

Table of Contents

<u>Section</u>	<u>Page</u>
PART 9: COASTAL ZONE REGULATIONS	1
GENERAL PROVISIONS.....	1
9000 Purpose of the Coastal Zone Regulations Implementation Plan	1
9002 Applicability	1
9004 Adoption	1
COASTAL ZONE USE REGULATIONS AND REQUIREMENTS	3
9100 Purpose	3
9102 Compliance	3
9104 Establishment and Designation of Coastal Zone Use Regulations	4
9106 Allowed Land Uses and Permit Requirements for Coastal Zone Use Regulations	5
COASTAL ZONE SITE DEVELOPMENT STANDARDS	12
9200 Site Development Standards by Subarea	12
9204 Landscaping Requirements.....	24
9206 Lighting Requirements.....	24
9208 Sign Requirements	25
9210 Temporary Use Requirements	26
9212 Accessory Use Requirements	26
9214 Fencing Requirements	26
COASTAL ZONE SPECIAL AREA REGULATIONS	26
9300 Purpose	26
9301 New Development - Biological Inventory.....	28
9302 Development - Environmentally Sensitive Habitat Area (ESHA)	28
9304 Wetlands	31
9306 Water Quality and Watershed Protection	32
9308 Scenic Areas	51
9310 Flooding and Sea Level Rise.....	55
9312 Fire Hazard Management in the Wildland-Urban Interface (WUI)	63
9314 Steep Slopes	64
9316 Public Access, Trails and Recreation	65
COASTAL PERMITS	67

9400	Coastal Permit Requirements.....	67
9404	Exemptions.....	85
9408	Minor Developments.....	87
9410	Determination of Permit Requirement	87
9412	Revocation	88
9414	Expiration and Extension of Coastal Permits.....	88
9416	Coastal Permit Amendments	88
9418	Denial of Coastal Permit Applications.....	89
9420	Coastal Permit Application Requirement and Fees	89
9422	Coastal Permit Appeals	90
	DEFINITIONS	98
9500	Definitions.....	98

LIST OF FIGURES

Figure 9-1. Coastal Zone Use Regulations	2
Figure 9-2. Coastal Zone Subareas	14
Figure 9-3. Lot Type.....	15
Figure 9-4. Building Type.....	16
Figure 9-5. Height	19
Figure 9-6. Setbacks	21
Figure 9-9. FEMA Special Flood Hazard Areas	58
Figure 9-10. San Ecological Reserve Future Inundation and Flooding (High-range SLR).....	59

LIST OF TABLES

Table 9-1 Coastal Zone Use Regulations.....	4
Table 9-2a Coastal Zone Regulations Use and Enclosure Matrix.....	6
Table 9-2b Coastal Zone Regulations Use and Enclosure Matrix.....	7
Table 9-2c Coastal Zone Regulations Use and Enclosure Matrix.....	8
Table 9-2d Coastal Zone Regulations Use and Enclosure Matrix.....	9
Table 9-2e Coastal Zone Regulations Use and Enclosure Matrix.....	10
Table 9-2f Coastal Zone Regulations Use and Enclosure Matrix.....	11
Table 9-3a Development Standards Subareas A through J.....	12
Table 9-3b Development Standards Subareas K through T	12
Table 9-3c Development Standards Subareas U through Z	13
Table 9-4 Building Type Schedule	17
Table 9-5 Height Schedule.....	18
Table 9-6 Setback Schedule*	20
Table 9-7 Animal Schedule	23
Table 9-8 Template for Annual Trail Accounting Table	66
Table 9-9 Coastal Administrative Permit Process	70
Table 9-10 Coastal Development Permit Process Authority	76

APPENDICES

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

[This space left intentionally blank]

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.

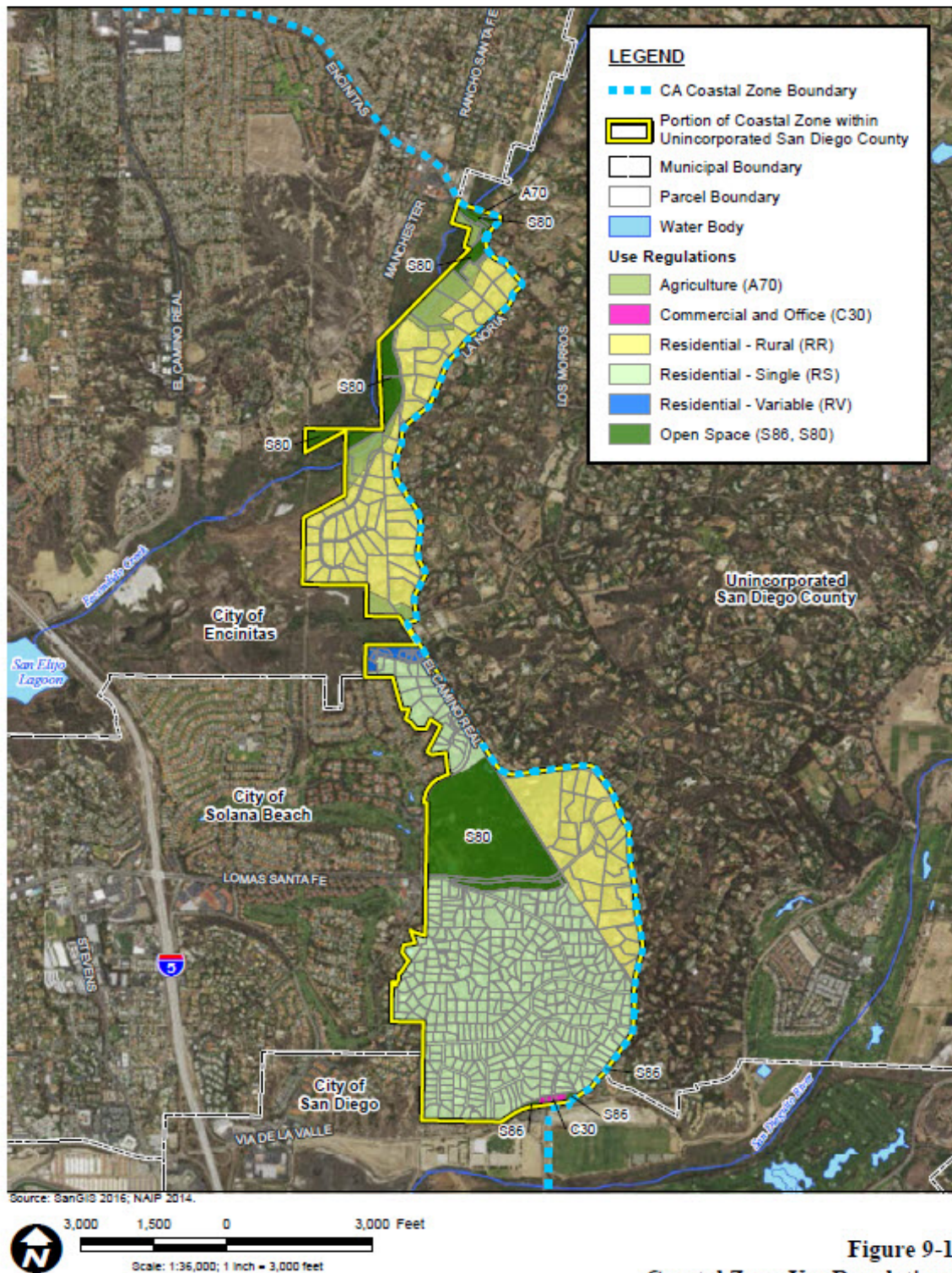


Figure 9-1
Coastal Zone Use Regulations

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_ortizano

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.

a. Responsibility for Administration

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

b. Conflict with Other Provisions

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

c. Severability

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

COASTAL ZONE USE REGULATIONS AND REQUIREMENTS

9100 Purpose

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

9102 Compliance

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

- a. No structure shall be erected and no existing structure shall be moved, altered, added to, or enlarged, nor shall any land, structure, or premises be used, designated, or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the Use Regulation in which such structure, land, or premises is located.
- b. No structure shall be erected, altered, enlarged, or rebuilt to exceed in height the limit hereinafter designated for the Use Regulation, in which such structure is located.
- c. No structure shall be erected, altered, enlarged, or rebuilt, except in conformity to the setback, lot coverage (if applicable), structure location, and other applicable regulations hereinafter designated for the Use Regulation in which such structure is located.
- d. No use shall be established, expanded, altered, changed, or otherwise modified except as provided for in the terms of this Section.

9104 Establishment and Designation of Coastal Zone Use Regulations

a. *Establishment of Coastal Zone Use Regulations*

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

Table 9-1
Coastal Zone
Use Regulations

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

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

b. Coastal Zone Use Regulations (Coastal Zoning Map)

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

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

- a. **Tables 9-2a through 9-2f** illustrate the use regulations and permit requirements for each land use within the Coastal Zone.
- b. **Principal Permitted Uses:** Principal Permitted Uses, or those permitted by-right, within the Coastal Zone are designated by a "Principal Permitted Uses" in Tables 9-2a through 9-2f.
- c. **Supplemental Regulations:** The Supplemental Regulations are located in the Implementation Plan.

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

THE LOCAL COASTAL PROGRAM - COUNTY OF SAN DIEGO

Page 1 of 6

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										PROVISIONS ²										USE REGULATIONS																																															
RESIDENTIAL				COMMERCIAL				AGRICULTURAL				SPECIAL PURPOSE				USE REGULATIONS																																																			
Family Residential				Mobilehome Residential				Administrative and Professional Services				Community Recreation (Excluding Cultural Exhibits and Library Services)				Fire Protection Services				Group Care				Law Enforcement Services				Religious Assembly				Major Impact Services and Utilities				Minor Impact Services				Postal Services				Small Schools																							
				See Section 6816				1410				1315				1325				1330				1332				1335				1340				1345				1346				1348				1350				1355				1360				1365				1375			
RS	PPU		1	S	S		M			M	M	M	P	S	S	M		M	M	S	M	M	S	RS	Single-Family Residential																																										
RV	PPU		1	S	S		M			M	M	M	P	S	S	M		M	M	S	M	M	S	RV	Variable Family Residential																																										
RR	PPU	M	1	S	S	M	M	M	M	M	M	M	P	S	S	M	M	M	M	S	M	M	S	RR	Rural Residential																																										
C30				S	S		PPU	S	M	S	S	P	S	S	S		S	M	M	S	S	M	S	C30	Office-Professional																																										
A70	P	M	1	S	S	M		M	M	M	M	P	S	S	M	S	M	M	S		M	M		A70	Limited Agriculture																																										
S80	P			S	S				M			PPU	M	M		M		M						S80	Open Space																																										
S86				S	S							P	S	S		S		S		S	PPU ²				S86	Parking																																									

MATRIX

LEGEND

PPU Principal Permitted Use

²PPU Principal Permitted Use - Concurrent with Site Plan

S Permitted Use by Site Plan*

M Permitted by Major Use*

P Permitted*

*Appealable to Coastal Commission

¹ See IP Appendix B for Use Types 1 - 8

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

THE IMPLEMENTATION PLAN - COUNTY OF SAN DIEGO

Page 2 of 6

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

**MATRIX
LEGEND**

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

*Appealable to Coastal Commission

¹: See IP Appendix B for Use Types 1 - 8

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

THE IMPLEMENTATION PLAN - COUNTY OF SAN DIEGO

Page 3 of 6

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

Commercial continued on next page

MATRIX LEGEND

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

Revised 02/11/2021 Page 3 of 6
PDSFORMSIZONING ORDINANCE MTRX-3

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

THE IMPLEMENTATION PLAN - COUNTY OF SAN DIEGO
**COASTAL ZONE REGULATIONS
USE & ENCLOSURE MATRIX**

Page 4 of 6

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 apply.

USE TYPES ¹		COMMERCIAL (cont.)										Use Regulations	
		1400 See Section 6816	Exposed Semi-Enclosed	Open	Drive-In	Participant	Indoor	Outdoor	Personal Services (General)	Research Services	Retail Sales		
						a) b)							
RS						P	P	P			P	P	RS Single-Family Residential
RV						P	P	P			P	P	RV Variable Family Residential
RR		S	S	S			M						RR Rural Residential
C30		S			M			P	M				C30 Office-Professional
A70		S	S	S			M						A70 Limited Agriculture
S80		S	S	M		S	M						S80 Open Space
S86		S	S	S	S								S86 Parking

Commercial continued on next page

**MATRIX
LEGEND**

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

*Appealable to Coastal Commission

¹See IP Appendix B for Use Types 1 - 8

Revised 02/11/2021 Page 4 of 6
PDSFORMSIZONING ORDINANCE MTRX-4

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

THE IMPLEMENTATION PLAN - COUNTY OF SAN DIEGO

Page 5 of 6

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.)				TRANSIENT HABITATION:		INDUSTRIAL			Use Regulations
	Enclosed	Semi-Enclosed	Drive-In	Open	Campground	Transient Habitation: Resort	Enclosed	Semi-Enclosed	Open	
1400	See Section 6816				6450	6400	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	S		M							C30 Office-Professional
										AGRICULTURAL
A70	S	S	S		M	M		S	S	M A70 Limited Agriculture
										SPECIAL PURPOSE
S80	S	S	S							S80 Open Space
S86	S	S	S	S						S86 Parking

MATRIX LEGEND

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

¹ See Appendix B for Use Type Definitions

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

THE IMPLEMENTATION PLAN - COUNTY OF SAN DIEGO

Page 6 of 6

**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 shall apply.

USE TYPES ¹		AGRICULTURAL																Use Regulations			
		Enclosed Semi-Enclosed	Open	Horticulture	(a) Cultivation	(b) Storage	Tree Crops	Row & Field Crops	Animal Raising	Packing and Processing	a) Limited	b) General	c) Support	d) Winery	e) Small Winery (see Section 69(10))	f) Boutique Winery (see Section 69(10))	g) Wholesaler Limited Winery (see 69(10))		Agricultural Equipment Storage	Farm Labor Camp	Site Preparation
1700	See Section 6816																				
1710																					
1715																					
1720																					
1725																					
1735																					
1740																					
1750																					
1820																					
RS	M	M	S		S		S	S	2											M	RS Single-Family Residential
RV	M	M	S		S		S	S	2											M	RV Variable Family Residential
RR	S	S	S		S	S	S	S	2		M		M						S	RR Rural Residential	
C30									2											M	C30 Office-Professional
A70	P	P	P		PPU	P	P	P	2		S	7	M	M	M	8	8	M	S		A70 Limited Agriculture
S80	S	S	S		S	S	S	S	2		S									S	S80 Open Space
S86																				M	S86 Parking

**MATRIX
LEGEND**

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

*Appealable to Coastal Commission

¹ See IP Appendix B for Use Types 1 - 8

Revised 02/11/2021 Page 6 of 6
PDSFORMSIZING ORDINANCE MTRX-6

COASTAL ZONE SITE DEVELOPMENT STANDARDS

9200 Site Development Standards by Subarea

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

**Table 9-3a
Development Standards
Subareas A through J**

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

- = Not applicable

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

**Table 9-3b
Development Standards
Subareas K through T**

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

- = Not applicable

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

Table 9-3c
Development Standards
Subareas U through Z

Dev Regs¹	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.

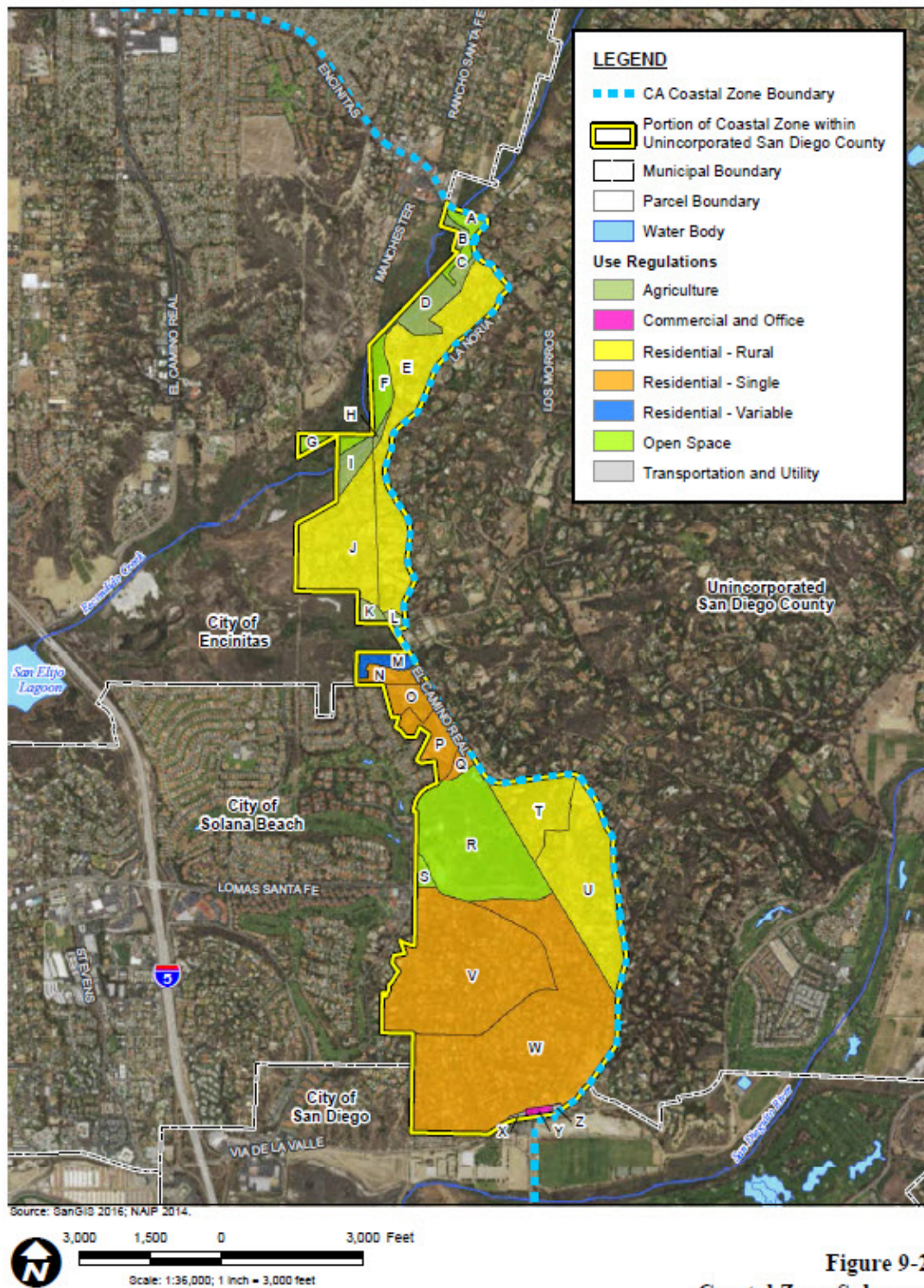


Figure 9-2
Coastal Zone Subareas

Local Coastal Program - Local Coastal Implementation Plan

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

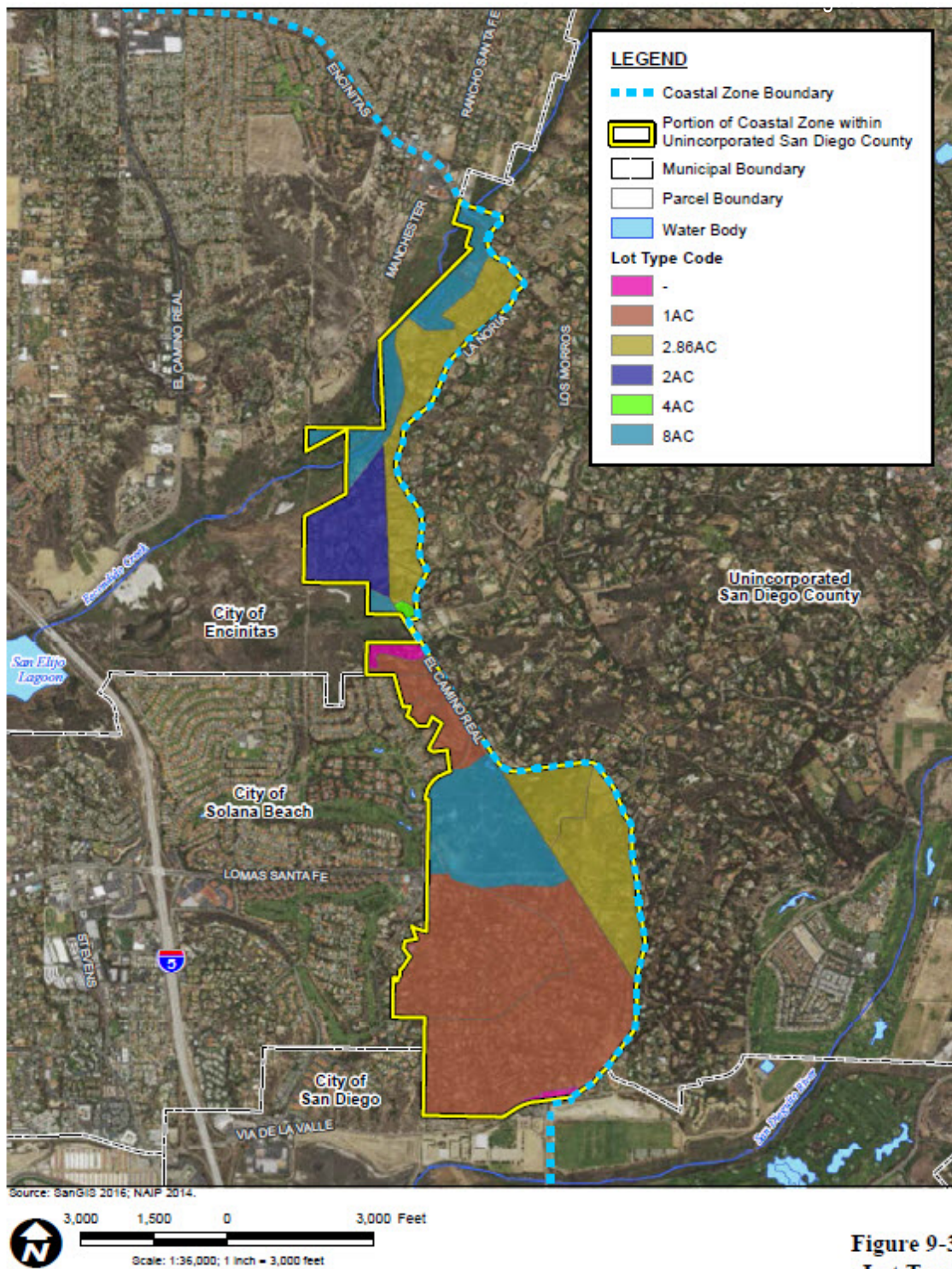


Figure 9-3
Lot Type

Local Coastal Program - Local Coastal Implementation Plan

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

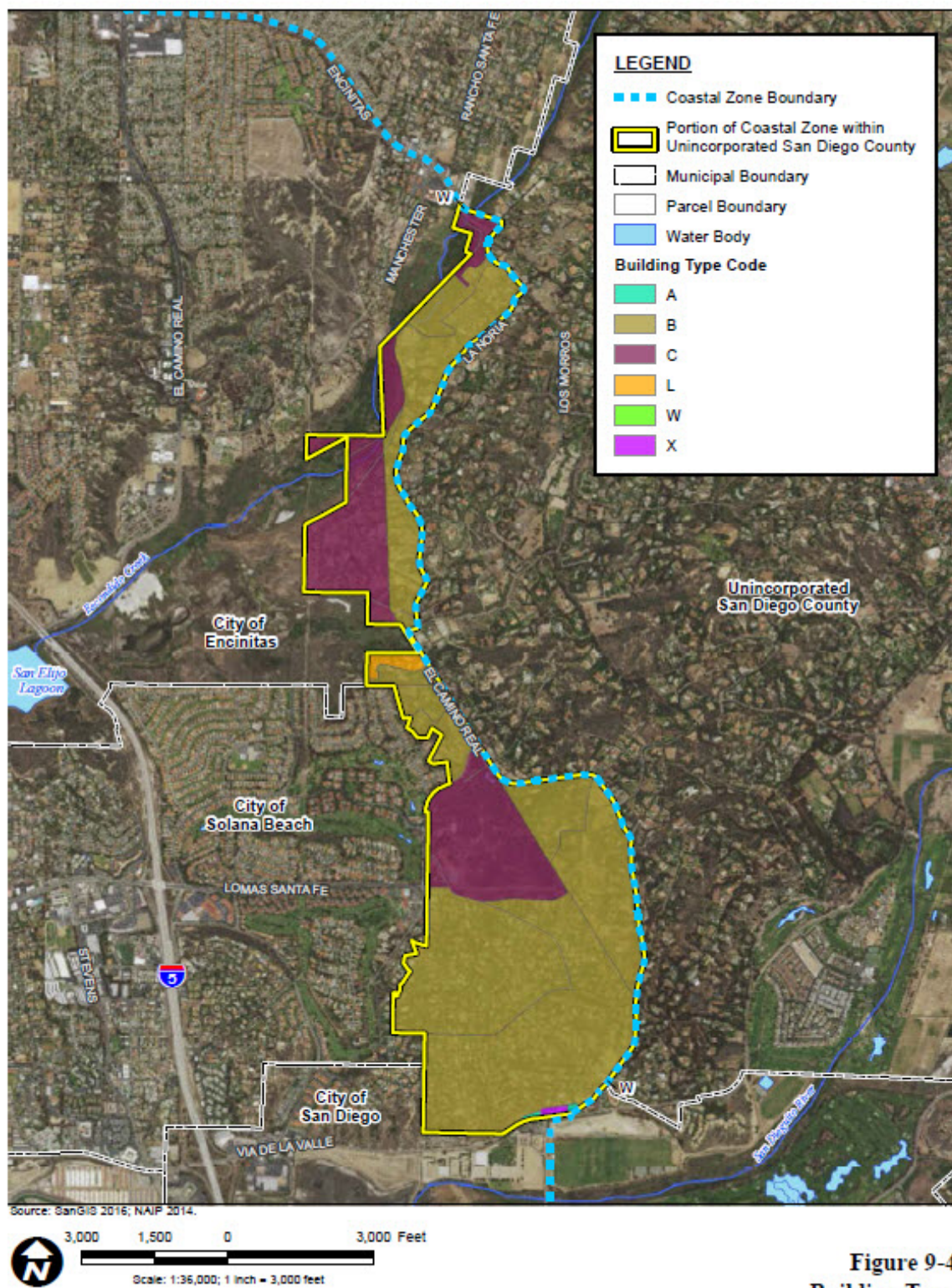


Figure 9-4
Building Type

Local Coastal Program - Local Coastal Implementation Plan

Path: P:_6048\60484703_Local_Coastal_Program_Update\806-CAD-GIS\822_Maps\ImplementationPlan_Maps\BuildType.mxd, 8/3/2016, daniel_orellano

- ii. **Building Type** – **Figure 9-4** illustrates the allowed building type designators within the Coastal Zone. For developments located in the Use Regulation Zone C30 (Commercial: Office Professional), residential uses are restricted on the ground floor. 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)	Triples, Three Unit Multiple (a) (same lot)	Attached, Three to Eight Dwelling Units (separate lots)	Multi-Dwelling (same lot)	Limited Nonresidential (ground level and basement only)	Unlimited Nonresidential (any level)	Detached (one or more main buildings per lot)	Attached (same lot or separate lots)
A ¹											
B	X										
C	X							X		X	X
L	X	X	X	X	X	X	X	X	X	X	X
W										X	X
X										X	

Note:

(a) Detached dwellings are permitted.

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

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

**Table 9-5
Height Schedule**

Designator	Maximum Height^{1, 2, 3} (Feet)	Maximum Number of Stories
A	15	1
E	30	2
G	35	2

Note:

- ¹ The following structures shall be exempt from the maximum height provisions of an applicable height designator.
- ² If a proposed structure is located within the San Dieguito Park's "Vantage Point 2000-Foot Buffer," an CDP 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 CDPs granted within this radius shall comply with the applicable design criteria cited in the LUP Goal 6.3.2, "Development," Policy 6.7.
- ³ The following structures shall be exempt from the maximum height provisions of an applicable height designator. Exemptions to these may be granted after review and decision on a Minor Use Permit:
 - a. Radio and television receiving antennas of the type customarily used for home radio and television receivers that shall be the minimum height allowed by federal law.
 - b. Transmitting antennas used by licensed amateur (ham) or citizens band radio operators shall be the minimum height allowed by federal law.
 - c. Flagpoles shall not be used as signs, or attention-attracting devices, and shall be no more than 40 feet in height.
 - d. 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.
 - e. Chimneys extending no more than 3 feet above the highest point on the roof of the building, to which they are attached.
 - f. Any structure, for which a CDP-is granted pursuant to other provisions of this Implementation Plan, when that CDP authorizes an exemption to the height regulations.
 - g. Any structure used primarily to contain or support Essential Services or Fire Protection Services uses.
 - h. A Photovoltaic Solar Energy System extending not more than 5 feet above the highest point of a building's roof.
 - i. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.
 - j. Meteorological Testing (MET) Facility that shall be the minimum height allowed by federal law.
 - k. Brewery and associated structures, including water tanks or silos, not more than 40 feet in height, located in commercial zones.

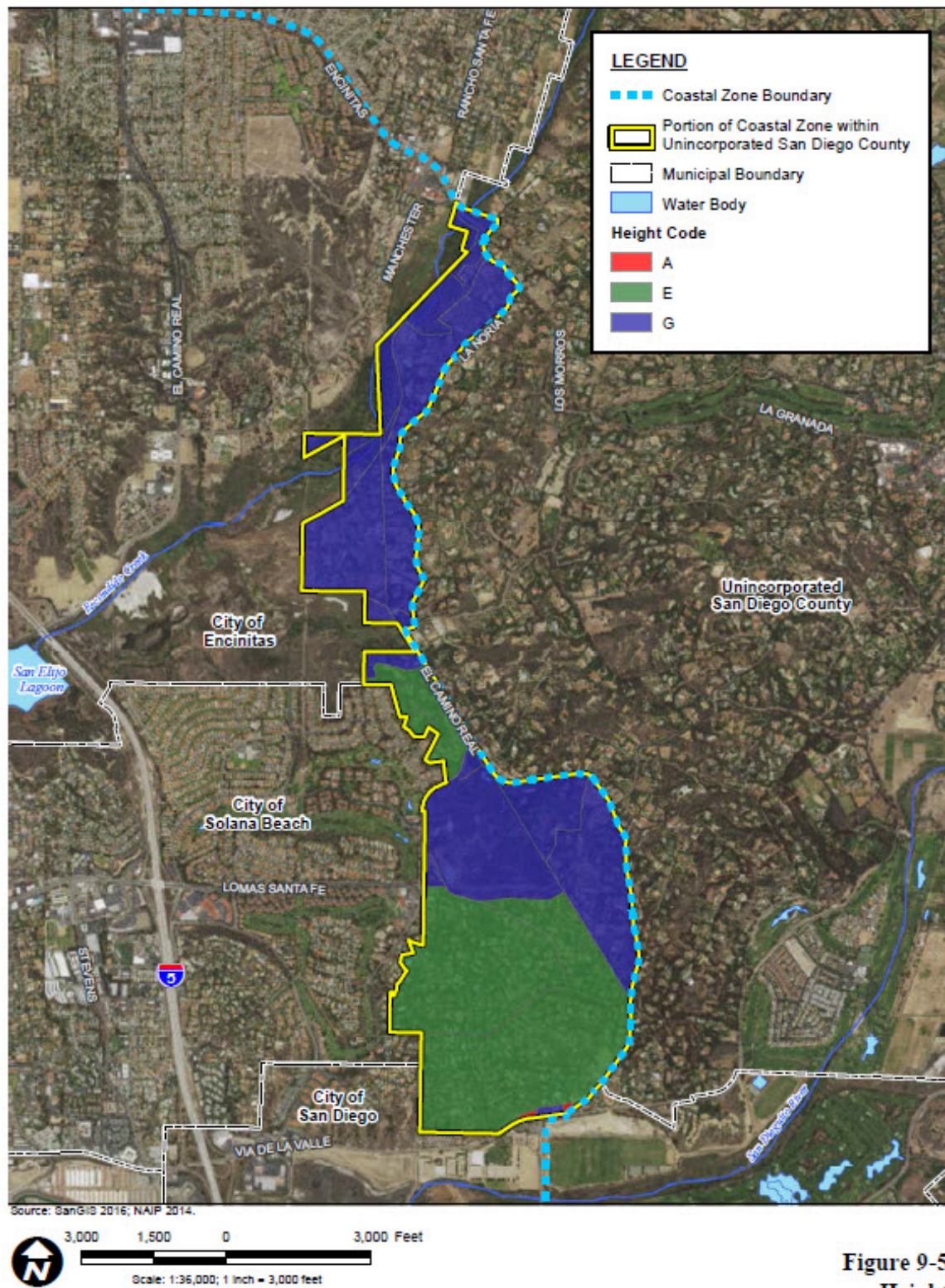


Figure 9-5
Height

Local Coastal Program - Local Coastal Implementation Plan

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

- 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:

- * Consolidated 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.

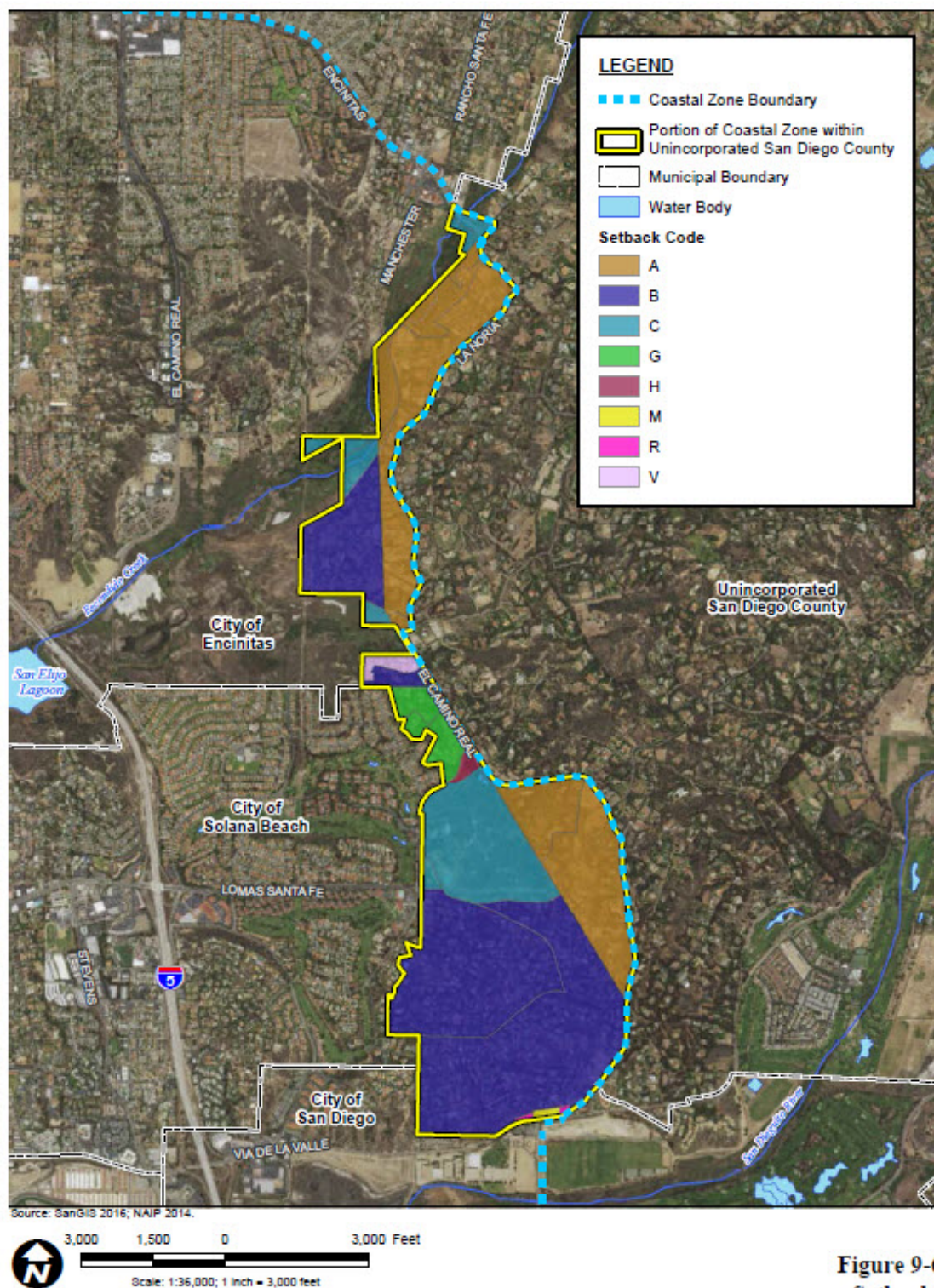
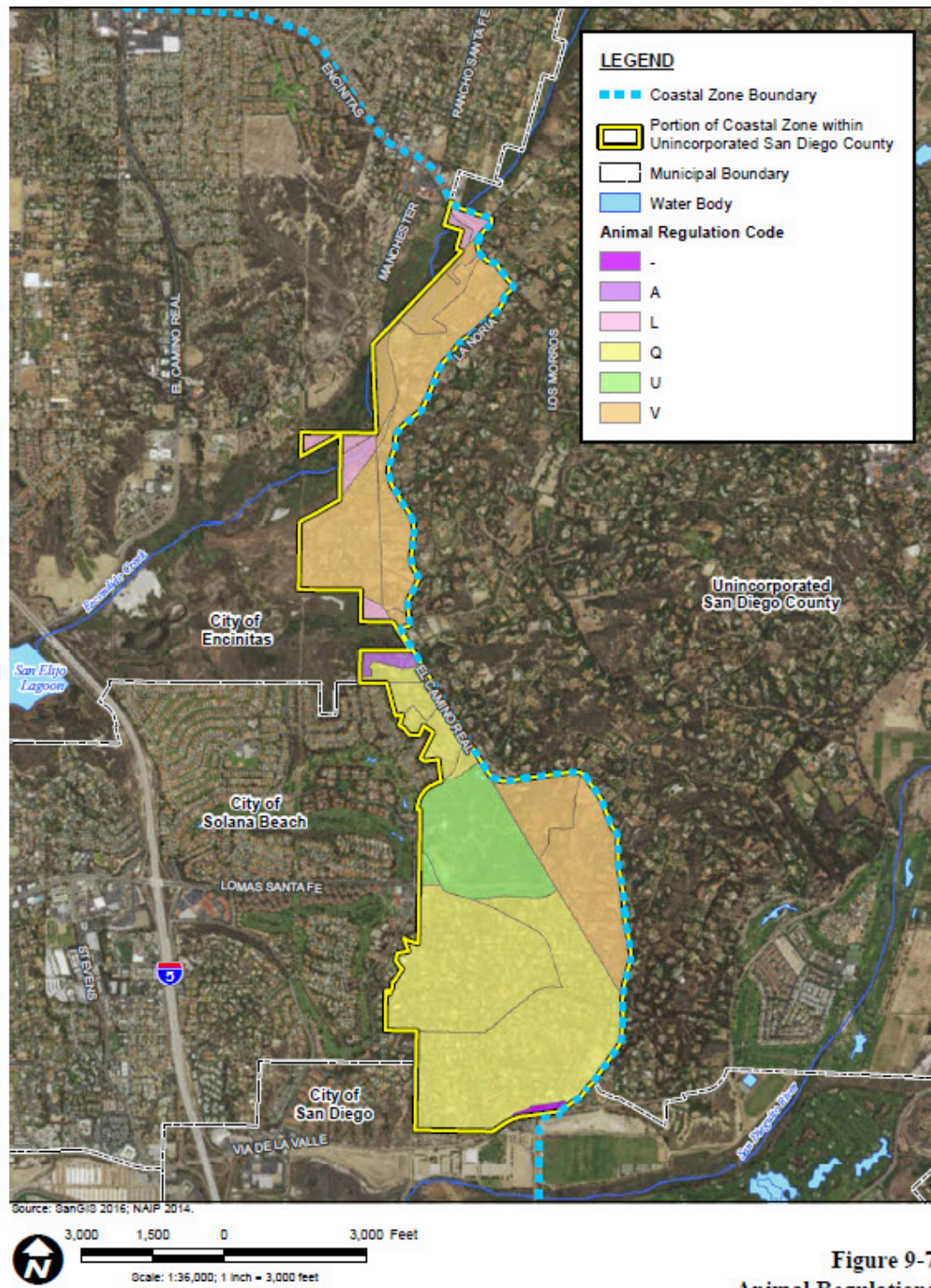


Figure 9-6
Setbacks

Local Coastal Program - Local Coastal Implementation Plan

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

- 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.



Local Coastal Program - Local Coastal Implementation Plan

Path: P:_6048\60484703_Local Coastal Program_Update\800-CAD-GIS\822_Maps\ImplementationPlan_Maps\AnimalRegs.mxd, 8/3/2016, daniel_orellano

**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 CDP		X		X	X
Kennels (see Note 1)	MUP required		X			X
	One acre + by CDP	X				
Animal Raising (see Note 6)						
(a) Animal Raising Projects see Section 3115	½ acre+ by AD		X			X
	1 acre+ by CDP	X				
(b) Small Animal Raising (includes Poultry) (See Note 8) Chinchillas (See Note 5)	25 maximum		X	X		X
	½ acre+: 10 max	X				
	½ acre+ 25 max by ZAP	X				
	100 max by ZAP		X			
(c) Large Animal Raising (Other than horsekeeping)	8 acres + permitted		X			
	1 acre or less: 2 animals		X			
	1 to 8 acres: 1 per ½ acre		X			
	2 animals			X		X
	½ acre + 2 animals per ½ acre by ZAP	X				
(d) Horse keeping (other than Animal Sales and Services: Horse Stable)	Permitted		X	X	X	X
	2 horses + 1 horse per ½ acre over ½ acre + AD	X				
(e) Specialty Animal Raising: Bees (See Title 6, Division 2, Chapter 9, County Code) (See Note 7)	Permitted	X	X	X	X	X
(f) Specialty Animal Raising: Wild or Undomesticated (See Note 3)	ZAP Required		X		X	
(g) Specialty Animal Raising: Other (Excluding Birds or Aquaponics)	25 maximum		X	X		X
	25 maximum by ZAP		X			
	25 plus by ZAP	X			X	X
(h) Specialty Animal Raising: Birds	25 maximum		X	X	X	
	100 maximum					X
	Additional by ZAP	X	X		X	X
(i) Racing Pigeons	100 Max 1/acre plus			X		
	Permitted		X			
Animal Enclosure Setbacks						
Most Restrictive (Distance from lot lines: 10 feet)		X	X	X	X	X

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

Notes:

- 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.
- 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.
- 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.
- Chinchillas are considered small animals except that a ZAP may be approved for more than 25 chinchillas on property with the "L" Designator.
- 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.

vi. **Figure 9-8** illustrates the Special Area Regulations that apply within the Coastal Zone.

9204 Landscaping Requirements

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

9206 Lighting Requirements

- a. Lighting requirements within the Coastal Zone are subject to the provisions of the County’s Light Pollution Code.
- b. The provision of lighting shall be consistent with all required Special Area Regulations requirements in Section 9300 through 9314 as applicable.
- c. Lighting shall comply with the following standards (see Table 9206):

Categories:

Class I: Commercial/Industrial Uses

Class II: Parking and Security – All Uses

Class III: Decorative – All Uses

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

Table 9206

Class	Lamp Type	ZONE B (Outside 15 Mile Radius of Palomar Mountain Observatory)
Class I	Low Pressure Sodium Lamps	Fully Shielded
	Lamps, above 4050 Lumens	Fully Shielded
	Lamps, 4050 Lumens or below	Fully Shielded (unless lighting is for commercial signs, then shielding is only required where feasible)
	Low Pressure Sodium Lamps	Fully Shielded
	Lamps, above 4050 Lumens	Prohibited, except fully shielded HPS is allowed for private roadways (private driveways excluded)

Class II	Lamps, 4050 Lumens and Below	(a) Fully shielded fixture (luminaire); or, (b) Unshielded fixture (luminaire), 2000 lumens maximum with motion sensor; or, (c) Residential Entrance Light
Class III	Low pressure sodium	Fully Shielded
	Lamps, above 4050 Lumens	Prohibited
	Lamps, 4050 Lumens or Below	2000 Lumens maximum
	Luminous Tube (e.g. neon)	Fully Shielded

Examples of lamps, 4050 lumens:

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

Examples of lamps, 2000 lumens:

- 100 watt Incandescent
- 26 watt Florescent

“Fully Shielded” denotes that outdoor light fixtures (luminaire) are to be shielded, focused, or constructed so that light rays project below a horizontal plane passing through the lowest light-emitting point of the fixture. “Residential Entrance Light” is lighting that is required at exits doors per building & electric code requirements.

- d. Lighting requirements adjacent to ESHA. Lighting requirements adjacent to ESHA shall comply with the following standards.
- Night lighting for any development located adjacent to ESHA, ESHA buffers, or where night lighting would increase illumination in ESHA, shall be prohibited.
 - No development shall include night lighting that generates light trespass or spill light into ESHA that exceeds 0.1 footcandle. This shall be measured in the horizontal or vertical plane, at a point three feet above grade level, and one foot inside the adjacent ESHA property. This measurement shall be taken 15 minutes after the initial start-up of the fixture.
 - All night lighting adjoining ESHA shall be shielded away from ESHA.
 - Night lighting adjacent to ESHA shall not project blue hues and colors shall impact sensitive species. A study shall be submitted for any development proposed adjacent to ESHA that shall address the most appropriate lighting colors for the proposed development.
 - Temperature of lighting adjacent to ESHA shall not project heat inside the ESHA boundary. A study shall be submitted for any development proposed adjacent to ESHA that shall address the most appropriate lighting temperature for the proposed development.

9208 Sign Requirements

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

- b. Sign requirements specific to the Coastal Zone include:
 - i. Off premise Signs. Off-premise signs shall be prohibited within the Coastal Zone.
 - ii. Sign Area. Signs located within the California Coastal Zone and all Residential Use Regulations shall be limited to 16 square feet.
 - iii. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.
 - iv. Roof Signs. No roof signs shall be permitted within the Coastal Zone or along State or County designated scenic highways within the Coastal Zone.
 - v. Height. A commercial freestanding sign shall not exceed a height measured from the ground of eight feet within the Coastal Zone.
 - 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 consistent with all required Special Area Regulations requirements in Section 9300 through 9314 as applicable, except as otherwise noted in Section 9404 (Exemptions).

9210 Temporary Use Requirements

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

9212 Accessory Use Requirements

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

9214 Fencing Requirements

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

COASTAL ZONE SPECIAL AREA REGULATIONS

9300 Purpose

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

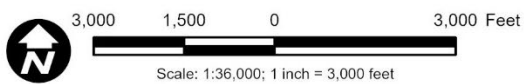
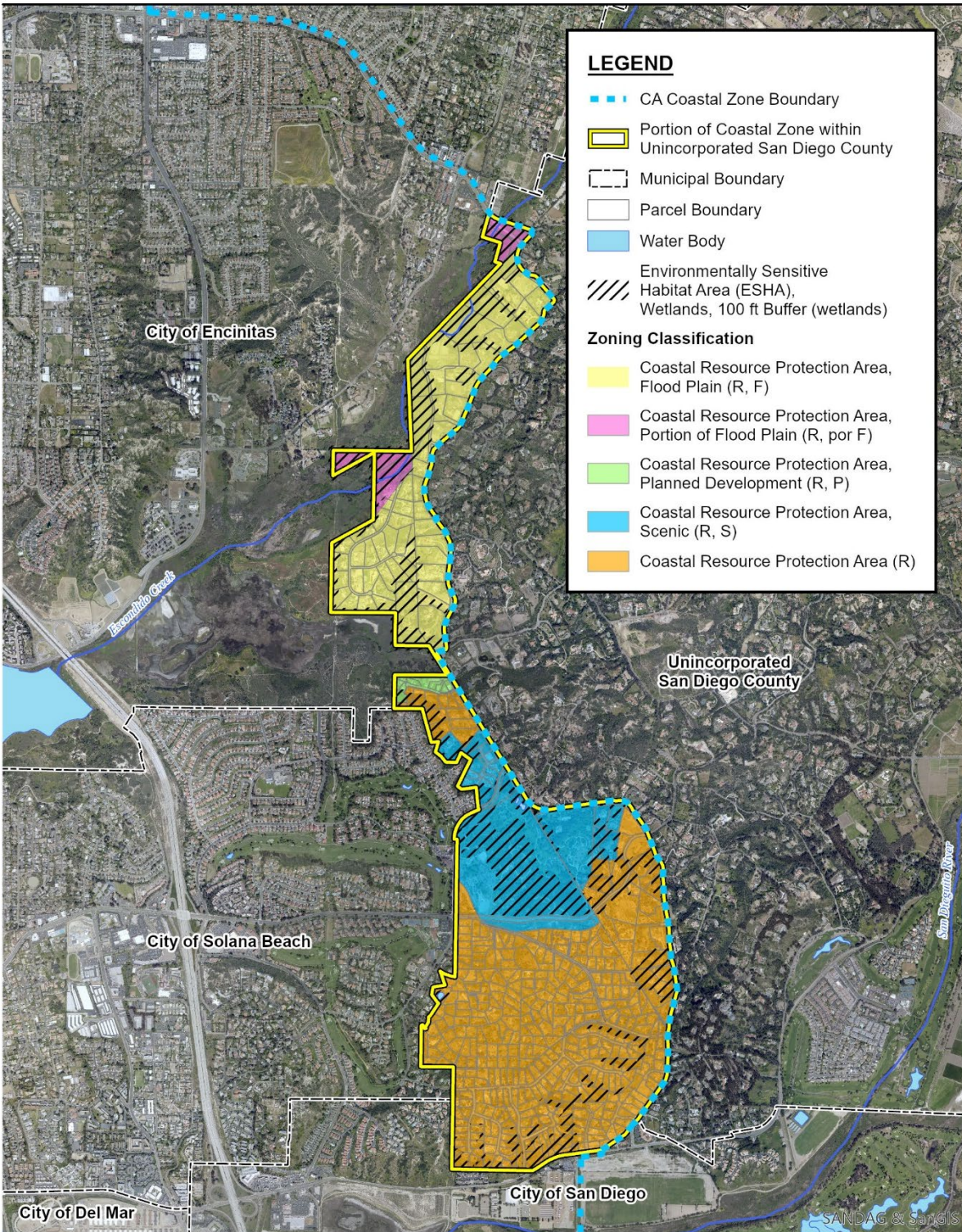


Figure 9-8
Coastal Zone Special Area Designators

Local Coastal Program Implementation Plan

9301 New Development - Biological Inventory

The following paragraphs shall relate to biological inventories, and when necessary Biological Studies. This section applies to Environmentally Sensitive Habitat Areas, as identified in Figure 11 (Environmentally Sensitive Habitat Areas) in the County certified Land Use Plan, and all other special area regulations.

- a. New development proposals on properties with the possible presence of native plant and animal species, and native ecological communities shall include an inventory conducted by a qualified biologist. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed Biological Study shall be required. Sensitive species are those listed in any of three categories: federally listed, state listed, and California Native Plant Society (CNPS) categories 1B and 2.
- b. The detailed Biological Study shall include at a minimum:
 - i. A site-specific survey evaluating existing habitat resources that would be affected by development at the time of proposed development.
 - ii. A map identifying existing habitat resources within the project's identified area of potential impact at the time of proposed development.
 - iii. An identification and evaluation of buffers, or setbacks, required around any identified habitat resources, including wetland or riparian vegetation, to ensure the biological integrity of the resource and consistency with the LCP.
 - iv. Identification of all biological impacts of the proposed development.
 - v. Alternatives and/or mitigation measures for reducing any identified impacts to a less than a significant level.
 - vi. Mitigation/Restoration and Monitoring Program for any mitigation required.

9302 Development - Environmentally Sensitive Habitat Area (ESHA)

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

- a. ESHA shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within ESHA. Areas adjacent to ESHA, as identified in Figure 11 (Environmentally Sensitive Habitat Areas) in the County certified Land Use Plan, shall be sited and designed to prevent degradation of those areas.
- b. New development shall be sited and designed to avoid impacts to ESHA. For development permitted pursuant to Section 9302.c below, if there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. In that case, impacts to ESHA shall be minimized, and impacts that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures may only be approved when the applicant demonstrates it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA. For only those applications meeting Section 9302.c, mitigation for impacts to ESHA shall be provided at a 3:1 ratio.

- c. If the application of the policies and standards contained in the LCP regarding use of property designated as ESHA, or ESHA buffer, including the restriction of ESHA to only resource-dependent use, would likely constitute a taking of private property without just compensation, then a use that is not consistent with the ESHA provisions of the LCP shall be allowed on the property, provided such use is:
 - i. Consistent with all other applicable policies of the LCP;
 - ii. The approved project is the alternative that would result in the fewest or least significant impacts; and
 - iii. The minimum amount of development necessary to avoid a taking of private property without just compensation.
- d. For those cases meeting Section 9302.c, the development shall demonstrate the extent of ESHA on the property and include mitigation for unavoidable impacts to ESHA or ESHA buffers from the removal, conversion, or modification of natural habitat for new development. This shall include those site areas designated as required fuel modification and brush clearance zones. On-site mitigation shall be prioritized over off-site mitigation, however, mitigation shall not substitute for implementation of a feasible project alternative that would avoid adverse impacts to ESHA.
- e. For those impacts to ESHA that do not conform to the situation described in Section 9302.c, impacts to ESHA shall be prohibited, except where no other feasible alternative exists. Where ESHA impacts are permitted in accordance with the Coastal Act, adverse impacts will be mitigated at the following ratios:
 - i. 1:1 for native tree replacement (e.g. oaks, walnut, sycamore), for a tree of comparable size
 - ii. 4:1 for wetlands
 - iii. 3:1 for non-wetland riparian habitats
 - iv. 3:1 for other habitats that support state or federal rare, threatened, or endangered species, species of special concern or CNPS 1b or 2 listed plants
 - v. 2:1 for coastal sage scrub not occupied by listed species.
- f. For impacts to ESHA identified in Section 9302.e, that cannot be avoided through the implementation of siting and design alternatives, ESHA impacts shall be fully mitigated, and the priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where off-site mitigation is more protective. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.
- g. Mitigation measures for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five, and no more than ten years following completion of the mitigation measures. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement, and compared against an appropriate reference site, where feasible. Adaptive management techniques shall be implemented if necessary. Monitoring reports shall be provided to the County annually, and at the conclusion of the monitoring period, that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the applicant may request that the monitoring period be extended until the standards are met. However, if at any time after five years the applicant concludes that performance standards cannot be met, or if ten years have elapsed and performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures.

- h. 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 fuel modification 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. All wetland buffers shall be a minimum of 100-feet in width or a minimum of 50 feet in width around riparian areas. A smaller width may be approved by Planning & Development Services and the Fire Marshal in consultation with the CDFW, USFWS, and CCC when conditions of the site as demonstrated in a site-specific biological survey, the nature of the proposed development, etc. show that a smaller buffer would provide adequate protection. In such cases, the CDFW must be consulted and agree that a reduced buffer is appropriate and the County, or Coastal Commission, must find that the development could not be feasibility constructed without a reduced buffer. However, in no case can the buffer size be reduced to less than 50 feet, excluding fuel modification zones. Fuel modifications zones shall occur outside, not within ESHA buffers. 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, ESHA buffer areas, or park buffer areas, unless ordered by the Fire Authority and in consultation with the Resource Agencies (CDFW, USFWS, and CCC). Habitat restoration and invasive plant eradication may be permitted within required buffer areas if designed to protect and enhance habitat values.
- i. Public, non-motorized trails are considered resource dependent uses. Non-motorized trails located within or adjacent to ESHA, shall be sited to minimize impacts to ESHA to the maximum extent feasible and in general should be located around the periphery of sensitive habitat areas. Measures, including but not limited to signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.
- j. 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.
- k. The use of insecticides, herbicides, rodenticides or any toxic chemical substance that has the potential to significantly degrade ESHA, shall be prohibited, within and adjacent to ESHAs, except in the following circumstances:
 - i. Where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration
 - ii. To protect public health; or
 - iii. As required for wildfire, or other fire, fuel modification.
- l. Application of such chemical substances shall not take place during the winter season, or when rain is predicted within a week of application. Within or adjacent to ESHA, mosquito abatement shall be limited to the implementation of the minimum measures necessary to protect human health, and shall minimize adverse impacts to ESHA.
- m. 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 lead department shall review all available site-specific information to determine if the area in question should no longer be considered ESHA and

not subject to the ESHA protection policies of the LUP. If the area is determined to be adjacent to ESHA, LUP ESHA buffer policies shall apply. The Director of lead department 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. If a site-specific biological study contains substantial evidence that an area not previously mapped as ESHA does contain habitat that meets the definition of ESHA, the Director of the lead department shall review all available site-specific information to determine if the area in question should be considered ESHA. The Director of the lead department 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 not previously mapped as ESHA does 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 to include area in question.

9304 Wetlands

- a. Where an initial site inventory indicates the presence or potential for wetland species or indicators, the County shall require a delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations.
- b. The diking, filling, or dredging of wetlands, estuaries, and streams may be permitted in accordance with all policies of the LUP, where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (i) Incidental public service purposes, including but not limited to, burying cables and pipes. (ii) Restoration purposes. (iii) Nature study, or similar resource-dependent activities.
- c. Wetland fill or development impacts located within wetlands, in accordance with: 1) the Coastal Act; and 2) Applicable LCP policies, mitigation measures shall include, at a minimum, creation or substantial restoration of wetlands of the same type lost. Adverse impacts to delineated wetlands will be mitigated at a ratio of 4:1 for all types of wetland, and 3:1 for non-wetland riparian areas. The mitigation ratio may be 1:1, if, prior to the development impacts occurring, the mitigation is completed and is empirically demonstrated to meet performance criteria that establish that the created or restored wetlands are functionally equivalent to relatively pristine natural wetlands of the same type as the impacted wetlands. Replacement of wetlands on-site or adjacent to the project site, within the same wetland system, shall be given preference over replacement off-site or within a different system. Areas subjected to temporary wetland impacts shall be restored to the pre-project condition at a 1:1 ratio. Temporary impacts are disturbances that last less than 12 months and do not result in the physical disruption of the ground surface, death of significant vegetation within the development footprint, or adverse alterations to wetland hydrology.
- d. A buffer of at least 100 feet in width from the upland edge of wetlands and at least 50-feet in width from the upland edge of riparian habitat shall be provided. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width). Buffers should take into account and adapt for rises in sea level. Under this policy, the CDFW, USFWS, and USACE must be consulted in such buffer determinations and in some cases, the required buffer could be greater than 100 feet. Uses and development within buffer areas shall be limited to minor passive recreational uses, with fencing, siltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area; however, water quality features required to support new development shall not be constructed in wetland buffers.

In some cases, smaller buffers may be appropriate, when it is demonstrated in a site-specific biological survey, that: 1) Conditions of the site; 2) Type of habitats; 3) The nature of the proposed development; etc., show that a smaller buffer would provide adequate protection. In such cases, the CDFW shall be consulted and agree that a reduced buffer is appropriate. On appeal, the County or Coastal Commission must find that the development could not be feasibly constructed, without a reduced buffer, however, in no case shall the buffer be less than 50 feet, excluding fuel modification zones.

- e. All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement, or other suitable instrument.
- f. In addition to the findings required for granting a coastal permit pursuant to Section 9408, the following specific findings shall be made for wetland areas:
 - i. The proposed use, activity or construction will not have any significant adverse effects on the habitat or scenic values of the wetlands or on associated rare, threatened or endangered species; or that adequate measures will be provided to mitigate such significant adverse effects.
 - ii. The proposed use, activity or construction will not: 1) Involve wetland fill, except as related to habitat enhancement; 2) Increase sedimentation of the wetland; 3) Adversely decrease stream-flow into the wetland; nor 4) Reduce tidal interchange or internal water circulation.
 - iii. The proposed use, activity, or construction is consistent with the applicable goals and policies of the California Coastal Act and of the San Diego County Local Coastal Program Land Use Plan.
 - iv. Evidence of the preliminary approval of the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and other resource management agencies has been provided if permits are needed.

9306 Water Quality and Watershed Protection

- a. INTENT. The purpose of this section is to provide the water quality protection requirements, as set forth in the Coastal Act. This section implements the LCP water quality policies, together with State Water Resources Control Board and California Regional Water Quality Control Board water quality protections currently in effect, and with successive updates in the future. This section is intended to provide a robust program for protecting and, where feasible, improving coastal water quality. Where there is a conflict between requirements of the LCP and other applicable standards in effect, such as NPDES Storm Water permits, the requirements that on balance are most protective of coastal resources shall be applied.
- b. PRIVATE SEWER LATERALS AND ON-SITE WASTEWATER TREATMENT SYSTEMS.
 - i. Private sewer laterals shall be cleaned, maintained and when necessary replaced to prevent seepage and spills. On-site wastewater systems shall be pumped, maintained and when necessary modified or replaced to prevent spills.
 - ii. Spills from private sewer laterals and on-site wastewater systems shall be contained and cleaned-up in a manner that minimizes any release of pollutants to the stormwater conveyance system or receiving waters.

- iii. Any release from a private sewer lateral that enters the stormwater conveyance system or receiving waters shall be immediately reported to the County.
 - iv. Failed on-site wastewater treatment systems shall be repaired or replaced.
- c. CONSOLIDATING EXISTING AND NEW STORMWATER OUTFALLS.
 - i. Implement design and management features to minimize adverse impacts to coastal resources resulting from discharges of stormwater or dry weather runoff through stormwater outfalls.
 - ii. Prevent erosion at stormwater outlets. Protective measures shall be used to prevent erosion at stormwater outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion from concentrated runoff flows.
 - iii. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity:
 - a) Use vegetative bioengineered measures. Vegetative bioengineered measures (such as plant wattles) for outlet protection shall be given preference, rather than hardened structures, where site conditions are favorable for these measures to be feasible and effective. Where plant wattles are not feasible, other bioengineered measures (such as rock and plant pole cuttings) shall be considered for outlet erosion prevention.
 - b) Use a hardened structure consisting of loose material. Where a vegetative bioengineered measure is not feasible or effective, a hardened structure consisting of loose material (such as rip-rap apron or rock slope protection) shall be considered for outlet erosion prevention. Wattles shall be fully biodegradable and shall not include plastic netting.
 - c) Use a fixed energy dissipation structure. Where none of the above measures would be feasible or effective, a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles) designed to handle the range of flows exiting the outlet shall be used for outlet erosion prevention. It is anticipated that larger outlets will require a fixed energy dissipation structure.
- d. OVERVIEW OF WATER QUALITY PROTECTION PLANS FOR DEVELOPMENT PROJECTS. Developments that require a Coastal Development Permit and have the potential for adverse water quality or hydrologic impacts to coastal waters shall in most cases require both a construction-phase plan and a post-development plan for water quality protection. The water quality protection plans for development projects are summarized as follows:
 - i. Construction-Phase. A Construction Pollution Prevention Plan (CPPP) or, if required under NPDES, a Stormwater Pollution Prevention Plan (SWPPP), shall be required if a Coastal Development Permit is required, and that entails construction that has the potential for adverse water quality or hydrologic impacts to coastal waters. For the purposes of this chapter, construction includes clearing, grading, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces. The CPPP/SWPPP shall describe the temporary Best Management Practices (BMPs) the development will implement to minimize erosion and sedimentation

during construction, and to minimize pollution of runoff by construction chemicals and materials.

- ii. Post-Development Phase. All development in the Coastal Zone shall prepare either a Post Development Runoff Plan (PDRP) or, if required under NPDES, a Storm Water Quality Management Plan (SWQMP). Additionally, if the development is a Priority Development Project, the applicant must also submit a Water Quality and Hydrology Plan, or alternatively, a Priority Development Project Storm Water Quality Management Plan (PDP SWQMP), if required under NPDES. PDPs are specified categories of development that have a greater potential for adverse water quality and hydrologic impacts due to the development size, the type of land use, and/or proximity to coastal waters, and are listed below.
 - a) PDRP/SWQMP. Development that requires a Coastal Development Permit and has the potential for adverse water quality or hydrologic impacts to coastal waters shall (1) require a PDRP/SWQMP if the development entails construction; or (2) require a preliminary PDRP/SWQMP if the development entails activities or changes in land use other than construction, including subdivision or re-division of land. The PDRP/SWQMP shall describe the runoff management Site Design strategies, pollutant Source Control BMPs, and other measures the development will implement to protect coastal waters after the development is completed.
 - b) Water Quality and Hydrology Plan (WQHP) or PDP SWQMP. A WQHP/PDP SWQMP shall be required for development that requires a Coastal Development Permit, has the potential for adverse water quality or hydrologic impacts to coastal waters, and addresses a Priority Development Project (PDP). Nine categories of PDP developments are listed below.
- e. All plans shall include the following information on site conditions applicable to the project, to enable evaluation of the project's potential water quality and hydrologic impacts:
 - i. Location map. A location map, drawn to scale, showing the location of the development, and the distance from the development to the nearest coastal waters and other natural hydrologic features.
 - ii. Description of existing project site conditions. A site plan that illustrates and describes the following existing project site conditions:
 - a) Topography and drainage. General site topography and drainage, including natural hydrologic features that may provide stormwater infiltration, treatment, storage, or conveyance (such as groundwater recharge areas, stream corridors, floodplains, and wetlands), and any existing structural stormwater conveyances or BMPs.
 - b) Nearby coastal waters and ESHA. Location of coastal waters and Environmentally Sensitive Habitat Areas (ESHA) within 200 feet of the project site, indicating whether site runoff drains to these areas.
 - c) Discharges to impaired waters or ASBS. Whether runoff discharges to receiving waters listed for water quality impairment on the most recent Clean Water Act Section 303(d) list, or to an Area of Special Biological Significance (ASBS).
 - d) Structures and pavement. Existing structures, impervious surface areas,

permeable pavements, utilities, and vegetated areas. An accompanying table shall quantify the extent of such areas.

- e) Potential contamination. Any previous land use on the site with a potential for a historic source of contamination, and any known soil or water contamination.
- f. Construction Pollution Prevention Plan and Storm Water Pollution Prevention Plan. The CPPP/SWPPP shall describe the temporary BMPs the development will implement to minimize erosion and sedimentation during construction, and to minimize pollution of runoff by construction chemicals and materials. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality and hydrologic impacts to coastal waters.
 - i. Applicability of Construction Pollution Prevention Plan. A CPPP/SWPPP shall be required for development that requires a Coastal Development Permit and entails construction that has the potential for adverse water quality or hydrologic impacts to coastal waters. For the purposes of this chapter, construction includes clearing, grading, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces.
 - ii. Applicability of CPPP/SWPPP. To comply with the California State Water Resources Control Board (SWRCB) stormwater permit requirements, an applicant proposing certain size or types of development, including industrial facilities, may be required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that addresses construction activities. Applicants submitting a SWPPP to meet SWRCB requirements shall also submit a CPPP to meet the County's LCP requirements for review of a Coastal Development Permit application. Applicable information provided in the SWPPP may also be included as part of the CPPP.
 - iii. Submittal of CPPP/SWPPP. An applicant shall submit a preliminary CPPP/SWPPP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application, and shall submit a final CPPP/SWPPP for approval prior to construction. The information provided to address the plan's requirements may be submitted as a stand-alone document, or incorporated into the permit application materials. Any changes to the final CPPP/SWPPP after issuance of the Coastal Development Permit shall be subject to additional authorization by the permit-issuing agency.
 - iv. Requirements of CPPP/SWPPP. The CPPP/SWPPP shall demonstrate that the development complies with the following requirements:
 - a) Minimize runoff and pollutant discharge. During construction, development shall minimize site runoff and erosion through the use of temporary BMPs, and shall minimize the discharge of sediment and other potential pollutants resulting from construction activities (e.g., chemicals, vehicle fluids, petroleum products, cement, debris, and trash). Development shall implement the following types of construction-phase BMPs, as applicable to the project:
 - 1) BMPs to minimize soil erosion and sedimentation. Erosion and sediment control BMPs, including:
 - aa) Erosion control BMPs to prevent soil from being transported by water or wind (such as mulch, soil binders, blankets or mats, or temporary seeding).

- bb) Sediment control BMPs to trap and remove eroded sediment (such as fiber rolls, silt fences, straw bales, and sediment basins).
 - cc) Tracking control BMPs to prevent tracking sediment by vehicles leaving the construction area (such as a stabilized construction entrance/exit, and street sweeping.)
- 2) BMPs to minimize discharge of other pollutants from construction activities. BMPs to minimize the discharge of other pollutants resulting from construction activities (such as paints, solvents, vehicle fluids, asphalt and cement compounds, trash, and debris) into runoff or coastal waters, including:
 - aa) BMPs to minimize polluted runoff from staging, storage, and disposal of construction chemicals and materials.
 - bb) Site management “good housekeeping” BMPs implemented during construction, such as maintaining an inventory of products and chemicals used on site, and having a written plan for the clean-up of spills and leaks.
- 3) BMPs to infiltrate or treat runoff. BMPs that will be implemented during construction, where necessary, to infiltrate or treat runoff prior to conveyance of runoff off-site.
- b) Stabilize soil as soon as feasible. Temporary soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, or temporary seeding) shall be implemented on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
- c) Minimize land disturbance and soil compaction. Development shall minimize land disturbance during construction (e.g., clearing, grading, and cut-and-fill) and shall phase grading activities, to avoid increased erosion and sedimentation. Development shall minimize soil compaction due to construction activities, to retain the natural stormwater infiltration capacity of the soil.
- d) Minimize damage or removal of vegetation. Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
- e) Avoid plastic netting in temporary erosion and sediment control products. Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.
- f) Use additional BMPs for construction near coastal waters. Development shall

implement additional BMPs for construction taking place over, in, or adjacent to coastal waters, if there is a potential for construction chemicals or materials to enter coastal waters. BMPs shall include, where applicable:

- 1) Tarps to capture debris and spills. Use tarps or other devices to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
 - 2) BMPs for preservative-treated wood. If preservative-treated wood is used, implement appropriate BMPs that meet standards for treatment, storage, and construction practices for preservative-treated wood; at a minimum, those standards identified by the American Wood Protection Association.
 - 3) Non-petroleum hydraulic fluids. Use non-petroleum hydraulic fluids in principal heavy equipment operated for one week or longer over or in coastal waters or intertidal areas, if leaks or spills of hydraulic fluid from this equipment cannot be contained and could potentially enter coastal waters or intertidal areas.
 - 4) Designated fueling and maintenance area. Conduct fueling and maintenance of construction equipment and vehicles off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
- g) Avoid grading during the rainy season. Development shall avoid grading during the rainy season (from May 1st to September 30th), unless one of the following is granted:
- 1) Extension. If the County grants an extension for a specific length of time, based on an inspection of the site, and a determination that conditions at the project site are suitable for continued work with appropriate erosion and sedimentation control measures that will be maintained during the activity; or
 - 2) Emergency. If the County allows grading under emergency conditions, and BMPs to protect coastal resources are implemented where feasible.
- h) Manage construction-phase BMPs. Appropriate protocols shall be implemented to manage construction-phase BMPs (including installation, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.
- i) Use an appropriate BMP guidance manual. The selection of BMPs for the Construction Pollution Prevention Plan shall be guided by the current edition of the California Stormwater Quality Association (CASQA) Construction BMP Handbook,

or by the current edition of a BMP manual County of San Diego BMP Design Manual, based on performance standards in the MS4 Permit, and County Watershed Protection Ordinance (WPO) that has been approved by the Regional Water Quality Control Board.

- v. Content of CPPP/SWPPP. To comply with the CPPP/SWPPP requirements listed above, the CPPP/SWPPP shall include a construction site map and a narrative description addressing, at a minimum, the following required components, if they are applicable to the development:
 - a) Construction site plan map. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
 - b) Description of BMPs to be implemented to meet all CPPP/SWPPP requirements. A description of the BMPs that will be implemented to meet all the CPPP/SWPPP requirements listed in section f.iv., above, and how these BMPs will minimize stormwater pollution resulting from the development during construction. Include calculations that demonstrate proper sizing of the BMPs.
 - c) Schedule of BMP installation and construction phasing. A schedule for installation and removal of temporary erosion and sedimentation control BMPs, and identification of temporary BMPs that will be converted to permanent post-development BMPs. A construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
 - d) Description of BMP Management. A description and schedule for the inspection, training, operation, and maintenance of construction phase BMPs, including temporary erosion and sedimentation control BMPs, as needed to ensure that the Coastal Development Permit's water quality requirements are met.
- g. Post-Development Runoff Plan (PRDP)/Storm Water Quality Management Plan (SWQMP). Development that requires a Coastal Development Permit and has the potential for adverse water quality or hydrologic impacts to coastal waters shall (1) require a PDRP/SWQMP if the development entails construction; or (2) require a preliminary PRDP/SWQMP if the development entails activities or changes in land use other than construction, including subdivision or re-division of land (e.g., allowing motorized vehicle use of a trail previously restricted to pedestrians).
- i. Submittal of PDRP/SWQMP. An applicant shall submit a preliminary PDRP/SWQMP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application, and if the development entails construction, shall also submit a final PDRP/SWQMP prior to issuance of the Coastal Development Permit. Any changes to the final PDRP/SWQMP after issuance of the Coastal Development Permit shall be subject to additional authorization by the permit-issuing agency. Requirements of PDRP/SWQMP. The PDRP/SWQMP shall demonstrate that the development complies with the following requirements:
 - a) Address runoff management early in site design planning. All development shall address runoff management early in site design planning and alternatives analysis, and shall implement appropriate and feasible Site Design strategies. Site Design strategies are project design and site layout techniques that integrate existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration

conditions) in the design of strategies to minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants.

- b) Give precedence to a Low Impact Development approach to stormwater management. All development shall give precedence to the use of a Low Impact Development (LID) approach to stormwater management to preserve the natural hydrologic functions of the site and to minimize post-development changes in the runoff flow regime resulting from the development. LID integrates preventive Site Design strategies with small-scale, distributed BMPs that replicate the site's pre-development hydrologic balance through infiltration, evapotranspiration, harvesting, detention, or retention of stormwater close to the source. By reducing runoff, LID also reduces the transport of pollutants from the site. LID Site Design strategies are project design and site layout techniques that preserve or enhance the natural hydrologic functions of the site. In implementing an LID approach, priority shall be given to the use of LID Site Design strategies to minimize changes in the site's stormwater flow regime, supplemented by the use of structural LID BMPs if needed to mitigate any unavoidable changes in runoff flows. Use of LID Site Design strategies can reduce the volume of stormwater runoff generated, and thus reduce the need for and size of structural LID BMPs required. LID Site Design strategies and BMPs include, but are not limited to, the following:

- 1) Protect and restore natural hydrologic features. Plan, site, and design development to protect and, where feasible, restore natural hydrologic features that provide stormwater infiltration, treatment, storage, or conveyance. Examples include:

- aa) Preserve natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions that can provide storage of small storm volumes.

- bb) Preserve natural stream corridors, rivers, and wetlands, and establish appropriate buffer areas.

- 2) Preserve or enhance non-invasive vegetation. Plan, site, and design development to preserve or enhance non-invasive vegetation, in order to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control. Examples include:

- aa) Minimize removal of natural non-invasive vegetation.

- bb) Plant additional trees and other non-invasive vegetation, preferentially native plants.

- 3) Maintain or enhance on-site infiltration. Plan, site, and design development to maintain or enhance on-site infiltration of runoff, where appropriate and feasible, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff, retain dry-weather runoff on-site, and minimize transport of pollutants. Examples include:

- aa) Avoid building impervious surfaces on highly permeable

areas. Cluster buildings and other impervious areas onto the site's least permeable soils.

- bb) Minimize unnecessary soil compaction, which can greatly reduce the infiltrative capacity of soils. Amend soil if needed to enhance its infiltration and pollutant removal capacity.
 - cc) Install an infiltration/evapotranspiration BMP such as a bioretention system, vegetated swale, or rain garden.
- 4) Minimize impervious surface area. Plan, site, and design development to minimize the installation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), in order to reduce runoff. Where feasible, increase the area of pervious surfaces in redevelopment. Examples include:
- aa) Downsize impervious coverage by minimizing the footprint of buildings and impervious pavement (such as a shorter driveway, narrower road, or smaller parking lot).
 - bb) Where pavement is required, install a permeable pavement system BMP (e.g., interlocking concrete pavers, porous asphalt, permeable concrete, or reinforced grass or gravel), where appropriate and feasible. Design permeable pavements so that runoff infiltrates into a subsurface recharge bed and the underlying soil, if feasible, to reduce runoff, enhance groundwater recharge, and filter out pollutants.
- 5) Disconnect impervious surface areas from the storm drain system. Plan, site, and design development to minimize directly-connected impervious areas, which are areas covered by a building, impermeable pavement, or other impervious surfaces that drain directly into the storm drain system without first flowing across permeable areas (such as vegetative landscaping or permeable pavement). Convey runoff from impervious surfaces into permeable areas in a non-erosive manner. Examples include:
- aa) Direct roof-top runoff into permeable landscaped areas.
 - bb) Direct runoff from impervious pavement into distributed permeable areas such as turf, recreational areas, medians, parking islands, and planter boxes.
 - cc) Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration.
 - dd) Install an infiltration BMP such as a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces.
 - ee) Install a rainwater harvesting BMP, such as a rain barrel or

cistern, to capture and store roof-top runoff for later use in on-site irrigation.

- c) Use alternative BMPs where on-site infiltration is not appropriate. If on-site infiltration of runoff may potentially result in adverse impacts, including, but not limited to, geologic instability, flooding, or pollution of coastal waters, the development shall substitute alternative BMPs that do not involve on-site infiltration, to minimize changes in the runoff flow regime to the extent appropriate and feasible. Alternative BMPs shall also be used where infiltration BMPs are not adequate to treat a specific pollutant of concern attributed to the development, or where infiltration practices would conflict with regulations protecting groundwater. Examples of alternative BMPs include:
 - 1) Install a green roof or flow-through planter. Install a vegetated “green roof” or flow-through planter box that does not infiltrate into the ground, and uses evapotranspiration to reduce runoff.
 - 2) Direct runoff to an off-site infiltration facility. Direct runoff from the development to an off-site regional infiltration facility.
 - 3) Install a rainwater capture system. Install a rainwater capture system to harvest runoff for subsequent non-potable water use on-site, that drains to the sanitary sewer system or storm drain system.
 - 4) Direct runoff to the storm drain system. If appropriate and feasible BMPs have been implemented to reduce runoff volume, velocity, and flow rate, direct runoff to the storm drain system.
- d) Use Source Control BMPs in all development. All development shall implement appropriate and feasible long-term, post-development pollutant Source Control BMPs to minimize the transport of pollutants in runoff from the development. Source Control BMPs are structural features or operational practices that control pollutant sources and keep pollutants segregated from runoff. Examples include covering outdoor storage areas, using efficient irrigation, proper application and clean-up of potentially harmful chemicals and fertilizers, and proper disposal of waste. Examples include:
 - 1) Elimination of illicit connections.
 - 2) Prevention of illicit discharges into the stormwater conveyance system;
 - 3) Stenciling and marking of all storm drains in accordance with the BMP Design Manual;
 - 4) Protection of all outdoor material storage areas from rainfall, run-on, runoff; and wind dispersal;
 - 5) Protection of materials stored in outdoor work areas from rainfall, run-on, runoff, and wind dispersal;
 - 6) Protection of trash storage areas from rainfall, run-on, runoff, and wind dispersal;

- 7) Petroleum products, cleaning fluids, and other pollutants associated with vehicles shall be contained and/or cleaned up using dry cleanup methods.
- 8) Cleanup and disposal of wastes from small animals (e.g., dogs and cats).
- 9) Pool and spa water intended for discharge to the stormwater conveyance system shall be neutralized to a pH of 7.2 - 8.0, dechlorinated or de-brominated prior to discharge.
- 10) Incorporate integrated pest management principles to reduce reliance on chemicals and fertilizers used in landscape maintenance.
- 11) Source Control BMPs for livestock. Livestock facilities shall be limited to the keeping or maintaining of a specified number of a specified type(s) of livestock at any time. A Livestock Waste Management Plan (LWMP) for the development shall be prepared that demonstrates the following:
 - aa) Livestock containment facilities shall not discharge sedimentation or polluted runoff onto any public road, adjoining property, or into any drainage course.
 - bb) Livestock containment facilities, such as corrals and barns, and accessory structures shall be a minimum of 100 feet from an environmentally sensitive habitat area (ESHA).
 - cc) Manure, waste, oils, chemicals, fertilizers, and other such materials shall be stored in a sealed area, inside a structure, or in a covered container with an impervious bottom surface, and shall be stored at least 100 feet away from any ESHA.
 - dd) Filter strips, natural vegetation, gravel, sand, or other similar materials shall be used along the periphery of corrals, pens, livestock showers, and waste containment areas to absorb and treat runoff from livestock facilities.
 - ee) The livestock waste management plan shall include management practices describing the collection, storage, and disposal of livestock wastes, including manure and bedding. Such wastes shall be collected and stored onsite in a covered and contained facility.
 - ff) Manure shall be cleaned from stalls and paddocks on a daily basis.
 - gg) Livestock wastes may be disposed of offsite in a manner and location prescribed in the approved plan, or composted using standard, contained composting practices.
 - hh) If manure and other livestock waste are composted onsite, the compost pile shall be contained in a bin or box, preferably one that can be covered. Half of the compost pile shall consist of

nitrogen producing material, such as manure, food scraps or other green material. The other half of the pile shall be composed of brown material, including dry grasses and leaves.

- ii. Requirements of PDRP/SWQMP. The PDRP/SWQMP shall describe the runoff management Site Design strategies, pollutant Source Control BMPs, and other measures the development will implement to minimize stormwater pollution and changes in runoff flows from the site after development is completed, in order to protect and, where feasible, restore the quality of coastal waters. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the project, and the potential for adverse water quality or hydrologic impacts to coastal waters.

- a) Contents of PDRP/SWQMP. To comply with the WQHP/SWQMP requirements listed above, the PDRP/SWQMP shall include a site plan and a narrative description addressing, at a minimum, the following required components, if they are applicable to the development:

- 1) PDRP/SWQMP site plan. A site plan showing post-development structural BMPs, stormwater conveyances and discharges, structures, pavements, and utilities, with contour intervals appropriate to identify post-development topography, finished grades, and drainage patterns.
 - 2) Identification of pollutants potentially generated. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.
 - 3) Estimate of changes in impervious and semi-pervious surface areas. An estimate of the proposed changes in impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces. An estimate of proposed changes in the amount of directly-connected impervious areas, which drain directly into the storm drain system without first flowing across permeable areas. In addition, an estimate of changes in site coverage with permeable or semi-permeable pavements.
 - 4) Description of BMPs to be implemented to meet all PRDP/SWQMP requirements. A description of the BMPs that will be implemented to meet all the PDRP requirements listed in g.i., above, and how these BMPs will minimize stormwater pollution and changes in runoff flows from the development.
 - 5) Description of the Low Impact Development approach to be implemented. A description of the Low Impact Development (LID) approach to stormwater management that will be implemented, or a justification if an LID approach is not selected.
 - 6) BMP installation or implementation schedule. A schedule for installation or implementation of all post-development BMPs.
 - 7) Description of BMP management. A description of the ongoing management of post-development BMPs (including operation,

maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly. An applicant shall submit a preliminary PDRP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application, and if the development entails construction, shall also submit a final PRDP/SWQMP prior to issuance of the Coastal Development Permit. Any changes to the final PRDP/SWQMP after issuance of the Coastal Development Permit shall be subject to additional authorization by the permit-issuing agency.

h. ADDITIONAL PLAN REQUIREMENTS FOR PRIORITY DEVELOPMENT PROJECTS.

- i. Specified categories of development that have a greater potential for adverse water quality and hydrologic impacts due to the development size, type of land use, and/or proximity to coastal waters. The WQHP or PDP SWQMP shall be prepared for Priority Development Projects, as identified below. The WQHP/PDP SWQMP shall include all the information required in a PDP SWQMP and, in addition, the WQHP/PDP SWQMP shall include a polluted runoff and hydrologic site characterization, a design storm standard for sizing BMPs, use of a Low Impact Development (LID) approach to retain runoff on-site, and documentation of the expected effectiveness of proposed BMPs. Additional WQHP/PDP SWQMP components include an alternatives analysis, and a description of the Treatment Control and/or Hydromodification BMPs.
- ii. Priority Development Projects include:
 - 1) New development projects that create 10,000 square feet or more of impervious surfaces (collectively over the entire project site). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.
 - 2) Redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site on an existing site of 10,000 square feet or more of impervious surfaces). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.
 - 3) New and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site), and support one or more of the following uses:
 - aa) Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812).
 - bb) Hillside development projects. This category includes development on any natural slope that is fifteen percent or greater on a site with erodible soil.

- cc) Parking lots. This category is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.
 - dd) Streets, roads, highways, freeways, and driveways. This category is defined as any paved impervious surface used for the transportation of automobiles, trucks, motorcycles, and other vehicles.
- 4) New or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surface (collectively over the entire project site) and discharging directly to an ESHA. "Discharging directly to" includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESHA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESHA (i.e., not commingled with flows from adjacent lands).
 - 5) New development projects, or redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, that support one or more of the following uses:
 - 1) Automotive repair shops. This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.
 - 2) Commercial car wash.
 - 3) Retail gasoline outlets (RGOs). This category includes RGOs that are 5,000 square feet or more.
 - 6) Residential development that creates and/or replaces five or more dwelling units.
 - 7) Development where 75% or more of the site's surface area will be impervious surfaces.
 - 8) Commercial or industrial development with a potential for generating a high pollutant load that may potentially enter coastal waters or the storm drain system.
 - 9) Any project developed on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to release the contaminants into runoff.
 - 10) New or redevelopment projects that result in the disturbance of one or more acres of land and are expected to generate pollutants post construction.
 - 11) Submittal of WQHP/PDS SWQMP. An applicant shall submit a preliminary WQHP/PDP SWQMP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application and shall submit a final WQHP/PDP SWQMP prior to issuance of the Coastal Development Permit. Any changes to the final WQHP/PDP SWQMP after issuance of the Coastal Development Permit shall be subject to additional authorization by the permit-issuing agency.

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

- 1) Prepare plan by a qualified licensed professional. A California-licensed professional (e.g., Registered Professional Civil Engineer, Geotechnical Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect) qualified to complete this work shall be in responsible charge of preparing the Water Quality and Hydrology Plan for a Development of Water Quality Concern.
- 2) Conduct a polluted runoff and hydrologic site characterization. A polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) shall be conducted, as necessary to design the proposed BMPs.
- 3) Address runoff from impervious and semi-pervious surfaces. Runoff from all new and/or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.
- 4) Use an LID approach to retain design storm runoff on-site. The development shall implement an LID approach to stormwater management that will retain on-site (by means of infiltration, evapotranspiration, or harvesting), at a minimum, the runoff produced by the 85th percentile 24-hour design storm, based on the San Diego County iso-pluvial map, or an approved site-specific rainfall analysis, to the extent appropriate and feasible. In implementing an LID approach, priority shall be given to the use of preventive LID Site Design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by use of structural LID BMPs, if needed, to mitigate any unavoidable changes in stormwater flows.

13) The following projects are exempt from the PDP requirements if they meet the following criteria:

- 1) New or retrofit paved sidewalks, bicycle lanes, or trails that meet the following criteria:
 - aa) Designed and constructed to direct storm water runoff to adjacent vegetated areas, or other non-erodible permeable areas; OR
 - bb) Designed and constructed to be hydraulically disconnected from paved streets or roads; OR
 - cc) Designed and constructed with permeable pavements or surfaces in accordance with the County of San Diego

Guidance on Green Infrastructure

- 2) Retrofitting or redevelopment of existing paved alleys, streets or roads that are designed and constructed in accordance with the County of San Diego Green Street Guidance.
- 3) PDP exempt projects are required to submit a Green Street SWQMP that shall provide a description of existing and proposed drainage patterns, site conditions, changes to impervious area, runoff management Site Design strategies, pollutant Source Control BMPs and Green Street BMPs. The Green Street SWQMP shall include a site plan consistent with the requirements listed in section g.

iii. The following requirements apply to the use of infiltration BMPs:

- a) Infiltration BMPs shall not cause or contribute to an exceedance of applicable groundwater quality objectives as set out in the RWQCB "Basin Plan" for the San Diego area;
- b) Runoff must undergo pretreatment such as sedimentation or filtration prior to infiltration;
- c) Pollution prevention and source control BMPs must be implemented at a level appropriate to protect groundwater quality at sites where infiltration BMPs are to be used;
- d) Infiltration BMPs must be adequately maintained to remove pollutants in stormwater to the maximum extent feasible;
- e) The vertical distance from the base of any infiltration BMP to the seasonal high groundwater mark must be at least 10 feet. Where groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained;
- f) The soil through which infiltration is to occur must have physical and chemical characteristics (e.g., appropriate cation exchange capacity, organic content, clay content, and infiltration rate) which are adequate for proper infiltration durations and treatment of runoff for the protection of groundwater beneficial uses;
- g) Infiltration BMPs must not be used for areas of industrial or light industrial activity, and other high threat to water quality land uses and activities as designated by the County, unless source control BMPs to prevent exposure of high threat activities are implemented, or runoff from such activities is first treated or filtered to remove pollutants prior to infiltration; and
- h) Infiltration BMPs must be located a minimum of 100 feet horizontally from any water supply wells and 25 feet from any septic system or as prescribed by County of San Diego Department of Environmental Health.
- i) Conduct an alternatives analysis if the design storm runoff will not be retained on-site using LID. If the proposed development will not retain on-site the runoff

produced by the 85th percentile 24-hour design storm using an LID approach, an alternatives analysis shall be conducted. The alternatives analysis shall demonstrate that:

- 1) There are no feasible alternative project designs. Demonstrate that there are no appropriate and feasible alternative project designs (such as a reduced project footprint) that would retain on-site the runoff produced by the 85th percentile 24-hour design storm, giving precedence to an LID approach.
 - 2) On-site runoff retention is maximized. Demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, giving precedence to an LID approach.
 - 3) The feasibility of off-site runoff retention is considered. If there are no feasible alternative project designs, and on-site runoff retention is maximized, some or all of the runoff produced by the 85th percentile 24-hour design storm may be retained off-site, if it is demonstrated that off-site options will feasibly contribute to meeting the development's runoff retention and treatment requirements.
- iv. Use Treatment Control BMPs to remove pollutants if necessary. Treatment Control BMPs are structural systems designed to remove pollutants from runoff by processes, such as gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or other physical, biological, or chemical process. Examples include vegetated swales, detention basins, and storm drain inlet filters. The following applicability and performance standards shall be required for Treatment Control BMPs:
- a) Use Treatment Control BMPs to remove pollutants from any design storm runoff not retained on-site. The development shall implement a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site.
 - b) Use Treatment Control BMPs prior to infiltration where necessary and effective. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be required prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.
 - c) Select Treatment Control BMPs effective for pollutants of concern. Where a Treatment Control BMP is required, a BMP (or suite of BMPs) shall be selected that has been shown to be effective in reducing the pollutants of concern generated by the proposed land use. If the County determines that biofiltration is not technically feasible, then a PDP may be allowed to utilize flow-through treatment control BMPs to treat runoff leaving the site, AND mitigate for the design capture volume not reliably retained onsite.
- v. Infeasibility of 85th percentile 24-hour design. If it is infeasible to retain all, or a portion of, the site's 85th percentile 24-hour design storm on site for a PDP, then biofiltration BMPs shall be used for the remaining volume not reliably retained. Biofiltration BMPs must be designed to

have an appropriate hydraulic loading rate to maximize stormwater retention and pollutant removal, as well as to prevent erosion, scour, and channeling within the BMP, and must be sized to:

- a) Treat 1.5 times the design capture volume not reliably retained onsite, or
 - b) Treat the design capture volume not reliably retained onsite with a flow-through design that has a total volume, including pore spaces and pre-filter detention volume, sized to hold at least 0.75 times the portion of the design capture volume not reliably retained onsite.
 - c) If bioretention BMPs are not technically feasible, then the PDP can propose to use flow-through treatment control BMPs to treat runoff leaving the site if the project will also mitigate the design capture volume not reliably retained through the use of off-site alternative BMPs. Flow through treatment control BMPs must be sized and designed to filter or treat either: 1) the runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or 2) the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two; and be ranked with high or medium pollutant removal efficiency for the PDP's most significant pollutants of concern. Flow-through treatment control BMPs with a low removal efficiency ranking will only be approved by the County if a feasibility analysis has been conducted which exhibits that implementation of flow-through treatment control BMPs with high or medium removal efficiency rankings are infeasible for the applicable portion of a PDP.
- vi. Hydromodification Management BMP Requirements. Priority Development Projects must implement BMPs to manage hydromodification that may be caused by stormwater runoff discharged from a project as follows:
- a) Hydromodification BMPs must be sized and designed such that post-project runoff conditions (flow rates and durations) will not exceed pre-development runoff conditions by more than 10 percent (for the range of flows that result in increased potential for erosion, or degraded instream habitat downstream of Priority Development Projects).
 - 1) In evaluating the range of flows that results in increased potential for erosion of natural (non-hardened) channels, the lower boundary must correspond with the critical channel flow that produces the critical shear stress that initiates channel bed movement or that erodes the toe of channel banks.
 - b) A Priority Development Project may be exempted from the hydromodification management BMP performance requirements where the project discharges stormwater runoff to:
 - 1) Existing underground storm drains that discharge directly to water storage reservoirs, lakes, enclosed embayments, or the Pacific Ocean;
or

- 2) Conveyance channels whose bed and bank are concrete lined all the way from the point of discharge to water storage reservoirs, lakes, enclosed embayments or the Pacific Ocean; or
 - 3) An area identified by the County as appropriate for an exemption through a Watershed Management Area Analysis incorporated into a Water Quality Improvement Plan accepted by the RWQCB.
- c) PDP projects must avoid critical coarse sediment yield areas as identified by the County unless measures are implemented consistent with the BMP Design Manual that allow critical coarse sediment to be discharged to receiving waters, such that there is no net impact to the receiving water.
- vii. A PDP may be allowed at the County's discretion to utilize offsite alternative compliance in lieu of complying with the storm water pollutant control and hydromodification BMP performance requirements in section h.iv and h.v, above. The PDP must mitigate for the portion of the pollutant load in the design capture volume not retained onsite and/or post-project runoff conditions not fully managed onsite consistent with a Water Quality Equivalency (WQE) Guidance Document accepted by the RWQCB. If a PDP is allowed to utilize offsite alternative compliance, flow-through treatment control BMPs must be implemented to treat the portion of the design capture volume that is not reliably retained onsite. Flow-through treatment control BMPs must be sized and designed in accordance with the requirements of Section xviii, above. An offsite alternative compliance project for a private PDP may be partially or wholly located within the County Right-of-way upon approval of the Authorized Enforcement Officer. Any and all costs associated with the project shall be the sole responsibility of the applicant, including design and installation and the effective operation and maintenance in perpetuity of any and all treatment and hydromodification controls required under this LCP Chapter. The County shall retain the authority to recoup as necessary any and all such costs.
- viii. Content of a WQHP/PDP SWQMP for Priority Development Projects includes the following:
- a) PDRP/SWQMP information. All of the information required for the PDRP/SWQMP that is required for all developments (see above), including Site Design strategies and pollutant Source Control BMPs shall be included in the WQHP/PDP SWQMP for Priority Development Projects.
 - b) Documentation of a polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) as necessary to design the proposed BMPs.
 - c) A description of the BMPs that will be implemented to meet all the WQHP requirements listed above, and how these BMPs will minimize stormwater pollution and changes in runoff flows from the development. Include documentation of the expected effectiveness of the proposed BMPs, including a characterization of post-development pollutant loads, and calculations, per applicable standards, of changes in the stormwater runoff flow regime (i.e., volume, flow rate, timing, and

duration of flows) resulting from the proposed development when implementing the proposed BMPs.

- d) Calculations that demonstrate that the proposed BMP (or suite of BMPs) implemented to comply with PDP SWQMP requirements has been sized and designed, at minimum, to the standard(s) described above.
 - e) A table quantifying the site's proposed new, replaced, and pre-existing impervious and semi-pervious surface areas. Documentation that runoff from all new and/or replaced impervious and semi-pervious surfaces is addressed. For sites where the area of added and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, documentation that runoff from the entire developed area, including pre-existing surfaces, is addressed.
 - f) A description of the LID approach to stormwater management to be implemented, documenting that LID Site Design strategies have been given priority, and a description of the LID BMPs that will be used to retain on-site (by means of infiltration, evapotranspiration, or harvesting) the runoff, at minimum, to the standard(s) described above, to the extent appropriate and feasible.
 - g) Where an alternatives analysis is required to document the site-specific engineering constraints and/or physical conditions to justify the determination that there are no appropriate and feasible alternative project designs that would retain on-site the runoff specified above, giving precedence to an LID approach. Also demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, and that the feasibility of off-site runoff retention is considered.
- ix. All existing and new development shall maintain the post-construction structural BMPs and natural system management practices (NSMP). The owner of the land on which the BMPs and/or NSMPs are located or the person responsible for completing the BMPs and/or NSMPs as part of a development project shall implement, maintain, replace, or retrofit the pollutant control BMPs, hydromodification control BMPs and/or NSMPs as necessary to ensure pollutants are removed from stormwater to the MEP and all prohibited non-stormwater discharges are prevented from reaching the stormwater conveyance system or receiving waters. BMPs shall remain effective and function in the manner intended. All BMPs must be maintained to avoid the creation of nuisance or pollution associated with vectors (e.g. mosquitos, rodents, or flies).
 - x. Any developer or property owner who transfers ownership of land on which a post-construction, structural BMP and/or NSMP is located or will be located, or who otherwise transfers ownership of a post-construction structural BMP and/or NSMP or responsibility for the maintenance of such a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer. If directed, the developer or property owner must provide a copy of the written notice to the County.

9308 Scenic Areas

- a. **Purpose.** The purpose of these provisions is to regulate development in areas of high scenic value both to assure exclusion of incompatible uses and structures and to preserve and enhance the scenic

resources present in adjacent areas. These regulations constitute recognition of important social, recreational, and economic values obtained from preservation and enhancement of the scenic qualities of Coastal Zone areas for the benefit of residents and visitors.

- b. **Application of the Scenic Area Regulations.** These Scenic Area Regulations shall be applied to areas of unique scenic value including, but not limited to, critical viewshed areas as designated on the Local Coastal Program Land Use Plan (Figure 14 Viewsheds), in Coastal Zone areas with a Special Area S Designator (**Figure 9-8**), and to areas adjacent to significant recreational, historic or scenic resources.
- c. **Limitation on Uses.** Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix, all Use Regulations shall comply with the enclosure provisions of these Scenic Area Regulations.
- d. **Development.** Development and trails located within the Coastal Zone shall conform to the following requirements:
 - i. Locations along public roads, trails, and parklands that offer views of scenic resources shall be considered public viewing areas.
 - ii. Development that may affect existing or potential public views shall be designed and sited in a manner that restores, preserves, or enhances designated view opportunities and visual qualities of the site.
 - iii. To protect vista points, the scenic and visual qualities within the County's Coastal Zone shall be designated as "Critical Viewsheds," within which the character of development shall be regulated to protect the integrity of the vista points (refer to LUP). The following describes that area considered Critical Viewsheds:
 - a) Development placed in the area that extends radially for 2,000 feet (610 meters) from the vista point, with the exception of San Dieguito Park, which would be included in its entirety;
 - b) Development which development could potentially obstruct, limit, or degrade the views within the critical viewshed.
 - iv. Development within the critical viewshed area shall be subject to design review as part of any discretionary review, and shall be based on the following criteria:
 - a) Building height, bulk, roof line and scale shall not obstruct, limit or degrade the existing views;
 - b) Landscaping shall not, at maturity, obstruct views; and
 - c) Landscaping shall be located to screen adjacent undesirable views (parking lot areas, mechanical equipment etc.).
 - v. **Limitation on Uses.** Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix, all Use Regulations shall comply with the enclosure provisions of the Scenic Area Regulations.
 - vi. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:
 - a) Attached accessory structures associated with a single-family dwelling.

- b) Detached accessory structures associated with a single-family dwelling, which are both 1,000 square feet and less in area, and 12 feet or less in height.
 - c) Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.
- e. **CAP Required.** No development permit of any type shall be issued in areas subject to the Coastal Zone Scenic Area Regulations (R, S) or within viewshed areas as delineated on the Viewsheds Figure in the LUP, until a CAP has been submitted and approved unless, an exemption from these Scenic Area Regulations is granted pursuant to Section 9308(h) below.
- f. **Content of CAP.** The required CAP 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 CAP;
 - ii. The placement, height, and physical characteristics of all existing and proposed buildings and structures located on the development site;
 - iii. The existing vegetation and all proposed landscaping, with heights at maturity indicated.
 - iv. The location and dimensions of existing and proposed ingress and egress points, interior road, and pedestrian walkways, parking and storage area;
 - v. The size and location of existing and proposed utilities;
 - vi. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;
 - vii. The number, size, location and design of existing and proposed signs; and
 - viii. The exterior lighting plan, the interior lighting of buildings and structures, which will have a visual impact on the exterior appearance of the development.
 - ix. New development on properties visible from public trails, in and around San Elijo Lagoon and San Dieguito Park, or other public viewing areas, shall be sited and shall be designed to protect public views of the ridgelines and natural features of the area through measures including, but not limited to:
 - a) Providing setbacks from the slope edge;
 - b) Restricting the building maximum size;
 - c) Reducing maximum height limits,
 - d) Incorporating landscape elements and screening that increase the aesthetic value and preserve from the San Elijo Lagoon and San Dieguito Park;

- e) Incorporating earthen colors and exterior materials that are compatible with the surrounding natural landscape (avoiding bright whites and other colors except as minor accents); and
 - f) Using highly non-reflective materials.
- g. **CAP Review Criteria.** The general criterion of a CAP is that the proposed development shall not, to the maximum extent feasible, interfere with or degrade those visual features, natural or man-made, of the site or adjacent sites which contribute to its scenic attractiveness, as viewed from either the scenic highway or the adjacent scenic, historic, or recreational resource. In addition, the development shall comply with the scenic preservation policies set forth in the LUP (particularly Policy 6.7). In applying this general criterion, the following specific criteria shall be evaluated, when they are applicable.
 - i. **BUILDING CHARACTERISTICS.** All development shall be compatible with the topography, vegetation, and colors of the natural environment and with the scenic, historic and recreational resources of the designated areas.
 - ii. **BUILDING AND STRUCTURE PLACEMENT.** The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas. Buildings and structures shall not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations, such as protection of habitat or wildlife corridors.
 - iii. **LANDSCAPING.** The removal of native vegetation, especially timber, shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent feasible to screen those features listed in subsections "d", "e", and "f" of this section. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.
 - iv. **ROADS, PEDESTRIAN WALKWAYS, PARKING AND STORAGE AREAS.** Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which harmonize with the natural landscape of the designated area.
 - v. **ABOVE GROUND UTILITIES.** Utilities shall be constructed and routed underground, except in those situations where natural features prevent undergrounding, or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is feasible, above ground utilities shall be screened from view from either a scenic highway or an adjacent scenic, historical, or recreational resource by: 1) Existing topography; the placement of buildings and structures; or landscaping and plantings, which harmonize with the natural landscape of the designated area.

- vi. **GRADING.** The alteration of the natural topography of the site shall be minimized, and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either a scenic highway or an adjacent scenic, historical, or recreational resource by landscaping and plantings, which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area.
- vii. **SIGNS.** Off-premise signs shall be prohibited in areas subject to the Scenic Area Regulations. The number, size, location, and design of all other signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the CAP review and approval, any alteration to signs, other than general maintenance, shall be subject to the CAP application process.
- viii. **LIGHTING.** The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.
- h. **CAP Exemption.** An exemption from the requirement to process a CAP pursuant to the special requirements of these Scenic Area regulations may be granted by the Director, under either of the following circumstances: a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any viewshed designated by the LUP, and from any areas adjacent to significant recreational, historical or scenic resources, including but not limited to Federal and State parks; or b. If it is determined that the special requirements of these Scenic Area Regulations would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property.

9310 Flooding and Sea Level Rise

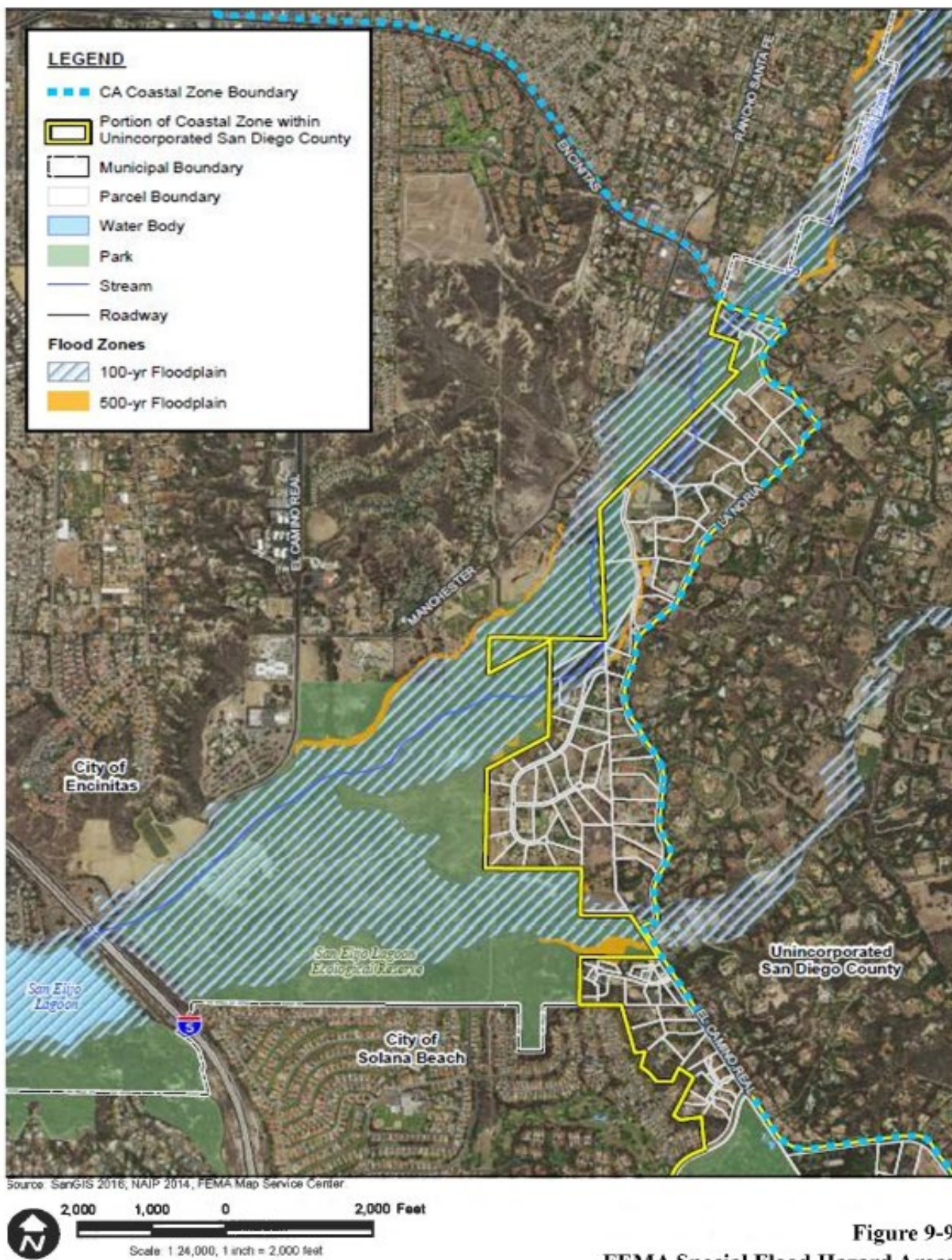
Development within the Coastal Zone Special Area Designators “F” or “Por F”, as illustrated on **Figure 9-8** and listed in **Tables 9-3a, 9-3b, and 9-3c**, shall conform to the following regulations:

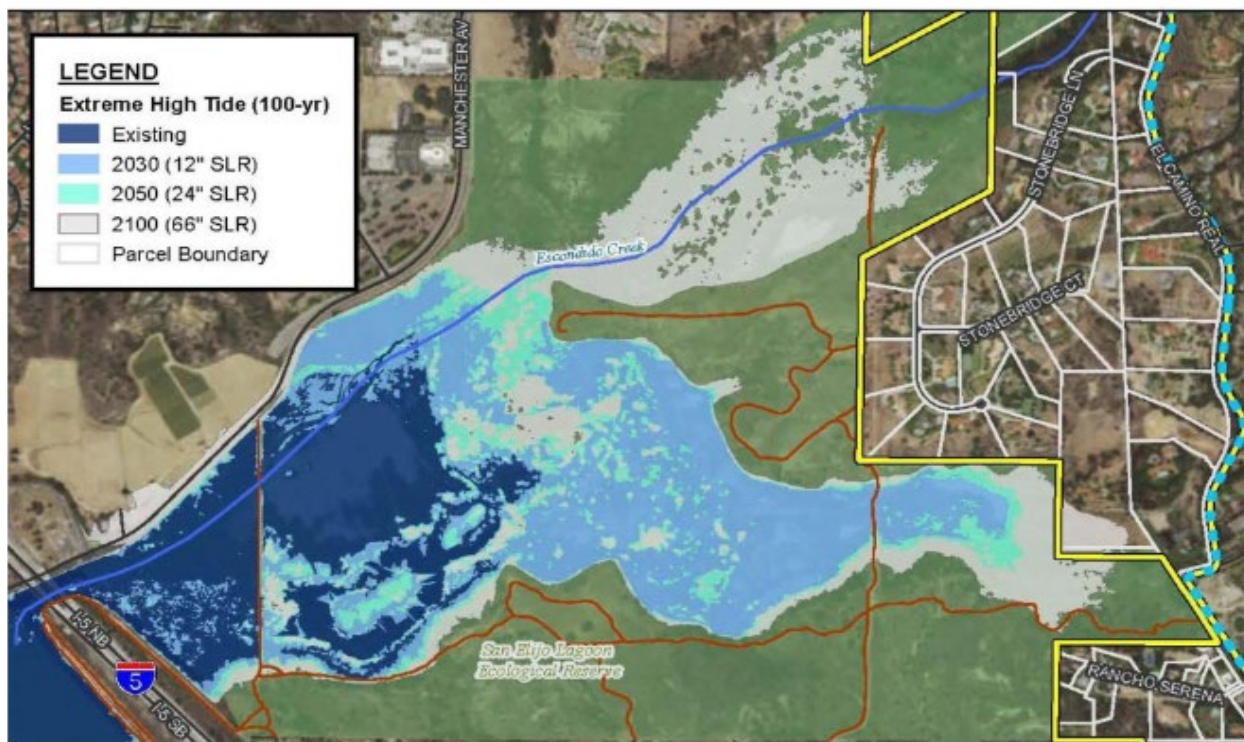
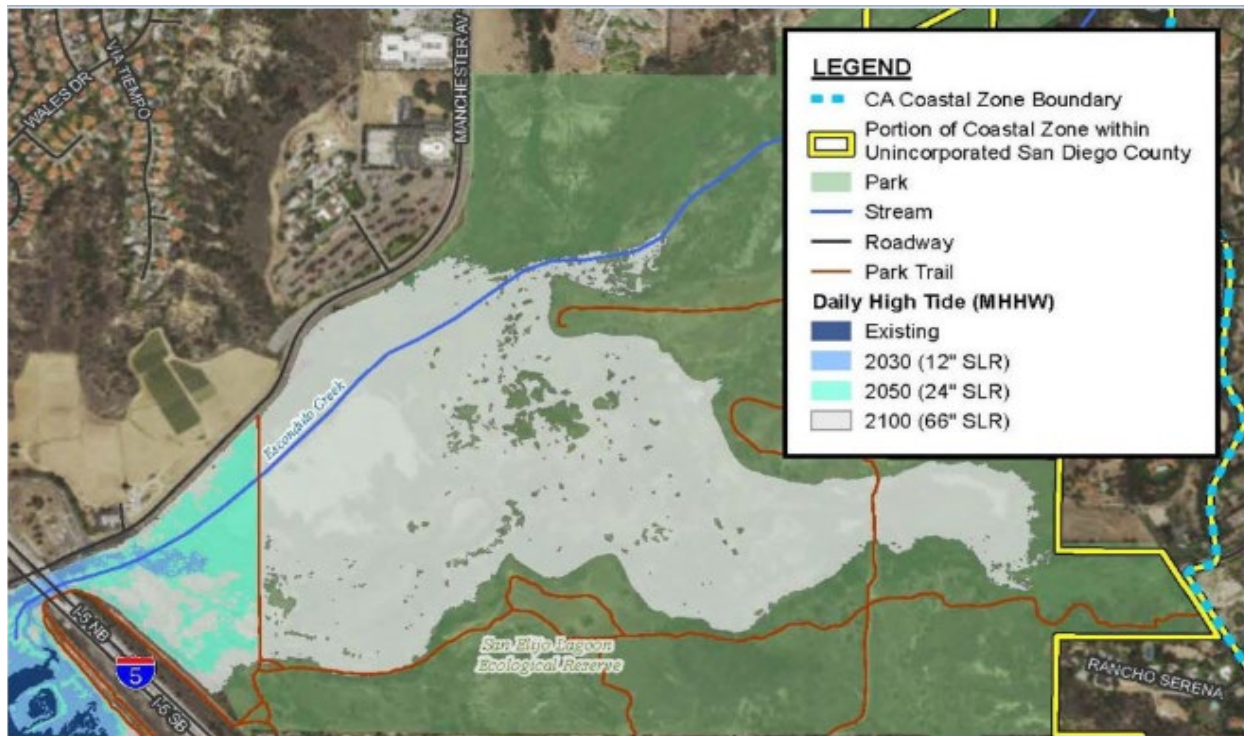
- a. A site plan shall be required that shows: 1) The location of the 100-year floodplain, floodway, or floodway fringe, as shown on both Department of Public Works 100-year Floodplain Maps and FEMA Flood Insurance Rate Maps; 2) The location of any natural drainage (including intermittent streams) and any proposed drainage systems; and 3) All preliminary grading, including incidental grading related to site preparation.
- b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.
 - i. In the floodway, permitted uses shall be limited to: i. Agricultural, recreational, and other such low intensity uses provided, however, that no use shall be permitted, which will substantially harm the environmental values of a particular floodway area; and ii. Mineral extraction subject to an approved Coastal Development Permit and reclamation plan, provided that mitigation measures were required, which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway, prior to the mineral extraction.

- ii. Modifications to the floodway must meet all of the following criteria: i. Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after enactment of this ordinance shall not be the basis for permitting such channels. ii. Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons or property or adversely affect wetlands or riparian habitat. iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid increase in the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, grade control structures and other erosion control techniques, including the use of rip-rap, that are designed to be compatible with the environmental setting of the river may be permitted.
- c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a CAP required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be met:
- i. Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.
 - ii. Any development below the elevation of the 100-year flood shall be capable of withstanding periodic flooding.
 - iii. The design of the development incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development, (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.
 - iv. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway width (but not to exceed 100 feet), in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Director of Planning & Development Services.
 - v. Following review of a site-specific flood analysis, the floodplain setback required by this paragraph may be reduced by the Director of Planning & Development Services or the applicable hearing body, upon making all of the following findings: i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and ii. The reduction in setback will not increase flood-flows, siltation and/or erosion, or reduce long term protection of the floodway, to a greater extent than if the required setback were maintained; and iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and iv. The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and v. The reduction in setback will not be incompatible with the LUP.
 - vi. In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from

the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County Floodplain Maps. Development will be allowed in the Erosion/Sedimentation Hazard Area only when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.

- vii. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.
 - viii. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the restrictions in Sections 9302 and 9304 shall also apply.
- d. Sea-Level Rise (SLR). When reviewing proposed development, the County shall consider potential SLR impacts, identified based on the best available science, including those identified in the LCP Update Report included as Appendix A to the LUP. Specifically, analysis of SLR projections, based on the best available science, shall be incorporated into all planning and engineering studies related to development.
- i. Using the most updated version of the SLR projections with the most recently updated 100-year floodplain and floodway, and sea level rise inundation maps (**Figures 9-9 and 9-10**), proposed new infill development in the 100-year floodplain shall be limited to structures capable of withstanding periodic flooding, without requiring the construction of on- or off-site flood protective works or channelization.





Source: SanGIS 2016, NAIP 2014, AECOM 2016.

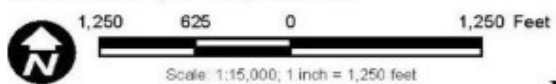


Figure 9-10
San Elijo Ecological Reserve
Future Inundation and Flooding (High-range SLR)

- ii. The SLR maps in the LUP Appendix A will be based on the best available and current scientific information about coastal hazards and sea level rise. The SLR maps shall be used during the evaluation of coastal development permit applications that present coastal hazard risks and the preparation of technical reports and related findings. Analyses shall include multiple sea level rise scenarios, one of which is a “high” projection for the planning horizon or expected duration of the proposed development (minimum 75 years for residential and commercial development), based on best available scientific estimates of expected sea level rise at the time of the analysis.
- iii. Proposed development shall be required to incorporate the best mitigation measures feasible, pursuant to Public Resources Code Section 30236.
- iv. Using the most updated version of the SLR projections with the most recently updated 100-year floodplain and floodway maps, development proposals shall be required to be set back from the floodway, in accordance with the County’s most recently updated Coastal Hazard Report, when required by this section. Proposed development shall be located outside any areas where the Director of Planning & Development Services has determined that the potential for flooding, erosion, or sedimentation in the floodplain may be significant. The setback shall be calculated based on the Coastal Hazard Report, when prepared in accordance with Section 9310.d.vi.
- v. When required, all setback and buffer area measurements, between development and all watercourses, shall be adjusted to account for current and future sea level rise elevations.
- vi. Sea-level rise projections. If necessary, and to allow for elevation changes of wetlands and other ESHA that may result from sea level rise and a 100-year flood, over the anticipated duration of the proposed development, an additional sea level rise buffer may be required between the proposed development and on-site wetlands or riparian areas. Calculation of such an additional buffer width shall be based on the best available scientific evidence and the most recently updated County of San Diego coastal hazards study available at the time of filing an application for proposed development.
- vii. Every five years, after the date of adoption of the LCP, the County Board of Supervisors or its designee shall cause an update to maps of potential 100-year flood extents as influenced by SLR, over a 100-year period. The map updates shall reflect:
 - a) The best available science on SLR impacts and projections; and
 - b) Modeling of the future 100-year flood conditions and floodway extent within the Coastal Zone shall include projections of SLR for water conditions at the downstream bay and ocean terminus.
- viii. The effects of any restoration projects that may impact tidal flow within the San Elijo Lagoon Ecological Reserve.
- ix. Coastal Hazard Report for Proposed Redevelopment and New Development.
 - a) All new development in areas potentially subject to coastal hazards shall be evaluated by reports that are prepared by a licensed civil engineer with expertise in coastal engineering and geomorphology or other suitably qualified professional. These reports shall:

- 1) Be based on the best available science and SLR projections, at the time a project application is deemed complete pursuant to the Government Code, Section 65943;
 - 2) Consider the impacts from the high projection of SLR for the anticipated duration of the proposed development,
 - 3) Demonstrate that the development will avoid or minimize impacts from coastal hazards; and
 - 4) Evaluate the foreseeable effects that the development will have on coastal resources over time (including in terms of impacts on public access, natural landforms, and public views), as project impacts continue and change over time, including in response to SLR.
- b) Site-Specific reports for a new CAP or CDP shall be required unless, hazards are identified on the latest LCP Hazards Map that is at a level of detail adequate to ensure compliance with the LCP. A coastal hazards report shall include analysis of the physical impacts from coastal hazards and SLR that might constrain the project site and/or impact the proposed development. Reports shall address and demonstrate the site hazards and effects of the proposed development on coastal resources, including discussion, maps, profiles, and other relevant information that shall describe the following:
- 1) Current conditions at the site, including the current:
 - aa) Inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events.
 - bb) Bluff erosion rates, both long-term and episodic.
 - 2) Projected future conditions at the site, accounting for SLR over the anticipated duration of the development, including:
 - aa) Bluff edge, accounting for long-term erosion and assuming an increase in erosion from SLR.
 - bb) Inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events.
- c) Safety of the proposed development to withstand current and projected future hazards for its anticipated duration, including:
- 1) Identification of a safe building envelope on the site that avoids hazards
 - 2) Identification of options to minimize hazards if no safe building envelope exists that would allow avoidance of hazards

- 3) Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation (e.g., hydrostatic loads, uplift, or possible corrosion) for the anticipated duration of the development in both storm and non-storm conditions.
 - 4) Description of any proposed future SLR adaptation measures, such as incremental removal or relocation when threatened by coastal hazards
 - 5) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts, and the elevation and inland extent of current and future flooding and wave run-up.
- d) For bluff-top development, the report shall include a detailed analysis of erosion risks, including the following:
- 1) To examine risks from erosion, the predicted bluff edge shall be evaluated considering not only historical retreat, but also acceleration of retreat, due to continued and accelerated SLR impacts. Future long-term erosion rates shall be based upon the best available information, using resources such as the highest historic retreat rates and SLR model flood projections that take rising sea levels into account.
 - aa) All temporary events or structures, or short-term development shall be exempted from the requirement to submit a coastal hazard analysis, if there is no potential for hazards risks during the temporary or short-term event or development. Temporary shall mean those events that shall not exceed five consecutive days, no more than six events per year, on the same property. There shall be a minimum of 14 consecutive days between events. Short-term shall mean any development that shall be removed within three months of its establishment.
 - 2) When warranted by the results of a sea level rise hazards report that indicates the development may be exposed to hazards within its anticipated duration of the proposed structures, applicants for privately-initiated development shall acknowledge and agree, and record a deed restriction to that effect, that the property may be affected by future sea level rise, and that such hazards may threaten structures and/or render it difficult or impossible to provide public services to the site, which may alter the development design with regard to locations of structure, flooding risks, and provisions of public services to the site, such as maintenance of roadways, utilities, sewage or water systems. Further, the deed restriction shall include language specifying that the property owner has no right under Coastal Act Section 30235 (or similar LCP policies) to off-site flood protection or channelization in the future, and that holds harmless the County of San Diego, its officers, agents, and employees with respect to any approval of the project, against any and all liability, claims, demands, damages, costs (including costs and fees

incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- x. The properties that may be affected by the projected SLR, as shown within the LUP, Appendix A, are as follows:
 - a) The San Elijo Lagoon Ecological Preserve, which includes its trails; and
 - b) Starting at approximately Year 2100, the Southwest portion of a property located just west of the El Camino Real and La Orilla intersection (APN 262-072-04-00). At the high range SLR, the developed area of this property could be approximately 75 feet to the north from the floodway (high range calculated with a 100-year flood combined with 66-inch SLR).

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

- a. Development within the Coastal Zone shall conform to the following WUI requirements:
 - i. Within the WUI, the person owning or occupying a building or structure shall maintain a fuel modification zone within 100 feet of any and all habitable buildings or structures. The area within 100 feet of a habitable structure is divided into two zones as follows. Zone 1 is located from 0 - 50 feet from the residence and Zone 2 located from 50-100 feet from the residence. Required fuel modification that may take place in both zones is defined as follows: In Zone 1, vegetation that is not fire-resistant shall be removed and re-planted with fire-resistant plants. In Zone 2, all dead and dying vegetation shall be removed. Native vegetation may remain in this area provided that the vegetation is modified so that combustible vegetation does not occupy more than 50% of the square footage of this area. Weeds and annual grasses shall be maintained at a height not to exceed 6 inches. Root systems and stumps will be left in place to minimize soil disturbance and soil erosion. All fuel modification work will be done by hand crews only. The Rancho Santa Fe Fire Protection District retains the discretion to reduce or expand the fire Zones 1 and 2 on a case-by-case basis, with specific findings due to factors that may include, but are not limited to building material, topography, vegetation load, and type.
 - ii. 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" <https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/DPLU199.pdf> and planting guidelines emphasizing the use of fire-resistant, native, non-invasive, drought-tolerant and salt-tolerant species. The Landscape Plan shall be reviewed by the Ranch Santa Fe Fire Protection District to determine if any thinning or clearing of native vegetation is required. The Rancho Santa Fe Fire Protection District may reduce the 100-foot fuel management requirement for existing development, when equivalent methods of wildfire risk abatement are included in project design. Equivalent methods of fire risk reduction shall be determined on a case-by-case basis by the Rancho Santa Fe Fire Protection District and may include the following, or a combination of the following, but are not limited to:
 - a) Compliance with Building Code and Consolidated Fire Code requirements for projects located in the Wildland Urban Interface (County Building Code Chapter 7A and County Consolidated Fire Code Chapter 49).

- b) Installation of masonry or other non-combustible fire resistant wall up to six feet in height.
 - c) Boxed eaves.
 - d) Reduced landscaping that is compliant with the County of San Diego fire hazard risk reduction plant list and planting guidelines.
 - e) Other alternative construction to avoid the need for vegetation thinning, pruning or vegetation removal.
- iii. 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 Rancho Santa Fe Fire Protection District shall review the project for fuel modification requirements. If a 100 foot fuel modification zone would encroach into ESHA, the additions shall not be permitted unless the addition would not encroach any closer to ESHA than existing principal structures on either side of the development.

9314 Steep Slopes

- a. Development within Steep Slope areas as shown on Figure 10 of the LUP shall conform to the following requirements:
- i. A slope analysis shall be required for each application for a CAP or CDP. This analysis shall be completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map using ten foot contour intervals or less. The slope analysis shall show the slope categories for the entire property in acres, using the following categories: i. less than 15% slope; ii. 15% and greater up to 25% slope; iii. 25% and greater up to 50% slope; and iv. 50% and greater slope.
 - ii. No development, grading, planting, excavation, deposit of soil or other material, or removal of natural vegetation, except as may be necessary for fire safety or installation of utility lines, shall be permitted on steep natural slopes of 25% grade or greater. This standard may be modified only to the extent that its strict application conforms to the following: i. would preclude the minimum reasonable use of a property, as defined herein; ii. Provided that such a modification is consistent with the other provisions of this section; and iii. That clustering, setback variances, and other appropriate techniques have been utilized to the maximum extent feasible, in order to avoid or minimize alteration of such natural steep slopes. No alteration of such natural steep slopes shall be permitted in order to obtain use of a property in excess of the minimum reasonable use. For purposes of this provision, the term "minimum reasonable use" shall mean a minimum of one (1) dwelling unit per acre, on a legal lot. Any encroachment into steep slope areas over 25% shall not exceed 10% of the steep slope area over 25% grade. For legal parcels that are one acre or less, with all or nearly all of the area in slopes over 25% grade, an encroachment into the steep slope area may be permitted, provided any area to be disturbed from its natural state shall be limited to 2,000 square feet, or 20% of the entire parcel (including areas under 25% slope), whichever is greater. In this case, areas with slopes over 25% grade may be used in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

- iii. Prior to the approval of the CAP, the following findings shall be made: i. the site is physically suitable for the design and siting of the proposed development; ii. the proposed development will result in minimum disturbance of ESHA; and iii. the proposed development is in conformance with the LUP.
- iv. Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources. Access roads and driveway lengths must comply with Consolidated Fire Code requirements.
- v. Grading for access roads and driveways should be minimized; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the Planning Commission, if the determination can be made that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LUP provisions.
- vi. Limiting earthmoving operations during the rainy season to prevent soil erosion, stream siltation, reduced water percolation, and increased runoff.
- vii. Prevent net increases in baseline flows for any receiving waterbody.

9316 Public Access, Trails and Recreation

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

- a. Proposed development shall enhance and shall not impair the public's ability to access and enjoy points and passages to public access features, including those identified in Figure 6 Publicly Accessible Vantage Points and Figure 7 Regional Trail Network and Points of Interest of the LUP.
- b. New subdivisions shall not provide gates, guardhouses, or other features that would limit existing public access points.
- c. Changes to existing public access ways that are required as part of an existing CDP shall not allow a reduction in access. Any such changes to an existing public access way would be required to be reviewed through a Coastal Permit Amendment process.
- e. Trails shall be maintained at or near original or intended standards. This shall include mowing and brush removal to replacement of damaged signs to reconstruction of the trail.
- f. Maintenance of trails shall occur in compliance with the following criteria:

Trail maintenance will be the minimum necessary to provide a safe and sustainable trail. Maintenance work will be accomplished by utilizing by-hand activities, where feasible. Trail maintenance will be limited to the existing trail tread, except where it is necessary to repair slopes or damage caused by erosion outside of the established trail tread. Vegetation trimming will be limited to the minimum width necessary to provide a: 1) safe corridor for trail users; and 2) decrease in negative impacts to ESHA.

- i. Should a trail dozer or other similar equipment be used for park maintenance activities, it shall not occur more than four times-per-year, nor be used longer than two hours in duration.
- ii. Temporary trail closures may occur due to inclement weather, flooding, emergency situations (e.g., wildfire events), or safety issues related to one of these situations. County Department of Parks and Recreation (DPR) staff will evaluate trails on a case-by-case basis

to determine whether temporary closure is appropriate, and the length of the closure based on trail and ESHA conditions.

- iii. Permanent trail closures may occur where the trail alignment is not sustainable, redundant, or in chronically poor trail condition, as determined by DPR staff.
- g. All trails shall be considered major public works and pursuant to the California Coastal Act, shall be appealable to the California Coastal Commission.
 - i. Trail tread widths shall be a maximum of two to four feet, except for Americans with Disabilities (ADA) accessible trails. Trail tread widths shall comply with ADA standards for trail accessibility, when feasible and required.
 - ii. Trail alignments shall be designed to minimize direct and indirect impacts to sensitive species and habitats, including the minimization of trail edge effects.
 - iii. Where feasible, trails shall be designed to incorporate buffer widths to protect sensitive resources.
 - iv. Trail alignments, as defined in this IP, should be chosen to minimize the need for trail structures. If trail structures are required, the structures should be the minimum necessary for trail safety and sustainability.
 - v. All directional signage and required fencing shall be employed in a manner that excludes trail users from ESHA.
 - vi. Trails may be re-routed when required for trail alignment sustainability, elimination of trail redundancies, and for those trails in chronically poor condition. The DPR staff shall consider carefully all trail alignments related to relocation of the trail tread for consistency with trail siting and construction provisions outlined above.
- h. The County's Coastal Zone contains approximately four (4) miles of non-motorized trails located within ESHA. As allowed within this LCP, this amount of trails may be maintained, rerouted or redesigned as necessary within the County's coastal zone, provided that the ultimate extent of multi-use trails shall not increase beyond six (6) miles of linear trails within or adjacent to ESHA.
 - i. The County shall prepare an annual monitoring report showing the total linear trail mileage rerouted and added within, and adjacent to, ESHA.
 - ii. The following Annual Trail Accounting Table shall be used to record rerouted and new trails in, or adjacent to, ESHA:

Table 9-8 Template for Annual Trail Accounting Table

Park Facility Name	Baseline Mileage	New Trail Added (mi)	Trail Reroutes (mi)
San Elijo Lagoon Ecological Reserve			
San Dieguito County Park			

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

- a) A map shall be included with the Annual Trail Accounting Table above that shall show existing trails in, or adjacent to, ESHA.
 - b) The annual report shall be submitted to the Coastal Commission with the Annual Trail Accounting Table and a brief overview of the trail route changes in, or adjacent to, ESHA that have occurred throughout the previous year.
 - c) 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.
- iii. For any development adjacent to, or within 100 feet of a public park, beach, trail, or recreation area, notice of proposed developments shall be provided, as applicable, to the San Elijo Lagoon Conservancy and the California Department of Parks and Recreation, for their review with regard to potential impacts to public access, recreation, ESHA, and any other sensitive environmental resources.
 - iv. Public, non-motorized trails are to be considered resource dependent uses. Non-motorized trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible and in general should be located around the periphery of sensitive habitat areas. Measures, including but not limited to signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA.

COASTAL PERMITS

9400 Coastal Permit Requirements

- a. **Coastal Permit Required.** Except as otherwise provided in **Section 9404 – Exemptions**, persons wishing to undertake any development in the Coastal Zone, shall obtain a Coastal Permit, either through a Coastal Administrative Permit (CAP) or a Coastal Development Permit (CDP), in accordance with the provisions of this Section.
- b. **Applications and Application Fees.** A prospective applicant or its respective agent, must pay the appropriate fees and submit sufficient information for County staff to determine whether a coastal permit is required for an application, as outlined in Section 9420. An application for a CAP / CDP shall be reviewed in conjunction with whatever other permits are required for the project in the underlying Use

Regulation. Where a CAP / CDP is combined with another permit, the Approval Authority for the CAP / CDP shall be the same as that for the permit required for the underlying Use Regulation.

- c. **Findings Required.** All decisions on CAP / CDP shall be accompanied by the written findings listed below. Developments requiring the application of the Special Development Standards in Section 9300 through 9314 may require additional findings. It is the responsibility of the Applicant to establish evidence in support of all required findings. An application for a CAP / CDP may be approved or conditionally approved, only if the decisionmaker makes all of the findings listed below:
- i. The establishment, maintenance, or operation of the use or structure applied for, shall not under the circumstances of the particular case, be detrimental or injurious to:
 - a) Health, safety, and general welfare of persons residing or working in the neighborhood, of such proposed use;
 - b) Property and the improvement of a neighborhood; or
 - c) The general welfare of the County of San Diego.
 - ii. The subject property is in compliance with all rules and regulations pertaining to County regulations including zoning uses, subdivision, and any other applicable provisions of this Section, and any zoning violations have been resolved, including any abatement costs have been paid.
 - iii. The proposed project, if located between the sea and the first public road paralleling the sea, 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 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 protecting existing visitor-serving uses and providing visitor-serving needs as appropriate.
 - e) The proposed development is consistent with the LUP goal of encouraging coastal dependent and related uses as appropriate.
 - f) The proposed development protects and where feasible enhances coastal resources.

- d. **Conditions.** Approval of a CAP / CDP 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. All conditions must be fulfilled. Development of the property in reliance of the permit must commence prior to permit expiration unless an extension is applied for and granted, as outlined in Sections 9400 and 9414.
- e. **Coastal Administrative Permit (CAP).** Applications for development associated with a use that is listed in the respective category, within the applicable Use Regulation shall obtain a CAP, if the development conforms to all of the following: (1) As proposed is consistent with the LCP; (2) Requires no discretionary approval other than a CAP; and (3) Has no adverse effect either individually or cumulatively on coastal resources, including public access.
- i. **INITIAL NOTICE.** A notice of the proposed development shall be provided to all persons who would otherwise be required to be notified of a public hearing (see below), as well as any other persons known to be interested in receiving notice. The notice shall state that the County will decide whether to approve or disapprove the CAP 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 or if the site of the CAP lies within or partially with an appealable area. The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County on the CAP application. This notice shall include a statement of whether the proposed action is appealable to the Coastal Commission.
 - ii. **HEARING.** If a request for public hearing is not received by the County within 15 working days, the Approval Authority may take action without holding a public hearing. When a public hearing is requested or if the site of the CAP lies within or partially with an appealable area, notice of the hearing shall be provided in accordance for then provisions for notice (below) and the Approval Authority shall conduct the public hearing before a decision on the application.
 - iii. **NOTICING.** For all CAP applications for which a public hearing is requested or required because the site of the CAP lies within or partially with an appealable area, noticing provisions in Section 9400.e. shall apply.
 - iv. **JURISDICTION.** The Jurisdiction for processing and issuing CAP shall be as follows. Table 9-9 below, provides a summary of the process:
 - a) **Director of Planning & Development Services (PDS):** The Director of PDS shall be responsible for processing and deciding all privately-initiated development requiring a CAP, as identified in Tables 9-2a through 9-2f (inclusive), which require a Site Plan, with an "S" designator.
 - b) **Director of Department of Parks and Recreation (DPR):** The Director of DPR shall be responsible for processing and deciding all publicly-initiated projects related to trails and pathways, the San Dieguito Park, and other public recreational facilities owned or operated by DPR.

- c) Director of Department of Public Works (DPW): The Director of DPW shall be responsible for processing and deciding all publicly-initiated projects related to stormwater facilities, County roadways, and other facilities owned and operated by DPW.
- d) Director of Department of General Services (DGS): The Director of DGS shall be responsible for processing and deciding all publicly-initiated projects related to County owned facilities not owned or operated by DPR and DPW.

Table 9-9 Coastal Administrative Permit Process

CAP Director Decisionmaker	Authority	Local Appeals Authority
Director of Planning & Development Services (PDS)	Process privately-initiated development requiring a CAP, as specified in IP Tables 9.2-a through 9.2-f (inclusive), with an "S" designator.	Planning Commission*
Director of Parks and Recreation (DPR)	Process publicly-initiated projects related to: 1) trails and pathways; 2) the San Dieguito Park; and 3) all other public recreational facilities owned or operated by DPR.	Board of Supervisors*
Director of Public Works (DPW)	Process publicly-initiated projects related to stormwater facilities, County roadways, and other facilities owned and operated by DPW.	Board of Supervisors*
Director of General Services (DGS)	Process publicly-initiated projects related to County-owned facilities, which are not under jurisdictions of DPR and DPW.	Board of Supervisors*

**For development that falls within the categories listed under Section 9422.a.iii of the IP, the final appeal is to Coastal Commission, after any County entity makes decision on an appeal.*

- v. Each Director shall be responsible for reviewing and evaluating CAPs submitted pursuant to the following procedure.
- vi. APPLICATION. An application for a CAP, or modification thereof, shall be signed by all property owner(s) or agent(s). The applicant shall provide proof satisfactory to the Director, of the ownership of the property and the authority of the agent(s) to sign on behalf of the owner(s). The application shall be made to the Director on such forms and containing the information seen below, and as required in Section 9400.f.ii and shall be accompanied by the fee specified within County Administrative Code, Section 362.1.
 - a) Persons Eligible. The following persons shall be eligible to apply for the granting of a CAP.
 - 1) A property owner, in which case the application shall be signed by all property owner(s) or agent(s).
 - 2) A lessee upon written approval of the property owner, in which case the application shall be signed by all property owner(s) or agent(s).
 - 3) A person authorized to exercise the power of eminent domain.
 - b) Required Documents. The application shall be accompanied by the following documents:

- 1) A list of the names of all persons having an interest in the application, as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than ten percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
 - 2) Complete plans, a description of the property involved and a complete description of the proposed use. The complete plans shall include a plot plan drawn to scale showing all structures (existing and proposed). If the CAP will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the CAP shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for CAP approval.
 - 3) Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the requested CAP within 6 months after it is granted.
 - 4) The appropriate environmental impact review document.
- vii. TRANSMITTAL TO OTHER AGENCIES. Whenever an agency or board is required by the LCP to review a CAP submitted to the Director, the Director shall forward a copy of the application and accompanying plans, maps and diagrams to the appropriate agency or board within five working days after receiving a complete Site Plan application. The Director shall not make a decision with respect to the CAP, until the Director has considered the report and recommendation of the agency or board. Citizen Advisory Boards shall review and make recommendations within 21 days of receipt of said application unless no meeting is held within that time frame. If no recommendation is received within 45 days after transmitting the application to an agency or board, the Director may make a decision without the agency's or board's recommendation. The Director may make a decision after 35 days, if the Director has either received recommendations from all agencies, boards and planning or sponsor groups to which notice has been sent, or has been informed by said agencies, boards and/or planning or sponsor groups, that they will not be making recommendations. The Director shall transmit a copy of his decision to the agency or board at the time the decision is made.
- viii. REVIEW AND EVALUATION. The Director shall review and evaluate the CAP in accordance with the following guidelines:
- a) Scope. The Director shall review and evaluate Site Plans for conformance with the LCP.
 - b) Modifications Required Prior to CAP—Decision. The Director may specify modifications, changes, and additions to the Site Plan that are required prior to making a decision. The modifications, changes, and additions shall not exceed the scope of the Site Plan review standards and criteria set forth in the LCP, nor shall

they alter or vary the requirements of those pertinent LCP sections otherwise applicable to the development proposal. However, such standards and criteria and requirements may be modified or changed as specified by the Director to eliminate or mitigate significant adverse environmental effects disclosed within the appropriate CEQA environmental documentation.

- c) Improvements Required for Site Plan Decision. The Director shall ensure that all Site Plans provide for on- and off-site improvements, which may be required by the Site Plan review standards and criteria set forth by the LCP. Such requirements for improvements may be modified, as provided by subsection "b" of this section. The Director may require the applicant to enter into an agreement to provide such improvements and this agreement.
- d) Waiver of Standards and Criteria. The Director may waive those standards and criteria prescribed for the review and evaluation of a CAP which is found to have been or will be fulfilled by condition or conditions of a CAP Variance. A CAP Variance shall not be approved for development in or adjacent to ESHA, in or adjacent to riparian area, or in or adjacent a wetland. The granting of a CAP variance shall not be inconsistent with the provisions of the certified County land use plan. The variance must include findings specifying that the granting of the variance conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan.

ix. FINDINGS REQUIRED. Prior to approving a site plan the Director shall find in writing:

- a) Standards and Criteria. That the proposed development meets the intent, and specific standards and criteria prescribed in the LCP.
- b) General Plan. That the proposed development is compatible with the San Diego County General Plan; and
- c) Waiver of Standards or Criteria. That any applicable standards or criteria waived by the Director pursuant to subsection 9400.g.v.c, have been or will be fulfilled by the condition or conditions of a CAP or Variance, consistent with Variance Procedures in the County Zoning Ordinance. Waiver of standards or criteria shall not be approved for development in or adjacent to ESHA, in or adjacent to a riparian area, or in or adjacent to a wetland. The waiver of standards or criteria shall not be inconsistent with the provisions of the certified County land use plan.

x. DECISION AND NOTICE.

- a) Upon completion of review and evaluation of a site plan and upon holding a public hearing per subsection 9400.f.ii if applicable, the Director shall make a decision, as follows:
- b) Make such findings as are required by sub-paragraph 9400.e.x, and approve the CAP; or
- c) Notify the applicant of those changes and modifications required for approval of the CAP, or

- d) Deny the CAP if the Director finds that:
 - 1) The CAP cannot be conditioned by adequate requirements to ensure compliance with applicable regulations; or
 - 2) The CAP cannot reasonably be modified to conform to the applicable requirements.
- e) Time Period. Within 60 days of receipt of a complete application for CAP review, the Director shall act as provided in subsection "a". The 60-day period may be extended with the written consent of the applicant. Failure of the Director to act within the specified time period, or extension thereof, shall not affect the validity of the Director's decision.
- f) Effective Date. All decisions of the Director made pursuant to this IP 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, pursuant to Section 30603(c).
- xi. CONDITIONS. CAP may be approved or modified subject to the performance of such conditions, including the provision of required improvements as the Director shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of the LCP shall be achieved. Such conditions shall be imposed and enforced as follows:
 - a) Security May Be Required to Ensure Performance. In order to ensure the performance of conditions imposed concurrent with the granting or modification of a CAP, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the CAP. Such security shall be furnished as required.
 - b) Provision of Required Improvements. Whenever a CAP is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant county authority, the applicant shall execute an agreement with the cognizant County authority to make such improvements prior to the time or events specified in the CAP.
 - c) Condition Declared Void. Whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of the conditions of a CAP approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation or one or more of such conditions, said CAP approval shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 9400.h.xv.
 - d) Violation of Condition. Whenever a CAP, is approved or modified subject to a condition or conditions, use or enjoyment of the CAP in violation of, or without observance of any such condition, shall constitute a violation of the IP and said CAP may be revoked or modified as provided in Section 9400.e.xv.
- xii. APPEAL. A decision of the Director on a CAP application may be appealed pursuant to Section 9422.a.

- a) Appeals. Where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal.
- b) Effective Date. The decision of the Planning Commission or the Board of Supervisors shall be final and effective immediately, except for projects that are appealable to the Coastal Commission. Where an appeal of an environmental determination is filed, the procedures specified in Chapter 4 (commencing with Section 86.401 of Division 6 of Title 8 of the San Diego County Code) shall be followed.

xiii. APPLICATION FOR MODIFICATION OF A CAP

- a) Any person holding an approved CAP may apply for a modification. The modification of a CAP may include modification of the physical improvements shown on the CAP itself or the waiver or alteration of conditions imposed, Sections 9400.e.iii through 9400.e.viii, shall apply to the application for the modification of a CAP.
- b) In the event the requested modification relates to a condition which was initially imposed by action of an appellate body, the authority having jurisdiction over such modification shall consider the following:
 - 1) The reason(s) why the subject condition was initially imposed.
 - 2) The reason(s) why the subject condition should be retained, modified or waived.
 - 3) The relationship of modification or waiver to the reason(s) the condition was initially imposed.
 - 4) Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.
 - 5) Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification would not lessen or avoid the intended effect of an approved or conditionally approved permit.
 - 6) The authority shall reject an application for an amendment to an approved permit if he or she determines that the proposed modification would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which the applicant could not with reasonable diligence, have discovered and produced before the permit was granted.

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

concurrently with any review required thereby with the exception that any necessary amendment to the LCP shall be approved prior to approval of a CAP.

- xv. REVOCATION OR MODIFICATION OF CAP APPROVAL FOR CAUSE. A CAP may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a CAP may include the modification of the terms of the CAP itself or the waiver, alteration, or imposition of new conditions pursuant to Section 9400.e.xiv.
 - a) Ground for Revocation or Modification. A CAP may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
 - 1) That such CAP was obtained or extended by fraud.
 - 2) That one or more of the conditions upon which such CAP was granted have been violated.
 - 3) That the use for which the CAP was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.
 - 4) That construction on the subject property is not in conformance with the CAP or other applicable requirements.
 - b) Notification. The Director shall notify the owner of the property of his action in the same manner as specified in the Building Code for revocation of a building permit, or by written notice to the owner of the subject property as shown on the latest assessment roll or as indicated by later information available to the Director.
 - c) Appeal. Revocation or modification of a CAP may be appealed pursuant to Section 9400.e.xiv.
- xvi. AUTOMATIC REVOCATION OF CAP APPROVAL. If a CAP is approved or modified subject to one or more conditions, such CAP shall cease to be valid, and all rights and privileges granted thereby shall lapse, notwithstanding any other provisions of the LCP to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.
- xvii. MINOR DEVIATION OR MODIFICATION NOT REQUIRED. A Minor Deviation or Modification to a CAP is not required for any Building, Structure or Projection in the Accessory Use Regulations, provided the Building, Structure, Projection or use meets the specific accessory use setbacks in the CAP and meets all other conditions and restrictions in the CAP. If the CAP does not specify setbacks for an Accessory Use or a Building, Structure or Projection, a Minor Deviation or Modification to the CAP is not required provided the Building, Structure, Projection or Accessory Use meets the least restrictive setbacks for the zone that applies to the subject site.
- xviii. CAP TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE. Upon the approval of a CAP becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The site to be recorded shall set forth the names of all owners of the property subject to the CAP. The recording of a CAP shall provide constructive notice

to all purchasers, transferees, or other successors to the interests of the owners named in the CAP, of the rights and obligations created by the CAP.

- f. **Coastal Development Permit (CDP).** Applications for development associated with a use that is shown in Tables 9-2a through 9-2f (inclusive), which require a Major Use Permit, identified by an “M” designator shall require a CDP, and shall be required for any other development not meeting the criteria for a CAP. These shall be known as the CDP. A CDP may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on the environment, through review and, where necessary, the imposition of special conditions of approval. Each Department shall process permits related to its authority outlined in Table 9-9 above. The Planning Commission shall approve CDPs processed by PDS, and Directors DGS, DPR, and DPW shall approve for CDPs within their respective jurisdictions (“Approval Authority”). The local appeal authority for all CDPs shall be the Board of Supervisors. Each Approval Authority shall be responsible for reviewing and evaluating a CDP application pursuant to the following procedures.

Table 9-10
Coastal Development Permit Process Authority

Department	CDP Decisionmaker	Local Appeals Authority
Planning & Development Services (PDS)	Planning Commission (privately-initiated development labeled in IP Tables 9.2-a through 9.2-f (inclusive), with an “M” designator.)	Board of Supervisors*
Parks and Recreation (DPR)	Director of DPR (County-initiated recreational development)	Board of Supervisors *
Public Works (DPW)	Director of DPW (County-initiated stormwater and roadway development)	Board of Supervisors *
General Services (DGS)	Director of DGS (County-initiated facilities development)	Board of Supervisors *
<i>*For development that falls within the categories listed under Section 9422.a.iii of the IP, the final appeal is to Coastal Commission, after any County entity makes decision on an appeal</i>		

i. CLASSIFICATION OF CDP AND ORIGINAL JURISDICTION.

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

- a) CDP. Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions, any one of which requires a CDP, shall require CDP.
- b) Minor Use Permit. Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit that also requires a CDP shall be under the jurisdiction of the Approval Authority for the CDP.

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

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

- 1) A property owner, in which case the application shall be signed by all property owner(s) or agent(s).
 - 2) A lessee upon written approval of the property owner, in which case the application shall be signed by all property owner(s) or agent(s).
 - 3) A person authorized to exercise the power of eminent domain.
- b) Required Documents. The application shall be accompanied by the following documents:
- 1) A list of the names of all persons having an interest in the application, as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than ten percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
 - 2) Complete plans, a description of the property involved and a complete description of the proposed use. The complete plans shall include a plot plan drawn to scale showing all structures (existing and proposed). If the CDP will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the CDP shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for CDP approval.
 - 3) Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the requested CDP within 6 months after it is granted.
 - 4) The appropriate environmental impact review document.
- c) Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with the Approval Authority and shall be accompanied by the appropriate fee, specified within County Administrative Code, Section 362.1.
- d) Noticing (Identification of Interested Persons, Submission of Envelopes, Posting of Site)
- 1) With submission of the CDP application materials, the applicant shall provide names and addresses of, and stamped envelopes for, adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide a list of:

- aa) The addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed,
- bb) The addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll, and
- cc) The names and addresses or e-mail addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).

This list shall be part of the public record maintained by the County for the application.

- 2) The applicant shall also provide stamped envelopes for all addresses on the list prepared pursuant to subsection (aa) above with submission of CDP application materials. Separate stamped envelopes shall be addressed to "owner," "occupant," or the name of the interested person, as applicable. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The County shall provide an appropriate stamp for the use of applicants in the County office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The County may waive this requirement for addresses identified under subsection (1)(aa) and (bb) above and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to section 9400.iv.
- 3) If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of section (2), above. The additional set of stamped, addressed envelopes shall be submitted within ten days of the County's decision to postpone or continue the hearing.
- 4) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the County. Such notice shall contain a general description of the nature of the proposed development. The County shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the County shall refuse to file the application.

- iii. HEARING AND NOTICE. All applications for granting or modifying a CDP and all actions to revoke, extend, or modify a CDP shall be heard at a public hearing scheduled and noticed before the Approval Authority.
- iv. COASTAL DEVELOPMENT PERMIT. All CDPs require a public hearing. Before issuing a decision on a CDP, the County shall provide notice of a public hearing by the Approval Authority.
 - a) At least 10 calendar days prior to the date on which the application will be heard by the County, the County shall mail or transmit by other reasonable means written notice to each applicant, to all public agencies which have jurisdiction, by law, with respect to a proposed development, to all persons who have requested it, and to all persons known by the County to have a particular interest in the application, including those specified in section 9400.h.ii.d. The notice shall contain the following elements:
 - 1) The number assigned to the application;
 - 2) A description of the development and its proposed location;
 - 3) The date, time and place at which the application will be heard by the County;
 - 4) A link to the general procedure of the County concerning hearings and action on applications;
 - 5) A link to the hearing materials on the County's website.
 - b) In lieu of providing mailed notice to persons as required by subsection (a) above, the County may direct the applicant to substitute notice in one or more newspapers of general circulation in the area of the project for the written mailed notice if the executive director determines:
 - 1) It is reasonable to expect adequate or better notice to interested parties through publication; and
 - 2) Written notice to individuals would be unreasonably burdensome to the applicant in view of the overall cost and type of project involved.

A statement of reasons supporting the County's determination to direct the applicant to substitute newspaper notice shall be placed in the file.
- v. FINDINGS REQUIRED. Before any CDP may be granted or modified, it shall be found by the Approval Authority:
 - a). That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - 1) Harmony in scale, bulk, coverage and density;

- 2) The availability of public facilities, services and utilities;
 - 3) The harmful effect, if any, upon desirable neighborhood character;
 - 4) The generation of traffic and the capacity and physical character of surrounding streets;
 - 5) The suitability of the site for the type and intensity of use or development which is proposed;
 - 6) Any other relevant impact of the proposed use; and to
 - 7) Impacts to coastal resources and public access.
- b) That the proposed project, as described in paragraph "a)" of this section, and the location of the proposed use will be consistent with the San Diego County LCP.
 - c) That the proposed project complies with all requirements of the California Environmental Quality Act.
- vi. **DECISION AND NOTICE.** The Approval Authority shall decide and notice matters concerning a CDP as follows:
- a) Applications for granting or modifying a CDP. Following the hearing on an application for granting or modifying a CDP the Approval Authority shall deny the CDP or the requested modification; or shall grant or modify the CDP subject to specified conditions as may be imposed pursuant to Section 9400.e.xi. Notice of the decision on the application shall be filed in the office of the authority having jurisdiction over the application and a copy of said notice shall be mailed to the applicant at the address shown on the application. Said decision shall become effective as provided in Section 9400.f.ix
 - b) Action to Revoke or Modify a CDP For Cause. Following the hearing in an action to revoke or modify a CDP, as prescribed in Section 9400.f.xvii., the Approval Authority may decide to revoke or to modify the CDP, or may decide to take no action. Notice of the decision on the action shall be filed in the office of the deciding authority and a copy of said notice shall be mailed to the person to whom the CDP was originally granted. Said decision shall become effective as provided in Section 9400.f.ix
- vii. **CONDITIONS.** A CDP may be granted or modified subject to the performance of such conditions, including the provision of required improvements, and for such period of time as the Approval Authority shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of the LCP shall be achieved. Such conditions shall be imposed and enforced as follows:
- a) Security May Be Required to Ensure Performance. In order to ensure the performance of conditions imposed concurrent with the granting or modification of a CDP, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the CDP. Such security shall be furnished.

- b) Provision of Required Improvements. Whenever a CDP is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant County authority, the applicant shall execute an agreement with the cognizant County authority to make such improvements, prior to the time or events specified in the permit.
 - c) Condition Declared Void. Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of a CDP to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said CDP shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 9400.f.xviii.
 - d) Violation of Condition. Whenever a CDP is granted or modified subject to a condition or conditions, use or enjoyment of the CDP in violation of, or without observance to, any such condition shall constitute a violation of the Zoning Ordinance, and said CDP may be revoked or modified as provided by Section 9400.f.xviii.
 - e) Monitoring compliance. Every permittee of a CDP shall allow the Director to conduct periodic inspections of the property for which a CDP has been granted to ensure that the permittee is complying with the CDP conditions. Inspections under this section are in addition to any authorized inspections. As used in this section, "permittee" also means the permittee's employees, agents, tenants, heirs, assignees and successors. The frequency of the periodic inspections shall be at the discretion of the Director, but shall not occur more often than once every twelve months. The Director shall give the permittee written notice at least 24 hours before any inspection under this section. No permittee shall refuse to permit inspection of the property covered by the CDP after the requisite notice has been given. No inspector, however, shall conduct any inspection authorized by this section if permission to inspect is refused. If an inspector determines during a periodic inspection that the permittee is not in compliance with any CDP condition, the Director may authorize follow-up inspections more frequently than once every twelve months until the Director is satisfied that the permittee is complying with all CDP conditions.
 - f) Notices under paragraph e. Notices shall either be served personally or by United States mail. Notices served by mail shall allow five business days for delivery.
- viii. DEFENSE OF LAWSUITS. As a condition of approval of a CDP, CDP modification, or CDP extension for which an application was filed on or after January 3, 2003, each applicant shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.
- ix. EFFECTIVE DATE. Decisions of the Approval Authority made pursuant to Section 9400.f.vi. shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 9422.a. or the project is subject to appeal pursuant to Section 9422.b.i.

- x. CDP TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE. Upon the approval of a CDP becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The CDP to be recorded shall set forth the names of all owners of the property subject to the CDP. The recording of a CDP shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the use permit, of the rights and obligations created by the CDP.
- xi. NUISANCE. The granting or modification of a CDP shall not authorize or legalize the maintenance of any private or public nuisance.
- xii. DISCONTINUANCE. Each CDP granted pursuant to these provisions shall expire and become null and void at the expiration of one year from vesting after the purpose for which it was granted shall have been discontinued or abandoned.
- xiii. APPLICATION FOR MODIFICATION OF A CDP.
 - a) Any person holding a CDP may apply for a modification by complying with Section 9400.f.xvi. For the purposes of this section, the modification of a CDP may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed pursuant to Section 9400.f.vii. Sections 9400.f.iv.through 9400.f.ix, inclusive shall apply to the application for the modification of a CDP.
 - b) Notwithstanding the provisions of paragraph "a" above or any other provision of the LCP, in conjunction with an application filed pursuant to the Subdivision Ordinance to modify a Tentative Map or Tentative Parcel Map or a resolution approving the same, the Director of PDS may modify or conditionally modify such permit pursuant to the procedure specified in the Subdivision Ordinance for acting upon such map modifications. The Director shall reject an application for an amendment to an approved permit if he or she determines that the proposed modification would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted. Sections 9400.f.ii, 9400.f.v, 9400.f.vii, and all other provisions of the LCP not in conflict with said Subdivision Ordinance procedure, shall apply to such action by the Director.
 - c) In the event the requested modification or waiver relates to a condition which was initially imposed by action of an appellate body, the authority have jurisdiction over such modification or waiver shall consider the following:
 - 1) The reason(s) why subject condition was initially imposed.
 - 2) The reason(s) why subject condition should be modified or waived.
 - 3) The relationship of modification or waiver to the reason(s) the condition was initially imposed.
 - 4) Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.

- 5) Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification or waiver.
- xiv. AUTOMATIC REVOCATION OF A CDP. If a CDP is granted or modified, subject to one or more conditions, such CDP shall cease to be valid, and all rights or privileges granted thereby shall lapse, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.
 - xv. REVOCATION OR MODIFICATION OF A CDP FOR CAUSE. A CDP may be revoked or modified for cause, as provided by the provisions of this section. For purposes of this section, the modification of a CDP may include the modification of the terms of the permit itself or the waiver, alteration or imposition of new conditions pursuant to Section 9400.f.xviii.
 - a) Grounds for Revocation or Modification. A CDP may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
 - 1) That such permit was obtained or extended by fraud.
 - 2) That one or more of the conditions upon which such permit was granted have been violated.
 - 3) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
 - b) Initiation of Action. An action to revoke or modify a CDP may be initiated by order of the Planning Commission or the Director, whichever granted, extended, or modified the CDP on its own motion, or at the request of any County Officer. In addition, the Board of Supervisors may initiate an action to revoke or modify any CDP granted by any Approval Authority. The order shall set forth grounds for revocation or modification.
 - c) Other Provisions Applicable. Sections 9400.f.iii through 9400.f.ix, inclusive, shall apply to an action for the revocation or modification of any CDP.
 - xvi. EXTENSION OF TIME LIMITS. The time limits prescribed for the CDP Procedure may be extended by the Approval Authority upon the consent of the applicant or appellant, per Section 9400.f.
 - xvii. REAPPLICATION. An application for the granting or modifying of a CDP, which has been denied, shall be filed no earlier than one year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:
 - a) Denial by Director. If the Director has denied the CDP, permission to reapply may be granted by the Director, Planning Commission or the Board of Supervisors.
 - b) Denial by the Planning Commission. If the Planning Commission has denied the CDP, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.

- c) Denial by the Board. If the Board of Supervisors has denied the CDP, permission to reapply may be granted by the Board of Supervisors.
- g. **Additional Permits.** The review of a CDP application may be combined with, and processed concurrently with the review of any other discretionary permit application required by the County Local Coastal Program. 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.
- h. **Legal Development and Permitting Processes.** Development that was legally established prior to the effective date of the Coastal Act of 1976 or its predecessor, the Coastal Zone Conservation Act of 1972, if applicable, is considered lawfully established development. Improvements, repair, modification, or additions subject to such existing development may be subject to a CAP / CDP, or other County permit, in accordance with the provisions of this Section. The CAP / CDP shall only be approved, if the proposed development is consistent with the policies and standards of the County's LCP.
- i. **Illegal Development and Permitting Processes.** Development that was established after the effective date of the Coastal Act of 1976 or its predecessor, the Coastal Zone Conservation Act of 1972, if applicable, and that was not authorized in a CAP / CDP or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development. No improvements, repair, modification, or additions to such existing development may be approved, unless the County also approves a CAP / CDP that authorizes the existing development. The CAP / CDP shall only be approved if the existing and proposed development, with any applicable conditions of approval, is consistent with the policies and standards of the County's LCP. Whenever the County or Executive Director of the Coastal Commission determine that a violation has occurred or is threatened, the County Counsel or Attorney General may file an action for equitable relief to enjoin such violation of, or for, civil penalties, or both, or may take other appropriate action pursuant to County enforcement procedures identified in the County Code of Regulatory Ordinances and/or State enforcement procedures identified in the Coastal Act or other applicable law.
- j. **Principal Permitted Use.** A Principal Permitted Use shall mean the primary use for which land or a building is, or may be intended as, occupied, maintained, arranged, or designed, as established by the County's LCP.
- k. **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.
- l. **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.
- m. **Redevelopment.** Redevelopment shall be the demolition or removal of 50 percent or more of the major structural components of an existing development, which includes exterior walls, floor and roof structures,

or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development. Cumulative increases shall be tracked starting on the date of the certification of the LCP.

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

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

9404 Exemptions

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

- a. **Projects with Coastal Commission Approval.** Pre-Existing projects or development authorized by a valid coastal permit or equivalent authorization issued by the Coastal Commission, or in areas where the Coastal Commission retains original permit jurisdiction. A person undertaking development included in a public works plan or long-range development plan approved by the Coastal Commission is not required to obtain a CAP / CDP from the County, however, other County permits may be required.
- b. **Replacement after Natural Disaster.** The replacement of any structure, other than a public works facility, destroyed by a disaster. is exempt, provided that the replacement structure: 1) Conforms to applicable existing County Local Coastal Program 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 on the property normally associated with a single-family residence uses, such as garage, patios, swimming pools and landscaping, but not including guest living quarters or self-contained residential units. This exemption for improvements shall not include the following:
 - i. Improvements to single-family residences where the development permit issued for the original structure by the County or Coastal Commission indicated that any future additions involve a risk of adverse environmental effect and would require a coastal permit.

- ii. Improvements to single-family residences, if the residence and/or improvement is located: 1) In a wetland; 2) In ESHA; 3) In the Scenic Special Area Designator ("S"); 4) Within a viewshed delineated in the LUP; or 5) within 50 feet of the edge of a bluff.
 - iii. 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.
 - iv. In areas having a critically short water supply, construction of major water-using development not essential to residential use such as swimming pools, or construction or extension of landscape irrigation systems.
 - v. Expansion or construction of water wells or septic systems.
 - vi. Improvements that would change the type or intensity of use of the structure.
 - vii. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold.
- 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, provided, however, that if the County determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained.
 - i. The provisions of this Implementation Plan shall not be applicable to those activities specifically described as exempt from coastal permit requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission, on September 5, 1978. Activities listed in the aforementioned document shall be exempt from obtaining a CAP / CDP, unless a proposed activity will have a risk of substantial adverse impact on an Environmentally Sensitive Habitat Area, wetlands, public access, or public views to the ocean.
 - ii. Unless destroyed by a natural disaster (see Section 9404.b), the replacement of 50 percent or more of a single-family residence, or other structure is not repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Development Permit. Replacement is considered Redevelopment, which shall include exterior walls, floor and roof structures, or the foundation; or a cumulative increase of 50 percent of the floor area of an existing development or replacement of more than 50 percent of the structure. Cumulative increases shall be tracked starting on the date of the certification of the LCP.
- e. **Land Division.** Land division brought about in connection with the purchase of such land by a public agency for public recreational uses.
- f. **Utility Connections.** The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development which has been granted a valid coastal permit that accounted for such connection; provided, however, that the County may require conditions to mitigate any adverse impacts on coastal resources including scenic resources.
- g. **Minor Excavation Not Requiring a Grading Permit.** Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or other vegetation

for landscaping purposes, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.

9408 Minor Developments

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

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing, as well as any other persons known to be interested in receiving notice; and
- b. No request for a public hearing is received by the Approval Authority within 15 working days, from the date the notice was sent, pursuant to preceding subparagraph.
- c. The notice provided pursuant to this section shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to make an appeal to the Approval Authority or the Coastal Commission, for any action taken by the County of San Diego on a coastal permit application. This notice shall also include a statement of whether the proposed action is appealable to the Coastal Commission.

9410 Determination of Permit Requirement

- a. The Director of the lead department 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 seeking such determination shall submit to the lead department all statements, plans, and elevations deemed necessary by the Department to assess the development.
- c. After review, the Director of the lead department shall notify the Applicant:
 - 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.
- d. The Director shall only provide notice of an exemption to the California Coastal Commission in writing if the exempt development is appealable to the Coastal Commission (see Section 9422.b.i. for list of appealable development).
- e. The County shall maintain a record for all issued exemptions for development in the County Coastal Zone which shall be made available to the Coastal Commission or any interested person upon request. The record shall include the applicant's name, the location of the project and a brief description of the project.

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 or failure to comply with permit noticing provisions, the Approval Authority 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 CDP.

9414 Expiration and Extension of Coastal Permits

- a. Unless the permit states otherwise, a CAP / CDP shall expire two (2) years from its date of approval, unless use and reliance on the permit has been established prior to the permit's expiration.
- b. Notwithstanding the above, if the CAP/CDP is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the CAP/CDP shall remain in full force and effect for the duration of the tentative approval for that subdivision map (including all extensions of that tentative map) and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the CAP/CDP shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in subsection (c), and provided further, that construction complies with the LCP in effect at the time of construction.
- c. If prior to the expiration of such CAP/CDP the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the CAP/CDP must be commenced, may be extended by the Approval Authority at any time within 90 days of the date of expiration. The Approval Authority may grant one or more such extensions not to exceed a total of 24 months each, subject to specified conditions, as provided by Section 9400.f.vi, and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant, and that there are no changed circumstances in the project that would be inconsistent with the Local Coastal Plan.
- d. Any Minor Deviation or any modification pursuant to Section 9400.e.xix, shall not extend the expiration and extension dates otherwise specified in this section.
- e. Decisions of the Approval Authority, pursuant to this section shall become effective as provided by Section 9400.f.ix. Decisions of the Approval Authority may be appealed as provided by Section 9422. All other provisions of the LCP shall apply to a time extension granted in accordance with this section.
- f. Such extensions of CAP / CDP shall be considered amendments for purpose of notice and appeal to the Coastal Commission.

9416 Coastal Permit Amendments

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

9418 Denial of Coastal Permit Applications

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

9420 Coastal Permit Application Requirement and Fees

a. Filing Procedures

- i. APPLICATION. Private development applications for, and amendments to, a CAP and CDP shall be made to Planning & Development Services, public project applications for, and amendments to CAP and CDP shall be made to the lead department (Parks and Recreation, Public Works, or General 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 lead department or any other ordinance contained in the certified LCP to adequately assess and evaluate the proposed project. Applications for CAPs and CDPs may be submitted concurrently with other County permits required by the County. Developments requiring the application of the Special Area Regulations in Section 9300 through 9316 may require additional application materials.
- ii. REVIEW. Following submittal of an application, the Approval Authority shall review the application for completeness. Within thirty (30) calendar days from submittal, the Approval Authority shall notify the Applicant in writing of which parts of the application are incomplete and describe the specific materials needed to complete the application. Not later than 30 days after receipt of all of the requested materials, the Approval Authority shall determine whether the submittal of the requested materials is complete and transmit that determination to the Applicant. If no determination of completeness is provided to the Applicant within 30 days of submittal, the application will be deemed complete. Any application for a CAP / CDP shall not be determined to be complete and shall not be filed until and unless the applicable requirements of this Section have been met. Until such application is determined to be complete by the Approval Authority and has been reviewed in accordance with the applicable CEQA Guidelines and the California Coastal Act, no action shall be taken on it by the Approval Authority.
- 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 lead department, or designee and this determination shall be transmitted to the applicant, within thirty (30) calendar days from submittal of the development application to the lead department. 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, an interested person, or local government shall comply with the California Code of Regulations (Title 14 Code of Regs., Section 13569).
- iv. NON-ACCEPTABLE APPLICATIONS. The lead department 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 CAP and CDP shall be the same as the most current Site Plan Permit and Major Use Permit fees, respectively, such fees shall be in accordance with the most current County Administrative Code Schedule of Discretionary Fees and Deposits, as adopted by the County Board of Supervisors.

9422 Coastal Permit Appeals

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

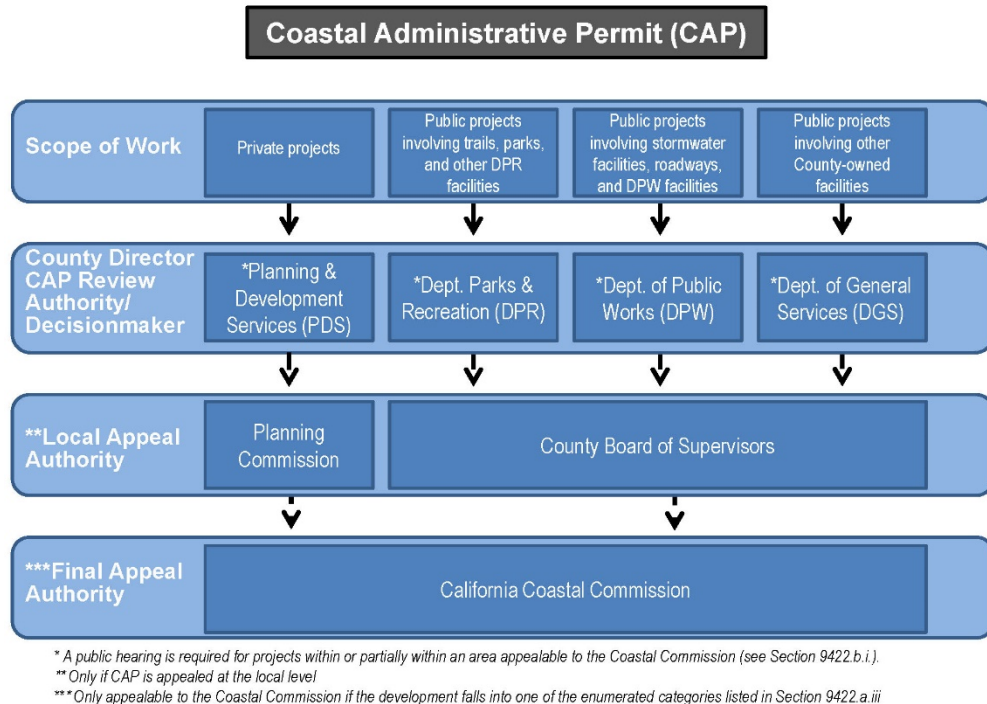
a. Local Appeals

- i. **PRINCIPAL PERMITTED USES.** All Principal Permitted Uses listed in Table 9-2a –f, with the “PPU” designator, and as defined in this IP, shall not be appealable developments unless subject to appeal pursuant to Section 9422.b.i. (see Section 9106.b, herein).
- ii. **CDP AND CAP PERMITTED USES:** All uses for which CDP and CAP 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 developments listed under Section 9422.b.i.
- iv. The grounds for an appeal of an approval of a permit shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and recreation policies set forth in the Coastal Act, Chapter 3 (Sec. 30210, et seq.).
- v. The grounds for an appeal of a denial of a permit shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access and recreation policies set forth in the Coastal Act, Chapter 3 (Sec. 30210, et seq.).
- vi. For development subject to appeal pursuant to Section 9422.b.i., 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 (see Section 9422.b.).
- vii. The County, after taking action on a coastal development permit, shall send notification of its final action to the Commission by certified mail, within seven calendar days from the date of taking the action.
- viii. **APPEALS.** A decision or any portion of the decision made by the Approval Authority, under the provisions of this Section, may be appealed to the Appeals Authority, by an aggrieved person.

- ix. RESUBMITTAL OF REVISED APPLICATION. If upon appeal an application for an CAP or CDP is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application shall be resubmitted to the authority having original jurisdiction, for further consideration and decision. The decision of the revised application may thereafter be appealed, as provided in this Section.
- x. PERSONS AUTHORIZED TO APPEAL. No person may appeal except the Applicant; a County officer acting pursuant to paragraph "xi" of this Section; and those persons who protest the granting, revocation, or modification of a CAP/CDP, either by written protest filed in the office of the lead department, prior to the time of the hearing or consideration of the matter by said Approval Authority; or by appearing and protesting the granting, of the CAP/CDP at the hearing or consideration of the matter by said Approval Authority.
- xi. County Officer May Appeal. Notwithstanding any other provision of this Ordinance, any County Officer, Commission, or other County body, other than the Approval Authority having jurisdiction over the appeal, may appeal a decision, without fee.
- xii. EFFECT OF FILING THE APPEAL. An appeal of a decision within the time specified in paragraph "xii" of this Section shall stay the proceedings and effective date of the coastal permit decision, until such time as the appeal has been acted on, as hereinafter set forth in the Ordinance.
- xiii. FORWARDING OF RECORD. Upon the filing of an appeal, the Approval Authority having made the decision being appealed shall transmit to the Secretary of the Planning Commission or the Clerk of the Board of Supervisors the records concerning the decision, together with a report of the decision.
 - a) Report and Scheduling of Hearing. When an appeal has been filed, the Director of the lead department shall prepare a report on the matter and schedule the matter for a public hearing by the appropriate authority. Any interested party may appear and be heard regarding the appeal. At the hearing, the appeal body may consider any issue involving the matter that is the subject of the appeal ("de novo"), in addition to the specific grounds for the appeal. The review authority may:
 - 1) Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with this Section;
 - 2) Adopt additional conditions of approval that may address issues or concerns other than the subject of the appeal; or
 - 3) Disapprove the CAP / CDP approved by the previous review authority, even if the appellant only requested modification or elimination of one or more conditions of approval.
- xiv. In the event of a tie vote by the appeal body, the decision being appealed shall stand.
- xv. 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, for further consideration.

- xvi. **EFFECTIVE DATE OF APPEAL DECISION.** A decision by the Approval Authority is effective ten (10) days after the date of the decision, when no appeal of the decision has been filed with the Board of Supervisors. A decision by the Board of Supervisors is final on the date of the decision, unless the decision is appealed to the Coastal Commission. In such cases, the decision is final after the Coastal Commission's 10 working day appeal period ends.

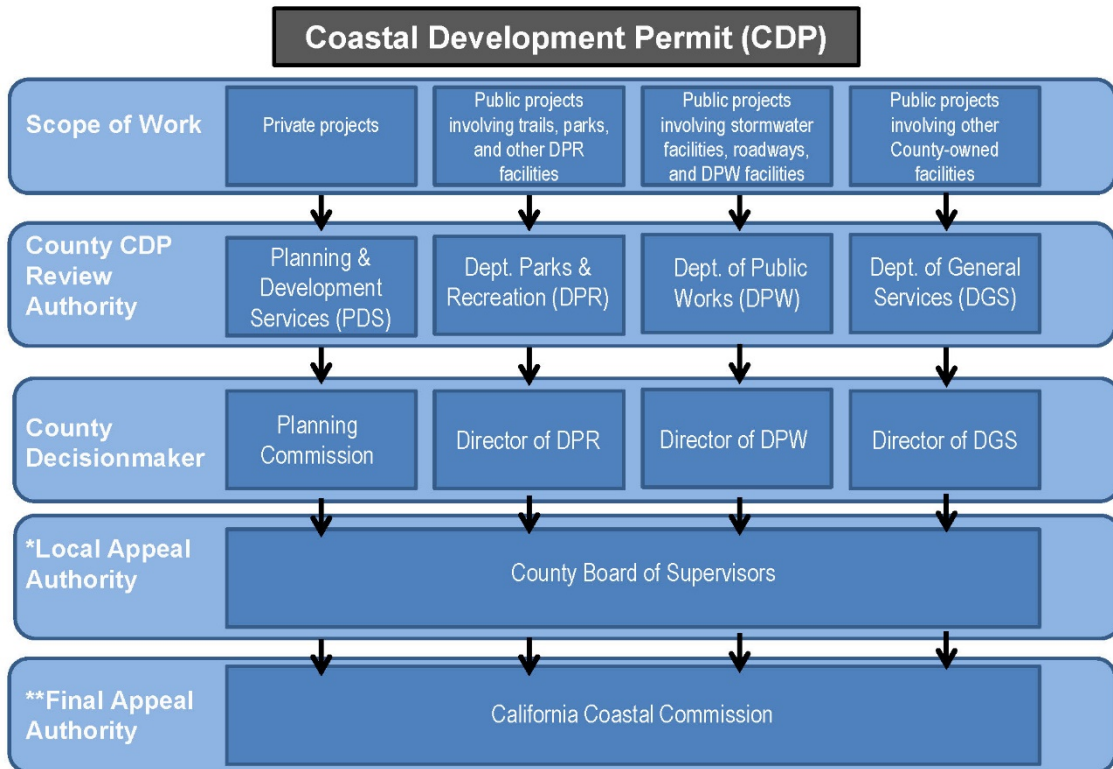
b. Coastal Administrative Permit Appeal.



- i. **Timeliness.** An appeal must be filed within 10 days of the date on which the decision being appealed was rendered, or within 10 days of the date of the Planning Commission or Board of Supervisors under Section 9400.e.xiii.a.3.
- ii. **Form, Filing and Fee.** An appeal shall be in writing, which shall be filed in the office of the Director of the lead department. No fee is required to appeal the Director's decision on a CAP application.
- iii. **Effect of Filing an Appeal.** An appeal of a decision, within the time specified in paragraph "b" of this Section shall stay the proceedings in furtherance of the decision appealed and no building permit, or other permit shall be issued until such time as the appeal has been acted on as set forth in this Section.
- iv. **Appeal body.** The Planning Commission shall be the appeal body for all CAPs approved by the Director of PDS. The Board of Supervisors shall be the appeal body for all other CAPs approved by the Directors of DGS, DPR, or DPW.

- v. Public Hearing. The Planning Commission or Board of Supervisors shall hold a public hearing on the appeal, scheduled and noticed as required. Public hearings required by the Implementation Plan shall be scheduled as follows:
 - a) Hearings before the Planning Commission shall be scheduled by the Director of PDS, for a date not less than 10 days, but not more than 90 days, from the date that an application is determined to be complete. However, if an Environmental Impact Report or Negative Declaration is required, such hearings shall be scheduled for a date not more than one year from the date that an application is determined to be complete. The Director may, with the consent of the applicant, extend this one year or 90 day period one time for a period of time not to exceed 90 additional days.
 - b) Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board of Supervisors for a date not less than 10 days, but not more than 120 days, from the date where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal:
 - c) In the event that a required hearing cannot be held within said 120 days, the Director shall inform the Board of Supervisors as to the reasons for such delay.
 - d) A hearing may be delayed when the deposit account for a project is in deficit. The hearing will be scheduled once adequate funds are deposited by the applicant.
 - e) Any failure to hold a hearing within the time specified shall not affect the validity of any decision reached, as the result of such hearing.
- vi. Decision and Notice. Following the hearing on an appeal, the Planning Commission or Board of Supervisors may sustain the decision of the Director; or may approve or modify the site plan subject to specified conditions it imposes pursuant to Section 9400.f.vii; or may revoke or deny the CDP, as is appropriate. The Planning Commission or Board of Supervisors shall adopt findings which specify all facts relied upon it in reaching its decision and their relation to the requirements of subsection 9400.f.vi., and which state the reasons for any conditions imposed by it. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the file in the manner and said file returned to the Director.
- vii. No Decision Reached. Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a CAP the proceedings shall be governed by the Board of Supervisors Rules of Procedure and Section 75.13 of the San Diego Administrative Code. Whenever the Planning Commission holds a hearing on an appeal from a decision on an application for a CAP, and thereafter, fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the Commission shall set the matter for a noticed public hearing de novo, if such hearing is requested by the Commission. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision from which the appeal has been taken shall be deemed sustained.

c. **Coastal Development Permit Appeal.**



* Only if CDP is appealed at the local level

**Only appealable to the Coastal Commission if the development falls into one of the enumerated categories listed in Section 9422.b.i.

- i. **APPEAL.** CDP decisions pursuant to Sections 9400.f.vi., 9400.f.xv., 9400.f.xvi., or 9400.f.xviii. may be appealed as follows:

a) **Appeals Authorized.**

- 1) A CDP decision may be appealed to the Planning Commission or Board of Supervisors.
- 2) If a Minor Use Permit was approved concurrently with a CDP, the Minor Use Permit may be appealed to the Board of Supervisors jointly with any appeal of the CDP decision.

- ii. An appeal shall be in writing and shall be filed as follows:

- a) If filed personally, the appeal shall be filed in the lead department by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director of the lead department, 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

and Development Services, 5510 Overland Avenue, Suite 310, San Diego, CA 92123.

- iii. Public Hearing. Following the filing of an appeal, the Board of Supervisors shall hold a public hearing on the matter scheduled and noticed. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.
 - a) Hearings shall be scheduled by the Clerk of the Board of Supervisors for a date not less than 10 days, but not more than 120 days, from the date where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal.
 - b) In the event that a required hearing cannot be held within said 120 days, the Director shall inform the Board as to the reasons for such delay.
 - c) A hearing may be delayed when the deposit account for a project is in deficit. The hearing will be scheduled once adequate funds are deposited by the applicant.
 - d) Any failure to hold a hearing within the time specified shall not affect the validity of any decision reached, as the result of such hearing.
 - iv. Decision and Notice. Following the hearing on an appeal, the Board of Supervisors may sustain the decision which is being appealed; or may grant or modify CDP subject to specified conditions it imposes pursuant to Section 9400.f.vi.; or may revoke or deny the CDP, as is appropriate. The Board of Supervisors shall adopt findings that specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 9400.f.v. Notice of the decision of the Board of Supervisors, together with a copy of any findings adopted by the Board of Supervisors, shall be mailed to the appellant and applicant, or to both if they are different parties. A copy of the notice of decision shall be attached to the Approval Authority's file in the matter.
 - v. Finality and Effective Date. Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the Board of Supervisors shall be final, conclusive, and effective immediately unless subject to appeal pursuant to Section 9422.b.i.
 - vi. No Decision Reached. Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a CDP, the proceedings shall be governed by the Board of Supervisors' Rules of Procedure and Section 375.13 of the San Diego Administrative Code.
- d. **Appeals to the Coastal Commission.** Any approval or denial decision by the County on a CAP / CDP may be appealed by an aggrieved person or any two members of the Coastal Commission to the Coastal Commission.
- i. Appeals to the Coastal Commission are limited to actions on the following types of developments:
 - a) Developments approved by the County that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

- b) Developments approved by the County not included within paragraph (a) that are located in a sensitive coastal resource area.
 - c) Developments approved by the County that are not listed as the principal permitted use within the County Local Coastal Program.
 - d) Any development that constitutes a Major Energy Facility, as defined in the Definitions Section herein.
 - e) Any development that constitutes a Major Public Works Facility, as defined in the Definitions Section herein.
- ii. Within ten (10) working days of Coastal Commission receipt of a complete notice of final County CAP or CDP action, an appealable CAP or CDP 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.
 - a) 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.
- iii. For appealable CAP or CDP, 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.
- e. **Notice of Final Action.** For a CAP approved without benefit of a public hearing, all persons receiving notice pursuant to 9400.e.i or requesting such notice shall be notified in writing of the issuance of a CAP. For all CAPs / CDPs, 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, in conformance with California Code of Regulations Section 13571. Within seven (7) calendar days of the final local action on a CAP / CDP, the County shall provide such notice of its action by first class mail to the local office of the Coastal Commission, and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the lead department. The County's action on a CAP / CDP shall not be considered final, until (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed

development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted as defined in Section 13573 of the California Code of Regulations.

- f. **Appeals of Final Action.** A CAP or a CDP shall be effective ten working days from the time of receipt of permit notice by the Executive Director of the Coastal Commission; unless, the notice of final action is deemed incomplete or a valid appeal is filed within the timeframe pursuant to the Public Resources Code, Section 30603(c). All notices of final action shall include a written statement to this effect. Appeal applications shall be submitted on a commission appeal form that is signed by all appellants and shall be received in the Commission district office with jurisdiction over the local government no later than 5:00 p.m. on the tenth (10th) working day after receipt of the notice by the Commission's executive director. An appellant may submit the appeal form via electronic mail, but the appeal shall be deemed to be timely filed only if it is received by the general e-mail account of the district office with jurisdiction over the local government, not later than 5:00 p.m. on the final date of the appeal period. Transmittal of an appeal to any other e-mail address does not constitute proper or timely submittal of the appeal form, and the appeal shall be rejected. The appeal shall include at minimum, the following information:
- i. The name and address of the permit applicant and appellant;
 - ii. The date of the local government action;
 - iii. A description of the development;
 - iv. The name of the governing body having jurisdiction over the project area;
 - v. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;
 - vi. The names and addresses or email addresses of all other persons known by the appellant to have an interest in the matter on appeal;
 - vii. Information on how each appellant participated in the local government action or otherwise is qualified as an "aggrieved person" as defined by Public Resources Code Section 30801;
 - viii. The specific grounds for appeal as described in Public Resources Code, Section 30603;
 - ix. A statement of facts on which the appeal is based; and
 - x. A summary of each substantial issue raised by the appeal.

DEFINITIONS

9500 Definitions

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

a. A Definitions

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

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

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

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

Approval Authority. The County Board of Supervisors or its designee (e.g., Planning Commission, County Department Directors, and Zoning Administrator) authorized to hear and decide CAP and CDP, pursuant to this Implementation Plan.

b. B Definitions

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

c. C Definitions

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

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

Coastal Appeal Zone. A geographical area between the sea and first public road paralleling the sea or within 300 feet of the inland extent of any beach or within 300 feet of the mean high tide line of the

sea where there is no beach, whichever is the greater distance, and lands within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of seaward face of any coastal bluff.

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

Coastal Administrative Permit (CAP). A type of Coastal Permit that: (1) as proposed is consistent with the LCP; (2) requires no discretionary approval other than a Site Plan Permit; (3) has no adverse effect either individually or cumulatively on coastal resources, including public access, (4) requires a public hearing only where one is requested, lies within or partially within the appeals area identified in Section 9422.b.i.; (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.

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

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, tsunamis, coastal flooding, landslides, bluff, steep slope, and geologic instability, and the interaction of same.

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

Coastal waters are streams, rivers, estuaries, marshes, lakes, and the ocean, within the coastal zone.

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

d. **D Definitions**

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

Development. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting

of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations that are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

e. **E Definitions**

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

- i. **Drive-In:** Designed or operated so as to enable persons to receive a service or to purchase or to consume goods while remaining onsite within a parked motor vehicle.
- ii. **Enclosed:** A roofed structure contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.
- iii. **Open:** Unroofed or not contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.
- iv. **Semi-Enclosed:** Contained on at least 50 percent of its perimeter by walls which are pierced only by windows, vents, or customary entrances and exits. The open sides of partially open structures shall not be visible from any public right-of-way.

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

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

f. **F Definitions**

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

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

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

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

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

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

- i. The floodway shall include all areas necessary to pass the 100-year flood without increasing the water surface elevation more than one foot.
- ii. The floodway shall include all land necessary to convey a ten-year flood without structural improvements.
- iii. To avoid creating erosion and the need for channelization, rip-rap, or concrete lining, the floodway will not be further reduced in width when the velocity at the floodway boundary is six feet per second or greater.
- iv. Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.

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

g. **H Definitions**

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

- i. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- ii. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

h. **L Definitions**

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

Lead Department. The County department which services as the delegating locally authority. These Departments include Planning & Development Services, General Services, Parks and Recreation, and Public Works.

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

- a) "Major Public Works" and "Major Energy Facilities" mean facilities that cost more than two hundred eighty-eight thousand and one hundred sixty-three (\$288,163) with an automatic annual increase in accordance with the ENR (Engineering News Record) Construction Cost Index, except for those governed by the provisions of Public Resources Code, Sections 30610, 30610.5, 30611, or 30624.
- b) Notwithstanding the criteria in (a), "Major Public Works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast.

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

- a) Is consistent with the certified local coastal program, as defined in Section 30108.6.
- b) Requires no discretionary approvals other than a coastal development permit.
- c) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

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

j. **N Definitions**

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

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

k. **P Definitions**

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

l. **R Definitions**

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

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

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

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

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

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

m. **S Definitions**

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

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

Setback. The distance by which a structure, parking area, or other development feature must be separated from a lot line, other structure, or development feature, street centerline, or other areas specified in this LCP. A required, specified distance between a building or structure and a lot line or

lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

Significant Environmental Impact (Significant Adverse Impact on the Environment). A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (CEQA Guidelines, Title 14, Cal. Code of Regs., Section 15382)

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

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

n. **T Definitions**

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

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

o. **U Definitions**

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

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

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

subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may be allowed by a Major Use Permit.

Use, Principal Permitted. Those uses permitted that may require of a Coastal Development Permit (CDP) or Minor Use Permit (as regulated by the Coastal Permit and Animal Regulations, respectively), but subject to all other applicable regulations.

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

p. **W Definitions**

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

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

q. **Z Definitions**

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