

(O-88-161)

ORDINANCE NUMBER O-17062 (NEW SERIES)

ADOPTED ON APR 18 1988

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING SECTION 101.0480 RELATING TO SENSITIVE
COASTAL RESOURCE OVERLAY ZONE.

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter X, Article 1, Division 4, of the San
Diego Municipal Code be and the same is hereby amended by adding
Section 101.0480, to read as follows:

**SEC. 101.0480 SCR (SENSITIVE COASTAL RESOURCE) OVERLAY
ZONE**

A. PURPOSE AND INTENT

The purpose and intent of the Sensitive Coastal
Resource Overlay ("SCR") Zone is to protect, maintain,
and enhance the overall quality of the coastal zone
environment and its natural resources; to promote
balanced utilization and conservation of coastal zone
resources; and to maximize public access to and along
the shoreline consistent with sound resource
conservation principles and the rights of private
property owners. More specifically, these regulations
are designed to ensure that new development within this
SCR Zone protects public beaches from erosion and
adverse impacts on local shoreline sand supply,
maintains the geologic integrity of the coastal bluffs,

protects identified wetland areas, and provides for physical and visual public access to and along the shoreline.

B. APPLICATION OF THE SENSITIVE COASTAL RESOURCE OVERLAY ZONE

After a public hearing conducted pursuant to Chapter X, Article 1, Division 2, of the Municipal Code, and upon finding that the public health, safety, and general welfare and good zoning practice will be served thereby, the SCR Zone shall be applied to all property located within the boundaries designated on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 0-17062 Where any portion of a parcel is located within the SCR Zone, the regulations of the SCR Zone shall be applicable to all remaining portions of the parcel located within the Coastal Zone. The regulations of the SCR Zone shall not apply to any property or portion thereof which is removed from the Coastal Zone through proper legislative authority.

C. PERMITTED USES

Permitted uses shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone, except as limited below.

1. Beach Areas. Permitted uses allowed in the beach areas, as shown on the SCR Zone maps, shall be limited to the following:

- a. Lifeguard towers and stations and associated life and security facilities.
- b. Public comfort stations.
- c. Public piers.
- d. Safety and public information signs.
- e. Shoreline protective works necessary

to prevent bluff and beach erosion, where needed to protect coastal dependent uses, public beach roadways, or existing principal structures in danger from wave and wind action; and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

- f. Stairways, ramps, and other physical access structures, as proposed within an adopted community or other applicable plan.

- g. Public recreational equipment.

2. Coastal Bluff Areas. Permitted uses allowed in the coastal bluff areas, as shown on the SCR Zone maps, shall be limited to the following:

- a. Bicycle storage facilities.
- b. Bluff repair and erosion control structures necessary to protect existing principal structures. Such erosion control structures include but are not limited to, retaining walls and other appropriate devices.
- c. Public comfort stations.

- d. Public pergolas and gazebos.
- e. Public parking lots.
- f. Public seating benches.
- g. Open fences, provided that they do not interfere with existing or designated public accessways.
- h. Safety and public information signs.
- i. Stairways, ramps, and other physical access structures, as proposed within an adopted community or other applicable plan.
- j. Subject to the special regulations set forth in Subsection D. hereof, single-family residences together with accessory structures and landscape features incidental to residential uses.

3. Wetland Areas. Permitted uses allowed in the wetland areas, as shown on the SCR Zone maps, shall be limited to the following:

- a. Aquaculture, nature study projects or similar resource dependent uses.
- b. Wetland restoration projects.
- c. Incidental public service projects, where there is no feasible, less environmentally damaging alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

4. Wetland Buffer Areas. Permitted uses in the wetland buffer areas, as shown on the SCR Zone maps, shall be limited to the following:

- a. Access paths.
- b. Fences.
- c. Other improvements necessary to protect wetlands.

5. All Areas. Any other use, which the Planning Director or the Planning Commission on appeal may find to be similar in character to the uses enumerated in this section and consistent with the purpose and intent of this SCR Zone, provided that uses proposed for wetland areas shall be limited to those uses authorized under Section 30233 of the State of California Public Resources Code.

D. SPECIAL REGULATIONS

Where a development, grading, landform alteration, the placement or removal of vegetation, except for historic and ongoing agricultural operations, land division or subdivision is proposed on sensitive coastal resource areas, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No.

00-17062, the following regulations shall apply:

1. Coastal Bluffs.

a. No structure or improvement or portion thereof shall be placed or erected, and no grading shall be undertaken, within forty (40) feet of any point along a coastal bluff edge, except for the following uses:

1) Essential bluff top improvements including, but not limited to, a walkway leading to a permitted beach access facility; drainage facilities; and open fences to provide for safety and to protect resource areas.

2) Bluff repair and erosion control measures including, but not limited to, structures needed to repair damage to, or to prevent or retard erosion of, the bluff face in order to protect existing principal structures; provided, however, that no such measures or structures shall cause significant alteration of the natural character of the bluff face.

3) Accessory structures and landscape features customary and incidental to residential uses; provided, however, that these shall be located at grade and at least five (5) feet from the bluff edge. Such structures and features may include: walkways, unenclosed

patios, open shade structures, decks, lighting standards, walls, public seating benches, signs, and similar structures and features, excluding pools, spas, garages, and upper floor decks with load bearing support structures.

b. A bluff edge setback of less than forty (40) feet, but in no case less than twenty-five (25) feet, may be granted by the Planning Director where the evidence contained in the geology report (see Subsection E.1.) indicates that: 1) the site is stable enough to support the development with the proposed bluff edge setback; and 2) that the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the anticipated life span of the principal structures.

c. Where a proposed development would lie wholly or partially upon a coastal bluff, the following shall apply:

1) Buildings and other structures shall be sited, designed and constructed so as not to obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

2) The design and exterior appearance of buildings and other structures visible from public vantage points shall be compatible with the scale and character of the surrounding development and protective of the natural scenic qualities of the bluffs.

3) Landscaping materials shall be installed and maintained so as to assure that neither during growing stages nor upon reaching maturity will such materials obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

4) Native and other drought-tolerant plant species shall be utilized in order to minimize irrigation requirements and to reduce potential slide hazards due to overwatering of the bluffs.

5) All drainage from the site shall be directed away from any bluff edges.

2. Wetlands.

a. A buffer zone of one hundred (100) feet in width shall be maintained around all identified wetland areas, unless the applicant demonstrates that a buffer of lesser width

will protect the resources of the wetland, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the wetland. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the wetland and buffer. The California Department of Fish and Game and the United States Fish and Wildlife Service shall be consulted in such buffer determinations.

b. All buildings or other improvements proposed to be placed or erected, and all grading activities proposed to be undertaken adjacent to a wetland shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its habitat values, or otherwise impair the functional capacity of the wetland.

E. SENSITIVE COASTAL RESOURCE OVERLAY ZONE PERMIT
PROCEDURE

1. Permit Application. The application for an SCR Permit shall include site plans, grading plans, sections, elevations, landscaping and irrigation plans, and drainage and runoff control plans. In addition, all applications for shoreline protective works or bluff development shall include a geologic report prepared by a licensed geologist who has specific expertise in coastal bluff erosion processes. For applications on parcels within or partially within the SCR designated wetland and/or wetland buffer areas, the precise wetland boundary and buffer area shall be mapped and environmentally sensitive habitats identified by a qualified biologist who has specific expertise in wetland habitats. When all such plans, documents, and/or reports are received and determined to be adequate by the Planning Director, the application shall be accepted.

2. Public Hearing. The Planning Director shall conduct a noticed public hearing for all project applications in accordance with SEC. 101.0220.

3. Permit Exemptions. An SCR Permit shall not be required for interior modifications or repairs, nor any exterior repairs, alterations or maintenance which does not increase the envelope of an existing building or accessory structure.

4. Administration of Permit. The Planning Director or a designated representative shall administer the SCR Permit. An SCR Permit shall not be issued unless the available information supports the findings of fact as set forth in Subsection E.5. of this section. In issuing an SCR Permit the conditions of permit approval, as set forth in Subsection E.6., and any other applicable conditions, shall be imposed where necessary and desirable to protect the public health, safety, and general welfare.

5. Required Findings of Fact. Based on the information derived from the plans, documents, and studies submitted; from testimony received at the public hearing; and from any field investigations made, the Planning Director (or the Planning Commission or City Council on appeal) shall decide whether to issue the SCR Permit as requested. A permit shall be issued provided that all of the findings of fact set forth below can be supported by the information available at the time of the hearing and by the conditions imposed:

a. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive coastal resources and environmentally sensitive areas.

b. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted community plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

c. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.

d. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Shoreline protective works will be designed to be the minimum necessary to adequately protect existing principal structures, to reduce beach consumption and to minimize shoreline encroachment.

e. The proposed development will not adversely affect the General Plan, the Local Coastal Program, or any other applicable adopted plans and programs.

6. Conditions of Permit Approval. In approving the issuance of an SCR Permit, the Planning Director (or Planning Commission or City

Council on appeal) shall impose conditions as deemed necessary or desirable to enable the required findings of fact to be fairly made and/or to be sustained in their validity. The conditions imposed shall, where applicable, include but need not be limited to the following:

a. Where property on which a proposed development would be located lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731, and includes a sandy or cobble beach or passable rock headland, lateral access along the shoreline for passive recreational use shall be offered for dedication as a public easement. Access shall be at a minimum width of twenty-five (25) feet measured from either:

- 1) the toe of an existing coastal bluff; or
- 2) the first line of terrestrial vegetation where there is no coastal bluff; or 3) an existing or proposed seawall or other protective device, to the mean high tide line.

If the beach or headland width is less than twenty-five (25) feet, the lateral access shall include the entire beach or headland area.

b. Where property on which a proposed development would be located lies between the

shoreline and the first public roadway, a vertical and/or visual accessway not less than ten (10) feet in width and running the full depth of the property shall be offered for dedication as a public easement; provided that the need for such accessway has been identified within an adopted community or other applicable plan, or that no other such easement exists within a lateral distance of five hundred (500) feet of the project site. If there is evidence of an existing public accessway on-site, such accessway shall be retained if feasible; if not feasible, an alternative accessway shall be provided on-site.

c. Where a proposed development would lie wholly or partially upon a coastal bluff:

1) The permittee shall, prior to the approval of the SCR Permit, execute and record a waiver of public liability for the approved development.

2) The bluff face including all the area between the toe of the existing bluff and the bluff edge shall be conserved through a deed restriction, open space easement or other suitable instrument acceptable to the City.

d. Where a shoreline protective device, cliff-retaining wall or similar structure is proposed, the permittee shall, prior to the approval of the SCR Permit, execute and record a waiver of public liability for the approved development.

e. Where a proposed development would be situated on a parcel located within or partially within the SCR designated wetland or wetland buffer area, the documented wetlands or wetland buffer zone, as required in Subsection D.2. of this section, shall be conserved through an open space easement or other suitable instrument acceptable to the City. In reviewing and approving development plans, the Planning Director shall determine that the development is consistent with the special regulations contained in Subsection D. of this section. Where a review of the development plan is sought in conjunction with a conditional use permit, planned development permit or coastal development permit, the Planning Director shall add to such permits, any conditions which are determined necessary to find the development consistent with the requirements of the SCR Zone.

7. Appeal of Permit. The decision of the Planning Director may be appealed to the Planning Commission in accordance with SEC. 101.0230. The decision of the Planning Commission may be appealed to the City Council in accordance with SEC. 101.0240.

8. Final Action. The decision of approving, conditionally approving or disapproving the application by the Planning Director (or Planning Commission or City Council on appeal) shall be filed with the City Clerk, the Zoning Administrator, the Engineering and Development Department, and the Building Inspection Department; and a copy shall be mailed to the applicant.

9. Expiration. Any SCR Permit granted as herein provided shall be conditioned upon the privileges granted being utilized within thirty-six (36) months after the effective date thereof, except as otherwise provided within a phasing program contained in: 1) a development agreement entered into between the City and the owners of the subject property; 2) a specific plan applicable to the subject property; or 3) as otherwise provided by resolution approved by the City Council upon recommendation of the Planning Commission. Failure to utilize such permit within such period will automatically void same, unless an extension of

time has been granted by the Planning Director or the Planning Commission as set forth in Subsection E.10. of this section. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion, pursuant to SEC. 101.0508.

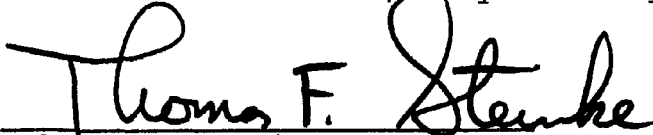
10. Extension of Time.

a. The Planning Director may, by resolution, grant one or more extensions of time, with no single extension to exceed thirty-six (36) months, for a valid SCR Permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Planning Department prior to the expiration of the SCR Permit. The Planning Director may grant the extension of time if it is found from the evidence submitted that there has been no material change of circumstances since the permit was originally granted.

b. The decision of the Planning Director regarding an extension of time may be appealed to the Planning Commission in accordance with SEC. 101.0230. The decision of the Planning Commission may be appealed to the City Council in accordance with SEC. 101.0240.

Section 2. This ordinance shall become effective on October 17, 1988, provided that by such date the Local Coastal Program of The City of San Diego (including Coastal Commission recommended rezonings) has been: (i) accepted by the Executive Director of the Coastal Commission; (ii) is finally and effectively certified by the Coastal Commission; and (iii) coastal development permit issuing responsibility is authorized by the Coastal Commission to be undertaken by The City of San Diego. In the event the aforesaid conditions are not met, this ordinance is null and void.

APPROVED: John W. Witt, City Attorney

By 
Thomas F. Steinke
Deputy City Attorney

TFS:wk
03/31/88
Or.Dept:Plan.
O-88-161
Form=o.none

52A

Passed and adopted by the Council of The City of San Diego on APR 18 1988,
by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Abbe Wolfsheimer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ron Roberts | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| H. Wes Pratt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| J. Bruce Henderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Filner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

MAUREEN O'CONNOR,
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 5 1988, and on APR 18 1988.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17062 Adopted APR 18 1988

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CITY CLERK'S OFFICE
1988 APR -1 PM 3: 22
SAN DIEGO, CALIF.

1988

1988

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: ELLEN BOVARD

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
101.0480 RELATING TO SENSITIVE COASTAL RESOURCE
OVERLAY ZONE

NO.

ORDINANCE NUMBER O-17062 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0480 RELATING TO SENSITIVE COASTAL RESOURCE OVERLAY ZONE.
The Sensitive Coastal Resource (SCR) Zone establishes additional development regulations for the environmentally sensitive areas of the shoreline - primarily areas in proximity to beaches, shorelines, coastal bluffs, or wetlands. The principal features of the SCR Zone include:
a. Limitations on the types of uses permitted in beach areas, shoreline coastal bluffs, and wetland areas.
b. The establishment of a one hundred (100) foot buffer area around all wetlands.
c. The establishment of a coastal shoreline bluff setback of forty (40) feet for all principal structures.
d. Regulations addressing the development of shoreline erosion coastal structures.
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building 202 "C" Street, San Diego, CA 92101.
Introduced on April 5, 1988
Passed and adopted by the Council of The City of San Diego on April 18, 1988
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By ELLEN BOVARD, Deputy
Pub. May 2 10798

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17062 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAY 2

I certify under penalty of perjury that the foregoing is true and correct. 88

Dated at San Diego, California this _____ day of _____, 19_____.

Thomas D. Kelleher

(Signature)

32 lines x .98 = 62.72

27/8 " x 2 = 10.78 = \$61.98