

Attachment E  
Amended Board of Supervisors Policies –  
Strikeout/Underline

**COUNTY OF SAN DIEGO, CALIFORNIA BOARD  
OF SUPERVISORS POLICY**

**Subject**

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Cost Responsibility for the Construction of Flood Control and  
Drainage Facilities Within Road Rights of Way

I-53

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**Purpose**

To define and assign financial responsibility between the San Diego County Flood Control District and County of San Diego (County) for drainage facilities constructed within County-maintained road right of way.

**Background**

Construction of drainage facilities in County-maintained road right of way is normally paid for only from Road Fund, and construction of flood control facilities outside the road right of way is normally paid for only from Flood Control District funds. However, there are cases where Flood Control District and County drainage facilities within County-maintained road right of way cross each other, or make use of the same easements.

In these cases, it is necessary to assign to each funding source its appropriate share of the total construction cost of the drainage facilities.

**1. Definitions**

**“Drainage Facilities Master Plans”** means projects which have been developed and adopted by the Flood Control District Board of Directors on recommendations of staff and the Flood Control District Advisory Commission.

**“Special Drainage Area (SDA)”** means local or neighborhood land area, where water that flows over the land due to rain, comes together to a single location, such as a channel or storm drain pipe.

**“Total Construction Cost”** means costs incurred during all phases of a project, including design, environmental permitting, construction and administration.

**“Ultimate”** means the following for County maintained road right of way and District facilities:

- a. Roads. Ultimate means construction of a road to the ultimate dimensions in accordance with the circulation element of the San Diego County General Plan.
- b. Flood Control Facilities. Ultimate means sized as necessary for the design flood.

**2. Policy**

It is the policy of the Board of Supervisors acting on behalf of the County and as the Board of Directors of the San Diego County Flood Control District that:

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Whenever a project involving Flood Control District and County drainage facilities within a County-maintained road right of way is initiated by either the Flood Control District or the County that the funding share will be calculated as follows:

**DRAINAGE**

1. When a natural watercourse exists within the road right of way paralleling or crossing a road, the Road Fund will pay 100% of the cost of construction of all drainage facilities that parallel or cross the road where the flow can be contained in a pipe of 36 inches in diameter (based on capacity using reinforced concrete pipe) or where the quantity of flow is less than 100 cubic feet per second.
2. Whenever the runoff from drainage areas is greater than 100 cfs, and less than 450 cfs, the cost difference between a 36-inch pipe and the pipe or culvert size needed to carry the flow will be paid for from the Flood Control District fund.

**FLOOD CONTROL**

1. Wherever the flow from runoff exceeds 450 cfs cost sharing will be based on the following rule:

The cost for providing an equivalent open channel shall be computed ("Cost A"). The cost for providing the necessary closed structure to cross or parallel the road shall be computed ("Cost B") and the cost difference between the equivalent open channel and the closed structure shall be computed ("Cost C"). These costs shall be changed to percentages. The Flood Control District fund shall pay that percentage of the cost based upon the equivalent open section cost (Cost A/Cost B) and the Road Fund shall pay that percentage of the cost based upon the difference between the equivalent open channel cost and the closed structure cost (Cost C/Cost B).

2. Bridges - The Road Fund shall pay 100% of the cost of a bridge and any additional channelization made necessary by or primarily to protect a bridge across an open channel.

**MISCELLANEOUS**

1. Where projects have been agreed to and where the necessary California Environmental Quality Act procedures have been complied with, the approved projects will be budgeted in the Flood Control District fund.
2. Where Community Planning Groups desire drainage facilities which cost more than the facilities shown in an adopted Drainage Facilities Master Plan for the area, the extra cost made necessary by reason of the community plan shall be financed from sources other than the Road Fund or the Flood Control District fund.

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3. Where special problems are created which have not been covered previously, the cost sharing shall be based on the evaluation of the problem and upon negotiation as to the proper cost sharing percentages.

Problems in this category include changes such as those made necessary by either a road or Flood Control District channel where the construction of one leads to modification of the other, or where the channel represents a man-made channel relocated from its natural watercourse.

4. Where interim flood control improvements are being made and where the flood control channel is not being constructed to its ultimate design at the same time and where the road project is the initiator of the joint project, the Road Fund will pay for the interim improvement made necessary in order for the flood control channel to operate effectively.
5. Where either the flood control channel or the road has previously been brought to its ultimate standard, all costs of change because of the project shall be borne by the agency carrying out the project.
6. For projects where the area is not included in a Special Drainage Area or in areas outside the Flood Control District, the Flood Control District share shall be provided by a separate funding mechanism including, local assessment, Community Facilities District or other approved funding agreement rather than by Flood Control District funds.

**Sunset Date**

This policy will be reviewed for continuance by 12-31-24.

**Board Action**

11-27-73 (100)  
11-27-73 (3)  
8-22-89 (47)  
11-01-00 (7)  
08-07-02 (5)  
12-09-08 (33)  
11-10-10 (7)  
12-06-17 (6/FL1)

**CAO Reference**

Department of Public Works

**COUNTY OF SAN DIEGO, CALIFORNIA**  
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Purpose

The purpose of this policy is to minimize the effects of disturbing natural terrain and provide for creative design for Hillside Developments. The policy provides guidelines to assist the Board of Supervisors, the Planning Commission, the Director of Planning & Development Services, and staff in the evaluation of hillside development in San Diego County. It is intended that this policy serve as a guideline and supplement to any other applicable regulations, including the Resource Protection Ordinance. It is also intended that this policy provide advance notice of what may be required when reviewing development proposals in hillside areas.

Background

It has been recognized for some time that proposed hillside development must be given a special type of analysis and review. Section 66474 of the Government Code (Subdivision Map Act) requires that the Board of Supervisors disapprove any final or tentative subdivision map if it finds "...that the site is not physically suitable for the proposed density of development." The Resource Protection Ordinance provides specific standards and criteria for the amount of steep slope lands that may be disturbed, while the Hillside Development Policy provides flexible guidelines for reducing the negative effects of such disturbance. The Board of Supervisors has concluded that a policy stating only generalized guidelines is the best approach for minimizing the effects of disturbing the natural terrain.

Policy

It is the policy of the County of San Diego that:

Development of building sites in hillside areas be planned and constructed in such a manner as to preserve, enhance or improve the physical features of the area consistent with providing building sites while at the same time optimizing the aesthetic quality of the final product.

The design process set forth below shall be used as a guide to achieve the best possible hillside development. The guidelines set forth in this policy are purposely expressed in general terms to allow for flexibility in their application. It is recognized that at times difficulties may be encountered in interpreting some of these guidelines, but it is anticipated that appropriate decisions will be reached by the persons involved in the overall spirit and intent of this policy is respected. This policy is not intended to inhibit or restrict development, but rather to result in the best potential use of any site.

This policy shall not apply to projects for which development applications have been filed, and fees paid, to the Department of Environmental Health and Quality or Planning & Development Services prior to the effective date of this policy. Where applicants are required to file first with the Department of Environmental Health and Quality, the applicant shall submit his full application to Planning & Development Services within 1 year of the date the application was first filed with the Department of Environmental Health and Quality.

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- i. All hillside subdivisions should be designed to minimize the permanent impact upon site resources. The resources include but are not limited to existing natural terrain, established vegetation, visually significant geologic displays and portions of a site which have significant public or multiple-use value. This may be achieved by:
  - a. Planning the grading and design of hillside developments to complement natural landforms.
  - b. Encouraging variety in the development of hillsides through site preparation techniques; grading techniques; configuration, size and placement of lots; and protection of the public use of on-site vista points.
  - c. Protecting and conserving physiographic features of public significance.
  - d. Encouraging preservation of bluffs which by their location, relative scale and configuration would be significant features of the development.
  - e. Planning of hillside developments to minimize potential soil, geological and drainage problems.
  - f. Encouraging street designs, consistent with the public's safety, which diminish conflicts with the natural topography.
  - g. Maximizing visual quality and minimizing erosion potential through the use of existing native plant communities and by planting native and naturalized plants especially in disturbed areas adjacent to ungraded hillsides and water courses. (It is recognized that native or naturalized plants may not be appropriate on graded slopes under 12 feet in vertical elevation which are generally adjacent to a building pad. Also, the bottom 12 feet of higher slopes visible from building pads or major through streets may not be appropriate for native or naturalized plants.)
  - h. Encouraging the use of smaller or split-level building pads on steeper road grades in order to minimize total grading.
  - i. Encouraging the use of graded slopes which may be steeper than existing site topography when the steeper slopes increased the preservation of undisturbed natural areas.
  - j. Encouraging the use of limited open-space easements on contiguous lots in undisturbed areas, excluding building areas, and active uses areas, when such areas are highly visible and significantly large.

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- k. Waiving any requirement for irrigation systems in native and naturalized planting areas when it can be demonstrated that vegetative cover can be re-established without it, and that no significant surface erosion will result during the re-establishment period.
  - l. Encouraging the use of mechanical erosion control methods such as slope serrations, punched straw and contour plowing which will allow revegetation of disturbed areas without irrigation systems.
  - m. Encouraging the use of woody shrubs and trees for conventionally irrigated slopes and the arrangement and quantity of these plants so as to ultimately soften and vary the texture of these slopes.
  - n. Encouraging the use of street tree plantings in the front yard setback to soften the view of the buildings, except where trees may inhibit significant views from the site.
  - o. Encouraging the arrangement of building site to optimize the views from the site.
  - p. Designing the developments so that some of the watercourses can be preserved in a natural riparian condition with minimal channel erosion.
  - q. Encouraging site design to provide solar access.
2. Definitions. The following definitions shall be applicable to these guidelines:
- a. "Hillside Subdivision" means a major or minor subdivision where any of the lots being created are less than 40 acres or less than one quarter of a quarter section for which a slope analysis shows:
    - 1. Twenty-five (25) percent or more of the land's surface has a slope of twenty-five (25) percent or greater; and,
    - 2. A height differential of 50 feet or more within any area having a slope of twenty-five (25) percent or greater.

Also, for the purposes of this policy, any major or minor subdivision exceeding 400 acres in size and any of the lots being created are less than 40 acres or less than one-quarter of a quarter section, shall be considered a hillside subdivision when:

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1. It contains 100 or more acres (not necessarily contiguous) with slopes of twenty-five (25) percent or greater; and
  2. A height differential of 50 feet or more within any area having a slope of twenty-five (25) percent or greater.
- b. "On-site Vista Point" means an area of high ground within the development from where there is a good view of surrounding areas.
- c. "Slope Analysis" means an analysis completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map with contour intervals not exceeding ten (10) feet. The slope analysis should show the following slope categories for the entire property in acres:
- 0-15% slope
  - Above 15-50% slope
  - Above 25-50% slope
  - Above 50% slope
- d. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course either continuously or intermittently, and which has a definite channel, bed, and banks; or any area adjacent thereto designated as subject to inundation by reason of overflow or flood water as designated and delineated on those certain maps or plats approved and adopted by the Board of Supervisors.
- e. "Hillside Grading" means grading in excess of that exempt from environmental review on a site for which a slope analysis shows:
1. Twenty-five (25) percent or more of the land's surface has a slope of twenty-five (25) percent or greater; and
  2. A height differential of 50 feet or more within any area having a slope of twenty-five (25) percent or greater.

Also, for the purposes of this policy, any grading in excess of that exempt from environmental review for a project which contains 400 or more acres shall be considered hillside grading when:



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1. It contains 100 or more acres (not necessarily contiguous) with slopes of twenty-five (25) percent or greater.
2. A height differential of 50 feet or more within any area having a slope of twenty-five percent or greater.
- f. "Extended Initial Study" means technical environmental documentation which may be distributed for public review (requiring additional copies of the material and fees to be provided by the applicant).
3. **Applicability.** These guidelines shall be used in evaluating all "Hillside Subdivisions" all "Hillside Grading" as defined herein and major use permits which require a grading permit meeting the definition of "Hillside Grading". This policy shall not be applied to grading for agricultural purposes as such grading is defined in Sections 87.201(f) and 87.209 of the County Code.
  - a. The Director of Planning & Development Services, or designee, may waive application of this policy if any of the following circumstances apply:
    1. An existing or proposed Open Space Easement is shown conforming substantially to the to that area of the project having slopes of twenty-five (25) percent or greater; or
    2. The applicant agrees to file an application reclassifying the area of the project having slopes of twenty-five (25) percent or greater to a use regulation (zone) which limits future uses of said land to open space or similar type uses as determined by the Director; or
    3. All proposed lots or parcels with slopes that would be subject to the Hillside Development Policy already contain structures (residential, commercial or industrial) that would establish a primary use of the site, and preclude further development at this time; or
    4. When an entire site is fully developed in agricultural uses which has eliminated natural vegetation, and not grading will take place; or,
    5. Upon determination of unique and unusual circumstances in accordance with a waiver request pursuant to (b) below. The fee for processing this waiver request shall be \$100.

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- b. Requests for waiver of the policy by the Director or for a determination that a project is exempt from the policy shall be processed as follows:
  - 1. One copy of the map or plot plan for the project shall be submitted to the Director, or designee, together with sufficient supporting material to present the applicant's reasons for waiver of the policy.
  - 2. Within ten (10) working days the Director, or designee, shall render a decision and notify the applicant by written notice.
  - 3. Upon receipt of a notice waiving application of the policy, the applicant may file the project with all applicable fees together with a copy of the notice waiving the policy.
  - 4. Upon receipt of a notice denying waiver of application of the policy on appeal may be filed with the appropriate appeal body in accordance with (d) below.
  
- c. The Director of Planning & Development Services, or designee, shall determine whether this policy shall be applied to discretionary actions on other than "new" (filed after July 24, 1979) applications in accordance with the following:
  - 1. Time extension requests for tentative maps, tentative parcel maps and major use permits originally approved prior to July 24, 1979, shall be exempt from this policy.
  - 2. Revised or replacement tentative maps and tentative parcels maps, resolution amendments for tentative maps and modification of major use permits may be exempted from the policy if the Director determines the changes proposed will not substantially change the character of the grading approved under the initial application.
  
- d. Appeal of any decision of the Director of Planning & Development Services as to applicability of this policy shall be treated as an Administrative Appeal as provided in The Zoning Ordinance. Applicable appeal fees shall be submitted with each appeal.

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4. Supplemental Information. For purposes of analysis, every application for a tentative subdivision map, tentative parcel map, and grading permit which proposes a hillside subdivision or hillside grading permit, shall in addition to any other information required, be submitted with the following information (at a level of detail appropriate to the project being proposed):
  - a. A slope analysis, as defined here. (Not required if submitted with Resource Protection Study.)
  - b. A map or overlay showing the following information:
    1. Significant geologic features.
    2. Watercourses.
    3. Significant mature trees, groves and native vegetation.
    4. On-site vista points.
  - c. An Extended Initial Study submitted as part of the application for Environmental Initial Study to include:
    1. Preliminary soils and engineering geologic statement or report.
    2. Discussion of any special design criteria needed due to geologic hazards.
    3. Preliminary grading plan for building sites and on-site access roads. Any proposed borrow pits and/or spoil areas shall be shown.
    4. Preliminary landscape concept plan.
    5. Discussion of erosion control measures to be used.
    6. Discussion of the existing character of the site and surrounding area.
    7. Discussion of the visibility of the site from the surrounding area including designated scenic highways, regional parks, State and Federal lands, etc., that may have their visual quality affected by development of the property.

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- 8 Discussion of the earthwork to be accomplished and how that will change the character of the site. Alternative potential building sites, if any, should also be discussed.
9. Discussion of how on-site and off-site solar access may be affected.
10. Deposit set by the Board of Supervisors. (No separate deposit for the Hillside Extended Initial Study will be required if a deposit has already been paid for a Resource Protection Study.)

Sunset Date

This policy will be reviewed for continuance by 12-31-~~24~~31.

**B/S Action**

07/24/79 (78)

08/15/79 (15)

12/18/79 (122)

07/21/81 (4)

12/15/82 (45), operative 03/01/83

10/25/89 (5)

7/14/99 (4)

08-07-02 (5)

12-09-08 (33)

11-10-10 (7)

09-25-12 (11)

12-06-17 (6)

**CAO Reference**

1. Planning & Development Services
2. Department of Environmental Health and Quality
3. Department of Public Works

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Refund and Relief Policy When Permits and Projects are Issued in Error

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**Purpose**

To establish a policy for identifying the circumstances for which an applicant is eligible for a refund of fees paid or other relief where an error has been made in the permit or approval process.

**Background**

The Departments of Environmental Health and Quality, Public Works, Parks and Recreation, San Diego County Fire Protection District, and Planning & Development Services are responsible for issuing a wide range of permits and project approvals. These include water well, grading, building and septic system permits; zoning permits such as Variances, Use Permits and Site Plans; and various subdivision approvals. The Department of Parks and Recreation is responsible for managing the acquisition and development of local parks in relation to such projects. Each year hundreds of such permits and approvals are issued by each Department. Occasionally, an error is made in the permit or approval process for which the applicant is judiciously due a refund or other form of relief.

The Departments have been administering refunds, adjustments and other forms of relief for these errors in accordance with current ordinances and codes. However, the ordinances and codes do not leave room for flexibility where it might be desirable. This policy is to formalize a specific set of criteria and circumstances under which applicants can seek refunds or other relief.

**Policy**

It is the policy of the Board of Supervisors that:

1. An applicant is owed a refund, a credit, fee waiver, or other relief for any fees or deposits paid when the applicant can demonstrate that:
  - a. The permit issued or approval granted was rescinded due to staff error; or,
  - b. The incorrect project fees were assessed due to staff error; or,
  - c. An additional County permit or approval is required for the project due to staff oversight; and,
  - d. No misinformation was supplied nor information withheld by the applicant which resulted in the permit rescission or initial oversight.

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2. This policy shall not create a liability for the County of any kind. Any approval or permit issuance done in error shall not create a liability for the County to pay for or to grant other approvals.

3. In lieu of, or in addition to, financial relief, the following actions may be taken, when appropriate, at the discretion of the Director:

- a. A decision not to pursue a violation or not to rescind a permit or project approval.
- b. A decision to grant special considerations, such as time extensions, processing expedition, and/or other special assistance to achieve code or regulation compliance.
- c. The use of discretion or interpretation when allowed by the applicable codes, ordinances and regulations in order to resolve the specific problem.
- d. A decision to waive the permit fee for a subsequent permit which was overlooked by staff at the time of original permit issuance.

**Procedure**

1. In circumstances where it is determined that a permit or approval is to be rescinded, if the applicant is eligible for relief under this policy they shall be notified of such eligibility.

2. The applicant will be responsible for submitting, in writing, a statement directed to the department responsible for the decision to rescind the permit or approval which includes:

- a. Applicant's name and address.
- b. Details of permit or approval.
- c. Reason, as determined by County, for the rescission.
- d. Reason (s) that relief should be granted pursuant to this Policy.
- e. Any other information to support the request for relief.

3. The request for relief will be reviewed by the Director of the responsible department who will initiate a refund or other relief for requests found to be eligible. The Director will consider both the applicant's and the public's interest in the determination of this finding. (Any refund or other form of financial relief shall not exceed the actual fees paid for a particular permit or project approval.)

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4. All requests and findings for relief shall be documented and maintained in the public record by the responsible department.

5. This Policy does not authorize refunds of any fees collected as penalties for violations or for delinquent payment of permit fees.

6. The decision of the Director of the responsible department is final and cannot be appealed.

Sunset Date

This policy will be reviewed for continuance by 12-31-~~24~~31.

Board Action

10-11-95 (1)

8-7-2002 (5)

12-09-08 (33)

11-10-10 (7)

09-25-12 (11)

12-06-17 (6)

1. Planning & Development Services
2. Department of Environmental Health and Quality
3. Department of Public Works
4. Department of Parks and Recreation
5. San Diego County Fire Protection District

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Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications

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**Purpose**

To establish criteria and a procedure for making determinations of public convenience or necessity for alcoholic beverage license applications consistent with the requirements of Section 23958.4 of the State Business and Professions Code.

**Background**

In 1994, the Legislature added Section 23958.4 to the State Business and Professions Code which provides that cities and counties review certain alcoholic beverage license applications in areas having an "undue concentration" of such beverage licenses. Local jurisdictions are to determine whether public convenience or necessity would be served by the issuance of these licenses and inform the State Department of Alcoholic Beverage Control.

**Policy**

It is the policy of the Board of Supervisors that the Director of Planning & Development Services or, upon appeal, the Planning Commission, shall determine public convenience or necessity for alcoholic beverage license applications. The following criteria and procedure shall be used in making such determinations:

Criteria:

1. The Sheriff's Department has determined that approval of the proposed alcoholic beverage license sought by the retail outlet will not negatively influence the rate of criminal activity in the neighborhood. In making this determination, the Sheriff has considered factors such as the incidence of:
  - a. Loitering and vandalism.
  - b. Public drinking and drunkenness.
  - c. Illegal drug usage and sales.
  - d. Theft and violent behavior.
  
2. The County has determined that the proposed alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood. In making this determination, the Director of Planning & Development Services or the Planning Commission has considered factors such as:
  - a. Proximity and number of other retail outlets selling alcohol.
  - b. Proximity of the retail outlet to schools, playgrounds, and other facilities serving young people.



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- c. Proximity of the retail outlet to residential neighborhoods.
- d. Whether the alcoholic beverage license provides: (1) a wide range of desirable goods and services; or (2) a unique type of goods or services.

3. The Director of Planning & Development Services has verified that the establishment for which the alcoholic beverage license is requested has no active Building Code or Health Code violations of record, and is permitted by the applicable use regulations of the County Zoning Ordinance.

Procedure:

1. The applicant shall file with Planning & Development Services: a) the application form from the State Department of Alcoholic Beverage Control; b) the County application form and fee; and c) a statement as to why the license application should qualify for a determination of public convenience or necessity.

2. A copy of the application shall be sent to the Sheriffs Department for comment. The Sheriffs response to Planning & Development Services will include their determination as to whether the proposed license will negatively influence the rate of criminal activity in the neighborhood.

3. A copy of the application shall also be sent to the applicable planning or sponsor group and to the Department of Environmental Health and Quality and the Health and Human Services Agency for review and optional input on neighborhood compatibility criteria. The planning or sponsor group shall have 30 days to provide a recommendation with regard to compliance of the application with Policy Criterion #2 concerning neighborhood compatibility.

4. Planning & Development Services shall verify that the establishment requesting the license has no active Building or Health Code violations of record and conforms to the applicable Zoning Ordinance use regulations. A site visit may be made.

5. The Planning Director shall make a decision as to whether a determination of public convenience or necessity can be made based on the criteria above. This decision shall be made within 35 days of the date of filing of a complete application unless a written request for postponement has been received from the applicant.

6. The Director of Planning & Development Services' decision shall be transmitted in writing to the State Department of Alcoholic Beverage Control, the applicant, and the planning or sponsor group.

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7. The decision of the Director of Planning & Development Services may, within ten days of the date of that decision, be appealed in writing by the applicant or the planning or sponsor group to the Planning Commission. An applicant shall pay the appeal fees specified by the County Administrative Code.

8. When the appeal is received by Planning & Development Services, the Secretary of the Planning Commission shall schedule the matter for next available Planning Commission meeting. The Director shall provide the Planning Commission with a written brief on the matter and the written appeal.

9. The Planning Commission shall consider the matter and render a decision regarding the determination of public convenience or necessity. The decision of the Planning Commission shall be final.

10. The decision of the Planning Commission shall be transmitted in writing to the State Department of Alcoholic Beverage Control and to the license applicant.

11. Planning & Development Services will take no further action concerning a license application. However, a planning or sponsor group shall not be prevented by this Policy from appealing directly to the State Department of Alcoholic Beverage Control following a Planning Commission decision.

Sunset Date

This Policy will be reviewed for continuance by December 31, 2024<sup>31</sup>.

Board Action

5/15/96 (4)  
06-23-04 (12)  
12-09-08 (33)  
11-10-10 (7)  
09-25-12 (11)  
12-06-17 (6)

CAO Reference

1. Planning & Development Services
2. Sheriff's Department
3. Health and Human Services Agency
4. Department of Environmental Health and Quality