DATE: June 26, 2019

TO: Board of Supervisors

SUBJECT
ADOPTION OF THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM; AND RELATED AMENDMENTS TO THE ZONING ORDINANCE (DISTRICT: 5)

OVERVIEW
This is a request for the Board of Supervisors (Board) to approve the Local Coastal Program Implementation Plan (Implementation Plan) and related Zoning Ordinance amendment. The proposed Implementation Plan will satisfy State requirements to adopt a Local Costal Program to regulate development within the County of San Diego’s (County) Coastal Zone and transfer coastal permitting authority from the California Coastal Commission (Coastal Commission) to the County.

A Local Coastal Program is comprised of a Land Use Plan (LUP) and an Implementation Plan (Attachments B and C, respectively). The County LUP was adopted by the Board on September 12, 2018 (3) and certified by the Coastal Commission on December 13, 2018. The LUP establishes land use policies for development within the Coastal Zone, similar to a General Plan. The Implementation Plan establishes development regulations that implement the LUP land use policies for development within the County Coastal Zone area, which are incorporated into the County’s Zoning Ordinance.

This is a request for the Board to evaluate and consider the proposed Implementation Plan and Zoning Ordinance amendments that establish a new section (Part Nine) to regulate the Coastal Zone and implement the policies approved in the LUP. The Zoning Ordinance amendment includes: 1) removing or amending language pertaining to the Coastal Zone; 2) consolidating all land use regulations within the Coastal Zone to the new Part Nine; 3) specifying permitted uses and removing incompatible uses within the Coastal Zone; and 4) establishing Coastal Administrative and Coastal Development Permits for uses within the Coastal Zone.

RECOMMENDATION(S)
PLANNING COMMISSION
On May 31, 2019, the Planning Commission considered the Local Coastal Program Implementation Plan and amendments to the Zoning Ordinance. The Planning Commission made the following recommendations.
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1. Find that the preparation and adoption of the Local Coastal Program Implementation Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265 of the State CEQA Guidelines.

2. That the Board of Supervisors adopt the Resolution entitled A RESOLUTION OF THE COUNTY OF SAN DIEGO APPROVING THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM (POD 13-009) (Attachment D, on file with the Clerk of the Board).

3. That the Board of Supervisors adopt the attached Form of Ordinance entitled AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM - IMPLEMENTATION PLAN (REZ-16-007) (Attachments E and F, on file with the Clerk of the Board).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES
Planning & Development Services agrees with the Planning Commission recommendation.

FISCAL IMPACT
N/A

BUSINESS IMPACT STATEMENT
N/A

ADVISORY BOARD STATEMENT
The Local Coastal Program Land Use Plan and Implementation Plan were presented to the San Dieguito Community Planning Group on November 20, 2016, and August 9, 2018, and a public workshop was held on May 9, 2019. Informational meetings with the Rancho Santa Fe Association Covenant Board occurred on November 5, 2015, September 6, 2018, and June 11, 2019.

INVOLVED PARTIES
N/A

PLANNING COMMISSION VOTE
On May 31, 2019, the Planning Commission voted 5 Ayes – 0 Noes – 1 Abstain – 1 Absent to recommend approval, by consent, of the Local Coastal Program Implementation Plan (Ayes: Seiler, Woods, Pallinger, Edwards, Calvo; Abstain: Barnhart; Noes: N/A; Absent: Beck).

BACKGROUND
In partnership with coastal cities and counties, the Coastal Commission plans and regulates the use of land and water in the Coastal Zone through the Coastal Act. Development activities are broadly defined by the Coastal Act to include construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters. These activities generally require a coastal permit from either the Coastal Commission or the local government. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual...
resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works.

The Coastal Act allows the County of San Diego (County) to assume permitting authority for development occurring within the Coastal Zone, with the exceptions of tidelands, submerged lands, and public trust lands. On July 31, 2013 (1), the Board of Supervisors (Board) authorized an application to apply for and accept grants to update the LCP. On November 13, 2014, the Coastal Commission granted the County $52,000 to complete the unincorporated County LCP. On September 12, 2018 (3), the Board adopted the County Land Use Plan (LUP) with the Coastal Commission’s policy modifications (Attachment H). On December 13, 2018, the Coastal Commission found the LUP legally adequate, which concluded the LUP component of the LCP. After adoption of the LUP, the County drafted the Implementation Plan, which represents the final component of the County LCP. The Implementation Plan is intended to protect coastal resources, preserve public access and recreation, and establish Coastal Zone development regulations. Before assuming permitting authority, the Coastal Act requires that the County adopt a Local Coastal Program (LCP) for the portion of the Coastal Zone within its jurisdiction, and that the adopted LCP be certified by the Coastal Commission.

The County Coastal Zone is in the western areas of the San Dieguito Community Plan Area (Attachment A). The Coastal Zone is adjacent to the cities of Encinitas and Solana Beach which are to the west and the City of San Diego which is to the south. It includes 473 parcels (1,050 acres), of which 424 parcels are developed (approximately 987 acres) and 49 are undeveloped (approximately 63 acres). Most parcels in the Coastal Zone are designated as low density residential use (approximately 754 acres). Approximately 160 acres are designated as open space, including the San Dieguito Park. Approximately 3.5 acres are designated for office professional use (Attachment G).

**PROJECT ANALYSIS**

The Implementation Plan amends the County of San Diego (County) Zoning Ordinance and establishes a new section (Part Nine) to regulate the Coastal Zone. The Implementation Plan regulations must comply with the Coastal Act, which encourages public access to and recreational use of coastal resources while minimizing safety concerns and impacts arising from natural and human-made hazards that can alter sensitive natural habitats. The Implementation Plan includes regulations that implement the adopted Land Use Plan (LUP) policies, regulations from the current Zoning Ordinance and other County Ordinances that apply to the Coastal Zone, and procedures for the County Coastal Development Permit process. The following is an overview of the Implementation Plan regulations.

**Regulations**

The Implementation Plan includes use regulations currently allowed in the Coastal Zone, including Single Family Residential (RS), Residential Variable Family (RV), Rural Residential (RR), Office Professional (C30), Limited Agriculture (A70), Open Space (S80); and Parking (S86). For each use regulation the Implementation Plan identifies a principal permitted use that, upon issuance of
the required coastal development permit, is not appealable to the Coastal Commission. An example of this use is single family development within the residential zoning districts in the Coastal Zone.

Use regulations that are not consistent with the goals of protecting the Coastal Zone from the negative impacts of development are not allowed in the Implementation Plan. Examples of such uses include construction vehicle storage, recycling plants, mining and processing, and explosive materials storage. Since none of these uses currently exist within the Coastal Zone the proposed zoning amendment to omit these uses within the Coastal Zone will not create nonconforming uses.

Development regulations within the proposed Implementation Plan are consistent with the current Zoning Ordinance and requirements currently in effect today would remain so after adoption of the Implementation Plan. These include development regulations covering building setbacks, minimum lot area, building height, lot coverage, parking, signage, fencing, accessory use regulations, and animal regulations.

The current County Zoning Ordinance contains regulations that will no longer be needed with adoption of the Implementation Plan (Attachment I). With adoption of the Implementation Plan, these regulations will be consolidated in a new section of the Zoning Ordinance or will no longer be applicable. Other sections of the Zoning Ordinance that refer to specific Coastal Zone requirements such as coastal signage, Planned Developments, and Coastal Zone Site Plan Permit requirements will be deleted.

Special Area Regulations
The Implementation Plan regulations implement the LUP policies regarding biological resources such as wetlands, riparian areas, and Environmentally Sensitive Habitat Areas (ESHA). To comply with the Coastal Act, the Implementation Plan does not allow development in ESHA.

The Zoning Ordinance currently regulates development within scenic viewsheds by using special area regulations which are carried forward into the Implementation Plan. The Implementation Plan scenic regulations protect scenic vistas and viewsheds as delineated within the LUP. Those viewsheds are primarily located along the following roadways of La Noria, El Camino Real and those within the San Dieguito Park.

The Implementation Plan also includes provisions that regulate development in the 100-year floodplain to address sea level rise in conjunction with possible flooding. Development within or adjacent to the 100-year floodplain will be required to provide an assessment of sea level rise and its impact to a proposed development.

Coastal Development Permits
Currently, developments within the Coastal Zone are required to obtain approval of a Site Plan Permit or Major Use Permit from the County followed by approval of a Coastal Development Permit from the Coastal Commission. With the transfer of coastal permitting to the County, developments that required approval of a Site Plan will require approval of a Coastal Administrative Permit and developments that require approval of a Major Use Permit will require approval of a Coastal Development Permit.
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The processing of Coastal Administrative Permits and Coastal Development Permits is proposed to be distributed amongst four County departments: Departments of Public Works (DPW), Parks and Recreation (DPR), General Services (DGS), and Planning & Development Services (PDS). DPW will process permits for all publicly initiated projects including stormwater facilities and County roads. DPR will process permits for all publicly initiated projects including trails, pathways, and parks. DGS will process permits for all publicly initiated projects related to County-owned facilities, which are not under jurisdictions of DPR and DPW. PDS will process permits for all privately initiated development.

The proposed application process and submittal materials for Coastal Administrative Permits is the same as that for Site Plans. Approval authority for Coastal Administrative Permits is delegated to the respective department director. A director’s decision is appealable to the Planning Commission for applications processed by PDS and to the Board of Supervisors (Board) for applications processed by the other departments.

The proposed application process and submittal materials for Coastal Development Permits is the same as that for Major Use Permits. Coastal Development Permits processed by PDS are brought to the Planning Commission for approval and are appealable to the Board. Coastal Development Permits processed by the other departments are brought to the Board, or its designee, for approval.

Coastal Commission staff expressed concern with the processing and approval of Coastal Administrative Permits by DPW, DPR, and DGS for their own publicly initiated projects. They indicated that projects proposed by these departments should be processed by PDS. They also expressed concern with the delegation of discretionary approval to department directors. Section 13302 of Title 14 of the California Code of Regulations allows the Board to delegate the coastal development permitting authority to one or more approval bodies such as the Planning Commission, Zoning Administrator, or department directors. Furthermore, the permit processes established by the Implementation Plan would be the same across all approval bodies, including department directors, Planning Commission, and the Board. Therefore, staff recommends approval of the Implementation Plan as drafted.

Upon approval by the Board, staff will submit the Implementation Plan to the Coastal Commission for certification. Coastal Commission staff will have the opportunity to review and consider whether to propose any substantial modifications to the Commission. Upon certification by the Commission the Implementation Plan will be presented to the Board to acknowledge the Commission’s actions and to formally adopt the Implementation Plan. When the certification process for the Implementation Plan is complete the County would receive authority to issue coastal development permits.

ENVIRONMENTAL STATEMENT
The California Environmental Quality Act (CEQA) Guidelines, Section 15265 states that “...CEQA does not apply...” to local jurisdictions that “prepare and adopt an LCP.” A CEQA review “…applies to the certification of an LCP...by the Coastal Commission.” Based on this, the County of San Diego’s action on the Implementation Plan is exempt from CEQA. Per CEQA Guidelines Sections 15250 and 15251(f), the Coastal Commission’s approval of a local coastal
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plan is a program certified by the Secretary of Resources, exempting that program from preparing EIRs, negative declarations, or initial studies. However, the Coastal Commission will be responsible for complying with CEQA in its review of the County’s Implementation Plan to ensure it will avoid significant adverse impacts on the environment.

PUBLIC INPUT
Public workshops are required with the adoption process of the Local Coastal Program (LCP). On May 9, 2019, a public workshop on the Implementation Plan was held with the San Dieguito Community Planning Group (CPG). The CPG did not vote on or raise concern with the Implementation Plan. County of San Diego (County) staff attended the April 15, 2019, San Diego Trail Alliance meeting to review the Implementation Plan and its trail regulations, and again, no concerns were raised.

Notices for all public hearings related to the Land Use Plan and IP were circulated to: 1) All property owners in, and within 300 feet of, the Coastal Zone; 2) Federal and state agencies; incorporated cities; and 3) other stakeholders. These notifications included a link to the project website established on the Planning & Development Services (PDS) website.

In addition to public outreach, PDS coordinated with the County Department of Parks and Recreation, the Department of Public Works, and the Department of General Services. Staff will also continue soliciting feedback on the LCP from the Rancho Santa Fe Association Covenant Board and other interested stakeholders.

DEPARTMENT REASONS FOR RECOMMENDATION
Approval of the Implementation Plan moves the Local Coastal Program closer to the Coastal Commission certification, which would grant the County of San Diego (County) permitting responsibility for issuing coastal development permits. This authority would help streamline County coastal development permitting. As with the Land Use Plan, the Coastal Commission must certify the Implementation Plan after a public hearing.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN
Today’s proposed actions support the Sustainable Environments/Thriving and Operational Excellence initiatives in the County of San Diego’s 2019-2024 Strategic Plan by identifying and protecting natural environments, diverse habitats, and sensitive species. Additionally, assuming full permitting authority within the Coastal Zone will improve customer service by jettisoning the need for permitting by the Coastal Commission.

Respectfully submitted,

SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)
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Attachment A Vicinity Map
Attachment B Approved Local Coastal Program Land Use Plan [Note: Due to the large size of this attachment, it will only be available online through the Clerk of the Board’s website as a supporting document for this agenda item.]
Attachment C Proposed Local Coastal Program Implementation Plan [Note: Due to the large size of this attachment, it will only be available online through the Clerk of the Board’s website as a supporting document for this agenda item.]
Attachment D A RESOLUTION OF THE COUNTY OF SAN DIEGO APPROVING THE IMPLEMENTATION PLAN COMPONENT OF THE LOCAL COASTAL PROGRAM (POD 13-009)
Attachment E AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM - IMPLEMENTATION PLAN (REZ-16-007) (Clean)
Attachment F AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM - IMPLEMENTATION PLAN (REZ-16-007) (Strike-Through Underline)
Attachment G Use Regulations Map
Attachment H September 12, 2018 Board Letter and Minute Order
Attachment I Table of Zoning Ordinance Amendments
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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: □ Yes □ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
□ Yes □ No

PREVIOUS RELEVANT BOARD ACTIONS:
September 12, 2018 (3), Board approved the Land Use Plan, and accepted the May 2017, CCC Land Use Plan policy modifications; January 25, 2017 (2), Board approved LUP; May 26, 2015, Coastal Commission Grant agreement executed; July 31, 2013(1), the Board of Supervisors provided direction to apply for and accept grants to update the LCP.

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: Planning & Development Services

OTHER CONCURRENCE(S): Department of General Services
Department of Parks and Recreation
Department of Public Works

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