

PRELIMINARY DRAFT

ORDINANCE NO. 10617 (NEW SERIES)

AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO THE LOCAL COASTAL PROGRAM - IMPLEMENTATION PLAN (REZ-16-007)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be amended to repeal and revise regulations relating to the unincorporated County Coastal Zone Local Coastal Program Implementation Plan. The amendments made by this ordinance are intended to replace coastal regulations with the Implementation Plan and to repeal those regulations that are unnecessary because of the adoption of the Local Coastal Program Implementation Plan.

Section 2. The Table of Contents of the Zoning Ordinance is amended to read as follows:

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[no changes]

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PART THREE: ANIMAL REGULATIONS

[no changes]

PART FOUR: DEVELOPMENT REGULATIONS

[no changes]

PART FIVE: SPECIAL AREA REGULATIONS

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- 5100 Agricultural Preserve Area Regulations
- 5200 Scenic Area Regulations
- 5250 Airport Land Use Compatibility Plan Area Regulations
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- 5400 Fault Displacement Area Regulations
- 5450 Flood Channel Area Regulations
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- 5750 Community Design Review Area Regulations
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PART SIX: GENERAL REGULATIONS

[no changes]

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[no changes]

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[no changes]

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(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

(Amended by Ord. No. 10285 (N.S.) adopted 9-11-13)

(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

(Amended by Ord. No. 10617 (N.S.) adopted 6-26-2019)

Section 3. Definitions, for the purposes of the Coastal Zone, shall be amended as follows:

County Park: Any park (including Public Park/Playground/Recreational & Public Passive Park/Recreational Areas), community center, museum, beach park, or recreation facility, owned by, leased by, or under the control of the County.

(Amended by Ord. No. 10617 (N.S.) adopted 6-26-2019)

Section 4. Section 1350 – Major Impact Services and Utilities, of the Zoning Ordinance shall be amended, as follows:

1350 MAJOR IMPACT SERVICES AND UTILITIES.

The Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are schools, sanitary landfills, public and private airports, public park/playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes, detention and correction institutions, trade schools (with outdoor training facilities) or security, law enforcement, military, paramilitary type training facilities, or field medical training uses. Public park/ playground/recreational areas (other than public passive park/recreational areas) shall not apply to those uses within the Coastal Zone (refer to County Park).

(Amended by Ord. No. 10617 (N.S.) adopted 6-26-2019)

Section 5. Section 2421, SITE PLAN REVIEW REQUIRED IN CALIFORNIA COASTAL ZONE, of the Zoning Ordinance is repealed as follows:

2421 SITE PLAN REVIEW REQUIRED IN CALIFORNIA COASTAL ZONE. (Repealed and replaced with the Local Coastal Program Implementation Plan)

(Amended by Ord. No. 10617 (N.S.) effective 6-26-19)

Section 6. Sections 2810 – 2818 (Inclusive), S81 ECOLOGICAL RESOURCE AREA REGULATIONS, of the Zoning Ordinance is repealed.

(Amended by Ord. No. 10617 (N.S.) effective 6-26-19)

Section 7. Section 2889, CALIFORNIA COASTAL ZONE: AGRICULTURAL LAND, of the Zoning Ordinance is repealed as follows:

2889 CALIFORNIA COASTAL ZONE: AGRICULTURAL LAND. (Repealed)

(Repealed by Ord. No. 10617 (N.S.) effective 6-26-2019)

Section 8. Sections 5202 – 5214 (inclusive), SCENIC AREA REGULATIONS, of the Zoning Ordinance are amended to read as follows:

5202 APPLICATION OF THE SCENIC AREA REGULATIONS.

The Scenic Area Regulations shall be applied to areas of unique scenic value including but not limited to scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and to areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks. Scenic area requirements and permitting relating to the Local

Coastal Program Land Use Plan shall be regulated by the Local Coastal Program Implementation Plan.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 10617 (N.S.) effective 6-26-2019)

5206 CONTENT OF SITE PLAN.

The required Site Plan shall include such maps, plans, drawings, and sketches as are necessary to show:

- a. View Points. An accurate representation of the development as viewed from at least 3 separated and critical points exterior to the development site and which show the treatment of the scenic resources present on the site as related to those resources which are adjacent to the site. The 3 exterior view points shall be proposed by the developer and approved by the Director prior to the preparation and submission of the Site Plan. This proposal shall include photographs of the development site taken from each of the proposed view points and a map showing the location of these view points with respect to the development site. At his discretion, the Director may require additional view points to be included in the Site Plan;
- b. The placement, height and physical characteristics of all existing and proposed buildings and structures located on the development site;
- c. The existing vegetation and all proposed landscaping with heights at maturity indicated.
- d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage area;
- e. The size and location of existing and proposed utilities;
- f. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;
- g. The number, size, location and design of existing and proposed signs; and
- h. The exterior lighting plan, the interior lighting of buildings and structures which will have a visual impact on the exterior appearance of the development.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 10617 (N.S.) effective 6-26-2019)

5210 SITE PLAN REVIEW CRITERIA.

The general criterion of site plan review 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, consideration shall be given to any scenic preservation goals, policies or recommendations set forth in the applicable Community or Subregional Plan. In applying this general criterion, the following specific criteria shall be evaluated when they are applicable.

- a. 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.

b. **Building and Structure Placement.**

1. 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.
 2. Refer to the Local Coastal Program Implementation Plan for prime viewshed areas designated on the Local Coastal Program Land Use Plan in the California Coastal Zone.
- c. **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 practicable 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.
- d. **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.
- e. **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 practical, above ground utilities shall be screened from view 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.
- f. **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 the scenic highway or the adjacent scenic, historic, 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.
- g. **Signs.** Off-site signs shall be prohibited in areas subject to the Scenic Area Regulations. The number, size, location, and design of all other signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the Site Plan review and approval, any alteration to signs other than general maintenance shall be subject to an Administrative Permit.
- h. **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.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
(Amended by Ord. No. 10617 (N.S.) effective 6-26-2019)

5214 SITE PLAN PERMIT EXEMPTION

An exemption from the requirement to process a Site Plan permit pursuant to this section 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 areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.
- b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

(Amended by Ord No. 10617 (N.S.) effective 6-26-2019)

Section 9. Section 5950 – 5957 (inclusive), COASTAL RESOURCE PROTECTION REGULATIONS, of the Zoning Ordinance are repealed.

COASTAL RESOURCE PROTECTION REGULATIONS (Repealed and replaced by the Local Coastal Program Implementation Plan)

(Repealed by Ord No. 10617 (N.S.) effective 6-26-2019)

Section 10. Add a new Part Nine to Zoning Ordinance that shall be known as the Local Coastal Program Implementation Plan and Appendices. [See **EXHIBIT A** of this Ordinance.]

Section 11. Index, amend the Index as follows:

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ZONING ORDINANCE INDEX**

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Revised June, 2019

Section 12. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND
LEGALITY COUNTY COUNSEL

By: Randall Sjoblom
Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 26th day of June, 2019.


DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 26th day of June, 2019.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Joana Santiago, Deputy



Ordinance No.: 10617 (N.S.)
06/26/19 (05)