

CALIFORNIA COASTAL COMMISSION

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April 20, 2017

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT
LISA SCHLEMBACH, COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

SUBJECT: STAFF RECOMMENDATION ON COUNTY OF SAN DIEGO LCP LAND USE PLAN LCP-6-SDC-17-0015-1 for Commission Meeting of May 10-12, 2017

SYNOPSIS

The subject LCP Land Use Plan (LUP) was submitted and filed as complete on February 24, 2017. As such, the last date for Commission action on this item is May 22, 2017.

SUMMARY OF AMENDMENT REQUEST/HISTORY OF LUP SUBMITTAL

The subject submittal consists of only the Land Use Plan portion of the County's LCP at this time; future certification of an Implementation Plan will be required to fully certify the County's LCP. The current submittal, titled County of San Diego Land Use Plan and dated February 24, 2017, includes the draft land use plan document, various color exhibits and maps, and documentation of public participation.

The County adopted a Local Coastal Program in 1982. Subsequently, the Coastal Commission approved the Land Use Plan component of the LCP in 1982 and the Implementation Plan in 1985. Soon after, Solana Beach and Encinitas annexed from the County and became incorporated cities, and the LCP was revised to reflect these annexations. However, since the incorporation of Solana Beach and Encinitas removed the large majority of the County's coastal zone area, the County did not assume coastal development permitting authority for the remaining unincorporated area of the County within the coastal zone at that time. Thus, the LCP was never effectively certified and the California Coastal Commission retained coastal development permit jurisdiction.

The 1982 version of the County's LCP consisted of the San Dieguito Land Use Plan, the South Bay Segment Land Use Plan, and the County Zoning Ordinance. The San Dieguito LUP covered about 11,000 acres including the unincorporated communities of Leucadia, Encinitas, Cardiff, and Solana Beach, but was amended to reflect annexations that resulted in a ninety percent reduction in overall acreage. The remaining area included in the subject submittal covers approximately 1,050 acres of primarily residential land located along the inland borders of Solana Beach and Encinitas, and includes the San Dieguito County Park (San Dieguito Regional Park) and portions of Rancho Santa Fe.

The County's coastal zone jurisdiction is primarily landlocked, with the only shoreline located along the eastern extent of the San Elijo Lagoon.

The County updated the San Dieguito LUP in August 2011 as a part of a larger General Plan update, but did not bring the update to the Commission for certification at that time. The San Dieguito LUP update was used as a supporting document in the development of the subject LUP submittal, and has been updated with policies that address coastal access, environmentally sensitive habitats, marine and water resources, and visual resources.

The previously approved South Bay Segment portion of the LUP covered three "islands" within the unincorporated area of the South San Diego Bay region, between the Cities of Chula Vista and San Diego. These three areas are not actual islands, but rather isolated areas surrounded by incorporated jurisdictions. Island "A" was subsequently annexed by the City of National City, Islands "B" and "C" were annexed by the City of Chula Vista through the Montgomery Annexation in 1985. The Montgomery Annexation incorporated specific areas into the City of Chula Vista; and therefore none of these portions are included in the subject submittal for the County's LUP.

The County received a Coastal Commission grant to complete a certified LCP for its coastal zone area in May 2015. The grant term has been extended through February 28, 2018. The grant contract includes project goals, such as creating an existing conditions report, conducting community outreach, producing a Land Use Plan that reflects current circumstances and scientific information for the County coastal zone area, producing an Implementation Plan to carry out the policies of the LUP; creating specific "tasks" to achieve the project goals including an existing conditions analysis; and a project schedule to ensure the project stays on track for completion within the grant term. The final product would result in a comprehensively updated LCP submittal, and after effective certification by the Coastal Commission, the County would assume permitting authority.

The County has indicated that its adopted General Plan and the San Dieguito Land Use Plan will serve as the foundation for developing its LCP. The previously certified Zoning Ordinance applied to all unincorporated County areas, but contains specific "coastal development area regulations" that may be useful in the development of a new Implementation Plan for the County's coastal zone.

The LUP contains new policies that have been developed to address coastal issues that have been identified by Commission staff and County staff; however, policies from the previously approved Land Use Plan have also been incorporated. Along with implementation ordinances to be developed in the future, the LUP is intended to function as a stand-alone document, separate from the County's General Plan and Zoning Ordinance.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP as submitted, then approval with suggested modifications.

County staff has worked closely with Coastal Commission staff throughout the development of the LUP submittal in an effort to address the significant Coastal Act resources present within the County's coastal zone. Though the County's coastal zone is mostly built-out and consists primarily of residential development, it also contains a network of recreational trails, a variety of Environmentally Sensitive Habitat Areas (ESHA) including wetlands, scenic views of open spaces and naturally vegetated, steep slopes, and a limited amount of residential-related agriculture. The County's coastal zone is approximately 2 miles inland from the coast, borders the eastern basin of the San Elijo Lagoon, and contains Escondido Creek and La Orilla Creek. Development near the lagoon and other waterbodies has the potential to impact wetlands and other ESHA, and may be affected by future sea level rise. Also located within the County's coastal zone is the San Dieguito Regional Park, which contains the majority of the County's recreational trails as well as ESHA. Though these trails provide public access to coastal resources and recreational opportunities, the creation and management of these trails has the potential to impact ESHA. Indeed, any new development has the potential to adversely impact coastal resources. The County's LUP addresses a wide range of issues and planning concerns relevant to San Diego County's coastal zone, encompassing protection of ESHA, steep slopes, scenic resources, water resources, and cultural and paleontological resources.

While the majority of the coastal resources present in the County's coastal zone are protected through the LUP policies drafted during this collaborative process, there are a few remaining issues that must be addressed in order to adopt a land use plan that is consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff is recommending eight modifications to the following policy groups: Environmentally Sensitive Habitat Areas; Scenic and Visual Resources; Planning, New Development, and Public Works; and Coastal Hazards. The outstanding issues and concerns are cited here, along with a brief summation of proposed modifications:

- **Public Access and Recreation; Environmentally Sensitive Habitat Areas (ESHA).** The draft land use plan includes a broad identification of properties and areas that currently support ESHA, and a large portion of the existing ESHA within the County's coastal zone is contained within the San Dieguito Regional Park (Park). The Park currently contains a series of public trails, which are designated for non-motorized multiple uses, specifically including hiking, biking, and equestrian use. Public, pedestrian trails are considered a resource-dependent use and therefore are an allowable use in ESHA; however, equestrian and bicycle use on trails within or adjacent to ESHA raises environmental concerns. Specifically, bicycle and equestrian use can impact ESHA as trails are inadvertently widened and habitat is encroached upon. Equestrian use can also adversely impact biological resources and water quality through untreated waste disposal and increased erosion. While the existing trails within the Park are currently limited to non-motorized uses, new trails in or adjacent to ESHA should be limited to pedestrian use only to prevent potential adverse impacts to coastal resources. However, the draft policies fail to distinguish the appropriate

uses of proposed, public trails within and adjacent to ESHA. Therefore, the proposed modifications clarify that any new, public trails in or adjacent to ESHA are restricted to pedestrian use only. (Reference Suggested Modification #s 1 and 2)

- **Water Resources.** As part of the process of creating the draft land use plan, the County conducted a Climate Change Vulnerability and Risk Assessment Report that analyzed multiple sea level rise scenarios using USGS CoSMoS Models. This report included an exhibit that modelled the extent of a 100-year Storm Flood Extent ([Exhibit 8](#)) given various projections of sea level rise (0 cm., 50 cm., 100 cm., 150 cm., and 200 cm.). As a result of this analysis and the subsequent report, the County has incorporated many policies which require that new development is sited and designed using the most updated version of the sea level rise information. However, it is also necessary that each policy that addresses setbacks or buffers from waterbodies takes future sea level rise projections into account. Therefore, the proposed modification clarifies that current and future sea level rise are considered when identifying appropriate buffers and setbacks. (Reference Suggested Modification # 3)
- **Scenic and Visual Resources.** The County's LUP includes policies to protect scenic and visual resources. This includes designating vista points as "Critical View Sheds," within which, the character of development is regulated to protect the integrity of the vista points. This regulation entails an additional design review to ensure that landscaping and buildings do not obstruct, limit or degrade existing views, including a 2,000 linear foot radial extent from vista points, public views to the County's coastal zone and open spaces adjacent to the San Elijo Lagoon from major public viewpoints, and public roads that provide views of the ocean or other scenic resources. This policy has been restructured to provide clarity as to the intent of the policy in order to ensure that visual resources are appropriately protected. (Reference Suggested Modification # 4)
- **Planning, New Development, and Public Works.** The Coastal Act has strict mandates for siting and designing new development. It is important that redevelopment is clearly defined and regulated in the LUP to ensure that non-conforming development is brought into compliance with the Coastal Act and the policies and standards of the LCP. The intent of the LUP is to identify and prohibit redevelopment projects that would perpetuate the existence of structures in hazardous, nonconforming locations, and staff is recommending a revision to distinguish between redevelopment and repair and maintenance activities and to clarify that redevelopment is tracked cumulatively from the date of the certification of the LCP. (Reference Suggested Modification #5)

Additionally, the Coastal Act is clear that new development must be sited and designed to avoid impacts to ESHA. The LUP contains many policies to ensure ESHA is protected from any adverse direct or indirect impacts, including required ESHA buffers to ensure the continuance of habitat values. Though

some activities may be considered repair and maintenance, given the significance of preserving ESHA, staff is recommending clarification on the extraordinary methods of repair and maintenance that require a Coastal Development Permit, because they involve a potential risk of substantial adverse environmental impacts to ESHA. (Reference Suggested Modification # 6)

Once certified, the LCP will be the County's primary planning document for development within the coastal zone. The LUP must be sufficiently rigorous and thorough to implement the Chapter 3 policies of the Coastal Act. Further, the LUP will serve as the standard of review for certification of the County's Implementation Plan and ultimately, the County's Local Coastal Program. As proposed, the LUP does not contain any policies regulating maximum building heights within the County's coastal zone. Therefore, staff is recommending a new policy to limit maximum building heights, based on the County's existing height designators. (Reference Suggested Modification # 7)

- To capture typographical errors, minor clarifications, and the renumbering of specific policies, staff is recommending a suite of non-substantive changes throughout the proposed LUP. These changes will provide clarity to the LUP policies, to ensure consistency with the both the County's intent and the Coastal Act. (Reference Suggested Modification # 8)

The proposed suggested modifications are intended to present a comprehensive set of policies that address proposals for new development, recognizing the importance of preserving ESHA, limiting allowable uses within and adjacent to ESHA, and taking sea level rise into consideration. In summary, it is critical that the LUP contain clear, specific, and detailed policy direction for each of the policy groups contained in Chapter 3 of the Coastal Act, in order to be able to carry out these policies.

Section 30108.5 of the Coastal Act defines "Land Use Plan" as those portions of a local government's general plan "which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions." With the suggested modifications proposed by staff, the proposed LUP meets this intent.

The appropriate resolutions and motions begin on Page 10. The suggested modifications begin on Page 12. The findings for denial of the Land Use Plan Amendment as submitted and approval if modified, begin on Page 16.

ADDITIONAL INFORMATION

Further information on the County of San Diego LCP Land Use Plan may be obtained from Lisa Schlembach, Coastal Planner, at (619) 767-2370.

EXHIBITS

- [Exhibit 1 A Resolution of the San Diego County Board of Supervisors Amending the San Dieguito Community Plan; GPA 16-009](#)
- [Exhibit 2 County of San Diego Coastal Zone Map](#)
- [Exhibit 3 Land Use Map](#)
- [Exhibit 4 Trail Network Map](#)
- [Exhibit 5 Vegetation Communities Map](#)
- [Exhibit 6 Agricultural Land Map](#)
- [Exhibit 7 Viewsheds Map](#)
- [Exhibit 8 Flood Extent Map](#)
- [Exhibit 9 Tidal Extent](#)
- [Exhibit 10 Environmentally Sensitive Habitat Areas \(ESHAs\) Map](#)
- [Exhibit 11 San Dieguito Regional Park Trails Map](#)
- [Exhibit 12 List of Minor Corrections/Clarifications](#)

PART I. OVERVIEW

A. LCP HISTORY

The County's Land Use Plan was originally approved by the San Diego Regional Coast Commission on March 13, 1981. Subsequently, on May 21, 1981, the State Commission certified the LUP with suggested modifications. After three resubmittals, the Commission certified the LUP on August 23, 1984. On September 26, 1984, the Commission certified, with suggested modifications, the Implementation Plan portion of the County's LCP. The County then resubmitted for Commission review the Implementation Plan incorporating the Commission's previously suggested modifications, with the exception of that portion of the plan dealing with coastal bluff areas. On November 22, 1985, the Commission voted to certify the Implementation Plan for the County, except for coastal bluff lots affected by the Coastal Development Area Regulations, where certification was deferred.

On July 1, 1986 and October 1, 1986, the Cities of Solana Beach and Encinitas incorporated, reducing the remaining incorporated area of the County within the coastal zone from 11,000 acres to the current remaining 1,050 acres. Because of those incorporations, the County indicated that, at that time, it did not plan to assume coastal permit-issuing authority for the remaining acreage, and the County LCP was never effectively certified.

Recently, the County received a grant to complete a certified LCP for its coastal zone area in May 2015. The original grant term was May 1, 2015 through April 30, 2017; however, the County applied for a time extension, which was approved and extends the grant through February 28, 2018. The grant contract includes project goals, such as creating an existing conditions report, conducting community outreach, producing a Land Use Plan that reflects current circumstances and scientific information for the County coastal zone area, producing an Implementation Plan to carry out the policies of the LUP; creating specific "tasks" to achieve the project goals including an existing conditions analysis; and a establishing a project schedule to ensure the project stays on track for completion within the grant term. The final product would result in a comprehensively updated LCP submittal, and after effective certification by the Coastal Commission the County would assume permitting authority. County staff also published a web page at project initiation to provide the most current information on the project as it progressed through the planning phases.

The County held several public hearings including presentations about the LUP update process and study topics associated with the project to the Rancho Santa Fe Association Covenant Board on November 5, 2015 and the San Dieguito Planning Group on November 12, 2015. Tribal governments in the San Diego region were notified on November 2, 2015 and December 16, 2015. The San Luis Rey Band of Mission Indians requested consultation, and that consultation occurred on January 21, 2016. Additional notifications and the CEQA document were sent to Tribal governments on August 3, 2016 and November 1, 2016. AB 52 (Gatto, 2014) CEQA notifications requesting comments regarding cultural resources were sent in August 2016 to applicable Tribal

governments. The County conducted extensive outreach. A few tribes requested consultation, and the County has worked with them to resolve issues raised.

On December 11, 2015, the Planning Commission accepted a staff report summarizing the LCP update process and project study topics. A notice for the December 11, 2015 Planning Commission hearing was circulated on November 25, 2015 to property owners within 300 feet of the LCP update area, agencies requiring notification per California Government Code Section 65352, and other stakeholders. These notifications included a link to a project website with information on the LCP update.

On December 9, 2016, the Planning Commission conducted a public hearing on the County's Proposed LCP. A notice for the December 9, 2016 Planning Commission hearing was circulated to property owners within 300 feet of the LCP update area, agencies requiring notification per California Government Code Section 65352, and other stakeholders. These notifications included a link to a project website with information on the LCP update.

On January 25, 2017, the LUP was approved by the County's Board of Supervisors. A notice for the January 25, 2017 Board of Supervisors meeting was circulated on January 10, 2017 to property owners within 300 feet of the LCP update area, agencies requiring notification per California Government Code Section 65352, and other stakeholders. These notifications included a link to a project website with information on the LCP update.

Commission staff is now recommending approval of the LUP with the suggested modifications. A great many of the concerns previously identified have been resolved through the collaborative approach between County and Coastal Commission staff, but some additional modifications are necessary to ensure protection of ESHA, water quality, and new development.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200).

C. PUBLIC PARTICIPATION

As outlined above, the County conducted outreach on multiple occasions to various communities and Tribal governments. Additionally the County has held Planning Commission and County Board of Supervisor meetings with regard to the subject Land Use Plan request. All of those local hearings were duly noticed to the public. Notice of the subject Land Use Plan has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided.

- I. MOTION:** *I move that the Commission certify the Land Use Plan #LCP-6-SDC-17-0015-1 for the County of San Diego as submitted.*

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan #LCP-6-SDC-17-0015-1 for the County of San Diego as submitted and finds for the reasons discussed below that the submitted Land Use Plan fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan may have on the environment.

- II. MOTION:** *I move that the Commission certify the Land Use Plan #LCP-6-SDC-17-0015-1 for the County of San Diego if modified in accordance with the suggested changes set forth in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan LCP-6-SDC-17-0015-1 for the County of San Diego if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act.

Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan may have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LCP be adopted.

The suggested modifications are shown with underlined sections representing language that Commission recommends be added to the certified LUP, and ~~struck-out~~ sections representing language which the Commission suggests be deleted from the language as originally submitted.

Chapter 2: Public Access and Recreation

1. Policy 2.40 shall be revised as follows:

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

- All activities involved with trail design, construction, usage, and maintenance will incorporate appropriate methods that reduce potential impact to ESHA, including:
 - Utilizing a trail design and construction methods that are least impactful to ESHA.
 - Utilizing non-mechanized equipment for trail construction and maintenance.
- Trail tread will be constructed with native soil (or disintegrated granite if necessary) and trail width will be minimized to reduce impacts to critical habitat and resources.
- Site design objectives will include avoidance and/or minimization of impacts to biological resources.
- Access, non-native predators, and other non-native and invasive species, illumination, point source drain water, nonpoint source runoff, and noise will all be taken into consideration during planning and construction of trails.
- Sufficient signs and appropriate barriers will be located to clearly identify access.
- Within the San Dieguito Regional Park, equestrian and bicycle use is allowed on existing, specified trails.

Chapter 3: Environmentally Sensitive Habitats

2. Policy 3.13 shall be revised as follows:

~~Non-Motorized~~ Public pedestrian trails are considered resource dependent uses. ~~Non-motorized~~ New pedestrian 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. Existing pedestrian trails located within or adjacent to ESHA shall not be converted to accommodate equestrian use, bicycle use, or any use other than pedestrian.

Chapter 4: Water Resources

3. Policy 4.32 shall be revised as follows:

Taking into account current and future sea levels, Comply with setbacks and buffers from all watercourses to protect property, improve water quality, and enhance the aesthetic beauty of the riparian environment.

Chapter 6: Scenic and Visual Resources

4. Policy 6.6 shall be revised as follows:

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

~~Locations along public roads, railways, trails, parklands, and beaches that offer views of scenic resources are considered public viewing areas. Road alignments within the County's Coastal Zone shall minimize alterations to the landscape by following the contours of existing, natural topography such that scenic areas are enhanced. Existing public roads within the County's Coastal Zone that provide views of the ocean or other scenic resources include:~~

- ~~• La Bajada to La Noria and El Camino Real~~
- ~~• La Noria and El Camino Real~~
- ~~• Highland Drive~~
- ~~• Lomas Santa Fe Drive and Linea Del Cielo~~
- ~~• Sun Valley Road~~

~~Public viewing areas shall be protected. To protect vista points, the scenic and visual qualities within the County's Coastal Zone shall be designated as "Critical View Sheds" within which the character of development would be regulated to protect the integrity of the vista points (Figure 6).~~

- ~~(a) Critical View Shed areas should meet the following requirements:~~

- ~~(1) Extend radially for 2,000 feet (610 meters) from the vista point, with the exception of San Dieguito Park, which would be included in its entirety;~~

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

~~(b) Development within the Critical View Shed area will be subject to design review as part of any discretionary review and will be based on the following:~~

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

~~(2) Landscaping should not, at maturity, obstruct views;~~

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

Locations along public roads, railways, trails, parklands, and beaches that offer views of scenic resources are considered public viewing areas.

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.

To protect vista points, the scenic and visual qualities within the County's Coastal Zone shall be designated as "Critical View Sheds" within which the character of development shall be regulated to protect the integrity of the vista points (Figure 6).

(a) Critical View Shed areas shall meet the following requirements:

(1) Extend radially for 2,000 feet (610 meters) from the vista point, with the exception of San Dieguito Park, which would be included in its entirety;

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

(b) Development within the Critical View Shed area shall be subject to design review as part of any discretionary review and will be based on the following:

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

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

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

Public views to the County's Coastal Zone and open spaces adjacent to San Elijo Lagoon from major public viewpoints, as identified in Figure 6 of the LUP, shall be protected. Existing public roads within the County's Coastal Zone that provide views of the ocean or other scenic resources include:

- La Bajada to La Noria and El Camino Real
- La Noria and El Camino Real
- Highland Drive
- Lomas Santa Fe Drive and Linea Del Cielo
- Sun Valley Road

Road alignments within the County's Coastal Zone shall minimize alterations to the landscape by following the contours of existing, natural topography such that scenic areas are enhanced.

Chapter 7: Planning, New Development, and Public Works

5. Policy 7.8 shall be revised as follows:

“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.

(...)

6. Policy 7.28 shall be revised as follows:

Consistent with the Coastal Act (Public Resources Code §30610(d)), repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities do not require a Coastal Development Permit, although the County may require a permit if the County determines such repairs and maintenance involve a substantial adverse environmental impact that cannot be ~~mitigated~~ avoided.

However, for purposes of compliance with the Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a Coastal Development Permit because they involve a potential risk of substantial adverse environmental impact:

- (a) Any repair or maintenance to facilities, or structures, or work located in an ESHA, any sand area, within 50 feet of the edge of a steep slope or ESHA, or within 20 feet of coastal waters or streams, that include:

- (1) The placement or removal, whether temporary or permanent, of any form of solid materials.
 - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials: on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.
 - ~~(3) The replacement of 20 percent or more of the exterior materials of an existing structure with materials of a different kind; or~~
7. A new policy, Policy 7.30, shall be incorporated as follows:

Policy 7.30

The height of structures shall be limited to minimize impacts to coastal resources. Except for lands designated for RS (Residential-Single) and S86 (Open Space), the maximum allowable height for structures within the County's coastal zone shall be 35 feet above existing or finished grade, whichever is lower. The maximum allowable height for lands designated S86 shall be 15 feet above existing or finished grade, whichever is lower, and the maximum allowable height for lands designated RS shall be 30 feet above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

8. As specified in the attached [Exhibit 12](#), the identified minor clarifications, renumbering and typographical corrections located throughout the proposed LUP shall be made.

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE COUNTY OF SAN DIEGO LAND USE PLAN, AS SUBMITTED, AND APPROVAL, IF MODIFIED

The Commission finds and declares as follows:

A. AMENDMENT DESCRIPTION

The County of San Diego's coastal zone, which comprises approximately 1,050 acres of land, is located east of Interstate 5 (I-5), north of the City of San Diego, and east of the cities of Encinitas and Solana Beach ([Exhibit 2](#)). The County's coastal zone is approximately 2 miles inland from the coast and does not contain any coastline along the Pacific Ocean, although portions of the County's coastal zone border the eastern basin of San Elijo Lagoon. A majority of the County's coastal zone is built out, primarily consisting of rural to semi-rural estate residential development. It also contains a single node of commercial uses and some limited, small-scale agricultural use ([Exhibit 3](#)). The San Elijo Lagoon is adjacent to the northwest boundary of the County's coastal zone. La Orilla Creek traverses the County's coastal zone and feeds into the San Elijo Lagoon and

Escondido Creek runs through the northwest area and serves as a freshwater connector between the San Elijo Lagoon and the Carlsbad Watershed. The San Dieguito Regional Park constitutes the largest block of open space park for recreation use, while the northern portion of the County's coastal zone contains an open space preserve adjacent to the San Elijo Lagoon.

The purpose of the LUP is to govern land development through a comprehensive, long-term planning document designed to preserve the unique environment of the County's coastal zone, to protect and restore its coastal resources, and to encourage public access and enjoyment of its recreational opportunities. The LUP reflects current circumstances and new scientific information, including climate change and sea level rise. Appendix A consists of a report titled, "Climate Change Vulnerability and Risk Assessment," which summarizes existing data, identifies Sea Level Rise vulnerabilities and risks, and identifies key issues for consideration. The contents and analysis within this report are consistent with the Commission's Sea Level Rise Policy Guidance for California Coastal Communities, include a range of sea level rise projections, identify potential impacts from sea level rise, and assess the risks to coastal resources and development.

The LUP is organized into the following sections and associated maps:

- Chapter 1 - Introduction
- Chapter 2 - Public Access and Recreation
- Chapter 3 - Environmentally Sensitive Habitats
- Chapter 4 - Water Resources
- Chapter 5 - Agriculture
- Chapter 6 - Scenic and Visual Resources
- Chapter 7 - Planning, New Development, and Public Works
- Chapter 8 - Cultural and Paleontological Resources
- Chapter 9 - Coastal Hazards

As detailed below, each section includes policies to provide protection of coastal resources and public access in compliance with the Coastal Act.

B. CHAPTER 3 CONSISTENCY

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of, and conforms with, the Chapter 3 policies of the Coastal Act.

1. Introduction

This section explains that an LCP is comprised of a Land Use Plan and Implementation Plan, and it contains the following subsections: The Local Coastal Program; The California Coastal Act; Local Planning History; General Goals and Objectives; The LUP Approach; and LUP Organization.

The Local Coastal Program

This subsection outlines that the LCP is the primary document that governs land development within the County of San Diego's coastal zone and explains the purpose of the LCP is to carry out the coastal resource protection policies of the Coastal Act. It includes the definition of development and several maps identifying the location of the County's coastal zone. It also contains background information on the County's coastal zone and its local planning history.

The Coastal Act

Background information on the Coastal Act is provided in this subsection. Maps identifying land use designations and use regulations are also provided. This subsection explains that review authority will be transferred from the CCC to the County (with some exceptions) upon certification of the LCP. Certain types of development and development within certain geographic areas will be appealable to CCC. The County of San Diego's Planning and Development Services (PDS) will be responsible for implementing the LCP and reviewing permit applications. The County's PDS will issue Coastal Development Permits (CDP) and Coastal Administrative Permits (CAP) once the County's LCP is effectively certified.

Local Coastal Planning History

This subsection contains a very brief summary of the County's LCP history. It summarizes by explaining that in the past 30 years, a comprehensive update has not been undertaken in to maintain the LCP's relevance under the Coastal Act and the Coastal Commission's recent Sea Level Rise Policy Guidance.

General Goal and Objectives

The County's overarching goal is to protect and enhance the environment, natural resources, and recreational values, while simultaneously providing superior customer service to residents and property owners. To achieve these goals, the County is working to develop a comprehensive LCP and secure Coastal Commission certification.

LUP Approach

The County of San Diego received a grant from the Coastal Commission to certify its LCP and to reflect current circumstances and new scientific information within the document, including climate change and sea level rise.

The County created a report that summarized existing data, identified sea level vulnerabilities and risks, and identified key issues for consideration in the LCP. This report is included in the LUP as Appendix A and was used to create a comprehensive set of policies to protect the County's coastal resources, consistent with the Coastal Act and the Commission's Sea Level Rise Policy Guidance.

LUP Organization

This subsection lists each policy group contained in the LUP. It explains that each policy group contains specific LUP policies which provide protection of coastal resources and

that some of these policies have been adapted from existing County documents and ordinances. A list of those documents is also provided

As proposed, this section is wholly informational, contains no LUP policies, and needs no modifications to be consistent with the Coastal Act.

2. Public Access and Recreation

a. Plan Summary

This section addresses the preservation of existing public access and recreational opportunities as well as the creation of additional sites and access points. The County's Coastal Zone contains a number of access points and recreational opportunities ([Exhibit 4](#)). Currently, there is a road network that provides primary access to recreational areas within the County's coastal zone; however, no roadway expansions are planned or identified in the County's General Plan for this area. Given the rural and semi-rural residential development patterns that have shaped development within the County's coastal zone, public transportation, such as buses, trolley lines, etc. is not present within this area. However, the County is committed to providing improved bicycle and pedestrian networks to create safe and continuous active transportation options while retaining its rural character.

The San Dieguito Regional Park (Park) constitutes approximately 125 acres of open space and contains the majority of the County's publicly accessible trails. Located southeast of the San Elijo Lagoon Ecological Reserve, the Park offers equestrian and multi-use trails, picnic opportunities, playgrounds, restrooms, pavilions, drinking fountains, and similar amenities and is a popular recreational destination. All of the trails within the Park allow pedestrian, bicycle, and equestrian use, and many connect to adjacent or nearby neighborhoods. Trails are primarily maintained by the County's Department of Parks and Recreation, and their responsibilities include trimming vegetation to maintain trail visibility, repairing erosion in a timely manner, and coordinating with other County Departments to acquire, plan, and operate their trails. It is planned that trails within the Park will connect to local and regional trail networks, and as proposed, the LUP identifies one proposed trail and one proposed pathway. Outside of the park, access to the San Elijo Lagoon Ecological Reserve and the California Coastal Trail (CCT) is possible starting from the La Orilla Trailhead.

The County's coastal zone does not contain any land with a Visitor Serving Commercial designation and thus, the draft LUP does not include a Visitor Serving Commercial land use category. Within the County there is only a single commercial node located along Via de la Valle and is designated as Office Professional; however, this designation would allow for the development of visitor serving uses at this location.

b. Applicable Coastal Act Policies

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,

(3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

c. Conformity with Chapter 3 Policies

This section provides policies relevant to the provision of public access and recreation. As the Coastal Act places a strong emphasis on public access, the County has incorporated a variety of policies to meet this mandate. The public access and recreation policies within this section of the LUP are divided up into four subsections with different focus areas that include: open recreational space and access; alternative modes of travel for coastal recreation; active transportation priorities; and recreational facilities and lodging.

Open Recreational Space and Access

The County recognizes that the preservation of open spaces provides wildlife habitat and recreational opportunities. Subsequently, the policies in this subsection emphasize protection of open space areas by requiring that new development is sited and designed to create contiguous open space areas that protect habitat, preserve scenic areas, and connect recreational opportunities. New development in or adjacent to open space areas shall be limited to only those that provide or enhance public access or recreation activities. Additionally, public accessways shall be encouraged and maintained, new subdivisions shall not include features that would limit public access points, and the use of unauthorized “no parking” signs is prohibited.

Alternative Modes of Travel for Coastal Recreation

This subsection includes policies to accommodate walking and biking within communities and provide a network of trails within the County’s coastal zone. The County shall provide a range of trail lengths and types, including hiking trails, bicycle paths, and equestrian trails, which will be separated from motorized vehicles. When establishing new trails or trail segments, locations that avoid impacts to sensitive environmental resources will be implemented.

Active Transportation Priorities

The policies in this subsection seek to maximize Complete Street and bicycle improvements while maintaining the rural character within the County’s coastal zone. Trail opportunities shall be promoted, provided and expanded to include a variety of trail experiences, meet a public need, and highlight the County’s biological, recreational, and educational resources. Trails will allow public access to natural and cultural resources while conserving native wildlife through a continuous network of connected habitats. Impacts to sensitive environmental resources, ecological systems, and wildlife linkages

and corridors shall be avoided where possible and any unavoidable impacts shall be minimized.

Recreational Facilities and Lodging

This subsection incorporates policies that create opportunities for a broad range of recreational experiences. The County shall provide park facilities that reflect community character, incorporate natural features, and create linkages and connectivity between recreation uses, trails, and bicycle networks. Trails will be sited and designed to avoid impacts to biological resources, and signs will be located to clearly identify access. The County shall retain and encourage lower cost, visitor serving overnight accommodations and recreation facilities. To minimize impacts to public street parking available for coastal access and recreation, new development must provide off-street parking sufficient to serve the approved use. The County's coastal zone does not contain any land designated for Visitor Serving Commercial uses, but it does contain a very small strip of land designated for Office Professional/Commercial uses. This strip of land is located adjacent to and north of Via de la Valle and adjacent to and west of El Camino Real. Later sections of the LUP encourage the incorporation of visitor serving uses within commercial facilities.

As proposed, this chapter provides a holistic set of policies that meet the requirements of the Coastal Act as it pertains to public access and recreation. One policy related to trail siting and management in the Environmentally Sensitive Habitat section requires modification as described below. As such, no modifications are needed in this section.

3. Environmentally Sensitive Habitats

a. Plan Summary

This section contains policies which are designed to protect and preserve the County's natural resources, including environmentally sensitive habitat areas (ESHA), and including wetlands. Most of the ESHA policies are contained in Chapter 3 – Environmentally Sensitive Habitats, although some policies that address ESHA are located in Chapter 2 – Public Access, Chapter 6 – Scenic and Visual Resources, Chapter 7 – Planning, New Development, and Public Works, and Chapter 9 – Coastal Hazards. The County of San Diego contains a number of important sensitive resources, including Escondido and La Orilla Creeks, the eastern border the of San Elijo Lagoon system, and substantial patches of Southern Maritime Chaparral and Diegan Coastal Sage Scrub that may support Coastal California Gnatcatchers ([Exhibit 5](#)). The LUP includes ESHA maps and descriptions, and policies for siting and designing new development, and protecting water quality are also provided.

b. Applicable Coastal Act Policies

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, 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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to,

burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.[...]

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30240

(a) Environmentally sensitive habitat shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

c. Conformity with Chapter 3 Policies

The County's coastal zone is several miles east of the shore, but does border a portion of the eastern edge of San Elijo Lagoon. Though mostly built out, a variety of sensitive habitats are contained within the County's coastal zone, including coastal and valley freshwater marsh, Diegan coastal sage scrub, maritime succulent scrub, southern coastal salt marsh, and southern maritime chaparral, among others. These natural areas provide many benefits including fish and wildlife habitats, water quality improvement, flood storage, shoreline erosion protection, and opportunities for recreation. The County's LUP contains a number of policies that call for the protection of sensitive habitats and provides guidance on designating areas as ESHA. The County has provided ESHA maps ([Exhibit 10](#)), and requires that these maps are reviewed and updated every 10 years to reflect current information. The LUP also requires site-specific, sensitive species inventories to determine if a site contains or has the potential to contain sensitive species or habitat, and a detailed biological study is required if there is the potential for sensitive species or habitat on the project site. Further, the County specifies mitigation ratios, consistent with past Commission action, which will be used only when impacts to habitat areas are unavoidable.

Upland Protection Policies

The County's LUP contains a definition of ESHA as defined in the Coastal Act. The primary issue that has arisen related to ESHA is siting and designing new development to avoid direct and indirect impacts to ESHA. The LUP contains many policies to ensure that development occurs in a manner that will protect and preserve existing ESHA and will not significantly degrade habitat values. For example, the LUP requires that both ESHA buffers and fire buffers are incorporated when new development adjacent to ESHA is proposed. Further, new development must be sited such that required fuel modification avoids impacts to native vegetation and sensitive habitats, and required fuel modification must occur outside ESHA buffers. Policies also protect the values associated with a connected natural open space system that creates important linkages for sensitive species.

Wetland Protection Policies

Recognized as a national and state resource due to the presence of valuable habitat of biological significance, the San Elijo Lagoon contains a large wetland habitat area, including the 590-acre San Elijo Lagoon Ecological Reserve. Wetlands themselves provide many benefits such as providing fish and wildlife habitat, water quality improvement, shoreline erosion protection, and recreation opportunities. The LUP policies provide a definition of wetlands and a method for the delineation of wetlands, both of which are consistent with the Coastal Act. Buffers are required to be a minimum of 100 ft. in width from the upland edge of the wetland. The LUP has clear and stringent

standards to preserve wetland habitats and requires that unmapped wetlands shall be afforded all of the protections provided for mapped wetlands in the LUP. Further, when site inventories indicate the presence or potential for wetland species or indicators, the County requires the submittal of a detailed biological study of the site and a delineation of all wetland areas on the project site. The LUP also mandates that development in wetlands can only occur if it is a resource dependent use or will support the preservation of the wetland. Channelization of streams is allowed only if it improves fish and wildlife habitat, is necessary for water supply projects, or provides flood protection for existing development, and only where no feasible alternative exists.

ESHA Maps

When developing its ESHA Maps, the County utilized the SanGIS database and aerial photography to determine vegetation communities and identify the general areas containing ESHA. Without ground-truthing or conducting a rigorous examination of the County's coastal zone, it is likely that mapping errors have occurred, which may have incorrectly identified vegetation communities and misidentified areas that qualify or do not qualify as ESHA. Thus, revisions to the ESHA maps will occur as site-specific biological evaluations and field observations identify ESHA and other special-status resources that may not have previously been identified. Revisions to the ESHA Maps will be treated as an LCP amendment, and CCC approval will be required. Any area that is not designated on the ESHA maps that meets the ESHA criteria is ESHA and will be afforded all the protection provided for ESHA in the LUP. If an area previously mapped as ESHA does not meet the definition of ESHA, a modification will be made to the ESHA Maps, as part of an LCP map update and LUP amendment. ESHA Maps must be reviewed and updated at least every ten years to reflect current information, including information on rare, threatened, or endangered species.

If the strict application of the LUP policies and standards would constitute a taking of private property without just compensation, then the LUP allows a use that is not consistent with all of the ESHA provisions, provided such use is consistent with all other applicable policies of the LCP, the approved project is the alternative that would result in the fewest or least significant impacts, and it is the minimum amount of development necessary to avoid a taking of private property without just compensation. Mitigation measures and ratios are provided for impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives.

The Coastal Act policies prohibiting the disruption of ESHA are very strict and reflect a statewide concern for protecting critical habitat areas. A large swath of ESHA and the vast majority of the public trails in the County's coastal zone are contained within the San Dieguito Regional Park (Park). The County has provided a figure, which provides detailed information on the trails within the Park ([Exhibit 11](#)). However, the proposed LUP policies do not regulate the siting of new trails in such a manner that the Commission can be assured that ESHA will be protected. Specifically, the County has included maps identifying ESHA in the Park ([Exhibit 10](#)), but the LUP, as submitted (Policies 2.40 and 3.13), would allow new trails within and adjacent to ESHA to include all non-motorized uses, such as equestrian use and bicycle use. The trails within the Park

have historically allowed equestrian, bicycle, and pedestrian use, and the County Department of Parks and Recreation manages these trails in coordination with the Department of Public Works and the Department of Planning and Land Use. Although the historic uses on these trails have coexisted with adjacent ESHA resources, equestrian and bicycle use can lead to unintended encroachments on the adjacent ESHA through increased erosion or inadvertent trail widening, and untreated waste disposal from equestrian can adversely impact biological resources and water quality. Therefore, in order to be consistent with the ESHA protection policies of the Coastal Act, and minimize future conflicts between these uses and biological resources, **Suggested Modifications #1 and 2** include language to indicate that new trails in or adjacent to ESHA will be limited to pedestrian use only; however, the existing multi-use trails within the San Dieguito Regional Park may remain equestrian and bicycle uses. As modified, this policy group can be found consistent with the environmental resource protection policies of the Coastal Act.

4. Water Resources

a. Plan Summary

This section contains policies which are designated to protect water quality, water resources, and wetlands throughout the County. Many water-related policies are contained in this chapter, although some policies that impact water resources are contained in Chapter 3 – Environmentally Sensitive Habitats and Chapter 9 – Coastal Hazards. This section is comprised of policies that require the utilization of Best Management Practices in all phases of development, the minimization of grading and impervious surfaces, the control of erosion and runoff, and the prioritization of a Low Impact Development approach to managing stormwater.

b. Applicable Coastal Act Policies

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means,

minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 [cited above]

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

c. Conformity with Chapter 3 Policies

As identified above, the Coastal Act has numerous policies related to the provision and protection of water quality, with stringent standards for wetland protection. Within the County's coastal zone, there are salt and fresh water marshes, creeks, riparian habitats, and floodways. As such, the County's LUP contains policies to avoid adverse impacts to water quality, wetlands, and other water resources. This includes limiting allowable uses within or adjacent to waterbodies and watersheds, protecting natural hydrologic features, minimizing erosion and sedimentation, implementing source control and structural BMPs, and prioritizing on-site treatment of pollutants prior to discharge. Additionally, it includes policies to protect wetland and vernal pools through the establishment of appropriate buffers and setbacks. Vernal pools are also protected by policies that prevent discharges, dredging, hydromodification, land and vegetation clearing, the introduction of invasive species, and exposure to pollutants. Water quality and related biological functions are also protected through policies that require reducing the use of pesticides and herbicides, incorporating only drought-tolerant native and non-invasive plant species in planting palettes, and preserving conditions of natural drainage. Development within or adjacent to floodways are also restricted to low intensity uses. The LUP also requires regional collaboration in watershed level planning and management efforts. The water quality protection policies contained within the County's LUP are also consistent with and represent the guidance provided by the Commission's water quality technical staff to local jurisdictions.

As noted above, this section requires that minimum setbacks and buffers are incorporated to protect water quality and sensitive habitats and to ensure that new development is not sited in a hazardous location; however, additional language is necessary to clarify that these buffers should be designed to protect these resources under current and future sea level rise conditions. In order for development to be located so that it is safe for its

lifetime and designed to avoid future impacts on water quality, it is necessary to look at conditions over the lifetime of the development. The County's LUP includes a vulnerability analysis related to future sea level rise conditions over a range of predicted sea level rise scenarios, and the Hazards Chapter also includes policies that require the analysis of future sea level rise when determining the safety of new development. It is likewise important to be sure that development is sited with sensitivity to water and biological resources under future sea level rise projections as well. Therefore, **Suggested Modification #3** requires that future sea levels are analyzed when determining compliance with setbacks and buffers from watercourses. As modified the Land Use Plan can be found consistent with the water quality and biological resource protection policies of the Coastal Act.

5. Agricultural Resources

a. Plan Summary

This section contains measures to encourage the preservation of agricultural resources. Currently, there are neither large-scale agricultural operations, nor any Prime Agricultural Land located within the County's coastal zone. Therefore policies addressing these types of uses are not incorporated into the LUP. However, according to the California Department of Conservation (CDC), both Unique Farmland and Farmland of Local Importance occur within the County's coastal zone ([Exhibit 6](#)). Unique Farmland is defined as "farmland of lesser quality soils used for the production of a state's leading agricultural crops." A small patch of land identified as "unique farmland" is located within the gated Stonebridge neighborhood, but it appears to consist of an orchard that may be used for ornamental landscaping, and is not a part of any ongoing agricultural operations. San Diego County defines Farmland of Local Importance as land which meets the characteristics of Prime Farmland or Farmland of Statewide Importance (as defined by CDC), with the exception of irrigation. A narrow strip of "Farmland of Local Importance" is identified just east of El Camino Real. This strip appears to be isolated along the eastern edge of a gated residential property and has not been used for agriculture or agricultural operations for at least the past 20 years.

Currently, the County's coastal zone contains approximately 52 acres of land designated for Limited Agricultural Use, and the LUP policies support the continued existence of this type of agriculture. The LUP encourages existing agricultural uses when permitting development in the Limited Agriculture, Single Family Residential, Rural Residential, and Variable Family Residential use regulation designations. Residential and accessory uses will be concentrated to maintain the maximum amount of land available for agricultural use. The County supports the acquisition or voluntary dedication of agriculture conservation easements and programs that preserve agricultural land.

b. Applicable Coastal Act Policies

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the areas have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (...)

c. Conformity with Chapter 3 Policies

As the County's coastal zone is largely built out, current agricultural uses are accessory to residential uses (e.g., orchards used for ornamental landscaping), and the continuation of these uses is permitted in the LUP policies. However, neither large-scale commercial agricultural activities, nor Prime Agricultural Land occur within the County's coastal zone, so the LUP does not contain policies to address these. Nevertheless, Section 30242 of the Coastal Act mandates that other agricultural lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued or renewed agricultural use is not feasible, or such conversion would preserve Prime Agricultural Land or concentrate development. As such, the County has included policies to concentrate residential development and accessory uses to maintain the maximum amount of land available for agricultural use. Other policies include managing the disposal of animal waste, using reclaimed water for irrigation where feasible, and support for the acquisition or voluntary dedication of agriculture conservation easements and supporting programs to preserve agricultural lands. As proposed, the LUP policies satisfy the agricultural mandates of the Coastal Act.

6. Scenic and Visual Resources

a. Plan Summary

This section contains policies to protect the scenic resources present within the County's coastal zone, including naturally vegetated, steep slopes, natural open space adjacent to San Elijo Lagoon and mature vegetation. The LUP contains maps that detail public viewing areas and scenic roads and additionally designates specific areas with scenic and visual qualities as "Critical View Sheds" ([Exhibit 7](#)). Public view protection of Critical View Sheds is implemented through an additional design review, which protects a 2,000 linear-foot radius from vista points, public views of open spaces adjacent to the San Elijo Lagoon, and public roads with the County's coastal zone that provide views of the ocean or other scenic resources. The LUP requires landscaping and building height, bulk, roof line, and scale to be sited and designed so as not to obstruct, limit, or degrade the view. Generally, the development pattern within the County's coastal zone is represented by very low density rural residential development characterized by homes situated on large parcels surrounded by significant stands of native and non-native vegetation. Many of the open space areas within the County's coastal zone are at least partially visible from Manchester Avenue, I-5, the Pacific Coast Highway, Lomas Santa Fe Drive, and Via de la Valle. San Dieguito Regional Park also includes a number of publically available view points and presents a predominantly natural scenic quality. Some of the trail connections and viewpoints within the northern portion of the County's coastal zone and adjacent to San Elijo Lagoon, are only privately accessible at this time.

b. Applicable Coastal Act Policies

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

c. Conformity with Chapter 3 Policies

This section provides policies relevant to the provision of scenic and visual resources. The Coastal Act places a strong emphasis on the protection of public views, and the County has incorporated a variety of policies to ensure new development does not diminish, obstruct, limit or degrade the visual resources contained in the County's coastal zone. The policies within this section of the LUP are divided up into five subsections:

preservation of views and vistas, development, signage, night lighting, and telecommunications facilities.

Preservation of Views and Vistas

The County, pursuant to these LUP policies, has designated specific areas as “Critical View Shed” areas and requires that any development in these areas is subject to an additional design review as part of any discretionary review process. The intent of this design review is to protect the scenic qualities of the area by analyzing building height, bulk, and scale of proposed development and proposed landscaping. Furthermore, identified public viewing points will be maintained and protected, and land divisions shall be designed to minimize impacts to visual resources.

Development

The County’s coastal zone contains naturally vegetated steep slopes that also warrant protection for both their aesthetic and biological value. Discretionary review is required to protect these slopes through clustering building sites, prohibiting building sites on ridgelines, minimizing grading and alteration of natural landforms, and landscaping or revegetating all cut and fill slopes and other disturbed areas at the completion of grading. Additionally, new development on properties visible from public trails in and around San Elijo Lagoon, San Dieguito Regional Park, and other public viewing areas must provide setbacks from slope edges, restrict maximum building sizes, and reduce maximum building heights. Fencing, walls, and landscaping shall not block major public views or public viewing areas. Prior to approval, impacts from new development shall be assessed and development shall be designed to fit the natural topography and incorporate the physical characteristics of the site.

Signage

This subsection prohibits signs within the County’s coastal zone with the exception of signs that serve as way-finding, road usage, temporary real estate signs, and signage specific to commercial zoning designation. The location, design, number, and size of signs must not detract from the setting, obstruct significant views, or incur any adverse impact to community character or property values.

Night Lighting

With the exception of safety lighting such as traffic lights and navigational lights, the policies in this subsection require the minimization of night lighting and the protection of dark skies. As part of the rural residential character of the County’s coastal zone, exterior lighting must be minimized, restricted to low intensity features, screened, and directed downward and away from ESHA. Development located adjacent to ESHA, ESHA buffers, or where night lighting would illuminate ESHA, shall be prohibited from using night lighting.

Telecommunications Facilities

Utilities shall be constructed and routed underground to avoid adverse impacts to scenic and visual resources, except in cases where natural features or safety considerations

prevent it. In cases when utilities must be constructed aboveground, they shall be co-located and sited and designed to minimize impacts to views.

There are no substantive changes to this policy group, but Commission staff recommends **Suggested Modification #4**, which reorders policy language to clarify the intent of the policy and to avoid confusion or future conflicts. With the suggested modification, the LUP policies conform to Chapter 3 policies of the Coastal Act, providing appropriate protection of the County's scenic and visual resources.

7. Planning, New Development, and Public Works

a. Plan Summary

This section addresses the siting and designing of new development in order to protect coastal resources. The LUP policies encompassed in this section guide the intensity, location, and distribution of land uses in the County's coastal zone. Land use designations and principal permitted uses within each land use are also identified in this section. Though the majority of land in the County's coastal zone is designated as Semi-Rural Residential, there are pockets of Rural Lands, Open Space, Office Professional and Public/Semi-Public Facilities. Few undeveloped parcels exist within the County's coastal zone; however, this section contains standards and definitions needed to ensure any new or redevelopment occurs in conformance with the Coastal Act.

b. Applicable Coastal Act Policies

Section 30250 [cited above]

c. Conformity with Chapter 3 Policies

The County's coastal zone consists primarily of land designated as semi-rural residential, and as such, the majority of development that is expected to occur is residential and associated residential additions and maintenance. However, the County's coastal zone also contains rural lands, open space (conservation), open space (recreation), office professional, and public/semi-public facilities, and this policy group also clarifies principal permitted uses for each land use designation. The LUP clarifies that development shall comply with the principal permitted uses as established in this section.

Principal Permitted Uses

A principal permitted use is defined as the primary use for which land or a building is or may be intended, occupied, maintained, arranged, or designed. The LUP identifies a single-family dwelling as the principal permitted use in Semi-Rural Residential (SR-2), and Rural Lands (RL-20) designations. The principal permitted use in the Open Space (Conservation) designation is habitat preservation and in the Open Space (Recreation) designation, it is low-intensity recreation. In the Office Professional (Semi-Rural) designation, the principal permitted use is professional and business offices, and in the Public/Semi-Public Facilities (P/SP), it is public facilities. If development is approved in

a specific designation for anything other than the principal permitted use, that decision can be appealed to the Coastal Commission.

The LUP policies in this section are divided into the following subsections: general policies, commercial policies, and residential policies.

General Policies

The LUP policies clarify that if any conflict between a provision of the LCP or any other plan, resolution, or ordinance occurs, the LCP shall take precedence. This section defines, identifies, and requires compliance with land use designations and includes definitions for terms such as “development,” “new development,” “redevelopment,” “infill development,” “economic life of a structure,” and “non-conforming structure.” The LUP requires that all new development and redevelopment is subject to review to ensure it is sited and designed to minimize grading and landform alteration, removal of natural vegetation, and impacts to water quality. Further, grading shall retain the natural appearance of existing land forms and natural slopes in excess of 25% shall be protected from grading, excavation, and deposition of soil. This subsection also addresses land divisions, which require a Coastal Development Permit (CDP), will be designed to cluster development, and will be approved only if all the parcels being created will conform to the provisions of the LUP. This section also emphasizes that the protection of ESHA and scenic resources is a priority over other development standards. Repair or maintenance activities or limited work located in ESHA would require a CDP because of the potential risk of substantial adverse environmental impacts, and communication processing, storage, and transmission facilities and lines shall be sited, designed and operated to minimize impacts to ESHA and scenic resources.

Commercial Development Policies

Regarding commercial development, the County shall maintain land planned and zoned for office-professional and general commercial land uses along Via de la Valle, and encourage visitor serving retail uses in these commercial zones. As needed, additional commercial uses shall be considered adjacent to already urbanized areas and existing commercial areas shall be upgraded through landscaping, utility undergrounding, repaving and/or redesigning parking lots, etc.

Residential Development Policies

Regarding residential development, the County emphasizes the clustering of dwelling units, and requires compliance with all applicable policies, including water conservation measures. Additionally, off-street parking spaces are required to avoid adverse impacts to coastal resources. The LUP policies also require that prior to the issuance of a CDP, when parcels contain steep slope lands, a slope analysis be completed. Further, for all types of projects, the maximum allowable encroachment into steep slopes is limited, and when steep slopes cover 10 percent or more of a lot proposed for development, the development must place the steep slopes on site in an open space easement or other appropriate legal instrument.

The Coastal Act is clear that new development must be sited and designed to avoid impacts to coastal resources and be sited in a safe location. The LUP contains a policy defining redevelopment, and the intent of this policy is to identify and prohibit redevelopment or new development in hazardous areas or in areas where it would perpetuate an impact to sensitive coastal resources. However, as proposed, this LUP policy does not specify how partial demolition or additions would be tracked cumulatively over time. Given the importance of addressing non-conforming development, Commission staff recommends **Suggested Modification #5**, which clarifies that redevelopment shall be tracked cumulatively starting on the date of the certification of the LCP.

Certain categories of repair and maintenance activities do not typically require a Coastal Development Permit. However, the LUP identifies that repair and maintenance activities within ESHA or any sand areas, within 50 ft. of the edge of a steep slope or ESHA, or within 20 feet of coastal waters or streams, obtain a Coastal Development Permit. The intent of this policy is to prevent any potentially substantial, adverse environmental impacts to sensitive coastal resources; however, **Suggested Modification #6**, is necessary in order to provide clarification to this policy.

The LCP, once certified, will serve as the County's primary planning document for development within its coastal zone. It is essential that the LUP is comprised of policies containing enough specificity and detail to carry out the mandates of the Coastal Act. These policies must also set the necessary standards so the LUP can serve as the standard of review for the Implementation Plan. As proposed, the LUP does not set a standard for maximum building heights and without this specificity, potential impacts to the visual and aesthetic quality of the area could result. Therefore, Commission staff recommends **Suggested Modification #7**, which is a new policy limiting the maximum allowable building heights in the various land use designations contained within the County's coastal zone.

As conditioned, this policy group meets the mandates of the Chapter 3 policies of the Coastal Act as it relates to the regulation of development within the County's coastal zone.

8. Cultural and Paleontological Resources

a. Plan Summary

This section requires the protection of archaeological, cultural, and paleontological resources and mitigation for any potential, adverse impacts to these resources. The San Elijo Lagoon area supported a substantial native coastal population, which was mainly used for grazing and agriculture. The Santa Fe Covenant area of the County's coastal zone was designated as a California State Landmark in 1982 in recognition of its history and unique development pattern. A records search of the South Coastal Information Center (which manages the San Diego County portion of the State of California's records of cultural resources for the California Office of Historic Preservation) revealed that the

County contains a total of 15 cultural resources, of which, 13 are prehistoric archaeological sites, one is a historic archaeological site, and one is a historic building. Based on the geological and environmental characteristics of the area, it is likely that undiscovered archaeological sites may exist within portions of the County's coastal zone, especially the area around the San Elijo Lagoon.

b. Applicable Coastal Act Policies

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

c. Conformity with Chapter 3 Policies

The LUP contains policies related to the preservation of cultural, archaeological, and paleontological resources. These policies outline procedures and required mitigation measures when such resources are discovered during pre-development surveys or during development. Monitors are required during grading operations and for any excavation into high, moderate, or low marginal soil sensitivity. The LUP requires that human remains are treated with the utmost dignity, and consultation with affected communities, including culturally-affiliated tribes and the Most Likely Descendant (MLD), shall be conducted when human remains or cultural resources are identified. The County will also coordinate with appropriate agencies (e.g. native American Heritage Commission, State Historic Preservation Officer) and tribal representatives to identify archaeologically sensitive areas and to determine the appropriate treatment of cultural resources. Additionally, surveys, test excavations, and evaluations must be conducted prior to any new development or construction, and mitigation, including but not limited to monitoring, capping, and repatriation of resources is also required.

This policy group provides mitigation measures and includes sufficient policies to ensure the protection of cultural, archaeological, and paleontological resources consistent with the requirements of the Coastal Act. Therefore, no modifications are needed for this policy group.

9. Coastal Hazards

a. Plan Summary

This policy group addresses natural hazards in the County's coastal zone and identifies three primary hazard types: hillside-related geologic hazards, flooding hazards, and fire hazards. This section includes a range of policies that address the siting and designing of development to avoid such hazards, and prohibits new development and land divisions unless such development and all proposed parcels can demonstrate they will be safe from flooding, erosion, fire, and geologic hazards. Future sea level rise must be analyzed

when siting and designing new development, as outlined in many of the LUP policies. Though most of the coastal hazards policies are contained in this chapter, a few hazard related policies are also found in Chapter 4 – Water Resources.

b. Applicable Coastal Act Policies

Section 30236 [cited above]

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

c. Conformity with Chapter 3 Policies

In order to be consistent with the Coastal Act, the LUP contains policies that require careful consideration of potential hazards prior to approving development. For hillside-related geologic hazards, policies require all CDP applications to quantitatively analyze existing slope stability, and create a geologic reconnaissance report if development is proposed within areas of greater than 25% slopes or areas subject to ancient landslides, unstable slopes, and other geologic hazard areas.

Regarding fire hazards, development must be sited, designed, and constructed to provide defensibility against wildland fires, to minimize “pockets” of flammable vegetation, to meet current ignition-resistant construction codes, and to avoid brush management within ESHA or ESHA buffers. Though development shall be sited and designed to minimize required fuel modification to the maximum extent feasible, any required thinning of

flammable vegetation in the Wildlife Urban Interface (WUI) shall be conducted by hand crews and sensitive plant species will not be thinned or removed.

Regarding flood hazards, this section includes policies prohibiting development within flood prone areas subject to inundation or erosion and prohibits development of permanent structures for human habitation or places of work from occurring in current or future floodways or floodplains. Also included are policies requiring the use of the most updated sea level rise maps, which model future 100-year flood conditions and floodway extents given sea level rise projections, when determining setbacks from floodways.

Additionally, the County's LUP contains policies to utilize the most recently updated sea level rise maps when analyzing potential project impacts and to update its sea level rise maps periodically. It also contains policies guiding the issuance of emergency permits.

In its Climate Change Vulnerability and Risk Assessment Report, the County analyzed a range of sea-level-rise projects to identify potential impacts in the County's coastal zone, assess risks to coastal resources, and identify adaptation measures and LCP policy options. The County recognizes that, in addition to elevated water levels, increased tide elevations, wave impacts, and flooding from extreme storm events can exacerbate impacts and risks to coastal resources and existing development. However, the County's coastal zone is for the most part located landward and upward of coastal oceanographic processes. While the San Elijo Lagoon will likely experience some shoreline impacts as water propagates from the coast through the mouth of the lagoon, the greatest impacts from predicted future climate change will likely be from increased wildfire or runoff from extreme storm events ([Exhibit 8](#)). The County specifically identifies the following flood hazards, which may increase as a result of climate change: daily tidal inundation, annual high tide inundation (King Tides), extreme tides, storms and El Niño, shoreline change and coastal erosion, riverine flooding, and tsunami inundation. However, the report notes that tidal exchange and flushing are impeded by constrictions from Highway 101, the railroad bridge, 1-5, and the California Department of Fish and Wildlife dike, as seen in [Exhibit 9](#). Further, the report notes that there is no transportation infrastructure located within the County's coastal zone that falls within the sea level rise exposure area. All existing development within the County's coastal zone is at an elevation above the predicted future limit of riverine and coastal flooding. Therefore, transportation infrastructure and existing development are not vulnerable to direct impacts from sea level rise. Though changes in inundation and salinity may affect environmentally sensitive habitat areas, habitat conversion is not expected because the County's coastal zone contains ground elevations that are above the reach of predicted daily high tides.

As proposed, the LUP policies in this policy group are sufficient to ensure that any future development will not be exposed to hazards are avoided through appropriate project siting and design. Therefore, as submitted, the Land Use Plan can be found consistent with the new development policies of the Coastal Act and no modifications are necessary for this section.

10. Conclusion

In summary, the LUP, as modified, contains policies addressing all of the relevant policy groups in Chapter 3 of the Coastal Act and it addresses all of the public access and coastal resources present within the County's coastal zone jurisdiction. The significant collaboration between County and Commission staff has resulted in the inclusion of policies necessary to protect issues as required in order for consistency with the Coastal Act. Minor deficiencies have been identified in the policy groups for the protection of environmentally sensitive habitat areas, water resources, visual resources and new development. Commission staff has included a few suggested modifications that are recommended to address these concerns. Although minor, the proposed modifications were necessary to address and resolve the identified omissions. Therefore, as modified, the Commission finds the land use plan, as modified, meets the requirements of, and conforms with the Chapter 3 policies of the Coastal Act, and the land use plan may be approved.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with CEQA provisions. As proposed, the County of San Diego LUP is not consistent with the natural resource protection and new development policies of the Coastal Act [list all inconsistencies]. Suggested modifications have been added as described and listed above. If modified as suggested, the LUP's impacts on coastal resources will be less than significant..

Any specific impacts associated with individual development projects would be assessed through the environmental review process, and, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant immitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as modified.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Existing Conditions, Vulnerability and Risk, and Key Issue Report prepared February 2016 by AECOM
- Biological Resources Summary Memorandum for the San Dieguito Local Coastal Program (LCP) Update prepared February 2016 by AECOM