

SAN DIEGO UNIFIED PORT DISTRICT	
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SAN DIEGO UNIFIED PORT DISTRICT

COASTAL DEVELOPMENT PERMIT REGULATIONS

Adopted by the Board of Port Commissioners  
of the San Diego Unified Port District  
July 1, 1980  
Resolution No. 80-193, Document No. 12937

Amended by the Board of Port Commissioners  
of the San Diego Unified Port District  
December 2, 1980, Resolution No. 80-343

Amended by the Board of Port Commissioners  
of the San Diego Unified Port District  
February 14, 1984, Resolution No. 84-62

## COASTAL DEVELOPMENT PERMIT REGULATIONS

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## COASTAL DEVELOPMENT PERMIT REGULATIONS

### 1. Authority

- a. These regulations are adopted pursuant to Public Resources Code Sections 30715 and 30715.5 and apply to Coastal Development Permits required for new development located within the jurisdiction of the San Diego Unified Port District, where permit authority has been delegated to the District pursuant to the California Coastal Act of 1976.
- b. The granting of a Coastal Development Permit, as required by State law, assures that the development is consistent with the adopted and certified Port Master Plan. It does not remove the requirement to obtain other permits and clearances, including, but not limited to, those of the U. S. Army Corps of Engineers, environmental agencies, and the Board of Port Commissioners.

### 2. Purpose

The purpose of the regulations is to provide procedures and criteria for the issuance of Coastal Development Permits in accordance with provisions of the California Coastal Act of 1976.

### 3. Definitions

Except for the terms contained in this section, the terms used herein shall have the same meaning as those used in Division 20 of the California Public Resources Code commencing with Section 3000.

- a. "Board" shall mean the Board of Port Commissioners of the San Diego Unified Port District.
- b. "Director" shall mean the Port Director of the District or his or her authorized representative.

- c. "District" shall mean the San Diego Unified Port District.
- d. "Port Master Plan," or "Plan," shall mean the Port Master Plan of the San Diego Unified Port District.
- e. "Appellant-Aggrieved Person." An appeal may be filed by an applicant or aggrieved person. An "aggrieved person" means any person who, in person or through a representative, appeared at a public hearing of the District in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the District of the nature of his or her concerns or who for good cause was unable to do either.

#### 4. General Policy

- a. Any public or private development located in any area of the District certified in the Port Master Plan shall be required to obtain a Coastal Development Permit, certifying that a determination has been made by the Board that said development conforms with the certified Port Master Plan; provided, however, the foregoing shall not be applicable if the development is exempt from these regulations and is not required to obtain such permit.
- b. The decision as to the issuance of a Coastal Development Permit under these regulations shall be based solely on the conformity of the proposed development with the certified Port Master Plan.

#### 5. Assignment of Duties

The Port Director is designated as the authority primarily responsible for implementation of these regulations.

6. Withdrawal of Application; Removal from Active Consideration

- a. The applicant may withdraw or remove from active consideration an application for a Coastal Development Permit as required in these regulations at any time before the decision on the permit is made by the Board.
- b. Withdrawal must be made in writing or stated in the record of the public hearing on the development, where a hearing is required.
- c. Removal from active consideration must be made in writing or stated in the record of the public hearing on the development, where a hearing is required. If the application is not returned for active consideration within ninety (90) calendar days, it shall be considered to be withdrawn.

CATEGORICAL DETERMINATION

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7. Categorical Determination

- a. At the time any development is subject to review for the issuance of a Coastal Development Permit, the Director shall determine the category of development.
- b. A categorical determination shall be made by the Director and shall contain sufficient information to determine into which of the four categories specified in Section 7.d. of these regulations the development shall be placed. This determination shall be made with reference to the certified Port Master Plan, including maps, and land use designations.
- c. The categorical determination shall be made as a part of the project plan approval process, in accordance with established District Development Approval procedures.
- d. Categories of development are defined as follows:
  - (1) Excluded developments are those defined in Section 8 of these regulations;
  - (2) Emergency developments are those necessary to maintain, repair, restore, demolish, protect, or replace property or facilities damaged, destroyed, or threatened by imminent danger from a sudden, unexpected occurrence, which demands immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes, but is not limited to, such occurrences as fire, flood, windstorm, earthquake, or other soil or geologic movements, as well as occurrences as riot, accident, or sabotage;

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CATEGORICAL DETERMINATION

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- (3) Non-appealable developments are those not classified in these regulations in Section 7.a.(1) as "Excluded," in 7.a.(2) as "Emergency," or in 7.a.(4) as "Appealable";
- (4) Appealable developments are:
  - (a) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation;
  - (b) Waste water treatment facilities, except such facilities which process waste water discharged incidental to normal port activities;
  - (c) Roads or highways which are not principally for internal circulation within the Port boundaries;
  - (d) Office and residential buildings not principally devoted to administration of activities within the Port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marine-related facilities;
  - (e) Oil refineries;
  - (f) Petrochemical production plants.

- e. The categorical determination shall be made within thirty (30) working days of the developer's project plan submittal.



CATEGORICAL DETERMINATION

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- f. The determination shall be furnished the applicant.
- g. Appeals from the determination shall be made to the Board of Port Commissioners.
- h. A fee, as determined by the Director, may be charged for processing a categorical determination.
- i. If a proposed development is classified as being appealable, a copy of the determination shall be forwarded within ten (10) working days to the Coastal Commission.

EXCLUDED DEVELOPMENTS

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8. Excluded Developments

No Coastal Development Permit shall be required for the following types of development, under the following conditions:

- a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (1) Interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances;
  - (2) Public and private utilities used to provide electric power, natural gas, sewer, or other utility services;
  - (3) Streets, sidewalks, gutters, bicycle and pedestrian paths, and similar facilities;
  - (4) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health, safety, District policy, or as required by contractual conditions;
  - (5) Additions to existing structures, provided the addition will not result in an increase of more than 50 percent of the floor area, or 2,500 square feet, whichever is less; or additions to existing structures of not more than 10,000 square feet of floor area, if the project is in an area where all public services and facilities are available to

EXCLUDED DEVELOPMENTS

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allow for the maximum development permissible in the Port Master Plan, and where the area in which the project is located is not environmentally sensitive;

- (6) Addition of safety or health protection devices for use during construction of, or in conjunction with, existing structures, facilities, mechanical equipment, or topographical features, including navigational devices;
- (7) New copy on existing on- and off-premise signs;
- (8) Maintenance and control of existing vegetation;
- (9) Demolition and removal of individual small structures, except where structures are of historical, archaeological, or architectural significance;
- (10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures;
- (11) Periodic maintenance dredging which involves negligible or no enlargement of the existing facility;
- (12) Interior and exterior remodeling of airport facilities, marine terminal facilities, existing marine-oriented industrial structures, and commercial or recreational facilities;
- (13) Maintenance of wildlife habitat area, fish enhancement structures, streamflows, and stream channels (clearing of debris) to protect fish and wildlife resources.

- b. Replacement or Reconstruction: Replacement or reconstruction of existing structures and facilities where the new structure will

EXCLUDED DEVELOPMENTS

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be located essentially on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (1) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity;
- (2) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;
- (3) Replacement, stabilization, or reconstruction of mooring facilities, floats, piers, bulkhead, revetment, shoreline protection, buoys, or similar structures.

c. New Construction or Conversion of Small Structures:

Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

- (1) Commercial, industrial, and recreational structures designed for an occupant load of thirty (30) persons or less, if not in conjunction with the building of four (4) or more structures, and if not involving the use of significant amounts of hazardous substances;
- (2) Water main, sewer, electrical, gas, or other utility extensions of reasonable length to serve such construction;
- (3) Accessory structures, including, but not limited to,

## EXCLUDED DEVELOPMENTS

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on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures;

- d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but limited to:
- (1) Land grading, except where located in a waterway, wetland, officially designated scenic area, or in officially mapped areas of severe geologic hazard;
  - (2) New gardening or landscaping;
  - (3) Filling of earth into previously excavated land with material compatible with the natural features of the site;
  - (4) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
  - (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events;

EXCLUDED DEVELOPMENTS

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- (6) Minor trenching or backfilling where the surface is restored;
- (7) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable local, state, and federal regulatory agencies.
- e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.
- f. Inspections: Activities limited to inspection, checking or performance or quality of an operation, examining the health and safety of a project, or related activities.

EMERGENCY DEVELOPMENTS

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9. Emergency Developments

- a. It is recognized that, in some instances, a person or public agency performing a public service may need to undertake work to protect life, public health and safety, and property or to maintain public and private services before obtaining a Coastal Development Permit. Where such persons or agencies proceed without a Coastal Development Permit, they shall comply with the requirements of this section.
- b. Applications in cases of emergencies shall be made to the Director by letter, if time allows, or by telephone or in person if time does not allow. Applications shall include the nature of the emergency, the cause of the emergency, the location of the emergency, and the work required to deal with the emergency.
- c. The Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows.
- d. The Director may grant an emergency permit for the development upon reasonable terms and conditions, including an expiration date, if he or she finds that:
  - (1) An emergency exists and requires action more quickly than permitted by the procedures for permits;
  - (2) The work proposed would be consistent with the certified Port Master Plan or of a temporary nature.
- e. The Director shall report to the Board at the earliest time the nature of the emergency and the work involved. This report shall be informational only; the decision to issue an emergency permit is solely at the discretion of the Director.

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NON-APPEALABLE DEVELOPMENTS

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10. Non-appealable Developments

a. Application Procedure

Application for a Coastal Development Permit for a non-appealable development shall be made on a form approved by the Director and shall contain at least the following:

- (1) A description of the proposed development sufficient to determine whether the project complies with the certified Port Master Plan;
- (2) A Categorical Determination as required by Section 7 of these regulations;
- (3) Either a Draft or Final Environmental Impact Report, a Draft or Final Negative Declaration, or a Finding of Categorical Exemption on the proposed development, as required by the California Environmental Quality Act and District regulations;
- (4) A statement as to the status of conceptual approval of the proposed development;
- (5) Processing fee, as established by the Director.

b. Acceptance of Application

- (1) A permit application shall be deemed accepted upon determination of the Director that it is complete, in the proper form, contains all necessary attachments, and that all processing fees have been paid;
- (2) The determination of acceptance shall be made not later than ten (10) working days after receipt of the application;



NON-APPEALABLE DEVELOPMENTS

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- (3) The date and time of the acceptance shall be affixed to the application by the Director;
- (4) Rejection of an application on the grounds that it is incomplete may be appealed to the Board.

c. Staff Review and Findings

- (1) Not more than sixty (60) calendar days after acceptance of an application for a Coastal Development Permit for a non-appealable development, the Director shall prepare a report on the proposed development. The report may take the form of a Board agenda sheet, staff memorandum, or Director's report to the Board, and shall include the following:
  - (a) A brief description of the proposed development;
  - (b) A statement of facts relating to the application;
  - (c) A statement that the proposed development conforms, or does not conform, to the certified Port Master Plan;
  - (d) A recommendation to approve or deny the Coastal Development Permit. If the recommendation is to approve the permit, it may also contain recommended conditions to assure conformity with the Port Master Plan.
  - (e) Such other information as the Director may feel is relevant.
- (2) The above report shall be promptly forwarded to the applicant and the Board.

NON-APPEALABLE DEVELOPMENTS

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d. Board Action

If the Board finds that a proposed non-appealable development conforms to the certified Port Master Plan as provided above, and after the Final Environmental Impact Report has been certified or the Negative Declaration has been adopted, whichever is applicable, the Board shall authorize the Director to issue a Coastal Development Permit. The permit may contain conditions relating to or assuring conformity to the Port Master Plan.

e. Issuance of Permit

As soon as possible after the Board has authorized the Director to issue a Coastal Development Permit for a non-appealable development, the Director shall issue the permit.

f. Forwarding of Environmental Documents

The Director shall forward all Draft or Final Environmental Impact Reports and Draft or Final Negative Declarations relating to non-appealable developments to the Coastal Commission in a timely manner for comment.

APPEALABLE DEVELOPMENTS

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11. Appealable Developments

a. Application Procedure

Application for a Coastal Development Permit for an appealable development shall be made on a form approved by the Director and shall contain at least the following:

- (1) A description of the proposed development sufficient to determine whether the project complies with the certified Port Master Plan;
- (2) A Categorical Determination as required by Section 7 of these regulations;
- (3) Either a Draft or Final Environmental Impact Report, a Draft or Final Negative Declaration, or a Finding of Categorical Exemption on the proposed development, as required by the California Environmental Quality Act and District regulations;
- (4) A statement as to the status of conceptual approval of the proposed development;
- (5) The names and addresses of all individuals or firms owning property, and the addresses of all dwelling units or businesses within 100 feet of the perimeter of the proposed development, together with sufficient District Property Maps and/or San Diego County Assessor's Parcel Maps identifying each property as to the owner, dwelling unit, or business address;
- (6) A processing fee, as established by the Director.

APPEALABLE DEVELOPMENTS

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b. Acceptance of Application

- (1) A permit application shall be deemed accepted upon determination of the Director that it is complete, in the proper form, and that all processing fees have been paid;
- (2) The determination of acceptance shall be made not later than ten (10) working days from receipt of the application;
- (3) The date and time of the acceptance shall be affixed to the application by the Director;
- (4) Rejection of an application on the grounds that it is incomplete may be appealed to the Board.

c. Scheduling of Public Hearing

The Director shall schedule a public hearing before the Board not later than sixty (60) calendar days after acceptance of the application for an appealable development. The hearing may be scheduled at the same date and place as the public hearing on the Draft Environmental Impact Report or the adoption of the Negative Declaration on the proposed development, whichever is applicable.

d. Notice of Hearing

Notice of the public hearing on an appealable development shall be mailed to the following at least ten (10) calendar days prior to the scheduled date of hearing:

- (1) The applicant;
- (2) All persons who have requested in writing to be notified of public hearings on the project, or of coastal development

APPEALABLE DEVELOPMENTS

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permit decisions within the Planning District (as defined in the Plan) where the proposed development is located, and have provided stamped, self-addressed envelopes for such mailing;

- (3) All property owners, lessees, and residents of property within 100 feet of the perimeter of the proposed development;
- (4) The Mayor and City Manager of the city in which the proposed development is located;
- (5) The California Coastal Commission.

e. Content of Notice

The notice of public hearing on an appealable development shall consist of at least the following information:

- (1) The name of the applicant;
- (2) A brief description of the development and its proposed location;
- (3) The date, time, and place of the public hearing;
- (4) A statement that the appealable development is within the California Coastal Zone, that a Coastal Development Permit is required, and that testimony shall be directed to the relationship of the proposed project to the Port Master Plan.

f. Staff Review and Recommendation

Not less than three (3) calendar days prior to the scheduled hearings on an appealable development, the Director shall submit a report to the Board on the proposed development. The report

## APPEALABLE DEVELOPMENTS

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may take the form of a Board agenda sheet, staff memorandum, or Director's report to the Board, and shall include at least the following:

- (1) A brief description of the proposed development;
- (2) A statement of facts relating to the application;
- (3) A statement that the proposed development conforms, or does not conform, to the certified Port Master Plan;
- (4) A recommendation to approve or deny the Coastal Development Permit. If the recommendation is to approve the permit, it may also contain recommended conditions to assure conformity with the Port Master Plan;
- (5) Such other information as the Director may feel is relevant.

g. Public Hearing

The public hearing on a proposed appealable development shall be conducted in accordance with current procedures of the Board and shall afford persons the opportunity to appear at the hearing and inform the Board of the nature of their concerns regarding the project. Testimony shall be directed to the relationship of the project to the Port Master Plan. Oral and written comments shall be submitted prior to the close of the public hearing.

h. Board Decision

Following the public hearing, if the Board finds that the proposed development conforms to the certified Port Master Plan, and after the Final Environmental Impact Report has been certified or the Negative Declaration has been adopted,

## APPEALABLE DEVELOPMENTS

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whichever is applicable, the Board shall authorize the Director to issue a Coastal Development Permit, pending expiration of the appeal period cited in Section 11.j. and 11.k. of these regulations.

i. Notice of Board Action

Notice of the action of the Board on a proposed appealable development shall be mailed to the applicant, the Coastal Commission, and all persons who have requested in writing to be notified of the Board action on the subsequent development and submitted self-addressed, stamped envelopes, not later than five (5) working days following the decision of the Board.

j. Appeal

Appeals of the decision of the Board shall be made to the Coastal Commission pursuant to Chapter 7 of Division 20 of the Public Resource Code, commencing with Section 30600, not later than ten (10) working days after receipt of the notice of the Board decision by the Coastal Commission.

k. Action on Appeal

Upon receipt of a notice of Appeal from the Coastal Commission, the Director shall refrain from issuing a Coastal Development Permit for the proposed development and shall, within five (5) working days, deliver to the Executive Director of the Commission all relevant documents and materials used by the Board in its consideration of the Coastal Development Permit application.

APPEALABLE DEVELOPMENTS

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1. Issuance of Coastal Development Permit

If the Board has authorized the Director to issue a Coastal Development Permit for an appealable development pursuant to Section 11.h. of these regulations and a written appeal has not been filed within ten (10) working days after receipt of the notice of the Board decision by the Coastal Commission, the Director shall issue the permit immediately.



12. Enforcement

a. Inspection

The Director shall, within limits of staff availability, periodically inspect approved developments to ensure compliance with the Coastal Development Permit.

b. Violations

Whenever the Director determines that a violation of a permit term, condition, or provision has occurred or is threatened, he or she shall take appropriate action to correct such violation. Where authorized by the Board, this may include filing action in the name of the District for equitable relief to enjoin such violation, or for civil penalties, or for both.

13. District Authority

The powers and authority granted to the District by special action of the State legislature, ratified by a vote of the people, and contained in the San Diego Unified Port District Act of 1962, to develop and operate Port and other functions on the tidelands and submerged lands granted to the District, shall not be abrogated or amended by these regulations. In particular, the granting of a Coastal Development Permit shall be considered separately from any tenancy arrangements or other contractual agreements between the District and other parties, or for the discharge of the District's duties under its own enabling statute.

14. Permits

a. Format of Permits

Permits shall be issued in a form approved by the Director and shall include:

- (1) A statement indicating the type of Coastal Development Permit issued and the date and Resolution Number of the Board action authorizing the issuance of the permit;
- (2) A statement limiting the permit to the development reviewed and approved by the Board;
- (3) A description of the permitted development;
- (4) Any permit terms and conditions approved by the Board;
- (5) Standard provisions regarding development compliance to the project plans, code and permitting requirements of local, state, and federal agencies, and the Coastal Development Permit Regulations of the San Diego Unified Port District.

b. Notice of Receipt and Acknowledgement

No permit shall become effective until a copy of the permit has been returned to the Director, upon which copy all permittees or authorized agents have acknowledged that they have received a copy of the permit and have accepted its contents.

c. Disputes Over Contents of Permits

Any permittee who feels that the permit does not correctly embody the action of the Board shall immediately so inform the Director. Any such questions that cannot be resolved by consultation between the permittee and the Director shall promptly be referred by the Director to the Board for decision.

d. Amendments to Permits

Applications for amendments to permits shall be made in writing to the Director and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate. The Director shall determine whether or not a proposed amendment is a material change to the permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be submitted to the Board and mailed to all parties the Director has reason to know may be interested in the application. If no objection is received at the Director's office within ten (10) working days, the determination of immateriality shall be conclusive. If the Director determines that the proposed amendment is a material change, or that the proposed amendment is not in conformance with the certified Port Master Plan, the amendment will be denied. Appeals to the Director's action shall be referred to the Board after notice to any person(s) the Director has reason to know would be interested in the matter. The Board shall determine whether the proposed development with the proposed amendment is material or immaterial in nature, is consistent with the requirements of the certified Port Master Plan, and whether the amendment be granted or a new permit required.

e. Assignment of Permits

- (1) Any person who has obtained, pursuant to the certified Port Master Plan and these Regulations, a permit to perform a development may assign such permit to another person subject to the following requirements:

- (a) Submission of an affidavit executed by the assignee attesting to the assignees agreement to comply with the terms and conditions of the permit;
  - (b) Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - (c) The original permittee's request to assign all rights to undertake the development of the assignee;
  - (d) A copy of the original permit showing that it has not expired.
- (2) The applicant for assignment shall submit a request for approval of assignment of the permit, together with the above documents to the Director. The assignment shall be effective upon the Director's written approval of the documentation submitted. The Director's review shall ordinarily be completed within ten (10) working days of the receipt of a completed application for assignment. The completed application form and supporting documentation shall become part of the project file maintained by the Director.
- (3) Prior to completion of all development authorized by the permit and satisfaction of all permit conditions, no person other than the permittee may perform or undertake development under the permit without assignment of the permit under this section.

SAN DIEGO UNIFIED PORT DISTRICT  
INTER-STAFF COMMUNICATION

REFERENCE

COPY #19171

Date: February 14, 1986

To: CHRISTINE M. STEIN, District Clerk

From: EMILY HEDGES KELLEY, Associate Project Analyst, Property Engineering

Subject: Coastal Development Permit Regulations

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On February 14, 1984, by Resolution No. 84-62, the Board of Port Commissioners amended the District Coastal Development Permit Regulations. The amended sections were never incorporated into the previously adopted (Resolution No. 80-193, Document No. 12937) and amended (Resolution No. 80-343, Document No. 13434) regulations for purposes of documentation.

The amended sections have now been incorporated into the previously documented regulations, and the title sheet and table of contents have been modified to accommodate this incorporation.

Please document the amended District Coastal Development Permit Regulations and return one copy to Property Engineering for our records.

*Emily Hedges Kelley*  
EMILY HEDGES KELLEY  
Associate Project Analyst  
Property Engineering

EHK/mn

Attachment: Coastal Development Permit Regulations

Re San Diego Unified Port District ]  
Amendment of Coastal Development ]  
Permit Regulations ]

RESOLUTION 84-62

WHEREAS, the San Diego Unified Port District Coastal Development Permit Regulations (Regulations) adopted by the Board of Port Commissioners of the San Diego Unified Port District on July 1, 1980 by Resolution No. 80-193, as amended on December 2, 1980 by Resolution No. 80-343, were certified by the California Coastal Commission on January 21, 1981; and

WHEREAS, since this certification the District has been administering the Coastal Permitting of Port tideland developments in accordance with the certified Regulations, and has subsequently identified certain aspects of the Regulations which, if amended, would simplify the permitting process and greatly reduce administrative time and paperwork; and

WHEREAS, Section 7 of the Regulations entitled "Categorical Determination", is proposed to be revised to eliminate a form processing step by incorporating the Categorical Determination process into an established District procedure for the approval of development proposals, and such revision is in conformance with Section 30600 (b) of the California Coastal Act, which allows this process to "be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government;" and

WHEREAS, Section 14 entitled "Permits", is proposed to be added to the Regulations to allow the District to issue conditioned permits to ensure Master Plan compliance and provide a method to administer the resolution of dispute, assignment, and the amendment of permits for developments revised after permit issuance, in which no material

change to the permitted land use is proposed, the language and intent of this section being similar to that certified by the California Coastal Commission in applicable sections of the Port of Los Angeles and Port of Long Beach Master Plan Implementation Guidelines; and

WHEREAS, Section 30716 of the California Coastal Act and Section 13637 of the Coastal Commission's Administrative Regulations allow for the administrative processing of minor amendments by the Executive Director of the Commission; NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District as follows:

1. Section 7, paragraph b of the Regulations is hereby amended as follows:
  - b. A categorical determination shall be made by the Director and shall contain sufficient information to determine into which of the four categories specified in Section 7 d of these regulations the development shall be placed. This determination shall be made with reference to the certified Port Plan, including maps, and land use designations.
2. Section 7, paragraph c of the Regulations is hereby amended as follows:
  - c. The categorical determination shall be made as a part of the project plan approval process, in accordance with established District Development Approval procedures.
3. Section 7, paragraph e of the Regulations is hereby amended as follows:
  - e. The categorical determination shall be made within thirty (30) working days of the developer's project plan submittal.

4. Section 14 is hereby added to the Regulations as follows:

14. Permits

a. Format of Permits

Permits shall be issued in a form approved by the Director and shall include:

- (1) A statement indicating the type of Permit issued and the date and Resolution Number of the Board action authorizing the issuance of the permit.
- (2) A statement limiting the permit to the development reviewed and approved by the Board.
- (3) A description of the permitted development.
- (4) Any permit terms and conditions approved by the Board.
- (5) Standard provisions regarding development compliance to the project plans, code and permitting requirements of local, state, and federal agencies, and the Coastal Development Permit Regulations of the San Diego Unified Port District.

b. Notice of Receipt and Acknowledgement

No permit shall become effective until a copy of the permit has been returned to the Director, upon which copy all permittees or authorized agents have acknowledged that they have received a copy of the permit and have accepted its contents.



c. Disputes Over Contents of Permits

Any permittee who feels that the permit does not correctly embody the action of the Board shall immediately so inform the Director. Any such questions that cannot be resolved by consultation between the permittee and the Director shall promptly be referred by the Director to the Board for decision.

d. Amendments to Permits

Applications for amendments to permits shall be made in writing to the Director and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate. The Director shall determine whether or not a proposed amendment is a material change to the permit. If the Director determines that the proposed amendment is immaterial, notice of such determination shall be submitted to the Board, and mailed to all parties the Director has reason to know may be interested in the application. If no objection is received at the Director's office within ten (10) working days, the determination of immateriality shall be conclusive. If the Director determines that the proposed amendment is a material change, or that the proposed amendment is not in conformance with the certified Port Master Plan, the amendment will be denied. Appeals to the Director's action shall be referred to the Board after notice to any person(s) the Director has reason to know would be

interested in the matter. The Board shall determine whether the proposed development with the proposed amendment is material or immaterial in nature, is consistent with the requirements of the certified Port Master Plan, and whether the amendment be granted or a new permit required.

e. Assignment of Permits

- (1) Any person who has obtained, pursuant to the certified Port Master Plan and these Regulations, a permit to perform a development may assign such permit to another person subject to the following requirements:
  - (a) Submission of an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - (b) Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - (c) The original permittee's request to assign all rights to undertake the development of the assignee; and
  - (d) A copy of the original permit showing that it has not expired.
- (2) The applicant for assignment shall submit a request for approval of assignment of the permit, together with the above documents to the Director. The assignment shall be effective upon the Director's written approval of the documentation submitted. The Director's review shall ordinarily be completed

within ten (10) working days of the receipt of a completed application for assignment. The completed application form and supporting documentation shall become part of the project file maintained by the Director.

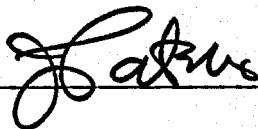
- (3) Prior to completion of all development authorized by the permit and satisfaction of all permit conditions, no person other than the permittee may perform or undertake development under the permit without assignment of the permit under this section.
5. The Board of Port Commissioners requests the Executive Director of the California Coastal Commission to find the amendment of the Regulations to be minor in nature in accordance with Section 30716 of the Coastal Act, and to process said amendment pursuant to Section 13637 of the Coastal Commission's Administrative Regulations.

ADOPTED this 14th day of February, 1984.

Presented by: DON L. NAY, Port Director

  
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ASSISTANT PORT DIRECTOR

Approved: JOSEPH D. PATELLO, Port Attorney

  
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