

Figure 3
Existing Land Uses

1.1.2 Purpose

The purpose of the LCP is to carry out the coastal resource protection policies of the Coastal Act. Coastal cities and counties are subject to both state planning and zoning laws and the Coastal Act. Each coastal city and county in California is required by that law to prepare and implement an LCP for its portion of the Coastal Zone that becomes part of, and should be integrated with, a local jurisdiction's general plan. Like other counties in California, the San Diego County's General Plan (hereafter "General Plan") contains a comprehensive land use plan for its entire jurisdiction area, which extends landward well beyond the Coastal Zone boundary (Land Use Element of the General Plan, as required by the California Government Code, Sections 65300-65303.4). Figure 4 and Figure 5, Land Use Designations and Use Regulations, show the applicable General Plan land uses and zoning for the County's Coastal Zone.

In August 2011, the San Diego County Board of Supervisors approved the General Plan. The 2011 General Plan is the result of the collective efforts of elected and appointed officials, community groups, individuals, and agencies who developed a framework for the future growth and development of the unincorporated areas of the County. Community Plans, adopted as an integral part of the County's General Plan, are policy plans specifically created to address the issues, characteristics, and visions of communities within the County. The County's Coastal Zone is located within the San Dieguito planning area, and the San Dieguito Community Plan was adopted in 2011 concurrent with the General Plan. Because the General Plan and the San Dieguito Community Plan contain strong policy frameworks for the County's Coastal Zone, the County has prioritized inclusion and/or adaptation of existing policies in this LCP, rather than creation of new policies.

The General Plan, and associated community plans, guide land development throughout the County. However, in the Coastal Zone, the LCP takes precedence over these plans. Where the LCP contains specific provisions applicable to development, such LCP provisions govern development activities. Policies of the General Plan that are not addressed by the Coastal Act and the LCP (e.g., policies that address housing and noise) apply throughout the entire County, both within and outside the Coastal Zone. Compliance with the LCP does not preclude development projects from the requirement to meet applicable Federal, State, and local regulations. If a conflict arises, development must comply with the more restrictive policy or regulation.

The uncertified status of the County's 2011 LCP leaves property owners within the County's Coastal Zone to seek Coastal Development Permits through the California Coastal Commission (CCC) in addition to the County permit requirements and processes. As such, the County has undertaken an LCP update with the ultimate goal of receiving CCC certification and assuming responsibility for issuing Coastal Development Permits² within the County's Coastal Zone (San Diego County 2015). This LUP document updates and replaces the 2011 LUP of the County's LCP.

1.2 The California Coastal Act

In 1972, the United States Congress passed Title 16 United States Code [U.S.C.] 1451-1464, which established a federal coastal zone and management policy. Pursuant to that legislation, the Congress

² See Section 1.2.1 for more details on the County's Coastal Permit process.

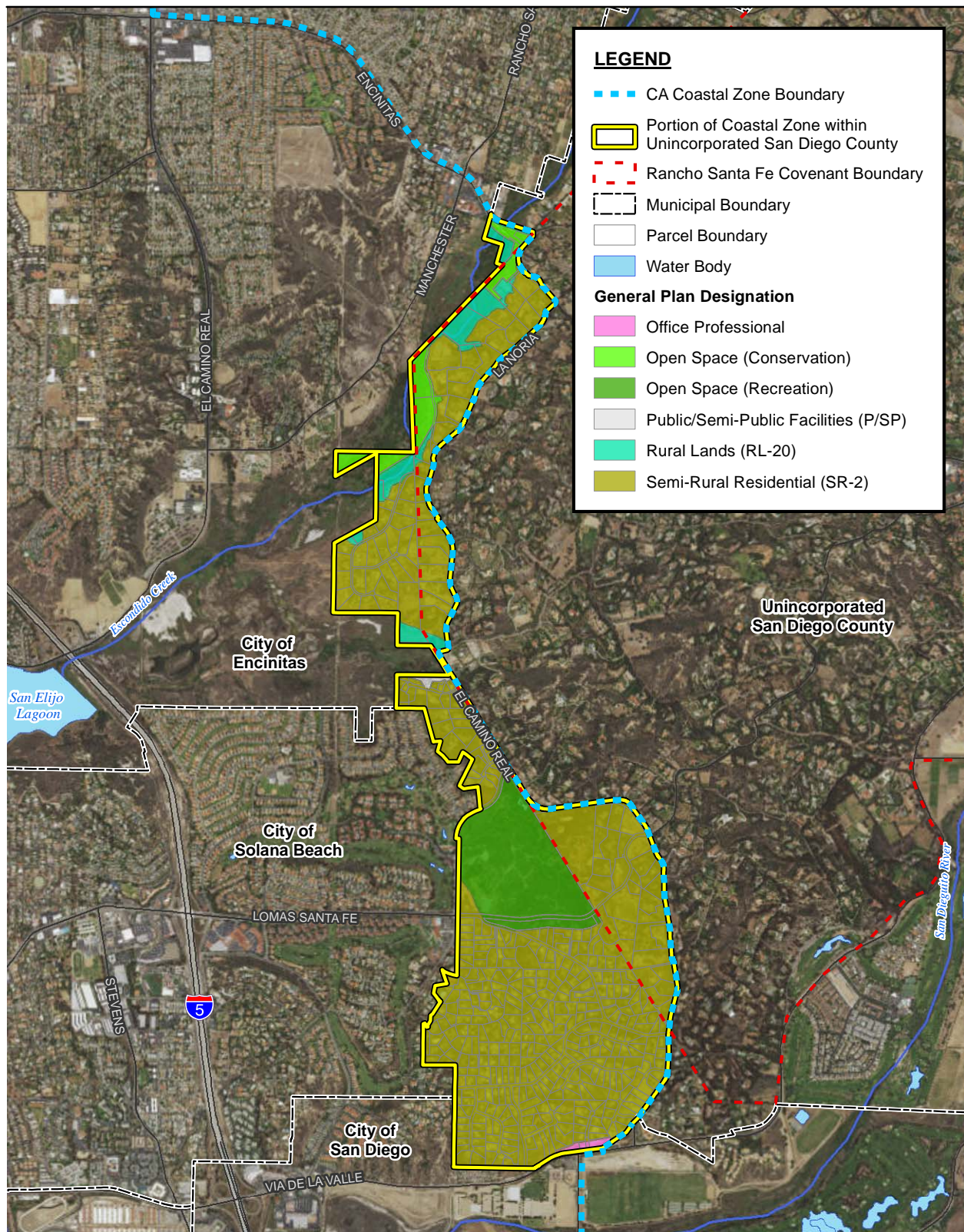
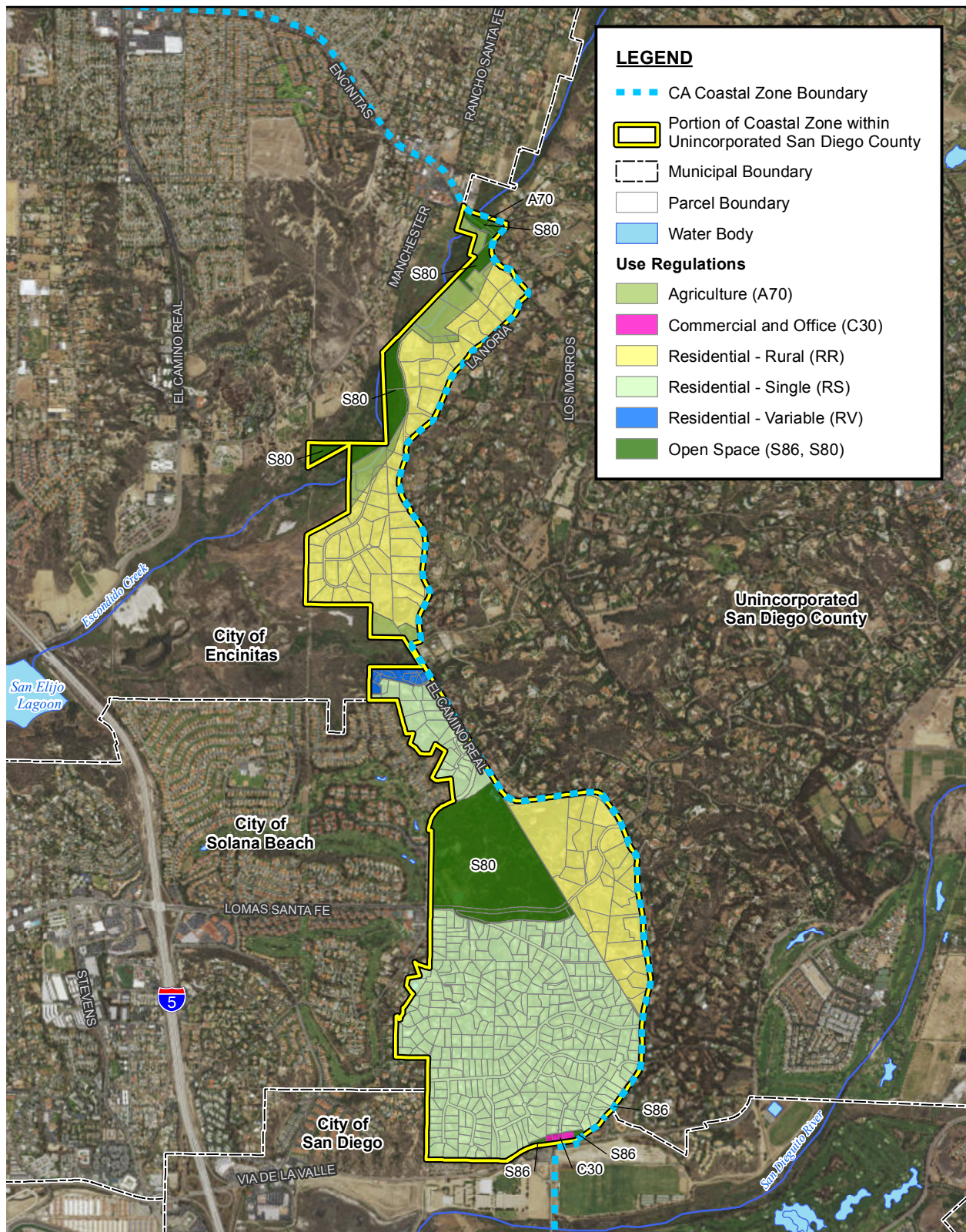


Figure 4
Land Use Designations



Source: SanGIS 2016; NAIP 2014.

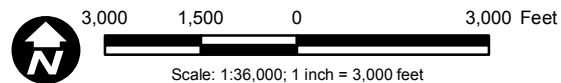


Figure 5
Use Regulations

declared a national interest in the effective management, beneficial use, protection, and development of the coastal zone in order to balance the nation's natural, environmental, and aesthetic resource needs with commercial economic growth.

The Congress found and declared that it was national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to the need for economic development" (16 U.S.C. 1452b). As a result of federal enactment, coastal states were provided a policy and source of funding for the implementation of federal goals.

The Coastal Act is the permanent enacting law approved by the state legislature as a result of federal legislation from 1972 (Title 16 U.S.C. 1451-1464). The Coastal Act provides for the transfer of permitting authority, with certain limitations reserved for the state, to local governments through adoption and certification of an LCP by the CCC.

The LCP is a comprehensive long-term planning blueprint prepared by the County as required by the Coastal Act. The Coastal Act is intended to ensure that coastal areas of California are developed in a manner that is responsive to public objectives. The Coastal Act establishes these public objectives as policies, which are incorporated into this LUP.

Section 30108.6 of the Coastal Act defines an LCP as containing the following components from a local government that, when taken together, meet the requirements of and implement the provisions of the Coastal Act at the local level:

- land use plans;
- zoning ordinances;
- zoning district maps; and
- within sensitive coastal resources areas, other implementing actions.

The review authority for new development within the unincorporated area of the County's Coastal Zone will transfer from the CCC to the County, with some exceptions in certain geographic areas, upon certification of the LCP (including the LUP and the IP). However, according to Section 30519 of the Coastal Act, the CCC will continue to retain original permit jurisdiction on submerged lands and public trust lands. In authorizing Coastal Development Permits following LCP certification, the County must make the finding that the development conforms to the certified LCP. Any amendments to the certified LCP will require review and approval by the CCC prior to becoming effective. Although an LCP is part of a coastal city or county's general plan, amendments to a local general plan for the purpose of developing a certified LCP do constitute an amendment to a general plan for purposes of Section 65358 of the Government Code.

In addition, certain types of development and development within certain geographic areas approved by the County after certification of the LCP are appealable to the CCC (PRC Section 30603) and include:

- developments approved by the local government 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;
- developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and 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;
- developments approved by the local government not included with paragraph (1) or (2) that are located in a sensitive coastal resource area;
- any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) and
- any development which constitutes a major public works project or a major energy facility.

The grounds for an appeal of an approval of a permit are limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act, as stated in Section 30603 (b). Likewise, grounds for an appeal of a denial of a permit for developments noted in Section 30603 (a) paragraph 5 are limited to an allegation that the development conforms to the standards set forth in the certified LCP and the public access policies of the Coastal Act.

1.2.1 Coastal Development Permit

The primary tool for implementing the LCP is the Coastal Development Permit. Currently, the CCC issues Coastal Development Permits for projects occurring within the Coastal Zone. Upon certification of the LCP by the CCC and adoption by the County, the County will review project plans and issue Coastal Development Permits with the exception of projects occurring within CCC-retained jurisdiction. Coastal Development Permits include Coastal Administrative Permits and Coastal Development Permits and are described below.

County of San Diego Planning & Development Services (PDS) is responsible for implementing the LCP and for reviewing Coastal Development Permit applications. PDS assists property owners and developers to determine whether their proposed project requires a Coastal Development Permit, whether the Coastal Development Permit should be obtained from the County or the CCC, and whether other types of permits from the County may also be required. PDS will ensure that projects meet the intent of the Coastal Act and are able to make the required findings.

County Coastal Development Permit Process

For this LCP, “Coastal Development Permit” includes Coastal Administrative Permits (CAP) and Coastal Development Permits (CDPs) issued by the County. Both CAPs and CDPs are referred to as “Coastal Development Permits” hereafter in this document, with the exception of sections of the Coastal Act, or Coastal Act policies, which are included here verbatim. Persons wishing to undertake any development in the Coastal Zone shall obtain a Coastal Development Permit, either through a CAP or a CDP.

Coastal Administrative Permit: A type of Coastal Development Permit that: (1) as proposed is consistent with the LCP; (2) requires no discretionary approval other than a Site Plan Permit; (3) with conditions as needed, 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, (6) authorizes development and a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit, and (7) is for a site located outside of any area that would be appealable to the California Coastal Commission. The County Coastal Administrative Permit is a Site Plan Review Permit (STP).

Coastal Development Permit: A type of Coastal Development 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 a Major Use Permit (MUP).

1.3 Local Coastal Planning History

The County initiated the development of an LCP following the approval of the Coastal Act. The LCP, inclusive of an LUP and an IP, was developed to implement the Coastal Act's statewide goals and policies at the local level.

The County's LUP and IP were approved in 1982 and 1985, respectively, by the CCC. The County deferred acceptance of the approved LCP due to the incorporation of the Cities of Solana Beach and Encinitas, which drastically reduced the size of the LCP area under County jurisdiction. Although the County adopted revised LUPs for the LCP in 1988 and 2011, these documents were not certified by the CCC.

Several efforts were made to revise the County's LCP over the past 30 years, although a comprehensive update was not undertaken to maintain the document's relevance under the Coastal Act and recent guidelines set forth by the CCC to address potential impacts from climate change and sea level rise (SLR).

1.4 General Goal and Objectives

The overarching goal of the County of San Diego is to protect and enhance the County's coastal environment, natural resources, and recreational values while providing superior customer service to residents and property owners. To achieve this important community goal, the County has identified specific objectives for the LCP update:

- develop a comprehensive LCP; and
- secure Coastal Commission certification.

1.5 LUP Approach

PDS recently received a grant from the CCC to update the existing LCP to be in conformance with the Coastal Act. Accordingly, the LCP is updated to reflect current circumstances and new scientific information, including climate change and SLR. To support the LCP update, a report titled “County of San Diego Local Coastal Program Update Existing Conditions, Vulnerability and Risk, and Key Issues Report”, was produced that summarized existing data, identified SLR vulnerabilities and risks, and identified key issues for consideration in the LCP. The report is included as Appendix A. The contents of this report are consistent with the CCC’s Sea Level Rise Policy Guidance for California coastal communities (CCC 2015).

1.5.1 Climate Change Vulnerabilities and Risk Assessment

According to the CCC’s Sea Level Rise Policy Guidance (CCC 2015), to be consistent with the Coastal Act hazard avoidance and resource protection policies, it is critical that local governments with coastal resources at risk from SLR certify or update LCPs that provide a means to prepare for and mitigate these impacts. The CCC recommends the following six steps to address SLR as part of the development of an LCP.

1. Choose range of SLR projections relevant to LCP planning area
2. Identify potential SLR impacts in LCP planning area
3. Assess risks to coastal resources and development in planning area (i.e., identify problem areas)
4. Identify adaptation measures and LCP policy options
5. Draft updated or new LCP for certification with the CCC
6. Implement LCP and monitor and revise as needed

The LCP Update Report was prepared as part of the process to develop the LUP, which addressed Steps 1 through 3 above. This report is included as Appendix A.

1.6 LUP Organization

This section provides an overview of the organization of the LUP and briefly describes what each section contains.

The LUP consists of the following components as well as associated maps:

- Public Access and Recreation;
- Environmentally Sensitive Habitats;
- Water and Marine Resources;
- Agriculture;
- Scenic and Visual Resources;

- Planning, New Development, and Public Works;
- Coastal Hazards; and
- Cultural and Paleontological Resources.

Each policy section includes a series of policies for a number of subject areas related to the Coastal Act. Each policy section also includes LUP policies, which complement the Coastal Act policies and provide further protection of coastal resources. Some of the Land Use Plan policies have been adapted from existing County documents and/or ordinances, including the following:

- County of San Diego Community Trails Master Plan (CTMP) (County of San Diego 2005);
- County of San Diego Resource Protection Ordinance (RPO) (County of San Diego 2007)
- County of San Diego Multi-Jurisdictional Hazard Mitigation Plan (County of San Diego 2010);
- County of San Diego General Plan (County of San Diego 2011a);
- County of San Diego San Dieguito Land Use Plan (County of San Diego 2011b);
- County of San Diego Grading Ordinance (County of San Diego 2012)
- County of San Diego Consolidated Fire Code (County of San Diego 2014)
- County of San Diego Low Impact Development Handbook (County of San Diego 2014)
- County of San Diego San Dieguito Community Plan (County of San Diego 2014)
- County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County of San Diego 2016)
- County of San Diego Zoning Ordinance (County of San Diego 2016).
- County of San Diego Guidelines for Determining Significance (County of San Diego, various sections 2007-2015)

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