

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W15e

Date: January 19, 2021

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **JOHN AINSWORTH, EXECUTIVE DIRECTOR**

Subject: **EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the County of San Diego, certifying the County's Local Coastal Program Implementation Plan No. LCP-6-SDC-20-0031-1 (County Implementation Plan), is adequate to effectively certify its local coastal program (for Commission review at its meeting of February 10-12, 2021)

BACKGROUND

At its November 5, 2020 meeting, the Coastal Commission certified, with suggested modifications, the County of San Diego Local Coastal Program Implementation Plan (IP) #LCP-6-SDC-20-0031-1, which contains zoning maps and other implementing actions to carry out provisions of the certified County Land Use Plan (LUP). By its action adopting Resolution No. 20-183 on November 18, 2020, the County Board of Supervisors has acknowledged and accepted all of the Commission's suggested modifications. The modifications clarified that public hearings for projects in areas appealable to the Commission cannot be waived, created a local appeal process for County-initiated projects, and made changes to several notice and hearing provisions to address due process concerns. Minor modifications and clarifications were also made to special use regulations governing biological resource protection, water quality, and scenic resources to ensure that they were not only consistent with the County LUP, but also adequate to carry out the LUP policies. The County is expected to assume permitting authority over its coastal zone area 30 days after effective certification of its IP by the Commission.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the County of San Diego is legally sufficient to finalize Commission review of the LCP Implementation Plan. Additionally, the County of San Diego Post LCP Certification Permit and Appeal Jurisdiction map will be presented at this hearing for adoption. The County's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

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February 15, 2021

Nathan Fletcher, Chairperson
San Diego County Board of Supervisors
County Administration Center
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: Certification of the County of San Diego LCP Implementation Plan No. LCP-6-SDC-20-0031-1 (County Implementation Plan)

Dear Chairperson Fletcher:

The California Coastal Commission has reviewed the County's Resolution No. 20-183 together with the Commission's action of November 5, 2020, certifying County of San Diego Local Coastal Program Implementation Plan LCP-6-SDC-20-0031-1, which contains zoning maps and other implementing actions to carry out provisions of the certified County Land Use Plan (LUP). In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the County's actions are legally adequate, and the Commission has concurred at its meeting of February 10-12, 2021.

By its action on November 18, 2020, the County has formally acknowledged and accepted the Commission's certification of the Implementation Plan including all suggested modifications. The modifications clarified that public hearings for projects in areas appealable to the Commission cannot be waived, created a local appeal process for County-initiated projects, and made changes to several notice and hearing provisions to address due process concerns. Minor modifications and clarifications were also made to ensure that the special use regulations governing biological resource protection, water quality, and scenic resources were not only consistent with the County certified LUP, but also adequate to carry out the LUP policies. With effective certification of the County Implementation Plan by the Commission, the County will be assuming permitting authority over the unincorporated geographic area known as the County Coastal Zone on March 15, 2021.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the County's local coastal program.

Sincerely,

John Ainsworth
Executive Director