In this case, redevelopment of the lot(s) shall comply with all permitting requirements of this IP, and shall be subject to either an CAP or CDP depending on the proposed use to be established by this redevelopment.

9404 Exemptions

Certain minor projects, as defined in accordance with the California Coastal Act of 1976 and the California Code of Regulations, are exempted from the requirements to obtain a coastal permit. Upon Coastal Commission notification, the County shall update this Section to remain consistent with legislative amendments to the Coastal Act and the California Code of Regulations, Title 14, California Coastal Commission. Any conflicts between this Section and the current Coastal Act and California Code of Regulations shall be resolved in favor of the current Coastal Act and California Code of Regulations. Development listed below is exempt from the requirement to obtain County approval of a CAP / CDP. Requirements for any other permits are unaffected by this Section.

a. **Projects with Coastal Commission Approval.** Pre-Existing projects or development authorized by a valid coastal permit or equivalent authorization issued by the Coastal Commission, or in areas where the Coastal Commission retains original permit jurisdiction. A person undertaking development included in a public works plan or long-range development plan approved by the Coastal Commission is not required to obtain a CAP / CDP from the County, however, other County permits may be required.

b. **Replacement after Natural Disaster.** The replacement of any structure, destroyed by a natural disaster is exempt, provided that the replacement structure: 1) Conforms to applicable existing County Local Coastal Plan requirements; 2) Will be for the same uses as the destroyed structure; 3) Does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent; and 4) Will be sited on the affected property and in the same location as the destroyed structure. Public Resources Code Section 30610(g)(1).

c. **Improvements to Existing Single-Family Residences,** including fixtures and structures directly attached to the residence and structures normally associated with a single-family residence uses, such as garage, patios, swimming pools and landscaping, but not including guest living quarters and second dwelling units. This exemption for improvements shall not include the following:

i. Improvements to single-family residences where the development permit issued for the original structure by the County or Coastal Commission indicated that any future additions would require a coastal permit.

i. Improvements to single-family residences, if the residence and/or improvement is located: 1) On a wetland; 2) In ESHA; 3) In the Scenic Special Area Designator ("S"), ; 4) Within a viewshed delineated in the LUP; or 5) within 50 feet of the edge of a bluff.

ii. Improvements that involve any significant alteration of land forms including removal or placement of vegetation on a wetland, within 50 feet of the edge of a bluff, within ESHA or any natural resource or natural hazard area as indicated in the LCP and requiring Special Development Standards identified in the provisions of Section 9300 through 9314.

iii. In areas having a critically short water supply, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.

iv. Expansion or construction of water wells or septic systems.

v. Improvements that would change the type or intensity of use of the structure.

d. **Repair and Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, including

activities determined by the County as necessary for maintaining public infrastructure for the purposes of public safety, such as prevent flooding, or other hazards.

i. The provisions of this Implementation Plan shall not be applicable to those activities specifically described as exempt from coastal permit requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission, on September 5, 1978. Activities listed in the aforementioned document shall be exempt from obtaining a CAP / CDP, unless a proposed activity will have a risk of substantial adverse impact on an Environmentally Sensitive Habitat Area.

ii. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, or other structure is not repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Development Permit. Replacement is considered Redevelopment, which shall include exterior walls, floor and roof structures, or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development or replacement of more than 50 percent of the structure. Cumulative increases shall be tracked starting on the date of the certification of the LCP.

e. **Land Division.** Land division brought about in connection with the purchase of such land by a public agency for public recreational uses.

f. **Utility Connections.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development which has been granted a valid coastal permit that accounted for such connection; provided, however, that the County may require conditions to mitigate any adverse impacts on coastal resources including scenic resources.

g. **Cultivation for Agricultural Purposes.** Cultivation of land for agricultural purposes that is currently under cultivation, or that is of less than 10% slope and has been impacted by cultivation within the past five years. Cultivation closer than 10 feet from the top or bottom edge of any slope25 percent or greater shall not be exempted.

h. **Minor Excavation Not Requiring a Grading Permit.** Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or the construction of other landscape features, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.

i. **Minor Excavation Incidental to Minor Structural Features.** Minor excavations or placement of soil materials incidental to installation of minor structural features, and the installation of such features, which are customarily accessory to a permitted use and do not otherwise require a grading permit or building permit, provided such excavation, placement of soil materials, or construction does not in itself alter the general topographical configuration of the land and does not take place on slopes of 25% grade or greater.

9406 Approval Authority

The Planning Commission shall be the Approval Authority to hear and decide applications for CDPs. The Director of Planning & Development Services, is the Approval Authority to consider CAPs, excepting that development referenced in Section 9400.g, herein. The Approval Authority to hear and decide applications for coastal permits required for County-initiated development shall be the Board of Supervisors, or its designee.

9408 Coastal Permit Process

a. **Application.** A prospective applicant or its respective agent, must pay the appropriate fees and submit sufficient information for County staff to determine whether a coastal permit is required for an application, ~~which process they must follow for their request,~~ as outlined in Section 9420. An application for a CAP/STP / CDP/MUP shall be reviewed in conjunction with whatever other permits are required for the project in the underlying Use Regulation. Where an CAP/STP / CDP/MUP is combined with another permit, the Approval Authority ~~body~~ for the CAP/STP / CDP/MUP shall be the same as that for the permit required for the underlying Use Regulation.

b. **Hearings**

i. **Coastal Development Permit/Major Use Permit**. All CDP/MUP~~Major Use Permits~~ require a public hearing. Before a decision on a~~n~~ CDP/MUP, the County shall provide notice of a public hearing by the Approval Authority ~~Planning Commission~~.

ii. **Coastal Administrative Permit/Site Plan Permit**

1. **Initial Notice.** A notice of the proposed development shall be provided to all persons who would otherwise be required to be notified of a public hearing (see below), as well as any other persons known to be interested in receiving notice. The notice shall state that the County ~~Director of Planning & Development Services~~ will decide whether to approve or disapprove the CAP/STP application on a date specified in the notice and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision. The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County on the CAP/STP application. This notice shall include a statement of whether the proposed action is appealable to the Coastal Commission.

2. **Hearing.** If a request for public hearing is not received by the County within 15 working days, ~~before the specified date for the decision, then~~ the Approval Authority ~~Director of Planning & Development Services~~ may take action without holding a public hearing. When a public hearing is requested, notice of the hearing shall be provided in accordance for then provisions for notice (below) and the Approval Authority ~~Zoning Administrator~~ shall conduct the public hearing before a decision on the application.

3. **Noticing.** For all CAP/STP applications for which a public hearing is requested, and for all MUP applications, the following notice provisions shall apply. Not less than ten (10) calendar days prior to consideration of the CAP/STP / CDP/MUP, the County shall give notice of such consideration by mailing, postage prepaid, a notice of such consideration to all owners of property within 300 feet of the exterior boundaries of the property to be occupied by the use/development for which the permit was applied, all persons who have requested, in writing, notices relating to coastal permits or the application being considered, all parties known to be interested in the application (including parties who have testified or submitted comments on

the proposed development), interested public agencies, and the Coastal Commission.

iii. **Minor Developments.** A waiver of the public hearing requirement for a coastal permit application may be granted, if that application is determined to be a minor development, as defined in the Definitions section. Both of the following shall occur to grant a waiver of the public hearing:

i. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing, as well as any other persons known to be interested in receiving notice; and

ii. No request for a public hearing is received by the Approval Authority within 15 working days, from the date the notice was sent, pursuant to preceding subparagraph.

The notice provided pursuant to this section shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to make an appeal to the Approval Authority or the Coastal Commission, for any action taken by the County of San Diego on a coastal permit application. This notice shall also include a statement of whether the proposed action is appealable to the Coastal Commission.

c. **Findings Required.** All decisions on CAP/STP / CDP/MUP shall be accompanied by the written findings listed below. Developments requiring the application of the Special Development Standards in Section 9300 through 9314 may require additional findings. It is the responsibility of the Applicant to establish evidence in support of all required findings**.** An application for a CAP/STP / CDP/MUP may be approved or conditionally approved, only if the decisionmaker makes all of the findings listed below:

i. The establishment, maintenance, or operation of the use or structure applied for, shall not under the circumstances of the particular case, be detrimental or injurious to:

a) Health, safety, and general welfare of persons residing or working in the neighborhood, of such proposed use;

b) Property and the improvement of a neighborhood; or

c) The general welfare of the County of San Diego.

ii. The subject property is in compliance with all rules and regulations pertaining to County regulations including zoning uses, subdivision, and any other applicable provisions of this Section, and any zoning violations have been resolved, including any abatement costs have been paid.

iii. The proposed project conforms to the public access and public recreation policies of the Coastal Act.

iv. The proposed development is in conformance with plans, policies, and requirements of the certified Local Coastal Program Land Use Plan and complies with all regulations of the Certified Implementation Program. Specific findings shall be made with respect to the following:

a) The proposed development protects vegetation, natural habitats, and natural resources consistent with the LUP.

b) The design, location, size, and operating characteristics of the proposed development is consistent with any applicable design plans and/or area plans incorporated into the LUP.

c) The proposed development maintains public access to and along the coast as set forth in the LUP.

d) The proposed development is consistent with the LUP goal of providing visitor-serving needs as appropriate.

e) The proposed development is consistent with the LUP goal of encouraging coastal dependent and related uses as appropriate.

f) The proposed development protects and where feasible enhances coastal resources.

d. **Conditions.** Approval of a CAP/STP / CDP/MUP shall be subject to conditions as necessary to ensure conformance with, and implementation of, the certified LCP. Modification and resubmittal of project plans, drawings and specifications, preparation of additional plans, or recordation of documents may be required to ensure conformance with the LCP. When modifications and resubmittal of plans, additional plans, or recorded documents are required, issuance of the permit shall be deferred for a sufficient period of time to allow the County to determine whether the modified project, the additional plans, or the recorded documents comply with the conditions of approval of the permit

viii. **Notice of Final Action.** For CAP/STPs approved without benefit of a public hearing, all persons receiving notice pursuant to 9408.B.2.a or requesting such notice shall be notified in writing of the issuance of an CAP/STP. For all CAP/STP / CDP/MUP , a final action notice shall be prepared that describes the approved development (including all supporting findings, conditions, and materials (approved project plans, applicable technical reports, etc.)) and the process, by which it was approved, and information on appeal procedures, including local appeals as well as appeals to the Coastal Commission. Within seven (7) calendar days of the final local action on a CAP/STP / CDP/MUP, the County shall provide such notice of its action by first class mail to the Coastal Commission, and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the Department of Planning & Development Services. The County's action on a CAP/STP / CDP/MUP shall not be considered final, until all rights of appeal have been exhausted.

ix. **Appeals of Final Action.** A~~n~~ CAP/STP or a CDP/MUP shall be effective 20 working days from the time of receipt of permit notice by the Executive Director of the Coastal Commission; unless, a valid appeal and appeal fees are filed within the timeframe pursuant to the Public Resources Code, Section 30603(c). All notices of final action shall include a written statement to this effect. Appeal applications shall include at minimum, the following information:

i. The name and address of the permit applicant and appellant;
ii. The date of the local government action;
iii A description of the development;
iv. The name of the governing body having jurisdiction over the project area;

v. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;
vi. The names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;
vii. The specific grounds for appeal;
viii. A statement of facts on which the appeal is based;

2. A summary of the significant question raised by the appeal.

9410 Determination of Permit Requirement

a. The Director of Planning & Development Services shall determine, at the written request of any member of the public, whether or not any development proposed in the Coastal Zone is exempt from a Coastal Permit, pursuant to this Section.

b. Any person wishing such determination shall submit to the Department of Planning & Development Services all statements, plans, and elevations deemed necessary by the Department of Planning & Development Services to assess the development.

c. After review, the Director of Planning & Development Services shall notify the Applicant and the California Coastal Commission in writing:

i. That the development is exempt and state the category of exemption; or

ii. That a Coastal Permit is required and, if so, whether it is appealable or not.

The procedure described in this Section shall be considered an administrative determination and is appealable pursuant to Section 9422.

9412 Revocation

Where one or more of the conditions of a Coastal Permit have not been, or are not being, complied with, or when a Coastal Permit was granted on the basis of false material information, the Approval Authority ~~Director of Planning & Development Services (for a STP) or the Planning Commission (for a MUP)~~ may revoke or modify the Coastal Permit following public hearing. Notice of such hearing shall be the same as would be required for a new MUP.

9414 Expiration of Coastal Permits

Unless the permit states otherwise, a CAP/STP / CDP/MUP shall expire two (2) years from its date of approval, unless use and reliance on the permit has been established prior to the permit's expiration. The approving authority may grant an extension of one (1) year for good cause. Extensions shall be requested in writing by the Applicant or authorized agent prior to expiration of the two-year period. Such extensions of CAP/STP / CDP/MUP shall be considered amendments for purpose of notice and appeal to the Coastal Commission.

9416 Coastal Permit Amendments

Upon application by the permittee, a CAP/STP / CDP/MUP may be amended. Application for an amendment shall be accomplished in the same manner specified by this Section for the initial application of the STP/MUP. All sections of these provisions dealing with the specific type of CAP/STP / CDP/MUP shall apply to permit amendments.

9418 Denial of Coastal Permit Applications

An application or local appeal may be denied and no further application for the denied request shall be filed in the ensuing twelve (12) months, except as otherwise specified at the same time of denial.

9420 Coastal Permit Application Requirement and Fees

a. **Filing Procedures**

i. **Application.** Application for, and amendments to, CAP/STPs and CDPMUPs shall be made to Planning & Development Services on an application form provided by the Department, together with all required plans, maps, elevations, reports, and any such supporting information deemed necessary by the Planning & Development Services or any other ordinance contained in the certified LCP to adequately assess and evaluate the proposed project. Application for ~~a~~ CAP/STPs and CDPMUPs ~~STP/MUP~~ may be submitted concurrently with other County permits required by the County. Developments requiring the application of the Special Area Regulations in Section 9300 through 9316 may require additional application materials.

ii. **Review.** Following submittal of an application, the Approval Authority ~~Planning & Development Services~~ shall review the application for completeness. Within thirty (30) calendar days from submittal, the Approval Authority ~~Planning & Development Services~~ shall notify the Applicant in writing of which parts of the application are incomplete and describe the specific materials needed to complete the application. Not later than 30 days after receipt of all of the requested materials, the Approval Authority ~~Planning & Development Services~~ shall determine whether the submittal of the requested materials is complete and transmit that determination to the Applicant. If no determination of completeness is provided to the Applicant within 30 days of submittal, the application will be deemed complete. Any application for a CAP/STP / CDP/MUP shall not be determined to be complete and shall not be filed until and unless the applicable requirements of this Section have been met. Until such application is determined to be complete by the Approval Authority ~~Planning & Development Services~~ and has been reviewed in accordance with the applicable CEQA Guidelines and the California Coastal Act, no action shall be taken on it by the Approval Authority ~~Planning & Development Services~~.

iii. **Determination of Application Notice and Hearing.** The determination of whether a development is categorically excluded, non-appealable, or appealable for noticing, hearing, and appeal purposes shall be made by the Director of Planning & Development Services or designee and this determination shall be transmitted to the applicant, within thirty (30) calendar days from submittal of the development application to Planning & Development Services. The determination, and the associated notice and hearing requirements, shall be based on the LCP. The procedures to decide challenges of the determination by the applicant, ~~or~~ an interested person, or local government shall comply with the California Code of Regulations (Title 14 Code of Regs., ~~CR~~ Section 13569).

iv. **Non-Acceptable Applications.** The Department of Planning & Development Services

shall not accept for filing an application for development on a lot or parcel or portion thereof which is the subject of a pending proposal for an adjustment to the boundary of the coastal zone pursuant to Public Resources Code Section 30103(b) of the Coastal Act.

b. **Application Fees.** Application fees for STPs/MUPs application shall be in accordance with the most current County Administrative Code Schedule of Discretionary Fees and Deposits, as adopted by the County Board of Supervisors.

9422 Coastal Permit Appeals

Development pursuant to an approved CAP/STP / CDP/MUP shall not commence until the CAP/STP / CDP/MUP is effective. The CAP/STP / CDP/MUP is not effective until all potential avenues for appeal, including those to the Coastal Commission, have been exhausted. In the event that the Coastal Commission finds no significant issue with the County's decision on the coastal permit, the County's decision stands. If the Coastal Commission does find significant issues with the County's decision on the coastal permit, the County's decision is superseded and the Coastal Commission takes permit jurisdiction.

a. **Appeals**

i. Principal Permitted Uses. All Principal Permitted Uses listed in Table 9-2a –f, with a "PPU" designator, and as defined in this IP, shall not be appealable developments (see Section 9106.b, herein).

ii. CDP/MUP and CAP/STP Permitted Uses: All uses for which CDP/MUPs and CAP/STPs are granted, as listed in Table 9-2a –f, and as defined in herein, may be appealable uses (see Section 9106.b, herein). The subject appeals shall be made to the appropriate appeal body, as described herein.

iii. After certification of the LCP, an action taken by the County on a coastal development permit application may be appealed to the Commission, for only the following types of developments:

a) Developments approved and that are located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

b) Developments approved and that are not included within Paragraph 1. above, but are located within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

c) Developments approved and not included within paragraph 1. or 2., but that are located in a sensitive coastal resource area.

d) Any development that is not designated as a Principal Permitted Use under the LCP and pursuant to the Coastal Act, Chapter 6 (commencing with Section 30500).

e) Any development which constitutes a major public works project or a major energy facility.

iv. The grounds for an appeal of an approval of a permit shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and recreation policies set forth in the Coastal Act, Chapter 3 (Sec. 30210, et seq.).

v. The grounds for an appeal of a denial of a permit shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access and recreation policies set forth in the Coastal Act, Chapter 3 (Sec. 30210, et seq.).

vi. Any action described herein shall become final at the close of business on the 10th working day from the date of receipt by the Commission of the notice of the local government's final action, unless an appeal is submitted within that time period. Regardless of whether an appeal is submitted, the County's action shall become final, if an appeal fee is imposed pursuant to subdivision (d) of Section 30620, but is not deposited with the Commission within the time prescribed by Section 30620(b).

vii. The County, after taking action on a coastal development permit, shall send notification of its final action to the Commission by certified mail, within seven calendar days from the date of taking the action.

viii. Appeals. A decision or any portion of the decision made by the Director, under the provisions of this Section, may be appealed to the Planning Commission or Board of Supervisors, by an aggrieved person.

ix. Resubmittal of Revised Application. If upon appeal an application for an CAP/STP or CDP/MUP is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application shall be resubmitted to the authority having original jurisdiction, for further consideration and decision. The decision of the revised application may thereafter be appealed, as provided in this Section.

x. Persons Authorized to Appeal. No person may appeal except the Applicant; a County officer acting pursuant to paragraph "xi" of this Section; and those persons who protest the granting, revocation, or modification of a CAP/STP / CDP/MUP, either by written protest filed in the office of the Planning Director, prior to the time of the hearing or consideration of the matter by said Approval Authority; or by appearing and protesting the granting, of the CAP/STP / CDP/MUP at the hearing or consideration of the matter by said Approval Authority.

xi. County Officer May Appeal. Notwithstanding any other provision of this Ordinance, any County Officer, Commission, or other County body, other than the Approval Authority having jurisdiction over the appeal, may appeal a decision, without fee.

xii. Manner and Time of Filing. An appeal shall be in writing, and shall be filed as follows:

a) If filed personally, the appeal shall be filed in the Department of Planning & Development Services by the tenth day after the date of the decision and shall

be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.

b) If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning & Development Services~~, 5510 Overland Avenue, Suite 310, San Diego, CA 92123~~.

xiii. Effect of Filing the Appeal. An appeal of a decision within the time specified in paragraph "xii" of this Section shall stay the proceedings and effective date of the coastal permit decision, until such time as the appeal has been acted on, as hereinafter set forth in the Ordinance.

xiv. Forwarding of Record. Upon the filing of an appeal, the Approval Authority having made the decision being appealed shall transmit to the appeal authority the records concerning the decision.

a) Report and Scheduling of Hearing. When an appeal has been filed, the Director of Planning & Development Services shall prepare a report on the matter and schedule the matter for a public hearing by the appropriate authority. Notice of the hearing shall be provided in the same form as is required for consideration of MUP applications, and the hearing shall be conducted. Any interested party may appear and be heard regarding the appeal. At the hearing, the appeal body may consider any issue involving the matter that is the subject of the appeal ("de novo"), in addition to the specific grounds for the appeal. The review authority may:

1. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with this Section;

2. Adopt additional conditions of approval that may address issues or concerns other than the subject of the appeal; or

3. Disapprove the CAP / CDP approved by the previous review authority, even if the appellant only requested modification or elimination of one or more conditions of approval.

xii. In the event of a tie vote by the appeal body, the decision being appealed shall stand.

xi. If new or different evidence is presented on appeal, the Planning Commission or Board of Supervisors may refer the matter to the previous review authority (i.e., Director, as applicable), for further consideration.

xii. Effective Date of Appeal Decision. A decision by the Approval Authority is effective ten (10) days after the date of the decision, when no appeal of the decision has been filed with the Board of Supervisors. A decision by the Board of Supervisors is final on the date of the decision.

b. **Appeals to the Coastal Commission.** Any approval or denial decision by the County on a CAP / CDP may be appealed by an aggrieved person or any two members of the Coastal Commission to the Coastal Commission.

i. Appeals to the Coastal Commission are limited to actions on the following types of developments:

a) Developments approved by the County that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

b) Developments approved by the County not included within paragraph (a) that are located in a sensitive coastal resource area.

c) Developments approved by the County that are not listed as principal permitted uses within the County Local Coastal Program.

d) Any development that constitutes a Major Energy Facility, as defined in the Definitions Section herein.

e) Any development that constitutes a Major Public Works Facility, as defined in the Definitions Section herein.

ii. Within ten (10) working days of Coastal Commission receipt of a complete notice of final County CAP/STP or CDP/MUP action, an appealable CAP/STP or CDP/MUP may be appealed to the Coastal Commission, by an aggrieved person who has exhausted local appeals or by any two members of the Coastal Commission.

iii. For appealable CAP/STP or CDP/MUP ~~STP/MUPs~~, an appellant shall be deemed to have exhausted local appeals and shall be qualified as an aggrieved person, when the appellant has pursued his or her appeal to the appellate bodies identified in this Section; except that exhaustion of all local appeals shall not be required if any of the following occur:

a) The County requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for coastal permits in the Coastal Zone, in this Section.

b) An appellant was denied the right of the initial local appeal by a County ordinance, which restricts the class of persons who may appeal a local decision.

c) An appellant was denied the right of local appeal because County notice and hearing procedures for the development did not comply with the provisions of this Section.

d) The County charges an appeal fee for the filing or processing of appeals.

DEFINITIONS

9500 Definitions

The following definitions are provided for the following terms used in the IP. If a definition or term is not provided below, the definitions found in Appendix B of this Implementation Plan shall apply.

a. **A Definitions**

Accessory Building: A portion of a main building or a detached subordinate building located on the same lot as a main building which is devoted exclusively to an accessory use.

Accessory Use: A use customarily incidental and accessory to the principal use of the land or lot, or to a building or other structure located on the same lot as the accessory use.

Aggrieved Person. Any person who, in person or through a representative, appeared at a public hearing of the County of San Diego in connection with a County decision or action on a Coastal Administrative Permit or Coastal Development Permit application, or who, by other appropriate means prior to a hearing or the County's final action on a CAP/CDP, informed the County of San Diego of the nature of his/her concerns or who for good cause was unable to do either. An aggrieved person includes the applicant for the CAP/CDP.

Agriculture: Shall mean the production of goods such as food, fibers or feed by the systematic growing and harvesting of plants, animals and other life forms. Typical forms of agriculture include cultivation of land and livestock raising.

Approval Authority. The County Board of Supervisors, Planning Commission, or County Department Director authorized to hear and decide CAP/STP and CDP/MUP.

b. **B Definitions**

Best Management Practices (BMPs). BMPs shall have the same meaning as defined in the NPDES Order. Best management practices may include any type of pollution prevention and pollution control measures that achieves compliance with the Watershed Protection Ordinance.

c. **C Definitions**

California Environmental Quality Act (CEQA). A California law (California Public Resources Code Section 21000 et seq.) which sets forth a process for public agencies to make informed decisions on discretionary project approvals. The process aids decision makers to determine whether any environmental impacts are associated with a proposed project. It requires environmental impacts associated with a proposed project to be eliminated or reduced and that alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment have been implemented.

Coastal Act. The California Coastal Act of 1976, California Public Resources Code Sections 30000 et seq., as amended.

Coastal Appeal Zone. A geographical area between the sea and first public road paralleling the sea or within 300 feet of the inland extent of any beach or within 300 feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance, and lands within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of seaward face of any coastal bluff.

Coastal Commission. The California Coastal Commission as established by the California Coastal Act of 1976.

Coastal Administrative Permit (CAP). A type of Coastal Permit that: (1) as proposed is consistent with the LCP; (2) requires no discretionary approval other than a Site Plan Permit; (3) has no adverse effect either individually or cumulatively on coastal resources, including public access, (4) requires a public hearing only where one is requested; (5) may be granted in compliance with the California Coastal Act and the LCP, and (6) that authorizes development and a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit. The County CAP is processed as a Site Plan Permit (STP).

Coastal Development Permit (CDP). A type of Coastal Permit that requires a public hearing that may be granted in compliance with the California Coastal Act and the LCP, and which authorizes development and a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit. The County CDP ~~process~~ is processed as a Major Use Permit (MUP).

Coastal Permit. Either a "Coastal Development Permit" or "Coastal Administrative Permit" as defined herein.

Coastal Hazard. Including, but not limited to, episodic and long-term shoreline retreat and coastal erosion, storms, tsunami, coastal flooding, landslides, bluff, steep slope, and geologic instability, and the interaction of same.

Coastal Implementation Plan (IP). Includes the implementation measures needed to carry out the goals, policies, and programs of the Land Use Plan (LUP) document of the Local Coastal Program (LCP).

Coastal waters are ~~wetlands,~~ streams, rivers, ~~drainage courses,~~ estuaries, marshes, lakes, and the ocean, ~~and groundwater~~ within the coastal zone.

Coastal Zone. The portions of the California Coastal Zone established by the California Coastal Act of 1976, and as defined by Section 30103 of the Public Resources Code, within the County of San Diego.

d. **D Definitions**

Designator. The numbers or letters or combination of both which prescribe the regulations for the Use Regulations, Animal Regulations, Development Regulations, and Special Area Regulations. It appears on the zoning map and refers to names of Use Regulations, types of Animal Regulations, types of Development Regulations, or names of Special Area Regulations.

Development. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations that are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

e. **E Definitions**

Enclosure. The degree that the storage and display of goods may be open and/or visible from public rights-of-way. The following are enclosure types:

i. **Drive-In:** Designed or operated so as to enable persons to receive a service or to purchase or to consume goods while remaining onsite within a parked motor vehicle.

ii. **Enclosed:** A roofed structure contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.

iii. **Open:** Unroofed or not contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.

iv. **Semi-Enclosed:** Contained on at least 50 percent of its perimeter by walls which are pierced only by windows, vents, or customary entrances and exits. The open sides of partially open structures shall not be visible from any public right-of-way.

Environmentally Sensitive Habitat Area (ESHA). Any land in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments is defined to be an Environmentally Sensitive Habitat Area, or ESHA, consistent with Coastal Act Section 30107.5.

Essential Services. The Essential Services use type refers to services which are necessary to support principal development and involve only minor structures, such as utility lines and/or poles, which are necessary to support principal development. Essential Services also includes a public passive park/recreational area.

f. **F Definitions**

Feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fire Protection Services. The Fire Protection Services use type refers to the providing of fire protection by a district or an entity organized pursuant to Health and Safety Code Sections 14825 et seq. and the housing of fire trucks, fire-fighting personnel and related equipment.

Flood, 100-year. A flood estimated to occur at an average of once in 100 years (the flood having a one percent chance of being equaled or exceeded in any given year).

Floodplain. The relatively flat area of low lands adjoining a river, stream, watercourse, bay, or other body of water, which is subject to inundation by flood.

Floodplain Fringe. The area within the floodplain that is not the floodway.

Floodway. All that land as determined by the Director of Public Works that meets the following criteria:

i. The floodway shall include all areas necessary to pass the 100-year flood without increasing the water surface elevation more than one foot.

ii. The floodway shall include all land necessary to convey a ten-year flood without structural improvements.

iii. To avoid creating erosion and the need for channelization, rip-rap, or concrete lining, the floodway will not be further reduced in width when the velocity at the floodway boundary is six feet per second or greater.

iv. Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.

Floor Area Ratio. The numerical value obtained by dividing the gross floor area of a building or buildings located upon a lot or building site by the net site area of such lot or building site.

g. **H Definitions**

Height, Building: The vertical distance above a referenced datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

i. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

ii. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

h. **L Definitions**

Land Use Plan (LUP). The portion of a local government's LCP that identifies the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions. (PRC Section 30108.5)

Legal Lot. A parcel that is: 1) Described in a Grant Deed or other bonafide conveyance document recorded prior to February 1, 1972; 2) Shown on a Certificate~~d~~ of Compliance; or 3) Shown on other approved plans or documents that are listed in *Policy G-3 – Determination of Legal Parcel (Revised August 19, 2016)*.

Local Coastal Program (LCP). The County of San Diego's Land Use Plan and Coastal Implementation Plan as certified by the Coastal Commission constitute the County of San Diego Local Coastal Program.

Lot Area. The total area exclusive of street within the boundary lines of a lot.

Lot Coverage. Lot coverage means any area covered by a structure, structures, or structure protrusions including above grade decks but not including building eaves of 30 inches or less and not including paved driveways, sidewalks, paths, and patios.

Lot Depth. The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

i. **M Definitions**

Major Public Works and Energy Facilities

i. "Major Public Works" and "Major Energy Facilities" mean facilities that cost more than two hundred seventy-seven thousand and thirty-three dollars ($277,033) with an automatic annual increase in accordance with the ENR (Engineering News Record) Construction Cost Index, except for those governed by the provisions of Public Resources Code, Sections 30610, 30610.5, 30611, or 30624.

ii. Notwithstanding the criteria in (a), "Major Public Works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast.

Minor Developments. A development that satisfies all of the following requirements:

i. Is consistent with the certified local coastal program, as defined in Section 30108.6.

ii. Requires no discretionary approvals other than a coastal development permit.

iii. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Mitigation/Restoration and Monitoring Program. A program prepared pursuant to Section 15097 of the CEQA Guidelines. It describes the processes for implementing identified mitigation measures and/or restoration measures and the persons responsible for implementing and/or overseeing those mitigations. The specific mitigation/restoration measures themselves are intended to be the mitigation measures identified in the environmental review of a project.

j. **N Definitions**

Natural Hazard. A natural hazard is defined as threat of an atmospheric, earth, or water related occurrence (or potential threat of same) that will have a negative effect on life, property, or the environment. Natural hazards within the County of San Diego's Coastal Zone include but are not limited to episodic and long-term shoreline retreat and coastal erosion, storms, tsunami, coastal flooding, earthquakes, landslides, bluff and geologic instability, and the interaction of same.

NPDES Order. Shall mean and refer to the California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001, NPDES No. CAS00109266, as the same may be amended, modified or replaced from time to time.

k. **P Definitions**

Public Access. The ability of residents and visitors to use and enjoy areas within the coastal zone for access and recreational activities, such as hiking, bicycling, and picnicking. Public access includes the provision of open access way to coastal features and connectivity to other existing coastal features and inland trail networks such as walkways and bicycle paths.

l. **R Definitions**

Redevelopment. Redevelopment is defined as the demolition or removal of 50 percent or more of the major structural components of an existing development, which includes exterior walls, floor and roof structures, or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development or replacement of more than 50 percent of the structure. Cumulative increases shall be tracked starting on the date of the certification of the LCP.

Repair and Maintenance. An activity designed to return the object of the repair and/or maintenance event to its prior legally established configuration.

Ridgeline. The plateau or maximum elevation which extends along the top of Steep Slope Lands. A Ridgeline may increase or decrease in elevation as it extends along the top of Steep Slope Lands.

Riparian Habitat. An environment associated with the banks and other land adjacent to freshwater bodies, rivers, streams, creeks, estuaries, and surface-emergent aquifers (such as springs, seeps, and oases). Riparian habitat is characterized by plant and animal communities which require high soil moisture conditions maintained by transported freshwater in excess of that otherwise available through local precipitation.

Riparian Habitat, Upland Edge. The transition line demarcating: 1) Landscape zones characterized by aquatic-influenced conditions and hydrophilic plant species (e.g., streams,, and their flood-prone elevations); and 2) "Dry" or upland zones (e.g., native and non-native scrub and non-riparian woodland habitats). Upland habitat above this transition line.

Runoff includes both stormwater runoff and dry-weather (urban) runoff.

m. **S Definitions**

Sea Level Rise. Commonly defined as the anticipated sea level ~~changes~~ elevation due ~~to the greenhouse effect and associated~~ global warming and climatic changes leading to the melting of polar land-based ice and the consequent expansion of sea water.

Sensitive Habitat Lands. Land ~~which~~ that supports unique vegetation communities, or the habitats of rare or endangered species or subspecies of animals or plants as defined by Section 15380 of the State California Environmental Quality Act (CEQA) Guidelines (Title 14, Code of Regs. Section 15000 et seq.). Sensitive Habitat Lands also include~~s~~ the habitat area that is necessary to support a viable population of any sensitive species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or that serves as a functioning wildlife corridor.

Setback. The distance by which a structure, parking area, or other development feature must be separated from a lot line, other structure, or development feature, street centerline, or other areas specified in this LCP. A required, specified distance between a building or structure and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

Significant Environmental Impact (Significant Adverse Impact on the Environment). A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a

significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, Title 14, Cal. Code of Regs., Section 15382)

Stormwater Runoff. Water resulting from precipitation that flows over land surfaces.

Substantial Improvement. Any repair, reconstruction, or improvement of structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or (2) any alteration of a structure listed on the National Register or Historic Places or a State inventory of Historic Places.

n. **T Definitions**

Trail Structure. A structural component on, or associated with, the trail that allows for continued trail access, avoids impacts to sensitive resources, or enhances trail sustainability. Trail structures include, but are not limited to: bridges, puncheons, culverts, switchbacks, retaining walls, Sutter walls, water bars, etc.

Treatment Control BMPs. Systems designed to remove pollutants from stormwater by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples include vegetated swales, detention basins, and storm drain inlet filters.

o. **U Definitions**

Unique Vegetation Community. Unique Vegetation Community refers to associations of plant species, which are rare or which have been substantially depleted or reduced in land area due to development. These may contain rare or endangered species, or rare species assemblages, which may be included due to a number of factors, for example: (a) they are only found in the San Diego region; (b) they are a local representative of a species or association of species not generally found in San Diego County; (c) 3-13 Def. S they are outstanding examples of the community type as identified by the California Department of Fish and Wildlife listing of community associations.

Upland Edge of Riparian Habitat. Refer to definition of Riparian Habitat.

Use Permit, Minor. For granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed concurrently with tentative subdivision maps, reclassifications or Major Use Permits shall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may be allowed by a Major Use Permit.

Use, Principal Permitted. Those uses permitted without the requirement of a Coastal Development Permit (CDP) Major Use Permit (MUP) or Minor Use Permit (as regulated by the Coastal Permit and Animal Regulations, respectively), but subject to all other applicable regulations.

Use Regulations. That element of the zone which indicates, by means of a designator combining a letter and a number, the use types which are permitted in that zone.

p. **W Definitions**

Watershed. The region or area drained by a river, stream, or other waterway, drainage area.

Wetland. As defined by Section 30121 of the Coastal Act, ~~as~~ lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens, and as determined~~.~~ by Section 13577 (b)(1) of the California Code of Regulations as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

q. **Z Definitions**

Zoning Ordinance. County of San Diego Ordinance No. 5281 (New Series), as amended.

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