Attachment G – Local Coastal Program Implementation Plan (information only)

County of San Diego

Planning & Development Services

Local Coastal Program Update

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LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN

July 27, 2018

~~May 4, 2018~~

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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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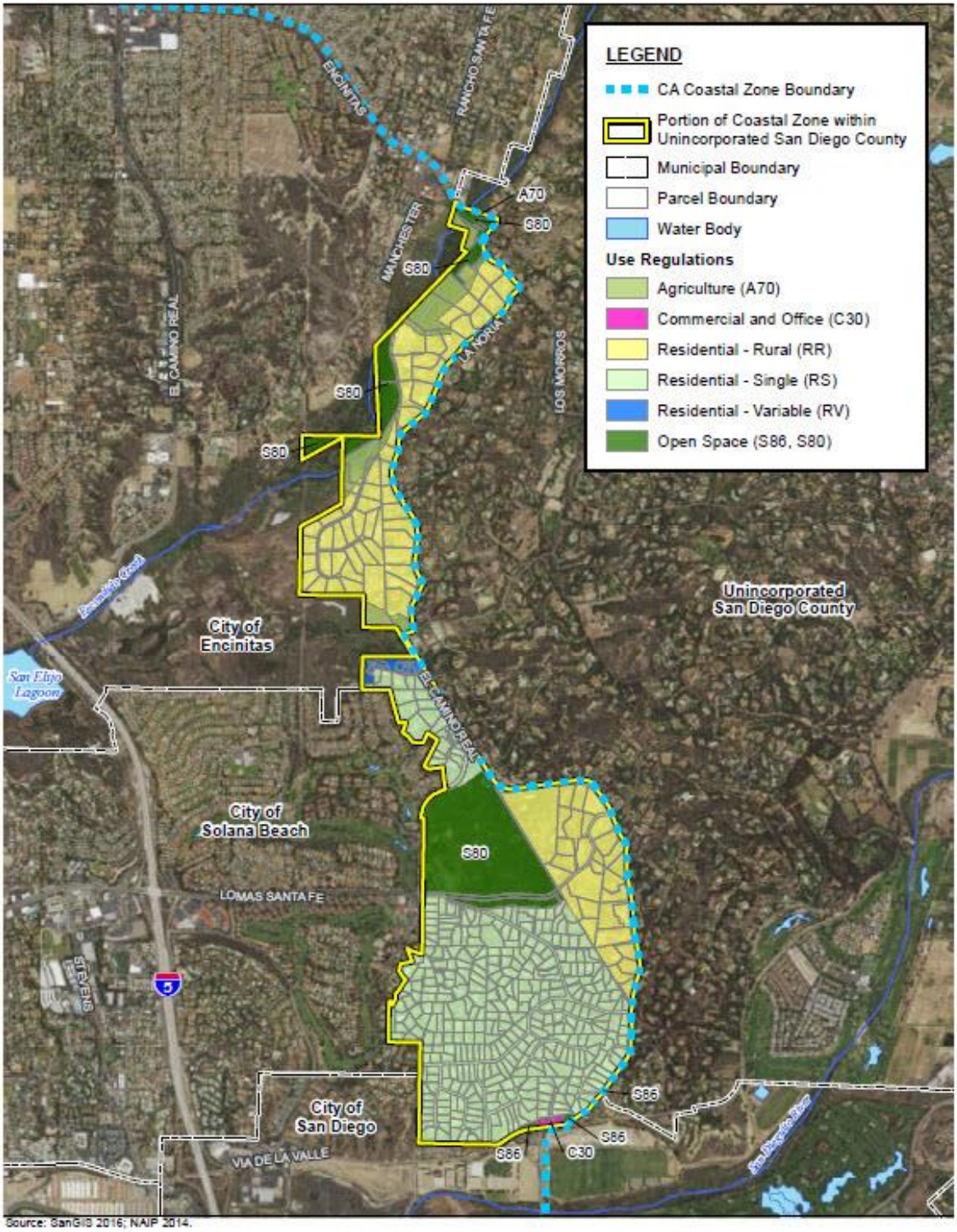

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-1
Coastal Zone Use Regulations

Local Coastal Program - Local Coastal Implementation Plan

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 Planning Commission, referred to as the "Commission"; the Zoning Administrator, the Director – Planning & Development Services, hereafter referred to as “PDS.”

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, reconstructed, or structurally altered 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.

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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.

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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 "P" in Tables 9-2a through 9-2f.

c. Supplemental limitations on uses are further described below:

1. Veterinary Hospitals. Hospital must be located on a parcel of land not less than 2 acres in size. Indoor treatment areas must be located at least 100 feet from the near the property line, and outdoor treatment or confinement areas must be located at least 200 feet from the near the property line. If a proposed Hospital does not meet any of these requirements it may be allowed upon issuance of a Minor Use Permit.

2. Enclosed Building. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building.

3. Enclosed Building or Walls. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building or inside walls or solid fences less than 6 feet in height.

4. Retail Establishments. Limited to retail establishments intended for the convenience of permitted establishments and/or clients thereof, provided no such retail establishment occupies more than 15 percent of the total floor area of the building, in which it is located,

and has no entrance except from the lobby or interior of said building, or from a patio entirely surrounded by said building.

5. Animal Related Activities. Animal related activities may be permitted subject to the Animal Regulations commencing at Section 9200.v.

6. Cottage Industries. Permitted subject to the provisions of Appendix B, Section 6920.

7. Mobilehome Residential. Subject to the Mobilehome Park Regulations commencing at Appendix B, Section 6500 or the Planned Development Standards commencing at Section 6600.

8. Small, Boutique and Wholesale Limited Wineries. Allowed subject to the provisions of Appendix B, Section 6910.

9. Packing and Processing: General. Allowed as an accessory use to Commercial Agriculture subject to the provisions of Appendix B, Section 6157.g. Allowed as a primary use of a property upon issuance of a Major Use Permit.

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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				CIVIC																		Use Regulations	
	Family Residential	Group Residential	Mobilehome Residential		Enclosed	Open	Drive-in	Administrative Services	Ambulance Services	Community Recreation	Cultural Exhibits and Library Services	Child Care Center	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		
					See Section 6816																			
																							RESIDENTIAL	
RS	P		9		S	S		M		M	M	M	S	S	M		M	M	S	M	M	S	RS	Single-Family Residential
RV	P		9		S	S		M		M	M	M	S	S	M		M	M	S	M	M	S	RV	Variable Family Residential
RR	P	M	9		S	S	M	M	M	M	M	M	S	S	M	M	M	M	S	M	M	S	RR	Rural Residential
																							COMMERCIAL	
C30					S	S		S	S	M	S	S	S	S		S	M	M	P[3]	P[3]	M	S	C30	Office-Professional
																							AGRICULTURAL	
A70	P[1]	M	9		S	S	M		M	M	M	M	S	S	M	S	M	M	S		M	M	A70	Limited Agriculture
																							SPECIAL PURPOSE	
S80*	S				S	S				M			S	S			M	M	S		M	M	S80*	Open Space
S86	P				S	S							S	S		S			S	P[3]			S86	Parking

MATRIX LEGEND

[1]See Appendix B for Use Type Definitions

P Principal Permitted Use
P[3] Principal Permitted Use w/a Site Plan 1-11
S Permitted by Site Plan
M Permitted by Major Use Permit
P[1] Permitted - May be appealed to Coastal Commission

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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	Administrative and Professional Services		Agricultural & Horticultural Sales	a) Agricultural Sales	b) Horticultural Sales	c) Horse Stables	d) Kennels		f) Veterinary [Large Animal]	g) Veterinary [Small Animal]	c) Parking		Use Regulations
	See Section 6816						1415										
																	RESIDENTIAL
RS										7	7						RS Single-Family Residential
RV										7	7						RV Variable Family Residential
RR	S	S	S							7	7						RR Rural Residential
																	COMMERCIAL
C30	S			M	S					7	7				S		C30 Office-Professional
																	AGRICULTURAL
A70	S	S	S				P	M	M	7	7		3	3			A70 Limited Agriculture
																	SPECIAL PURPOSE
S80	S	S	M							7	7				M		S80 Open Space
S86	S	S	S	S						7	7				S		S86 Parking

Commercial continued on next page

MATRIX LEGEND

P Permitted Principal Use

S Permitted by Site Plan
Permitted by Major Use

M Permit

1-11 Subject to Limitations

[1] Uses defined in Appendix B of IP

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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	Professional Services	Business Support Services	Communications Services		Convenience Sales and Personal Services	Cottage Industries (See Sec. 6920)	Eating and Drinking Establishments		Financial, Insurance and Real Estate	Food and Beverage Retail Sales E				c) Undertaking			E	Medical Services	Commercial continued on next page
	See Section 6816				1410	1445	1450		1460	1463	1465		1475	1480									**Use Regulations**
																							RESIDENTIAL
RS																							RS Single-Family Residential
RV																							RV Variable Family Residential
RR	S	S	S							8													RR Rural Residential
																							COMMERCIAL
C30	S			M	P	S	S		6		6		S	6				M			P°		C30 Office-Professional
																							AGRICULTURAL
A70	S	S	S							8													A70 Limited Agriculture
																							SPECIAL PURPOSE
S80*	S	S	M																				S80* Open Space
S86	S	S	S	S																			S86 Parking

MATRIX LEGEND

P Principal Permitted Uses
P° Principal Permitted Uses w/a Site Plan
S Permitted by Site Plan
M Permitted by Major Use Permit

1-11 Subject to Limitations

1 Uses Defined in Appendix B of Implementation Plan

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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]			E	E			Research Services	Retail Sales	b) Specialty						Commercial continued on next page
1400	See Section 6816				1505			1510							1520	1525						Use Regulations
																						RESIDENTIAL
RS						P[1]	P[1]	P[1]									P[1]					RS Single-Family Residential
RV						P[1]	P[1]	P[1]									P[1]					RV Variable Family Residential
RR	S	S	S				M															RR Rural Residential
																						COMMERCIAL
C30	S			M				S							M		S					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

MATRIX LEGEND

P Permitted Principal Use
P[1] Permitted Principal Use by Site Plan
P1 Permitted - May be appealed to Coastal Commission
S Permitted by Site Plan
M Permitted by Major Use Permit

1-11 Subject to Limitations
1. Uses defined in Appendix B of IP

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

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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.)			a) Campground (See Section 6450)	c) Resort (See Section 6400)	INDUSTRIAL				Use Regulations
	Enclosed	Semi-Enclosed	Open				Enclosed	Semi-Enclosed	Open	
1400	See Section 6816					1600	See Section 6816			
										RESIDENTIAL
RS										RS Single-Family Residential
RV										RV Variable Family Residential
RR	S	S	S	M	M					RR Rural Residential
										COMMERCIAL
C30	P[5]									C30 Office-Professional
										AGRICULTURAL
A70	S	S	S	M	M		S	S	M	A70 Limited Agriculture
										SPECIAL PURPOSE
S80	S	S	M							S80 Open Space
S86	S	S	S							S86 Parking

[1]See Appendix B for Use Type Definitions

MATRIX LEGEND

- S Permitted by Site Plan
- M Permitted by Major Use Permit
- P Permitted Principal Use
- P[5] Permitted Principal Use requiring Site Plan

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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 and Appendix B, the provisions of the text and Appendix B shall apply.

USE TYPES / AGRICULTURAL	Enclosed	Semi-Enclosed	Open	Horticulture	(a) Cultivation	(b) Storage	Tree Crops	Row & Field Crops	Animal Raising	Animal Waste Processing (see Section 6902)	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	1730	1735								1740	1750		1820	
																							RESIDENTIAL
RS	M	M	S		S		S	S	7													M	RS Single-Family Residential
RV	M	M	S		S		S	S	7													M	RV Variable Family Residential
RR	S	S	S		S	S	S	S	7			M			M					S			RR Rural Residential
																							COMMERCIAL
C30									7													M	C30 Office-Professional
																							AGRICULTURAL
A70	S	S	S	P	S	S	S	S	7			S	11	M	M	10	10	10	M	S			A70 Limited Agriculture
																							SPECIAL PURPOSE
S80*	S	S	S		S	S	S	S	7			S								S			S80 Open Space
S86																						M	S86 Parking

MATRIX LEGEND

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

1-11 Subject to Limitations

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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.

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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.

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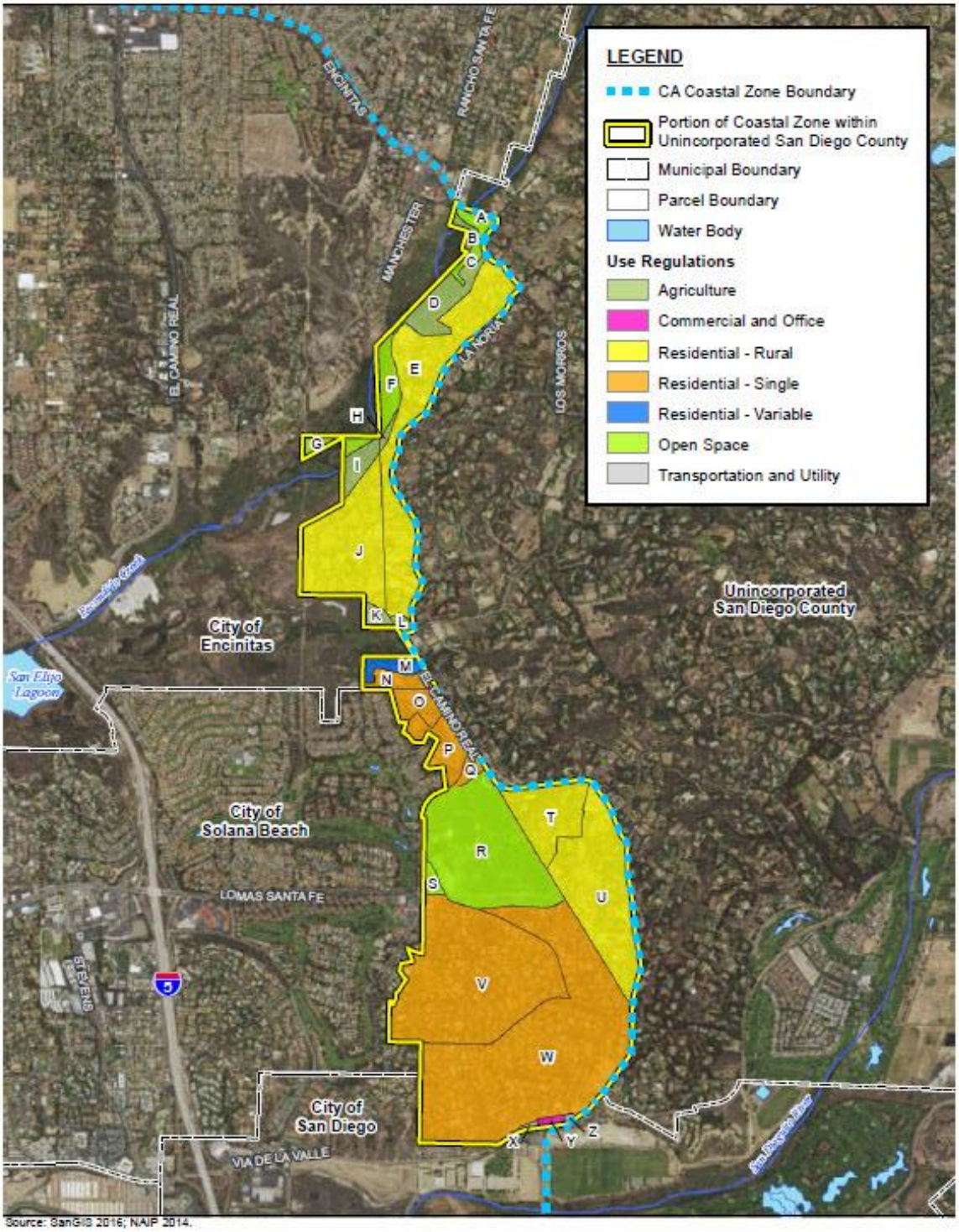

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-2
Coastal Zone Subareas

Local Coastal Program - Local Coastal Implementation Plan

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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; Temporary structures erected pursuant to the Temporary Use Regulations (see Appendix B, Sections 6100 through 6818.

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

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criteria cited in the LUP Goal 6.3.2, "Development," Policy 6.7.

3. All MUPs 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 MUP for a height exemption, at any location outside that Vantage Point Buffer, all appeals shall comply with the procedures set forth in this IP.

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

d. Signs no more than 40 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 Major Use Permit is granted pursuant to other provisions of this Implementation Plan, when the Major Use Permit 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 Appendix B, Section 6123.

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

m. Parks exemption for park exterior and interior – height no greater than 35 feet, including.

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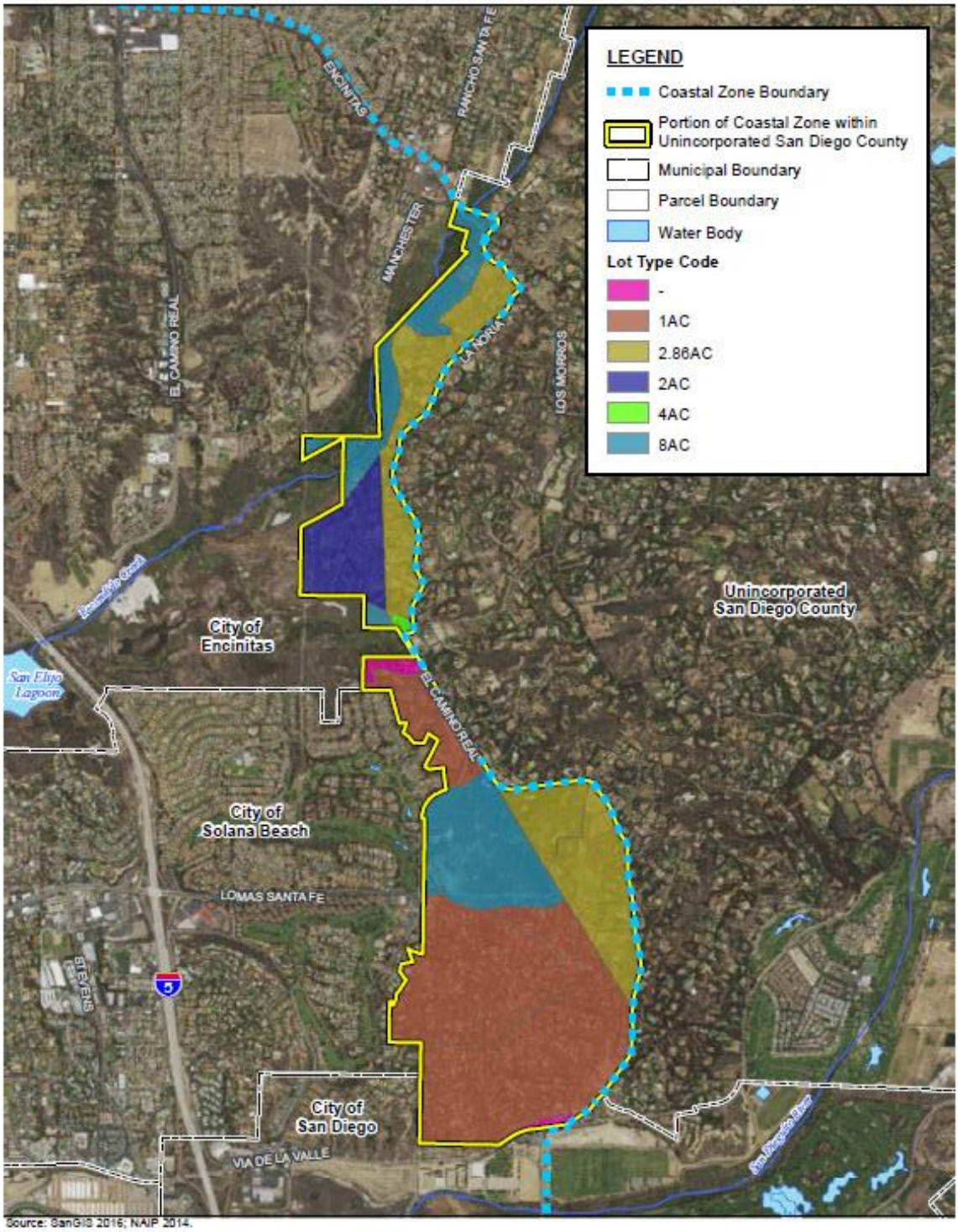

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-3
Lot Type

Local Coastal Program - Local Coastal Implementation Plan

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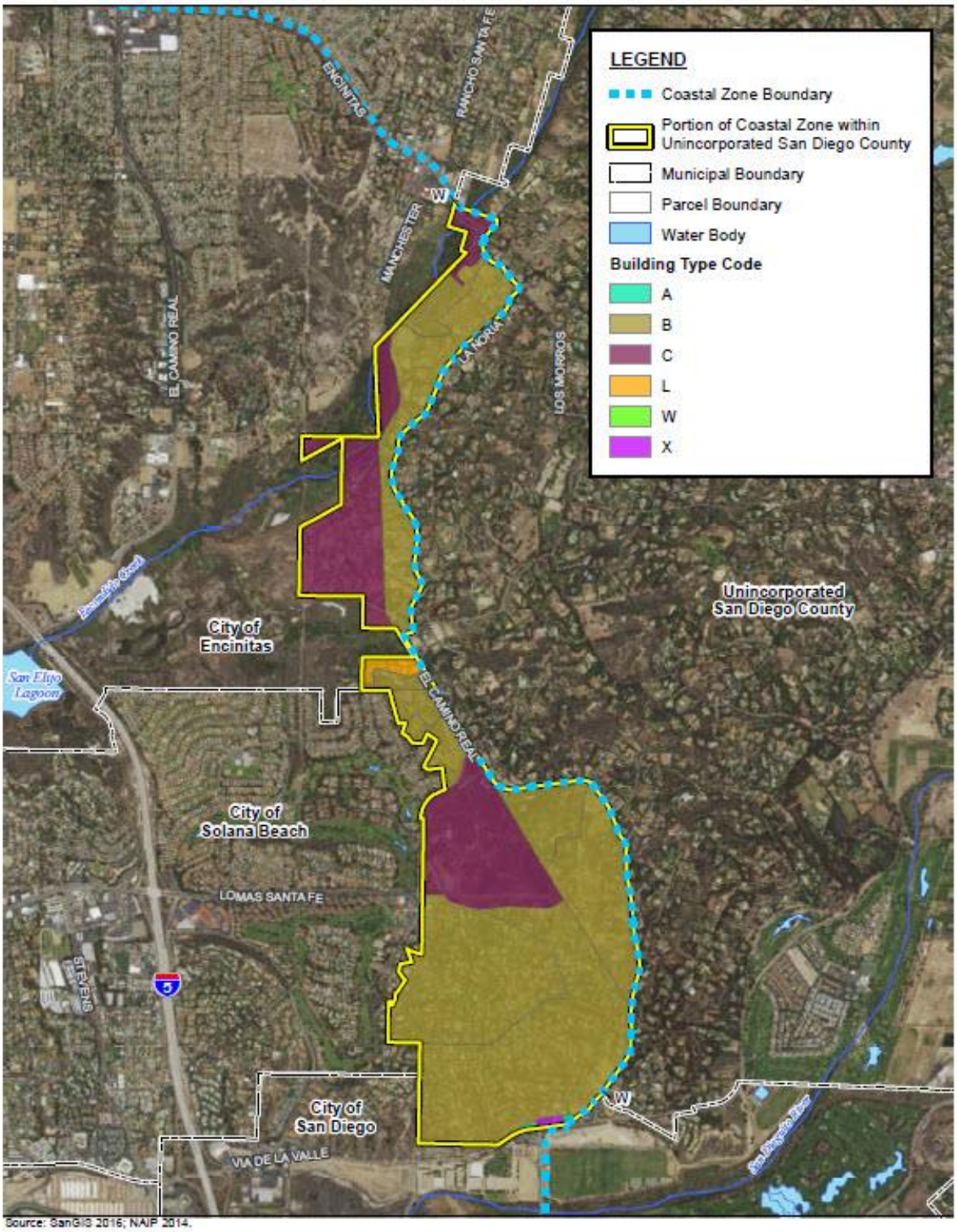

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-4
Building Type

Local Coastal Program - Local Coastal Implementation Plan

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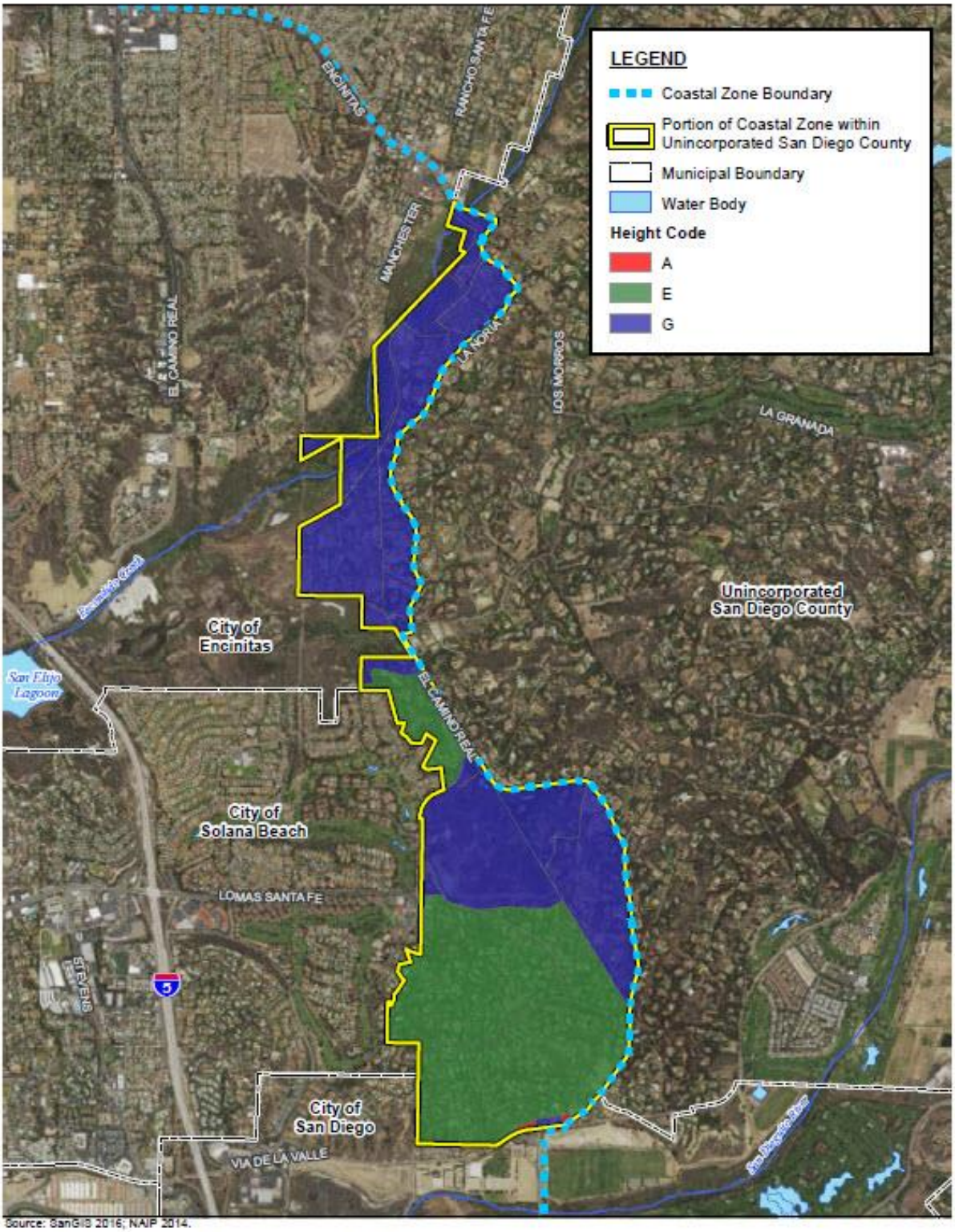

Source: SanGIS 2016; NAIP 2014.

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

Figure 9-5
Height

Local Coastal Program - Local Coastal Implementation Plan

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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.

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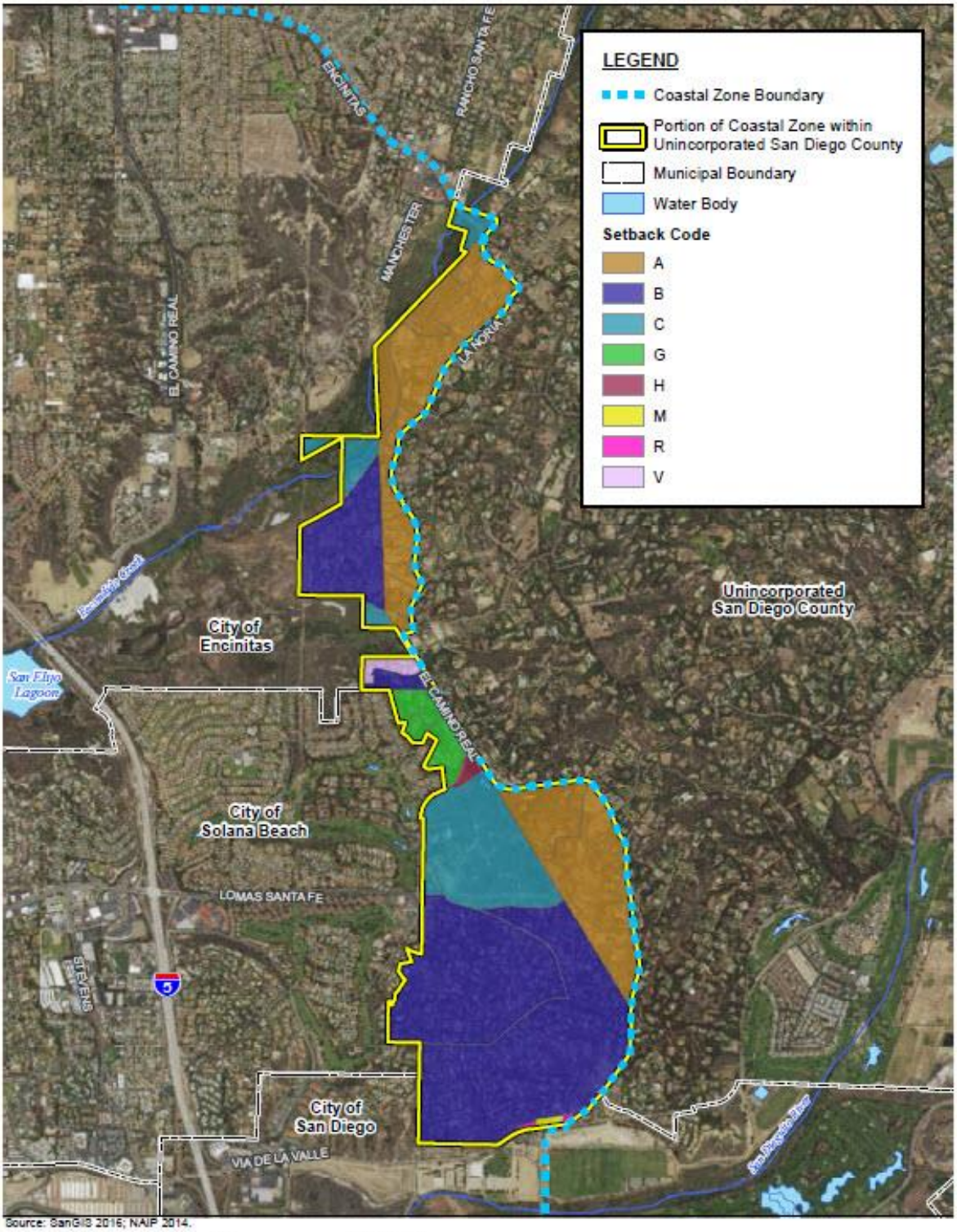

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-6
Setbacks

Local Coastal Program - Local Coastal Implementation Plan

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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 Appendix B, 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 MUP = 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.

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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.

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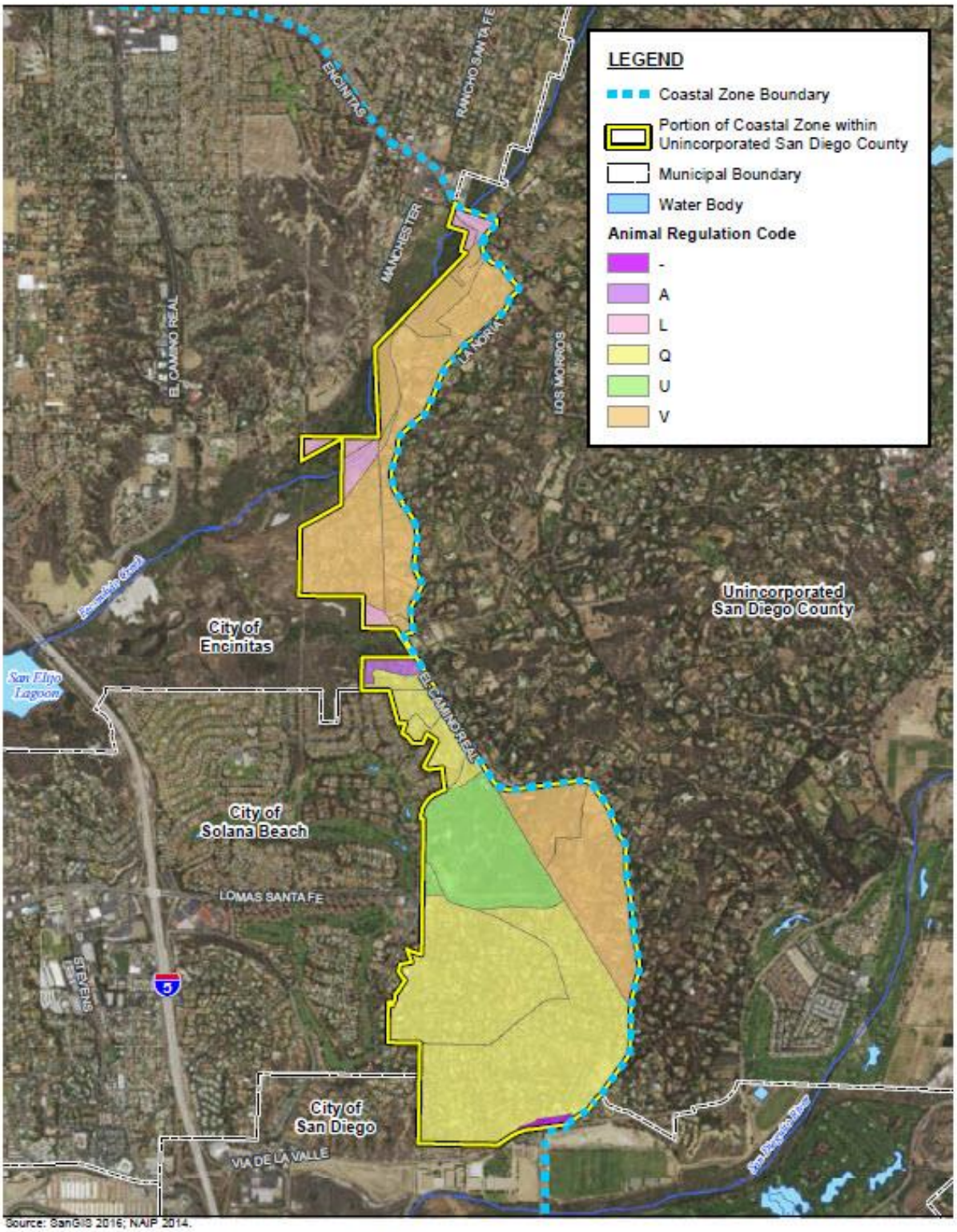

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-7
Animal Regulations

Local Coastal Program - Local Coastal Implementation Plan

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

9202 Parking Requirements

a. Parking requirements in the Coastal Zone are subject to the provisions of Sections 6750 through 6799 County Parking Regulations of Appendix B.

b. The provision of parking shall be subject to review and approval through the Site Plan Permit or Major Use Permit processes and shall be consistent with all required Special Area Regulations requirements in Sections 9300 through 9314 as applicable.

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" 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. These landscaping requirements are 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 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.

9208 Sign Requirements

a. Sign requirements within the Coastal Zone are subject to the provisions of Sections 6250 through 6290 of Appendix B.[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.

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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 b.v.i., herein.

vi. Directional Signs. Way-finding; County Jurisdictional road usage; 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).

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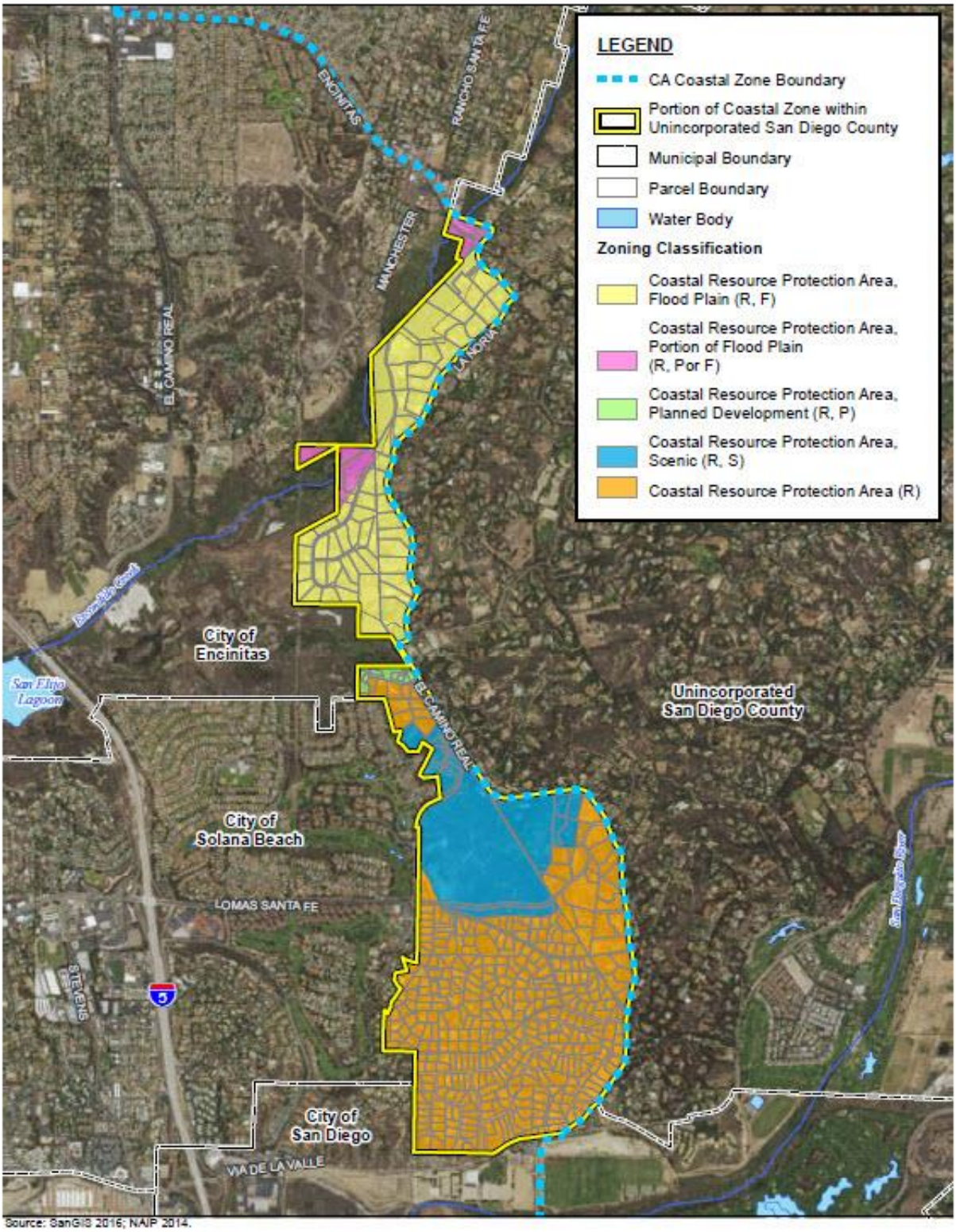

Source: SanGIS 2016; NAIP 2014.

3,000 1,500 0 3,000 Feet

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

Figure 9-8
Coastal Zone Special Area Designators

Local Coastal Program - Local Coastal Implementation Plan

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9210 Temporary Use Requirements

a. Temporary Use requirements within the Coastal Zone are subject to the provisions of Attachment B, Sections 6100 through 6126.

9212 Accessory Use Requirements

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

9214 Fencing Requirements

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

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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.

9302 Environmentally Sensitive Habitat Area (ESHA)

a. If located in, or adjacent to, ESHA (Figure 11 of the LUP) new development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. 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.

c. New development shall be sited and designed to avoid or minimize 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.

d. Impacts to ESHA 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 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. 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.

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e. 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.

f. 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.

g. The use of insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade ESHA, shall be prohibited within and adjacent to ESHAs, except where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration or to protect public health, or as required for fuel modification. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application.

h. 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 County Planning & Development Services Director 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 County Planning & Development Services Director 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 the initial site inventory required in an ESHA by Section 9302a above 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,

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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. 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. All development within the Coastal Zone, public and private, shall meet or exceed the storm water standards of the State of California, and the most recent standards of the RWQCB with regard to storm water runoff and other polluted runoff. Specifically, new development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution and shall meet the requirements of the San Diego RWQCB in its National Pollutant Discharge Elimination System (NPDES) Permit and waste discharge requirements, for discharges from the Municipal Separate Storm Sewer Systems (MS4s) draining the watersheds within the San Diego region.

b. To ensure protection of the watershed and ground water in the Coastal Zone, new development shall include construction phase erosion control and polluted runoff control plans as required by the NPDES General Permit for storm water discharges associated with construction and land disturbance activities. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by sediment, construction chemicals and materials.

c. All new development and redevelopment will implement the County of San Diego BMP Design Manual, based on performance standards in the MS4 Permit, and County Watershed Protection Ordinance (WPO) Section 67.801 et seq., to protect water resources and improve water quality to the maximum extent feasible.

i. Source Control BMPs must be implemented for all development projects, where applicable and feasible, as defined in County Watershed Protection, Stormwater Management, Discharge Control Ordinance, Section 67.811.4. The Source Control BMPs may include:

1. Prevention of illicit discharges into the stormwater conveyance system;

2. Stenciling and marking of all storm drains in accordance with the BMP Design Manual;

3. Protection of all outdoor material storage areas from rainfall, run-on, runoff; and wind dispersal;

4. Protection of materials stored in outdoor work areas from rainfall, run-on, runoff, and wind dispersal;

5. Protection of trash storage areas from rainfall, run-on, runoff, and wind dispersal;

6. Implementation of additional BMPs as the County determines necessary to minimize pollutant generation.

d. All development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the RWQCB's MS4 permit.

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e. Proposed subdivisions or projects over 10 acres in size that do not include the use of LID, Site Design, and Source Control BMPS that will retain on-site the runoff from the appropriate design storm shall conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve on-site runoff retention.

f. Priority Development Projects will implement structural BMPs to control pollution and manage hydromodification as defined in the County Watershed Protection, Stormwater Management, Discharge Control Ordinance, Section 67.811(b).

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, all Use Regulations shall comply with the enclosure provisions of these Scenic Area Regulations.

d. **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 shown on Figure 14 Viewsheds of 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(g) below.

e. **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;

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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:

1. Providing setbacks from the slope edge;
2. Restricting the building maximum size;
3. Reducing maximum height limits,
4. Incorporating landscape elements and screening that increase the aesthetic value and preserve from the San Elijo Lagoon and San Dieguito Park;
5. 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
6. Using highly non-reflective materials, which shall be prohibited.

f. **Site Plan Permit Review Criteria.** The general criterion of 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.

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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.

g. **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.

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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 major use 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.

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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:

a) Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback;
b) 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;
c) The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity;
d) 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
e) 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. Permitted development shall also consider potential sea level rise impacts identified in the LCP Update Report included as Appendix A to the LUP.

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

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

a. 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 Fire Marshal 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.

b. 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 Fire Marshal to determine if any thinning or clearing of native vegetation is required. The Fire Marshal may reduce the 100 ft. 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 Fire Marshal 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

c. New 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.

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9314 Steep Slopes

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

a. A slope analysis shall be required for each application for a STP or MUP. 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.

b. 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.

c. 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.

d. 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.

e. 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.

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

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g. 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.

d. Trails and Pathways

i. Locations along public roads, railways, trails, parklands, and beaches that offer views of scenic resources are 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 (LUP Figure 6).

iv. Critical viewshed areas shall meet the following requirements:

(1) Extend 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;

(2) Include areas upon which development could potentially obstruct, limit, or degrade the view.

v. 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:

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

(2) Landscaping shall not, at maturity, obstruct views;

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

vi. Public views to the County's Coastal Zone and open spaces adjacent to San Elijo Lagoon from major public viewpoints, as identified in Figure 6 of the LUP, shall be protected.

vii. 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.

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

(1) Trail maintenance shall include activities such as erosion control, tree limb trimming, repair of damaged and deteriorating trails, brush management to preserve a trail's aesthetic values, user safety, width, and alignment.

(2) Trail segments shall be maintained to avoid, then minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors, and agricultural lands.

(3) Trees and other vegetation shall be trimmed to maintain a minimum vertical (overhead) clearance in accordance with County policy and standards.

(4) Within or adjacent to ESHA, when feasible, all maintenance activities shall be performed so as to avoid the use mechanized equipment. When more extensive maintenance is required, avoidance of those ESHA areas not located near to those maintenance activities shall occur. Additionally, all equipment shall meet industry-accepted noise buffering measures, and shall comply with the County Noise Ordinance.

(5) When feasible, erosion control shall be completed in a manner that avoids and minimizes impacts to ESHA and other environmentally sensitive habitats or species. Methods shall be used to grade, place new base material, or installing industry-accepted engineered drainage controls.

(6) Maintenance occurring within pathways shall be conducted to ensure driveway approaches crossing pathways have a natural or rough surface; and shall remove all non-permitted polished or slick surfaces.

e. New trails and pathways shall be designed and constructed as specified in Number viii, above.

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

g. All trails located adjacent to or within ESHA shall be for non-motorized use only and are required to comply with the following:

i. All activities involved with trail design, construction, usage, and maintenance shall incorporate appropriate methods that reduce potential impacts to EHSA, including:

1) Utilizing a trail design and construction methods that are least impactful to ESHA.

2) Utilizing non-mechanized equipment for trail construction and maintenance.

3) Trail tread shall be constructed with native soil (or disintegrated granite if necessary) and trail width will be minimized to reduce impacts to critical habitat and resources.

4) Site design objectives will include avoidance and/or minimization of impacts to biological resources.

5) Access, non-native predators, and other non-native and invasive species, illumination, point source drain water, non-point source runoff, and noise will all be taken into consideration during planning and construction of trails.

6) Sufficient signs and appropriate barriers shall be located to clearly identify access.

7) 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.

8) 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.

h. For any new 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.

i. 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

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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 County Site Plan Permit (STP) or a Major Use Permit (MUP), in accordance with the provisions of this Section.

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

c. **Major Use Permit (MUP) - Coastal Development Permit (CDP).** Applications for development associated with a use that is listed as a use requiring an MUP in the respective category, within the applicable Use Regulation, or any other development not meeting the criteria for an STP, shall obtain a Major Use Permit (MUP).

d. **Additional Permits.** The review of an MUP application may be combined with, and processed concurrently with the review of any other discretionary permit application required by the County Local Coastal Program. 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.

e. **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 STP/MUP, or other County permit, in accordance with the provisions of this Section. The STP/MUP shall only be approved, if the proposed development is consistent with the policies and standards of the County's LCP.

f. **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 STP/MUP 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 an STP/MUP that authorizes the existing development. The STP/MUP 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.

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

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h. 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.

i. 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.

j. 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 STP or MUP depending on the proposed use to be established by this redevelopment.

k. County Departments - Site Plan Permit (STP).
County-Initiated development within the Coastal Zone shall conform to the following requirements.

i. Decisionmaker. County-initiated development reviews and decisions shall be reviewed and decisions rendered, by the proposing department's director, or director's designee.

ii. Initial Notice of Project. A notice of the proposed County-initiated project shall be provided to all persons who would otherwise be required to be notified, as well as any other persons known to be interested in receiving notice. The notice shall state that the director of the reviewing department will decide whether to approve or disapprove a County-initiated project 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 STP application. If a public hearing is requested, it will be held

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by the County department proposing such project, and shall be at a place designated by that County department.

iii. Decision Reliant upon Documented Facts. The director's, or director's designee's, development decision shall rely upon development-specific supporting evidence such as, but not all inclusive of, plans; studies; and associated environmental reviews performed in compliance with CEQA.

iv. Site Design and Construction - ESHA. Development shall utilize designs and construction methods that are the least impactful to Environmentally Sensitive Habitat Areas (ESHA) and adjacent lands, as defined in the LUP.

v. ESHA Mitigation of Environmental Impacts. To the maximum extent feasible, the County shall mitigate, as described in this IP, for any direct and indirect impacts to lands within and adjacent to ESHA.

vi. Site Design. To the maximum extent feasible, site design objectives shall include avoidance and minimization of potential impacts to biological and other sensitive resources.

vii. Required Findings. To ensure compliance with the CCA, County Departments proposing development within the Coastal Zone shall make findings, after consideration of all supporting information, stating that the project meets the intent of the LCP by: 1) Preserving and enhancing viewsheds and hillsides; 2) Providing legal public access; 3) Protecting scenic resources; 4) Preserving sensitive biological, cultural, and paleontological resources; Protecting ESHA lands and lands adjacent to ESHA; and 5) Safeguarding wetlands, in accordance with County policy. In addition, County Departments shall comply with the County Watershed Protection Ordinance. County Departments shall obtain required resource protection agency permits.

viii. Final Action. For all County-initiated projects, a final action notice shall be prepared by the County department that issues a director's decision, which describes the approved project (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 County-initiated project, 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 shall not be considered final, until all rights of appeal have been exhausted.

ix. Appeals of Final Action. A County department's director's decision 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 is filed within the timeframe pursuant to the Public Resources Code, Section 30606(a). All notices of final action shall include a written statement to this effect.

x. Appealable Actions. A County-Initiated Major Public Facilities development, as defined in the Definitions Section herein, shall be appealable to the California Coastal Commission. (CCA, Section 30603).

xi. Exemptions. County-Initiated development meeting the criteria in Section 9404 (Exemptions), herein shall be exempt and a director's decision shall not be required.

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 STP/MUP. 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 STP/MUP 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:

ii. 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.

iii. 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 on Figure 14 of the LUP; or 5) within 50 feet of the edge of a bluff.

iv. 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.

v. In areas having a critically short water supply as declared by resolution of the Coastal Commission, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.

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

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

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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, hazards, etc.

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 STP/MUP, 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, other structure is not repair and maintenance but instead constitutes a replacement structure requiring a Coastal Development Permit.

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.

9406 Approval Authority

The Planning Commission shall be the Approval Authority to hear and decide applications for MUPs. The Director of Planning & Development Services is the Approval Authority to consider STPs, excepting that development referenced in Section 9400(h), herein.

9408 Coastal Permit Process

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

b. **Hearings**

i. **Major Use Permit**. All Major Use Permits require a public hearing. Before a decision on a MUP, the County shall provide notice of a public hearing by the Planning Commission.

ii. **Site Plan Permits**

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 Director of Planning & Development Services will decide whether to approve or disapprove the 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 STP application.

2. **Hearing.** If no request for public hearing is received by the County before the specified date for the decision, then the Director of Planning & Development Services may take action without 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 Zoning Administrator shall conduct the public hearing before a decision on the application.

iii. **Noticing.** For all 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 STP/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.

c. **Findings Required.** All decisions on STP/MUPs 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 STP/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.

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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 STP/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

j. **Notice of Final Action.** For 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 STP. For all STPs/MUPs, 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 STP/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 STP/MUP shall not be considered final, until all rights of appeal have been exhausted.

k. **Appeals of Final Action.** An STP and 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 is filed within the timeframe pursuant to the Public Resources Code, Section 30606(a). All notices of final action shall include a written statement to this effect.

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 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 STP/MUP shall expire two (2) years from its date of approval 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 STP/MUPs shall be considered amendments for purpose of notice and appeal to the Coastal Commission.

9416 Coastal Permit Amendments

Upon application by the permittee, a STP/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 STP/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.

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9420 Coastal Permit Application Requirement and Fees

a. **Filing Procedures**

i. **Application.** Application for, and amendments to, STPs/MUPs shall be made to the 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 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, Planning & Development Services shall review the application for completeness. Within thirty (30) calendar days from submittal, 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, 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 STP/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 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 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 shall comply with the California Code of Regulations (14 CCR 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 Planning & Development Services Schedule of Discretionary Fees and Deposits, as adopted by the County Board of Supervisors.

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9422 Coastal Permit Appeals

Development pursuant to an approved STP/MUP shall not commence until the STP/MUP is effective. The STP/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 denies the permit or issues the permit on appeal, the STP/MUP approved by the County is void.

a. **Appeals**

i. Principal Permitted Uses. All Principal Permitted Uses listed in Table 9-2a –f, with a "P" designator, and as defined in the Definitions Section below or the IP Appendix A, shall not be appealable uses (see Section 9106.b, herein).

ii. MUP- and STP-Permitted Uses: All uses for which MUPs and 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 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.

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.

f) 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 policies set forth in the Coastal Act, Chapter 3 (Sec. 30210, et seq.).

g) 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 policies set forth in the Coastal Act, Chapter 3 (Sec. 30210, et seq.).

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h) 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 and is not deposited with the Commission within the time prescribed.

i) 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.

iv. Appeals. A decision or any portion of the decision made by the Director of Planning & Development Services staff, under the provisions of this Section, may be appealed to the Planning Commission by an aggrieved person.

v. Resubmittal of Revised Application. If upon appeal an application for an STP/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.

vi. Persons Authorized to Appeal. No person may appeal except the Applicant; a County officer acting pursuant to paragraph "iv" of this Section; and those persons who protest the granting, revocation, or modification of a STP/MUP either by written protest filed in the office of the Planning Commission or the Director, whoever has jurisdiction over the permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, of the STP/MUP at the hearing or consideration of the matter by said authority.

vii. 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, without fee.

viii. 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.

ix. Effect of Filing the Appeal. An appeal of a decision within the time specified in paragraph "v" of this Section shall stay the proceedings and effective date of the

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decision of the Planning Commission, or Director, until such time as the appeal has been acted on, as hereinafter set forth in the Ordinance.

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

xi. 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:

a) 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;

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

c) Disapprove the STP/MUP approved by the previous review authority, even if the appellant only requested modification or elimination of one or more conditions of approval.

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

xii. 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 or Planning Commission, as applicable), for further consideration.

xiii. **Effective Date of Appeal Decision**. A decision by the Planning Commission 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 decision by the County on a STP/MUP, or any approval or denial decision by the County on a STP/MUP, 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 STP/MUP action, an appealable STP/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 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 provided within the provisions of Appendix B of this Implementation Plan, Sections 1100 through Sections 1199 applies.

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.

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, in combination with tidelands, submerged lands, public trust lands, 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 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

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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).

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 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, 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, which 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, and including, the channel of a river, stream, watercourse, bay, or other body of water which is subject to inundation by the flood waters of the one-hundred year frequency flood as shown on flood plain maps approved by the Board of Supervisors.

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

Floodway. All that land as determined by the Director of Public Works, which 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 Certificated 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 one hundred thousand dollars ($100,000) with an automatic annual increase in accordance with the

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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 by increasing or decreasing public recreational opportunities or facilities. (Cal. Admin. Code Title 14, Section 13012)

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

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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 due to the greenhouse effect and associated global warming and climatic changes.

Sensitive Habitat Lands. Land which 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 (14 Cal. Admin. Code Section 15000 et seq.) (Unique Vegetation Community refers to associations of plant species which are rare or substantially depleted due to development. These may contain rare or endangered species, but other species may be included because they are unusual or limited 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.) Sensitive Habitat Lands includes the area which is necessary to support a viable population of any of the above species in perpetuity, of which is critical to the proper functioning of a balanced natural ecosystem or which 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, 14 Cal. Code of Reg. 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

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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**

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**

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

Use Permit, Minor (refers to only for Animal Regulations). 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 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 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, etc.; drainage area.

Wetland. 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. The definition of wetland is further detailed 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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