

Article 2: General Development Regulations

Division 4: Coastal Overlay Zone

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Added 9-19-2005 by O-19413 N.S.; effective 10-19-2005.)

§132.0401 Purpose of the Coastal Overlay Zone

The purpose of the Coastal Overlay Zone is to protect and enhance the quality of public access and coastal resources.

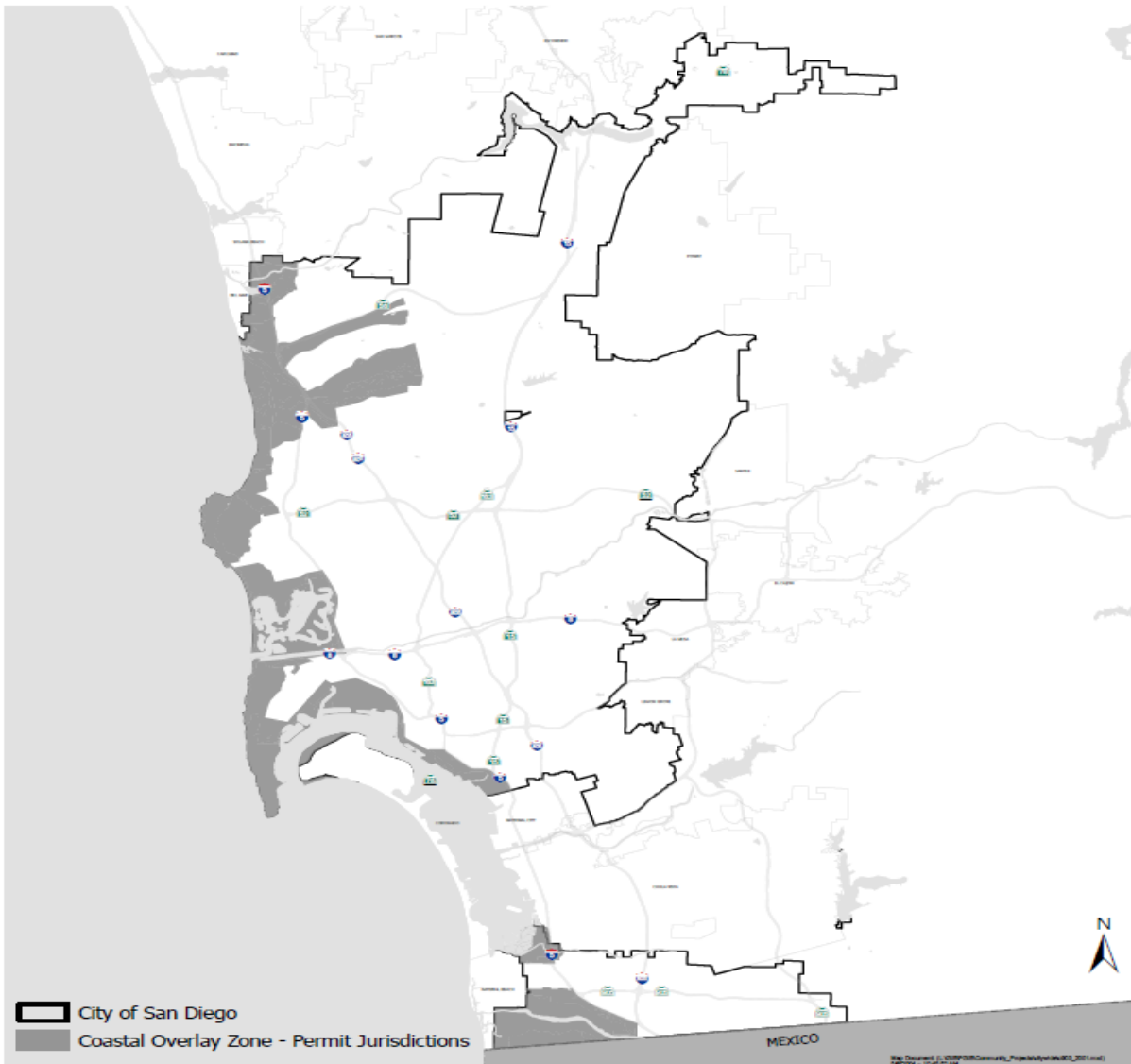
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0402 Where the Coastal Overlay Zone Applies

- (a) This overlay zone applies to all property located within the boundaries designated on Map No. C-730.1, Map No. C-908, and Map No. C-1028, filed in the office of the City Clerk as Documents No. 00-17067-1, No. 00-18872, and No. 00-21719. These areas are shown generally on Diagram 132-04A.
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

Table 132-04A
Coastal Overlay Zone Applicability

Type of Development Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) <i>Coastal development</i> that is categorically excluded pursuant to order of the Coastal commission or that is exempted by Section 126.0704	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	No permit required by this division
(2) Any <i>coastal development</i> within this overlay zone that is partially or completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit(s) are issued by the Coastal Commission and the City for their respective jurisdictions
(3) <i>Coastal development</i> , except a <i>capital improvement program project</i> or <i>public project</i> , in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process Two or Three
(4) <i>Coastal development</i> , except a <i>capital improvement program project</i> or <i>public project</i> , in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/Process CIP/Public Project -Two
(5) <i>Coastal development</i> for a <i>capital improvement program project</i> in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is in the <i>appealable area</i> of this overlay zone	See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations	Coastal Development Permit/ Process-Three as set forth in Sections 112.0505 and 112.0506.



(Amended 10-16-2000 by O-18872 N.S.; effective 9-11-2001; amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

(Amended 10-22-2013 by O-20309 N.S.; effective 12-12-2013.)

(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)

(Amended 3-7-2023 by O-21618 N.S.; effective 5-6-2023.)

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

[Editors Note: Amendments as adopted by O-21836 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language
http://docs.sandiego.gov/municode_strikeout_ord/O-21836-SO.pdf]

§132.0403 Supplemental Regulations of the Coastal Overlay Zone

- (a) If there is an existing or potential public view and the site is designated in the applicable *land use plan* as a public view to be protected,
 - (1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and
 - (2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.
- (b) A visual corridor of not less than the side *yard setbacks* or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:
 - (1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and
 - (2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.

- (c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side *yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.
- (d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.
- (e) *Open fencing* and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.

(Retitled from “Supplemental Use Regulations of the Coastal Overlay Zone” on 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

§132.0404 Supplemental Regulations within Areas of Future Sea Level Rise

- (a) Within the Coastal Overlay Zone, the following regulations apply to *dwelling units* constructed outside of *Special Flood Hazard Areas* and within an area of future sea level rise (within a 75-year horizon), as determined by the City Manager based on the most current sea level rise vulnerability maps:
 - (1) The *dwelling units* shall comply with the regulations in Section 143.0146(c) and if applicable, Section 143.0146(g). The *base flood elevation* utilized, and the applicability of Section 143.0146(g), shall be based on the *FIRM Zone* of the *Special Flood Hazard Area* in closest proximity to the *premises* on which the *dwelling unit* is proposed. The permit requirements of 143.0110(b) and other regulations of Chapter 14, Article 3, Division 1 do not apply unless the *premises* contains *Environmentally Sensitive Lands*.
 - (A) Hard shoreline armoring shall not be constructed to protect *dwelling units* from the effects of sea level rise.
 - (B) The *record owner* of the *dwelling unit* shall, in a form that is approved by the City Manager, acknowledge the following:

- (i) The *dwelling unit* is located in an area of future sea level rise that may become hazardous in the future;
 - (ii) Sea level rise could render it difficult or impossible to provide public services to the *premises*;
 - (iii) The boundary between public land (tidelands) and private land may shift with rising seas and the *development* approval does not permit encroachment onto public trust land;
 - (iv) Additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified *Local Coastal Program*; and
 - (v) The *dwelling unit* may be required to be removed or relocated and the *premises* restored to City standards if it becomes unsafe; and
 - (vi) The *record owner* shall waive in writing any rights under Public Resources Code Section 30235 and related *Local Coastal Program* policies to any hard shoreline armoring to protect the *dwelling unit*.
- (C) The *record owner* of the *dwelling unit* shall provide written notice to all occupants of the *dwelling unit* of the provisions in Section 132.0404(a)(1)(B) upon occupancy.

(“*Supplemental Regulations within Areas of Future Sea Level Rise*” added 3-7-2023 by O-21618 N.S.; effective 5-6-2023.)