

Attachment D

**AN ORDINANCE AMENDING SECTIONS 87.203
AND 87.207 OF THE COUNTY OF SAN DIEGO
GRADING ORDINANCE RELATING TO
ISSUANCE OF GRADING PERMITS AND
GRADING PLANS OR IMPROVEMENT PLANS
FOR PROJECTS WITH PREVIOUSLY APPROVED
DISCRETIONARY LAND USE APPROVAL
(Clean Copy)**

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS 87.203 AND 87.207 OF THE COUNTY OF SAN DIEGO GRADING ORDINANCE RELATING TO ISSUANCE OF GRADING PERMITS AND GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUS DISCRETIONARY LAND USE APPROVAL

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the County of San Diego Zoning Ordinance should be updated by amending Section 87.203. Issuance of Grading Permits and Section 87.207. Grading Plans or Improvement Plans for Projects with Previous Discretionary Land Use Approval. The Board finds that these amendments are reasonable and necessary to streamline operations and business efficiency; provides consistency between California Code of regulations and local permit processes; and supports efforts to protect environmental resources.

Section 2. Section 87.203 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.203. ISSUANCE OF GRADING PERMIT.

In determining whether the proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208, project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided a 10 percent change allowance in addition to the substantial conformance determination if all of the following are met:

- (a) It shall be determined that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).
- (b) It shall be determined that that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.
- (c) It shall be determined that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to the following:
 - (1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.
 - (2) Reduction in the overall amount of parkland approved with the original project.
 - (3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.
 - (4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 3. Section 87.207 of the County of San Diego Grading Ordinance is hereby amended to read as follows:

SEC. 87.207. GRADING PLANS OR IMPROVEMENT PLANS FOR PROJECTS WITH PREVIOUS DISCRETIONARY LAND USE APPROVAL.

In determining whether the proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208, project change(s) required to comply with changes in State or Federal regulatory requirements shall be provided a 10 percent change allowance in addition to the substantial conformance determination if all of the following are met:

- (a) It shall be determined that the project change(s) do not result in a new or substantially increased significant impact in accordance with the California Environmental Quality Act (CEQA).
- (b) It shall be determined that that the project change(s) do not result in the creation of a situation that would be detrimental to the health, safety, or welfare of the public.
- (c) It shall be determined that the project change(s) do not result in the elimination of project features required to meet other County of San Diego code requirements, including, but not limited to the following:
 - (1) Elimination of a trail that provides a connection through the project that is needed for regional connectivity.
 - (2) Reduction in the overall amount of parkland approved with the original project.
 - (3) Elimination of roads that are needed for emergency access, travel time, or to handle the traffic generated by the project.
 - (4) Reduction of area needed for required water supply well or onsite wastewater treatment system and reserve area.

Section 4. This ordinance shall take affect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this ____th day of ____, 2021.

Approved as to form and legality

By: Randall Sjoblom, Senior Deputy County Counsel