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STATE OF CALIFORNIA—THE RESOURCES AGENCY

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TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHUCK DAMM, SOUTH COAST DISTRICT DIRECTOR
DEBORAH LEE, ASSISTANT DISTRICT DIRECTOR, SAN DIEGO AREA OFFICE
DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 2-95A/TORREY PINES COMMUNITY PLAN TO THE CITY OF SAN DIEGO LOCAL COASTAL PROGRAM (For public hearing and possible final action at the Coastal Commission Hearing of February 7-9, 1996)

SYNOPSIS

SUMMARY OF STAFF RECOMMENDATION/HISTORY

The Torrey Pines segment of Major Amendment 2-95 was originally scheduled for public hearing at the Coastal Commission Hearing of May 9-12, 1995, as one segment of three separate land use plan amendments included in the City of San Diego's LCP amendment 2-95. The other two segments, La Jolla (2-95B) and Pacific Beach (2-95C) were heard and acted upon at the May meeting. The City of San Diego requested postponement of the Torrey Pines segment to the next available southern California Commission hearing. The project was heard at the Commission's July 11-14, 1995 meeting in Long Beach, where a number of issues centering on the necessity of several road improvements, the absence of specific project details and environmental impacts assessment, along with concerns about how density bonuses are accommodated within coastal resource constraints resulted in the amendment's continuance to the October 10-13, 1995 hearing in San Diego. At the time of the October hearing, several environmental impact documents for projects contained in the updated Community Plan were underway, but had not yet been completed. Therefore, in order to allow the Commission and the public to review these documents, the hearing was postponed to the next meeting in San Diego.

Staff is recommending denial, as submitted, of the Torrey Pines Community Plan, then approval with suggested modifications addressing increased protection for environmental resources, the need to address potential wetland impacts associated with specific road improvements, parking requirements, requirements for density bonus projects, protection of visual resources and water quality. Staff is recommending denial, as submitted, of associated rezonings of specific, environmentally constrained properties currently zoned agricultural, residential, and industrial to open space, in order to correct the proposed rezoning of a small, existing commercial recreation center to open space. In particular, Sug. Mod. #9 (the reconstruction of the North Torrey Pines Road Bridge); Sug. Mod. #12 (Sorrento Valley Road realignment); Sug. Mods. #15 and #16 (Density Bonus programs); and Sug. Mods. #20 and #32 (redesignation of portions of Surf & Turf site to Commercial Recreation) will generate discussion.

At the June Commission hearing, several Commissioners asked whether the Department of Housing and Community Development (HCD) concurred with the Commission's harmonization of the density bonus provisions of Government Code Section 65915 with the Coastal Act. Several Commissioners also requested an explanation of the relationship between the Coastal Act's housing provisions and the density bonus statute at Government Code Section 65915. To address these concerns, the Commissions's legal division identified the legal basis for staff's suggested modifications in a letter to HCD dated September 1, 1995. In a written response dated September 29, 1995, HCD indicated its desagreement with the Commission's analysis. Copies of these letters are attached to this staff report. On October 5, 1995, the legal division met with staff members of HCD. Commission staff subsequently revised the suggested modifications to address certain concerns identified by HCD. In addition, the legal division provided Commissioners with a memorandum, dated October 10, 1995, explaning the relationship between the Coastal Act's housing provisions and the density bounus statute, and describing how Coastal Act requirements must be harmonized with the density bonus requirements. A copy of this memorandum is attached to this report. It appears that HCD continues to maintain the position outlined it its September 29, 1995 letter. In brief, HCD disagrees with the Commissions' authority to: (1) limit the density bonus to the mandatory 25%; (2) limit the granting of incentives to either those that have no adverse effect on coastal resources or to just one incentive in cases where incentives will have an adverse effect on coastal resources; (3) require that local coastal program development standards that limit density be factored into the calculation of the "maximum allowable density;" and (4) require that a project that includes a density bonus be consistent to the extent possible with coastal development standards. Thus, HCD takes the position that the Commission cannot impose limitations upon a local government's exercise of the discretionary elements of the density bonus statute. Commission staff, however, have relied upon the legal principle that potentially conflicting statutes must be harmonized to give effect to the mandates of both statutes. Thus, the Commission has harmonized the density bonus statute with the Coastal Act by giving effect to the mandatory provisions of the density bonus statute while requiring that the discretionary provisions of the density bonus statute be implemented only in a manner that also takes into account the policies of the Coastal Act.

<u>The appropriate resolutions and motions may be found on pages 5 through page 7. The suggested modifications are on pages 7 through page 20. The findings for denial of the Torry Pines Community Plan begin on page 20. Findings for the approval of the plan, if modified, begin on page 36. The findings for denial of the various Torrey Pines rezones begin on page 48, and findings for approval, if modified, of the rezones begin on page 50.</u>

BACKGROUND

The City of San Diego Local Coastal Program (LCP) was segmented into twelve geographic areas, corresponding to community plan boundaries, with separate land use plans submitted and certified (or certified with suggested modifications) for each segment except Mission Bay. The Implementing Ordinances were submitted and certified with suggested modifications, first in March of 1984, and again in January of 1988. Subsequent to the 1988 action on the implementation plan, the City of San Diego incorporated the suggested modifications and assumed permit authority for the majority of its coastal zone on October 17, 1988. Isolated areas of deferred certification remain, and will be submitted for Commission certification once local planning is complete. There have been several amendments processed to the certified LCP; these are discussed further under LCP History in the report.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego's submittal for LCPA #2-95 consisted of three distinctly separate land use plan amendments, each with associated rezonings. This report addresses only the updated Torrey Pines Community Plan/LCP Land Use Plan and proposed rezonings in that community. The Torrey Pines Land Use Plan has been developed to address the coastal issues which have been identified by Commission and City staff, along with the citizens and property owners of Torrey Pines and other interested parties. The Torrey Pines Community Planning area comprises approximately 2,600 acres of land located in the northern coastal region of the City of San Diego. Almost the entire planning area is located within the Coastal Zone, with the exception of a small area at the southernmost portion.

The proposed submittal comprises an updated Torrey Pines Community Plan and Local Coastal Program Land Use Plan. However, although the Community Plan itself is replaced by this amendment, two supplemental documents, the 1981 North City Local Coastal Program Land Use Plan, (commonly known as the "Addendum") and the 1987 Revisions to the North City Local Coastal Program Land Use Plan Segment are not proposed to be amended or rescinded through this LCP submittal, and remain in full force and effect as they pertain to the Torrey Pines Community Planning Area. However, should any conflicts between these documents and the current amendment arise, this amendment shall take precedence.

Also proposed are associated rezonings of specific properties currently zoned A-1-10, A-1-1, R1-40000, R1-20000, R1-10000, R1-6000, R1-5000, and M-1A to the OS-R and OS-OSP zones. The key issue raised in the plan is protection of biological resources, particularly in relation to pressures to expand and upgrade of the community's circulation system. Other issues include public access, visual quality, grading and water quality, and residential density.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment may be obtained from Diana Lilly, Coastal Planner, at (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments; all of the segments are presently certified, in whole or in part, with the exception of Mission Bay. The earliest land use plan (LUP) approval occurred in May, 1979, with others only occurring in 1988, in concert with the implementation plan.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January, 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remain; these are completing planning at a local level and will be acted upon by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been sixteen major amendments and seven minor amendments processed for it. These have included everything from land use revisions in several segments, the rezoning of single properties to modifications of city-wide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed at least, 33 land use plan revisions and 87 ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on specific amendment requests.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

> (c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held numerous local workshops, planning group, Planning Commission and City Council meetings with regard to the Torrey Pines Community Plan. All of these local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

A. RESOLUTION I (Resolution to deny certification of the Torry Pines Community Plan, as submitted)

MOTION I

I move that the Commission certify the Torrey Pines Community Plan Update, as submitted.

Staff Recommendation

Staff recommends a **NO** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby denies certification of the amendment request to the City of San Diego Land Use Plan, and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will not be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

B. RESOLUTION II (Resolution to approve certification of the Torry Pines Community Plan, if modified)

MOTION II

I move that the Commission certify the Torry Pines Community Plan Update, if it is modified in conformance with the suggestions set forth in this staff report.

Staff Recommendation

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution II

The Commission hereby certifies the amendment request to the City of San Diego Land Use Plan, if modified, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

C. RESOLUTION III (Resolution to reject the City of San Diego LCP Implementation Plan Amendment 2-95A, as submitted)

MOTION III

I move that the Commission reject the City of San Diego Implementation Plan Amendment 2-95A regarding the OS-R/OS-OSP rezones.

Staff Recommendation

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution III

The Commission hereby denies certification of the amendment to the City of San Diego's Local Coastal Program on the grounds that the amendment does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

D. RESOLUTION IV (Resolution to approve certification of the City of San Diego LCP Implementation Plan Amendment 2-95, if modified)

MOTION IV

I move that the Commission approve the City of San Diego Implementation Plan Amendment 2-95A, as it pertains to the OS-R/OS-OSP rezones, if it is modified in conformity with the suggested modifications set forth in this report.

Staff Recommendation

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution IV

The Commission hereby approves certification of the amendment to the City of San Diego's Local Coastal Program, if modified, on the grounds that, the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the Torrey Pines Community Plan and Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~crossed-out~~ sections represent the language which the Commission suggests be deleted from the policy as originally submitted.

A. Torrey Pines Community Plan

1. On page 19, under PLANNING CONTEXT, the following sentence shall be added to the end of the first paragraph under LOCAL COASTAL PROGRAM:

The North City Local Coastal Program - Land Use Plan as amended remains in full force and effect. However, should any policies contained in this document conflict with the previously adopted LCP Land Use Plan, this document shall take precedence.

2. On page 19, under PLANNING CONTEXT, the last paragraph under LOCAL COASTAL PROGRAM shall be revised as follows:

> The recommendations and development criteria of the LCP have been incorporated into the individual elements of this community plan. Due to the standard of review established in the Coastal Act of 1976, an LCP land use plan must contain a great deal of specificity to direct the formulation of suitable implementing ordinances. Therefore, more specific and detailed supplemental coastal development policies not contained within the main body of this community plan can be found in the Appendix E. These policies apply to all development within the Coastal Zone, and take precedence over any policies contained elsewhere in the document which may conflict with the coastal development policies.

3. On page 29 under RESOURCE MANAGEMENT AND OPEN SPACE ELEMENT, Policy #10 shall be revised as follows:

> 10. Construction or improvements of roadways adjacent to ~~in~~ biologically sensitive areas or open space shall be designed to ~~minimize/or/reduce/encroachment~~ avoid impacts, especially in wetlands and wetland buffer areas. Protection of sensitive habitats through buffers, realignments and reduced development areas shall also be considered.

4. On page 31, under SPECIFIC PROPOSALS, San Dieguito Lagoon and River Valley, Policy #5 shall be revised as follows:

> 5. Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works. The following requirements shall also be met: [...]

5. On page 36, under RESOURCE MANAGEMENT AND OPEN SPACE ELEMENT, Policy #3 shall be revised as follows:

> 3. Any improvements to roadways adjacent to or bordering the lagoon (Carmel Valley Road, Sorrento Valley Road, North Torrey Pines Road) shall not encroach within the wetland area of the lagoon, unless specifically authorized herein ~~adequate/mitigation/is/provided/and proper/permits/are/obtained~~.

6. On page 37 under RESOURCE MANAGEMENT AND OPEN SPACE ELEMENT, the following revisions shall be made to Policy #6:

> 6. Within the 100-year floodplain fringe of Sorrento Valley, fill for roads, public improvements, or other permanent structures will only be allowed if it can be shown that all of the following will be met:

a. Existing environmentally sensitive habitat areas will not be significantly adversely affected ~~unless/appropriate/mitigation/is included~~;
b. Increased erodible flood flow velocities will not occur ~~without appropriate/mitigation~~;
c. Areas to be filled do not create unplanned detention/siltation;
d. Any loss or significant degrading of existing wildlife habitat areas will be appropriately mitigated;
e. Increases in post-construction runoff and sediment above the ten-year storm frequency preconstruction condition, will be mitigated;
f. Appropriate upstream national pollution discharge elimination system criteria will be implemented to maintain the water quality of the downstream wetlands; and
g. If existing sensitive environmental areas are affected, then suitable mitigation will be provided.

7. On page 38, under IMPLEMENTATION, the following revisions shall be made after the first paragraph:

[...]

~~The~~ Appendix E of this plan contains additional ~~development regulations~~ land use policies developed by the City of San Diego and approved ~~required~~ by the Coastal Commission that are incorporated into ~~facilitate/the/implementation/of~~ this ~~element~~ plan and which apply to all development located in the Coastal Zone. [...]

Several properties within the planning area are designated but not zoned open space. Most of these areas are privately owned, and contain some limited sensitive cultural or biologically sensitive resources. These areas and all areas covered by this plan should be allowed to develop in compliance with the underlying zone as well as all applicable resource protection regulations such as the Sensitive Coastal Resource Zone, Hillside Review, Coastal Regulations, Archaeology/Paleontology Regulations, Flood Plain and Floodway Ordinances, etc.

8. On page 53, under Specific Road Improvements, North Torrey Pines Road, the following revisions shall be made:

North Torrey Pines Road is a five-lane primary arterial which narrows to two lanes as it passes about half-way through the Torrey Pines Community Planning Area. In order to improve the level of service at the intersection of North Torrey Pines Road and Carmel Valley Road, an additional north bound lane will be provided from Torrey Pines Park Road to the boundary of the City's jurisdiction. Although the extension of this additional northbound lane through the Carmel Valley Road intersection is recommended to improve traffic flow, improvements north of the City of San Diego's boundary can only occur subsequent to approval by the City of Del Mar.

~~This improvement will require that two channelization islands be modified to allow the additional northbound lane to be extended through the Carmel Valley Road intersection.~~ In addition, the bridge over the railroad tracks just south of this intersection should be improved to allow a second northbound lane as well as bike lanes and a sidewalk on the west side to the City's jurisdiction. Although bridge improvements are recommended for the entire length, bridge improvements north of the City's boundary can only occur subsequent to approval by the City of Del Mar.

~~It should be noted that this intersection and a portion of the railroad bridge are located within the City of Del Mar and would require their approval.// An alternative to extending the additional lane through the intersection includes extending the lane as a right turn only lane onto Carmel Valley Road.~~

9. On page 54, under Specific Road Improvements, North Torrey Pines Road Bridge over Penasquitos Creek, the following revisions shall be made after the heading:

North Torrey Pines Road Bridge over Penasquitos Creek

The North Torrey Pines Road Bridge over Penasquitos Creek will need to be reconstructed due to seismic and structural deficiencies. The reconstruction of this bridge includes the addition of a northbound lane, bike lanes on both sides, a sidewalk on the west side, and transition widening on both road approaches. Although the bridge should be widened in order to provide ultimately for three lanes, it should be striped for two lanes until the recommended northern road improvements are constructed.

This project ~~shall~~ includes a special bridge design that will contribute to the restoration and enhancement of Los Penasquitos Lagoon. The ultimate design of this bridge ~~shall allow for~~ creates a wider lagoon mouth by approximately 40 feet, in order to increase the tidal prism, restore tidal action and improve circulation of lagoon waters. Design consideration included completely spanning the lagoon mouth by cutting back the road embankment and lengthening the bridge span, etc. The design of this bridge ~~should~~ shall include input from a qualified biologist or other lagoon expert familiar with the complex ecosystem found within Los Penasquitos Lagoon. No impacts to saltmarsh habitat shall occur. [...]

10. On page 54, under Specific Road Improvements, Carmel Valley Road, the following paragraph shall be added after the heading:

Carmel Valley Road

A variety of improvements to Carmel Valley Road are anticipated in the future, and may include widening, intersection improvements, a parking lane, and a bicycle/pedestrian pathway. At the time specific design proposals are determined and environmental impacts assessed, coastal development permits will be required to implement the project. A preliminary plan for the improvements is described below; however, in no case shall any improvement result in wetland fill.

11. On page 55, under Specific Road Improvements, Carmel Valley Road, Bicycle/Pedestrian Pathway, the following revisions shall be made:

A bicycle/pedestrian pathway should be provided in the existing disturbed, upland area along the south side of Carmel Valley Road. A variety of design options should be considered; however, in no case shall the bicycle/pedestrian pathway involve wetland fill. An appropriate buffer between the bicycle/pedestrian pathway and the lagoon shall be established after full consultation with the U.S. Fish and Wildlife Service, the State Department of Fish and Game and the State Department of Parks and Recreation. The pathway should be wide enough to be shared by bicyclists and pedestrians, and should be physically separated from Carmel Valley Road (see Bicycle/Pedestrian Path Concept Sketch). The pathway should be constructed with a combination of concrete and wood. The concrete portion would be used for those previously disturbed areas where the path is located immediately adjacent to the road, the wooden or boardwalk portions would be constructed where the path meandered closer to or over sensitive resource areas. In order to reduce or eliminate impacts to the lagoon, the wooden boardwalk would be suspended above all sensitive areas by pilings.

The path should meander along the lagoon, and in several places provide sitting areas and viewpoints into the lagoon. Where appropriate, these viewpoint areas should extend south out over the lagoon. These extension viewpoint areas should be suspended above the lagoon by pilings to minimize lagoon impacts. Interpretive displays describing the marsh and lagoon ecosystem should be included at these viewpoint areas. Safe access to the pathway from the north should be provided at regular intervals.

12. On page 56, under Specific Road Improvements, Sorrento Valley Road, the following revisions shall be made:

Sorrento Valley Road

Sorrento Valley Road, from Industrial Court to Carmel Valley Road, is a two lane major road that is scheduled for realignment improvements. The realignment project includes construction of a new bridge over Carmel Valley Creek. Class II Bike lanes on both sides, and a pedestrian path on the east side. The realignment project will minimize encroachment and other impacts to Los Penasquitos Lagoon.

The existing road lies immediately adjacent to wetlands and other sensitive habitat areas at several points. Any improvements to Sorrento Valley Road shall require the issuance of coastal development permits, and shall be permitted only if consistent with the specific development standards in the WETLANDS/ENVIRONMENTALLY SENSITIVE RESOURCES policies contained in Appendix E. Riparian impacts shall be mitigated at a ratio of 3:1 and salt marsh impacts shall be mitigated at a ratio of 4:1.

[...]

13. On page 56, under Specific Road Improvements, Vista Sorrento Parkway, the following revisions shall be made:

Vista Sorrento Parkway

The restriping of the northbound lanes of Vista Sorrento Parkway at Sorrento Valley Road is proposed to improve the poor Level of Service (LOS) projected at buildout. The restriping of the three northbound lanes from the existing left, through and right to two lefts and a through/right will improve the projected LOS from E to C. This minor modification should only be implemented when actual future traffic volumes warrant it.

In conjunction with buildout of the Sorrento Hills Community Planning Area, Vista Sorrento Parkway shall be extended from its existing terminus (Sorrento Valley Court) northerly through Sorrento Hills until it intersects with Carmel Mountain Road. Construction of this extension, known as Street "A", will require some fill in existing wetlands at the western end of Los Penasquitos Canyon Preserve. Various project alternatives have been examined to determine that the proposed project is the least environmentally-damaging one. There are currently two options which may be implemented to mitigate the environmental impact of the proposed project.

OPTION A

Any unavoidable permanent wetland fill associated with Street "A" shall be mitigated at a ratio of 4:1 for alkali marsh/meadow impacts and 1:1 for freshwater marsh (i.e. cattails) impacts. Shading impacts to cattails shall be mitigated at a ratio of 1:1. Mitigation for freshwater marsh impacts shall be in kind and shall occur within the Los Penasquitos Lagoon watershed. Mitigation for alkali marsh/meadow impacts shall be in kind and in the immediate area of the alkali marsh/meadow or, if no appropriate site can be found for creation of alkali marsh/meadow, mitigation shall consist of newly created willow scrub habitat within the Los Penasquitos Lagoon watershed.

OR

OPTION B

Any unavoidable permanent wetland fill associated with Street "A" shall be mitigated at a ratio of 1:1. Mitigation for direct and shading impacts to freshwater marsh (i.e., cattails) shall be in kind and shall occur within the Los Penasquitos Lagoon watershed. Mitigation for alkali marsh/meadow impacts shall be in kind and in the immediate area of the alkali marsh/meadow or, if no appropriate site can be found, mitigation shall consist of newly created willow scrub habitat within the Los Penasquitos Lagoon watershed.

and

The balance of the alkali marsh/meadow shall be designated open space and permanently protected from development through dedication of an open space easement, recordation of a deed restriction, or some other appropriate mechanism.

14. On page 66-67 under RESIDENTIAL ELEMENT, Medium Density (16-14 du's/acre), the following revisions shall be made:

This density category is characterized by higher density condominium and apartment development, and is implemented through the existing R-1000 and RV Zone.

There are six ~~seven~~ medium density residential projects within the Torrey Pines Planning Area. Four ~~five~~ of the projects are located in the Del Mar Heights Road/Mango Drive/I-5 area. [...]

On page 67, Table 2: Proposed Residential Development, shall be revised to exclude the approximately 4 acres of R-V zoned property at the southwest corner of Del Mar Heights and I-5 from the medium density figures.

On page 67, Figure 13 shall be revised to remove this same 4 acre parcel from the medium density category. In addition, on page 3, Figure 1, "Land Use Plan," shall be revised to include thisl same4-acre parcel in the Commercial Recreation designation.

15. On page 68 under RESIDENTIAL ELEMENT, Density Bonus Program, the following revisions shall be made:

This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than ~~up/to~~ 25 percent more units than a property's zoning would ordinarily allow. In exchange for this density bonus, the owners must make ~~rent~~ the units affordable ~~to/low income/household~~ for 30 ~~20~~ years if an incentive is utilized in addition to a density bonus specified in Government Code Section 65915(b) or in 10 years if a second incentive is not utilized.

In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. In the Coastal Zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission. The density bonus shall be applicable to housing developments consisting of five or more units.

In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all

otherwise applicable certified local coastal program policies and development standards. Approval of development proposed under this Section shall require a finding that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. Before approving a 25 percent density increase, the City shall identify all potential means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. If the City identifies means of accommodating the density increase that do not have an adverse effect on coastal resources, the City shall require that the density increase be accommodated by those means. If, however, all potential means for accommodating the density increase will have an adverse effect on coastal resources, the City shall require implementation of the means that are most protective of significant coastal resources.

The City may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25 percent may be permitted based on a finding that no adverse impacts on coastal resources would result.

In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. Before granting an incentive for a project in the coastal zone, the City shall identify all potential incentives and consider the effects of each incentive on coastal resources. The City may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all potential incentives have an adverse effect coastal resources, the incentive granted to satisfy the requirement of Government Code Section 65915 shall be the incentive that is most protective of significant coastal resources, and the City shall not grant more than one incentive.

16. On page 69 under RESIDENTIAL ELEMENT, the section titled Senior CUP Program shall be revised as follows:

This conditional use permit program provides a density bonus of up to 50 percent to developers who agree to rent all of the units in their project to senior citizens and physically impaired persons for the life of the project.

In the coastal zone, any senior housing approved pursuant to this program shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. Senior housing developments in the coastal zone shall be implemented consistent with the Density Bonus Program, as stated above. In addition, the density bonus shall be no more than 25 percent, to be calculated based on the otherwise maximum allowable residential density under the applicable zoning

ordinance and land use element of the general plan. The otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission.

The City may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25 percent may be permitted based on a finding than no adverse impacts on coastal resources would result.

17. On page 69 under RESIDENTIAL ELEMENT, the section titled Categorical Exclusion shall be revised as follows:

Categorical Exclusion

Single-family residential development within that area indicated in Figure 28 ~~shall be categorically~~ may be considered for categorical exclusion and thus be excluded from the requirement to process coastal development permits. Categorical exclusion would eliminate the requirement for single-family home construction to undergo discretionary review. However, all new development within this possible categorical exclusion area shall be responsible for providing, at the applicant's expense, a notice of application to all residents within 300 feet of the proposed project and to the Torrey Pines Community Planning Group.

18. On page 74 and 77, under COMMERCIAL ELEMENT, SPECIFIC PROPOSALS, the following paragraph shall be inserted after the section titled, Shopping Center at I-5 and Del Mar Heights Road:

Commercial Area Southwest of Del Mar Heights Road/I-5 Intersection

This 4 acre area should be maintained for visitor-serving commercial recreation facilities (long and short-term rental facilities, accessory uses) consistent with the site's proximity to single-family development, visibility from I-5 and location at the entrance of the community.

On page 77, Figure 14, "Commercial Land Use Plan," shall be revised to include the approximately 4 acre parcel southwest of the Del Mar Heights Road/I-5 intersection in the Commercial Recreation designation.

19. On page 74-75, under COMMERCIAL ELEMENT, SPECIFIC PROPOSALS, Commercial Area South of Via De La Valle, the following revisions shall be made:

This 10-acre area, which includes a hotel, gas station, and restaurant, should be maintained for commercial recreational development. Because most of this area is within the 100-year floodplain, and adjacent to the San Dieguito River Valley and Lagoon, new development in this area shall not be allowed unless it can be showed that: [...]

7. The development meets the specific development standards included in Appendix E.

20. On page 75, under COMMERCIAL ELEMENT, SPECIFIC PROPOSALS, before the paragraph titled Carmel Valley Commercial Center, the following paragraph shall be inserted:

> In addition, there is a 14-acre parcel abutting this developed area to the south, which includes a small visitor-serving RV park and a recreational complex including tennis courts, miniature golf, a driving range pro-shop and clubhouse facilities and parking lots. This area should be maintained for these types of less-intensive commercial recreation uses and designated Commercial Recreation up to the paved sidewalk north of the driving range. Because this entire area is within the 100-year floodplain, and immediately adjacent to the San Dieguito River Valley and Lagoon, new development in this area shall be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works. Any development of this parcel shall be consistent with the requirements for the San Dieguito Lagoon and River Valley stated in the Resource Management and Open Space Element of this document.

21. On page 77, Figure 14, "Commercial Land Use Plan," shall be revised to include the existing 14-acre commercially developed parcel south of Via de la Valle in the Commercial Recreation designation. In addition, on page 3, Figure 1, "Land Use Plan," shall be revised to include this same parcel in the Commercial Recreation designation.

22. On page 111, under LOCAL COASTAL PROGRAM POLICIES, the following paragraph shall be added directly under the heading:

> The policies of this section shall apply to all development in the Torrey Pines Community Planning area within the Coastal Zone. In the event these policies conflict with goals, policies, or proposals contained elsewhere in the Plan, the Local Coastal Program Policies shall take precedence.

23. On page 112, under HILLSIDES, the following paragraph shall be added immediately after TABLE 1: 25 Percent Slope Encroachment Allowance:

> For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures or paving, or is cleared of vegetation, other than allowed below.

24. On page 113, under GRADING/WATER QUALITY, the second paragraph shall be revised as follows:

> Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas

disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be suitably prepared to prevent soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15 by means of native vegetation, if feasible, or by other suitable means. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional. Erosion control utilizing mulching, fertilization, and irrigation within sufficient time prior to November 15 to provide landscape coverage that is adequate to achieve the provisions of this policy. Temporary erosion control measures, shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness. From November 15 to March 31, grading may be permitted provided the applicant conforms to the requirements listed below and submits monthly documentation within two weeks following the end of the preceding month to the City Engineer on the condition of the erosion control procedures for graded pads, slopes and stockpiles whenever precipitation during the month exceeds two (2) inches.

25. On page 114, under GRADING/WATER QUALITY, Policy #4 shall be revised as follows:

    4. The applicant agrees to provide daily documentation to the City Engineer of the condition of the erosion control procedures for any 24-hour period in which precipitation exceeds 0.25 inches. Failure to provide such documentation or occurrence of any significant discharge of sediments or silts in violation of this policy shall constitute automatic grounds for suspension of the applicant's grading permit(s) during the period of November 15 to March 31.

26. On page 114, under WETLANDS, the following revisions shall be made:

    WETLANDS/ENVIRONMENTALLY SENSITIVE RESOURCES

    The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally-damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:

    1. Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

    2. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

    3. Restoration purposes.

    4. Nature study, aquaculture or similar resource dependent activities.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Buffer zones sufficient to protect wetlands shall generally be 100 feet in width, unless the applicant demonstrates that a smaller buffer will protect the resources of the wetland based on site-specific information including but not limited to the type and size of the proposed development and/or proposed mitigation which will achieve the purposes of the buffer. The California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted in such buffer determinations and their comments shall be accorded great weight by the City of San Diego and by the California Coastal Commission. Development permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and similar improvements necessary to protect the wetland, and such improvements shall be restricted to the upper/inland half of the buffer zone. Developments shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its fish and wildlife values, or otherwise impair the functional capacity of the wetland.

Development in Floodplain Areas

Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of off-site flood protective works. The following requirements shall also be met:

> Existing environmentally sensitive habitat areas will not be significantly affected and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as enhanced wildlife corridors. Such revegetation program shall, to the maximum extent feasible, utilize native vegetation and shall be designed and implemented by a professional landscape architect, biologist, or other qualified professional in close consultation with the Department of Fish and Game and the U.S. Fish and Wildlife Service.
>
> The design of the development incorporates the findings and recommendations of both a site-specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years, and neither significantly increases nor contributes to downstream bank erosion and sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.

Development in Areas of Sensitive Vegetation

In addition, to the extent applicable, all new development within the coastal zone shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Program, and shall comply with the City of San Diego MSCP Interim Habitat Loss Permit Process, or shall obtain an incidental take permit under Section 4d, Section 7 or Section 10a of the Endangered Species Act related to the California Gnatcatcher. Compliance with these goals and requirements shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.

27. On page 114 under VISUAL RESOURCES, Policy #4 shall be revised as follows:

    4. Future development adjacent to the Torrey Pines Reserve Extension, San Dieguito Lagoon, and Crest Canyon areas shall provide for adequate buffer areas. Development proposals shall provide adequate setbacks to avoid significant erosion, visual or sediment impacts from construction. Setbacks also shall be ~~provided~~ required to prevent ~~the necessity of~~ fire breaks from being constructed on reserve property or into off-site sensitive areas. No clear-cutting or removal of vegetation shall be allowed within the San Dieguito Lagoon Preserve, Crest Canyon or the Torrey Pines State Reserve Extension.

28. On page 114 under VISUAL RESOURCES, Policy #6 shall be revised as follows:

    6. New residential development ~~is recommended to~~ shall be compatible with the existing neighborhood, and designed to blend into adjacent natural open space areas. Only low-profile dwellings designed to fit with the natural terrain and not be visually prominent from the canyon floor shall be allowed. For development located in visually prominent areas adjacent to open space areas, building colors and materials shall be limited to earth tones and colors subordinate to the surrounding natural environment which minimize the development's contrast with the surrounding hillsides and open space areas.

29. On page 114 under VISUAL RESOURCES, Policy #11 shall be revised as follows:

    11. The plan recommends the preservation of Torrey Pines trees in private as well as public areas, and encourages the planting of Torrey Pines trees in roadways and other landscaped areas. Should Torrey Pines trees require removal, relocation or replacement of the trees shall occur whenever feasible.

30. On page 115, under VISUAL RESOURCES, the following policy statement shall be added:

    12. New residential, commercial, and industrial development shall provide landscape buffers to screen views of the buildings from designated scenic roadways.

31. On page 115, the following policy shall be added after VISUAL RESOURCES:

PARKING

All commercial, industrial and residential uses shall be designed and constructed with sufficient off-street parking and loading facilities to assure adequate parking is provided with new development such that no adverse impacts on coastal access are documented. Parking ratios shall be utilized as specified and detailed in the City's Zoning Code to provide sufficient parking spaces so as not to require patrons/employees/residents to utilize parking which is necessary/required for other approved uses, or street and other public parking that would otherwise be available for public use. In addition, existing public parking facilities used for public beach access shall be maintained and no reduction in existing public parking shall be permitted.

B. Implementation Plan

32. On page 127, Figure 25 of Open Space Rezonings (North), (Sheet 1 of C-860), shall be revised to exclude the 14-acre existing commercial recreation developed parcel south of Via de la Valle from the proposed OS-R rezoning, and maintained as A-1-10 (see Exhibit A).

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE TORREY PINES LAND USE PLAN AS SUBMITTED

A. AMENDMENT DESCRIPTION AND HISTORY

Torrey Pines is one of the land use segments of the City of San Diego's Local Coastal Program. The community is located in the northern coastal region of the City of San Diego, extending to the northerly limits of the City, and bordered by Interstate 5 to the east, the southerly portion of the Sorrento Valley Industrial Park, the Pacific Ocean, and the City of Del Mar. The City of Solana Beach lies immediately to the north. Approximately 98% of the community lies within the coastal zone. The Torrey Pines Community Planning Area is characterized by an abundance of sensitive environmental resources and contains a number of major local and regional open space systems including the San Dieguito Lagoon and River Valley, Crest Canyon, the Torrey Pines State Reserve and Extension, Torrey Pines State Beach, the Los Penasquitos Lagoon and associated uplands, and the Carroll Canyon wetlands/wildlife corridor.

The current amendment request replaces the existing Community Plan document, which was first written in 1975. There have been several amendments since then. Most importantly, in 1981, the North City Local Coastal Program--Land Use Plan, commonly referred to as the "Addendum," was adopted, and a major revision to the North City LCP ("Revisions to the North City Local Coastal Program Land Use Plan Segment") was adopted in 1985. The North City LCP Land Use Plan and subsequent amendments to that plan are not proposed for rescission through the adoption of this document, and remain in full force and

effect for the Torrey Pines Community Planning Area. However, should there be any conflicts between the previously adopted LCP Land Use Plan as amended and the current amendment, this amendment supercedes and takes precedence over the earlier documents.

The plan is divided into six categories addressing Resource Management and Open Space, Transportation, Residential, Commercial, Industrial and Community Facilities. However, most of the policies specifically addressing the protection of coastal resources are contained in Appendix E of the plan. The plan proposes several major transportation projects including the reconstruction of North Torrey Pines Bridge over Penasquitos Creek, widening and providing a bicycle/pedestrian pathway on Carmel Valley Road, and realignment of Sorrento Valley Road. Another major transportation project, the extension of Carroll Canyon Road is located outside the Coastal Zone. As proposed, most of these roadway improvements would result in impacts to wetlands. The type and extent of the impacts, and any proposed mitigation for the impacts, has not been determined at this time.

Overall, the plan is generally supportive of Coastal Act policies regarding the preservation of visitor-serving and commercial recreation uses, public access, water quality, and visual resources. However, many of the policies fail to provide the specific level of detail required in a land use plan. Most of these concerns can be resolved with relatively minor revisions and additions to the policies strengthening the requirements and providing additional detail. The plan also provides a number of policies fairly consistent with Coastal Act policies concerning the protection of environmental resources. However, the plan would allow development in sensitive habitat areas without the strict level of analysis required under the Coastal Act. For instance, the plan would permit the construction of roadways in biologically sensitive areas as long as mitigation is provided. As noted above, the plan also proposed several specific transportation projects which would involve impacts to wetlands.

B. SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceeding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

> The Legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:
>
> a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
>
> b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

d) Assure priority for coastal-dependent and coastal-related development over other developments on the coast.

e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to shoreline access, water and marine resources, environmentally sensitive habitat areas, locating and planning new development, coastal visual resources and special communities, and recreation and visitor-serving facilities.

C. NONCONFORMITY OF THE TORREY PINES COMMUNITY PLAN WITH CHAPTER 3

Review of local coastal program submittals for findings of Chapter 3 consistency are generally analyzed according to thirteen policy groups. In the Torrey Pines LCP segment, the following policy groups apply: Shoreline Access; Water and Marine Resources; Environmentally Sensitive Habitat Areas; Locating and Planning New Development; Coastal Visual Resources and Special Communities; and Recreation and Visitor-Serving Facilities. The following resources/land uses are not present within the Torrey Pines Community Planning Area, so no findings are made relative to them, or pertinent issues have been reviewed under other policy group headings: Dredging, Filling, and Shoreline Structures; Commercial Fishing and Recreational Boating; Hazards; Agriculture; Forestry and Soils Resources; Public Works; and Industrial and Energy Development.

1. Environmentally Sensitive Habitat Areas.

A number of Coastal Act policies address the protection and enhancement of sensitive habitat areas. Those most applicable to the Torrey Pines Planning Area state in part:

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: [...]

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary....

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed Torrey Pines Community Plan includes a number of goals and policies protective of the native environment, including restrictions on development in lagoons and estuaries, preservation and enhancement of wildlife corridors, and maintenance of buffer areas next to wetlands. However, there are several deficiencies in these policy groups, and several proposed projects which cannot be found consistent with Coastal Act policies as currently proposed.

There are several recommendations in the plan which as proposed would permit construction of roadways and other structures within wetlands and other environmentally sensitive habitat areas, as long as appropriate mitigation is included (p. 29 #10, p. 36 #3, p. 37 #6). However, Section 30233 of the Act, as cited above, allows only a very specific, limited range of project types within wetland areas, and those projects only when they are the least environmentally-damaging alternative. If those criteria are met, then mitigation measures must be provided. As proposed, the plan does not restrict the types of development permitted to impact wetland resources, and does not assure that all feasible less-damaging alternatives will be examined.

Transportation projects proposed in the plan include the realignment of Sorrento Valley Road, the expansion of the North Torrey Pines Road bridge over

Penasquitos Creek, the expansion of North Torrey Pines Road, improvements to Carmel Valley Road including a bicycle/pedestrian pathway, and the extension of Vista Sorrento Parkway. Sorrento Valley Road begins at Carmel Valley Road and runs southward from there, entering the Sorrento Valley industrial community, then terminating in an underpass beneath I-805. There the road turns eastward and is renamed Mira Mesa Boulevard. The southern portion of Sorrento Valley Road, which runs through the developed industrial area, has been widened to a four-lane road; however, the northern part between Carmel Mountain Road and Carmel Valley Road remains a two-lane winding road, with no parking lanes, bicycle lanes, or sidewalks, wedged between the eastern perimeter of Los Penasquitos Lagoon and the western edge of the I-5 right-of-way. The City proposes to upgrade the road to meet current engineering standards by removing the deep "S" curves of the existing Sorrento Valley Road, flattening the gradient, and widening the road to provide two 12-foot wide travel lanes, one in each direction, 8-foot wide bike/emergency parking lanes along both sides of the roadway, a 4-foot wide median and a 5-foot wide sidewalk along the west side of the road. The proposed roadway would have a minimum design speed of 55 miles per hour. The City has indicated that the objectives of the road improvements are to meet the City's minimum design standards for a two-lane major street, and to improve safety conditions on the roadway.

The potential realignment of Sorrento Valley Road has been under study for many years. The North City LCP Land Use Plan, which supplements the original 1975 Torrey Pines Community Plan, was drafted in 1981, and subsequent modifications were approved by the Coastal Commission in 1985 and again in 1987. Sorrento Valley Road is referred to in the 1981 plan (within the Torrey Pines subsection of that document) with the following language:

> "Widening or relocation of roads on the Lagoon perimeter should not encroach into the Lagoon. Plans for improvement of Carmel Valley Road and relocation of Sorrento Valley Road should be carefully and selectively adjusted to prevent filling or disturbance of Lagoon habitats."

The 1985 revisions to that plan also address Sorrento Valley Road. The statements conflict somewhat with the preceeding language, but do not rescind or supercede it. The 1985 plan revisions state:

> "relocation of Sorrento Valley Road ... shall consider the use of piers or pilings for support in wetlands ... However, if ... demonstrated to be economically infeasible, then the minimum amount of earthen fill necessary for ... Sorrento Valley Road relocation may be placed in such areas provided the applicant has committed ... to the restoration and enhancement program required [in previous sections and subsequent EIRs] ... Any fill associated with the relocation of Sorrento Valley Road shall be consistent with the provisions of the Lagoon Restoration and Enhancement Plan required [in previous sections] and shall not involve significant unmitigated impacts upon the Lagoon."

The current proposed Torrey Pines Community Plan states in part:

> "The realignment project will minimize encroachment and other impacts to Los Penasquitos Lagoon...Mitigation for impacts to the lagoon must include restoration and enhancement of all areas previously disturbed by activities associated with the construction and operation of Sorrento Valley Road..."

Since the Lagoon is located to the immediate west of the existing Sorrento Valley Road alignment, and the I-5 right-of-way is very close along the eastern side of the road, the bulk of any realignment or additional travel lanes will encroach into Los Penasquitos Lagoon, which is one of the nineteen wetlands afforded special protection under the Coastal Act. Conceptual plans contained in the Draft Environmental Impact Report for the Sorrento Valley Road Realignment indicate the project would result in direct permanent lagoon impacts of at least 2.18 acres, affecting a number of existing forms of wetland and riparian plant communities including salt marsh, brackish marsh, freshwater marsh, willow woodland, and mulefat scrub. Approximately 2.39 acres of existing coastal sage scrub community would be impacted by the project. Included in these impacts would be the habitat created for mitigation for the pump station located at the northern end of Sorrento Valley Road. Habitat which would be disturbed in this area includes willow woodland, mulefat scrub, brackish marsh, salt marsh and coastal sage scrub.

In addition to the Coastal Act protections referenced previously, the Lagoon is further protected by the City's own Sensitive Coastal Resource (SCR) Overlay Zone, which is part of the City's certified LCP implementation package. This overlay maps all wetland areas within the City's coastal zone, and also provides for a 100-foot buffer around each wetland. In the case of Sorrento Valley Road, the SCR mapping indicates that either the wetland itself, or the buffer, extends right to the existing roadway along much of its distance between Carmel Valley Road and Carmel Mountain Road. In areas, the buffer actually extends across portions of the existing roadbed. Under the terms of the SCR Overlay Zone, no development is to occur within the wetland itself, with the exception of aquaculture, nature study, wetland restoration, similar resource-dependent uses, and incidental public service projects. In the case of these activities, these may occur only if they are shown to be the least environmentally-damaging alternative and adequate mitigation is proposed. Within the buffer area, only access paths, fences or other improvements necessary to protect wetlands may occur.

The current design would result in considerably less habitat impact than previous plans had shown. It is possible that straightening the southern portion of the road (eliminating one curve of the "S-curve") could be found consistent with Section 30233 and other policies of the Coastal Act, as that would have little or no wetland impacts, and depending upon the approach to the mitigation of the coastal sage scrub impacts. At this point, the location, type, and amount of mitigation has not been approved by the resource agencies. However, it appears that, for the most part, the proposed mitigation ratios are comparable to those approved in the past. Nevertheless, the City of San Diego has not yet demonstrated conclusively that the widening and realignment of Sorrento Valley Road is absolutely necessary, from a traffic volume and safety perspective, when considered in conjunction with additional road improvements proposed in the Community Plan, potential further improvements of other roadways in the regional traffic system, and alternative designs.

Before the Commission can accept any impact to significant biological resources, it must be clear that there are no feasible alternatives. Because

of the inevitability of significant lagoon impacts, the Coastal Commission staff has for many years given the City direction that all possible alternatives should be exhausted before any proposal to widen Sorrento Valley Road can be considered. It is anticipated that other proposed road improvements may alleviate the need to modify Sorrento Valley Road. The completion of Carmel Mountain Road under I-5 to tie in with a widened and extended El Camino Real should greatly relieve the current traffic situation on Sorrento Valley Road, along with some form of road widening project along the I-5/I-805 corridor, and road improvements in Carmel Valley. A number of proposals contained in the proposed Community Plan, once presented in an approvable form, could also reduce or eliminate the need for the widening and realignment of Sorrento Valley Road, including improving Carmel Mountain Road, extending Vista Sorrento Parkway, and installing the Carmel Mountain Road/I-5 interchange. In addition to these, the recently implemented commuter rail along the I-5 corridor and future light rail north/south alignments, could improve traffic congestion.

Commission staff had previously asked the City to examine the impact on traffic congestion on Sorrento Valley Road anticipated when these various road improvements are completed. The Draft EIR for the project contains a traffic study which projects the future traffic volumes expected on street segments and intersections in the Sorrento Valley Road area. The study makes several assumptions regarding future road conditions in the area, including the reconfiguration of and widening of El Camino Real, the extension of Carmel Valley Road as a six-lane arterial with a diamond interchange at I-5, and the extension of Carmel Creek Road to Carmel Mountain Road with a diamond interchange at I-5.

The extension of Vista Sorrento Parkway (Street A) is not specifically mentioned in the Draft EIR as part of the traffic modeling assumptions, and it is unclear whether the completion of this road has been factored into the modeling data. This is an important point, as the extension of Vista Sorrento Parkway, combined with the improvements to El Camino Real, will provide a major alternative north/south link to Sorrento Valley Road. As recently as March, 1995, the Commission approved the extension of Vista Sorrento Parkway, finding that the extension would provide an alternative route for commuters in Sorrento Valley to make their way north without having to utilize Sorrento Valley Road, and thus significantly reduce the pressure to widen Sorrento Valley Road.

In any case, the traffic study projected the future daily traffic volumes and street segment operations, and peak hour intersection operations for the year 2010 both with the proposed improvements to Sorrento Valley Road and without them. The study determined that the Level of Service (LOS) on Sorrento Valley Road would be "D" with the improvements, and "F" without them. With the proposed improvements, the intersection of Sorrento Valley Road and Carmel Valley Road would have a morning peak hour delay of approximately 31 seconds, and an evening peak hour delay of approximately 19 seconds. Without the proposed improvements, the study estimates the intersection will have a morning peak hour delay of approximately 54 seconds, and an evening peak hour delay of 34 seconds. In other words, in the year 2010, if the proposed improvements to Sorrento Valley Road are not constructed, morning commuters

will have to wait 23 seconds longer at the Sorrento Valley Road/Carmel Valley Road intersection, and evening commuters will have to wait an additional 15 seconds.

The additional traffic congestion which is projected to result if the the proposed improvements are not constructed does not appear to be significant. Yet even these slight decreases in the level of service are not necessarily inevitable. Computer modeling of traffic patterns is a useful planning tool; however, the numbers projected are only estimates. Completion of the Carmel Mountain Road interchange, the extension of Vista Sorrento Parkway and the improvements to El Camino Real will provide a meaningful alternate route to Sorrento Valley. Interstate 5 and State Route 56 are currently being widened, which should also reduce pressure on Sorrento Valley Road. Before the direct, permanent impacts to the sensitive resources of the lagoon are to be seriously considered, these adjacent road projects should be completed and studied to determine if in fact the improvements to Sorrento Valley Road are still warranted. Commuters may determine that El Camino Real is a preferable alternative. Even the abandonment of Sorrento Valley Road, which was rejected due to the impact expected to adjacent roadways, could become feasible after the completion of these and other alternative transportation links. In any case, re-phasing the order these road improvements are constructed to place the improvements to Sorrento Valley last, at the very least provides the opportunity to make a future determination that the improvements are still required.

As far as safety concerns on the existing road, the City has provided accident statistics for a four-year period from 1989 to 1993 for the segment of Sorrento Valley Road from Carmel Valley Road to Carmel Mountain Road. During these four years, there were 26 accidents reported, 14 of which resulted in injuries, and one which resulted in a fatality. The top three most frequent accidents, comprising approximately 70% of the total, were: 1) head on/center line cross-over; 2) run-off road and 3) right-angle. The proposed realignment would not address the frequency of right-angle collisions, which occur exclusively within intersections. However, the improvements are expected to reduce the number of other types of accidents, as straightening the reversing curves would provide greater sight distances for drivers and the median would provide separation between the opposing traffic flows. The provision of bicycle and pedestrian facilities would separate vehicles, bicycles, and pedestrians, thus reducing the potential for conflicts between these modes of travel.

The Commission is sensitive to the issue of road safety on Sorrento Valley Road. Although accident rates for the existing road are available, the City has not been able to provide accident statistics for a road segment without an "S"-curve, with the same standards and improvements as proposed for Sorrento Valley Road, to determine if the rate of accidents on the existing road can be expected to decrease if the improvements are constructed. Staff had previously suggested that installation of a median and guard rails, without the proposed realignment, bike lanes and pedestrian path, would increase the level of safety on the road. The City examined a "Safety Features" alternative in the Draft EIR, and rejected it because it would not address the reversing curves, it would not necessarily increase the factor of safety for

pedestrians, and would not address the traffic congestion concerns. However, the City did not look at the safety features alternative in the context of other safety improvements, such as a reduction in the posted traffic speed, which would likely reduce all types of accidents on the road. The proposed project does provide for a variety of safety improvements. But it also involves increasing the design speed of the road to a minimum of 55 miles per hour. Alternatively, installation of safety devices combined with a reduction in speeds on the road, would result in an increased factor of safety for cars, bicycles, and pedestrians, without impacting the adjacent wetlands.

The City has examined a variety of design alternatives relating to various right-of-ways widths and realignments; however, in general, where these concepts are touched upon in the Draft EIR, they are rejected because they would not increase the Level of Service on the existing Sorrento Valley Road alignment. Yet as noted above, even in the year 2010, the greatest delays to commuters resulting from abandonment of the proposed project is expected to be no more than 23 seconds. Thus, it is all the more critical that all other alternatives to the proposed realignment be examined. Other alternatives include increasing enforcement of appropriate speed limits for existing road conditions and/or safety conditions on the road; instituting building limits in Sorrento Valley tied to trip generation or potentially retiring development rights on the remaining vacant properties in the valley; and reconsidering and promoting an alternate package of road improvements to address peak hour congestion.

A proposed Sorrento Valley Road improvement project that involved a combination of alternatives designed to meet the goals of increased public safety, avoiding impacts to sensitive habitat, and achieving improvements in traffic conditions could potentially be considered an incidential public service purpose under Section 30233, if the impacts were strictly limited, the project was the least environmentally damaging feasible alternative, and adequate mitigation were provided. However, as proposed in the plan, the benefits the proposed project would have on traffic congestion appear to be minimal, while the impacts to the lagoon remain substantial. The safety concerns associated with the road can be addressed through measures which will not result in impacts to the lagoon or upland sensitive habitat. Therefore, as it is not at all clear that the proposed realignment is an incidential public service purpose, or the least environmentally-damaging feasible alternative, the Commission finds that the plan cannot be found consistent with the resource protection policies of Chapter 3 of the Act.

Another transportation project proposed is the addition of lanes to North Torrey Pines Road, and reconstruction of the North Torrey Pines Road bridge. It appears the lane addition would not impact any sensitive resources. However, the City of San Diego's jurisdiction only extends to the middle of the railroad bridge south of the intersection of North Torrey Pines Road and Carmel Valley Road. Therefore, only the City of Del Mar has the ability to add another lane over the bridge, extending up to or through this intersection. Although it appears logical to support increased access and enhanced traffic circulation in and around the Torrey Pines State Beach facility, any improvements north of the City of San Diego's jurisdiction is within the purview of another jurisdiction--the City of Del Mar. Therefore, subject to Del Mar's decision, it is inappropriate to include plan policies for its planning area and city limits.

The bridge project involves entirely replacing the existing North Torrey Pines Road bridge, which is structurally and seismically deficient. Construction of the bridge would result in approximately .03 acres of impacts to freshwater marsh vegetation located within Los Penasquitos Creek. However, design specifications had not yet been developed at the time the proposed plan was written; thus the amount of environmental impacts are not specified in the plan, nor is any mitigation included.

Also proposed are improvements to Carmel Valley Road, including construction of a parking lane and a bicycle/pedestrian pathway along the south side of the road. The project is also in the earliest planning stages, and no specific details on the design or impact of the project is available. It appears that the road improvements can be constructed without requiring wetland fill. However, as currently proposed, the plan does not prohibit wetland fill from occurring. In addition, portions of the bicycle/pedestrian pathway as proposed are designed to extend over and into the lagoon, which would involve wetland fill. Without more specific data on impacts and alternatives, it is unclear whether or not the road improvements or the bicycle/pedestrian pathway projects could be permitted under the Coastal Act; if not, their inclusion in the master plan is inappropriate without the assurance that no impacts to wetlands will occur. In addition, the plan does not provide for any type of a buffer between the pathway and the lagoon. Although the Commission has supported reduced wetland buffers for such kinds of public access and nature study facilities, and it has even endorsed boardwalks within <u>manmade</u> wetlands, without an assurance that no direct fill will take place, and that some type of buffer will be provided, the Commission must find some of the preceeding proposals inconsistent with the various cited policies of the Act.

The extension of Vista Sorrento Parkway, referred to as Street "A", raises concerns with all cited Coastal Act policies. First and foremost is the question of whether or not the proposed public street is an allowable use in wetlands, since the road's construction requires .2 acres (approximately 8,000 sq.ft.) of fill in both alkali marsh and .1 acres (approximately 4,000 sq.ft.) of fill in freshwater marsh habitats. This street was recently reviewed and approved by the Commission (March, 1995) with suggested modifications regarding the required mitigation. The staff report and findings for this project, (SDLCPA 1-95) are hereby incorporated by reference. These modifications have not been included in the proposed plan, although the street is located within the Torrey Pines Community Planning Area. Without the mitigation plan, the extension of Street "A" cannot be found consistent with Section 30233 of the Coastal Act, as new roads which involve wetland impacts cannot be found an allowable use under the provisions of that section of the Act without sufficient mitigation and substantial off-setting public benefits.

Other instances in which the proposed plan language is insufficiently specific to provide protection to environmentally sensitive habitat areas include the lack of criteria for development in the floodplain fringes of San Dieguito River and Sorrento Valley, requirements for revegetation and erosion control programs, protection for sensitive local species such as Torrey Pine trees, and requirements that development take place consistent with the statewide Natural Communities Conservation Planning (NCCP) Program. The plan also does not clearly prohibit the removal of vegetation within sensitive resource areas.

2. Shoreline Areas/Public Access

The following Chapter 3 policies of the Coastal Act addressing access to the coast are most applicable to the Torrey Pines Community Plan:

Section 30210

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

> Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5

> Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252

> The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service... (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Many of the policies proposed in the Torrey Pines Community Plan are consistent with these cited public access policies of the Coastal Act. Among them are the intent to provide pedestrian/bicycle linkages between open space areas, plans to improve rail and bus transit, and proposals to develop additional bikeways (although the Carmel Valley Road bikeway cannot be found consistent as proposed).

However, the Community Plan fails to provide sufficient specificity with regard to the provision of adequate parking facilities. One method of ensuring public access opportunities to the coast is through the provision of adequate parking in conjunction with new development. Although the Plan contains policies that require the provision of off-street parking in conjunction with new development, it does not provide the assurance that parking ratios will be utilized such that no adverse impacts on public access would occur. The statement that all required parking shall be accommodated

on-site is not sufficient. The Commission has required in previous LCP actions that detailed criteria or even specific parking standards be included within the LUP to assure that not only parking be provided with new development, but that the amount of parking provided is sufficient to ensure no adverse impacts on public access would result (ref. City of Del Mar LUP). As such, without comparable specificity in the submitted LUP, the Commission cannot be assured that adequate on-site parking would be provided with new development, inconsistent with Section 30252 of the Coastal Act.

3. Water and Marine Resources

A number of Coastal Act policies address the protection and enhancement of water quality and sensitive water habitats. Those most applicable to the Torrey Pines Planning Area state:

Section 30230

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

One of the most common threats to marine resources in urban and developing areas is from increased sediments in the water from erosion, grading, and unstabilized fill sites. Grading on steep slopes presents several major concerns including the increased likelihood of onsite and offsite erosion, increased runoff, increased downstream sedimentation, and visual impacts. The proposed Torrey Pines Community Plan contains a number of policies relating to grading, erosion, and water quality. These policies require, among other things, that applicants prepare grading plans that incorporate runoff and erosion control, install sediment basins, and provide documentation of a site's erosion control procedures for heavy rains. Appendix E of the plan also sets forth specific encroachment allowances onto slopes 25 percent grade and over.

However, the proposed Plan does not include a requirement for monthly documentation of erosion control procedures during the rainy season, nor does

it include the penalties for non-compliance with these requirements--specifically, suspension of the permit during the rainy season. While these additional requirements still apply through the North City LCP and subsequent amendments, it cannot be assured that they will receive the same attention and priority that they will if specifically included in the Community Plan. In addition, with regard to steep slopes, "encroachment" is never defined. Without a specific definition, encroachment could potentially be defined too narrowly, and not include, for instance, the clearing of vegetation. Given the biological significance of Los Penasquitos and San Dieguito Lagoons, and the concern over the sediment impacts from development within their watershed, the Commission finds that including these strict grading requirements, with specific monitoring requirements and penalties associated with non-compliance, is necessary in order to adequately protect the lagoon waters consistent with Sections 30230 and 30231.

4. Coastal Visual Resources and Special Communities

Section 30251

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. [...]

Several of the policies in the proposed Community Plan address the protection of scenic coastal areas and the alteration of natural landforms. Significant scenic resource areas have been designated and rezoned to remain open space, visual buffers for development adjacent to the Torrey Pines Reserve Extension area are required, and residential development is recommended to be compatible with adjacent natural open space areas. However, the plan does not specifically require visual buffers adjacent to other significant scenic resource areas equally worthy of protection, including the San Dieguito Lagoon and Crest Canyon. In addition, the policies do not require new development to be visually compatible with adjacent open space, nor do they provide clear and objective criteria defining compatibility. Torrey Pine trees, an important aspect of the community's character, are recommended for preservation in public areas, but no protection is afforded trees on private land. Scenic routes are defined, but no additional protection, such as visual screening of new development adjacent to the routes, is provided. Therefore, the Plan as proposed cannot be found consistent with Chapter 3 policies of the Coastal Act.

5. Locating and Planning New Development.

Section 30250

> (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in

> other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources...

Government Code §65915 requires local governments to provide residential density increases to developers who agree to develop low-income and senior housing. The statute requires that local governments grant a density bonus of "at least 25 percent" to developers who agree to make a specified percentage of new units affordable to low income or senior households. Government Code §65915(b) also requires local governments to grant at least one other incentive, in addition to the density bonus, unless the local government finds that the additional incentive is not necessary to allow for affordable housing.

The Torrey Pines Community Plan addresses the requirements of Government Code §65915 by stating that a density increase of up to 25 percent is available to developers who agree to rent units to low income households for 20 years. The Plan also allows a density increase of 50 percent for developers who agree to rent all units to senior citizens or physically impaired persons for the life of the project. The Plan does not indicate how density increases will be applied consistent with policies of Chapter 3 of the Coastal Act. As a result, the Plan allows for application of density increases and incentives in a manner that does not conform with the policies of Chapter 3 of the Coastal Act. For example, the density bonus policy of the Plan could be interpreted as allowing otherwise prohibited fill of a wetlands for purposes of accommodating a 25 percent increase in residential density.

To conform with the Coastal Act, an LCP must contain provisions that harmonize the requirements of both Government Code §65915 and the Coastal Act. Harmonization of the two statutes is achieved by provisions that give effect to the mandatory provisions of Government Code §65915, while implementing all discretionary provisions of Government Code §65915 in a manner that also conforms with Chapter 3 policies.

The mandatory provisions of Government Code §65915(b) are: (1) the requirement that local governments grant a density increase of 25% to developers who agree to make specified percentages of new units affordable to low income and/or senior households, and (2) the requirement that local governments grant an incentive in addition to the density increase unless the incentive is not necessary to make the housing affordable. Government Code §65915 mandates an increase in density of 25% but does not require a density increase beyond 25%. Further, the Government Code does not specify how the 25% density bonus is to be accommodated. Accordingly, how the increase is accommodated and whether to provide an increase beyond 25% are within local government's discretion. Therefore, under the Coastal Act, local coastal programs must insure that if there are means of accommodating the 25% density bonus without creating inconsistencies with the policies and development standards of the certified local coastal program, those means shall be used. Coastal resources can be adversely affected only when it is impossible to accommodate the density increase without such impacts. In those situations, the density increase must be accommodated by those means that are the most protective of significant coastal resources. For example, if the density bonus can be accommodated only by either increasing building heights thereby

reducing public views to the ocean, or filling wetlands, the increase must be accommodated by the height increase, since that will be most protective of significant coastal resources. If relief from more than one standard is necessary to accommodate the 25% density bonus, the LCP may provide for such relief.

Similarly, LCPs must insure that density increases beyond 25% will not occur unless it can be demonstrated that the increase will not result in inconsistency (or inconsistency beyond that created by accommodation of a 25% density bonus) with the policies and development standards of the certified local coastal program. Thus, a land use plan could specify subregions where there are means of accommodating a density increase beyond 25% that will not adversely affect coastal resources. A land use plan could provide that in those subregions, the discretion to provide a density bonus beyond 25% could be exercised without reducing protection of coastal resources.

Government Code §65915(f) requires the increase in density granted to a developer be 25% over the "maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan." Many local government general plans and ordinances address residential densities by identifying both a density range that indicates the approximate density for an area, as well as a list of the development standards and other factors (e.g., setbacks, heights, yard size, proximity to circulation element roads, etc.) that will be applied to determine the maximum density that will be allowed on any particular site within the area. The Government Code requires that the 25% density increase be applied to the density that will be the maximum allowed under the general plan and zoning ordinances. Therefore, the base density to which the density bonus will be applied is the density that would be identified after application of both the density range for an area and the factors applicable to the developer's particular site.

Government Code §65915(b) requires local governments to provide not only a density bonus but also "at least one of the concessions or incentives identified in [§ 65915(h)]" unless the local government finds that the additional concession or incentive is not required to provide for affordable housing. Thus, the provision of at least one incentive is mandatory unless the local government finds that the additional incentive is unnecessary. However, Government Code §65915 does not require local governments to provide more than one incentive in addition to the density bonus. Further, it does not indicate how a local government is to choose which incentive to provide. Therefore, whether to award more than one incentive and which incentive to award are discretionary under the Government Code.

Therefore, under the Coastal Act, LCPs may not provide for more than one incentive unless it can be demonstrated that the grant of additional incentives will not result in inconsistencies with the policies and development standards of the certified local coastal program. Similarly, in applying the one incentive, LCPs must insure that if there are incentives that will encourage development of low income or senior housing without adversely affecting coastal resources, those incentives will be used. If all possible incentives will have an adverse effect on coastal resources, the LCP must provide for use of the incentive that is the most protective of significant coastal resources.

For example, if the potential incentives are: (1) a reduction in parking standards that may impede coastal access, and (2) allowing otherwise impermissible fill of wetlands, the first incentive should be awarded, rather than the second, since the Coastal Act places greater restrictions upon the filling of wetlands. LCPs should either rank incentives in terms of impacts on coastal resources or identify criteria or a process for determining which incentives will be used. This will insure that incentives that impose either no burden or lesser burdens will be granted instead of incentives that impose a greater burden on coastal resources.

Because the Torrey Pines Community Plan fails to include provisions that insure that density bonus requirements will be harmonized with requirements of the Coastal Act in the above-described manner, the Commission finds that this policy group does not conform with the policies of Chapter 3 of the Coastal Act. A more detailed discussion of the relationship between the Coastal Act's housing provisions and Government Code §65915 is set forth in the memorandum to Coastal Commissioners from Ralph Faust, Chief Council, Dorothy Dickey and Amy Roach, dated October 10, 1995, which is hereby incorporated by reference. A copy of the memorandum is attached.

6. Recreation and Visitor-Serving Commercial

A number of Coastal Act policies address the provision of recreation and visitor-serving facilities. Some of the ones most applicable to the Torrey Pines Community Planning Area include:

Section 30213

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30223

> Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

This policy group, as submitted, largely conforms with the applicable Chapter 3 policies of the Coastal Act. As discussed above under Shoreline Access, the plan contains several policies addressing recreational facilities such as bicycle and pedestrian pathways. Only a limited amount of visitor-serving commercial exists in the Torrey Pines area. Policies addressing visitor-serving and commercial recreation in the existing plan include maintaining the commercial recreation development at the southwest corner of

I-5 at Via de la Valle as visitor-serving commercial recreation, and encouraging the development of more motels and restaurants in the Torrey Pines area, as long as conflicts between existing uses are avoided (policies located in existing North City LCP). Other demand for visitor-serving commercial is being provided by commercial centers to the east within Carmel Valley where new development has been occurring.

The proposed plan redesignates a small, approximately 4-acre area south of Del Mar Heights from Visitor and Freeway Oriented to Medium Residential to reflect the actual development which has already occurred on the site. However, the multi-family residential development on the site has been used in the past and is currently used for short- and long-term rental facilities, in addition to typical residential uses. As there are few visitor-serving facilities in the planning area, this area should be specifically protected and maintained for visitor-serving commercial uses, by retaining a visitor-oriented designation.

In addition, the plan maintains an approximately 14-acre portion of land, immediately adjacent to the designated commercial recreation area south of Via de la Valle, in an open space designation. This area is currently developed with relatively low-intensity commercial recreation facilities such as an RV park, tennis courts, a miniature golf course, a driving range pro-shop and a clubhouse. Given the lack of visitor-serving commercial facilities in the area, it would be inappropriate and inaccurate to maintain this existing, long-standing visitor-serving commercial use in an open space designation. Thus, the Community Plan policies do not adequately address the provisions of recreational and visitor-serving facilities, and the Commission finds the policy group inconsistent with the applicable portions of the Coastal Act.

PART V. FINDINGS FOR APPROVAL OF THE TORREY PINES COMMUNITY PLAN, IF MODIFIED

A. SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The City has done a commendable job in preparing the update of the Torrey Pines Community Plan. The vast majority of the goals and policies contained in the document, in combination with the existing North City LCP (which is to remain in effect) are in conformance with the Coastal Act and provide a high level of protection for the coastal environment. However, as with all the City's land use plans for coastal zone communities, the Coastal Act requires a far greater level of specificity then does general planning practice, since the land use plan is the standard by which implementation ordinances are judged. For instance, the Torrey Pines Community Plan contains no parking standards for development. While the City would rely on the existing Off-Street Parking Ordinance to regulate this issue, should the City propose to modify the parking standards in the Off-Street Parking Ordinance, with no underlying requirements in the certified land use plans, the Commission would be obligated to approve such changes, even if parking were totally eliminated. This is because an ordinance with no specific parking requirement is "consistent with and adequate to carry out" a land use plan with no parking requirement. This is just one example of the concerns raised in the submitted Community Plan. Other concerns include a lack of strictly defined environmental and visual protection policies.

However, the Commission finds that the proposed LCP amendment for the Torrey Pines Community Plan is approvable, if modified in such a fashion as to include policies adequately protecting existing public access, water resources and quality, environmentally sensitive habitat, residential density, visual quality and recreational resources. The proposed suggested modifications to the LUP have been drafted with these purposes in mind.

Suggested modifications provide additional protection for wetlands and other sensitive resource areas. In particular, several modifications require proposed transportation projects to undergo future review when design specifications and environmental impacts have been determined. Mitigation options for a previously approved road (the extension of Vista Sorrento Parkway) have been added. Allowable uses in wetland areas are also defined in the suggested modifications. Many of the policies in the plan relating to the protection of coastal resources are contained in Appendix E of the Plan, and a number of modifications involve directing the reader to those policies and emphasizing that they pertain to all development located within the Coastal Zone. As the North City LCP-Land Use Plan and subsequent amendments remain in full force and effort, suggested modifications have been added noting this fact, to ensure the policies contained in those documents continue to be enforced. However, the current amendment is the ruling document, should any conflicts between this amendment and the previously approved plans occur.

Other suggested modifications address the provision of adequate on-site parking, provide additional protection for visual resources, eliminate a reference to proposed development outside the planning area, ensure the protection of existing commercial recreation facilities and provide parameters for the granting of density bonuses. These modifications are addressed in detail below. Therefore, the Commission finds that the proposed local coastal program amendment is, subject to the suggested modifications, consistent with all previously-cited sections of the Act. Furthermore, the Commission finds the amendment, as recommended for modification, would be consistent with applicable Chapter 3 policies to the extent necessary to achieve the statewide goals as set forth in Section 30001.5 of the Act.

1. Environmentally Sensitive Habitat Areas.

As noted previously, the proposed Torrey Pines Community Plan includes a number of goals and policies protective of the native environment, including restrictions on development in lagoons and estuaries, preservation and enhancement of wildlife corridors, and maintenance of buffer areas next to wetlands. However, as currently proposed, the plan would allow the construction of roadways and other structures within wetlands and other existing environmentally sensitive habitat areas as long as mitigation is provided. This is inconsistent with Section 30233, which allows only certain types of very specific projects to impact wetlands, and then only when the projects are the least environmentally-damaging alternative. It is not sufficient to simply require mitigation; each project must undergo a specific analysis to determine if it is a permitted use, all alternatives have been examined, and, if impacts are unavoidable, that sufficient mitigation will be provided.

Until this analysis has been performed, all projects, public and private, must be designed to avoid impacts to wetlands and wetlands buffers. Suggested modifications require that the construction of or improvements to roadways or other permanent structures avoid biologically sensitive areas, and not encroach within the wetland area of the lagoons. Suggested modifications were specifically not made to Policy #1, page 35, under Los Penasquitos Lagoon, which states that "the development of new public facilities and utility projects that traverse or impact Los Penasquitos Lagoon should...be designed to minimize or eliminate impacts to the lagoon. Mitigation for these projects should include restoration and enhancement to the lagoon." It is assumed that this policy refers to projects such as the pump station, and does not include road projects, which must each individually undergo the above described analysis and were separately addressed by another policy and specific proposals.

Related to these modifications, a number of policies in the plan addressing resource protection lack the specificity and level of detail required in a Land Use Plan. Thus, specific language has been added to Appendix E of the plan outlining exactly what uses are permitted within a wetland, the need to consult with resource agencies, and the requirement for consistency with multi-species plan efforts. In this way, the plan clearly permits only that development consistent with Section 30233. Other modifications address precise development standards for development in the floodplain fringe of Sorrento Valley and the San Dieguito River, and adjacent to designated environmentally sensitive open space areas such as San Dieguito Lagoon, Crest Canyon, the Carroll Canyon Wetlands/Wildlife Corridor, and the Torrey Pines State Reserve Extension. Only through including these explicit development standards can the policies of the plan be found consistent with the sensitive resource policies of the Coastal Act.

Suggested modifications have also been made to the City's proposals to construct several specific road improvements including the widening of North Torrey Pines Road, Carmel Valley Road, Sorrento Valley Road and Vista Sorrento Parkway. As proposed, the Sorrento Valley Road realignment and the extension of Vista Sorrento Parkway would involve impacts to wetlands. Unless those developments can show that they are a permitted use in a wetland, that the project is necessary, that all alternatives have been examined and sufficient mitigation for any unavoidable impacts will be provided, impacts to wetlands cannot be be found consistent with the Coastal Act. Some of the the Carmel Valley Road improvements, could involve wetland fill. Therefore, suggested modifications have been added requiring that no wetland fill or significant resource damage result from the North Torrey Pines Road expansion and the Carmel Valley improvements. In this context, wetland fill refers not only to direct placement of structures within the wetland area, but shading impacts, or alterations of drainage patterns, or any direct impact to wetlands resulting from the construction of boardwalks or other cantilevered structures.

In addition, language has been added requiring that a buffer be provided between the lagoon and the proposed bicycle/pedestrian pathway along Carmel Valley Road. There is currently little public access to and around the lagoon in this area, and construction of a bicycle/pedestrian pathway could provide

enhanced viewing and recreational opportunities, as long as the pathway does not involve wetland fill, and a buffer between the path and lagoon is provided. Given the need for access opportunities and the presence of an existing developed roadway adjacent to the lagoon, a reduced buffer between the pathway and the wetlands may be appropriate in this particular case. However, although the buffer might be minimal in some places, suggested modifications require that the width of the buffer be determined through consultation with the resource agencies, to ensure that in no case will the pathway have a significant adverse impact on lagoon resources.

With regard to the Sorrento Valley Road realignment, conceptual plans indicate that the project would result in direct permanent lagoon impacts of at least 2.18 acres, including recently restored habitat created as mitigation for the previously approved pump station located at the northern end of Sorrento Valley Road. The impacts would affect a number of existing forms of wetland and riparian plant communities including salt marsh, freshwater marsh, willow woodland, mulefat scrub, brackish marsh, salt marsh and coastal sage scrub. Approximately 2.39 acres of existing coastal sage scrub community would be impacted by the project. Since the lagoon is located to the immediate west of much of the existing Sorrento Valley Road alignment, and the I-5 right-of-way is very close along the eastern side of the road, essentially any attempts to straighten the alignment and/or add travel lanes will encroach into Los Penasquitos Lagoon, which is one of the nineteen wetlands afforded special protection under the Coastal Act. Although the Draft EIR has been released, the Final EIR and responses to comments are not yet complete; therefore, the resource agencies' evaluations of the location, type, and amount of mitigation are not available. However, the Draft EIR appears to provide for mitigation ratios roughly comparable to those approved in the past.

However, aside from the evaluation of the mitigation program and the EIR, the City of San Diego has not yet demonstrated conclusively that the widening and realignment of Sorrento Valley Road is even necessary, from a traffic volume and safety perspective, when considered in conjunction with additional road improvements proposed in the Community Plan, and potential further improvements of other roadways in the regional traffic system. Because of the inevitability of significant lagoon impacts, the Coastal Commission staff has for many years given the City direction that all possible alternatives should be exhausted before any proposal to widen Sorrento Valley Road can be considered. A number of proposals contained in the proposed Community Plan, once presented in an approvable form, could reduce or eliminate the need for the widening and realignment of Sorrento Valley Road, including improving Carmel Mountain Road, extending Vista Sorrento Parkway, widening State Route 56 and Interstate 5 and installing the Carmel Mountain Road/I-5 interchange. As recently as March, 1995, the Commission approved the extension of Vista Sorrento Parkway finding that the extension would provide an alternative route for commuters in Sorrento Valley to make their way north without having to utilize Sorrento Valley Road, and thus significantly reduce the pressure to widen Sorrento Valley Road.

The Draft EIR does include a traffic analysis predicting future conditions in the Sorrento Valley area based on the assumption that all or most of these improvements have been constructed. However, the study concluded that the

time delay to commuters at the Sorrento Valley Road/Carmel Valley Road which would result from non-implementation of the project is only 23 seconds longer than the wait commuters would experience if the proposed improvements are constructed. Yet this minimal improvement in traffic conditions is used as a justification to reject other alternatives which would increase the factor of safety on Sorrento Valley Road, but would not provide this improvement in traffic circulation. In particular, installation of a median, guard rails, intersection improvements, and a reduction in the posted speed on Sorrento Valley would appear to have the potential of reducing the accident rate on Sorrento Valley road nearly as much as the proposed project, but would have little or no impact on the sensitive lagoon resources. In addition, it may be possible to shift the road improvements to the east, and construct a bicycle/pedestrian path only on the west side of the road. This alternative, combined with the additional safety improvements, would have a positive impact on the safety of bicyclists, pedestrians, and vehicles. Yet this alternative has not been vigorously examined, because it would not meet the City's goal of improving traffic flows on Sorrento Valley Road.

In addition, there are still a number of potentially effective alternatives and combinations of alternatives which have not been examined, including phasing construction of nearby road improvements to occur before the improvements on the Sorrento Valley Road, then monitoring the impact they have on Sorrento Valley Road. Other alternatives include increasing enforcement of appropriate speed limits for existing road conditions and/or safety conditions on the road; instituting building limits in Sorrento Valley tied to trip generation or potentially retiring development rights on the remaining vacant properties in the valley; and reconsidering and promoting an alternate package of road improvements to address peak hour congestion. A broad range of alternatives have been identified herein and they must be rigorously reviewed and rejected before there is justification for this road improvement.

As proposed, the Commission cannot be assured that the road widening, realignment, installation of medians, guardrails, and bicycle/pedestrian paths can be found to be for incidential public purposes, that the proposed design is the least environmentally damaging feasible alternative, or that adequate mitigation would be provided. Therefore, suggested modifications have been made which specifically require that any improvements to Sorrento Valley conform to the requirements of Section 30233, as stated in Appendix E, as herein modified. The specifics of the road alignment project have been deleted, as the project design could change pending finalization of all environmental documents. These modifications will assure that whatever the final design of the project, any impacts to wetlands will be associated with public service purposes, and will be the least environmentally-damanging alternative. Specific mitigation ratios have been included to ensure that adequate mitigation will be provided. Only with the suggested modifications can this element of the plan be found consistent with the resource protection policies of Chapter 3 of the Act.

The reconstruction of the North Torrey Pines Road bridge involves entirely replacing the existing bridge, which is structurally and seismically deficient. The new bridge would have only eight support columns, compared to the 72 existing columns; thus, the project would increase the amount of open

water habitat under the bridge. However, the staging area and grading associated with construction of the bridge would result in approximately .03 acres of temporary impacts to freshwater wetland vegetation located within Los Penasquitos Creek. Approximately .88 acres of sage scrub and .52 acres southern coastal bluff scrub habitat would also be impacted.

The City examined the alternative of constructing a bridge which would completely span the lagoon, thus presumably reducing the impacts to the wetlands. However, this alternative was determined to be infeasible as the soft soils at the project site lack the capacity to resist the foundation loads that an arch bridge spanning the lagoon would require. An arch-style bridge would also not allow adequate vertical clearance under the bridge at the banks of the channel to accommodate earth moving equipment used to remove the buildup of sand at the mouth of the lagoon.

The loss of the 0.88 acres of coastal sage scrub habitat is being addressed as part of the evolving Natural Communities Conservation Plan (NCCP) planning process. This program was established by a state law titled the "Natural Communities Conservation Planning Act of 1991." The NCCP will create a long-term conservation plan for coastal sage scrub upon which the coastal California gnatcatcher relies almost exclusively. This plan will satisfy the requirements of section 4(d) of the federal Endangered Species Act, which allows for incidental "take" of the gnatcatcher. Because the NCCP program includes goals for protection of significant environmentally sensitive habitat areas, the goals of the NCCP and the Coastal Act (Section 30240) are compatible.

The 4(d) rule establishes a program to allow a limited "interim" take of coastal sage scrub until the NCCP is formally adopted. The interim take provision allows the loss of no more than 5% of the coastal sage scrub within a defined subregion with the issuance of an interim habitat loss permit. The subarea within which the project is located has approximately 1,186 acres of coastal sage scrub in its five percent allocation. As of September 1995, approximately 52 acres of this allotment have been taken and an additional 602 acres have been approved but have not been taken, leaving 1,134 acres for further loss. The loss of 0.88 acres of coastal sage scrub which would occur with the proposed project would be well within the limit of the remaining allotment.

As mitigation for the proposed loss, the City has proposed restoring and revegetating all proposed fill slopes, construction zone and staging areas, with a combination of Diegan coastal sage scrub, at a ratio of 2:1 restored to disturbed habitat, and southern coastal bluff scrub, at a ratio of 1:1. Alternatively, the City may contribute monetary funds to the City of San Diego's habitat acquisition fund. A cash contribution would be based on the current value of Diegan coastal sage scrub occupied land in the same geographic area multiplied by the mitigation ratio.

As cited above, Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas be protected and that only those uses dependent on those resources shall be allowed within those areas. Based on this Coastal Act policy, because the replacement of the bridge will directly impact

sensitive resources and the bridge is not a use that is dependent on the habitat, this bridge replacement should not be permitted. However, in this particular case, the habitat impacted (Diegan coastal sage scrub and southern coastal bluff scrub) is included as habitat in the NCCP planning process to preserve varied habitats used by multiple species. As such, it has been found that when taken in the context of planning for an entire region, the loss of the approximately .88 acres of coastal sage scrub is not considered significant, provided the above described mitigation is completed. Therefore, the bridge replacement, in the context of compliance with the NCCP planning process, the mitigation program, and as approved by the applicable resources agencies, would not involve a significant disruption of habitat, consistent with Section 30240 of the Coastal Act.

Given the inadequacy of the existing bridge, the lack of less environmentally-damaging feasible alternatives, and the overall positive impact to the lagoon which will result from the increased tidal exchange, the minor freshwater habitat impacts for the road expansion/bridge replacement can be found consistent with Section 30233 of the Act. Thus, language has been added further specifying the proposed design, and prohibiting any saltmarsh impacts. Suggested modification #26 requires that all new development within the coastal zone be consistent with the NCCP program or obtain an incidental take permit. Thus, with the suggested modifications, this plan element can be found consistent with the applicable provisions of the Coastal Act.

Another transportation project proposed is the addition of lanes to North Torrey Pines Road from Torrey Pines Park Road to Carmel Valley Road. However, the City of San Diego's jurisdiction only extends to the middle of the railroad bridge south of the intersection of North Torrey Pines Road and Carmel Valley Road. Only the City of Del Mar has the ability to add another lane over the bridge, extending to this intersection. It is inappropriate for the City to include areas outside its jurisdiction in its land use plan; therefore, such language has been removed from the plan and additional language has been added clearly indicating that no improvements outside of the City of San Diego can occur without the approval of the City of Del Mar. In no way does the Commission's approval of the proposed Community Plan constitute approval of any improvements outside of San Diego's jurisdiction.

The proposed Vista Sorrento Parkway extension has been previously reviewed and approved with suggested modifications by the Commission through an LCP Amendment to the Sorrento Hills segment of the City of San Diego LCP (March, 1995). However, the extension (known as Street "A") technically falls within the Torrey Pines Community Planning Area. Therefore, suggested modifications regarding the approved mitigation options associated with construction of the road have been added to the proposed plan. As modified, the proposed Street "A" is consistent with the Act. As modified by the revisions proposed herein, the Commission can find the updated community plan will afford the necessary resource protection policies as required by the cited Chapter 3 provisions above.

2. Shoreline Areas/Public Access.

As indicated previously, many of the land uses and improvements proposed in the Torrey Pines Community Plan are consistent with some or all of the previously cited public access policies of the Coastal Act. Unlike most coastal communities, only a small portion of the Torrey Pines Planning Area directly abuts the coast; direct shoreline access is not an issue for the majority of the community. Access to the lagoon and open space areas is addressed in several plan policies, including policies to provide pedestrian/bicycle linkages between open space areas and proposals to develop additional bikeways (although the Carmel Valley Road bikeway cannot be found consistent as proposed). However, even in inland areas, access to the shoreline and open space areas can be adversely impacted if parking and transit plans are not implemented concurrently with new development. The document contains plans to improve rail and bus transit; however, no specific parking requirements are included in the plan.

Therefore, a suggested modification has been added that provides additional detail pertaining to the provision of adequate parking with new development. The proposed language not only specifies that parking be provided in conjunction with new development, but that the amount of required parking be sufficient so as not adversely impact coastal access. This suggested modification further details that parking ratios be utilized in the Zoning Code which would assure that adequate parking is provided so as not to require patrons/employees to utilize parking spaces that should otherwise be available for use by the visiting public. The suggested modification also requires that public beach parking facilities for public access points be maintained and that existing parking reservoirs not be reduced. In this way, the Commission can be assured that existing public parking for designated public beach access points cannot be removed or reduced to accommodate new development. With these suggested modifications, the Commission finds the Shoreline Access/Public Access policy group consistent with Section 30252 of the Coastal Act.

3. Water and Marine Resources

One of the most common threats to marine resources in urban and developing areas is from increased sediments in the water from erosion, grading, and unstabilized fill sites. Grading on steep slopes presents several major concerns including the increased likelihood of onsite and offsite erosion, increased runoff, increased downstream sedimentation, and visual impacts. The proposed Torrey Pines Community Plan contains a number of policies relating to grading, erosion, and water quality. These policies require, among other things, that applicants prepare grading plans that incorporate runoff and erosion control, install sediment basins, and provide documentation of a site's erosion control procedures for heavy rains. In general, these policies provide a high level of protection to downstream marine resources.

However, the plan as proposed omits a number of key requirements, including the requirement for monthly documentation of erosion control procedures during the rainy season, and the penalty of suspension of the permit during the rainy season for non-compliance. As noted in the findings for denial of this policy

group, these requirements are still included in the North City LCP, which remains in effect. But the Community Plan, as the most recently adopted set of policies and guidelines, can be considered the document most applicants will refer to first and foremost. As such, it is important to restate in the Community Plan many of the most protective policies in whole. Without the inclusion of these requirements, the Commission cannot be assured that the required level of protection will be afforded to the lagoon waters of the area. Thus, the suggested modifications explicitly restate the requirements for regular monitoring of erosion control programs, and note the penalty for non-compliance. Thus, water quality and the protection of marine resources can be assured consistent with Sections 30230 and 30231 of the Act.

4. Coastal Visual Resources and Special Communities

The proposed Torrey Pines Community Plan, and the previously approved North City LCP (which will remain in effect) contains a variety of policies relating the protection of visual resources. These include the requirement that residential development blend into adjacent natural open space, provisions for landscaped medians, setbacks and buffers from the Torrey Pines Reserve Extension. Other elements in the existing plan include policies calling for the dwellings near the canyons to be low-profile and blend with the natural terrain, and consideration of views from the lagoon and the freeway corridor in landscape and structure design (contained in the existing North City LCP).

The deficiencies in this section of the plan lie mainly in the policies' lack of specific, objective standards. Suggested modifications include specific language requiring that earthern tones and colors be used for visually prominent development adjacent to natural open space areas. The plan does designate several scenic routes, including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road. However, these routes require a heightened degree of protection if they are to remain visually appealing in the face of encroaching development and redevelopment. Thus, other modifications require new development adjacent to scenic roadways to provide landscape buffers to screen views of the buildings from the road. Further suggested modifications recommend the preservation of all Torrey Pine trees, on both public and private land, with the suggestion that trees which must be removed, be relocated or replaced. This will provide an additional level of protection to a landscaping element which literally defines the Torrey Pines community. Therefore, the Commission finds that the Visual Resources policy group, subject to the suggested modifications, is consistent with Section 30251 of the Coastal Act.

5. Locating and Planning New Development

Without provisions for harmonizing the requirements of the density bonus statute and the Coastal Act, the density bonus provisions of the Plan do not conform with policies of Chapter 3 of the Coastal Act. The Commission has suggested modifications to the Plan that will conform the Plan with the Coastal Act. These suggested modifications harmonize the requirements of the density bonus statute with the Coastal Act. The legal basis supporting these suggested modifications is set forth in the memorandum to Coastal Commissioners from Ralph Faust, Chief Council, Dorothy Dickey and Amy Roach, dated October 10, 1995, which is hereby incorporated by reference.

First, the suggested modifications limit the density bonus for both low income and senior housing to the mandatory 25% density increase. This limit is necessary to insure that only the mandatory provisions of Government Code § 65915 are automatically implemented, while the discretionary provisions of Government Code §65915 are implemented only after taking into account the protection of coastal resources. The modifications indicate that if the City can demonstrate that there are areas that can accommodate density increases beyond 25%, the City may amend the Torrey Pines Community Plan in the future to allow for density increases beyond 25% in those areas. The suggested modifications also revise the Plan's provision regarding the number of years that density bonus projects must be made affordable. The City requested that the Commission make this modification. Since the modification accurately reflects the Government Code Section 65915 requirements (and deletes an inaccurate statement regarding this Section), the Commission is suggesting this modification.

Second, the suggested modifications indicate that the base density upon which the 25% density increase is to be calculated is the maximum allowable density for a particular site under the certified local coastal program policies and ordinances. This modification reflects the requirement of Government Code §65915(f) that the density bonus be applied to the otherwise maximum allowable density under the applicable zoning ordinances and land use element. The Torrey Pines Community Plan in combination with the City of San Diego ordinances set forth various provisions that are applied to determine the maximum allowable density on a particular site. These provisions include the density ranges for various areas of the community, which are identified in the Plan. The provisions also include the development standards set forth in the zoning ordinances. The maximum allowable density of a particular development project is determined by application of all of these provisions, not just the density range specified in the land use plan. Thus, under Government Code §65915(f), the "otherwise maximum allowable residential density under the applicable zoning ordinance and the land use element of the general plan" is the maximum density determined after application of both the density range and the development standards set forth in the zoning ordinance. The suggested modifications are intended to insure that the base density to which the density increase is applied is the maximum allowable under both the land use plan and the zoning ordinances.

Third, the suggested modifications provide that development projects that benefit from the density bonus and incentive requirements are consistent with the applicable policy and development standards to the maximum extent possible. This modification insures both that relief from development standards is granted only as allowed under Government Code §65915 and that the relief granted is that which is most protective of coastal resources. The suggested modifications also require a finding that the development would have been fully consistent with policies and developments standards of the LCP if the development had been proposed without the density bonus. This modification insures that proper base density and the applicable development standards are identified. This enables an understanding of how the density increase was accommodated and how incentives were applied. This modification is consistent with the legal requirement that local governments adopt findings to explain their decisions, and is not intended to require developers to submit two separate plans for a project, one with the density bonus and one without.

Fourth, the suggested modifications provide that the 25% density increase will be accommodated using those means that do not adversely effect coastal resources. If the only means of accommodating the density increase are means that will adversely effect coastal resources, then those means that are the most protective of significant coastal resources will be used to accommodate the density increase. This modification insures that the City will exercise its discretion to determine how to accommodate the 25 percent density increase in a manner that conforms with the policies of Chapter 3 of the Coastal Act.

Fifth, the suggested modifications provide that if an incentive is offered in addition to the density increase, that incentive will not have an adverse effect on coastal resources. If the City determines that there is no feasible, available incentive that will not have an adverse effect on coastal resources but an incentive is necessary to make housing affordable, the City will offer the incentive that is the most protective of significant coastal resources. This modification also indicates that more than one incentive may be granted if there are additional incentives that will not have an adverse effect on coastal resources. The determination of which incentive to grant and whether to grant more than one incentive are within the City's discretion. Thus, these modifications insure that the City will exercise its discretion in a manner that conforms with the policies of Chapter 3 of the Coastal Act. With these modifications, the land use plan harmonizes the requirements of the density bonus statute and complies with requirements of the Coastal Act. Accordingly, if the modifications are adopted the land use plan will conform with the policies of Chapter 3 of the Coastal Act.

In addition, as no categorical exclusion for single-family residences has been adopted by the Commission at this time, an additional suggested modification clarifies that issue. Approval of any proposed categorical exclusion will require separate action on the part of the Commission, as well as independent environmental review. However, as modified above, the Commission finds the Locating and Planning New Development policy group conforms with the Coastal Act.

6. Recreation and Visitor-Serving Commercial

A number of Coastal Act policies address the provision of recreation and visitor-serving facilities. Some of the ones most applicable to the Torrey Pines Community Planning Area include:

Section 30213

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

As discussed previously, the plan as submitted contains several policies addressing recreational facilities such as bicycle and pedestrian pathways. Only a limited amount of visitor-serving commercial exists in the Torrey Pines area. Policies addressing visitor-serving and commercial recreation in the existing plan include maintaining the commercial recreation development at the southwest corner of I-5 at Via de la Valle as visitor-serving commercial recreation, and encouraging the development of more motels and restaurants in the Torrey Pines area, as long as conflicts between existing uses are avoided (policies located in existing North City LCP).

Existing commercial recreation-designated uses on the 10-acre Via de la Valle site include a restaurant, gas station, and hotel. Immediately south of this parcel is a 48-acre parcel, approximately 14 acres of which are currently developed with less-intensive active commercial recreation facilities such as an RV park, tennis courts, a miniature golf course, a driving range pro-shop and a clubhouse. The remaining 34 acres of this 48 acre parcel are undeveloped and used for the field of the driving range and parking during the summer season at the Del Mar Fair and Racetrack. The entire 48-acre parcel, including the commercial facilities, is currently designated for open space, and the proposed plan would maintain this designation. (The proposed plan amendment would rezone the entire parcel from Agriculture (A-1-10) to Open Space--see Implementation, below). Given the lack of visitor-serving commercial facilities in the area, it is inappropriate and inaccurate to designate existing, long-standing visitor-serving commercial uses as open space. The redesignation would result in the existing uses becoming non-conforming uses, making even minor expansions to the existing commercial recreation uses difficult or impossible. Thus, suggested modifications have been added that specifically exclude the currently developed portion of the site, up to the existing sidewalk just north of the driving range, from the open space designation, and include those 14 acres in the commercial recreation designation. The modifications require that the land use plan and commercial use diagrams contained in the plan reflect this modification.

However, the existing commercial uses on the site, such as the driving range, miniature golf course, and RV park are relatively low-intensity uses compared to the more substantial development on the commercial parcel to the north. Since this area is within the 100-year floodplain of the San Dieguito River, and directly adjacent to the open space area of the lagoon, maintaining this low-intensity quality of development is appropriate. Thus, the suggested modifications specifically require that development in this area must be consistent with the existing A-1-10 zoning, and be capable of withstanding periodic flooding. Proposals for new development on the site will still be required to undergo the same review process and requirements at the City level, (e.g., a Conditional Use Permit), as under the current Open Space designation. The suggested modifications do not involve rezoning the area to Commercial Recreation. However, if in the future, the City should propose

rezoning the area, it should be noted that the suggested modifications require that any development in this area be consistent with uses allowed to the A-1-10 zone, and with the site's proximity to the San Dieguito River Valley and Lagoon. Any change to this requirement or the underlying zone would require an amendment to this plan.

In addition, the plan redesignates a 4-acre area at the southwest corner of Del Mar Heights and Via de la Valle from Visitor-Serving Commercial to Medium Density Residential, to reflect the existing multi-family uses on the site. However, the area has traditionally been used for both short- and long-term rental facilities for visitors and tourists. Redesignating the site Medium Residential would not prohibit the renting out of apartment or condominium units, but it could suggest that protection of the visitor-serving commercial facilities are not a high priority in this location. Therefore, suggested modifications require that this area be designated Commercial Recreation, to maintaining the site for visitor-serving commercial uses consistent with the site's proximity to single-family development and visibility from I-5. With these suggested modifications, the Community Plan policies adequately address the provision of recreational and visitor-serving facilities, and the Commission finds the policy group consistent with the applicable portions of the Coastal Act.

PART VI. FINDINGS FOR REJECTION OF THE TORREY PINES LAND USE PLAN IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The amendment request addresses various rezones in the Torrey Pines Community Planning Area. Included are rezonings of specific properties currently zoned A-1-10, A-1-1, R1-40000, R1-20000, R1-10000, R1-6000, R1-5000, and M-1A to the OS-R and OS-OSP zones.

B. GEOGRAPHIC AREAS WHERE CERTIFICATION WILL CONTINUE TO BE DEFERRED

There are two areas where deferred certification will continue to be recommended within the Torrey Pines Community Plan boundaries. These areas are "white-holes" or areas of deferred certification at present. First is any property which falls within the study area of the Los Penasquitos Regional Park. This deferred certification area was created on August 21, 1981 and includes about 600 acres in Los Penasquitos and Lopez Canyons, at the easterly end of Sorrento Valley Boulevard inland of Interstate 5/805. The main reason for its deferred status is the lack of a master plan for this nature preserve and regional park. A draft master plan is undergoing local review but absent its availability at this time, the planning for this unique resource and sensitive parklands is unresolved and the area, or any affected properties, may not be certified.

The second area of deferred certification is the Cal Sorrento Property. It was created on August 27, 1985 and includes about 25 acres located just east of Interstate 5/805 and north of Los Penasquitos Creek. The main issues are protection of a remnant marsh and sensitive hillside areas which comprise

virtually the entire property. Until land use policies are drafted which comply with all the applicable mandates and can be agreed upon by the various resource agencies, local government and property owner, this property may not be fully certified. The previously-certified plan and the current resubmittal do contain a provision addressing the site. However, as alluded to above, the policy fails to comply with Sections 30233 and 30240 of the Coastal Act because it inadequately addresses the preservation of the wetlands and sensitive vegetation on the property. As drafted, the provision only states that any wetland values occurring on the site shall be fully mitigated but it does not identify or justify how any prospective use would conform with the Coastal Act. Therefore, additional work and consultation is needed for this property.

The western edge of the site will be the location for the extension of Vista Sorrento Parkway (also referred to as "Street A") and this road improvement has been site-specifically addressed in the community plan. The Commission has also already endorsed this road extension in a previous action on the Sorrento Hills Community Plan, as it was development from that planning area which necessitated the road improvements. In part, this action will hopefully resolve the wetlands protection issue on the site as the previous Commission action and proposal by the property owner was to convey all of the remaining undisturbed wetlands to public open space.

In summary, there are two areas of the community plan which should remain as areas of deferred certification. They are any affected properties within the Los Penasquitos Regional Park study area and the Cal Sorrento property. Recognizing the need for detailed plans to address the unique resource values on both areas, these properties should remain under Coastal Commission review.

C. FINDINGS FOR REJECTION

Torrey Pines Rezone/OS-R and OS-OSP

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The purpose of the proposed amendment is to rezone a site to allow a different kind of use than that previously certified. It is a companion revision to the Torrey Pines Community Plan update, which assigns a open space land use to a site previously designated for agriculture.

a) Purpose and Intent of the Ordinance. The purpose and intent of the zone is to protect open space for the preservation of natural resources, the managed production of the resources, outdoor recreation and education, public health and safety, controlling urban form and design, and scenic and visual enjoyment.

b) Major Provisions of the Ordinance. The proposed zones are two of three major open space zone classifications used by the City of San Diego. They include provisions for limiting development in areas that have physical features that provide valuable and functional open space, such as parks, historic and cultural resources, and natural resources. The zones are primarily applied to public land indicated for open space and park purposes.

The OS-R zone is applied to all resource-based parks such as sites of distinctive scenic, natural, or cultural features intended for City-wide use. The OS-OSP zone is applied to all City-owned open space parks acquired for the purpose of providing such benefits as scenic vistas, preservation of natural resources, and outdoor recreation potential. Overlay zones including Hillside Review and Floodplain Fringe also apply to a number of the rezones.

c) Adequacy of the Ordinance to Implement the Certified LUP Segment. The proposed ordinance amendment does not modify the ordinance itself in any way, but only applies the zoning to additional areas of the Torrey Pines community. Approximately 500 acres of environmentally sensitive property will be rezoned from agriculture, residential and industrial to OS-R (Open Space-Resource) and OS-OSP (Open Space-Open Space Park) including the western portion of the San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, and Los Penasquitos Lagoon. The majority of these areas are currently highly constrained by steep slopes or are in the floodplain fringe. These areas also possess environmentally sensitive areas (i.e., biological and wildlife). The LUP contains specific recommendations for the preservation of these parks and open space areas within the community. Therefore, in order to permanently preserve and maintain the community's natural resources and open space areas, they are proposed to be rezoned as cited.

However, as previously noted in the LUP portion of the amendment, a portion of the Open Space rezoning has been applied to an area south of Via de la Valle which contains long-standing, existing commercial recreational uses. This map does not conform with the land use portion of this amendment, as herein modified to designated this area for Commercial Recreation uses. As a result, the proposed rezoning to OS-R, as delineated on Figure 25, is inconsistent with and inadequate to carry out the policies of the certified LUP, as modified.

PART VII. FINDINGS FOR APPROVAL OF THE TORREY PINES IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED

As stated above, the proposed LUP amendment designates a 14-acre area with existing commercial recreation uses as open space, and the implementation plan rezones the area from agriculture (A-1-10) to open space. Suggested Modification #20 brings the proposed open space designation boundary into consistency with the existing land uses on the site, by designating the area as Commercial Recreation. Therefore, Open Space zoning on this site would not be appropriate. However, the existing commercial development is relatively low-intensive in nature, which is appropriate in a floodplain area adjacent to a lagoon. Thus, the zoning on the area should remain A-1-10, which is consistent with an area designated for low-intensity commercial uses capable of withstanding periodic flooding. Therefore, Suggested Modification #32 provides for a revised zoning map to reflect this change. It is possible that in the future, as the City proceeds with its zoning code update, this site could be targeted for rezoning to Commercial Recreation to match the land use designation. Or, the A-1-10 zone may be eliminated for all areas except those specifically designated for agriculture uses. However, the land use

designation specifically allows commercial recreation uses only when appropriate in a floodplain and adjacent to a lagoon area. In addition, these changes would require an amendment to the Implementation Plan. Thus, the Commission finds that the subject amendment to the Implementation Plan, as modified, is both consistent with and adequate to carry out the provisions of the certified LUP, as amended.

PART VIII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the Torrey Pines Community Plan, as proposed, would result in significant impacts under the meaning of the California Environmental Quality Act. Portions of the plan are inconsistent with the Coastal Act, and could have adverse impacts in the areas of biology, public access, water quality, visual resources and density. Several suggested modifications are included to reduce the potential impacts to below a level of significance. As modified herein, there are no feasible, less environmentally-damaging alternatives and no significant environmental impacts would occur if the modifications are accepted by the City of San Diego.

In the case of the implementation plan amendment, the Commission finds that with one exception, approval of the various proposed rezonings, in and of themselves would not result in significant impacts under the meaning of the California Environmental Quality Act. One proposed rezoning would have an adverse impact on existing recreational facilities, and a suggested modification is included to reduce that potential impact to below of level of significance. Therefore, this modified LCP amendment can be found consistent with the provisions of the California Environmental Quality Act.

(0824A)

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
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MEMORANDUM

October 10, 1995

TO: Coastal Commissioners

FROM: Ralph Faust, Chief Counsel
Dorothy Dickey, Deputy Chief Counsel
Amy Roach, Staff Counsel

RE: Relationship Between Housing Density Bonus Statute and Coastal Act

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I. Introduction

During the Coastal Commission's July hearing, some Commissioners requested additional information concerning the relationship between the housing provisions of the Coastal Act and those provisions of the Government Code that provide for increases in residential densities beyond otherwise maximum allowable densities (i.e., the "density bonus" provisions). These requests followed a discussion of the density bonus policy contained in the City of San Diego's proposed amendment to its land use plan for the Torrey Pines Community.[1] The City had objected to the suggested modifications recommended by Commission staff, arguing, without elaboration, that the modifications were inconsistent with requirements of the Government Code.

This memorandum explains both the relationship between the housing provisions of the Coastal Act and the density bonus provisions of the Government Code, and the effect which the density bonus provisions have on local government implementation of the Coastal Act. In brief, the Coastal Act requires that local coastal programs ("LCPs") include plans and ordinances concerning residential densities, and that those plans and ordinances conform with the policies of Chapter 3 of the Coastal Act. Government Code § 65915 requires local governments to encourage development of low income housing by granting a 25% increase in the density otherwise allowed under a land use plan and zoning ordinances, as well as by granting one other type of incentive, such as relief from

[1] The Commission postponed a vote on the land use plan amendment, which is now agendized for the October hearing.

applicable development standards. The Coastal Act does not provide for local government housing policies to be included in LCPs. However, the requirements of Government Code § 65915 affect a local government's plans and ordinances concerning residential density. These plans and ordinances are required components of an LCP and therefore, must be included in an LCP and must conform with the policies of the Coastal Act.

Government Code § 65915 potentially conflicts with the Coastal Act by requiring increases in residential density beyond the densities certified as conforming with Chapter 3 policies of the Coastal Act. The general legal principle adopted by courts is that potentially conflicting statutes must be reconciled in a manner that gives effect to both statutes. A later-enacted statute takes precedence over an earlier-enacted statute only to the extent the two statutes cannot be reconciled. In light of these principles, the Coastal Act and Government Code § 65915 must be harmonized without ignoring either statute. Such harmonization is accomplished by recognizing that the mandatory provisions of Government Code § 65915 must be given effect, but that the discretionary provisions of Government Code § 65915 must be implemented only in a manner that also takes into account the policies of the Coastal Act. Therefore, the Commission may find that an LCP conforms with the policies of Chapter 3 of the Coastal Act even if the LCP provides for compliance with the mandatory provisions of Government Code § 65915, i.e., the grant of a 25% density increase and one other incentive. However, the Commission cannot find that an LCP conforms with Chapter 3 policies of the Coastal Act unless it finds that the LCP implements all discretionary provisions of Government Code § 65915, e.g., how to accommodate the density increase and which incentive to grant, in a manner that conforms with Chapter 3 policies of the Coastal Act.

II. Relationship Between Coastal Act Housing Provisions and Government Code

The Coastal Act precludes the Commission from requiring or reviewing local government policies concerning how to accommodate housing needs. However, these provisions do not preclude the Commission from requiring and reviewing policies concerning the location and density of residential development. Both the Government Code and the Coastal Act treat the planning for location and density of residential development as distinct from planning for the accommodation of housing needs. Local government policies and ordinances relating to location and density of residential development must be included in a local government's LCP and, in order for a local government to issue coastal development permits for development within its jurisdiction, must be in conformance with the policies of Chapter 3 of the Coastal Act. Plans and ordinances for residential densities are not exempt from inclusion in an LCP and from conformance with the Coastal Act simply because they have been influenced by housing requirements.

A. Local Coastal Programs Must Include Plans and Ordinances Concerning Residential Densities

The Government Code requires local governments to develop general plans for the area within their jurisdiction. Local governments are authorized to issue zoning

ordinances that are consistent with a general plan. Govt. Code §§ 65800, 65860. A general plan must contain a variety of elements, including a land use element and a housing element. Govt. Code §§ 65300, 65302. The land use element must indicate the location and density of commercial, industrial, and residential development. Govt. Code § 65302(a). Thus, the land use element of a general plan must plan for the location and density of residential development. Local governments must correlate the land use element with the circulation element so that the location and density of different types of development is correlated with the location of highways and streets. Govt. Code § 65302(b).

The housing element of a general plan must contain information identifying the local government's housing needs and specifying how those needs will be met. Govt. Code §§ 65583, 65302(c). Although the housing element and land use element are related, they are distinct components of the general plan and are based upon different analyses and planning efforts.

The Coastal Act provides for a delegation to local government of the authority to issue coastal development permits. The delegation may occur only after a local government has submitted an LCP that conforms with the policies of Chapter 3 of the Coastal Act (i.e., the policies for protection of coastal access, coastal recreational opportunities, wetlands, environmentally sensitive habitat areas, etc.). Pub. Res. Code §§ 30500, 30519. The LCP must consist of a land use plan ("LUP") and zoning ordinances that implement the LUP. Pub. Res. Code § 30108.6. The LUP must include those portions of the local government's general plan that indicate the "kinds, location, and intensity of land uses." Pub. Res. Code § 30108.5. Thus, the Coastal Act requires that an LCP consist of all portions of the local government's general plan and zoning ordinances that relate to the "kinds, location, and intensity of land uses" in the coastal zone. Accordingly, the Coastal Act requires that an LCP contain plans and ordinances relating to the location and density of residential development.

Until 1982, one of the Chapter 3 policies of the Coastal Act provided for the protection and encouragement of low and moderate income housing. Prior to that year, in order for the Commission to find that an LCP conformed with Chapter 3 policies, the Commission was required to evaluate policies and ordinances relating to how the local government intended to provide for low and moderate income housing. Thus, local governments were required to submit as part of their LCPs not only the land use element of their general plan, but also the housing element. In 1981, the California legislature amended the Coastal Act to delete the Chapter 3 policy that required the Commission to protect and encourage low and moderate income housing. The legislature also added Coastal Act § 30500.1, which states that the Commission shall not require local governments to submit housing policies.[2] See Senate Bill 626, Chapter 1007, adopted 1981. At the same time, the legislature amended the Government Code by adding section 65590, which requires local governments to adopt certain policies relating to the protection of affordable housing in the coastal zone. Shortly thereafter, the legislature

[2] Section 30500.1 states: "No local coastal program shall be required to include housing policies and programs."

adopted Coastal Act § 30011, which precludes the Commission from evaluating how a local government has applied Government Code § 65590 to a particular development.

These amendments did not change the Coastal Act requirement that local governments develop policies and plans that insure development in the coastal zone conforms with Chapter 3 policies of the Coastal Act. Rather, the amendments shifted the responsibility for protecting and encouraging affordable housing away from the Coastal Commission to local governments. These amendments did not modify the requirement that local governments include in their LCPs plans and ordinances for the location and density of residential development, and that those plans and ordinances conform with Chapter 3 policies. Thus, LCPs submitted to the Commission must include plans and ordinances relating to the location and density of residential development. In order for the delegation of coastal development permit issuing authority to occur, the Commission must certify that those plans conform with the policies of Chapter 3 of the Coastal Act.

The Coastal Act also states it does not exempt local governments from requirements of housing laws.[3] Pub. Res. Code § 30007. Therefore, to the extent the Government Code imposes housing related requirements on local governments, the Coastal Act cannot be a means for the local government to avoid those requirements. In some cases, Government Code housing requirements will be strictly related to the housing element of the local government's general plan and will not be submitted to the Commission as part of the LCP. However, if Government Code housing requirements affect the residential density provisions of the land use element of a general plan, local government's implementation of those requirements must be included in an LCP and must conform with the Coastal Act.

B. Local Coastal Programs Must Provide For Compliance With Nondiscretionary Requirements of the Density Bonus Law

To encourage the development of low income housing, Government Code § 65915 requires local governments to provide two types of incentives to developers who agree to make a specified percentage of new housing affordable to low income and senior households. The incentives are:

(1) a density increase of 25%, and

(2) one other incentive in the form of a financial incentive, reduction in development standards, mixed zoning, or other incentive that will reduce housing costs <u>unless</u> the local government determines that this additional incentive is not necessary to make the low income housing affordable.

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[3] Section 30007 states:

> Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

One other provision of the Coastal Act addresses housing: section 30600.1 relates to coastal development permits that were issued with conditions relating to the provision of low and moderate income housing.

This section also authorizes, but does not require, local governments to grant increases in density beyond 25% and to grant additional incentives for purposes of encouraging the development of low income housing. Local governments must establish ordinances to implement the density bonus and incentive requirements. Govt. Code § 65915(a).

Accordingly, to comply with Government Code § 65915, local governments must amend their zoning ordinances to allow the granting of density bonuses and incentives. Because zoning ordinances must be consistent with the general plan, an amendment to zoning ordinances to accommodate the density bonus requirements will likely trigger the need to amend the residential density provisions of the general plan. For local governments with Commission-certified LCPs, these changes to the general plan and zoning ordinance will require amendment of the LCP, which is required to contain the residential density provisions of the general plan and zoning ordinances. Of course, local governments that have not submitted an LCP to the Commission for certification will not have an LCP to amend. When these local governments submit an LCP for certification, it will be required to contain residential density provisions and accordingly, must include density bonus provisions that the local government has incorporated into its general plan and zoning ordinance.

Local governments that must both comply with Government Code § 65915 and develop LCPs that conform with Chapter 3 policies of the Coastal Act are faced with potentially conflicting requirements. Courts have held that potentially conflicting statutes must be harmonized to avoid ignoring one statute. See e.g. Fuentes v. Workers' Compensation Appeals Board, 16 Cal. 3d 1, 128 Cal. Rptr. 673 (1976), Larson v. State Personnel Board, 28 Cal. App. 4th 265, 33 Cal. Rptr. 412 (1994). If two statutes cannot be harmonized the later-enacted statute is given effect, but only to the extent the statutes cannot be harmonized. Id.

Thus the requirements of Government Code § 65915 must be harmonized with Coastal Act requirements, without ignoring either statute. Since § 65915 was enacted after the Coastal Act, it must be given effect to the extent it cannot be reconciled with the Coastal Act. Government Code § 65915 cannot be reconciled with the Coastal Act to the extent that it imposes mandates that require local government to allow development that is inconsistent with a certified LCP. However, to the extent Government Code § 65915 authorizes discretionary actions, it must be reconciled with the Coastal Act by requiring that local government exercise its discretion in a manner that takes into account the statutory obligations of the Coastal Act. Thus, although local governments must comply with mandatory provisions of Government Code § 65915, discretionary provisions of § 65915 must be implemented in a manner that also complies with Coastal Act requirements.

Section III of this memorandum explains which provisions of the density bonus law are mandatory and which are discretionary, and illustrates how these provisions must be implemented in LCPs.

III. Conformance of Density Bonus Requirements with the Coastal Act

A. 25 Percent Density Increase

Government Code § 65915(b) mandates that local governments grant a density bonus to developers who agree to make specified percentages of new units affordable to low income or senior households.[4] Government Code § 65915(f) defines the term "density bonus" as:

> a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the developer . . . .

Under this definition, the Government Code requires an increase in density of at least 25% but does not require a density increase beyond 25%. Further, the Government Code does not specify how the 25% density bonus is to be accommodated. Accordingly, how the increase is accommodated and whether to provide an increase beyond 25% are within local government's discretion.

Because local government has the discretion to decide how the 25% density increase may be achieved, LCPs must insure that if there are means of accommodating the 25% density bonus that will not create inconsistencies with Chapter 3 policies, those means will be used. For example, if a 25% increase in density can be accommodated by either decreasing yard sizes or filling wetlands, the increase must be accommodated by decreasing yard sizes, which will not adversely affect coastal resources. Coastal resources can be adversely affected only when it is impossible to grant the density increase without such adverse impacts. In those situations, the density increase must be implemented in the manner that is the most protective of significant coastal resources. For example, if the density bonus can be accommodated only by either increasing building heights thereby reducing public views to the ocean, or filling wetlands, the density increase must be accommodated by the height increase, since that will be most protective of significant coastal resources.[5] If relief from more than one development standard is necessary to accommodate the 25% density bonus, the LCP may provide for such relief.

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[4] Government Code § 65915(b) states:

> When a developer of housing agrees or proposes to construct at least (1) 20 percent of the total units of a housing development for lower income households, . . . or (2) 10 percent of the total units of a housing development for very low income households, . . . or (3) 50 percent of the total dwelling units of a housing development for [senior residents], a city, county, or city and county shall either (1) grant a density bonus and at least one of the concessions or incentives identified in subdivision (h) unless the city, county, or city and county makes a written finding that the additional concession or incentive is not required in order to provide for affordable housings costs . . . or (2) provide other incentives of equivalent financial value based upon the land cost per dwelling unit.

[5] In many cases, the issue of which method of accommodating a density increase will be most protective of significant coastal resources will be a policy issue. Therefore, LCPs should identify how the local government intends to make choices about methods of accommodating density increases.

Similarly, LCPs must insure that density increases beyond 25% will not occur unless it can be demonstrated that the increase will not result in inconsistency (or inconsistency beyond that created by accommodation of a 25% density bonus) with the policies and development standards of the certified LCP. For example, a local government might amend its LCP to identify subregions where density increases beyond 25% can be accommodated without adversely affecting coastal resources. The LCP could provide that in those subregions, the local government could exercise its discretion to provide a density bonus beyond 25% without creating inconsistencies with the certified LCP.

Government Code § 65915(f) requires that the increase in density granted to a developer be 25% over the "maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan." Many local government general plans and ordinances establish residential densities by identifying both a density range that indicates an approximate density for an area, and a series of development standards and other factors (e.g., setbacks, heights, yard size, proximity to circulation element roads, etc.) that will be applied to determine the maximum density that will be allowed on any particular site within the district or area. The Government Code requires that the 25% density increase be applied to the density that will be the maximum allowed under both the general plan and zoning ordinances. Therefore, the base density to which the density bonus will be applied will be the density that would be identified after application of both the density range for an area and the factors applicable to the developer's particular site.

B. Application of Incentives

Government Code § 65915(b) requires local governments to provide not only a density bonus but also "at least one of the concessions or incentives identified in [§ 65915(h)]" unless the local government finds that the additional concession or incentive is not required to provide for affordable housing. Government Code § 65915(h) identifies a concession or incentive as:

> (1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards . . . , including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
>
> (2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county which result in identifiable cost reductions.[6]

Thus, the provision of at least one incentive is mandatory unless the local government finds that the additional incentive is unnecessary. However, § 65915 does not require local governments to provide more than one incentive in addition to the density bonus. Further, it does not indicate how a local government is to choose which incentive to provide. Therefore, whether to award more than one incentive and which incentive to award are discretionary.

Accordingly, LCPs may provide for the grant of one incentive, in addition to a density bonus, if necessary.[7] However, LCPs may not provide for more than one incentive unless it can be demonstrated that the grant of additional incentives will not result in inconsistencies with the certified local coastal program. Similarly, in applying the one incentive, LCPs must insure that if there are incentives that will encourage development of low income housing without adversely affecting coastal resources, those incentives will be used. If all possible incentives will have an adverse effect on coastal resources, the LCP must provide for use of the incentive that is most protective of significant coastal resources.

For example, if the potential incentives are: (1) a reduction in parking standards that may impede coastal access, and (2) allowing otherwise prohibited fill of wetlands, the first incentive should be awarded, rather than the second, since the Coastal Act places greater restrictions upon the filling of wetlands. LCPs should rank incentives in terms of impacts on coastal resources to insure that the incentive chosen is the incentive that is the most protective of significant coastal resources.

IV. Conclusion

Local coastal programs must harmonize requirements of the Coastal Act and the mandates of the density bonus statute by providing for compliance with mandates of Government Code § 65915, i.e., a 25% density bonus, and one incentive if necessary. Discretionary aspects of Government Code § 65915, i.e., how to accommodate a density increase, whether to grant a density increase beyond 25%, which incentive to grant, and whether to grant more than one incentive, must be implemented in a manner that is fully consistent with the policies of Chapter 3 of the Coastal Act. LCPs that achieve these goals will satisfy both the Coastal Act and Government Code § 65915.

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[6] Section 65915(h) concludes with the following provision:

> This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

[7] Government Code § 65915 seems to presume that a density bonus can be accommodated without relief from development standards because it treats density bonuses as distinct from incentives, which by definition include relief from development standards. However, § 65915(d) states that local governments must adopt procedures for waiving or modifying development standards that would inhibit application of density bonuses to particular sites. Therefore, it appears that at least one incentive must be provided, if necessary, even if a developer has already obtained relief from development standards to accommodate a 25% increase in density.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
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September 1, 1995

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Lita G. Flores, Chief Deputy Director
Division of Housing Policy Development
Department of Housing and Community Development
1800 Third Street, Room 450
Sacramento, CA 95814

Re: Density Bonus Policies and Ordinances in Local Coastal Programs

Dear Ms. Flores:

In a November 16, 1994 letter to Carolyn Badenhausen, then Acting Deputy Director for the Division of Housing Policy Development, we described the basis for our position regarding how local coastal programs ("LCPs") developed pursuant to the Coastal Act can comply with both the Coastal Act and the density bonus requirements of Government Code § 65915. Our letter responded to Ms. Badenhausen's November 2, 1994 letter outlining several concerns with the Coastal Commission's suggested modifications to the density bonus ordinances contained in the City of Encinitas LCP. We have not received a response from the Department of Housing and Community Development ("HCD") to our November 16, 1994 letter, and have assumed our letter addressed HCD's concerns.

The City of San Diego recently submitted a proposed LCP amendment that includes policies concerning density bonus requirements. We expect the Coastal Commission to decide whether the LCP conforms with Coastal Act policies at its October 10-13, 1995 hearing. We are writing to ascertain whether you have any additional comments concerning the position we expressed in our November 16, 1994 letter in relation to this upcoming hearing.

Briefly, we have determined that local governments can implement the requirements of the density bonus provisions of the Government Code and the Coastal Act in a manner that achieves compliance with both statutes. Harmonization of the requirements of both statutes is accomplished by accomodating the 25 percent density increase and an additional incentive as required by Government Code § 65915 using means that conform with the policies of the Coastal Act to the greatest extent possible.

Staff's Letter to HCD

The three key points of our position are: (1) the Government Code requires a density bonus of 25 percent but does not require density increases beyond 25 percent, and therefore, an LCP can provide for density increases beyond 25 percent only if such increases can be accommodated in conformance with policies of the Coastal Act, (2) the base density to which the 25 percent density bonus is applied is the maximum allowable density under the land use plans and ordinances applicable to the particular property for which a density bonus is sought, and (3) the additional incentive required under Government Code § 65915 must be the incentive that will achieve the greatest consistency with policies of the Coastal Act. Set forth below is a more detailed discussion of these three key points.

Application of the 25 Percent Density Increase

Government Code § 65915(b) requires that local governments grant a density bonus to developers who agree to make specified percentages of new units affordable to low income households.[1] Government Code § 65915(f) defines the term "density bonus" as:

> a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the developer ...

Under this definition, the Government Code mandates an increase in density of 25 percent but does not require a density increase beyond 25 percent. Further, the Government Code does not specify how the 25 percent density bonus is to be accommodated. Accordingly, how the increase is accommodated and whether to provide an increase beyond 25 percent are within local government's discretion.

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[1] Government Code § 65915(b) states:

> When a developer of housing agrees or proposes to construct at least (1) 20 percent of the total units of a housing development for lower income households, . . . or (2) 10 percent of the total units of a housing development for very low income households, ... or (3) 50 percent of the total dwelling units of a housing development for [senior residents], a city, county, or city and county shall either (1) grant a density bonus and at least one of the concessions or incentives identified in subdivision (h) unless the city, county, or city and county makes a written finding that the additional concession or incentive is not required in order to provide for affordable housings costs . . . or (2) provide other incentives of equivalent financial value based upon the land cost per dwelling unit.

Section 30007 of the Coastal Act states that the Coastal Act does not exempt local governments from compliance with housing law requirements. Therefore, the Coastal Act does not exempt local governments from compliance with the mandatory provisions of the density bonus statute. However, the discretionary provisions of the density bonus statute are not a "requirement" of housing law. Accordingly, LCPs must include provisions for the granting of a 25 percent increase in residential densities. However, since the determination of how to accommodate the 25 percent density bonus is discretionary, under the Coastal Act an LCP must insure that if there are means of accommodating the 25 percent density bonus without creating inconsistency with Chapter 3 policies, those means shall be used.

For example, if a 25 percent increase in density can be accommodated by either decreasing yard sizes or filling wetlands, the increase must be accommodated by decreasing yard sizes, which will not impact coastal resources. Coastal resources can be adversely affected only when it is impossible to accommodate the density increase without such impacts. In those situations, the impacts that impose the least burden on coastal resources must be implemented. For example, if the density bonus can be accommodated only by increasing building heights thereby reducing public views to the ocean, or filling wetlands, the increase must be accommodated by the height increase, since that will impose the lesser burden on coastal resources. If relief from more than one standard is necessary to accommodate the 25 percent density bonus, the LCP may provide for such relief.

Similarly, LCPs must insure that density increases beyond 25 percent will not occur unless it can be demonstrated that the increase will not result in inconsistency (or inconsistency beyond that created by accommodation of a 25 percent density bonus) with Chapter 3 policies. For example, a local government might amend its LCP to identify subregions where there are means of accommodating a density increase beyond 25 percent that will not adversely affect coastal resources. The LCP could provide that in those subregions, the local governments could exercise its discretion to provide a density bonus beyond 25 percent without reducing protection of coastal resources.

Base Density Is The Maximum Allowable On Any Particular Site

Government Code § 65915(f) requires the increase in density granted to a developer be 25 percent over the "maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan." Many local government general plans and ordinances address residential densities by identifying both a density range that indicates the approximate density for an area, as well as a list of the

development standards and other factors (e.g., setbacks, heights, yard size, proximity to circulation element roads, etc.) that will be applied to determine the maximum density that will be allowed on any particular site within the area. The Government Code requires that the 25 percent density increase be applied to the density that will be the maximum allowed under the general plan and zoning ordinances. Therefore, the base density to which the density bonus will be applied is the density that would be identified after application of both the density range for an area and the factors applicable to the developer's particular site.

Additional Incentive Requirement Must Be Accommodated In The Manner That Achieves The Greatest Consistency With The Coastal Act

Government Code § 65915(b) requires local governments to provide not only a density bonus but also "at least one of the concessions or incentives identified in [§ 65915(h)]" unless the local government finds that the additional concession or incentive is not required to provide for affordable housing. Thus, the provision of at least one incentive is mandatory unless the local government finds that the additional incentive is unnecessary. However, Government Code § 65915 does not require local governments to provide more than one incentive in addition to the density bonus. Further, it does not indicate how a local government is to choose which incentive to provide. Therefore, whether to award more than one incentive and which incentive to award are discretionary under the Government Code.

Since Coastal Act § 30007 states that local governments are not exempt from requirements of housing laws, local governments must comply with the requirement to provide for the grant of one incentive, in addition to a density bonus, if necessary to provide for affordable housing. However, discretionary provisions of the density bonus law are not required to be implemented. Therefore, under the Coastal Act, LCPs may not provide for more than one incentive unless it can be demonstrated that the grant of additional incentives will not result in inconsistencies with Chapter 3 policies. Similarly, in applying the one incentive, LCPs must insure that if there are incentives that will encourage development of low income housing without adversely affecting coastal resources, those incentives will be used. If all possible incentives will have an adverse effect on coastal resources, the LCP must provide for use of the incentive that will impose the least burden on coastal resources.

For example, if the potential incentives are: (1) a reduction in parking standards that may impede coastal access, and (2) allowing otherwise impermissible fill of wetlands, the first incentive should be awarded, rather than the second, since the Coastal

Act places greater restrictions upon the filling of wetlands. LCPs should either rank incentives in terms of impacts on coastal resources or identify criteria for determining which incentives will be used. This will insure that incentives that impose either no burden or lesser burdens will be granted instead of incentives that impose a greater burden on coastal resources.

If you have any questions or comments concerning our position regarding the incorporation of density bonus requirements in LCPs, please let us know. Since the Commission will be considering the City of San Diego's density bonus policies at the October hearing, we would appreciate receiving your questions or comments prior to the October hearing.

Sincerely,

Dorothy F. Dickey

DOROTHY F. DICKEY
Deputy Chief Counsel

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY PETE WILSON, Governor

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ATTENTION: DIANA LILLY

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

September 29, 1995

Ms. Dorothy Dickey
Deputy Chief Counsel
California Coastal Commission
48 Fremont Street, Suite 2000
San Francisco, California 94105-5200

Dear Ms. Dickey:

I am writing in response to your letter of September 1, 1995, to Ms. Lita Flores, Chief Deputy Director, regarding certain provisions proposed by the California Coastal Commission as a condition of its approval of the Local Coastal Plan ("LCP") amendment for the Torrey Pines Community Plan of the City of San Diego. The proposed provisions modify and limit the City's attempt to implement state density bonus law as part of the housing element of its general plan. The Department of Housing and Community Development (the "department") continues to have serious concerns with both the practical impact and the legality of the required provisions. We appreciate this opportunity to renew the discussion at this time. A brief review of the relevant correspondence may be useful in placing this matter in perspective.

* By letter to you dated August 31, 1994, Tom Cook, then this department's Deputy Director for Housing Policy Development, set forth a detailed interpretation of the meaning and application of the term "otherwise maximum allowable density" as used in Government Code section 65915.[1]

* By letter to you dated November 2, 1994, Carolyn Badenhausen, then Acting Deputy Director for Housing Policy Development, detailed the objections of this department to certain density bonus provisions required by the Commission to be included in the LCP of the City of Encinitas.

* In your letter of November 16, 1994 to Ms. Badenhausen, you responded to certain of our objections, modified some of the required provisions and provided the Commission's rationale for continuing to require the remaining provisions.

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[1] Hereinafter all code sections referred to are Government Code sections, unless otherwise specified.

DEPT. of HCD Response to Staff

* By letter to Timothy Coyle, Director, dated August 11, 1995, Ernest Freeman, Planning Director for the City Of San Diego requested the assistance of this department in responding to density bonus provisions proposed by Commission staff in connection with the approval of the LCP for the Torrey Pines Community Plan. The proposed provisions closely parallel those required by the Commission for the Encinitas LCP.

* Your recent letter of September 1, 1995, to Ms. Flores cites three key points of the Commission's position on this matter and provides the Commission's justification therefor. The arguments supporting the proposed provisions in this letter reiterate and, in some cases, expand upon the explanations contained in your November 16, 1994 letter.

The letter from Mr. Freeman of August 11, 1995, included the text proposed by the Commission's staff for the Torrey Pines LCP. The proposed provisions and their rationale appear to be based on a view of the imperatives of the Coastal Act applicable to all LCPs, rather than any particular facts or circumstances arising from the Commission's review of the proposed LCPs for Encinitas or Torrey Pines. The actions of the Coastal Commission on this issue will thus have a substantial impact on the implementation of density bonus law as localities throughout the coastal zone undertake their periodic housing element updates. The experience of this department in reviewing housing element revisions is that an effective local density bonus ordinance often plays an important role in the community's efforts to address its housing needs. For this reason we feel it is vitally important that every effort be made to reconcile the concerns of the Commission with the letter and intent of the density bonus law and related statutes.

The required provisions which are the most troubling to this department were discussed in Ms. Badenhausen's November 2, 1994 letter. They may be summarized as follows:

* Restricting the density bonus to no more than 25% and the additional incentives to only one;

* Limiting the basis for calculating the density bonus by including all site specific environmental constraints in determining the "otherwise maximum allowable density";

* Requiring that any incentives be consistent to the maximum extent feasible and in a manner most protective of coastal resources; and

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* Requiring a specific finding that the project without the density bonus would comply with the certified LCP.

Broadly stated, our overall concern is that the provisions imposed by the Commission place an unauthorized and unnecessary burden on the effective utilization of the density bonus mechanism in the areas governed by the LCP. The Legislature has long recognized that affordable housing is a scarce and rapidly dwindling resource statewide and particularly in the coastal zone. It is the view of this department that the restrictions proposed for the Torrey Pines ordinance not only unduly erode the right of a qualifying developer to the higher density granted by the law, but also unjustifiably limit the discretion granted to localities by the statute to allow effective implementation of the density bonus on a project-by-project basis.

The first three requirements listed above are based on the three key points of the Commission's positions as addressed in your September 1, 1995 letter. The last requirement--for a finding of compliance for the project without the 25% density bonus--is not directly discussed in that letter, but is included in the proposed requirements for Torrey Pines. After a brief background discussion of the evolution of housing issues and the Coastal Act, I will address these four issues *seriatim* and finally discuss the legal basis for the Commission's attempts--as represented by the proposed provisions--to limit the otherwise lawful exercise of discretion by local jurisdictions.

Housing and the Coastal Act

When first enacted in 1976, the Coastal Act included an explicit policy to promote affordable housing in the coastal zone. Public Resources Code section 30213 originally included the mandate that "...housing opportunities for persons of low- and moderate-income shall be protected, encouraged and, where feasible, provided." The Coastal Commission actively pursued this policy by, among other things, imposing inclusionary requirements for a certain percentage of affordable, low- and moderate-income units on permits for new housing developments in the coastal zone. The Legislature in 1981 enacted SB 626 (Stats. 1981, ch. 1007) which amended Public Resources Code section 30213 to delete the provision quoted above. SB 626 in effect eliminated the Commission's broad housing policy role and enacted in its place the provisions of section 65590, with its specific requirements for the development and replacement in the coastal zone of low- and moderate-income housing units demolished or converted to another use. The requirements of section 65590 are to be implemented and enforced by local jurisdictions.

The Legislature in 1982, with the adoption of Statutes 1982, chapter 1173, eliminated regional commissions and strengthened the authority of local governments to control coastal

Dept. of HCD Response to Staff

lands use decisions through their adoption of LCPs. The transfer of coastal zone housing policy from the Commission to local governments was completed in 1982, with the adoption of Statutes 1982, chapter 43. This bill amended housing element law to require localities to consider housing provided or required under section 65590 in their housing element reviews. Chapter 43 also added Public Resources Code section 30011, which specifically eliminated any authority in the Commission to review local application of section 65590 requirements.

Density Bonus Law

As stated in our August 31, 1994 letter, the primary purpose of the Density Bonus Law is to offer development incentives to increase housing supply, including the supply of affordable housing in particular. The statute mandates that localities provide specified incentives or regulatory concessions to housing developers willing to agree to restrict occupancy of a certain percentage of the newly developed units to either lower-income households (20%), very low-income households (10%) or senior citizens (50%). Income restricted units are further limited to affordable rents based on income group for not less than thirty years. Foremost among the required incentives is the grant of a density bonus. The ability to build residential units at a greater density than would otherwise be permitted is a fundamental concept of the statutory framework. The locality must offer either a density bonus and one additional incentive or concession as described in subdivision (h) of section 65915 or "other incentives of equivalent financial value." Thus, the calculation of the density bonus is crucial, either to determine the total number of units to be permitted on the project site (or sites, as a qualifying development may encompass multiple sites) or as a basis to establish, in the alternative, a financially equivalent incentive.

In effect, the statute imposes an overlay granting a right to the increased density to developers of qualified projects throughout the state. The statute is mandatory with no exceptions or special treatment specified for the coastal zone.

Limiting the Density Bonus and Other Incentives to the Statutory Minimum

The proposed provisions would limit the density bonus granted by the locality to "no more than" or "up to" 25% and the additional incentives to only one. The statute on the other hand provides for a density bonus of "at least" 25% and "at least" one of the additional concessions or incentives identified in section 65915(h).[2] The issue of the Commission's authority to convert by fiat a statutory floor into an administrative ceiling is discussed below.

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[2] We first objected to the "not more than" restriction in our letter of November 2, 1994. You agreed in the letter of November 16, 1994, to delete the quoted phrase for the Encinitas LCP. In Torrey Pines, however, the limitation returns in the phrase "up to" 25%.

Tu 12c

The required limitation frustrates the ability of localities to comply with several statutory mandates to assist the development of affordable housing.

Given the very high costs associated with developable land in the coastal zone, it is quite likely that projects meeting the density bonus affordability requirements in the zone may well be able to demonstrate a need for a greater bonus and more incentives in order to ensure project feasibility. In section 65917, the Legislature sets forth its intent that the bonus and incentives offered by localities under density bonus law "shall contribute significantly to the economic feasibility of lower-income housing in proposed housing developments." The Legislature specifically recognized the need for development incentives in the coastal zone when, under section 65590(d), it required localities to offer incentives to assist in providing new housing units pursuant to section 65590. In high cost areas, the minimum bonus and only a single incentive simply may not be sufficient. Under the limitations proposed by the Commission, developers may well be discouraged from even proposing density bonus projects in the coastal zone.

The justification for this requirement as set forth in your letter of September 1, 1995, is that in exercising their authority to grant a density bonus greater than 25%—or more than one additional incentive—a local jurisdiction <u>might</u> act contrary to the policies of the Coastal Act. For example, in offering an additional (i.e., more than one) incentive, a locality could authorize development in a protected wetlands which would, at least in the Commission's view, violate a policy of the Coastal Act. Presumably, it would violate such policy whether it was the first or the third incentive offered by the locality. In any case, there must be less draconian methods of ensuring that local jurisdictions exercise their lawful discretion in compliance with applicable law—short of eliminating local authority altogether.

Your September 1, 1995 letter, suggests that localities may offer additional development incentives above the statutory minimum by amendment to the LCP. As you know, amending the LCP is a lengthy, expensive and uncertain process. Such a course is already available to <u>any</u> developer seeking to enhance the feasibility of a coastal project, yet is <u>not</u> required for the incentives offered under density bonus law. This method of harmonizing density bonus law with the Coastal Act is, as a practical matter, more illusionary than real.

<u>Calculating the "Otherwise Maximum Allowable Residential Density"</u>

The proposed language for Torrey Pines would require the density bonus to be based on the "maximum potential density modified by applying all site-specific environmental development constraints identified within the coastal zoning ordinances and land use element certified by the Coastal Commission." The overall justification for this provision appears to

Dept. of HCD response to Staff

focus on the word "allowable" as used in the statute. The Commission's reformulation of the statutory phrase requires that, in calculating the bonus, the locality must determine, for each project application, a base density incorporating all environmental constraints which could reduce the density for the proposed site.

As was set forth in Mr. Cook's letter of August 31, 1994, density bonus law requires that a developer be able to ascertain the allowable bonus prior to drafting and submitting a project application for local approval. While we acknowledge that certain site-specific criteria may be applied to determine a net acreage available to the project, such standards should be objective and quantifiable as applied to the site prior to submittal of the project application. Describing these criteria might well be part of the local implementation procedures adopted under section 65595(d). Such procedures should also provide that where permitted densities are expressed as a range, the highest density within the range must be applied to the calculation under the statutory mandate to utilize the *maximum* density which the locality could allow.

Contrary to the intent of the density bonus law, the Commission's language requires the application of all possible environmental limitations to an imaginary project, i.e., one planned and engineered without the bonus. Not only is such a process subject to unnecessary uncertainty, expense and delay, it seems oriented toward minimizing, rather than maximizing the density which a locality could approve.

Further Limitations on Additional Incentives

The Commission's proposed language would further require the one incentive it would permit to meet the following test: it must be consistent "*to the maximum feasible*, and in a manner *most protective of coastal resources*, with all certified Local Coastal Program policies and standards otherwise applicable to the development not subject to section 65915." (Emphasis added.) The September 1, 1995 letter states, that localities could possibly rank incentives and choose the least harmful from the list. The test quoted above, of course, will not abide relative determinations, but instead requires absolute maximum compliance. Such absolute standards pose an unreasonable constraint on land use decisions. Approvals of density bonus projects under this language will be subject to attack on grounds limited only by one's ability to imagine an incentive that could be more consistent with the LCP or more protective of coastal resources. Nowhere do you cite a basis in statute for such a high standard to be imposed on, and only on, density bonus projects. The referenced goal of ensuring compliance with applicable land use restrictions (to the extent that a violation of law cannot be enforced in its own right) can be achieved in a much less onerous manner.

Tu 12c

Approval of the Project Without the Density Bonus

The Commission's language for both LCPs requires a specific finding that the project "if it had been proposed without the twenty-five percent density increase" would have been fully consistent with the policies and standards of the LCP. To comply with this provision, a developer must draft a development plan meeting all applicable requirements--and receiving all local approvals--which it may never use. A developer does not typically design a housing project at the base density and then tack on the permitted increase wherever it may fit in the existing plan. Rather it is better business and better planning to integrate the allowable density into the final project plan.

This requirement is not mentioned in the September 1, 1995 letter, and it is our hope that it is dropped. If it is not, we wish to reiterate our earlier objections.

Conflicts with Specific Statutes

As you have noted, under Public Resources Code section 30007 nothing in the Coastal Act shall be construed to:

> "... exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, *or any other obligation related to housing imposed by existing law or any law hereafter enacted.*" (Emphasis added.)

Despite this sweeping language, the Commission's requirements collectively inhibit the use by developers and localities of the density bonus law, frustrating not only compliance with the specific provisions of section 65915, but also the legislative intent expressed in section 65917 that the local incentives contribute significantly to the project's economic feasibility. Localities are required to encourage compliance with the replacement housing requirements of section 65590 by allowing density bonuses and other incentives. Added burdens on density bonus projects further obstruct local implementation of this statute.

Also, the required provisions, to the extent that they impose a burden on density bonus projects greater than that imposed on other coastal residential developments, compel localities to violate the provisions of section 65008. That statute bans localities, in the exercise of their planning and zoning powers, from discriminating against a residential development because of its intended occupancy by persons of low- and moderate-income households. The entire purpose of the density bonus law is to provide housing for such groups. The higher standards imposed on density bonus projects by the Commission are

Dept. of HCD Response to Staff

good examples of the kind of discriminatory treatment section 65008 seeks to ban.

Authority of the Coastal Commission to Impose the Required Provisions

By imposing the proposed provisions, the Coastal Commission seems to assume that it has the power to do what Public Resources Code section 30007 clearly states it cannot do: exempt localities from the obligations of state law; specifically the density bonus law and, incidently, sections 65008 and 65590. Nothing in the Coastal Act, including any power granted to the Commission, allows for such exemption whatsoever, even in furtherance of the policies of the Act. The housing statutes impose certain obligations on localities and to some extent provides localities with the specific authority to effectively meet those obligations. Thus, *local governments* shall establish procedures for implementing density bonus requirements and for modifying development standards which inhibit the use of the density bonus (§ 65915, subd. (d)) and *local governments* shall utilize density bonuses to assist in the development of new and replacement housing in the coastal zone (§ 65590, subd. (d)). In fact, the Commission is expressly prohibited by Public Resources Code section 30011 from reviewing the actions taken by localities under section 65590. No similar bar is needed under density bonus law in that the Commission has no specific authority to exercise under that statute.

The general justifications offered for the imposition of the required provisions are 1) to ensure compliance with coastal zone ordinances and LCP development restrictions, and 2) protection of coastal resources. The broad goals and policies set forth in the Coastal Act and implemented through the LCP process cannot, however, serve as a grounds to override the specific, mandatory provisions of the density bonus law and related statutes. While any increase in development density in the coastal zone may potentially conflict with one or more of the stated goals or policies of the Coastal Act, density bonus law mandates increased density throughout the state, with no exception provided for the coastal zone.

Under Public Resources Code section 30512.2, the Commission's review of an LCP is limited to its administrative determination that the LCP does, or does not, conform to the requirements of chapter 3, which sets forth a number of mostly broad coastal policies. Public Resources Code section 30512.2 further specifically provides that the Commission has no authority:

> "... to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan."

Tu 12c

The provisions proposed for the Torrey Pines LCP not only contravene mandatory housing statutes, but also appear to be in conflict with specific limits on the Commission's authority.

We would be happy to discus this matter with you further and to work with the Commission to develop a policy which recognizes the need for local discretion to implement the density bonus statute consistent with coastal zone policies and the protection of coastal resources. Please feel free to contact either me or Mark R. Lovington, Senior Staff Counsel, at 916-323-7277.

Sincerely,

Juan M. Acosta
Chief Counsel\Deputy Director

cc: Ernest Freeman, City of San Diego
Myles Pomeroy, City of San Diego
Cathy Creswell, Housing & Policy Development, HCD
Mark R. Lovington, Senior Staff Counsel

Dept. of HCD Response to Staff

ATTENTION: DIANA LILLY

THE CITY OF
SAN DIEGO
CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIFORNIA 92101 – 3864

Tu 12c

OFFICE OF
PLANNING
DEPARTMENT
235-5200

August 11, 1995

Mr. Tim Coyle
Director, Department of Housing and
Community Development
1800 Third Street Room 435
Sacramento, CA. 95814

Dear Mr. Coyle:

The City of San Diego Planning Department is requesting the assistance of the Department of Housing and Community Development in responding to language which the Coastal Commission is proposing to add to the City of San Diego's Torrey Pines Community Plan regarding the State Affordable Housing Density Bonus program. (The Coastal Commission's proposed language is attached with this letter).

The Torrey Pines Community Plan was considered by the Coastal Commission at its July meeting in Long Beach, but was continued to the October meeting in San Diego, due to a number of unresolved issues, including the density bonus program.

Briefly, the Coastal Commission seems to be asking for language which calculates maximum feasible density to take into consideration environmental constraints that have the effect of reducing the maximum number of dwelling units which can be accommodated on-site. This language is inconsistent not only with the City of San Diego's local ordinance regarding the methodology for calculating maximum allowable density, but also appears to be inconsistent with the State Density Bonus statute, as amended.

We have received from Linda Wheaton of your office a copy of a letter from HCD to the Coastal Commission dated August 31, 1994 (attached) which appears to support the City's position.

We would appreciate it if the Department of Housing and Community Development could review the language proposed by the Coastal Commission and provide us in writing with your department's interpretation of the Coastal Commission language and the consistency with the State Density Bonus statute.

If possible, it would also be beneficial if a member of the HCD legal staff knowledgeable about this issue could testify at the Coastal Commission hearing in October. Although the actual dat

City's LETTER to Dept. of HCD

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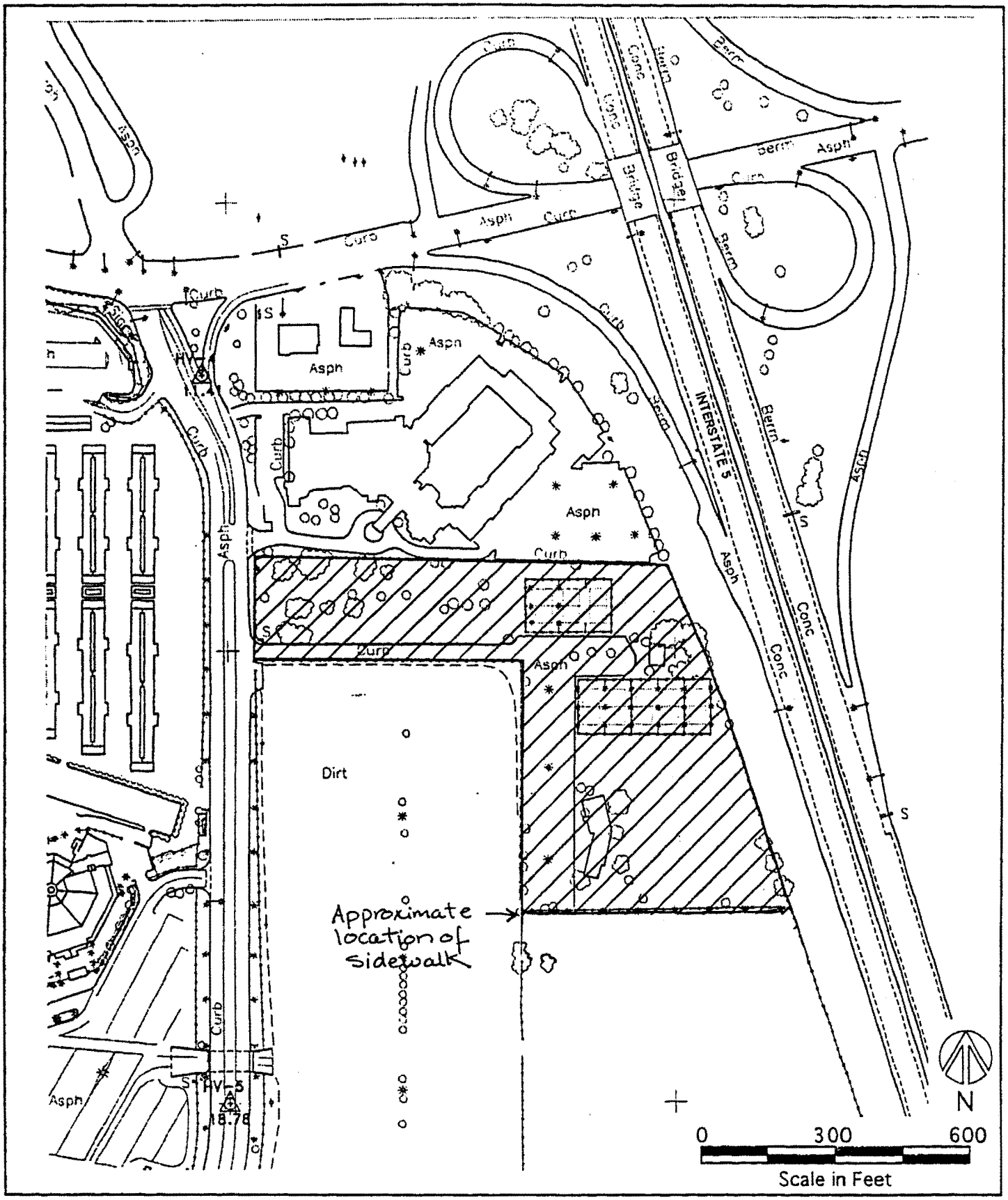
has not been scheduled yet, it will occur between October 10-13.. We recognize that budget and other work priorities could make attendance at the meeting difficult, but it would be helpful in lending added weight to the City's position.

Please feel free to contact Myles Pomeroy of the Planning Department at (619) 235-5219, if you have any questions regarding this request or if you wish to discuss this matter over the phone.

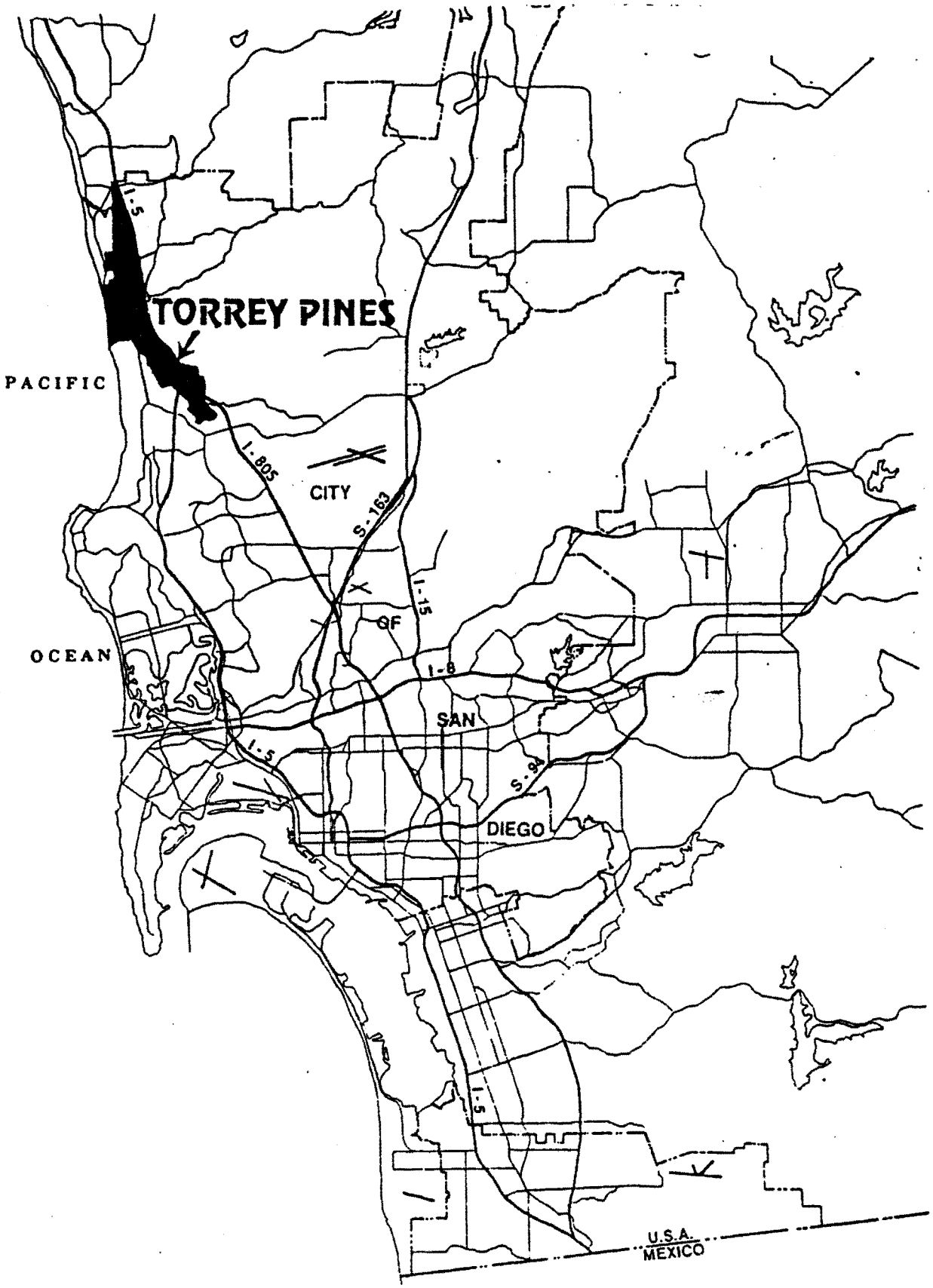
Sincerely,

Ernest Freeman
Planning Director



Existing Developed Commercial Recreation Site - Surf & Turf Parcel

Exhibit A



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Vicinity Map

FIGU 2

CITY OF SAN DIEGO LCPA #2-95A

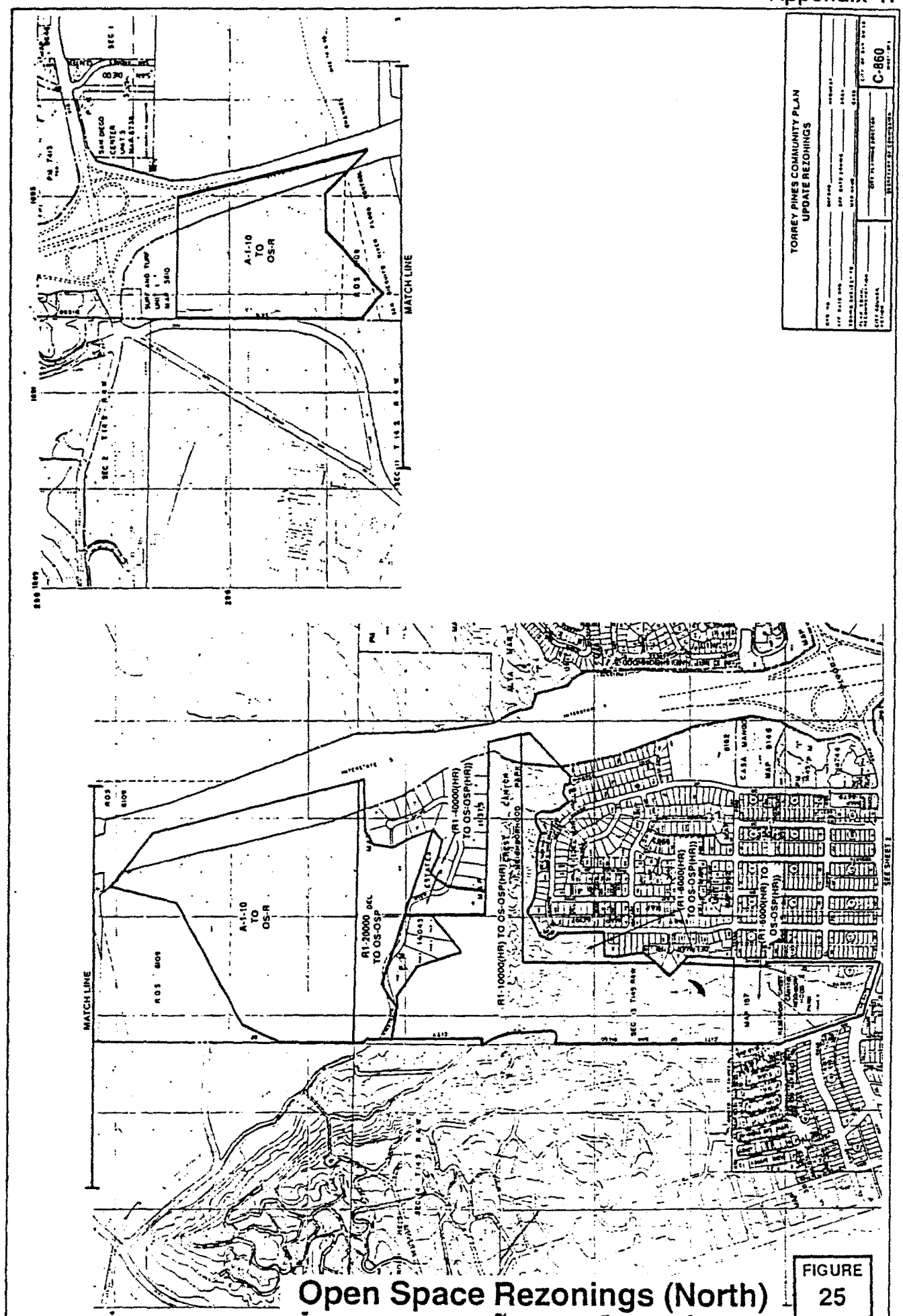
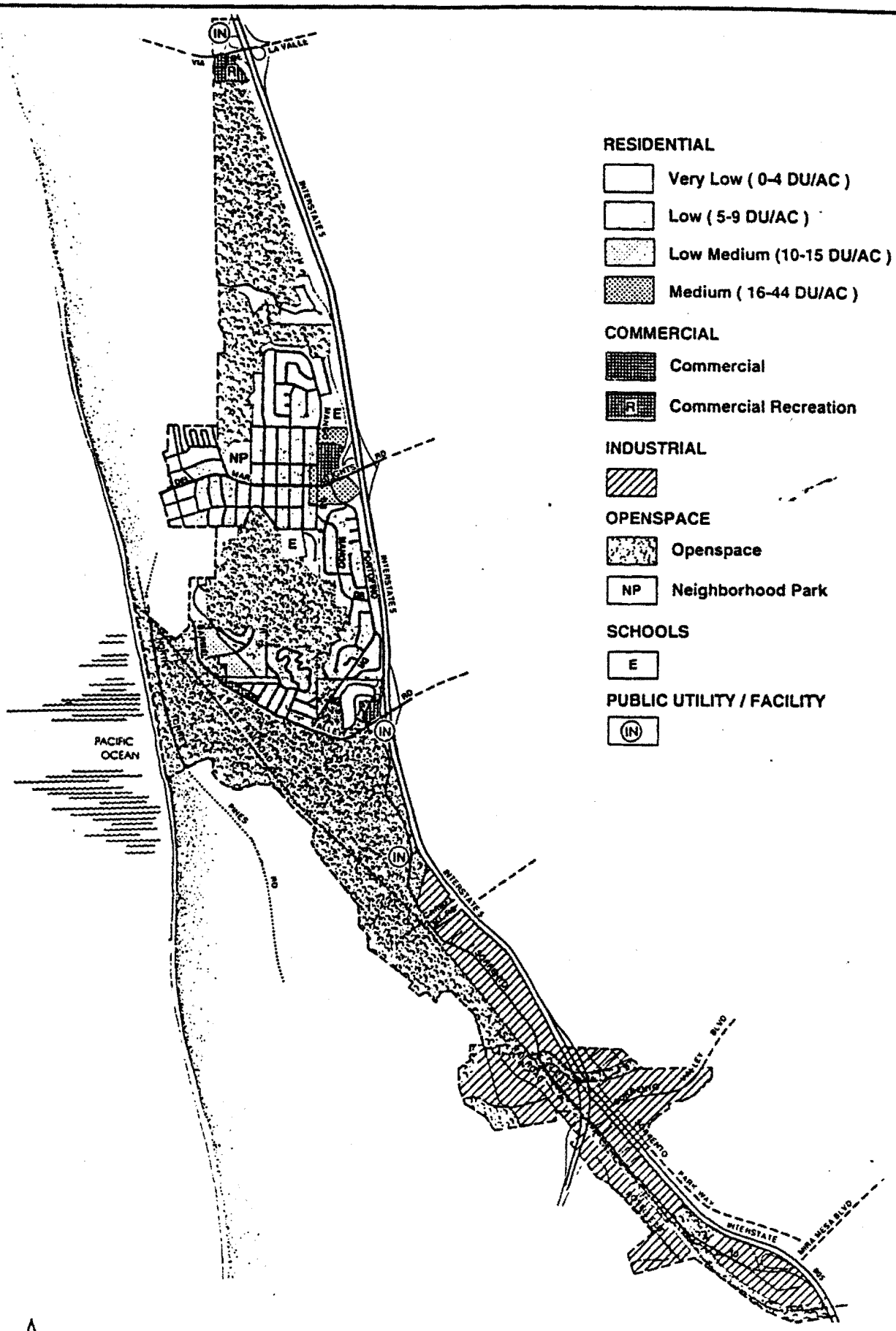


FIGURE 25

Open Space Rezonings (North)

CITY OF SAN DIEGO LCPA #2-95A TORREY PINES



Land Use Plan

FIGURE 1

TORREY PINES Community Plan

CITY OF SAN DIEGO LCPA #3-95A

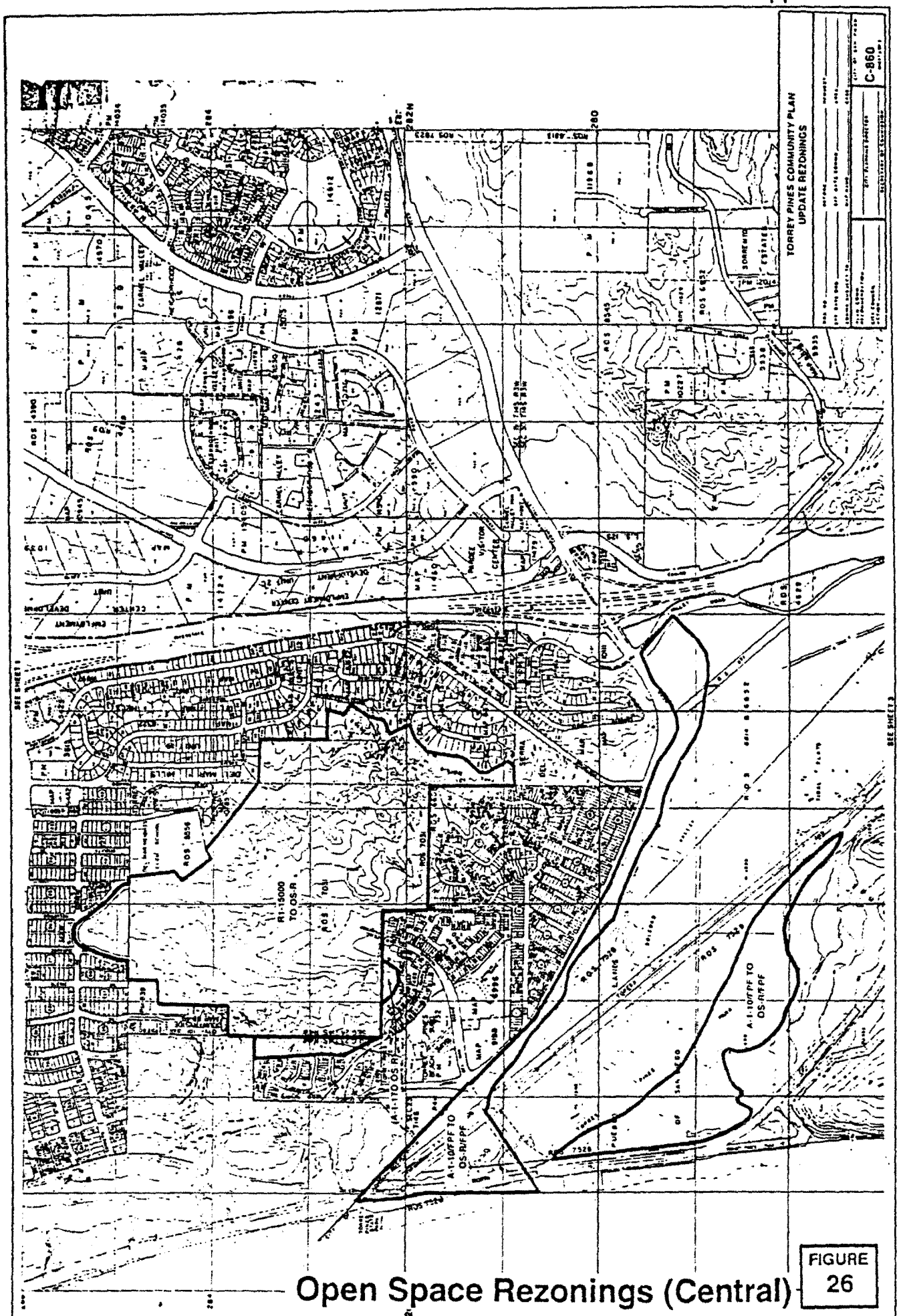
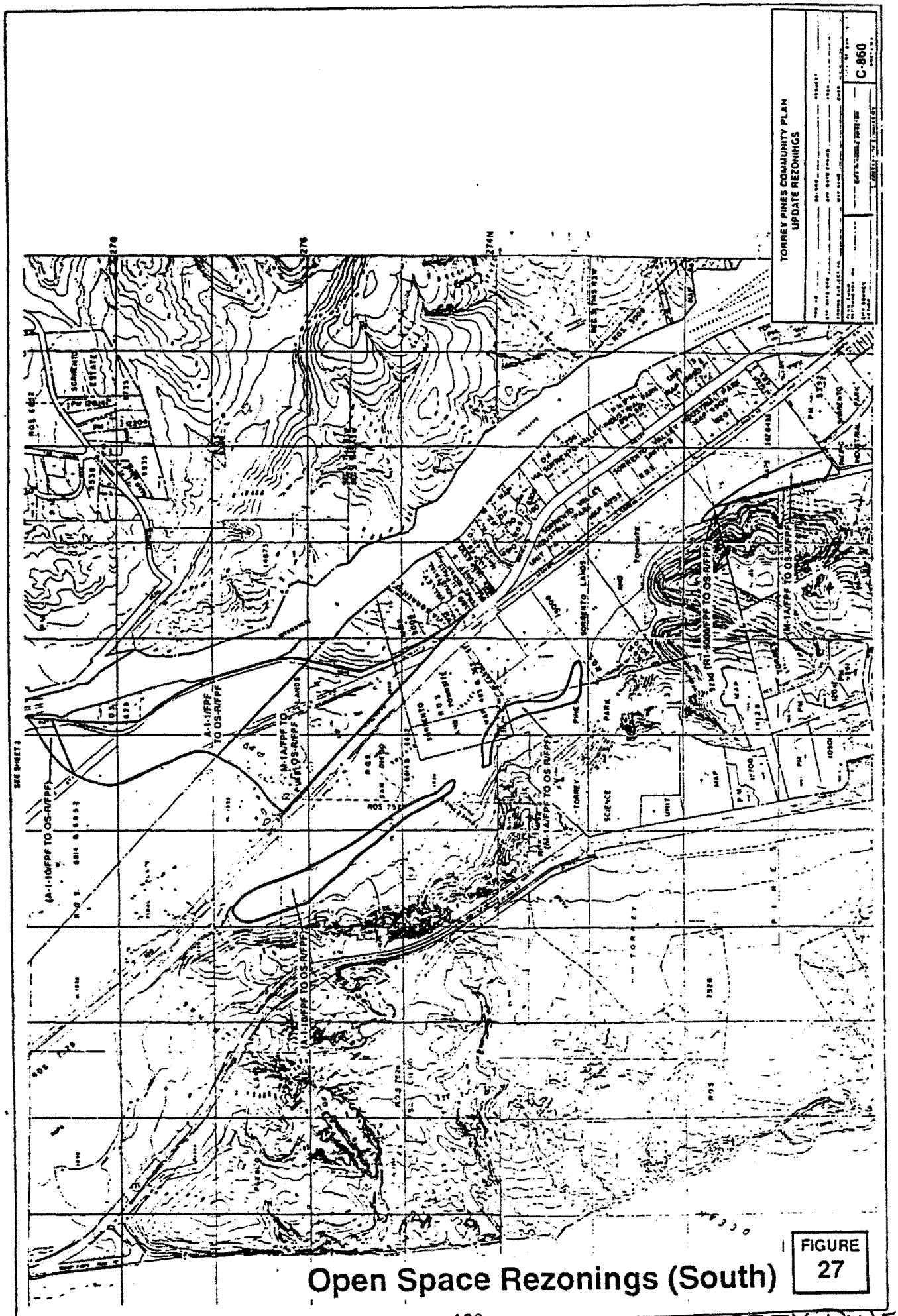


FIGURE 26

Open Space Rezonings (Central)

CITY OF SAN DIEGO LCPA #2-95A TORREY PINES


TORREY PINES COMMUNITY PLAN
UPDATE REZONINGS
C-860
SEE SHEET 2
(A-1-10/FPF TO OS-R/FPF)
A-1-1/FPF TO OS-R/FPF
(M-1A/FPF TO OS-R/FPF)
(A-1-10/FPF TO OS-R/FPF)
(M-1A/FPF TO OS-R/FPF)
(M-1A/FPF TO OS-R/FPF)
(R1-5000/FPF TO OS-R/FPF)
(M-1A/FPF TO OS-R/FPF)
SORRENTO VALLEY INDUSTRIAL PARK
SORRENTO VALLEY
SCIENCE
PARK
UNIT
TORREY
PINE
SORRENTO LANDS
AND
TOWNSITE
ROS 7528
ROS 7528
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3541
Rep

(R-95-708)

RESOLUTION NUMBER R- 285183

ADOPTED ON JAN 10 1995

WHEREAS, on September 8, 1994, the Planning Commission of The City of San Diego held public hearings for the purpose of considering a comprehensive update to the Torrey Pines Community Plan and associated amendments to the Progress Guide and General Plan and North City Local Coastal Program and adoption of the Torrey Pines Public Facilities Financing Plan; and

WHEREAS, the Torrey Pines Community Plan is a comprehensive revision of the 1975 Torrey Pines Community Plan; and

WHEREAS, the Torrey Pines Community Plan Update includes application of rezones and categorical exclusion, which are indicated on Zone Maps C-860 and C-866 to implement the goals and objectives of the plan; and

WHEREAS, Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, the Council of The City of San Diego has considered all maps, exhibits and written documents contained in the file for this project on record in The City of San Diego, and has

CITY OF SAN DIEGO LCPA #2-95A TORREY PINES

considered the oral presentations given at the public hearing; and

BE IT RESOLVED, by the Council of The City of San Diego, that it hereby adopts the comprehensive update of the Torrey Pines Community Plan and associated amendments to the North City Local Coastal Program Land Use Plan, and recision of the 1975 Torrey Pines Community Plan.

BE IT FURTHER RESOLVED, that the Council hereby adopts an amendment to the Progress Guide and General Plan for The City of San Diego to incorporate the above updated plan.

BE IT FURTHER RESOLVED, that the Council hereby adopts the Torrey Pines Public Facilities Financing Plan.

BE IT FURTHER RESOLVED, that the Council hereby adopts the associated open space rezonings and categorical exclusion as shown on Zone Maps C-860 and C-866, respectively.

BE IT FURTHER RESOLVED, that the Council of The City of San Diego finds that this comprehensive update of the plan is consistent with the City adopted Regional Growth Management Strategy, and directs the City Clerk to transmit a copy of this resolution to SANDAG in its capacity as the Regional Planning and Growth Management Review Board.

BE IT FURTHER RESOLVED, that the comprehensive update of the plan, including the associated amendment to the Progress Guide and General Plan and rezonings, will become effective upon

CITY OF SAN DIEGO LCPA #2-95A TORREY PINES

California Coastal Commission certification of the amendments, as submitted, to the Local Coastal Program.

APPROVED: JOHN W. WITT, City Attorney

By _____
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
10/28/94
Or.Dept:Plan.
R-95-708
Form=r-t

CITY OF SAN DIEGO LCPA #2-95A TORREY PINES.

RECEIVED
FEB 09 1995
COMMUNITY PLANNING

(O-95-62)

ORDINANCE NUMBER O-18152 (NEW SERIES)

ADOPTED ON JAN 23 1995

AN ORDINANCE INCORPORATING VARIOUS OPEN SPACE PROPERTIES WITHIN THE TORREY PINES COMMUNITY PLANNING AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO THE OS-R AND OS-OSP ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 101.0405, AND REPEALING THE PRIOR ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH

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

Section 1. That various open space properties and portions of properties described as San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, and Los Penasquitos Lagoon in the Torrey Pines Community Planning Area, in the City of San Diego, California, within the boundary of the district designated "A-1-10", "A-1-1", "R1-40000", "R1-20000", "R1-10000", "R1-6000", "R1-5000", or "M-1A" on Zone Map Drawing No. C-860, filed in the office of the City Clerk as Document No. 00-18152, be, and they are hereby incorporated into the OS-R and OS-OSP zones, as such zones are described and defined by San Diego Municipal Code section 101.0405.

Section 2. That the following ordinances of The City of San Diego be and they are hereby repealed insofar as the same conflict herewith.

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FEB 14 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

CITY OF SAN DIEGO LCPA #2-95A

TORREY PINES

Ordinance Number	Adoption Date
13455	February 15, 1932
8341 (New Series)	August 26, 1960
8485 (New Series)	June 26, 1961
9026 (New Series)	May 29, 1964
10936 (New Series)	September 5, 1972
11088 (New Series)	June 21, 1973
12158 (New Series)	October 5, 1977

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Section 4. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a Local Coastal Program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void for the area within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By _____
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
10/31/94
Or.Dept:Plan.
O-95-62
Form=o+t

Item 13b

January 19, 1996

Chairman Carl L. Williams and Coastal Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Torrey Pines Community Plan, 14 acre Zoning Change proposed by 22nd District Agricultural Association.

Dear Chairman Williams and Commissioners:

This letter is to oppose the proposal of the 22nd District Agricultural Association to rezone 14 acres in the floodplain of the San Dieguito River Valley from Open Space/ Recreation to Commercial Recreation. The Torrey Pines Community Plan approved by the San Diego City Council designates the area as Open Space/ Recreation.

In addition, the following organizations studied the rezone proposal of the 22nd District Agricultural Association and voted to oppose the zoning change to Commercial Recreation:

1. The Torrey Pines Community Planning Board
2. The Citizens Advisory Committee of the San Dieguito River Valley Regional Open Space Park
3. The Joint Powers Authority of the San Dieguito River Valley Regional Open Space Park

Since the area involved is within the Focused Planning Area of the San Dieguito River Valley Regional Open Space Park it would be consistent with its objectives and vision to keep this area in visitor serving outdoor recreational activities consistent with its location within the floodplain and viewshed of the River Park with an Open Space/Recreation designation.

Coastal Commission Staff has been proposing to change the zoning to Commercial Recreation with restrictions that only those uses consistent with Agricultural Zone A-1 be permitted. However, the new zoning code update is changing zone definitions, so such a zone would no longer exist by the time the leases for the present outdoor recreational uses of golf driving range, tennis courts, etc. expire in the next three to four years. With a Commercial Recreational Zoning, such uses could only be made through a hotel or time share with access to such uses, thus restricting their use to residents of the hotel. This would deprive visitors and residents of access. (See requirements of the San Diego Municipal Code attached)

Therefore, it is important that the designation of Open Space/Recreation be maintained as originally designated in the update of the Torrey Pines Community Plan as voted by the San Diego City Council.

Sincerely yours,

Opal Trueblood

Opal Trueblood
13014 Caminito del Rocio
Del Mar, CA 92014-3606

Letters of Opposition

RECEIVED
JAN 22 1996
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

§ 101.0411 CR Zone (Commercial Recreation)

A. PURPOSE AND INTENT

The CR Zone is primarily intended to provide for establishments catering to the lodging, dining and recreational needs of tourists and others. Therefore, the CR Zone will usually be placed adjacent to main tourist routes, interstate highways, major recreational areas, and important tourist attractions.

This zone seeks to encourage development characterized by a diversity of recreational facilities, spaciousness, attractive landscaping and ample off-street parking areas.

B. PERMITTED USES

In the CR Zone, no building or improvement, or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Hotels, motels and time-share projects.
2. Apartments, provided they are not located on the ground floor.
3. Private clubs, lodges and fraternal organizations.
4. Restaurants and bars with incidental entertainment and dancing.
5. Theaters (indoor only).
6. Any other use which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.
7. Accessory uses for any of the foregoing permitted uses, including but not limited to the following:

a. Business services customarily catering to hotel and motel guests and apartment occupants. These may include sales of newspapers and magazines, tobacco and packaged liquor; barber and beauty shops; florists and gift shops; agencies for laundering, dry cleaning and pressing; agencies for tickets, travel and car rentals.

b. Swimming pools, gymnasiums and health centers and tennis, badminton, volleyball and similar courts only when accessory to hotels and motels.

c. On-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code.

C. SPECIAL REGULATIONS

1. All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or other similar area. However, neither of the foregoing regulations shall be applicable to signs or accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses on any premises shall not exceed [illegible] percent of the gross floor area of the permitted uses.

2. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls and roof with construction and appearance similar to the main building.

SEA
Save Everyone's Access
P.O. Box 620
La Jolla, CA 92038-0620

Received at Commission Meeting
OCT 13 1995
From: Dave Odell

—Diana
SD LCPA #2-95
file

10 October 1995

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: CORRECTION to SEA 9 October Letter re San Diego Local Coastal Program Amendment No. 2-95-A (Torrey Pines), Staff Report of 28 Sep 95. Agenda Item 12c, Commission Hearing of 10 Oct 95

Dear Chairman Williams and Commissioners:

As **SEA**'s spokesman said at subject hearing, please correct for the record **SEA**'s 9 October letter on the Torrey Pines LCP as follows:

Page 2, Recommendation 14 (5th paragraph): Recommend deleting the word "height" from last sentence, inasmuch as the 30-foot height limit was imposed by an Initiative (**Proposition ~~A~~ D**) and cannot be changed without a vote of the people.

Sincerely

Richard Smith
Secretary

SEA
Save Everyone's Access
P.O. Box 620
La Jolla, CA 92038-0620

Received at Commission Meeting
OCT 10 1995
From: _____

12c

9 October 1995

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: San Diego Local Coastal Program Amendment No. 2-95-A (Torrey Pines), staff report of 28 Sep 95, Agenda Item 12c, Commission Hearing of 10 Oct 95

Dear Chairman Williams and Commissioners:

SEA strongly supports Commission staff recommendations against widening of roads abutting Los Penasquitos Lagoon, for reasons given in our 10 Jul 95 letter.

SEA congratulates the staff on their comprehensive staff report of 28 September. We support all staff recommendations, pages 7-19 of that report, with four exceptions:

- **Recommendation 8**: Delete the following sentence: ~~In order to improve the level of service at the intersection of North Torrey Pines Road and Carmel Valley Road, an additional north bound lane will be provided from Torrey Pines Park Road to the boundary of the City's jurisdiction~~." Reasons: widening North Torrey Pines Road at this location would adversely impact Del Mar (which opposes the widening and owns most of the bridge over the RR as well as the North Torrey Pines Road/Carmel Valley Road intersection.) It would also severely impact beach access and jam Carmel Valley Road and Sorrento Valley Road, which cannot be widened without adverse impacts on wetlands. Finally, it is premature to consider this road-widening because the City of San Diego has not completed the environmental review (public comment on the proposed Negative Declaration isn't due until 6 November.

- **Recommendation 9:** The bridge over Peñasquitos Creek likewise should not be widened, for reasons given above and because of potential impacts to the lagoon. Instead, distances between the new bridge support spans should be increased to lessen impacts on the lagoon.

- **Recommendation 14** (5th paragraph): Recommend deleting the word "height" from last sentence, inasmuch as the 30-foot height limit was imposed by an Initiative (Proposition A) and cannot be changed without a vote of the people.

- **Recommendation 18**: We oppose rezoning of the 14-acre Via de la Valle/I-5 site to commercial/recreational, for reasons stated in the 8 Sep 95 letter from the Friends of the San Dieguito River Valley. We support rezoning this property to **open space**/recreational.

Sincerely

Richard Smith
Secretary

STATE OF CALIFORNIA - RESOURCES AGENCY

PETE WILSON, Governor

DEPARTMENT OF PARKS AND RECREATION
San Diego Coast District
9609 Waples Street, Suite 200
San Diego, California 92121
(619) 642-4200 FAX (619) 642-4222

RECEIVED
OCT 07 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

October 6, 1995

Ms. Diana Lilly, Coastal Planner
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

Subject: San Diego LCP Amendment No. 2-95-A (Torrey Pines)

Dear Ms. Lilly:

The California Department of Parks Recreation owns significant portions of Penasquitos Lagoon. This ownership is incorporated into Torrey Pines State Reserve.

The proposed Local Coastal Program Amendment No. 2-96-A includes proposals for three road widenings which have the potential for impacts to the wetlands resources in State Park ownership. These roads proposed for widening are North Torrey Pines Road, Carmel Valley Road and Sorrento Valley Road.

While the Department of Parks and Recreation does not have any objection to the widening of these roads, we are concerned that the proposed improvements could require fill of wetlands contained within the preserve. Filling wetlands for the widening of roadways would not ordinarily be consistent with State Park policies. Therefore, we feel that the Commission's approval of policies that would allow the widening of these roadways should also discourage fill of wetlands, particularly wetlands in State Park ownership.

Thank you for your consideration of these comments.

Sincerely,

Edward F. Navarro
District Superintendent
San Diego Coast District

EFN:cb

a:ccrdwid\tp

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

RECEIVED
OCT 06 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

October 6, 1995

Chairman Carl L. Williams and Honorable Commissioners
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

SUBJECT: MAJOR AMENDMENT 2-95A/TORREY PINES COMMUNITY PLAN LCP AMENDMENT, CITY OF SAN DIEGO

Dear Chairman Williams and Honorable Commissioners:

The 22nd District Agricultural Association respectfully requests that the Commission DEFER CERTIFICATION of the portion of the proposed amendment to the Torrey Pines Community segment of the City of San Diego Local Coastal Program (LCP) that affects the 22nd District's property, known as the "Surf & Turf", for the following reasons:

1. As a state owned facility of regional importance in the coastal zone, the Del Mar Fairgrounds and Racetrack present important land use, conservation and development issues that become severely complicated by multiple local jurisdictions. The Coastal Act recognizes this jurisdictional complication by providing for the preparation of Public Works Plans for state-owned property in the coastal zone. The 22nd District submitted a draft Public Works Plan to the Commission in 1990, which upon certification, would have served as the "LCP" for the 22nd District's property.

The Commission staff indicated that the District's unique situation as a state agency with its property located entirely within an area of the Commission's original jurisdiction, raises important policy and procedural issues that are apparently not addressed in the regulations enacted for administration of the Coastal Act. Consequently, Commission staff asked the District to hold its processing of the Public Works Plan in abeyance until these issues are

2260 Jimmy Durante Boulevard • Del Mar, California 92014-2216
TELEPHONE 619/755-1161, 296-1441 • FAX 619/755-7820
THE SOUTHERN CALIFORNIA EXPOSITION

resolved, and/or we jointly develop an alternative policy vehicle for the 22nd District's long range coastal planning.

As a result, the District feels particularly "at risk", and that the City of San Diego's certified Land Use Plan should properly reflect the District's separate jurisdictional status, which is statutory in nature, and be responsive to the land use, development, and resource policy issues that affect the District.

2. The City of San Diego has not addressed these jurisdictional issues in the proposed LCP Amendment, and the currently recommended modifications do not address the 22nd District's concerns.

3. Ultimately, permit authority rests with the California Coastal Commission, because the property is located within an area designated as the Commission's original jurisdiction. The Commission has previously recognized that the District's unique situation as a state agency with its property located entirely within an area of the Commission's original jurisdiction, raises important policy and procedural issues with respect to implementation of the Coastal Act.

Conclusion

The 22nd District therefore respectfully requests that the Commission DEFER CERTIFICATION of the portion of the proposed amendment to the Torrey Pines Community segment of the City of San Diego Local Coastal Program (LCP) that affects the 22nd District's property, known as the "Surf & Turf", until such time as the 22nd District, the City of San Diego, and the Commission's staff have adequate opportunity to resolve these important development, resource conservation and jurisdictional issues.

Thank you for your positive consideration of this request.

Sincerely,

22ND DISTRICT AGRICULTURAL ASSOCIATION

Patricia A. Butler

Patricia A. Butler
District Planner

October 4, 1995

Honorable Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: San Diego LCP Amendment 2-95-A (Torrey Pines) Item 12c, Agenda October 10, 1995

Honorable Chairman Williams and Commissioners:

Since I may be unable to attend the session dealing with the above project, I am writing again in relation to the designation of the fourteen acres belonging to the 22nd district Agricultural Association.

If the designation is changed to Commercial/Recreation as staff supports, the present visitor-serving recreation would be unable to continue, since that zone does not permit such uses unless they are an accessory to a hotel or motel and entered through their space. (See San Diego Municipal Code No. 101.0421.1, attached).

Organizations which have voted to support a designation of Open Space/ Recreational, rather than Commercial/Recreational include the Citizens Advisory Committee of the San Dieguito Regional Open Space Park, the Torrey Pines Community Planning Board, Friends of the San Dieguito River Valley, Save Everyone's Access (SEA), and the Water Resources Committee of the Sierra Club.

It is understood by these organizations that the present visitor-serving uses would be able to continue under the Open Space/Recreational designation and would preclude the use of the property for hotels or gambling casinos when the present leases run out in 1999.

My second concern deals with the widening of the North Torrey Pines Road (Old 101) Bridge over Los Penasquitos Lagoon. It is agreed that the length of the opening of the Los Penasquitos Lagoon must be increased by wider spacing of the support pillars for the new bridge. However, this does not mean that width in lanes is necessary. Coastal Commission staff is not being consistent in saying no encroachment into the lagoon, and now supporting widening of the bridge lanes. A widened bridge requires more supports, closer together, to support the increased load, and also encroachment into the beach area or the lagoon. The new bridge should have wider spacing of supports to enlarge the mouth of the Penasquitos Lagoon, but the increase in lanes and width will serve only to draw more drive-through traffic and impede beach access.

Thank you for your attention to these matters.

Sincerely yours,

Opal Trueblood

Opal Trueblood
13014 Caminito del Rocio
Del Mar, CA 92014-3606

§101.0421.1 CR Zone (Commercial Recreation)

A. PURPOSE AND INTENT

The CR Zone is primarily intended to provide for establishments catering to the lodging, dining and recreational needs of tourists and others. Therefore, the CR Zone will usually be placed adjacent to main tourist routes, interstate highways, major recreational areas, and important tourist attractions.

This zone seeks to encourage development characterized by a diversity of recreational facilities, spaciousness, attractive landscaping and ample off-street parking areas.

B. PERMITTED USES

In the CR Zone, no building or improvement, or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Hotels, motels and time-share projects.
2. Apartments, provided they are not located on the ground floor.
3. Private clubs, lodges and fraternal organizations.
4. Restaurants and bars with incidental entertainment and dancing.
5. Theaters (indoor only).
6. Any other use which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.
7. Accessory uses for any of the foregoing permitted uses, including but not limited to the following:

a. Business services customarily catering to hotel and motel guests and apartment occupants. These may include sales of newspapers and magazines, tobacco and packaged liquor; barber and beauty shops; florists and gift shops; agencies for laundering, dry cleaning and pressing; agencies for tickets, travel and car rentals.

b. Swimming pools, gymnasiums and health centers and tennis, badminton, volleyball and similar courts only when accessory to hotels and motels.

c. On-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code.

C. SPECIAL REGULATIONS

1. All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or other similar area. However, neither of the foregoing regulations shall be applicable to signs or accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses on any premises shall not exceed 25 percent of the gross floor area of the permitted uses.

2. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls and roofs with construction and appearance similar to the main building.

TORREY PINES COMMUNITY PLANNING GROUP
PROJECT REVIEW COMMITTEE

RECEIVED
OCT 0 3 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Diana Lilly
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

Re: Proposed zoning change for the parcel known as "Surf &Turf"

Dear Ms. Lilly,

The Torrey Pines Community Planning Group Project Review Committee met on September 28, 1995 and discussed the proposed zoning change of the "Surf &Turf" 14 acre parcel to Commercial/Recreational . By unanimous vote the committee opposed this change of zoning. All members felt strongly that the Community Plan was correct in recommending the zoning change to Open Space/Recreational if there were to be a change at all. This designation allows the current use without allowing other uses which all felt were contrary to the premises of the Community Plan and detrimental to the area. The zoning designation of Commercial/Recreational would allow development of large commercial projects to an already impacted area. Basic to the goals of The Torrey Pines Community Planning Group Plan is the preservation of the natural resources and enhancement of the environmentally sensitive areas. When our Plan was revised, the San Diego City Staff recommended the Open Space/Recreational zoning to be the most appropriate to maintain the existing uses without further impacting a sensitive river mouth.

We urge you to consider the detrimental effect more development and traffic would have in this unique, sensitive area. Thank you for your attention.

Yours very truly,

Ellen E. Diehl

Ellen E. Diehl
Chairman, Project Review Committee

©22nd D.A.A.

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

RECEIVED
1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

September 22, 1995

Ms. Diana Lilly
California Coastal Commission
San Diego Coast District Office
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

SUBJECT: TORREY PINES COMMUNITY PLAN LCP AMENDMENT, CITY OF SAN DIEGO

Dear Ms. Lilly:

With reference to the 22nd District Agricultural Association's previous request for modification of the portion of the proposed amendment to the Torrey Pines Community segment of the City of San Diego Local Coastal Program (LCP) that affects the 22nd District's property, I would like to clarify several points:

1. The 22nd District concurs with the Staff recommendation that the Land Use Plan should be modified to designate the 14 acres currently developed with active commercial recreation facilities, as "Commercial Recreation", as requested in our April 19, 1995 letter and indicated your June 28, 1995 Staff Report.

2. Our original request did not specifically address zoning; we assumed the City would apply an appropriate zone in the subsequent implementing ordinances which would allow the commercial recreation use.

3. The 22nd District hereby requests that Staff consider an additional modicifcatoin that should be made to the Torrey Pines LCP, as follows:

2260 Jimmy Durante Boulevard ◆ Del Mar, California 92014-2216
TELEPHONE: 619 755-1161, 296-1441 ◆ FAX: 619 755-7820
THE SOUTHERN CALIFORNIA EXPOSITION

- Any text and/or maps in the Land Use Plan that refer to the District's property should clearly indicate that permit authority rests with the California Coastal Commission, because the property is located within the area desigated as the Commission's original jurisdiction.

Thank you for your assistance.

Yours truly,

22ND DISTRICT AGRICULTURAL ASSOCIATION

Patricia A. Butler

Patricia A. Butler
District Planner

enclosure

cc: Mike Westlake, City of San Diego
Bill Blair, 22nd DAA

Friends of the
San Dieguito River Valley

P.O. Box 973 • Del Mar, CA 92014-0973
FAX: 619-259-0759

September 8, 1995

Deborah Lee, Assistant District Director
California Coastal Commission, San Diego Coast Office
3111 Camino del Rio North #200
San Diego, CA 92108-1725

RECEIVED
SEP 12 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Torrey Pines Community Plan Amendment
(City of San Diego)

Dear Ms. Lee:

We wish to state our objections to the modification to San Diego's LCP requested by the 22nd District Agricultural Association.

As others have pointed out, the uses permitted by right under the requested zone change to "Commercial Recreation" would change the nature of the existing uses to much more urban, intense indoor uses (adult entertainment, hotels, apartments, bars, liquor shops, etc). We assume also that it would permit by right their desired gambling casino. These uses might be tolerated in another area, but not in the floodplain next to the lagoon.

Intense uses such as the above are incompatible with the floodplain site, and detrimental to the river and wetlands, to the Edison restoration project, and and to character of the region. They would worsen the already difficult time people have of accessing the coast, by drastically increasing traffic congestion. Cumulative impacts would be severe.

On behalf of the 400 Friends of SDRV members who care about the visual and biological resources of the San Dieguito River Valley and of the coastline, we ask you to oppose this change.

Sincerely,

Alice Goodkind, President
For the Board of Directors
Friends of the San Dieguito River Valley

Lorraine Rouse, Treasurer

cc Mike Westlake
Mayor Abarbanel, Del Mar

RECEIVED
AUG 2 3 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

August 17, 1995

Ms. Deborah Lee, Assistant District Director
California Coastal Commission, San Diego Coast Office
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Torrey Pines Community Plan: 22nd District Agricultural Association Proposed Zoning Change

Dear Ms. Lee:

This letter is to voice concerns regarding the fourteen acre zoning change which was discussed in the staff report of June 28, 1995 for the above project.

Although the 22nd district Agricultural Association owns the 14 acres which they wish to have rezoned, the zoning for the area is within the jurisdiction of the City of San Diego. The Community Plan for each city area sets the basic policies for that area, since each community plan is part of the basic General Plan.

When community residents and the Torrey Pines Community Planning Board reviewed and updated the present community plan, they voted to change the zoning from Agricultural (since no agriculture had been carried on there for many years) to Recreational Open Space, which San Diego Planning staff indicated best fits the current uses of the area. The outdoor businesses which now are there were permitted long ago under Conditional Use Permits, because the area is located in the flood plain of the San Dieguto River.

To change the designation from Recreational Open Space to Commercial Recreation would mean that many new indoor uses could be placed on the property by right. The uses include adult entertainment, hotels, motels and time shares, apartments, private clubs, lodges and fraternal organizations, entertainment and dancing bars, packaged liquor shops, dry cleaners, child care centers, etc. Moreover, under Commercial Recreation zoning the existing tennis, badminton, and volleyball courts would be permitted only when an accessory to hotels and motels!

It seems evident that to change zoning to Commercial Recreation to permit such new indoor uses is not in the best environmental interests of the Coastal Area. To remove existing outdoor recreational uses long enjoyed by coastal visitors and residents in order to put hotels or huge gambliing casinos in a flood plain is not preserving our coastal resources in the best possible way! Other areas are better suited to such pursuits.

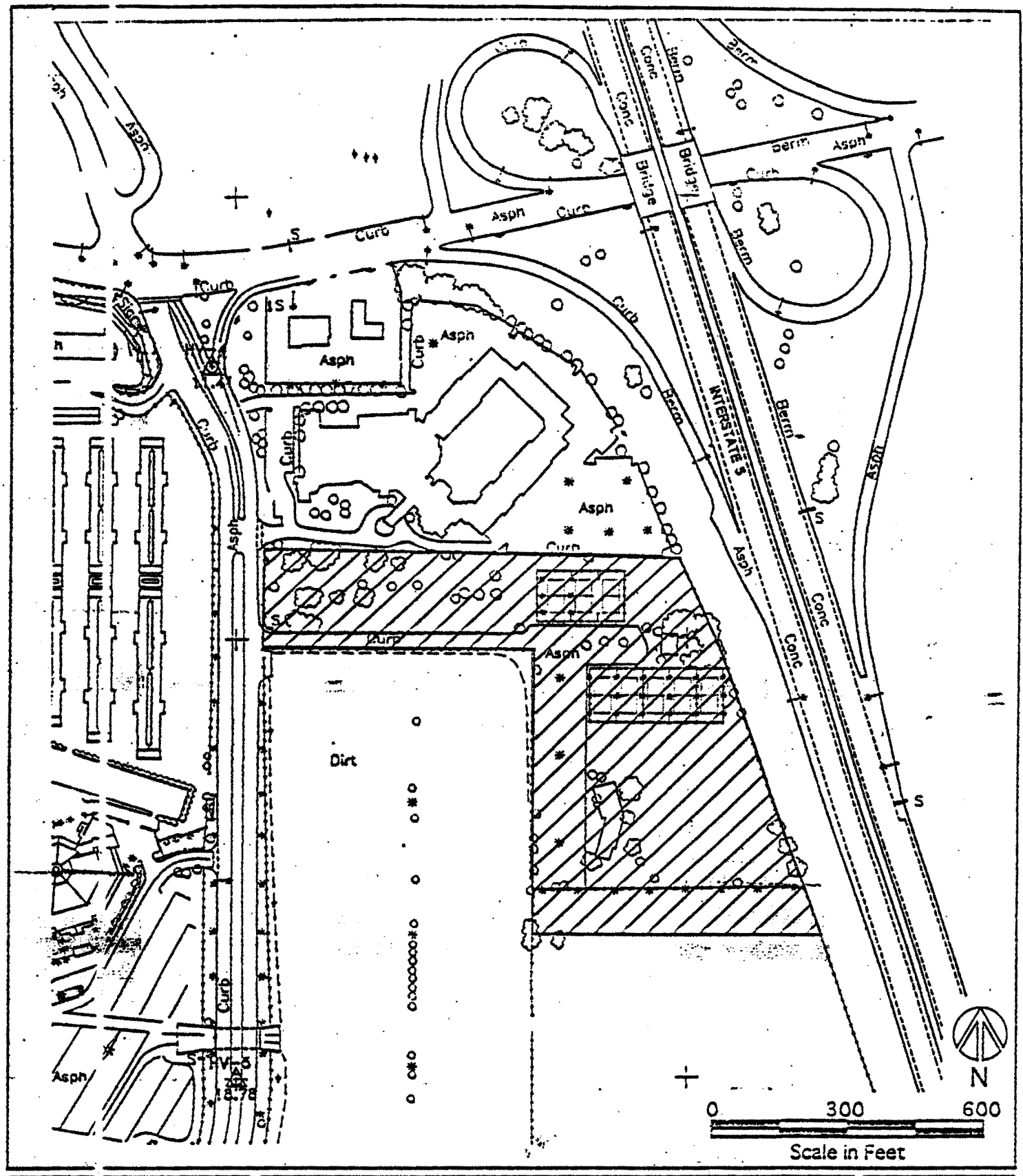
Since the area involved is within the focused planning area of the San Dieguito River Valley Regional Open Space Park, it would be consistent with its objectives and vision to keep this area in visitor serving outoor recreational activities consistent with its location within the flood plain and the view shed of the River Park. Large buildings within this area is neither in the best interests of the Coastal Area nor the taxpayers who would have to pay for flood damage to large buildings placed there "by right".

Thank you for your attention to this matter.

Sincerely yours,

Opal Truebloo

13014 Caminito Del Rocio
Del Mar, CA 92014-3606
Phone: 481-0763



SOURCE: The Butler Roach Group, Inc., 1995.

22nd District Agricultural Association

Existing Developed Commercial Recreation Site - Surf & Turf Parcel

FIGURE

§101.0421.1 CR Zone (Commercial Recreation)

A. PURPOSE AND INTENT

The CR Zone is primarily intended to provide for establishments catering to the lodging, dining and recreational needs of tourists and others. Therefore, the CR Zone will usually be placed adjacent to main tourist routes, interstate highways, major recreational areas, and important tourist attractions.

This zone seeks to encourage development characterized by a diversity of recreational facilities, spaciousness, attractive landscaping and ample off-street parking areas.

B. PERMITTED USES

In the CR Zone, no building or improvement, or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Hotels, motels and time-share projects.
2. Apartments, provided they are not located on the ground floor.
3. Private clubs, lodges and fraternal organizations.
4. Restaurants and bars with incidental entertainment and dancing.
5. Theaters (indoor only).
6. Any other use which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.
7. Accessory uses for any of the foregoing permitted uses, including but not limited to the following:

a. Business services customarily catering to hotel and motel guests and apartment occupants. These may include sales of newspapers and magazines, tobacco and packaged liquor; barber and beauty shops; florists and gift shops; agencies for laundering, dry cleaning and pressing; agencies for tickets, travel and car rentals.

b. Swimming pools, gymnasiums and health centers and tennis, badminton, volleyball and similar courts only when accessory to hotels and motels.

c. On-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code.

C. SPECIAL REGULATIONS

1. All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or other similar area. However, neither of the foregoing regulations shall be applicable to signs or accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses on any premises shall not exceed 25 percent of the gross floor area of the permitted uses.

2. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls and roofs with construction and appearance similar to the main building.

City of Del Mar

July 12, 1995

Received at Commission Meeting

JUL 12 1995

From: _____

Honorable Chairperson and Commissioners
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

RE: San Diego LCP Amendment No. 2-95A (Torrey Pines Update)

Honorable Chairperson and Commissioners:

The City of Del Mar has been concerned with the City of San Diego's proposed amendment to its Local Coastal Program (LCP) for the Torrey Pines Community Plan. Three areas have been identified as major issues associated with the proposed amendment. Each of these involves a number of related concerns, but generally falls into one of three following categories:

1. The City of San Diego's proposal to regulate land use within the jurisdictional boundaries of the City of Del Mar.

2. Impacts to regionally significant environmental resources including, but not limited to, wetlands, water quality, and visual resources.

3. Proposed land use change to the area south of Via de la Valle.

Our concern has involved the City of San Diego's proposal to regulate land use within the jurisdictional boundaries of Del Mar. As has been stated in previous correspondence to the Coastal Commission (letter dated May 5, 1995) and the City of San Diego, (letters dated July 30, 1992, May 10, 1993, May 26, 1993, September 13, 1993, December 6, 1993, May 17, 1994, May 27, 1994, and November 16, 1994), the primary concern of the City of Del Mar is the proposed improvements to North Torrey Pines Road/Camino del Mar and the Camino del Mar/Carmel Valley Road intersection.

As correctly noted in the draft Torrey Pines Community Plan and the EIR, this intersection and a portion of North Torrey Pines Road are within the jurisdictional boundaries of the City of Del Mar and would require approval from the City of Del Mar. However, the proposed improvements, as described in the draft Torrey Pines Community Plan, are in direct conflict with the City of Del Mar Community Plan. Specifically, the Del Mar Community Plan recommends that Camino del Mar ultimately consist of one lane of traffic in each direction south of 9th Street, with the remaining right-of-way utilized for landscaping, parking, and bicycle lanes.

1050 Camino del Mar, California 92014-2698

Telephone (619) 755-9313 • Fax (619) 755-2794

Honorable Chairperson and Commissioners
California Coastal Commission
San Diego LCP Amendment No. 2-95A (Torrey Pines Update)
July 12, 1995

To further emphasize the importance of this issue, on November 7, 1994, the Del Mar City Council unanimously adopted Resolution No. 94-52. This resolution opposes the Torrey Pines Community Plan Update and Environmental Impact Report as they relate to North Torrey Pines Road, Camino del Mar and the intersection of Camino del Mar, and Carmel Valley Road.

Our concerns have stemmed from our City's position that it is inappropriate for the Coastal Commission to even consider approval of the City of San Diego's proposal to widen Del Mar's roadway system to accommodate the growth within the City of San Diego. We have questioned the Commission's legal authority to grant approval of a project without consent from the affected property owner, in this case the City of Del Mar.

However, the proposed changes to Suggested Modification #8 as outlined in the July 11, 1995 memorandum from Coastal Staff to the Commission, appear to satisfy our concerns with the provision that the references to the two channelized islands within our City's jurisdiction are removed. Therefore, we recommend deleting the first sentence of the second paragraph of the staff recommended change to Suggested Modification #8.

Our concerns associated with regional impacts to significant environmental resources, including wetlands, water quality, and visual resources remain. The City of Del Mar concurs with Commission staff that the proposed Torrey Pines Community Plan is inconsistent with Section 30233 of the Coastal Act. As proposed, the plan would allow for the construction of roadways and other structures within wetlands and other existing environmentally sensitive habitat areas. The City of Del Mar supports the Coastal staff's proposed modifications which address precise development standards for development in the floodplain fringe of Sorrento Valley and the San Dieguito River, and adjacent to designated environmentally sensitive open space areas such as the San Dieguito Lagoon, Crest Canyon, the Carroll Canyon Wetlands/Wildlife Corridor, and the Torrey Pines State Reserve Extension.

We recently became aware of the proposed land use change for the commercial area south of Via de la Valle referenced to on page 74 of the Update. The proposed land use change has not been reviewed by the Torrey Pines Community Planning Group and should also be evaluated in conjunction with plans for the San Dieguito Lagoon restoration project, which is currently underway. Therefore, the City of Del Mar recommends delaying a decision on the area south of Via de la Valle until further review and evaluation is completed by all appropriate agencies.

Honorable Chairperson and Commissioners
California Coastal Commission
San Diego LCP Amendment No. 2-95A (Torrey Pines Update)
July 12, 1995

In closing, the City of Del Mar supports the Commission staff's recommendation of denial of the Torrey Pines Community Plan as submitted. Should the Commission approve the Plan, the City of Del Mar supports the suggested staff modifications as outlined on pages six through eighteen except that the City requests the Commission to delete the first sentence of the second paragraph of the staff recommended change to Suggested Modification #8 and continue a decision on the commercial area south of Via de la Valle until further review and evaluation is completed.

Thank you for your consideration.

Sincerely,

Henry Abarbanel

Henry Abarbanel
Mayor

cc: Del Mar City Councilmembers

75a

SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104-3623

Office (619) 299-1743
Conservation (619) 299-1741
Fax (619) 299-1742
Voice Mail (619) 299-1744
EBBS (619) 299-4018

July 10, 1995

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 95105-2219

Subject: July 12, 1995 Coastal Commission Item 15. a., San Diego LCP Amendment No. 2-95- A (Torrey Pines)

Dear Members of the California Coastal Commission:

The Executive Committee of the San Diego Chapter of the Sierra Club has adopted the following resolution relating to the plans to further intrude into Los Penasquitos Lagoon:

> The Sierra Club opposes the loss of wetlands due to planned road expansion and associated construction within the Los Penasquitos Lagoon.

We request that the Coastal Commission take these views of the Sierra Club into account when it considers the proposed changes to the Torrey Pines Community Plan.

Respectfully submitted,

Craig Adams
Conservation Coordinator
619/299-1741

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JUL 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Chair Williams and Commissioners,

The Los Penasquitos Lagoon Foundation welcomes the opportunity to comment on the City of San Diego's major amendment to the Torrey Pines Community Plan. The Los Penasquitos Lagoon Foundation was formed in 1983 by the State Coastal Conservancy to prepare the Los Penasquitos Lagoon Enhancement Plan and Program and to implement the Plan. The Plan was published in October 1985 and the Foundation has been responsible for a continuing program of biological monitoring as well as maintaining the mouth of the lagoon to assure tidal flushing. The program the Foundation has followed is one that is unique, and low cost. The success of this method has been proven by the greatly improved water quality and the health of the habitat.

The proposed amendments to the Torrey Pines Community Plan proposed by the City of San Diego include expansion of North Torrey Pines Road, and changes to both Carmel Valley Road and Sorrento Valley Road that would adversely impact the lagoon and undermine this work of ten years. The Foundation believes that there are other, less environmentally damaging methods of achieving the city's goals. We believe it appropriate that the Commission to encourage the city to find new, less harmful solutions.

The Foundation urges to Commission to support the Staff recommendation and deny the proposed amendments to the Torrey Pine Community Plan. The Foundation believes that the city's proposal is not in compliance with policies found in Chapter 3 of the Coastal Act that address the protection and enhancement of sensitive habitat areas, (Sections 30233, 30223 and 30240).

Sincerely,

Joan Jackson

SEA
Save Everyone's Access
P.O. Box 620
La Jolla, CA 92038-0620

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JUL 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

10 July 1995

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Major Amendment 2-95A/Torrey Pines Community Plan to City of San Diego Local Coastal Program (staff report 28 June 1995-Item 15a, 12 July 1995)

Dear Chairman Williams and Commissioners:

SEA strongly supports most of the subject staff report but must emphasize the following points:

1. **SEA** questions the wisdom of widening roads proposed by San Diego, because of potential impacts on the wetlands, the Penasquitos Lagoon and Del Mar.

2. **SEA** also questions the advisability of rezoning the 14-acre parcel used by the 22d Agricultural District, from agricultural to recreational/ commercial, instead of to recreational/open space as recommended in the community plan update.

3. The staff report was released to the public after cutoff for written comment included in the original packet sent to Commissioners (standard operating procedure).

Rationale for **SEA's** concerns:

1. **SEA** recommends that the Commission heed Del Mar's concerns about proposed road-widening and the impacts on their community. **SEA** feels that widening the roads will force traffic onto Carmel Valley Road beyond its maximum carrying capacity; will clog neighboring streets with traffic and parking; and may impact the wetlands if no preferable, feasible alternative can be found. The net result may be damage to the wetlands and adverse impacts on public access to and from the coast. San Diego's road-widening proposals rely on Section

30233 of the Coastal Act, which permits wetlands intrusion for public **service** purposes **(but not for public works).** Nothing in that Section permits road-widening or bicycle path intrusion into wetlands. In any event (Section 30007.5), the Legislature declares that in carrying out the provisions of the Act, conflicts are to be resolved in a manner which on balance is the most protective of significant coastal resources (in this case, the wetlands and the lagoon).

2. Ref. page 14, items 17 and 18 of subject staff report (14-acre "Surf & Turf" parcel south of Villa de la Valle, west of I-5): As stated in item 17, this parcel lies in the 100-year floodplain and is adjacent to the San Dieguito River Valley and Lagoon. It is now zoned as A-1-10 (agricultural). The community plan update proposes rezoning to recreational/**open space**. Staff recommends that it be rezoned to recreational/**commercial.**. Because of potential adverse commercial impacts on the floodplain, lagoon and wetland area, **SEA** urges the Commission to **approve the open space/recreational zoning** recommended by the community plan update.

3. The Coastal Act says (Section 30006) that a primary objective is to provide for the **widest** opportunity for public participation in coastal planning and implementation. The current staff practice of publishing staff reports after cutoff for initial packets going to Commissioners forces the public to comment in the Addenda (reaching Commissioners at hearings, too late to be read) or to make oral comments at the hearings (with short time limits). Most of the public cannot attend Commission hearings at distant cities. **The solution: SEA** urges you to direct staff to adjust production schedules so that reports come out a week earlier, permitting public written comments to reach Commissioners prior to hearings.

Thank you for the (belated) opportunity to comment.

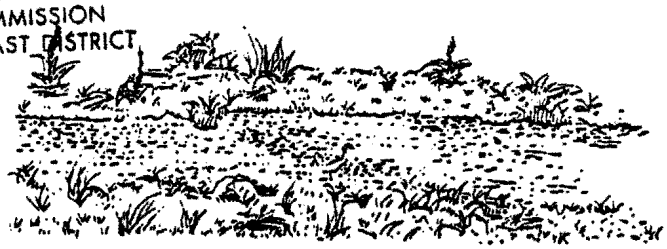
Sincerely

Carole Havlat

Carole Havlat
President

RECEIVED
JUL 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Wed 15a



Los Penasquitos Lagoon Foundation
P.O. Box 866 Cardiff, CA 92007

7/9/95

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Chair Williams and Commissioners,

The Los Penasquitos Lagoon Foundation welcomes the opportunity to comment on the City of San Diego's major amendment to the Torrey Pines Community Plan. The Los Penasquitos Lagoon Foundation was formed in 1983 by the State Coastal Conservancy to prepare the Los Penasquitos Lagoon Enhancement Plan and Program and to implement the Plan. The Plan was published in October 1985 and the Foundation has been responsible for a continuing program of biological monitoring as well as maintaining the mouth of the lagoon to assure tidal flushing. The program the Foundation has followed is one that is unique, and low cost. The success of this method has been proven by the greatly improved water quality and the health of the habitat.

The proposed amendments to the Torrey Pines Community Plan proposed by the City of San Diego include expansion of North Torrey Pines Road, and changes to both Carmel Valley Road and Sorrento Valley Road that would adversely impact the lagoon and undermine this work of ten years. The Foundation believes that there are other, less environmentally damaging methods of achieving the city's goals. We believe it appropriate that the Commission to encourage the city to find new, less harmful solutions.

The Foundation urges to Commission to support the Staff recommendation and deny the proposed amendments to the Torrey Pine Community Plan. The Foundation believes that the city's proposal is not in compliance with policies found in Chapter 3 of the Coastal Act that address the protection and enhancement of sensitive habitat areas. (Sections 30233, 30223 and 30240).

Sincerely,

Joan Jackson

Joan Jackson

LETTERS of Objection

TORREY PINES ASSOCIATION
Torrey Pines State Reserve
P.O. Box 345
La Jolla, CA 92038

RECEIVED
JUL 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

July 7, 1995

Honorable Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: San Diego LCP Amendment No. 2-95-A (Torrey Pines) Item 15, Agenda July 12, 1995

Honorable Chairman Williams and Commissioners:

The Torrey Pines Association is concerned primarily with the protection of Torrey Pines State Reserve and the Los Penasquitos Marsh Natural Reserve since they are both part of the same ecosystem. Lack of specificity in the Torrey Pines Community Plan as proposed by the City of San Diego endangers the protection of both reserves which were created to guard these extremely valuable and threatened coastal resources.

Therefore, at their last regular meeting, the Board of the Torrey Pines Association voted unanimously to endorse in general the changes to the Torrey Pines Community Plan proposed by the Coastal Commission staff as outlined in their report. We understand the need to include increased protection of these environmental resources, to eliminate potential wetland impacts associated with specific road improvements, and to protect visual resources and water quality in the community plan.

We wish to acknowledge the efforts of the Coastal Commission staff, and we urge you to support their recommendations to preserve and protect these valued coastal resources.

Sincerely,

John R. Fleming

John Fleming, President

Torrey Pines Docent Society

P. O. Box 2414
Del Mar, CA 92014

July 7, 1995

California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

Dear Commissioners:

The Torrey Pines Docent Society is a group of volunteers working to protect, preserve, and help maintain Torrey Pines State Reserve. We want to support the recommendations of the San Diego staff of the Coastal Commission on LCP 2-95 as it affects the areas adjacent to Torrey Pines State Reserve. In particular, we are concerned about the impact of construction of any kind that could intrude into the wetlands of Los Penasquitos Lagoon.

We want engineering studies and Environmental Impact Statements prior to projects on the edges of the Lagoon wetlands that are part of Torrey Pines State Reserve. Further, we believe that such projects should be submitted to the Torrey Pines Community Planning Group for consideration as amendments to the Torrey Pines Community Plan. An example of our concern is the widening of roads adjacent to the Lagoon that could have serious negative impact on the Lagoon ecosystem.

The Docent Society appreciates the past support of the Coastal Commission for the local wetlands and sensitive areas; we hope you will continue to view the protection and preservation of these areas as having the highest priority.

D.R. Grine
Vice President, Torrey Pines Docent Society

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JUL 07 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

TORREY PINES
COMMUNITY PLANNING GROUP

Honorable Chairperson and Commissioners
California Coastal Commission
3111 Camino Del Rio North Suite #200
San Diego, CA 92108

July 7,1995

RE: San Diego LCD Amendment No. 2-95 (Torrey Pines Plan)

Honorable Chairperson and Commissioners:

The Torrey Pines Community Planning Board supports the modifications to the Torrey Pines Plan as suggested by Coastal Commission staff as it relates to the potential impacts on Los Penasquitos Lagoon . It appears quite reasonable to not approve projects until design specifications and potential environmental impacts have been determined.

The Torrey Pines Community Plan Draft (January 1995) does not contain the preferred language of the Torrey Pines Planning Board as it relates to projects that impact the Los Penasquitos Lagoon. San Diego City staff refused to put this preferred language in the plan.The modifications suggested by Coastal Commission staff reflects the preferred language of the Torrey Pines Board as well as the San Diego Planning Commission (see attachment).

Our community and our region has a history of fighting for the protection of our valuable and beautiful limited coastal resources. We ask for your help by approving the modification as recommended by your staff.

Sincerely,

Robert Lewis, Chair
Torrey Pines Community
Planning Board

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JUL 07 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

City of San Diego

Planning Commission Report to City Council

ATTENTION: Honorable Mayor and City Councilmembers.

SUBJECT: TORREY PINES COMMUNITY PLAN UPDATE.

ACTION: **On September 8, 1994, the Planning Commission voted (6-0) on a motion by Commissioner Quinn to approve the Torrey Pines Community Plan Update (including all associated actions) with several exceptions. These exceptions are discussed in the ISSUES section of this report.**

ISSUES:

Several issues regarding the Torrey Pines Community Plan Update were of primary concern to the Commission. Most of the discussion during the hearing focused on these issues, and the motion to approve the Plan Update included specific reference to these issues.

1. Editorial Comments Suggested by the California Department of Parks and Recreation - During the hearing, a representative from the California Department of Parks and Recreation submitted a letter containing several suggested modifications to the Draft Torrey Pines Community Plan. After reviewing this letter, and listening to public testimony from the Parks representative, the Planning Commission voted to approve the following editorial changes to the Draft Community Plan:

   A. Page 29, Policy 3: The words "without approved mitigation plans" should be eliminated.
   B. Page 36, Number 3: Delete the words "unless adequate mitigation is provided and proper permits are obtained".
   C. Page 37, Number 6: The references to mitigation in parts a, b, and d should be deleted.
   D. Page 54, North Torrey Pines Road Bridge over Penasquitos Creek: In the last sentence the work "should" should be changed to "shall".

2. Categorical Exclusion - The Planning Commission voted to deny Categorical Exclusion in order to preserve the Torrey Pines Community Planning Group's opportunity to review all single-family home development, including new construction, remodels, demolitions and rebuilds.

3. Stop Signs on Carmel Valley Road - The Planning Commission voted to approve the installation of stop signs on Carmel Valley Road at the intersections of Via Aprilia and Via Grimaldi. The Planning Commission's recommendation to install stop signs was based on the desire to reduce speeds and increase safety on Carmel Valley Road.

6 July 1995

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725
Attn: Diana Lilly

RECEIVED
JUL 07 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Torrey Pines Community Planning
Coastal Commission hearing , 12 July 1995 Long Beach

The recommendations by your staff to require plan amendments for road improvement projects that are as yet not designed and environmental impacts not determined is eminently reasonable.

A Community Plan is a broad policy document rarely written at the specific project level. However when specific projects have been written into these documents, in the past, consistency with the policy document is used inappropriately to justify the project. Design and mitigation are often not given the weight they would carry if a plan amendment were required for approval.

Penasquitos Lagoon is a Preserve (the highest classification for protection the State assigns its property). The beach is filled with locals and visitors and the park is one of the most visited in the State.

I hope you will agree that the importance of this coastal resource warrants attention to design and mitigation of impacts to a level that will insure the continued health and beauty of the lagoon.

Thank you,

Lynn Benn

Lynn Benn

c.c. Senator Lucy Killea

JUL 1 0 1995

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

July 7, 1995

Diane Lilly
Coastal Program Analyst
San Diego Area Office, 3111 Camino Del Rio N.
San Diego, Ca 92108-3315

Dear Ms. Lilly,

Concerning the Carmel Valley Road plans in the City of San Diego, please uphold the Community Plan. I was on the original Executive Board of the Planning Group (Torrey Pines), and we worked so hard night and day to come up with this plan: meetings, hearings, etc.

The encroachment into the fragile lagoon is against the local and State Park goals. You know yourself what happens when construction intrudes into lagoons (Batiquitos, etc.), these are fish nurseries and a necessary and relaxing and necessary passive recreation.

Think of the years to come , stand up for your principals; I am so tired of political expediency taking over. I hope we can count on you to support our thinking.

Sincerely,

Thanks so much!

Peggy Whitehead

Margaret (Peggy) Whitehead
2569 Via Pisa
Del Mar, Ca. 92014-3815
(619) 755-0826

July 6, 1995

RECEIVED
JUL 07 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Senator Lucy Killea
2550 5th Ave, #152
San Diego, CA 92101

Dear Senator Killea,

As chairperson of the Torrey Pines Community Planning Board and on behalf of the Board I am writing this letter to voice concern regarding the California Coastal Commission hearing on July 12, 1995 in Long Beach.

The Torrey Pines Planning Board supports the Coastal Commission Staff's recommendation to modify language in the Torrey Pines Plan.. The Board feels the modifications will help protect accessibility to the Torrey Pines State Beach area and will help protect Los Penasquitos Lagoon and the recreational and residential value of our area.

It is not our intent to stop improvements to Carmel Valley Road, North Torrey Pines Road, and Sorrento Valley Road. However, we feel that the Coastal Commission Staff is correct in requiring that the Torrey Pines Community Plan as a policy document does not embrace projects until design specifications and potential environmental impacts have been determined.

We are looking forward to working with your office to assure that the proposed road and bridge projects do not unnecessarily degrade our sensitive and limited coastal resources.

Sincerely,

Robert V. Lewis
Chairman
Torrey Pines Community Planning Board
Phone (619-481-1331)

c.c. Diana Lilly, Coastal Commission

STATE OF CALIFORNIA — RESOURCES AGENCY PETE WILSON, *Governor*

DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District
9609 Waples Street, Suite 200
San Diego, California 92121

July 6, 1995

RECEIVED
JUL 0 6 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Diana Lilly
California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, California 92108-1725

Dear Commission Staff;

The California Department of Parks and Recreation is extremely concerned in regards to the Staff Recommendation on Major Amendment 2-95A/Torrey Pines Community Plan to the City of San Diego. We strongly agree that language in the proposed plan would allow unacceptable encroachments into the wetlands of Los Penasquitos lagoon. The language in the community plan requiring that adequate mitigation be performed is no guarantee that damage will not be done. Mitigation usually consists either of buying areas of similar ecological value to those being impacted, or in restoring areas whose ecology has been compromised. In Los Penasquitos Lagoon there are no additional wetland areas available for purchase. The property available for purchase, to mitigate for development impacts, has already been acquired. If land acquisition is pursued as an option for mitigation it will be done off-site, in some other wetland. The alternative mitigation strategy, of restoring impacted areas, is almost never successful in re-creating natural ecosystems. Qualitatively then, mitigation projects never fully compensate for the loss of pristine habitat. Following either strategy is likely to result in deterioration in the ecological quality of Los Penasquitos Lagoon. Rather than rely on mitigation we feel it would be a preferable strategy to avoid impacts to sensitive resources.

These issues were raised when the community plan was brought before the City Planning Commission in February 1995. At that time the planning commission agreed with the changes suggested in the attached letter to delete permissive language and substituted the language suggested by State Parks. It is distressing to see that City planning staff has reinserted the original, objectionable language into the proposed community plan. This is clearly counter to the wishes of the Community Planning Group, the City Planning Commission and the California Department of Parks and Recreation. We strongly support the inclusion of the alternative language suggested by the Coastal Commission staff.

Sincerely,

MR Wells for

Edward Navarro, Superintendent
San Diego Coast District

STATE OF CALIFORNIA — RESOURCES AGENCY PETE WILSON, *Governor*

DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District
3990 Old Town Ave. Suite 300-C
San Diego, California 92101

September 6, 1994

Mike Westlake, Senior Planner
City of San Diego, Department of Planning
202 C St. 4th Floor
Mail Station 4A
San Diego, CA 92101

RECEIVED
JUL 0 6 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Mr. Westlake;

The Torrey Pines Community planning district is adjacent to lands under the management of the California Department of Parks and Recreation. Activities permitted by the Community Development Plan (CDP) can have significant impacts on State Park lands. In general we support the intent of the CDP and are sympathetic with most of the environmentally sensitive provisions included in it. However, we are concerned that permissive language included in the CDP will allow certain activities if "adequate" mitigation is performed. Mitigation usually consists either of buying areas of similar ecological value to those being impacted, or in restoring areas whose ecology has been compromised. Specifically we are concerned about the wetlands within Los Penasquitos Lagoon. In Los Penasquitos Lagoon there are no additional wetland areas available for purchase. The property available for purchase, to mitigate for development impacts, has already been acquired. If land acquisition is pursued as an option for mitigation it will be done off-site, in some other wetland. The alternative mitigation strategy, of restoring impacted areas, is almost never successful in re-creating natural ecosystems. Qualitatively then, mitigation projects never fully compensate for the loss of pristine habitat. Following either strategy is likely to result in deterioration in the ecological quality of Los Penasquitos Lagoon. Rather than rely on mitigation we feel it would be a preferable strategy to avoid impacts to sensitive resources.

In particular we are concerned about the language in the following sections of the May 1994 draft of the Torrey Pines community Development Plan (CDP):

Page 5. paragraph 2. Eliminate the words "More importantly and " at the beginning of the third sentence. This phrase implies that that the function of this area as one of thousands of similar southern Californian bedroom communities

is more important than the unique natural features that distinguish it. It is precisely these elements that make "the unique living and working environment" described in the remainder of the sentence.

Page 29. Policy 3. The words "without approved mitigation plans" should be eliminated for the reasons discussed above. Mitigation plans are already required by the Coastal Commission and the provisions of the California Environmental Quality Act (CEQA), thus this section adds no additional protection to biologically sensitive habitats.

Page 29. Policy 7. A sentence to the effect that new vegetation clearing should be done only to protect existing development, should be added.

Page 29. Policy 10. No encroachment into biologically sensitive lands shall be allowed. Buffers and corridors designed into development plans should be placed on the lands controlled by the developer and not on adjacent public lands.

Page 30. Policy 14. Torrey pine trees on public property are already protected. It is the trees located on private lands which require protection. Many of the Torrey pine trees on private property were originally protected through the permitting process as a condition of project approval. The continued existence of these trees as a part of permit compliance should be tracked.

Page 36. Number 3. Delete the words "unless adequate mitigation is provided and proper permits are obtained." This phrase adds no protection to the wetland as mitigation and permits are already required by the Coastal Commission and CEQA. CDPR will strongly oppose any attempt to encroach into the wetlands of Los Penasquitos Lagoon. If the road is to be widened it should be widened to the north or east away from the sensitive wetlands.

Page 37. Number 6. The references to mitigation in parts a, b, and d should be deleted. Mitigation is already required by other permitting agencies. It is difficult to determine what the intent of part c is. This should be rewritten so that it is more clear. Part e is a commendable sentiment however, currently there are no adequate mitigations for the addition of freshwater runoff to coastal salt marshes.

Page 38. IMPLEMENTATION, paragraph 4. Properties that are designated as open space, but not currently zoned that way, should be rezoned as open space. Why bother to designate these areas open space if they are to be allowed to be developed. Allowing them to be developed is counter to the intent of the CDP.

Page 39. Action Plan, Item 6. The entry under "Implementation Measures" should be altered to read "Preserve significant Torrey pine trees on public property and on private land where their protection was a condition of project approval."

Page 54. North Torrey Pines Road Bridge over Penasquitos Creek. In the last sentence the word "should" should be changed to "shall". It is vitally important that the hydrology and ecology of the lagoon be considered in the design of the bridge.

Page 54. Carmel Valley Road. In the second sentence the word "should" should be changed to "shall".

Page 68. Residential Development Design Guidelines. Mention should be made in this section of two additional issues: First, that homes adjacent to or visible from public parklands should be designed to be visually unobtrusive. Second, that landscaping in this area should not include exotic plants that are capable of aggressively invading natural landscapes.

We greatly appreciate this opportunity to comment on the Torrey Pines Community Development plan.

Sincerely,

Edward Navarro, Superintendent
San Diego Coast District

SAN DIEGO AUDUBON SOCIETY
2321 Morena Boulevard, Suite D • San Diego CA 92110 • 619/275-0557

July 6, 1995

RECEIVED
JUL 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
3111 Camino Del Rio
San Diego CA 92108

ATTN: Diana Lilly

Re: Torrey Pines Community Plan

We urge you to support your staff recommendation, to require an amendment to the Torrey Pines Community Plan,. this amendment to address all projects not yet designed and for which environmental impacts have not been assessed.

This amendment would require scientific analysis of all impacts, environmental and otherwise, to this plan, this information not now available, and, thus, decisions could be made in the dark, without adequate information.

The stakes are high. Penesquitos Lagoon is a State Preserve, given the highest classification for protection by the State.

The Lagoon must not be jeopardized. Please support the staff recommendation.

Sincerely,

Norma Sullivan

Norma Sullivan, Conservation Chair

Norma Sullivan
5858 Scripps St.
San Diego, Ca. 92122
452-0787

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JUL 06 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

2566 VIA PISA
Del Mar CA 92014
July 3, 1995

Diane Lilly
Coastal Program Analyst
San Diego Area Office

Dear Diane Lilly,
In regard to Carmel Valley Road improvements in the City of San Diego. This is a request to the Coast Commission for endorsment of the plan that observes a minimum width that includes turn lanes with the least amount of encroachment into Los Peñasquitos Lagoon wetlands and watershed area. No changes or activity that would require "mitigation."
Thank you —

Sincerely,
Jessie D. LeGrange

2502 Via Pisa
Del Mar, Ca. 92014
June 24,1995

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JUN 27 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Diana Lilly
Coastal Program Analyst
San Diago Area Office
Coastal Commission, San Diego Coastal Area
3111Camino del Rio North, Suite 200
San Diego, Ca. 92108-1725

Dear Ms. Diana Lilly,

I live about 250' north of the Lagoon in Del Mar Terrace and I wish to strongly endorse the Coastal Commissions' position in minimizing the planned re-construction of roads and bridges around and over the lagoon, i.e. any changes that result in encroachment of the wetlands.

Del Mar Terrace is a small Caostal Community with one main two lane road which serves as a feeder to Interstate 5. Now that El Camino Real has been widened to a multi lane highway, it serves as an alternate route when 5 cannot be used. Much of Carmel Valley road is also on the flood plain. Since this is an old road ,homes built along Carmel Valley will lose some of the pleasure in living in a coastal community.

So we disagree with the city's (San Diego) position and feel there should be minimum widening ,if any, on Sorrento Valley, Carmel Valley, and North Torrey Pines Roads. All plans are made years ahead and sometimes changes are un-needed when the time has come to implement them. In this case the coaster and bus transportation should alleviate the need for increased traffic that is currently being projected by the city.

Thank you for holding to your position on widening the roads and the bridge and hope that the need for mitigation will not be present.

Sincerely,

Kathleen M. McCormick

Kathleen M. McCormick

June 23, 1995

Ms. Diana Lilly
Coastal Program Analyst, San Diego Area Office
California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

RECEIVED
JUN 28 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To the staff and members of the California Coastal Commission:

I chair the Transportation Committee of the Torrey Pines Community Planning Group, and at our recent meeting on Thursday, June 22, 1995 we discussed extensively your Staff Recommendation on Major Amendment 2-95A / Torrey Pines Community Plan to the City of San Diego Local Coastal Program. At the unanimous request of the four Planning Group members and four community members in attendance I write to convey our concerns regarding the transportation and environmental issues raised in the Recommendation.

Our primary concern matches the objection repeatedly noted in the Recommendation, that the language in our proposed Community Plan could have the effect of permitting a variety of encroachments on Penasquitos Lagoon in pursuit of efficient solutions to transportation problems. The lagoon is bounded on three sides by old, degraded and overused roadways, and the City of San Diego's transportation plans include major upgrades to all three roadways. Each of these appears likely to significantly impact the lagoon and wetlands. The language of our proposed Community Plan accepts such impacts and requires mitigation for them. Because these three projects are not yet planned in detail, and the scope of such impacts is unknown, we are "buying a pig in a poke."

We agree with the Recommendation that it is inappropriate that our Plan accept unknown impacts, and we strongly support the alternative language of the Recommendation. We recognize that our Plan will then have to be specifically amended in each case, and we regret the additional imposition on the City Planning staff that this will entail; however, we welcome the continuing opportunity and obligation to participate in the planning and preservation of our unique area. We are concerned that the existing plans for roadway improvement appear to be designed to enhance the flow of through traffic and will have the effect of reducing the accessibility of Torrey Pines beach and will degrade the recreational and residential value of our area.

We are grateful that your review has pointed out this unintended consequence of our Community Plan, and we support the inclusion of your alternative language.

Thank you for your attention.

Roy Riblet

Roy Riblet
13746 Mira Montana Drive
Del Mar, CA 92014-3420

SEA
Save Everyone's Access
P.O. Box 620
La Jolla, CA 92038-0620

RECEIVED
MAY 08 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Diana

Th 6c(3)

7 May 1995

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: San Diego Local Coastal Program Amendment No. 1-95 Mission Bay and Amendment No. 2-95, Torrey Pines and Pacific Beach; 11 May 95 Commission Agenda Items 6b, 6c(1) and 6c(2), respectively.

Dear Chairman Williams and Commissioners:

SEA supports the Commission staff's reports on Mission Bay (24 April 95), Torrey Pines (27 April 95) and Pacific Beach (18 April 95), especially staff recommendations respecting coastal resource protection and public access.

SEA especially supports staff Mission Bay recommendation #4 to retain all public parking, including existing spaces at the Bahia Hotel, the requirement for a continuous ten-foot-wide pedestrian and bicycle path around Bahia Point, and staff recommendations #6, #8 and #9 regarding natural resources protection.

SEA strongly supports staff Torrey Pines proposals on natural resources protection in the wetlands, Sorrento Valley floodplain and Los Peñasquitos Lagoon area.

SEA recommends against Pacific Beach upzoning, especially at Riviera Drive/Moorland Avenue, for all the reasons given by the Commission when it downzoned the area in 1991.

Otherwise, SEA urges the Commission to **approve** the Commission staff reports but add enforcement language like that in the Southeast San Diego Planned District Ordinance: that permits shall not be granted to applicants or sites with prior violations until those violations are resolved.

Sincerely

Carole Havlat
President

Letter of Comment
SDLCPA #2-95C

RECEIVED
APR 27 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

** This letter includes a specific section on Torrey Pines. pls refer to Page 11 of its second attachment.

April 25, 1995

TO: CALIFORNIA COASTAL COMMISSION AND INTERESTED PARTIES
FROM: LA JOLLA COALITION OF COMMUNITY GROUPS (LJCCG)

SUBJECT: LA JOLLA COMMUNITY PLAN UPDATE HEARING, 5-11-95

Honorable Commissioners:

The LJCCG is a confederation of every major community and neighborhood group in La Jolla except the La Jolla Community Planning Ass'n. The Coalition was formed in January, 1994 because of serious irregularities in the public's ability to secure input to the Community Plan Update process.Our current membership totals approximately 2800 persons, and consists of:

La Jolla Town Council	1500 members
La Jolla Shores Ass'n.	600 members
Muirlands Neighborhood Ass'n.	150 members
Barber Tract Homeowners Ass'n.	110 members
Scripps Estates Assoc.	80 members
La Jolla Farms Property Owners Ass'n.	90 members
Muirlands Panorama Homeowners Ass'n.	120 members
Save Everyone's Access	150 members

RECOMMENDATIONS:

1. Withold approval of the La Jolla Community Plan Update pending compliance by the City through a Supplemental EIR with the letter and intent of the California Environmental Quality Act and the California Coastal Act. (See Best, Best, & Krieger letter of Jan. 12, 1995, and appended legal review submitted by the LJCCG, Pacific Beach Planners, and the Del Mar Terrace Conservancy).

2. Based on the Oct. 12, 1994 submittal from the LJCCG and the November 23, 1994 submittal from the La Jolla Town Council, withold Plan approval subject to:
   a. Greater specificity in language and implementation measures, particularly in regard to community character elements; re-zoning to bring all La Jolla hillsides under Coastal regulations; and assurance of physical and visual access protection.

TORREY PINES COMMUNITY PLAN

Letters of Opposition

b. Inclusion of important sections of the existing La Jolla Plan omitted by the City during the Update. (See Gap" document in November 23 Town Council letter).
c. Elimination of density increase; areas proposed for upzoning to 43 DU in this update were downzoned to 29 DU by City in 1988 because of traffic and infrastructure problems.
d. Elimination of ambiguous language in Appendices I&J regarding zoning changes and land use plan amendments. Need clear statement that future zoning changes will trigger concurrent LUP/LCP amendments.

RATIONALE: The City's actions violate Coastal mandates for 1) full public participation; 2) specificity; 3) conformance; and 4) compliance with adopted laws. The La Jolla Plan was completed BEFORE the City proposed Categorical Exclusion in October, '94, and BEFORE the City stated that the La Jolla Plan would be implemented by yet-to-be developed citywide provisions of the San Diego Zoning Code Update(ZCU). Based on communications from staff and preliminary Council ZCU approvals,(see attached letters and Jan. 4 Agenda responses), we believe this piecemeal handling of coastal Community Plan Updates will operate to bypass state planning law and Ca. Coastal Act mandates supporting the precedence and binding nature of the general plan/ community plan/ land use plan element. (See May 11, 1993 letter from Laurinda Owens to Brian Clater, p. 11).

The La Jolla Coalition has long supported procedural streamlining. As a viable method of carrying out the needed streamlining without losing the value inherent in Coastal resources, we urge the Commission to consider our October 12 proposal for an Administrative Permit. Based on very clear, objective Coastal Development Permit criteria, this method could be developed to closely approximate the Coastal Commission's handling of project review before jurisdiction was turned over to the City of San Diego in the '80's. We urge your earnest consideration of this proposal.

Very truly yours,

Joanne H. Pearson

Joanne H. Pearson

President, La Jolla Town Council for
La Jolla Coalition of Community Groups

Pacific Beach Planners
3559 Jewell Street
San Diego CA 92109-6723

619/274-2362

California Coastal Commission
Attn: Deborah Lee
3111 Camino del Rio North, Suite 200
San Diego CA 92108-1725

In 1993, the San Diego Planning Commission specifically requested us to make detailed comments on the Pacific Beach Community Plan. We spent many hours analyzing and commenting upon that plan, particularly in regard to the dramatic increase in density that would take place were the original plan approved.

We wish to express our deep disappointment that except for correcting grammatical and spelling errors, the City Council completely ignored our suggestions and criticisms, accepting instead, with scant deliberation, the local planning committee's recommendations. The Pacific Beach Community Planning Committee is dominated by members who have a pecuniary interest in intensifying development of the Pacific Beach community. They have little regard for issues such as scale, neighborhood character, historic preservation, traffic, parking, runoff or other issues which impact heavily on the livability of our neighborhoods. Our suggestions were not draconian. We did not call for making all streets one-way east. We did not call for a moratorium on building. Our criticisms were reasonable and sensible. Yet NONE of them was even so much as commented upon by decision makers.

This community is a haven for beach-goers from southern California and, indeed, from the whole world. It is a finite resource, facing infinite pressures. To allow venal, grasping entrepreneurs permission to overbuild our neighborhoods without allowing breathing room will inevitably lead to deterioration of life style and eventually to the collapse of what is now a fairly comfortable community.

We believe the Coastal Commission has a responsibility to preserve the coastline, not allowing it to deteriorate until it reaches the subterranean level of some beaches to our north. People should be allowed access to the beach and to the coastal zone in general. We have the best beaches and one of the finest communities in San Diego--don't kill it.

The Pacific Beach Planners also wholeheartedly endorse the attached legal review of the Local Coastal Program submitted by the LA JOLLA COALITION OF COMMUNITY GROUPS.

Catherine A Strohlein

CATHERINE A. STROHLEIN
For the Pacific Beach Planners

D:\LETTERS\PLANNERS

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Ste. 200
San Diego, CA 92108-1725

RE: La Jolla, Pacific Beach, and Torrey Pines Community Plans and Local Coastal Plans.

Honorable Commissioners:

Thank you for the opportunity to comment on the La Jolla, Pacific Beach, and Torrey Pines Community Plans and Local Coastal Plans (LCP). Our careful review of the relevant documents leads us to believe that the updates to the La Jolla Community Plans and Local Coastal Programs should not be approved. As detailed below, approval of the CP/LCPs would violate both the Coastal Act and the California Environmental Quality Act ("CEQA").

I. LA JOLLA COMMUNITY PLAN UPDATE

1. The LCP does not conform to the Coastal Act's requirement of facilitating public access to the coast.

a. The LCP does not comply with the public access policy of the Coastal Act

The land use portion of a local coastal program is reviewed for its consistency with the policies contained in Chapter 3 of the Coastal Act (Pub. Res. Code § 30512). These policies are provided for in Pub. Res. Code § 30200-30265.5:

1. availability of public access to the shoreline
2. protection of water-oriented recreational activities;
3. maintenance or enhancement of marine resources;
4. protection of land resources, including environmentally sensitive areas, prime agricultural land, soils and timberlands, and archeological or paleontological resources;
5. balancing property development with coastal resource protection.

i. Existing public easements will be cut off by the adoption of the land use plan.

Public access would be curtailed if the Coastal Commission approves the La Jolla land use plan. In pertinent part, the plan states, "Dedicated access easements are not required to be opened for public use unless the City or some other entity agrees to accept responsibility for maintenance and liability of that accessway." (p.23).

Ms. Laurinda Owens of the Coastal Commission, in a 9/24/93 letter to the City Planning Department, noted that this language was problematic because the result is to limit public access in two situations. The first situation is where a vertical easement has been obtained as a result of potential prescriptive use. In those cases, it is improper to interfere with established rights of public access on the property.

The second area which would be negatively impacted is lateral public access easements, where there is evidence of potential prescriptive rights and historic use. These rights should not be closed off regardless.

As pointed out by the Coastal Commission staff, the language contained in the plan will restrict public access to the coast. Established easements must remain as such. Restriction of vertical and lateral access rights flies in the face of a major goal of the Coastal Act: "[m]aximize public access to and along the coast and maximize public recreational opportunities in the coastal zone." (Pub. Res. Code § 30001.5). Accordingly, the land use plan must be revised.

However, despite the concern expressed by the staff, this language remains virtually unchanged in the land use plan certified by the City. The only change has been to add "...or some other entity". This alteration does not remove the fundamental problem: public access may be restricted. Easements which have been established due to historic use should remain open to preserve public access to the coast. Gion v. City of Santa Cruz, (1970) 2 Cal.3d 29

Any proposed aspects of the land use plan which restrict this access are patently inconsistent with the mandate of Pub. Res. Code § 30512(3)(c). This section dictates that a land use plan, or any amendments thereto, shall be certified if said plan meets the requirements of, and is in conformity with, the polices of chapter 3. Clearly, the language of page 23 does not meet this criteria.

ii. Increased traffic as a result of the CP/LCP will restrict public access to the coast.

Another factor which will have an adverse effect on public access to the coast is transportation. The forecast of traffic congestion in La Jolla is bound to have an adverse impact on public access to the coast.

The EIR for this project (No. 92-0199) identified major increases in traffic in La Jolla upon implementation of the updates. Currently, eight roadway segments operate in excess of their design capacity in La Jolla. Upon community buildout, that number will almost double: fourteen roadways will operate in excess of design capability. The EIR found that the impact of the Plan update on traffic would be significant. Furthermore, the mitigation measures detailed in the Plan update do not mitigate the increase in congestion and traffic to the point of insignificance. Because of this, it is likely that coastal access will be restricted.

b. The land use plan lacks the specificity required by the Coastal Commission.

The policy of the Coastal Commission is that "the land use plan is the controlling document and therefore must incorporate polices specific enough to guide development" (5/11/93 letter from Ms. L. Owens, Coastal Planner, to Mr. B. Clater, City of San Diego Planning Department). This statement makes clear that policy decisions need to be clarified in the land use portion of the local coastal program. The rationale behind this policy becomes clear when recognizing that only the land use plan is reviewed for consistency with the Coastal Act; the zoning code updates are only reviewed for consistency with the land use plan (Pub. Res. Code § 30513). Therefore, the land use plan, not the zoning code, is the relevant policy document.

i. The transportation element of the plan contains general recommendations, and is therefore not specific enough.

As detailed above, the EIR (No. 92-0199) indicates that severe traffic congestion will occur upon community buildout. The remedies provided for in the La Jolla CP update are generalized goals and policies, and therefore do not meet the specificity requirement mandated by the Coastal Act. For example, one plan recommendation (#16), would, "implement a comprehensive coastal access parking plan for the village area that will relieve the impacts of office parking within residential blocks and encourage use of existing parking structures and surface lots within the commercial area." This language is lacking in specificity: there is no indication of *how* the proposed parking plan will operate, *what* areas would be affected, or *when* the plan will be implemented. Decisions of this magnitude should be made in the land use plan, not in the zoning ordinance. Because the function of the zoning ordinance is merely to implement the land use plan, it should be a technical document only.

ii. The historic designation process does not give clear guidance in designating historic sites as such.

The plan recommends (#2) to pursue preservation of local historic resources as recommended in Figure 19, through preliminary historic surveys. This recommendation is flawed for two reasons. First, figure 19 does not contain a plan to designate historic resources. Figure 19 states:

> "Inclusion in this list does not, by itself, establish a historic site designation, nor does it otherwise restrict use or development of a site. A historic site designation may be applied only following a separate review process, independent of this plan."

2. Passage of the CP/LCP would violate CEQA

As a major agency action which may have a significant environmental effect, the Coastal Commission's approval process must conform with the California Environmental Quality Act (CEQA). The Coastal Commission should not approve the La Jolla CP/LCP because the City has not complied with the requirements of CEQA. EIR No. 92-0199 was prepared in reference to the La Jolla and Pacific Beach Community Plan and Local Coastal Program Land Use Plan Updates. This EIR is defective in several aspects, as detailed below.

a. The findings in the transportation/circulation section are not supported by substantial evidence.

An EIR must be supported by substantial evidence in the record. Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal. 3d 376, 392-393, Modified 48 Cal. 3d 982a. The EIR's findings in this section are not supported by substantial evidence.

The EIR references a 1983 Transportation study, prepared by the City's Transportation Planning Division, Engineering and Development Department (E&D). In relevant portions, the study predicts the traffic forecast in the Pacific Beach/La Jolla area upon community buildout.

The study finds that upon community buildout, fourteen roadway segments in La Jolla will be operating in excess of design capacity. Although the study assumes buildout of surrounding communities, there is no evidence supporting the statement that, "[t]he forecasted increases in traffic volumes and levels of services for community roadways, for the large part, are attributed to overall regional growth and increased tourism." (p.23 EIR).

Furthermore, the EIR states that the Plan updates "would create less of an overall impact to traffic circulation than the previously adopted Community Plans for La Jolla and Pacific Beach." Again, this is merely a blanket statement, which is not supported by any evidence whatsoever. The requirement that an EIR must be supported by substantial evidence is clear and unequivocal. Courts have consistently conditioned approval of challenged EIRS on a finding of substantial evidence. See, Topanga Assn. for a Scenic Community v. County of Los Angeles (1990) 113 Cal. Rptr. 836.

b. The statement of overriding concerns is not supported by substantial evidence.

Despite mitigation measure, the proposed EIR found that significant environmental impacts may occur upon implementation of the La Jolla CP/LCP. When faced approving a project with unavoidable significant environmental effects, an agency must prepare a written Statement of Overriding Considerations explaining why it is will to accept those

impacts. (CEQA Guidelines § 15093(a)). The agency's findings of a project's benefits must be based on substantial evidence in the record (Sierra Club v. Contra Costa County, (1992) 10 Cal. App.4th 1212, Pub. Res. Code § 21081.5).

The issued statement of overriding concerns identifies four benefits: 1) a greater mix of, and increase in residential density along La Jolla Boulevard; 2) incorporation of hillside and coastal bluff development guidelines that will protect slopes from excessive development; 3) preservation of existing community facilities; 4) limiting circulation improvements to those "which would facilitate traffic circulation within the community".

These benefits are not supported by substantial evidence. For example, the greater mix of residential density anticipated above is necessary to promoted "the concept of a balanced community within La Jolla." This appears to refer to the potential of greater affordability in the La Jolla Boulevard area. However, this conclusion is not supported by the record.

Furthermore, hillside and coastal bluff development guidelines exist within the Coastal Act. Existing protection the City is currently required to observe should not be considered an additional benefit. Because the findings are not supported by substantial evidence, reliance on the EIR violates CEQA. A supplemental EIR should be required to reconsider the findings.

3. A supplemental EIR should have been prepared instead of an Addendum because the categorical exemptions would have significant environmental impacts.

Although the Coastal Commission is not currently considering categorical exclusions, we would like to briefly comment on the Addendum to the EIR which was prepared as a result of the City's attempt to categorically exclude portions of La Jolla from the Coastal Act. Because we believe a supplemental EIR should have been prepared, the Coastal Commission should reject the categorical exemption when it is considered.

An agency may prepare an EIR addendum when **minor technical** changes or additions are necessary to make the EIR adequate (CEQA Guidelines § 15164). The rationale behind this is to not require an agency to prepare a subsequent or supplemental EIR when the new information does not result in any significant impacts. Generally, use of an addendum is permitted when a factor was inadvertently omitted from the initial EIR (CEQA Guidelines § 15164). This, then, would truly be a minor, technical change.

If, however, there is even a **minor** addition or change which results in significant impacts, a supplemental EIR must be prepared (CEQA Guidelines § 15163). Categorically exempting La Jolla from the Coastal Act's permit requirements can hardly be characterized as a "minor technical" change.

Removing Coastal Act protection from portions of La Jolla is a substantial change, thus triggering the need for a supplemental EIR. The Coastal Commission is

charged to "[p]rotect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources." (Public Resources Code § 30001.5(a)). Coastal Commission review ensures that a project's impact on community character, public views and historical resources will be considered. The fact that the exempted area will no longer be subject to this type of review will certainly have a significant impact.

This project chooses to eliminate the Coastal Commission from its jurisdiction over the coastal area with respect to land development and zoning changes, leaving the coastal area subject to a "bare bones" review by the city - a much lower threshold of review. However, the EIR is not able to take this into account because the La Jolla categorical exclusion was proposed after the EIR was completed. This elimination of an additional level of review is a change that may have a significant impact on the environment, and as such, would require consideration in a supplement to the EIR. (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68, 75, 84; Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal. 3d 376 (Holding that an EIR that failed to take into account new findings or future uses and effects was inadequate as a matter of law)).

The current EIR addendum (No. 94-0625) is insufficient as a matter of law, in its analysis of the effect the categorical exclusion would have on the coastal area. The addendum merely states that the exclusion and the elimination of an entire level of environmental review would have no potentially significant environmental effects. Conspicuously absent from such a conclusion is any analysis and examination leading to this conclusion. The addendum skirts any in-depth analysis and points to a number of local laws which might serve as some type of review. This reference to local laws is also inadequate as a matter of law since CEQA requires an examination of what the effects of the project would be with or without California Coastal Commission review. (See, Oro Fino Gold Mining Corporation v. County of El Dorado (1990) 225 Cal. App 3d 872, 881-882, rejecting the notion that a project's mere conformance to general plan noise limits meant impacts would be insignificant). Unlike Coastal Commission review, these local laws are entirely silent in regards to important impacts of the project such as on community character, public views or historical resources.

The conclusion reached in the EIR Addendum is also woefully insufficient because it is not adequately supported by the findings. California case law requires substantial evidence to support the findings of such a conclusion. (Topanga Assn. for a Scenic Community v. County of Los Angeles (1990) 113 Cal.Rptr. 836 (holding that a reviewing board must render findings to support their rulings both for the parties involved and for the reviewing courts)). Because the addendum has such inadequate findings it is insufficient as a matter of law and thus susceptible to legal challenge.

II. PACIFIC BEACH COMMUNITY PLAN UPDATE

The proposed Local Coastal Program amendments are not specific enough to be certified because the land use phase of the Local Coastal Program must be very specific so that later zoning changes do not have to be specific but merely consistent with the Local Coastal Program.

The city of San Diego has sought to amend its Local Coastal Program (LCP) and seeks Coastal Commission approval for its final product submitted here. While the La Jolla Coalition of Community Groups applauds the city's attempt to bring its general plan into a better functioning planning mechanism, the Coalition feels that the proposed amendments do not adequately protect several areas of concern for the residents of these areas. The city's interest as to amending its LCP does not seem to be for the purpose of updating or improving the land use element of its general plan. On the contrary, the city appears to be eliminating all specificity in its LCP through a variety of amendments which have the cumulative effect of severely weakening the overall LCP. The city appears to have taken the strategy of weakening its general plan so that it can make zoning changes with no basis for opposition. We at the La Jolla Coalition of Community Groups are concerned with this general weakening of the LCP. We believe that the amendments under review reduce citizen participation in the legislative process and do not adequately address the needs of the community. Therefore, we ask the Coastal Commission to reject the amendments under review so that the city will be forced to redraft the amendments in a way more suited to the needs of the community.

According to the Coastal Act, a land use plan like the LCP at issue must be sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and developmental policies, and where necessary, a listing of implementing actions. (PR 30105.5). The legislative history of the Coastal Act of 1976 demonstrates that a policy of maximum specificity was suggested for the land use stage of a Local Coastal Program. Later zoning ordinances could be generalized but it was important to keep the land use plan as specific as possible so that fundamental land use decisions would be made early in the amending process.

A land use plan should be sufficiently detailed as to leave no major questions to be answered by the zoning phase. Section 30513 of the Coastal Act illustrates this point by requiring subsequent zoning to meet the more exacting standard of conforming with a land use plan rather than the more frequently used standard of consistency with a land use plan. Section 30603(a)(4) of the Coastal Act further magnifies this point by requiring well-defined land use designations at the land use phase of a general plan instead of at the zoning phase.

The Pacific Beach amendments to the LCP are insufficient as a matter of law because this lack of specificity violates the foregoing cited sections. The amendments provide for a widening of Garnet Avenue but do not mention any protection for Rose Creek, an important environmental area which would be affected by this widening, or

another important area, the marshland on the Frost property. The designation for the recently acquired Frost property is also insufficiently specific as no standards are set for the buffer width between marshland and new development. Also, public trails and viewpoints are mentioned but not mapped out or provided for. Both Rose Creek and the marshland on the Frost property are important biological resources which should be subject to maximum environmental protection. However, the city's current LCP amendments do not specifically protect these resources thus leaving them open to exploitation. This lack of protection violates the specificity provisions of the Coastal Act.

The "intent" section of the LCP amendments are insufficiently specific and inconsistent with the actual amendments submitted

a. The "intent" section is too general

The "intent" section of a Local Coastal Program must be specific in regards to its overall goals regarding land use and environmental protection. (P.R. 30105.5). This is so because under any judicial review of specific land use plans, the court will often look to the "intent" of the plans for guidance. (Gherini v. Cal. Coastal Commission, 204 Cal. App. 3d 699, 702 1988). The "intent" section should provide objective standards by which a zoning ordnance can be measured against for its consistency and conformity under the LCP. Absent such standards, inconsistent zoning ordinances and plan amendments might be passed, leading to deteriorating environmental protection.

In the case of the Pacific Beach LCP amendments, the stated goals are too general to be of any use as objective standards. Lofty statements such as "enhancing public access" or "ensuring scale and character of a neighborhood" are admirable but dysfunctional when it comes to everyday usefulness. Furthermore, some of the proposed amendments are inconsistent with even these general statements.

b. The proposed amendments are inconsistent with the "intent" section

First, while the amendments list "enhancing public access" and "not affecting the community in terms of traffic or parking" as important goals to be followed, one provision of the LCP fails to conform with these goals. (Pacific Community Plan Draft pages 6 and 7). While the city proposes parking standards in Appendix I of the updated LCP, its method of calculation of available parking is inaccurate and misleading. By not including any outdoor dining areas in their calculation of gross floor area, the city is grossly underestimating parking need since many Pacific Beach restaurants more than double their occupancy by outdoor inclusion. (6/3/93 Coastal Commission letter to city). Such parking need is not taken into account thereby creating congestion problems because of poor planning. Misleading planning such as this violates the goals of enhancing public access and maintaining community levels in traffic and parking which are listed in the amendments.

A second example is the proposed amendment changing the zoning of a large section of Pacific Beach from its current R-3000 to R-1500. This particular community has a strong recent history of downzoning as evidenced by a R-400 to R-1000 in the 1970's and an R-1000 to R-1500 in the 1980's. In 1990 as part of the city's Single Family Protection Program the area was further downsized from R-1500 to R-3000. (Ordnance 17377). The city's reason for doing this was "to reduce the overall densities of the community". (4/24/91 Coastal Commission Staff recommendation). The Coastal Commission at this time endorsed the downzoning on 5/7/91 because of the "community concerns at the local level about neighborhood protection and the changing nature of Pacific Beach's character". The community is geared towards the lower level R-3000 use with only several exceptions at a higher level use from previous zoning. Also, most community residents feel the R-1500 zoning would be inconsistent with this community's character because of the existence of buildout and the inappropriate traffic pattern that would result from a higher zoning classification. (Pacific Beach Town Council representative).

The city now proposes to revise these recent down-zoning trends by rezoning to R-1500. Denying recent zoning history as well as community character, the city's justification is to increase densities along transit corridors and to reflect existing development. These goals are inappropriate for this community as the vast majority of the community is at the R-3000 occupancy level. Also, such a re-zone would violate the city's stated goal of "ensuring that residential properties reflect the scale and character of the neighborhood".

The LCP amendments violate the Coastal Act of 1976 because they are inconsistent with sections addressing Biological Resources and Traffic Circulation and Parking

The amendments to the Pacific Beach LCP violate Section 30512.2(b) of the Coastal Act because they are inconsistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic stated goals outlined in Section 30001.5. As such, the Coastal Commission cannot certify these amendments to the LCP.

The amendments are inconsistent with Section 30240 of the Coastal Act addressing Biological Resources. This section requires environmentally sensitive habitat areas to be protected against significant disruption of habitat values. Developments near such environmentally sensitive areas must be compatible with, and designed not to interfere with such areas. Two amendments to the Pacific Beach LCP are of concern. The widening of Garnet Avenue could effect Rose Creek in a detrimental manner but the amendments don't specifically address this issue. Also, new development on the recently acquired Frost property could affect the fragile marshlands there, but no standard for a buffer zone has been set. Also, the marshlands are not mentioned in respect to the widening of Garnet Avenue and public trails or viewpoints have been planned but not specifically placed. Because the LCP amendments are too general to provide protection under Section 30240 they cannot be certified.

The amendments are also inconsistent with Section 30252 of the Coastal Act addressing Traffic Circulation and Parking in the beach area. This section requires that public access and parking should be taken into account in the location and amount of new development. Appendix I of the LCP dealing with parking standards, has been found to inadequately assess the need for parking by the public. The city is not taking into account the outside floor area in establishments when determining parking need. This will lead to gross underestimation of parking need because many restaurants on the beach in Pacific Beach more than double their gross occupancy when including outdoor area. (6/3/93 Coastal Commission letter to city). A failure to take this into account will lead to a parking "crunch" and increased congestion. Because this would violate the parking access in Section 30252, the amendments cannot be certified.

The Commission would violate CEQA by certifying the proposed amendments because several amendments would have unmitigated detrimental impacts on the environment

If the Commission finds that potential environmental impacts could occur from the LCP amendments, the amendments could only be certified if mitigation measures offsetting these effects were enacted by the city. As previously pointed out the proposed amendments could have several detrimental impacts on the environment in general. Rose Creek and the Frost property marshland are currently unprotected from new development and Garnet Avenue widening measures. Public access to the parking at the beaches has been calculated using mistaken figures leading to gross underestimation of parking need. Also, the re-zoning of a large portion of the community from R-3000 to R-1500 has been predicted to increase residences by over 1800 units. (EIR No. 92-0199 pages 8 and 9). Significant traffic congestion and an increase in air pollution are destined to follow soon after. Because of these impacts, mitigation measures must be enacted by the city before the Commission can certify the Pacific Beach LCP amendments.

III. Torrey Pines Community Plan Update

1. The Local Coastal Program amendments are not specific enough to be certified by the Coastal Commission since the Coastal Act requires the land use plan to be sufficiently detailed so that no major questions are left unresolved for the zoning phase

As stated above, the Coastal Act requires a land use plan to be sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions. (Public Resources Code § 30105.5). The legislative history of the Coastal Act of 1976 shows that major land use decisions are to be made at the land use plan stage of the LCP process rather than deferring such decisions to the zoning ordinance review stage. A land use plan must be sufficiently detailed as to leave no major questions unresolved for the zoning phase. The Act states that zoning ordinances must conform with the land use plan. (Public Resources Code § 30513).

The LCP lists as a goal to "conserve, restore, and enhance plant communities and wildlife habitat, especially habitat for rare, threatened, and endangered species." (Torrey Pines Community Plan Draft p.26). However, this statement does not meet the specificity required by the Coastal Act. In addition to the goal being too general, one provision of the LCP does not meet this goal. The city proposes that all Torrey Pine trees on public property should be preserved and protected. (Torrey Pines Community Plan Draft p.27). This language does not provide protection of the pine tree on private property within the community. The Torrey Pine tree is a Federal Category 2 candidate species for listing as endangered or threatened. The limited protection afforded by the plan could potentially result in significant loss of this highly sensitive species on private land. (EIR p.45). The EIR recommended as a mitigation measure that for development projects on private land requiring discretionary permits, and which involve the removal of Torrey Pine trees, the project applicant shall be required to replace the pine trees on the project site at a suitable ratio. (EIR p.47). This provision, which would have helped to meet the goal of conservation of rare species, was not placed in the community plan. The only conservation method the city mentions is in Appendix E where it states that the plan encourages the planting of Torrey Pine trees in roadways and other landscaped areas. (EIR p.115).

2. The Commission would violate CEQA by certifying the proposed amendments because several amendments would have unmitigated detrimental impacts on the environment

The Coastal Commission should not approve the Torrey Pines update because the update violates the California Environmental Quality Act ("CEQA"). The City prepared EIR No. 92-0126 for the Torrey Pines Community Plan and Local Coastal Program Land Use Plan Updates. The EIR is deficient for several reasons:

1. Traffic and Circulation

The EIR's findings in this section are not supported by substantial evidence. An EIR's findings must be supported by substantial evidence in the record. Topanga Assn. for a Scenic Community v. County of Los Angeles (1990) 113 Cal.Rptr. 836.

The EIR references a June 1992 travel forecast study prepared by the Transportation Planning Division of the City's Engineering and Development Department. The study analyzed existing transportation conditions and predicts traffic and circulation in Torrey Pines upon community buildout.

The study's projected traffic volumes assumed the buildout of the Torrey Pines Community Plan, buildout of the surrounding communities and jurisdictions, buildout of all surrounding planned circulation improvements, and a 40 percent drive alone rate (a regional goal). (EIR p.46).

The problem with the study is the assumption of a 40 percent drive alone rate in the traffic forecasts. First, the 40 percent rate is a goal and there is no mention of any evidence about how likely it is that this will ever be attained. Even with the planned bike paths, buses, commuter trains, and light rail, there will still be a lot of people driving and many of these will drive alone. Second, current drive alone rates are much higher than 40 percent and it is hard to believe that the rate will drop to 40 percent within 15 to 20 years especially since Californian's tend to shun public transportation.

Thus, we feel that the 40 percent drive alone rate is too low an estimate and that the drive alone rate will be higher. Since the drive alone rate will be higher, there will be higher average daily traffic volumes (ADT). The higher ADT could lead to lower levels of service (LOS) at certain key intersections (Carmel Valley Road/Sorrento Valley Road, Sorrento Valley Boulevard/Vista Sorrento Parkway, and Carmel Valley Road/North Torrey Pines Road). The level of service (LOS) is measured on a scale ranging from LOS A to LOS F (with LOS A rated as the best, and LOS F rated as the worst). (EIR p.17). Even with the improvements to be made to these intersections (restriping or adding lanes), using the lower ADT of the traffic study, two intersections would operate at a LOS C and one (North Torrey Pines Road/Carmel Valley Road) would operate at a LOS D/E. The recommended improvement at the North Torrey Pines Road/Carmel Valley Road intersection is located within the City of Del Mar and would require their approval. The City of Del Mar objected to the proposed improvements to the intersection in the EIR (EIR p.25). Accordingly, the LOS at this intersection might decrease below the D/E level. At intersections operating at a LOS lower than D, vehicles would idle for prolonged periods of time; a condition which would result in moderate to severe traffic congestion and associated impacts to air quality. (EIR p.17).

2. Air Quality

The EIR's section on air quality is closely related to the section on traffic and circulation. The majority of the section on air quality deals with carbon monoxide emissions from cars.

The EIR states that concentrations of CO (Carbon Monoxide) occur in areas with high traffic volumes and where vehicles idle for prolonged periods, such as congested intersections. Areas of CO build-up are referred to as CO "hotspots." High CO concentrations and hotspots would be expected at intersections operating at LOS E or worse. (EIR p.28). According to the EIR after the recommended traffic improvements are made, only one intersection would be operating at LOS D/E. Again, this data was based on the traffic study that used the 40 percent drive alone rate. The drive alone rate is a regional goal and there is no evidence in the EIR about the likelihood of achieving this rate. Since the drive alone rate is too low, the ADT will increase and it is likely that the LOS at the three key intersections would go down. Thus, all three key intersections could have problems with CO hotspots.

In conclusion, we respectfully request that the Coastal Commission reject the updates to the La Jolla, Pacific Beach, and Torrey Pines Community Plans and Local Coastal Programs.

Sincerely,

Joanne U. Parson
for the La Jolla Coalition of
Community Groups

Catherine A. Strohl
for the Pacific Beach Planners

Joe L. Truebloud
for the Del Mar Terrace
Conservancy

SEA
Save Everyone's Access
P.O. Box 620
La Jolla, CA 92038-0620

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

7 May 1995

Chairman Carl L. Williams and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: San Diego Local Coastal Program Amendment No. 1-95 Mission Bay and Amendment No. 2-95, Torrey Pines and Pacific Beach: 11 May 95 Commission Agenda Items 6b, 6c(1) and 6c(2), respectively.

Dear Chairman Williams and Commissioners:

SEA supports the Commission staff's reports on Mission Bay (24 April 95), Torrey Pines (27 April 95) and Pacific Beach (18 April 95), especially staff recommendations respecting coastal resource protection and public access.

SEA especially supports staff Mission Bay recommendation #4 to retain all public parking, including existing spaces at the Bahia Hotel, the requirement for a continuous ten-foot-wide pedestrian and bicycle path around Bahia Point, and staff recommendations #6, #8 and #9 regarding natural resources protection.

SEA strongly supports staff Torrey Pines proposals on natural resources protection in the wetlands, Sorrento Valley floodplain and Los Peñasquitos Lagoon area.

SEA recommends against Pacific Beach upzoning, especially at Riviera Drive/Moorland Avenue, for all the reasons given by the Commission when it downzoned the area in 1991.

Otherwise, **SEA** urges the Commission to **approve** the Commission staff reports but add enforcement language like that in the Southeast San Diego Planned District Ordinance: that permits shall not be granted to applicants or sites with prior violations until those violations are resolved.

Sincerely

Carole Havlat
President

Dear Ms Lee;

My main objection to the new Torrey Pines Community Plan is

- It contains no protection of sensitive resources in relation to development adjacent to
  - Torrey Pines Reserve
  - Torrey Pines Reserve Extension
  - San Dieguito River Valley Regional Open Space Park
  - Crest Canyon
  - Los Penasquitos Lagoon

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Gail Trueblood
481-0763

It is my understanding that the Local Coastal Program must provide the same level of protection to coastal areas as was afforded when the area was regulated directly by the California Coastal Commission.

The City of San Diego has refused to do this. I have documented cases where the City of San Diego has refused to follow California Coastal Commission directives. Projects adjacent to the aforementioned parks and reserves have been allowed to remove vegetation in protected areas and build up to a height of over 30' in violation of the city's own ordinances with no mitigation of any kind.

Unless language is inserted in the community plan, the city will continue to ignore protection of these coastal resources. San Diego's Resource Protection Ordinance DOES NOT APPLY TO COASTAL AREAS. AREAS OTHER THAN HILLSIDES ALSO NEED PROTECTION!

See items 63-67 listed as responses in the final EIR (p. 3 of this letter).

DEC 16 1993

December 15, 1993

Lawrence C. Monserrate, Principal Planner
City of San Diego Planning Department
Development & Environmental Planning Division
202 "C" Street, M.S. 4C
San Diego, CA 92101

Re: Torrey Pines Community Plan Update Amendment, DEP #92-0126, dEIR

Dear Mr. Monserrate:

Thank you for the opportunity to review and comment on the adequacy, completeness, and objectivity of the draft Environmental Impact Report (dEIR) for the above project.

First, there is a typographical error on Page 1, I. Introduction, paragraph 2, line 6, which should read "accordance <u>with</u> the requirements".

Also, I wish to emphasize that the Los Penasquitos Lagoon Foundation and the Del Mar Terrace Conservancy should have been included on your mailing list. Will you please furnish them with the final EIR?

My major concerns lie with the Transportation Element. On pages 25 and 27, the intersection of North Torrey Pines Road and Carmel Valley Road is discussed. Why is this intersection included in the dEIR since it is located outside of our Community Plan area in the City of Del Mar? The traffic along North Torrey Pines Road is not generated by our community nor by revision of our community plan. The traffic is generated by the industries on Torrey Pines Mesa. Only a very tiny section of North Torrey Pines Road lies within the confines of the Torrey Pines Community Plan and the intersection discussed most certainly does not. Isn't it true that North Torrey Pines Road and Carmel Valley Road will operate in excess of their capacities in the future, but that those excesses are due to other causes than revision of the community plan? Concerning the traffic problems discussed on page 24, I contend that the City of San Diego has no authority to tell the sovereign City of Del Mar how to "improve" its intersection at North Torrey Pines/Carmel Valley Road. The intersection of Del Mar Heights Road and Camino Del Mar listed on page 24 is also located in the City of Del Mar. Why are these intersections included in Torrey Pines Community Plan?

The Del Mar Heights Road/Mango Drive intersection, which was omitted from the dEIR, operates with a low LOS due to the widening of Del Mar Heights Road across I-5 into the Carmel Valley community. This necessitated the blocking of left turns onto Del Mar Heights Road at Portofino Drive and put additional traffic onto Mango Drive. Could not the Mango Drive LOS be alleviated by installing left turn signals on Mango Drive which would sort out the traffic and allow straight ahead traffic to proceed safely? This revised signal has been requested many times over a long period, since here again the traffic problems are due to congestion from outside of our planning area. Should not this intersection be discussed in the dEIR?

The Carmel Valley Road/Sorrento Valley Road intersection does not need additional lanes. Would not the building of the Carmel Mountain Road/I-5 interchange so that persons entering and leaving Sorrento Valley have a direct access to I-5 north of Mira Mesa Boulevard be preferable? There then would be no need for traffic on

Sorrento Valley Road north of the proposed Pump Station 65 location. Should not the straightening of Sorrento Valley Road be eliminated and the Carmel Mountain Road/I-5 alignment be accelerated in order to save the City of San Diego taxpayers almost fourteen million dollars and avoid further encroachment into the Los Penasquitos Lagoon? Would this not be a significantly preferable environmental alternative? Most of the day, Sorrento Valley Road is practically deserted, and traffic impairment only occurs briefly during peak hours. With the widening of I-5 to 16 lanes already begun, where is the need to realign Sorrento Valley Road? Adding additional lanes at the north end of Sorrento Valley Road woulld only encourage more people to use it and bring more cars to the dead end intersection, only to sit waiting for lights to change and increasing the air pollution in a single family residential area. Should not the elimination of the realignment of Sorrento Valley Road be part of the mitigation? Also, should not the traffic signals at all the indicated intersections be coordinated to reduce air pollution from stop-and-go traffic and prolonged idling time?

Why is it necessary to construct a new bridge over Carmel Valley Creek? Could not the existing culverts be cleaned out and maintained, and improved sedimentation basins placed upstream as was mandated in previous EIRs, thus saving taxpayers the cost of a new bridge?

Also, shouldn't Carmel Valley Road left turn pockets be coordinated with the paving of Del Mar Terrace streets?

On page 28 the extension of Carroll Canyon Road is listed. This extension was not presented to the Torrey Pines Community Planning Group in the initial Transportation Study made of our planning area. The proposed extension purportedly will benefit the Mira Mesa Community, and serve as mitigation for some of their traffic problems, but is of little benefit to the Torrey Pines Community. Will not such an extension cause biological impacts to the area and increase the traffic on Sorrento Valley Road in our community? Why is Torrey Pines being impacted in order to accomodate Mira Mesa traffic? Since Carroll Canyon Road does have access to Mira Mesa Boulevard, why is it necessary to connect it to Sorrento Valley Road? Is not the deletion of the Carroll Canyon Road extension to Sorrento Valley Road, as indicated on page 2 of the Summary, a preferable environmentallly sensitive alternative to the inclusion of the extension indicated on the last line of page 14?

In relation to North Torrey Pines Road Bridge over Los Penasquitos Creek, would it not behoove the city to move on this immediately since the existing bridge has structural damage? Also why should the bridge be four lanes when North Torrey Pines road is only two lanes? A road with adequate bike lanes and pedestrian walkways on each side of the bridge is needed in this sensitive location along the ocea. Isn't a graceful improved bridge which will open the mouth of the Los Penasquitos Lagoon preferable to a massive structure which will be a visual and hydrological impediment? Also, should air pollution in this area be measured on the basis of ADTs, since the road is adjacent to the Pacific Ocean and the sea breezes generally dissipate harmful emissions?

In terms of community plan bikeways, would not a class 3 bikeway, leading from Roselle Street southwest following the existing utility easement up toward Eastgate Mall, help to mitigate traffic impacts in this area? A raised wooden bike path along the Los Penasquitos Lagoon on the south side of Carmel Valley Road also was studied previously, why isn't it discussed in the dEIR?

It is indicated on page 17 that an additional 12,000 Average Daily Trips could be added to the community's roadway system through industrial development within the Sorrento Valley area, most of which would be in close proximity to the Los Penasquitos Lagoon and the Torrey Pines Reserve. As indicated on p. 20, North Torrey Pines Road also already exceeds its design capacity. Therefore, it seems imperative to support the development alternative to reduce development intensity in the Sorrento Valley area by rezoning industrial property zoned M-1A to M-1B or ML1, and reducing floor area ratios to below .5 or .4 by including it as a part of the Plan itself. This mitigation would reduce both the traffic impacts and air pollution impacts in the area, and would be an environmentally preferred alternative, as indicated on pages 1 & 2 of the dEIR summary. Should not this alternative be included in the revised community plan?

On page 60, under Planned Development Permit Conditions, why doesn't the dEIR spell out in detail how trip generation can be limited so that such mitigation can be incorporated into the Plan?

If the above transportation elements are followed as indicated, would there not be greatly reduced impacts to the biology, hydrology and visual enjoyment of the area as well as reduced roadway congestion and air pollution? The community plan has been designed to preserve and protect environmental resources as stringently as possible. However, if we are forced to undergo all the suggested transportation projects indicated in the dEIR, how can we preserve the city's sensitive resources in this area? (Incidentally, the Torrey Pines Association's "Green Book" is suggested as another source for endangered plants listed between pages 35 and 47.)

On page 50, under Mitigation Measures, should not Carmel Valley Road, Via Latina and Racetrack View Drive be added to Torrey Pines Reserve Extension as areas indicated for special requirements since they also contain areas for development adjacent to sensitive coastal resources? No protection is given against residential development impacts upon Los Penasquitos Lagoon, San Deguito Lagoon, Crest Canyon, and the Torrey Pines Reserve Extension, located in the middle of the Torrey Pines area. Traditionally, before the Local Coastal Program was approved, the Coastal Commission limited the heights of houses on property adjoining all lagoons and parks within the Coastal area. Why does not the new community plan contain such protection? Why are not houses which are located adjacent to the two lagoons, Crest Canyon, and the Torrey Pines Reserve still limited to twenty-five feet in height and required to register open space buffers and non-building easements in order to protect public treasures? Owners of such property have had the value of their property enhanced many times over by its location adjacent to parks and preserves. Do they then not have the responsibility also to reduce impacts of their development of that property on the general populace? Should not design guidelines be established in the community plan for such houses, consistent with the proposed requirements for houses in the San Deguito River Valley Regional Open Space Park? (See attachment A). What environmental protection is available for such sensitive areas if the basic zone guidelines are the only requirements?

Should not Mitigation Measures discussed on page 45 for contaminated runoff from impervious surfaces also include detailed plans for catchment basins and monitoring of toxins? Should not the mitigation measures on page 50 include public as well as private projects?

On page 53, mitigation measures for coastal development include the underground relocation of power lines along Sorrento Valley Road. In accordance with previous requests of the Torrey Pines Community Planning Group, should not the words "and across Los Penasquitos Lagoon" be added after the word "Road"?

Thank you for the other creative mitigation measures which you have suggested in the dEIR. Shouldn't they be incorporated into the wording of the community plan?

Please do not construe these concerns to indicate a recommendation either for approval or denial of the plan or the dEIR.

Thank you for your attention to these matters.

Sincerely yours,

Opal Trueblood
13014 Caminito del Rocio
Del Mar, CA 92014

c: Ann Lowry
Mike Westlake
Harry Mathis

Composed by Opal Trueblood – see items 69-72 in responses listed in final EIR. ~~See items 63-67 in the final EIR responses which are copied from this letter~~

November 11, 1993

Lawrence C. Monserrate, Principal Planner
City of San Diego Planning Department
Development & Environmental Planning Division
202 "C" Street, M.S. 4C
San Diego, CA 92101

Re: Torrey Pines Community Plan Update Amendment, DEP #92-0126, dEIR

Dear Mr. Monserrate:

Thank you for the opportunity to review and comment on the adequacy, completeness, and objectivity of the draft Environmental Impact Report (dEIR) for the above project.

* We have four main concerns generated by the dEIR. First, it is indicated on p. 17 that an additional 12,000 Average Daily Trips could be added to the community's roadway system through industrial development within the Sorrento Valley area, most of which would be in close proximity to the Los Penasquitos Lagoon and the Torrey Pines Reserve. As indicated on p. 20, North Torrey Pines Road also already exceeds its design capacity. Therefore, it seems imperative to support the development alternative to reduce development intensity in the Sorrento Valley area by rezoning industrial property zoned M-1A to M-1B or ML1, and reducing floor area ratios to below .5 or .4 by including it as a part of the Plan itself. This mitigation would reduce both the traffic impacts and air pollution impacts in the area, and would be an environmentally preferred alternative, as indicated on pages 1 & 2 of the EIR summary.

* Second, no protection is given against residential development impacts upon Los Penasquitos Lagoon, and the Torrey Pines Reserve Extension which is located in the middle of the Torrey Pines area. Traditionally, before the Local Coastal Program was approved, the Coastal Commission limited the heights of houses on property adjoining all lagoons and parks within the Coastal area. Why does not the new plan contain such protection? Why are not houses which are located adjacent to the two lagoons, Crest Canyon, and the Torrey Pines Reserve still limited to twenty-five feet in height and required to register open space buffers and non-building easements in order to protect public treasures? Owners of such property have had the value of their property enhanced many times over by its location adjacent to parks and preserves. Do they then not have the responsibility also to reduce impacts of their development of that property on the populace? Should not design guidelines be established in the community plan for such houses, consistent with those required for houses in the San Dieguito River Valley Regional Open Space Park? (See attachment A). What environmental protection is available for such sensitive areas if the basic zone guidelines are the only requirements?

Third, it is stated on page 46, in paragraph 4 from the bottom, that "Where feasible, all Torrey Pine trees should be preserved and protected". Previous versions of the community plan contained the following:

1. A Coastal Development Permit shall be required for removal of two or more Torrey Pine trees. If Torrey Pine trees must be removed during the development process, they shall be replaced on the project site at a 2:1 ratio.

2. Torrey Pine trees shall be removed from private land in existing residential neighborhoods only when they threaten the health or safety of residents, and then replaced at a 2:1 ratio.

3. Torrey Pine trees shall not be removed from public lands at any time, unless they threaten the health of the environment (i.e. from disease) or visitors to parkland areas. If Torrey Pine trees must be removed from public lands, they shall be replaced at a 3:1 ratio.

Why were the above requirements removed?

* Fourth, it is stated on p. 47 that "Applicants for coastal development permits for projects located in the watershed of the Los Penasquitos Lagoon shall enter into an agreement with the City and the State Coastal Conservancy as a condition of development approval to pay a Los Penasquitos watershed restoration and enhancement fee to the Los Penasquitos Lagoon Fund for the lagoon's restoration." Why was a contribution decided upon in lieu of an appropriate restoration site, as indicated on page 57 of the Los Penasquitos Lagoon Enhancement Plan? Would not dedication of land be more environmentally feasible than paying funds to the California Coastal Conservancy? If all mitigation is made through payments of "contributions", in time there will be no Los Penasquitos Lagoon left to mitigate. The fee program did not work in relation to vernal pools, what guarantee is there that it will work in relation to the Lagoon?

Thank you for your attention to these matters.

Sincerely yours,

This letter was composed by me & approved & sent by the Torrey Pines Association. It reiterates & explains my main concerns.

March 3, 1995

Scott H. Bernet and Planning Commissioners
City of San Diego, City Administration Building
202 "C" Street
San Diego, CA 92014

Re: San Pasqual Valley Plan Update, # 95-009

Dear Chairman Bernet and Planning Commissioners:

This letter is in answer to your request to write concerning issues which I was unable to address in my allotted speaking time at the workshop of Thursday, March 2, 1995.

It was evident from the testimony of various staff officials at the workshop that, although the MSCP staff has been working with staff engaged in the plan update, the staffs conducting various other studies have not been doing so and that their conclusions will have an inpact on future activities in the San Pasqual Valley. The types of uses ultimately permitted in the San Pasqual Valley must be consistent with the plan's overall goals such as

preserving an adequate supply of useable ground and surface water,
maintaining the Valley as an agricultural preserve, and
preserving, restoring and managing biologically sensitive habitats.

Therefore, it is imperative that the many issues occasioned by current studies be addressed before the plan is finalized.

Although only ten percent of the area is designated for commercial ventures, that amount can change the whole character of the valley. Such conversion conflicts with the goals stated above. It is my understanding that transcripts of the testimony of the public review of North County Fair project show that promises were made to the citizens that no further commercial growth would be permitted across from that development. Residents of that general area have indicated to me that they now feel betrayed.

What is driving such conversion is the promise of increased revenue to the city. But where is analysis of increased income versus increased costs to the city? New commercial areas will bring costs of additional widening of roads including mitigation costs (which are often omitted), additional parking problems, increased air pollution, increased water usage, and increased police and fire protection. Are these additional costs being balanced against the increased revenue? Since overriding considerations must be made to approve the plan because of unmitigatable environmental impacts, such considerations must be stated in detail, not just mentioned as a factor. Residents of the city have a right to know the costs of what they are giving up in order for the city to have an unknown quantity of "increased revenue".

Since there are no funds to pay completely for the widening of the roads, why should they be widened if the residents of the area do not want them widened? Cloverdale Road and Highland Valley Road can be removed from the status of major roads, and given the designation of collector streets. Thus they could remain as two lane roads. This has just been done by City Council in the Torrey Pines Community Plan, approved January, 1995. Sorrento Valley Road, with an existing ADT of 10.8 thousand and Carmel Valley Road with an existing ADT of 16.5 thousand, far greater than the two roads in question, were designated collector streets and limited to two lanes. Why can this not be done in the new plan for the roads proposed for widening in San Pasqual Valley?

Any permitted commercial development within the valley should be addressed specifically in the plan as to overall design, type and intensity. Plan language should limit it to low profile, low intensity, visitor-serving uses with specific enforceable design standards limiting building height, bulk and scale, and building designs that reflect the rural and historic character of the area. Unless such guidelines are stated, totally inappropriate projects will be built.

No commercial development should be permitted west of the drainage area that separates Sikes adobe from the Pinery Farm Stand parcel, and the impacts to Sikes adobe as a result of any adjacent commercial use must be prohibited for the reasons explained by Victoria Touchstone at the workshop yesterday.

Also, I oppose the conversion of Pinery Tree Farm acreage to a golf driving range due to the visual and biological impacts, and the impact to the character of the area, particularly at night due to night lighting. Although such development may be considered economically desirable by some leaseholders who contracted for agricultural use of the land, other residents of the area do not find such conversion either consistent or attractive.

The rural character of the area would be altered significantly by converting the Coverdale Canyon agricultural area to commercial use. This is contrary to the stated goals of the plan.

It is my understanding that a cultural resources survey is necessary to protect remaining resources, and to stop the ongoing loss of cultural data due to both inadvertent and deliberate destruction of cultural resources by lessees and the general public. The plan should identify funding sources for completing a survey, setting a timetable for its completion, and identify specific, implementable measures for ensuring long-term protection of important resources identified during the survey.

This letter borrows heavily from Diane B. Coombs' letter dated January 20, 1995, to Charles Studen of the City of San Diego Planning Department. Since I did not know if you had been given her letter, I selected those parts which I heartily endorse to bring to your attention. My copy of her letter has been underlined and notes made on it, so I could not submit it for your use. However, if you have not seen it, I am sure that the Joint Powers Authority of the San Dieguito River Valley Regional Open Space Park or Mr. Studen would be happy to furnish copies to you.

Thank you for your attention to these matters. You have a formidable task, but I am confident of your usual informed common sense solutions.

Sincerely yours,

Opal Trueblood

Opal Trueblood
13014 Caminito del Rocio
Del Mar, CA 92014-3606
Phone: 481-0763 Fax: 481-8925

Penny C. Cox

RECEIVED
JUL 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

June 15, 1995

Lilly Diana
California Coastal Commission
311 Camino del Rio North
San Diego, CA 92108-1725

Re: Coastal Commission Report

Dear Lilly:

This letter is in reference to the compromise language propose by the City about the Coastal Commission Plan. I am opposed to any changes in the language in the Plan.

I support the current language for the Torrey Pines Community Planning Board and believe this plan should remain in tack. I would greatly urge that we maintain this plan to provide protection against encroachment until the City states exactly and clearly what intentions they see for this undeveloped land in the future.

Thank you.

Penny Cox

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P. O. Box 2632
Del Mar, Ca 92014

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APR 27 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

April 26, 1995

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92106-1725

Re: Torrey Pines Community Plan

Dear Coastal Commissioners:

Since I must be in Washington, D.C. at the date of the May Coastal Commission hearings, I am writing to you to implore you NOT to approve the Torrey Pines Community Plan without major revisions, as follows.

The California Coastal Act and the California Environmental Quality Act (CEQA) were designed to preserve coastal resources and access to the ocean. This can be done in San Diego only through specificity in the community plans, which implement the General Plan. The San Diego Resource Protection Ordinance specifically excludes any coastal resources, and City Planning interprets Hillside Review Ordinances differently than the Coastal Commission. In the Torrey Pines area we have no Coastal Resource Protection because "Old 101" runs right along the Ocean.

When the Torrey Pines Community Plan was being updated, Planning Department staff members told members of this community that they should not make the community plan specific because it would be too difficult to enforce. Therefore, there is little or no protection of what little sensitive resources are left, and present attempts of the planning department to incease density and decrease citizen participation in the coasta area are leading to higher transportationdensity, more air pollution and less access for the rest of the city to Torrey Pines State Beach and Torrey Pines State Preserve.

What is vitally needed in this area, which also includes San Dieguito River Valley, Los Penasquitos Lagoon, and Crest Canyon, a city preserve, as well as the state parks mentioned above, are specific design guidelines to protect natural resources, mainly in those areas which abut the parks and wetlands mentioned above.

The San Dieguito River Valley Regional Open Space Park staff formulated some design guidelines to protect such areas. These guidelines have been adopted by Escondido and are being considered by other municipalities who formed the Joint Powers Authority to administer the river park. However, San Diego took no action on these design guidelines so the Torrey Pines community has no protection against remodeling without coastal permits and "blockbuster houses" which disregard preservation and protection of the Coastal zone.

I am enclosing a copy of these design guidelines, and urge you to incorporate them into the coastal community plans which you are reviewing, so that increased density will not rob the rest of San Diego of access to the coast.

Sincerely yours,

Opal Trueblood

Opal Trueblood

DEL MAR TERRACE CONSERVANCY

TORREY PINES COMMUNITY PLAN
Letters of Opposition

CITY OF SAN DIEGO LCPA 2-95A

RECEIVED
APR 27 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Part II

Design And Development Standards Recommended For Private And Other Public Proposals Within The FPA

Grading

Grading within the FPA should be limited to the extent possible and where grading is proposed it should be designed so as to retain the natural shape of the landform and reflect the topographic constraints of the terrain. In all cases mass grading shall be avoided.

Depending on the scale of the project, grading should be phased to allow prompt revegetation to control erosion and visual impacts.

Building pads should be designed to conform to the site topography, including the creation of smaller terraced pads rather than large graded pad areas. In addition, building pads should not be created on the most visible portions of both the ridgelines and the valley floor. The environmental documents prepared for all proposals within the FPA should include a visual impact analysis to determine the most suitable location(s) for buildings on a lot.

Where feasible, no structures or construction activity should occur within the 100-year floodplain.

Where grading within the FPA can not be avoided, creative grading techniques using contour grading and incorporating existing significant natural features should be utilized. Additional techniques should be implemented including those outlined below.

- Use variable slope gradients with smooth, rounded cuts
- Round off toe and crest of slopes
- Blend graded slope contours with the natural topography
- Utilize native vegetation to alleviate sharp, angular slopes
- Preserve natural and significant geologic features

- Design drainage courses to blend with the environment
- Use serrated grading techniques to help guarantee successful revegetation of manufactured slopes

Although the use of retaining walls within view of the park is highly discouraged, there may be an instance in which no alternative is available. In this case, the retaining wall should not exceed six feet in height and should conform to the natural contour of the topography and be screened with indigenous landscaping. Earthtone colors and decorative natural materials such as stone construction should be used to blend with the natural landscape.

Roadways should be designed to minimize grading and visual impacts. The use of non-typical standards for roadway design should be required as necessary to accomplish this. Roadways and driveways should be located in areas with the least visual and environmental impacts on the Park. Landscaping should be provided to buffer roadways and driveways as viewed from the FPA. This landscaping shall be indigenous to the maximum extent possible.

Any parcels that have been disturbed by illegal grading should be restored through corrective grading techniques and/or revegetation of the native habitat.

Structural Design

Within the FPA, the form, mass and profile of the individual structures and architectural features should be designed to blend with the natural terrain.

Structures should be set back from ridges and bluffs throughout the FPA to reduce their visual impact. Where development on hillsides cannot be avoided due to existing ownership patterns, the proposed design should preserve the character and profile of the natural slope.

Materials, finishes, and colors for all buildings, accessory structures, walls and fences should be compatible with the intent of minimizing the visual impact on the FPA. Colors should be limited to subtle earthtone hues, with style and texture that reflects the traditional/rural character of the FPA. Colors should not be bright, reflective, metallic or otherwise visually out of character with the natural setting. In addition, colors such as white or pink that contrast with the landscape should be avoided. The use of natural

materials is encouraged. The use of red tile roofs along ridgelines should also be discouraged.

The visible area of the buildings and uses should be minimized through a combined use of regrading and landscaping techniques.

Structures located within the view of the FPA should be generally low in profile and utilize upper story setbacks so as not to be visually prominent as viewed from within the valley floor. In highly visible areas, the building height should not exceed a basic limit of 15 feet above the finished grade, except for an area limited to 20 percent of the total floor area which may exceed the basic height limit of 15 feet up to a maximum of 30 feet. Under no circumstances shall structures be greater than 30 feet in height at any point of the structure measured from natural existing grade.

The use of stem walls should be avoided.

The facades of structures should be angled at varying degrees as required to follow the natural topography of the site.

Rooflines of structures should vary in angle and height to provide a changing profile. Rooflines shall emphasize the natural land forms and help blend the structures into the natural open space environment.

Commercial uses should be designed to complement the traditional/rural character of the FPA. A design theme should be utilized which relates most closely to the Old California farmhouse or ranch style.

Accessory uses such as tennis courts, gazeboes, and swimming pools that would require retaining walls and/or extensive structural supports visible from the FPA should be avoided. Accessory uses should be set back from the ridgeline and properly screened with landscaping to be unobtrusive. In deck construction, large distances between structures and grade shall be avoided.

The use of exterior lighting should be limited to that needed for security purposes. If proposed, lighting should be a low-sodium type with horizontal cut-off and shall be shielded downward such that the light would not be visible to adjacent properties. A site

lighting footcandle diagram may be required to demonstrate conformance with this guideline.

Subdivision Design

Subdivision lot lines for new subdivisions should be designed to minimize intrusion into the FPA. Where a portion of a subdivision is included within the FPA, all development should be clustered outside of the viewshed of the FPA to the extent possible. Properties located entirely within the FPA should be designed to maximize the preservation of an interconnected open space corridor.

Subdivisions should be designed to minimize encroachment into the FPA. If a major portion or all of the project is within the FPA, subdivision design should be required to protect the existing significant environmental/cultural resources by minimizing grading, drainage, and overall impacts in the FPA. Areas remaining in open space should be protected by open space or conservation easements.

Open space linkages should be required for pedestrian/bike traffic and equestrian trails linking the project with the park's proposed trail system, consistent with the adopted regional corridor trail standards.

Development should also be clustered to maximize the amount of open space within the FPA.

Projects should be designed to provide appropriately sized open space linkages where deemed necessary to allow for wildlife movement and trail linkages.

All projects should protect significant view corridors to the river valley and open space areas.

Hillside development should blend rooflines with the profile of the land. Retain as much existing vegetation as possible. Upon completion of grading, impacted areas shall be replanted. Native plant species should be used to the extent feasible and should consider brush management and the interface with the natural environment.

Roadway crossings of the open space corridor should only be permitted if designated in the transportation element of the general plan or applicable community plan.

Fencing

In an effort to reduce the need for property line fencing on major slopes, subdivisions should be designed to place major slopes adjacent to proposed building pads in separate open space lots. Where property lines do transverse major slopes fencing on slopes should be discouraged, however, where such fencing is required the fencing should be visually unobtrusive in color and material.

Fencing should be unobtrusive, typically open and non-opaque when viewed from public areas of the FPA, and use natural colors to blend with landscape.

Landscaping

Drought tolerant and native species should be used wherever possible to minimize water usage and maintain the natural shape and rural character of the environment. Landscaping should make a gradual transition from ornamental to native vegetation.

Existing mature, native trees and shrubs, natural rock outcroppings and riparian areas should be preserved and special measures should be taken during any grading and construction activity to ensure that no unanticipated impacts will occur.

Structures and improvements should be located so as to minimize removal of trees and existing vegetation.

Planting along the slope side of development should be designed to allow controlled views out, yet partially screen and soften the architecture. Tree species selection and placement should be designed to be capable of exceeding the height of the top of the slope.

Clearing for firebreaks and planting of non-native, fire retardant vegetation should occur so that the area is not within the viewshed of the FPA. Sensitive fire suppression landscape designs to provide necessary protection while striving to maintain the visual and biological integrity of the native plant communities should be utilized in accordance with the following:

- Maintain adequate building setback

- Locate irrigation at top of slope
- Thin out high and moderately flammable species
- Remove dead branches, foliage and other debris
- Remove limbs touching the ground
- Separate plant groupings and avoid dense plantings of tall species, maintain existing plants in random
- Prune selectively to maintain natural appearance
- Hydroseed with native, low growing plants and grasses
- Landscaping should make a gradual transition from private yard to native vegetation.
- Landscaped areas within the viewshed of the FPA should use vegetation native to the San Dieguito River Park FPA in the landscape design.

Drainage And Erosion Control

A runoff control plan which would minimize runoff from the site should be submitted as part of the site plan.

Natural and historic runoff patterns and water velocities into the river valley should be maintained where feasible.

Runoff velocity should be non-scouring, non-erosive, and of a degree such that no armoring (e.g. rip-rap or concrete) of a channel is required.

To minimize erosion and siltation, areas of disturbance during construction should be stabilized as rapidly as possible with non-invasive vegetation. Temporary and permanent erosion and siltation control measures as necessary should be installed to minimize construction and development impacts.

All run-off control structures and devices, including detention/retention basins, siltation traps, catch basins, energy dissipators and outfalls should be shown on the site plan and should conform to all other design regulations herein.

The peak rate of runoff from the site in post-development conditions should match the peak rate of runoff from the site in pre-development conditions for all design storms. Detailed drainage calculations should be provided as necessary to insure compliance with this requirement.

Runoff and erosion control techniques should be based on techniques outlined in the Erosion and Sediment Control Handbook, California Department of Conservation in the National Engineering Handbook, United States Agriculture Soils Conservation Service.

Resource Management

Buffers adequate to meet the requirements of state and federal resources agencies should be provided between proposed development areas and wetlands.

Adequate wildlife corridors and linkages should be preserved within all projects in order to permit wildlife movement between major open space areas.

Recommended Findings Of Approval

In conjunction with the adoption of design and development standards for proposals within the San Dieguito River Park FPA, the member agencies are encouraged to establish Findings for Approval of such proposals. These Findings for Approval include the following:

1. The development or use is found to be in conformance with the goals and objectives outlined in the San Dieguito River Park Concept Plan;

2. The intensity and character of the proposed development or use is compatible with the natural, cultural, scenic and open space resources of the site;

3. All grading associated with the proposal has been kept to a minimum and the location and design of the proposed development respects and preserves the natural landform, geologic features, existing streambeds, vegetation, significant tree cover and wildlife areas; and

4. The development is located and designed in a manner that will maintain the existing character of the area as viewed from the FPA.

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

April 19, 1995

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Diana Lilly
California Coastal Commission
San Diego Coast District Office
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

SUBJECT: TORREY PINES COMMUNITY PLAN LCP AMENDMENT, CITY OF SAN DIEGO

Dear Ms. Lilly:

The 22nd District Agricultural Association respectfully requests your consideration of the following issue and requested modification of the currently proposed amendment for the Torrey Pines Community segment of the City of San Diego Local Coastal Progrm (LCP).

The 22nd District owns and operates the Del Mar Fairgrounds and Racetrack. A portion of the 22nd District's property is located within the Torrey Pines Community Plan area of the City of San Diego. This 48 acre parcel is located between Jimmy Durante Boulevard on the west, Interstate 5 on the east, and immediately south of the Del Mar Hilton Hotel. The 22nd District refers to this parcel as the "Surf & Turf" parcel. The majority of this parcel is undeveloped (i.e., approximately 34 acres) and is used for the field of the driving range, and parking during the summer season at the Del Mar Fairgrounds and Racetrack. In following the City's progress with the Torrey Pines Community Plan Update, the 22nd District had, and has, no objection to the Community Plan designation of recreational open space for the undeveloped portions of the Surf & Turf parcel.

However, approximately 14 acres of this parcel are developed with active commercial recreation uses, including a small visitor-serving RV park and the Surf & Turf recreational complex, which includes tennis courts, miniature golf, the driving range pro-shop and clubhouse facilities, and

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THE SOUTHERN CALIFORNIA EXPOSITION

paved driveways and parking lots. This area is shown with a hatched line pattern on the enclosed map. We had assumed that the developed commercial recreation facilities portion of the Surf & Turf parcel was included within the commercial recreation designation used by the Community Plan in its reference to the existing commercial recreation uses south of Via de la Valle. However, in reviewing the maps in the final adopted version of the Torrey Pines Community Plan Update, which we understand is the basis for the City's current application for certification of the corresponding LCP amendment, it appears the developed commercial recreation facilities on the 22nd District's property are shown for recreational open space, rather than commercial recreation.

The 22nd District feels the proposed open space designation for this existing, longstanding commercial recreation use area is inappropriate, and would be inconsistent with the Coastal Act policies that address preservation of low-cost visitor serving facilities in the Coastal Zone. These existing facilities are an adjunct to the active commercial recreation uses at the Del Mar Fairgrounds and Racetrack. Furthermore, the 22nd District's Master Plan, adopted in 1987, shows the developed portion of the Surf & Turf parcel for continued commercial recreation use.

The 22nd District requests that you consider recommending a modification to the proposed Torrey Pines LCP amendment, which would essentially correct the land use plan, to show the approximately 14 acres of existing, developed commercial recreation area on the Surf & Turf parcel as "commercial recreation", consistent with the commercial recreation designation for the immediately adjacent Del Mar Hilton Hotel property. The enclosed map shows the correct configuration and area of this approximately 14 acre commercial recreation area.

With this requested modification, the 22nd District feels the Torrey Pines Community Plan designations for its property would be consistent with the Coastal Act and the 22nd District's adopted Master Plan. I have discussed this

issue with Mr. Mike Westlake of the City of San Diego Planning Department, and informed him of the District's need to request this modification.

Thank you for your assistance.

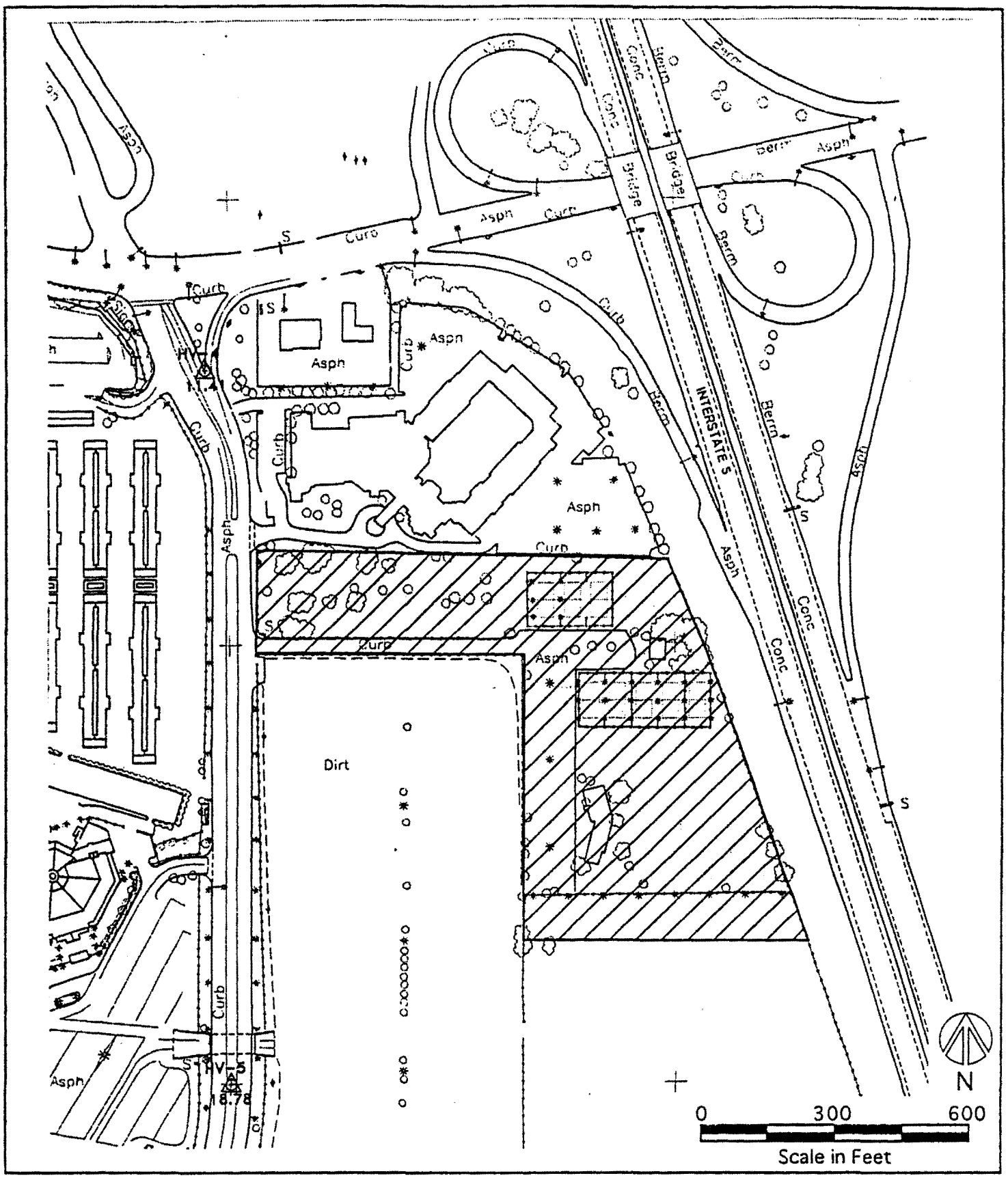
Yours truly,

22ND DISTRICT AGRICULTURAL ASSOCIATION

Patricia A. Butler
District Planner

enclosure

cc: Mike Westlake, City of San Diego
Andrew Mauro, 22nd DAA



SOURCE: The Butler Roach Group, Inc., 1995.

22nd District Agricultural Association

Existing Developed Commercial Recreation Site - Surf & Turf Parcel

FIGURE

city of del mar

May 5, 1995

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Honorable Chairperson and Commissioners
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

RE: San Diego LCP Amendment No. 2-95 (Torrey Pines Update)

Honorable Chairperson and Commissioners:

The City of Del Mar is very concerned with the City of San Diego's proposed amendment to its Local Coastal Program (LCP) for the Torrey Pines Community Plan. Two areas have been identified as major issues associated with the proposed amendment. Each of these involves a number of related concerns, but generally fall into the following two categories:

1. The City of San Diego's proposal to regulate land use within the jurisdictional boundaries of the City of Del Mar.

2. Impacts to regionally significant environmental resources including, but not limited to, wetlands, water quality, and visual resources.

Our concern first involves the City of San Diego's proposal to regulate land use within the jurisdictional boundaries of Del Mar. As has been stated in previous correspondence to the City of San Diego, (letters dated July 30, 1992, May 10, 1993, May 26, 1993, September 13, 1993, December 6, 1993, May 17, 1994, May 27, 1994, and November 16, 1994), the primary concerns of the City of Del Mar are the proposed improvements to North Torrey Pines Road/Camino del Mar and the Camino del Mar/Carmel Valley Road intersection.

As correctly noted in the draft Torrey Pines Community Plan and the EIR, this intersection and a portion of North Torrey Pines Road are within the jurisdictional boundaries of the City of Del Mar and would require approval from the City of Del Mar. However, the proposed improvements, as described in the draft Torrey Pines Community Plan, are in direct conflict with the City of Del Mar Community Plan. Specifically, the Del Mar Community Plan recommends that Camino del Mar ultimately consist of one lane of traffic in each direction south of 9th Street, with the remaining right-of-way utilized for landscaping, parking, and bicycle lanes.

To further emphasize the importance of this issue, on November 7, 1994, the Del Mar City Council unanimously adopted Resolution No. 94-52 (enclosed). This resolution opposes the Torrey Pines Community Plan Update and Environmental Impact Report as they relate

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to North Torrey Pines Road, Camino del Mar and the intersection of Camino del Mar, and Carmel Valley Road.

We believe it is inappropriate for the Coastal Commission to even consider approval of the City of San Diego's proposal to widen our roadway system to accommodate the growth within the City of San Diego. Further, we question the Commission's legal authority to grant approval of a project without consent from the affected property owner, in this case the City of Del Mar.

Our second concern involves regional impacts to significant environmental resources including wetlands, water quality, and visual resources. The City of Del Mar concurs with Commission staff that the proposed Torrey Pines Community Plan is inconsistent with Section 30233 of the Coastal Act. As proposed, the plan would allow for the construction of roadways and other structures within wetlands and other existing environmentally sensitive habitat areas. The City of Del Mar supports the staff report with regard to other proposed modifications which address precise development standards for development in the floodplain fringe of Sorrento Valley and the San Dieguito River, and adjacent to designated environmentally sensitive open space areas such as the San Dieguito Lagoon, Crest Canyon, the Carroll Canyon Wetlands/Wildlife Corridor, and the Torrey Pines State Reserve Extension.

In closing, the City of Del Mar supports the Commission staff's recommendation of denial of the Torrey Pines Community Plan. Should the Commission approve the Torrey Pines Community Plan, the City of Del Mar requests the Commission to delete from the draft Torrey Pines Community Plan all proposed improvements located within the jurisdictional boundaries of the City of Del Mar located on North Torrey Pines Road/Camino del Mar/Carmel Valley Road. The City of Del Mar also supports the suggested staff modifications as outlined on page six, seven, nine and ten of the staff report.

Thank you for your consideration.

Sincerely,

Henry Abarbanel

Henry Abarbanel
Mayor

cc: Del Mar City Councilmembers

MT

city of del mar

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APR 10 1995
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 3, 1995

Honorable Mayor and City Council
City of San Diego
City Clerk, City Administration Building
202 "C" Street
San Diego, CA 92123 Mail Station 2A

RE: Torrey Pines Community Plan Update and Associated Amendments to the North City Coastal Program

Honorable Mayor and City Council:

Please consider this letter the City of Del Mar's formal request to delete from the draft Torrey Pines Community Plan those proposed improvements located within the jurisdictional boundaries of the City of Del Mar located on North Torrey Pines Road/Camino del Mar/Carmel Valley Road.

As we have stated on numerous occasions in previous correspondence (letters dated July 30, 1992, May 10, 1993, May 26, 1993, September 13, 1993, December 6, 1993, May 17, 1994, May 27, 1994 and November 16, 1994 attached), of primary concern to the City of Del Mar are the proposed improvements to North Torrey Pines Road/Camino del Mar and the Camino del Mar/Carmel Valley Road intersection. As correctly noted in the draft Torrey Pines Community Plan and the EIR, this intersection and a portion of North Torrey Pines Road are within the jurisdictional boundaries of the City of Del Mar and would require approval from the City of Del Mar. The proposed improvements as described in the draft Torrey Pines Community Plan are in direct conflict with the City of Del Mar Community Plan.

To further emphasize the importance of this issue, on November 7, 1994 the Del Mar City Council unanimously adopted Resolution No. 94-52 (enclosed), a resolution opposing the Torrey Pines Community Plan Update and Environmental Impact Report as they relate to North Torrey Pines Road, Camino del Mar and the intersection of Camino del Mar and Carmel Valley Road.

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telephone (619) 755-9313 fax (619) 755-2794

Honorable Mayor and City Council
City of San Diego
Torrey Pines Community Plan Update
January 3, 1995

Sincerely,

Jan McMillan

Jan McMillan
Mayor

cc: Del Mar City Councilmembers

RESOLUTION NO. 94-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, OPPOSING THE TORREY PINES COMMUNITY PLAN UPDATE AND ENVIRONMENTAL IMPACT REPORT AS THEY RELATE TO NORTH TORREY PINES ROAD, CAMINO DEL MAR AND THE INTERSECTION OF CAMINO DEL MAR AND CARMEL VALLEY ROAD

WHEREAS, the northern section of North Torrey Pines Road/Camino del Mar bridge over the railroad tracks, as well as Camino del Mar/ Carmel Valley Road intersection are within the jurisdictional boundaries of the City of Del Mar; and,

WHEREAS, the City of Del Mar has jurisdiction over the use and design of these roads and intersection, jurisdiction that cannot be usurped by any other city; and

WHEREAS, the City of Del Mar encourages regional cooperation among jurisdictions and also respects each city's right to local control; and

WHEREAS, the Community Plan for the City of Del Mar recommends that Camino del Mar be reduced to one lane of traffic in each direction south of 9th Street with the remaining right-of-way utilized for landscaping, parking and bicycle right-of-way; and

WHEREAS, the planning efforts associated with the Torrey Pines Community Plan Update proposes widening Torrey Pines Road within the jurisdictional boundaries of Del Mar, a proposal that conflicts with the Del Mar Community Plan; and

WHEREAS, the Environmental Impact Report prepared for the Torrey Pines Community Plan Update recommends increasing traffic levels within the boundaries of City of Del Mar to mitigate traffic and growth impacts associated with the implementation of the Torrey Pines Community Plan.

WHEREAS, the City of Del Mar has formally communicated this inconsistency and concern to the City of San Diego through letters dated July 30, 1992, December 6, 1993, May 27, 1994 and September 7, 1994.

NOW, THEREFORE, be it resolved that the City Council of the City of Del Mar continues to support one northbound lane of traffic on south Camino del Mar, and to oppose the Torrey Pines Community Plan Update and

Environmental Impact Report as it relates to North Torrey Pines Road, Camino del Mar and the intersection of Camino del Mar and Carmel Valley Road.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 7th day of November 1994.

JAN MCMILLAN, Mayor
City of Del Mar

ATTEST:

MERCEDES MARTIN, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss
CITY OF DEL MAR)

I, MERCEDES MARTIN, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 94-52 adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 7th day of, 1994, by the following vote:

AYES: Councilmembers Abarbanel, Colbert, Parks, Whitehead, Mayor McMillan

NOES: None

ABSENT: None

ABSTAIN: None

Mercedes Martin, City Clerk

city of del mar

November 16, 1994

Mayor Susan Golding
City of San Diego
202 C Street, 11th Floor
City Administration Building
San Diego, California 92101

Dear Mayor Golding:

As you may know, the City of Del Mar is seriously concerned with the City of San Diego's plans for widening north Torrey Pines Road, including the bridges over the Penasquitos Lagoon and the railroad track, as well as plans for the intersection of Carmel Valley Road and Camino Del Mar. We have offered comments on these plans in various responses to the Torrey Pines Community Plan Update.

We are concerned not only with the plans themselves but also with the fact that San Diego appears to be proceeding unilaterally with designs that use portions of land within the City of Del Mar. City of San Diego staff, while courteous to our staff, has not been able to justify this unusual planning approach. Our City Attorney has received no explanation from your City Attorney's office.

To summarize our position on this matter, the Del Mar, City Council unanimously passed Resolution No. 94-52 on November 7, 1994. I am enclosing a copy of this Resolution, which asserts the right and obligation of every city to retain jurisdiction over its own property without forgetting its concurrent responsibility to communicate and work together with its neighbors.

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I would greatly appreciate the opportunity to discuss this situation with you as soon as possible. I believe it is in the best interests of both our cities to do so.

Sincerely,

JAN McMILLAN
Mayor

JM:lm
Enclosure

cc: City Manager Jack McGrory
City Attorney John Witt

lm\ccvisop.doc

COMMUNITY PLAN

in each direction, divided by the existing landscaped median, with holding or turn lanes at intersections, and the provision of additional parking (particularly in the area between 15th and 13th Streets).

B. Provide attactive promenade walkways with landscaped resting areas and benches. Encourage the use of distinctive paving patterns and textures. The width of walkways should be variable and provided with low level pedestrian lighting. Provide additional landscaping using street trees with grating or pavers at base and raised and mounded planting areas of shrubs and flowers. Also use fixed container planters and hanging planters with seasonal flowers, where appropriate.

C. Design bicycle rights-of-way to connect with other segments of Camino del Mar both north and south, one bicycle lane northbound and one southbound. The lanes should be approximately six feet wide and clearly marked.

D. Provide bicycle parking areas at the Del Mar Plaza, Stratford Square, Cnaterbury Corner, City Hall and the end of 11th Street.

E. Reduce speed limit to 30 miles per hour.

F. Make provisions for future minibus and rapid transit bus stops.

3. <u>9th Street to Southern City Limit</u>

A. Limit traffic to two lanes, one each way, with holding or turn lanes at intersections.

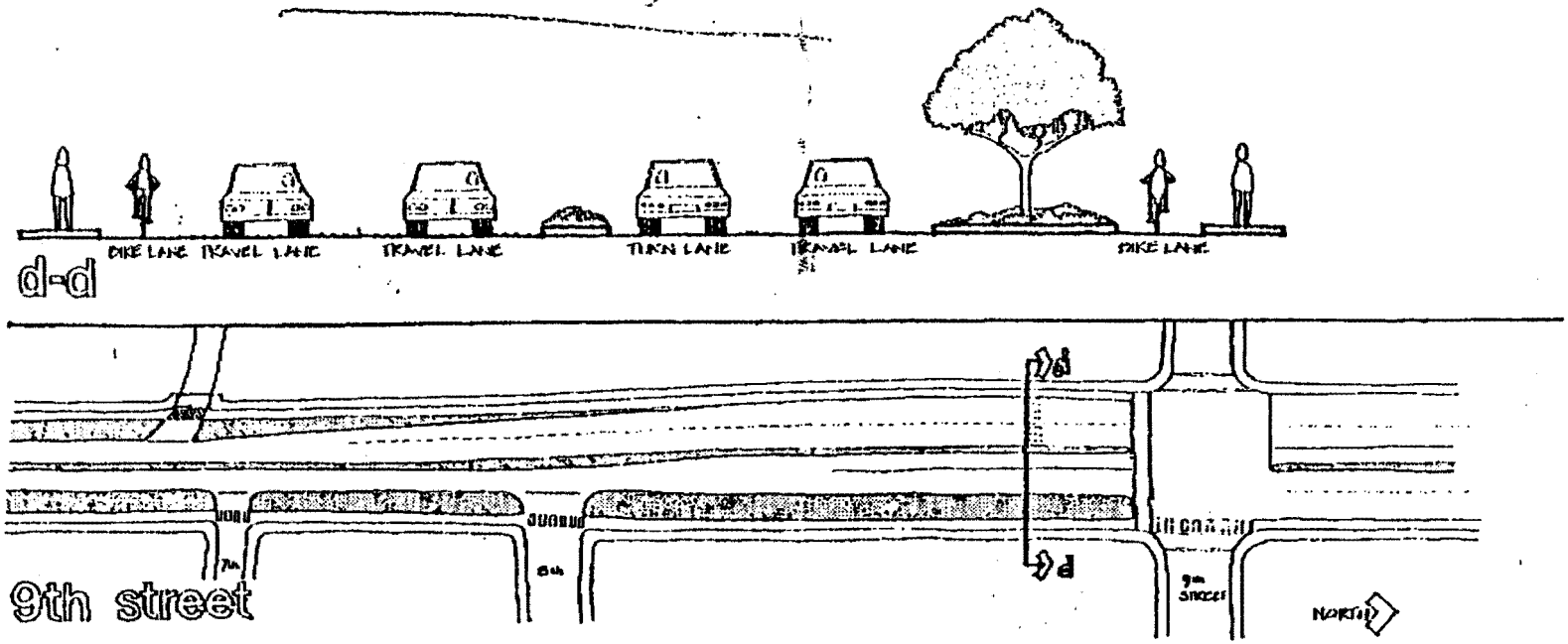
B. Provide pedestrian walkways on each side of the street. Walkways should be more formal and straighter than in other areas but should have textured surfaces and low level lighting.

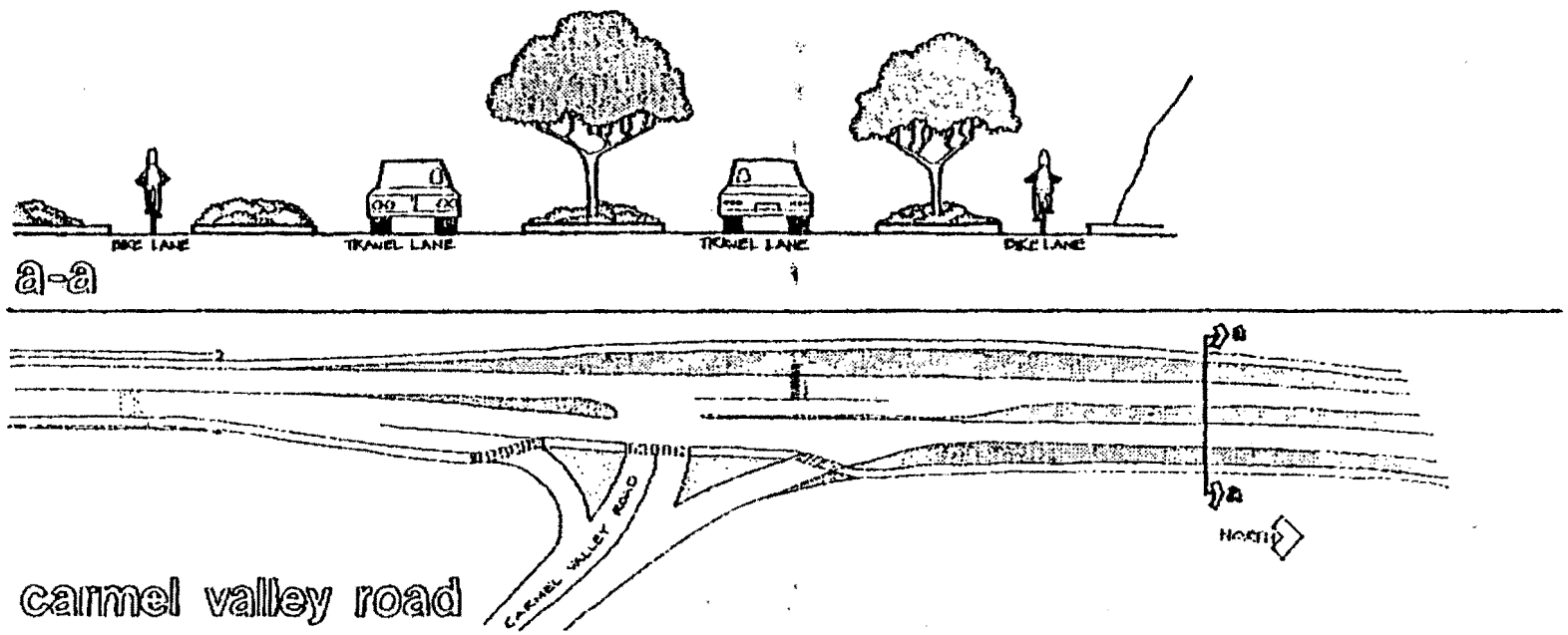
C. Provide bicycle rights-of-way, one northbound and one southbound, to connect with the central Camino del Mar route and with the City of San Diego route.

D. Direct northbound through traffic to Interstate 5 via Del Mar Heights Road by use of signs similar to those proposed at the north end of the City.

The Plan, therefore, recommends that Camino del Mar be immediately reduced to one lane of traffic in each direction, north of 15th Street and south of 9th Street, with the remaining space being utilized for landscaping, parking and a bicycle right-of-way. This concept should be facilitated by way of a temporary low cost solution that will allow for monitoring over a six month to one year period of time. If, after this monitoring period, the concept is felt to be a good one, efforts should be made to install permanent improvements.

COMMUNITY PLAN





LAW OFFICES
KRAUEL & KRAUEL
GOVERNOR PARK
3090 SHOREHAM PLACE, SUITE 101
SAN DIEGO, CALIFORNIA 92122-5934

ROGER W. KRAUEL
FRANCESCA MECIA KRAUEL

(619) 455-9707
FAX 455-1058

May 5, 1995

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Amy Roach
Legal Counsel, California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

Dear Ms. Roach:

This letter is in regard to the City of San Diego Local Coastal Program, Amendment No. 2-95A; the Torrey Pines Community Planning Update on which the Coastal Commission is scheduled to take action Thursday, May 11, 1995. One geographic area included in the update includes the Carmel Valley Road/Camino del Mar intersection, which area is wholly within the corporate boundaries of the City of Del Mar. This fact has been acknowledged on numerous occasions by the City of San Diego's staff as well as the Office of the San Diego City Attorney.

The City of Del Mar does not support the action proposed for this area. The City of Del Mar's position has been communicated to the City of San Diego through numerous letters as well as a City Council Resolution (No. 94-52). The City of San Diego is asking the Coastal Commission to take action for property located wholly within the City of Del Mar.

Since the Coastal Commission requires the signature of the property owner and the applicant for submittals, please be advised that the City of Del Mar, as the owner of the subject property, has neither signed any document for this proposal nor has it submitted any application concerning it. Thank you for your attention to this matter.

Very truly yours,

Francesca M. Krauel

FRANCESCA M. KRAUEL
Assistant City Attorney
City of Del Mar

FMK:hs

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TORREY PINES
COMMUNITY PLAN

DRAFT
JANUARY 1995

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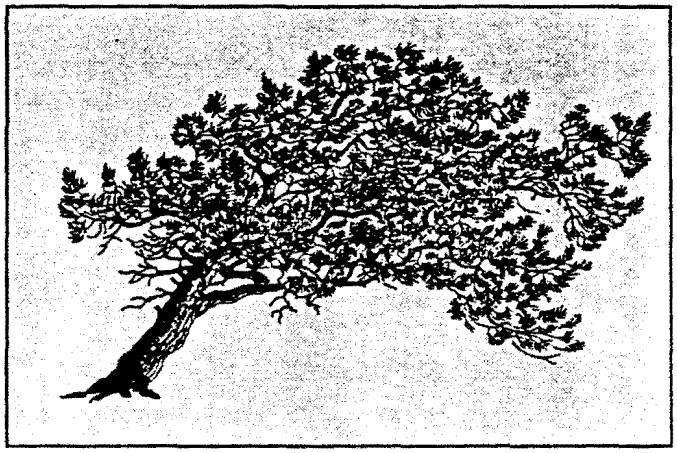
TORREY PINES
COMMUNITY PLAN



This information, or this document (or portions thereof), will be made available in alternative formats upon request.

Mayor
Susan Golding

Council
Harry Mathis
Scott Harvey
Christine Kehoe
George Stevens
Barbara Warden
Valerie Stallings
Judy McCarty
Juan Vargas

City Attorney
John W. Witt

City Manager
Jack McGrory

Planning Commission
Scott H. Bernet, Chairperson
Karen McElliott, Vice Chairperson
Lynn Benn
Andrea Skorepa
Christopher Neils
Frisco White
Verna Quinn

Planning Department
Ernest Freeman, A.I.C.P., Planning Director
Jeff Washington, Deputy Director Long Range and Facilities Planning
Mike Stang, Principal Planner
Mike Westlake, Senior Planner/Project Manager
Byron Frohn, Senior Drafting Aide
Theresa Newman, Word Processing Operator
Sam Riordan, Graphic Designer
Ronald St. Germain, Editor/Proofreader
Ron Shely, Press Operator

ACKNOWLEDGMENTS

Special thanks is hereby extended to all of those members of the Torrey Pines Community Planning Group who have contributed extensive time and thought to the formulation and review of this plan document. Their efforts as well as the efforts and contributions provided by the many residents and business persons of the Torrey Pines Community Planning Area is greatly appreciated by the Planning Department, Planning Commission and the City Council.

APPROVAL CHRONOLOGY

On September 8, 1994, by Resolution No. 2123–PC, the Planning Commission of the City of San Diego unanimously recommended approval of the Torrey Pines Community Plan Update and certification of Environmental Impact Report No. 92–0126.

On January 10, 1995, the Council of the City of San Diego adopted the *Torrey Pines Community Plan Update* by Resolution No. R–285183, and the certified Environmental Impact Report No. 92–0126 by Resolution No. R–285182.

On _____, the California Coastal Commission certified the *Torrey Pines Community Plan Update.*

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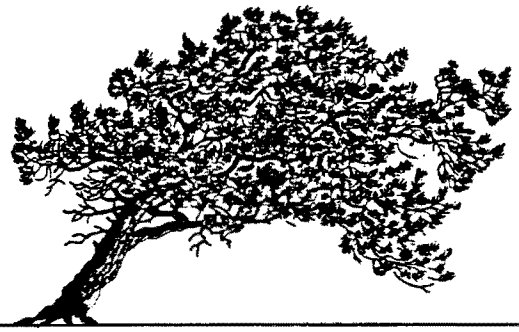
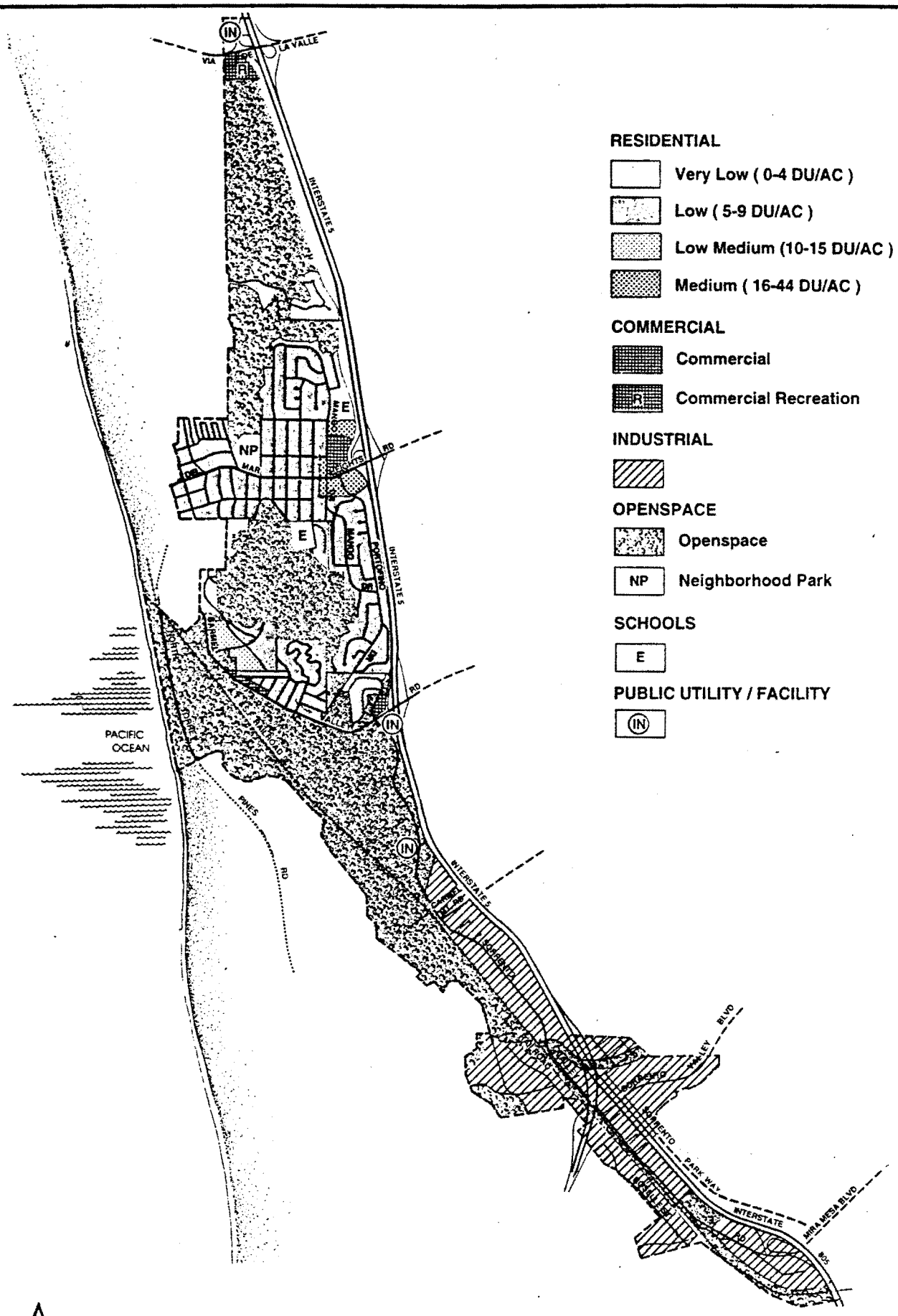


EXECUTIVE SUMMARY



Land Use Plan

FIGURE 1

N

TORREY PINES Community Plan

EXECUTIVE SUMMARY

PLAN VISION

The vision of this community plan is to provide, in a democratic manner, the highest possible quality of life for residents and businesses while preserving the community's unique natural environment.

The Torrey Pines Planning Area is a community rich in environmentally sensitive resources. The community contains large areas of Torrey Pine trees, lagoons, wetlands, sandstone bluffs and canyons which in turn provide habitat for several species of unique wildlife. In addition to environmental resources and wildlife, the Torrey Pines Community also provides a unique living and working environment for its people. This community plan provides goals, policies and an action plan designed to protect the health, safety and welfare of both its residents and the natural environment.

KEY POLICIES

The following key policies reflect the underlying concern for the Torrey Pines Community Planning Area. These policies reflect the plan vision which is a theme interwoven throughout all the elements of this community plan.

1. All development adjacent to open space areas shall be designed to reduce visual and development impacts.

2. Provide safe roadways for pedestrians, bicyclists and vehicular traffic, including traffic control measures and pedestrian crossings where necessary.

3. Residential development shall reflect the diversity of existing homes in the community, and shall be in compliance with all development regulations. The community does not recommend or support, within single-family zoned areas, the construction of shared housing (also known as minidorms or Go-Homes).

4. Commercial development shall be designed to avoid impacts to adjacent residential areas.

5. The construction of public projects shall avoid impacts to residential neighborhoods.

6. Public projects (utilities, roads, railroad, etc.) that cross or encroach into open space areas shall eliminate or avoid loss to biological resources, shall result in no net loss to wetlands, and shall be required to contribute to the restoration and enhancement of those open space areas.

7. New industrial and commercial development proposed adjacent to identified open space corridors shall contribute to the preservation of these areas.

8. Public mass transit service, including bus, light rail, and commuter rail should be provided to and through the Torrey Pines Community.

9. Emphasize the Citywide importance of and encourage the location of scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities industrial areas. Provide adequate mass transit and/or transportation facilities to the Sorrento Valley Area.

10. Useable public parks and active playing fields should be provided within the planning area for use by all age groups.

11. Affordable housing should be provided within the planning area.

INTRODUCTION

INTRODUCTION

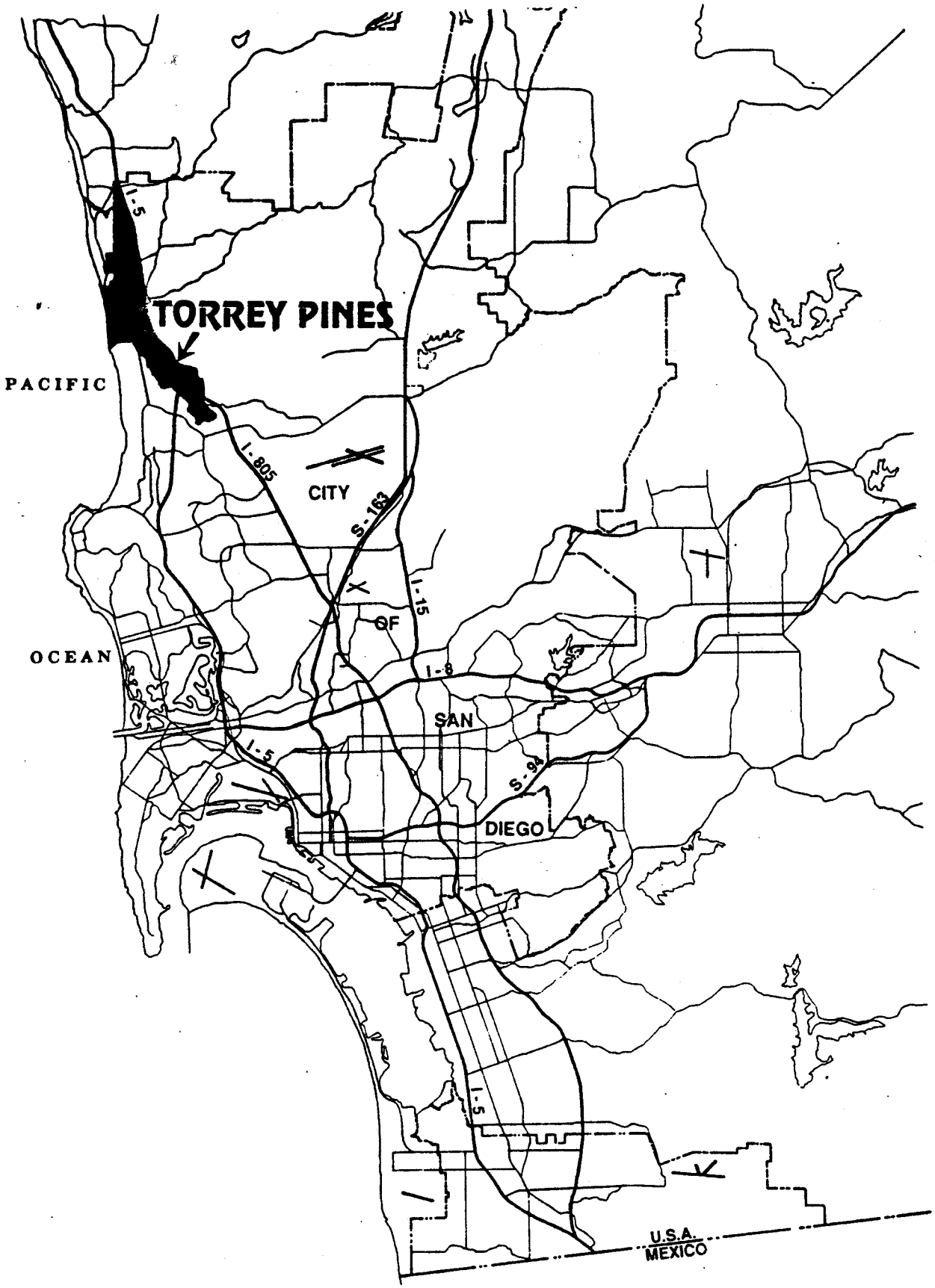
PURPOSE OF THE PLAN

The Torrey Pines Community Plan and Local Coastal program is the City of San Diego's adopted statement of policy for the growth and improvement of the Torrey Pines Community Planning Area. The plan designates appropriate areas for residential uses, commercial services, and industrial and other employment generating uses, as well as areas that should remain free from development because of sensitive environmental resource characteristics. The plan also recommends road improvements and designates appropriate locations for public facilities which are necessary to support the projected population of the Torrey Pines Planning Area.

ISSUES

The Torrey Pines Community Plan update process included primarily the cooperation and efforts of the Torrey Pines Community Planning Group, the citizens, and the City of San Diego Planning Department. An update subcommittee of the planning group was established early in the process. This subcommittee held monthly public meetings, where planning group members, Planning Department staff, residents and property owners worked together to formulate various elements of the plan. The subcommittee identified a number of issues that served as a general framework for the development of the goals, policies and proposals of the plan. Among these issues were:

- The size, bulk, scale, height and compatibility of new residential development
- Street improvements, and their impacts on neighborhood character, pedestrians, and environmentally sensitive areas
- Development and construction impacts to environmentally sensitive areas, including sedimentation, erosion, visual impacts, and encroachment
- Expansion of commercial and multi-unit development in/and adjacent to single-unit residential neighborhoods
- The lack of active and passive recreational park facilities
- The lack of protection of environmentally sensitive resources
- The environmental impacts associated with public utility and facility projects



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Vicinity Map

FIGURE 2

The Torrey Pines Community Plan update process also included input and the identification of issues from other City departments and outside agencies. A number of additional issues were identified that were also used as a general framework for the development of this community plan including:

- The need to provide affordable housing within the Torrey Pines Community Planning Area. The City's Housing Element includes a goal of providing assistance to Very Low and Low Income households, and that those households be distributed among the various community plan areas such that all communities meet their "fair share" goals.

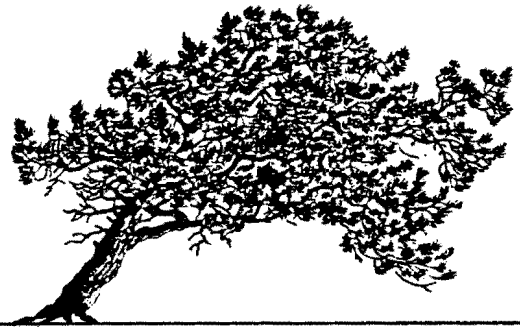
- The need to update the City's Zoning Code in order to provide a more effective and streamlined planning process.

- The lack of a mass transportation system to the Torrey Pines Community, and the need for the extension of the Light Rail System, the Commuter Rail and bus service.

- The need for a regional transportation system that provides safe and efficient travel throughout San Diego County.

- The need to reduce auto trips and improve air quality regionally through the implementation of transportation demand management strategies, transit oriented developments and other measures.

- The need to provide land and opportunities for scientific research, light manufacturing and biotech industries for a balanced economy consistent with environmental considerations.



PLANNING CONTEXT

PLANNING CONTEXT

THE COMMUNITY PLANNING AREA

The Torrey Pines Community Planning Area comprises approximately 2,600 acres of land located in the northern coastal region of the City of San Diego. Plan boundaries are the northerly San Diego City limits, Interstate 5, the southerly portion of the Sorrento Valley Industrial Park, the Pacific Ocean and the city of Del Mar. The city of Solana Beach lies immediately to the north, and the University Community extends to the south. East of Interstate 5 are the communities of Carmel Valley and Sorrento Hills.

DEVELOPMENT AND PLANNING HISTORY

Planning efforts for the Torrey Pines Community have taken place almost continually since the area was annexed in 1958. In 1963 the area contained only two large subdivisions: Del Mar Heights, a 760-lot subdivision, recorded in 1887, and the Del Mar Terrace subdivision recorded in 1913, containing 547 lots of 30 feet in width. However, in 1963 the area contained only about 100 housing units with a population of 470 persons.

In 1963 the City Council adopted the original Del Mar-Torrey Pines Community Plan which served to guide development in the area for over 10 years.

During that time period, many changes occurred which necessitated the need for a restructuring of community goals and a plan revision. Those changes included:

- The purchase of the Torrey Pines State Park Extension
- A crystallization of the opinion that the San Dieguito and Los Peñasquitos Lagoons were a natural environmental asset and in need of protection
- Increased demand and pressure for urbanization of the area because of its very desirable location
- Substantial industrial development and freeway construction

These factors led the citizens of the community to form a group to strive toward revision of the 1963 Community Plan in the early part of 1970. During the two year period between 1970 and the initiation of the update program, the Torrey Pines Community Planning Group remained active and diligently served to review development activity within the community and conduct research in matters of environmental concern. On March 6, 1975, the San Diego City Council adopted an update to the original 1963 plan, establishing it as the Torrey Pines Community Plan.

Since 1975, the Torrey Pines area has continued to grow and develop under the guidelines of the 1975 plan. This growth and development more recently has become problematic. Numerous negative impacts from development, especially to environmentally sensitive areas, were identified by residents of the Torrey Pines Community. Planning Group and Planning Department analysis indicated that the identification, prevention and resolution of these impacts were beyond the scope and control of the existing 1975 plan. As a result of this analysis, the Planning Group requested an update to the existing community plan.

ENVIRONMENTAL SETTING

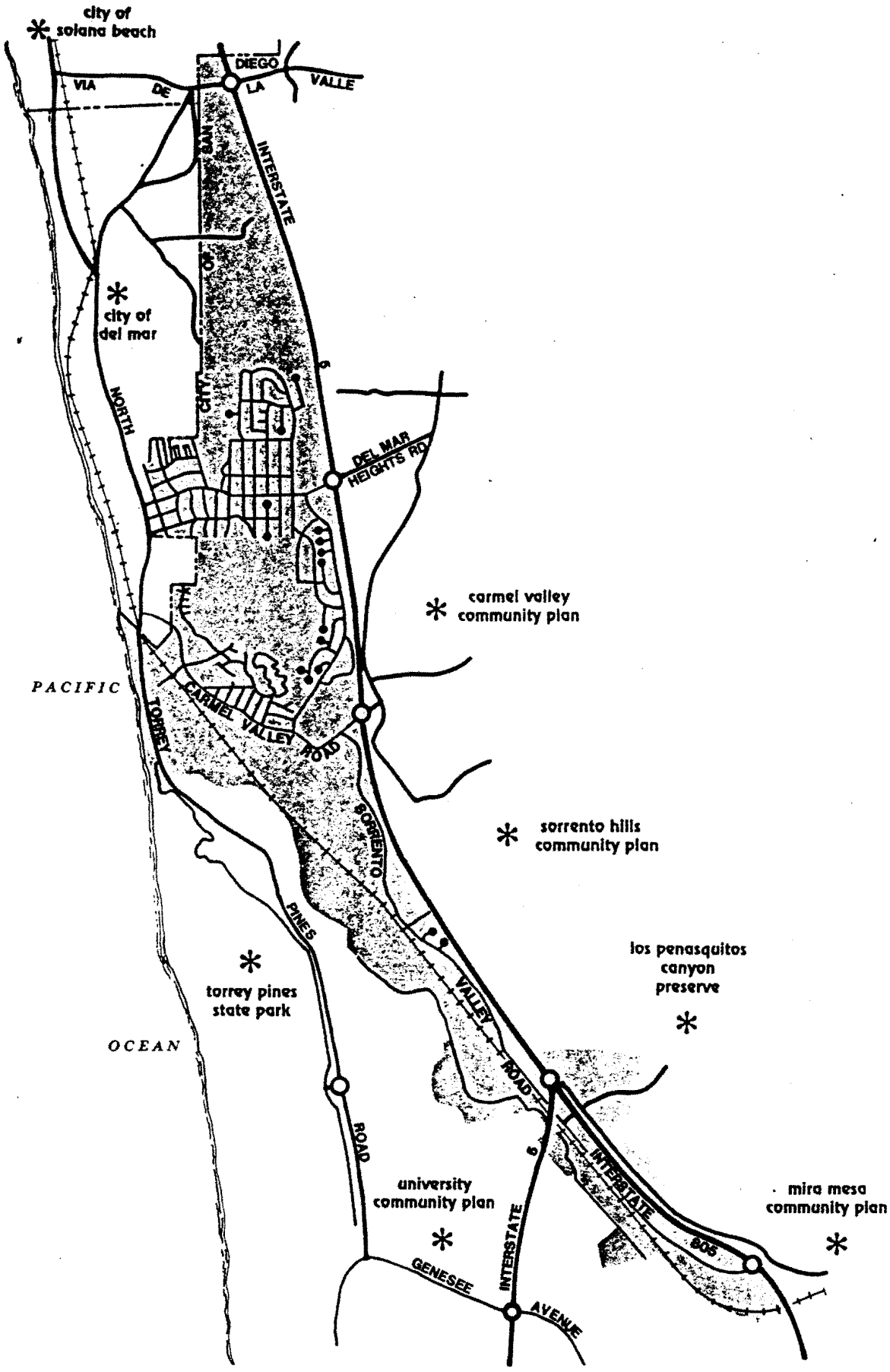
The Torrey Pines Community Planning Area is characterized by an abundance of sensitive environmental resources and contains a number of major local and regional open space systems, most of which are protected by this and other plans, and by various regulations. Most of these systems are associated with the watersheds of the Los Peñasquitos and San Dieguito lagoons as well as Carmel, Soledad, and Los Peñasquitos Creeks, and include the San Dieguito Lagoon and River Valley, Crest Canyon, the Torrey Pines State Reserve and Extension, Torrey Pines State Beach, the Los Peñasquitos Lagoon and associated uplands, and the Carroll Canyon wetlands/wildlife corridor. These systems, and recommendations regarding them, are described in more detail in the Resource Management and Open Space Element of this plan.

URBAN SETTING

The Torrey Pines Community Planning Area is located in the northern coastal region of the City of San Diego, and is influenced by a number of activities occurring in adjacent jurisdictions, communities, and regional parks.

The northern end of Torrey Pines is located adjacent to the cities of Del Mar and Solana Beach to the north and west, and to the San Dieguito River Regional Park to the east. Most of this portion of the Torrey Pines Community is designated open space in an effort to preserve those sensitive resources within the San Dieguito River Valley. Commercially designated properties in this area are consistent with those commercial areas in Del Mar and Solana Beach that serve visitors whose destinations include the Del Mar Racetrack and/or Fairgrounds, or the City and State beaches located just blocks to the west.

The central portion of Torrey Pines is located adjacent to the city of Del Mar and the Pacific Ocean to the west, and the community of Carmel Valley to the east. This area consists primarily of very low and low density residential development consistent with the same development pattern occurring in the city of Del Mar.



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Study Area Map

FIGURE 3

Table 1: Torrey Pines Community Plan Land Use Summary

Category	Acreage	% of Total
RESIDENTIAL	**622**	**24 %**
Very Low (0-4 Units / Acre)	60	
Low (5-9 Units / Acre)	520	
Low Medium (10-15 Units / Acre)	20	
Medium (16-44 Units / Acre)	22	
COMMERCIAL	**26**	**1 %**
Commercial Recreation	8	
Commercial	18	
INDUSTRIAL	**380**	**15 %**
PARKS / OPEN SPACE	**1,112**	**42 %**
San Dieguito Valley / Lagoon	194	
Crest Canyon Open Space Park	134	
Crest Canyon Neighborhood Park	10	
Torrey Pines Reserve Extension	184	
Los Peñasquitos Lagoon	452	
Carroll Canyon Corridor	37	
General Open Space	101	
SCHOOLS	**20**	**1 %**
Elementary	20	
UTILITY	**3**	**–**
SDG&E Substation/ Water Utilities	3	
RAILROAD	**56**	**2 %**
FREEWAYS / STREETS	**402**	**15 %**
TOTALS	**2,662**	**100 %**

That portion of Torrey Pines located just south of Carmel Valley Road is heavily influenced by Torrey Pines State Reserve and Los Peñasquitos Canyon Preserve and Lagoon. Most of this portion of the community is designated open space to protect the lagoon and resources within Torrey Pines State Park Reserve Extension.

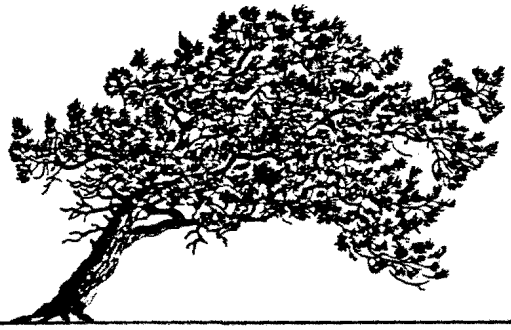
The southern portion of Torrey Pines, known as Sorrento Valley, is located adjacent to the scientific research and biotech industrial areas of the University and Mira Mesa Communities. The Torrey Pines Plan designates all of Sorrento Valley as industrial which is consistent with the industrial nature of this region of the City of San Diego.

LOCAL COASTAL PROGRAM

The California Coastal Act of 1976 established a coastal zone boundary within which certain planning and development requirements must be met. These requirements have been designed to protect and enhance California's coastal resources. The North City Local Coastal Program Land Use Plan (LCP) was adopted by the San Diego City Council in March 1981, revised in May 1985, and revised again in March 1987.

The North City LCP encompasses all of the Torrey Pines Planning Area, except for a small portion at the very south tip of Sorrento Valley. The North City LCP also encompasses portions of the community planning areas of Mira Mesa, Carmel Valley, University, Sorrento Hills, and Via De La Valle, as well as open space and urban reserve areas identified in the General Plan. These areas were grouped because of considerations of drainage into the San Dieguito and Los Peñasquitos Lagoon, impacts on traffic volume and traffic circulation in the area, and the cumulative impacts of development.

The recommendations and development criteria of the LCP have been incorporated into the individual elements of this community plan. Due to the standard of review established in the Coastal Act of 1976, an LCP land use plan must contain a great deal of specificity to direct the formulation of suitable implementing ordinances. Therefore, more specific and detailed supplemental coastal development policies not contained within the main body of this community plan can be found in the Appendix.



PLAN ELEMENTS

RESOURCE MANAGEMENT AND OPEN SPACE ELEMENT

RESOURCE MANAGEMENT AND OPEN SPACE ELEMENT

BACKGROUND AND ISSUES

The Torrey Pines Community consists of over 1,000 acres of open space, located primarily within five separate but related open space systems, each containing numerous sensitive environmental resources. These open space systems include, from the north part of the community to the south, San Dieguito River Valley, Crest Canyon, Torrey Pines Reserve Extension, Los Peñasquitos Lagoon and associated uplands, and the Carroll Canyon Wetlands/Wildlife Corridor (see Figure 4).

Except for a small portion at the south end of Sorrento Valley, all of the Torrey Pines Community is in the Coastal Zone, and most of the wetlands, wetland buffers, shoreline coastal bluffs, and beaches are within the Sensitive Coastal Resource (SCR) Zone (see Figure 5).

The Torrey Pines Community is rich in valuable biological resources. The most sensitive of these habitats include Coastal Marsh, Riparian, Coastal Mixed Chaparral, Chamise Chaparral, Coastal Sage Scrub, Grasslands, and Torrey Pine Woodland (please see Biologically Sensitive Habitats maps, Figures 19-21, within the Appendix). The Torrey Pines Community is also rich in cultural resources, with over 25 prehistoric and historic archaeological sites recorded as of 1981.

The Sorrento Valley/Los Peñasquitos Lagoon area of the Torrey Pines Community is the site of the prehistoric indian village of Ystagua. Ystagua has archaeological remnants unique to the area, and is considered a Multiple Resource Area (MRA) by the National Register of Historic Places Guidelines. The site has extensive midden and artifacts, and has burial sites with cremation remains which are of special concern to local Native Americans. This area is believed to have been the center of a resource network in which prehistoric man visited the lagoon and surrounding area for food and raw materials for tools. The value of this area has been extensively documented in the ethnographic and archaeological record.

The California Environmental Quality Act (CEQA) directs agencies to inventory cultural resources under their jurisdiction, and requires projects to consider impacts to archaeological, historic, and Native American resources. The National Environmental Policy Act (NEPA) has made a national policy of preserving historic and cultural aspects of our national heritage. In addition, the City's Progress Guide and General Plan discusses at length the "alarming rate of historical and archaeological site destruction" and the need for increased public efforts to slow the rate of destruction.

In addition to the sensitive coastal, biological and cultural resources found within the Torrey Pines Community, several other environmental constraints exist including slopes of 25 percent or greater, floodplains, geologic hazards and wetlands (please see detailed Environmental Constraints maps, Figures 22-24, within the Appendix).

These biological and cultural resources continue to suffer degradation from a variety of sources. Los Peñasquitos Lagoon and the Carroll Canyon Creek corridor have been degraded by the development of adjacent residential and industrial properties, the construction of public utility and transportation projects, and increased sedimentation and decreased water quality from development in surrounding upstream communities. The Torrey Pines State Reserve Extension is impacted by residential encroachment from adjacent properties. Crest Canyon, because of its excellent access, is a heavily used area which suffers impacts from erosion. That portion of the San Dieguito River Valley Regional Open Space Park within Torrey Pines suffers from a history of sewage discharges, water diversions, sedimentation, human and pet intrusion, and extensive land filling for the Del Mar racetrack and fairgrounds.

GOALS

1. Ensure long term sustainability of the unique ecosystems in the Torrey Pines Community, including all soil, water, air, and biological components which interact to form healthy functioning ecosystems.

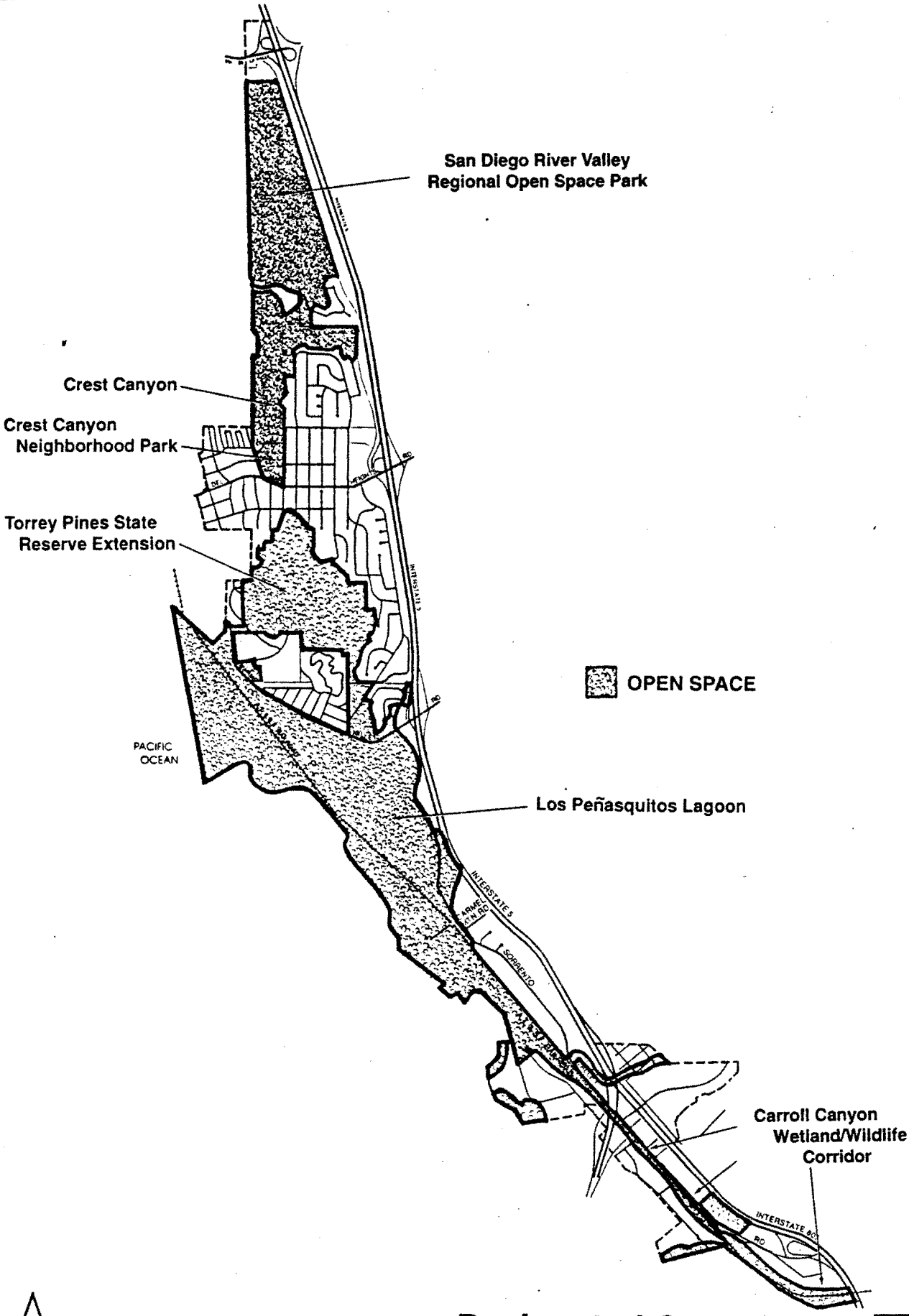
2. Conserve, restore, and enhance plant communities and wildlife habitat, especially habitat for rare, threatened, and endangered species.

3. Retain viable, connected systems of wildlife habitat, and maintain these areas in their natural state.

4. Identify, inventory and preserve the unique paleontological, archaeological, Native American, and historic resources of Torrey Pines for their educational, cultural, and scientific values.

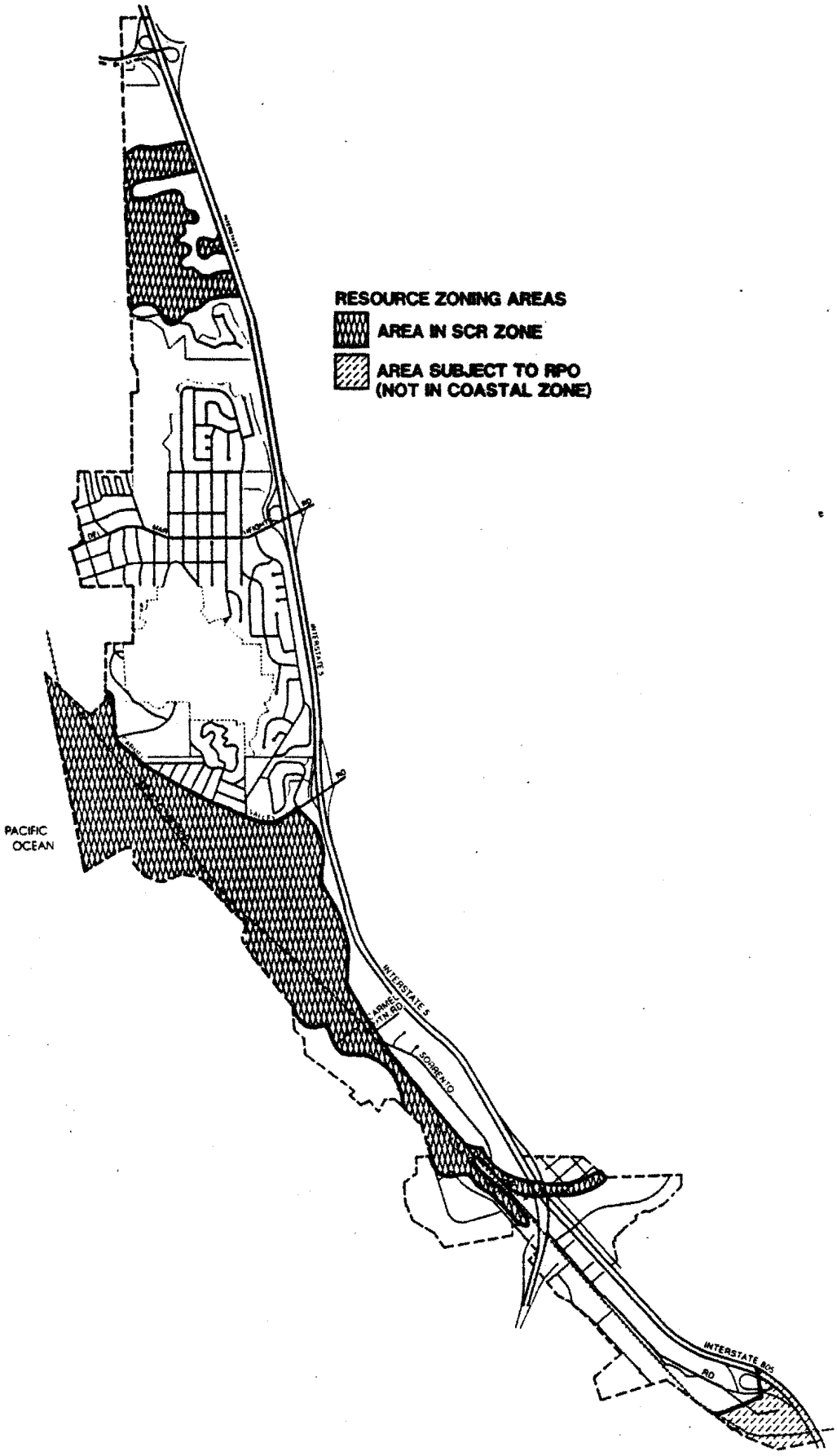
5. Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, and all selected corridors providing linkage between these areas.

6. Establish a pedestrian/bicycle pathway system that links all open space areas, from Carroll Canyon in the south to the San Dieguito River Valley in the north. This pathway system shall be provided concurrent with adjacent development, and shall be designed consistent with the design guidelines provided within this community plan.



Designated Open Space

FIGURE 4



Resource Zoning Areas

FIGURE 5

POLICIES

1. Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.

2. Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated.

3. No filling, clearing, grubbing, or other disturbance of biologically sensitive habitats shall be permitted without approved mitigation plans.

4. Coastal lagoons and estuaries that are designated and zoned open space shall remain undeveloped.

5. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational use. Access shall be controlled or confined to designated trails or paths, and no access shall be approved which results in disruption of habitat.

6. New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with coastal mixed chaparral and Torrey pines.

7. Riparian vegetation in channels through the Sorrento Valley industrial area shall be preserved in its natural state in order to maintain its vital wildlife habitat value. When vegetation removal is necessary for flood control, the required State and Federal permits shall be obtained.

8. Preserve and enhance all open space and wildlife corridors (see Figure 6), especially those linking Los Peñasquitos Lagoon with Torrey Pines State Reserve Extension and the Carroll Canyon Creek corridor.

9. Crest Canyon shall be left in its natural state in order to preserve those biologically sensitive habitats identified within this park. A small portion of the parkland located adjacent to Del Mar Heights Road and Durango Drive should accommodate some limited passive park development.

10. Construction or improvements of roadways in biologically sensitive areas or open space shall be designed to minimize or reduce encroachment impacts, especially in wetlands and wetland buffer areas. Protection of sensitive habitats through buffers, realignments and reduced development areas shall also be considered.

11. New development, both public and private, should incorporate site planning and design features which avoid or mitigate impacts to cultural resources. When sufficient plan flexibility does not permit avoiding construction on cultural resource sites, mitigation shall be designed in accordance with guidelines of the

State Office of Historic Preservation and the State of California Native American Heritage Commission.

12. Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas designated in this Community Plan.

13. Conditions of approval for all development that impacts adjacent open space areas should include restoration and enhancement measures for that particular area.

14. All Torrey Pine trees on public property should be preserved and protected.

15. Provide pedestrian/bicycle linkages so that all open space areas will be connected.

SPECIFIC PROPOSALS

Wildlife Crossings/Linkages

There are a number of existing and proposed wildlife crossings or linkages identified within the community planning area. These crossings are connections between open space systems which allow wildlife to pass unencumbered. As shown in Figure 6, there are presently 14 designated crossings throughout Torrey Pines. A majority of these crossings link Torrey Pines State Reserve with the Reserve Extension, Carroll Canyon Wetlands/Wildlife Corridor and the Los Peñasquitos Canyon Preserve. Those crossings shown to link across I-5 and 805 are coordinated with existing underpasses and bridges.

There are three additional crossings recommended within the plan, located in the northern portion of the planning area. These linkages would allow wildlife passage between the Torrey Pines State Park Reserve Extension and Crest Canyon, between Crest Canyon and the San Dieguito River Valley, and between the San Dieguito Lagoon and San Dieguito River Valley.

San Dieguito Lagoon and River Valley

Approximately 200 acres of the San Dieguito River Valley Regional Open Space Park Focused Planning Area is encompassed within the northern portion of the Torrey Pines Community Planning Area. This regional open space system extends for 55 miles from its source on Volcan Mountain near Julian to the ocean between Del Mar and Solana Beach.

The San Dieguito Lagoon is one of the few remaining coastal wetlands in California. It is a habitat for many threatened species, such as the endangered Least Tern. It is a critical site on the Pacific Flyway which is rapidly being destroyed by development. Every effort should be made to protect and enhance this resource, including following the policies, some of which are contained within the San Dieguito Lagoon Enhancement Program.

1. New development or expansion of existing uses adjacent to the lagoon shall not encroach into or negatively impact this open space area.

2. The lagoon should be enlarged to enhance plant and animal habitats, and to create a sufficient tidal prism to ensure adequate water circulation and to keep the mouth of the river open.

3. The existing fairgrounds and parking shall be enhanced with landscaping, and the sensitive habitat areas shall be buffered from fairgrounds activity. Activities of the 22nd Agricultural District shall not encroach into open space areas.

4. Development adjacent to the lagoon should be designed to avoid sedimentation, erosion or other potential impacts which degrade the quality of the water resources, and should preserve existing public views. The following measures to reduce grading impacts should be utilized where appropriate: minimize grading during the rainy season, install sediment basins and/or energy dissipating structures, and ensure revegetation and stabilization of slopes before the onset of the rainy season. To reduce visual impacts, development should be low-profile and screened from view by landscaped buffers.

5. Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development does not require the construction of offsite flood protective works. The following requirements shall also be met:

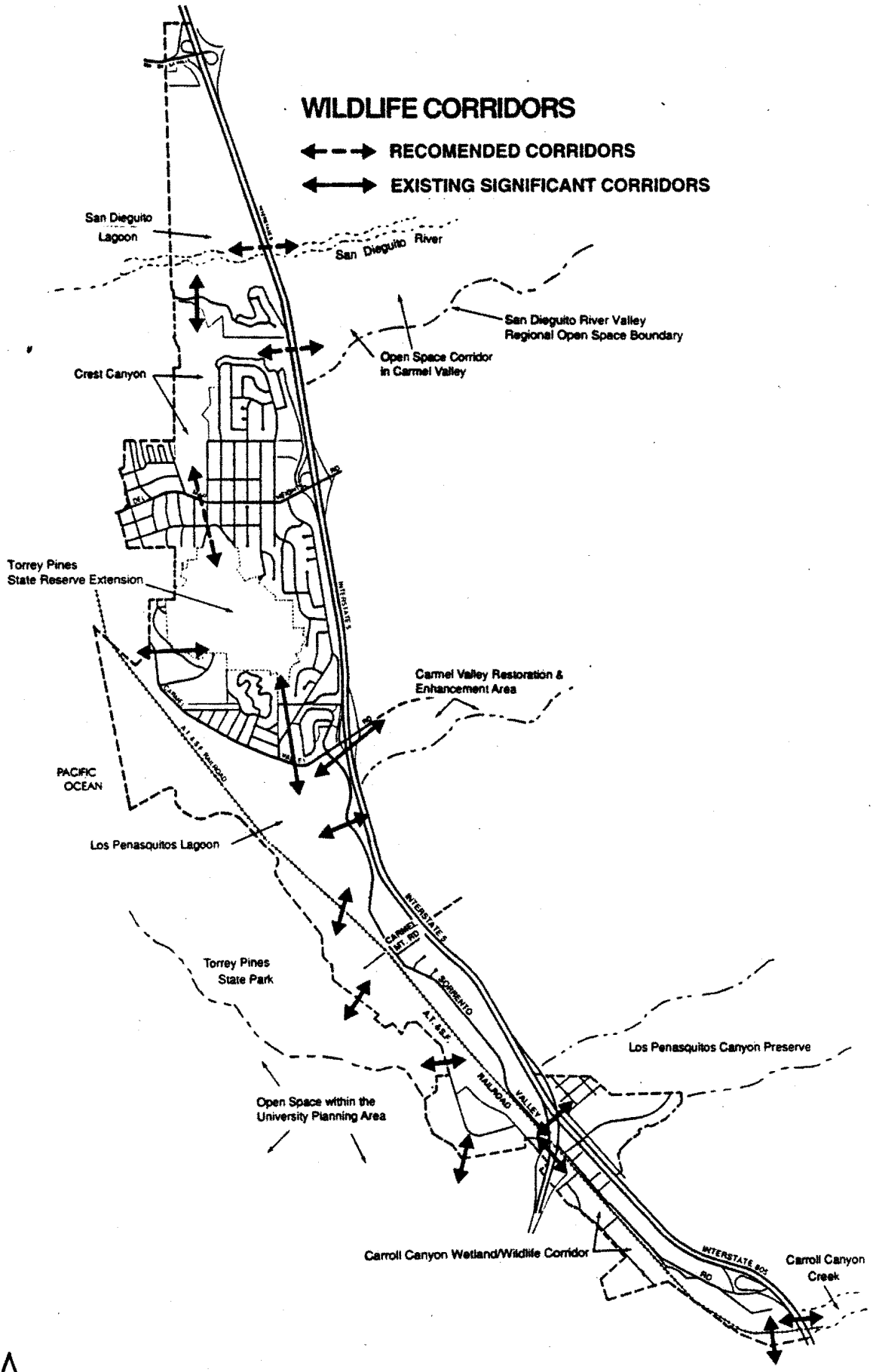
   - Existing environmentally sensitive habitat areas will not be significantly affected and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as enhanced wildlife corridors.

   - The design of the development incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site, and neither significantly increase nor contributes to downstream bank erosion and sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.

   - There will be no significant adverse water quality impacts to downstream wetland, lagoon and other environmentally sensitive habitat areas.

6. Protect, preserve and enhance the variety of natural features within the San Dieguito River Valley including the floodplain, the open waters of the lagoon and river, wetlands, marshlands and uplands.

7. Maintain and enhance the experience of nature within the lagoon, by screening present conflicting uses, prohibiting future conflicting uses, retaining natural areas and promoting an expanded water body within the lagoon.



Wildlife Crossings/Linkages

FIGURE 6

Crest Canyon

Crest Canyon is composed of 134 acres of open space and 10 acres of land dedicated by ordinance as a neighborhood park. It extends north from Del Mar Heights Road to San Dieguito Valley and includes native Coastal Sage Scrub, Torrey Pines Woodland, sandstone cliffs, and steep slopes.

1. The neighborhood park portion of Crest Canyon shall have limited development on the 1.5+ acres of semi-level land adjacent to Del Mar Heights Road and Durango Drive. The development should be limited to view points, benches, trail heads, information signs and decomposed granite trails except where disabled access is viable.

   The open space portion of the canyon shall be preserved. Limited public access shall be provided by defined trails under standards established for the preservation of biologically sensitive plants and wildlife.

2. Design of dwelling units adjacent to State Reserve Extension and Crest Canyon shall stress a blending of architecture with the natural terrain. Architectural shapes, bulk, materials, and landscaping should be carefully chosen to respect the physical constraints of the land.

Torrey Pines State Reserve Extension

The Torrey Pines Reserve Extension includes over 180 acres of undeveloped property containing high quality Torrey Pines woodland habitat. The Reserve is an extension of Torrey Pines State Park, and is owned by and under the jurisdiction of the State of California Park and Recreation Department.

Residential development along the rim of the Reserve Extension represents the most significant encroachment problem, creating both visual and erosion impacts.

1. New development, both public and private, shall not encroach into or negatively impact the Reserve Extension. Adequate buffer areas and appropriate landscaped screening shall be provided and maintained between development and the Reserve Extension to avoid significant visual and erosion impacts from construction.

2. Both wildlife corridors (Portofino and Via Mar Valle) shall be preserved and enhanced to provide appropriate wildlife linkage to Los Peñasquitos Lagoon.

3. Future development adjacent to the Torrey Pines Reserve Extension area shall provide for adequate buffer areas. Development proposals shall provide adequate setbacks to avoid significant erosion, visual, or sediment impacts from construction. Setbacks also shall be provided to prevent the necessity of fire breaks being constructed on reserve property.

4. Landscaping of properties adjacent to the Extension shall not use invasive plant species. Landscaping adjacent to this area should use plant species naturally occurring in that area.

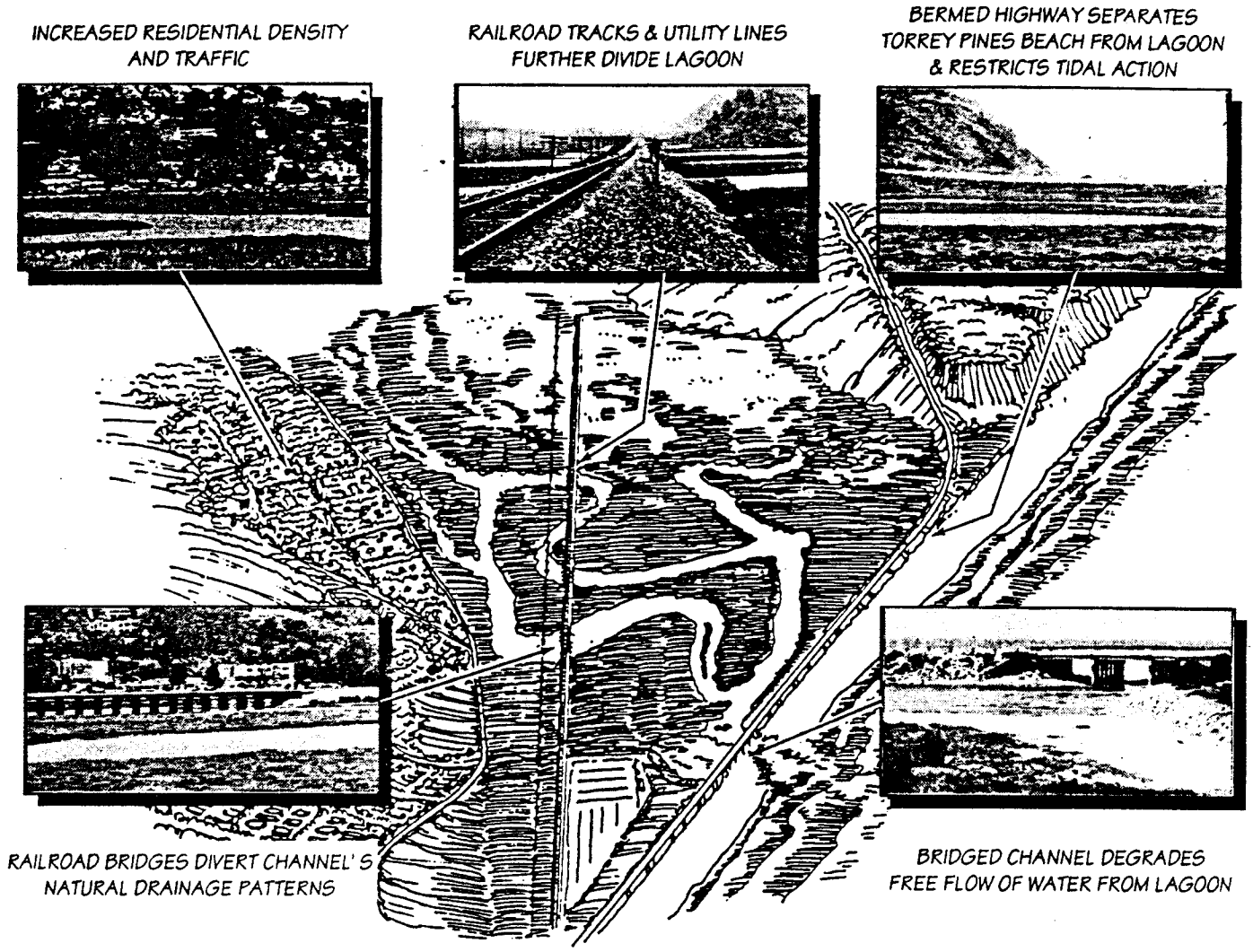
<u>Los Peñasquitos Lagoon</u>

Los Peñasquitos Lagoon is one of the few remaining tidal estuaries in Southern California, and is particularly important among San Diego County's estuaries because of its proximity to the Torrey Pines State Reserve and Beach. The Lagoon and associated upland serves as a major stopping point for migratory birds, and also has a large residential bird population. Los Peñasquitos Lagoon is a good example of the unique biological community of plants associated with the transition zone between marine and fresh water environment.

The Reserve Extension is isolated from Torrey Pines State Park, is surrounded on all sides by residential development, and is linked inadequately to Los Peñasquitos Lagoon through two corridors. One corridor links the southeast portion of the Reserve to the Lagoon by traversing Portofino Drive and Carmel Valley Road, and the other is in the southwest portion of the Reserve just south of Via Mar Valle.

In the past sixty years Los Peñasquitos Lagoon has evolved from a tidal estuary to a lagoon that is closed to tidal action for long periods of time. The major factors degrading the lagoon have been: 1) The construction of a railroad embankment that cut off lagoon channels; 2) The construction of North Torrey Pines Road and bridge along the barrier beach that restricted the location of the lagoon mouth;
3) Construction of the north beach parking lot in historic tidal areas; 4) Increased sediment from changing land uses upstream, and; 5) Decreased water quality from urban runoff and sewage effluent.

Los Peñasquitos Lagoon Impacts



This community plan concurs with the Los Peñasquitos Lagoon Enhancement Plan and Program, which has been developed to provide the measures necessary for restoring and enhancing the environmental qualities of the lagoon, including:

1. Development of new public facility and utility projects that traverse or impact Los Peñasquitos Lagoon should either be rerouted out of the lagoon, or be designed to minimize or eliminate impacts to the lagoon. Mitigation for these projects should include restoration and enhancement to the lagoon.

2. Any future improvements to the railroad, roads or utilities traversing Los Peñasquitos Lagoon shall be designed to enhance the health and ecological

value of the lagoon, as recommended in the Los Peñasquitos Lagoon Enhancement Plan and Program.

3. Any improvements to roadways adjacent to or bordering the lagoon (Carmel Valley Road, Sorrento Valley Road, North Torrey Pines Road) shall not encroach within the wetland area of the lagoon, unless adequate mitigation is provided and proper permits are obtained.

4. All wetland/wildlife corridor links to the lagoon including the links from Los Peñasquitos Canyon Preserve, Carroll Canyon and the Torrey Pines Reserve Extension area shall be enhanced and protected.

5. Plans for future removal or rerouting of the electrical utility lines that transect Los Peñasquitos Lagoon shall be given high priority.

6. Public access and educational opportunities shall be provided consistent with resource protection.

7. The lagoon mouth shall be opened regularly (or as recommended in the Los Peñasquitos Lagoon Restoration and Enhancement Plan) to enhance the health and ecological value of the lagoon.

8. Erosion and siltation control measures shall be required for all developments proposed within the total watershed of Los Peñasquitos Lagoon.

9. Any future changes in the design of the North Torrey Pines Road and bridge shall be designed such that the ecosystem of the lagoon is maintained and, if possible, enhanced.

10. Applicants for coastal development permits for projects located in the watershed of Los Peñasquitos Lagoon shall, in addition to meeting all other requirements, enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund for restoration of the Los Peñasquitos lagoon and watershed.

<u>Carroll Canyon Wetland/Wildlife Corridor</u>

This open space corridor runs the length of Sorrento Valley, and provides an important linkage between Carroll Canyon and Los Peñasquitos Lagoon. The majority of this corridor is privately owned, and consists primarily of wetlands containing riparian vegetation. Some portions of this corridor have been channelized, and most of it has experienced urban encroachment. However, this area continues to support riparian habitat and provides a significant linkage for many plant and animal species between two significant open space resource areas.

1. All new development proposed adjacent to this open space corridor shall incorporate the urban design guidelines located within the Industrial Element as appropriate.

2. New development proposed adjacent to this open space corridor shall not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or otherwise impair the functional capacity of the wetland.

3. New development proposed adjacent to and impacting this open space corridor shall enhance and improve the habitat value of this system.

4. All mature trees and other significant existing vegetation in this system shall be protected, including the riparian habitat located in the existing concrete lined channels.

5. All new development proposed adjacent to this corridor shall submit a pedestrian/bicycle pathway plan, indicating the construction of their portion of the pathway consistent with the community wide pathway system and the Industrial Development Design Guidelines contained in the Industrial Element.

6. Within the 100-year floodplain fringe of Sorrento Valley, fill for roads, public improvements, or other permanent structures will only be allowed if it can be shown that all of the following will be met:

   a. Existing environmentally sensitive habitat areas will not be adversely affected unless appropriate mitigation is included;
   b. Increased erodible flood flow velocities will not occur without appropriate mitigation;
   c. Areas to be filled do not create unplanned detention/siltation;
   d. Any loss or degrading of existing wildlife habitat areas will be appropriately mitigated;
   e. Increases in post construction runoff and sediment above the ten-year storm frequency preconstruction condition, will be mitigated; and
   f. Appropriate upstream national pollution discharge elimination system criteria will be implemented to maintain the water quality of the downstream wetlands.

Brush Management

Because of the abundance of natural open space areas including canyons rich with native vegetation, special brush management consideration and enforcement should be provided within the Torrey Pines Planning Area.

Currently all development within Torrey Pines must comply with the Uniform Fire Code and Section 6 (Brush Management) of the City of San Diego's Landscape Technical Manual. In summary, these codes state that brush or native vegetative growth on steep slopes must be controlled to protect existing and proposed structures from fire hazards.

The Torrey Pines Community includes numerous publicly owned open space areas containing biologically sensitive wildlife and vegetation. In most cases, the vegetation provides the very basis for the biological community that exists within these public areas. Removal or disturbance of vegetation to reduce wildfire potential can be ecologically disruptive. In order to protect these sensitive areas, resource management policies of the City of San Diego and the State of California discourage the removal of vegetation for wildfire reduction within public parkland when it becomes ecologically disruptive.

Ecologically beneficial methods to reduce wildfire potential in public parklands do exist. Prescribed fire, which mimics a natural process, is an example of an ecological, efficient and effective means of reducing wildfire danger. Alternatives which balance the needs for resource management with public safety should continue to be explored through the cooperative efforts of the citizens and responsible public agencies.

IMPLEMENTATION

The specific proposals and design guidelines for development adjacent to environmentally sensitive areas currently can only be implemented through the discretionary review process. The update to the City's Zoning Code should establish new zones that provide adequate development regulations to protect the City's sensitive environmental resources.

The Appendix of this plan contains additional development regulations required by the Coastal Commission that facilitate the implementation of this element.

In order to implement the open space recommendations of this plan, all properties designated Open Space and recommended to be preserved as open space shall be rezoned to the appropriate Open Space (OS) Zone (see Figure 25 in the appendix).

Several properties within the planning area are designated but not zoned open space. Most of these areas are privately owned, and contain some limited sensitive cultural or biologically sensitive resources. These areas should be allowed to develop in compliance with the underlying zone as well as all applicable resource protection regulations such as Hillside Review, Coastal Regulations, Archaeology/Paleontology Regulations, Flood Plain and Floodway Ordinances, etc.

Action Plan

Implementation Measures	Timing	Responsibility For Implementation	Source of Funding
Reduce or eliminate impacts to environmentally sensitive areas.	During review and analysis of project	Planning Department, Coastal Commission	Project Applicant
Create/implement restoration and enhancement plans for those areas impacted by new development.	Add as condition at time of project approval	Planning Department, Coastal Commission	Project Applicant
The design of transportation improvements shall minimize or eliminate impacts to Los Peñasquitos Lagoon.	During preliminary design stage	The Preliminary Engineering Section of the Engineering & Development Dept.	City of San Diego, CIP and /or FBA
Implement runoff and erosion control measures to reduce siltation of Los Peñasquitos Lagoon.	Erosion control plans to be submitted with project	Planning Department, Coastal Commission	Project Applicant
Where feasible, remove or reroute public utilities from within Los Peñasquitos Lagoon.	At time of utility improvements or replacement	S.D.G.&E., Water Utilities	SDG&E, City of San Diego
Preserve significant Torrey Pine Trees on public property.	Immediately	City of San Diego, State of California	City of San Diego, State of California
Preserve those wildlife corridors that link Los Peñasquitos Lagoon with Torrey Pines State Reserve Extention and the Carroll Canyon Creek Corridor.	Adoption of this plan which designates and rezones these areas as Open Space	Planning Department, City Council, Coastal Commission	State of California
Open mouth of Los Peñasquitos Lagoon to enhance the ecological value of the Lagoon.	Regularly as recommended in the Los Peñasquitos Restoration and Enhancement Plan	City of San Diego	State of California
Seek alternative funding sources to provide for the sensitive design of public utility and facility projects adjacent to sensitive environmental areas.	Immediately	The Preliminary Engineering Section of the Engineering & Development Dept.	City of San Diego
Enhance and protect San Dieguito Lagoon.	Immediately	Adjacent Public Jurisdiction	Public

TRANSPORTATION ELEMENT

TRANSPORTATION ELEMENT

BACKGROUND AND ISSUES

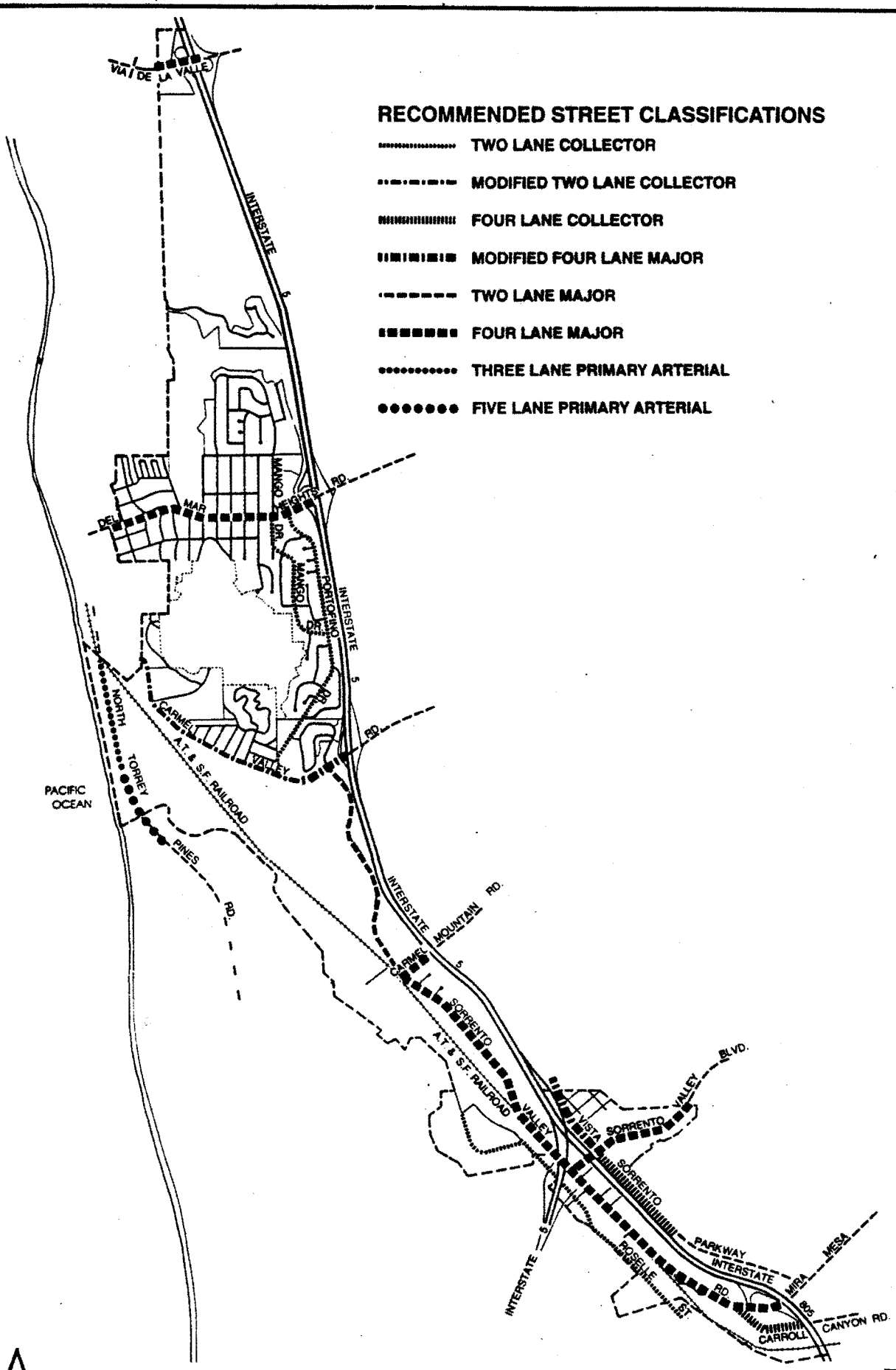
A majority of the most significant traffic issues identified by the community were related to safety. Del Mar Heights Road, because of its width, traffic volumes and speed, is perceived by many residents as a major barrier dividing the community in two. Many children are bused only a few blocks to school to avoid having to cross Del Mar Heights Road on foot. Residents have identified a variety of additional traffic concerns including the lack of efficient pedestrian circulation, illegal excessive speeds on Del Mar Heights Road and Carmel Valley Road, increasing traffic volumes and congestion overall, overflow beach parking during summer weekends, the substandard street conditions in the Del Mar Terrace neighborhood, and traffic impacts from regional growth including the construction of State Route 56.

The Torrey Pines Community faces the challenge of planning and developing a transportation system that accommodates future traffic volumes, emphasizing mass transit, without disrupting the community's unique environment and the lifestyle of its residents.

The traditional services provided by a community's traffic circulation system are internal circulation from one part of the community to another, and a means of connecting the entire community to other communities. Because of its location at the northern extent of the City of San Diego and its long, thin shape, the Torrey Pines circulation system must also carry through traffic (i.e. traffic without an origin or destination within the community). The Torrey Pines Community forms a long, narrow area along Interstate 5 and Interstate 805 through which all east-west traffic must pass. Among the areas to be served are the City of Del Mar, the beaches, the fairgrounds-race track area, and other residential areas. The uses of some of these facilities (beaches and race track) vary considerably from winter to summer and thus cause a seasonal variation in traffic between these time periods.

In February 1992, a Transportation Study was completed in association with the Torrey Pines Community Plan Update. This study contained an analysis of existing transportation conditions, as well as documentation of the travel forecast used in the analysis of future transportation conditions. The Transportation Study indicated that existing daily traffic volumes on North Torrey Pines Road, Sorrento Valley Road, Via De La Valle and Carmel Valley Road exceeded their approximate maximum desirable average daily traffic. The study also found that three intersections operated with a level of service (LOS) below C including:

- Carmel Valley Road/Sorrento Valley Road (LOS D)
- Carmel Valley Road/North Torrey Pines Road (LOS F)
- Sorrento Valley Road/Sorrento Valley Boulevard (LOS D)



Street Classifications

FIGURE 7

Some of the potential problems associated with levels of service D or greater include congestion, delay and air quality impacts.

Intersection Level of Service analyses were then performed using projected traffic at buildout of the Torrey Pines Community Plan and surrounding communities and jurisdictions. Analyses assumed existing road geometrics. Six intersections had LOS greater than C:

- Carmel Valley Road/Sorrento Valley Road (LOS D/E)
- Del Mar Heights Road/Mango Drive (LOS D)
- Sorrento Valley Road/Sorrento Valley Boulevard (LOS D)
- Sorrento Valley Boulevard/Vista Sorrento Parkway (LOS E)
- Carmel Valley Road/North Torrey Pines Road (LOS F)
- Del Mar Heights Road/Camino Del Mar (LOS D)

Because of the potential impacts associated with locations where LOS is greater than D, the intersection of Carmel Valley Road/North Torrey Pines Road, Carmel Valley Road/Sorrento Valley Road, and Sorrento Valley Road/Vista Sorrento Parkway were reanalyzed with transportation improvements. These recommended transportation improvements caused the Carmel Valley Road/North Torrey Pines Road intersection (located in the City of Del Mar) to improve from F to D/E, and the Carmel Valley Road/Sorrento Valley Road intersection to improve from D/E to C and the Sorrento Valley Road/Vista Sorrento Parkway intersection to improve from E to C.

These road improvements, as well as all other recommended improvements to the community's transportation system can be found in the Specific Proposals section of this element.

GOALS

1. Provide an efficient, safe and environmentally sensitive transportation system.

2. Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines Community.

3. Provide a transportation system that maximizes the opportunities for public transit use, especially in Sorrento Valley.

4. Provide a system of bikeways and pedestrian facilities that will encourage bicycling and walking as means of transportation.

5. Provide a transportation system that provides convenient linkages to the community's activity centers and to the rest of the metropolitan region.

6. Provide a safe and environmentally sensitive improvement of the Del Mar Terrace neighborhood streets.

7. Provide a transportation system that encourages the use of mass transit, rather than building and/or widening roads and freeways.

8. Investigate the feasibility of providing seasonal shuttle service.

POLICIES

1. The construction of new roads or improvements to existing roads adjacent to open space areas shall mitigate impacts through the restoration and enhancement of that open space system to the maximum extent feasible.

2. When road improvements are proposed, those portions that traverse sensitive areas (water courses, wildlife corridors, sensitive biological areas, etc.) shall be designed to reduce or eliminate impacts to those areas.

3. Improved public transit service should be provided to the Torrey Pines Community, especially to the employment area of Sorrento Valley and the North Torrey Pines Mesa Area. Regular bus service, light rail transit and commuter rail should link the Torrey Pines Community with the regional transportation network.

4. Provide bikeway and pedestrian paths that link all areas within the community, as well as linking Torrey Pines with surrounding communities and jurisdictions.

5. Provide improvements to the road network that will facilitate traffic circulation without negatively impacting adjacent open space areas and residential neighborhoods.

6. Require that Transportation Demand Management strategies are implemented within the Sorrento Valley industrial area. Provide bicycle racks/lockers, showers, and locker room facilities for employees who bike or walk to work.

7. All available traffic measures that improve pedestrian safety on Del Mar Heights Road should be investigated, and where feasible, implemented.

SPECIFIC PROPOSALS

Traffic Volume Trends

Torrey Pines existing traffic counts for 1990 are shown in Figure 8, and projected (Horizon Year) traffic volumes are shown in Figure 9. It should be noted that the projected traffic volumes were generated using an adjusted version of SANDAG's calibrated Mid County Model which assumed buildout of the Torrey Pines Community Plan, buildout of surrounding communities and jurisdictions, buildout of all surrounding planned circulation improvements, and a 40 percent drive alone rate (a regional goal).

Bikeways

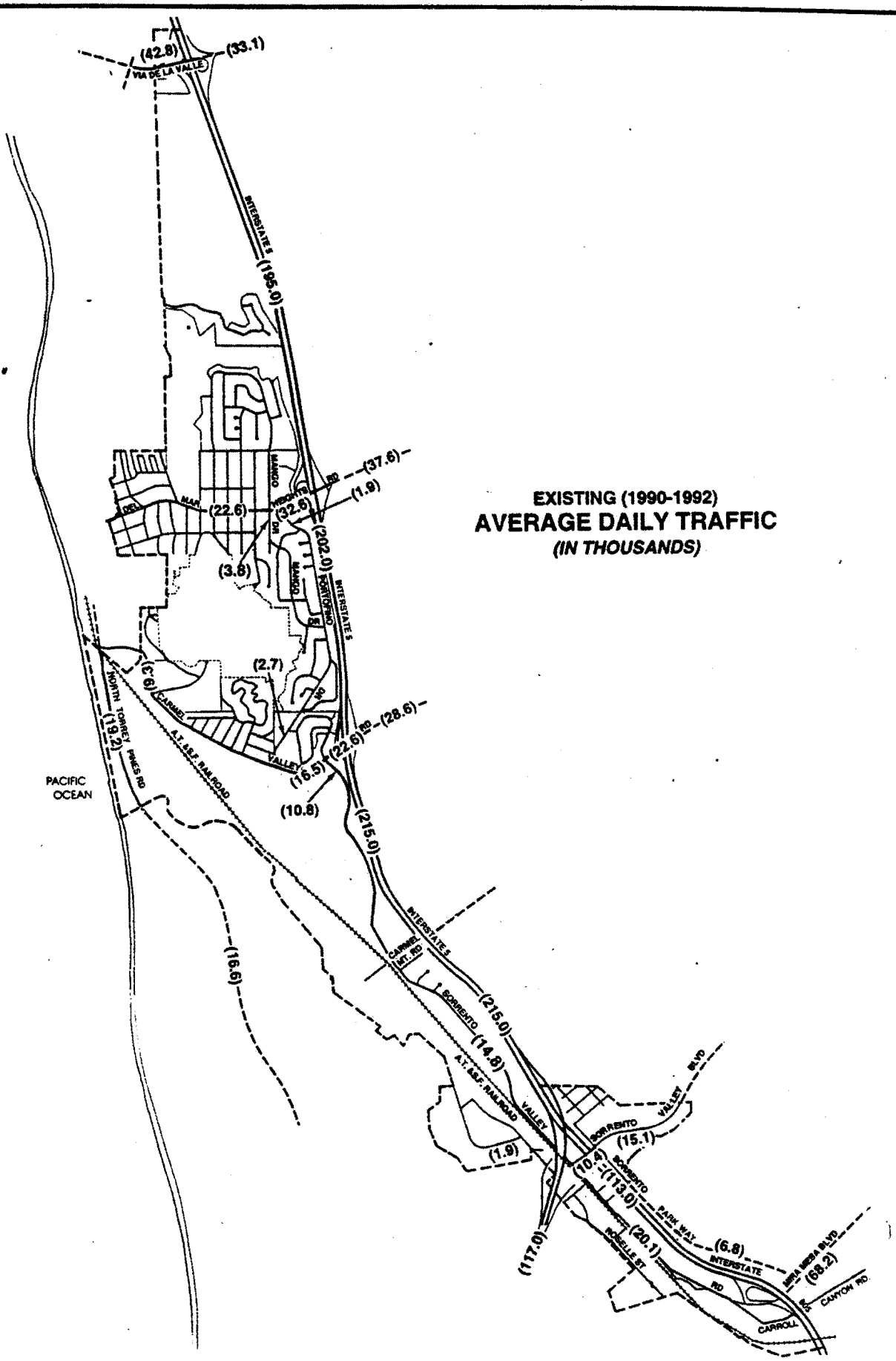
The City of San Diego has actively pursued the establishment of a commuter oriented bikeway system in the City. The purpose of the bikeway system is to encourage the use of bicycles as a transportation mode especially in place of single occupant motor vehicles. It is expected that the increased use of bicycles as a transportation mode will help reduce air pollution and traffic congestion.

There are three classifications of bikeway facilities. Class I (bike paths), Class II (bike lanes) and Class III (bike routes). See Figures 10 and 12 for details.

The majority of the existing bikeways in the Torrey Pines Community are Class II bike lanes. Bicyclists are allowed to use I-5 shoulders between the Genesee Avenue and the Sorrento Valley Road interchanges.

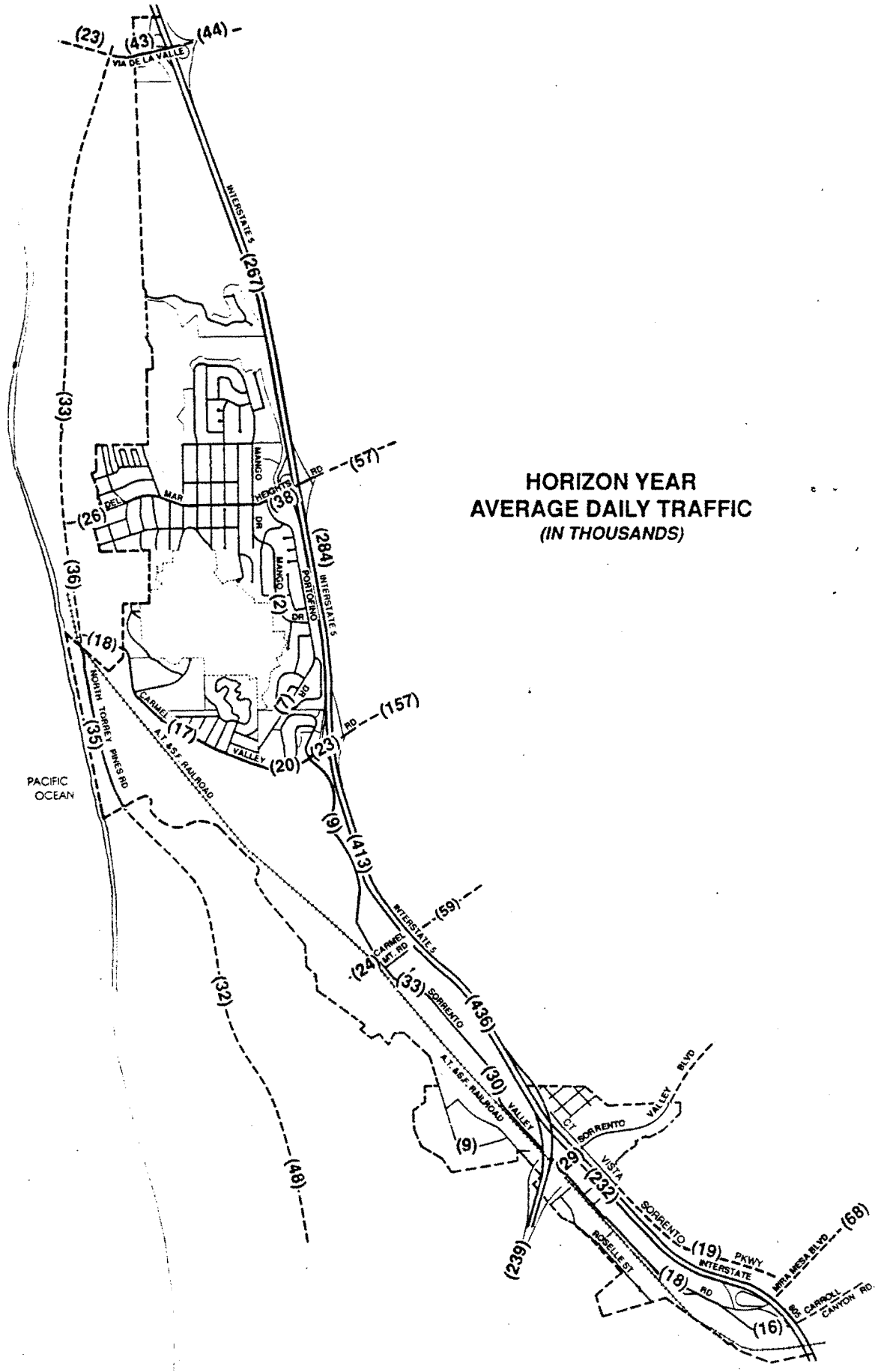
The following Class I bicycle path projects have been proposed within the Torrey Pines Community. The Carmel Valley Road bicycle path is proposed to be constructed along the south side of Carmel Valley Road between McGonigle Road and Sorrento Valley Road. The San Dieguito River Valley bicycle path, a planned 55 mile regional bicycle path, will parallel the San Dieguito River. The Coastal bicycle path is proposed to be built within the A.T.&S.F. Railroad right-of-way between downtown San Diego and Oceanside.

Class II bicycle lanes are planned along the northern portion of Sorrento Valley Road between Carmel Valley Road and the Sorrento Valley Industrial Park.



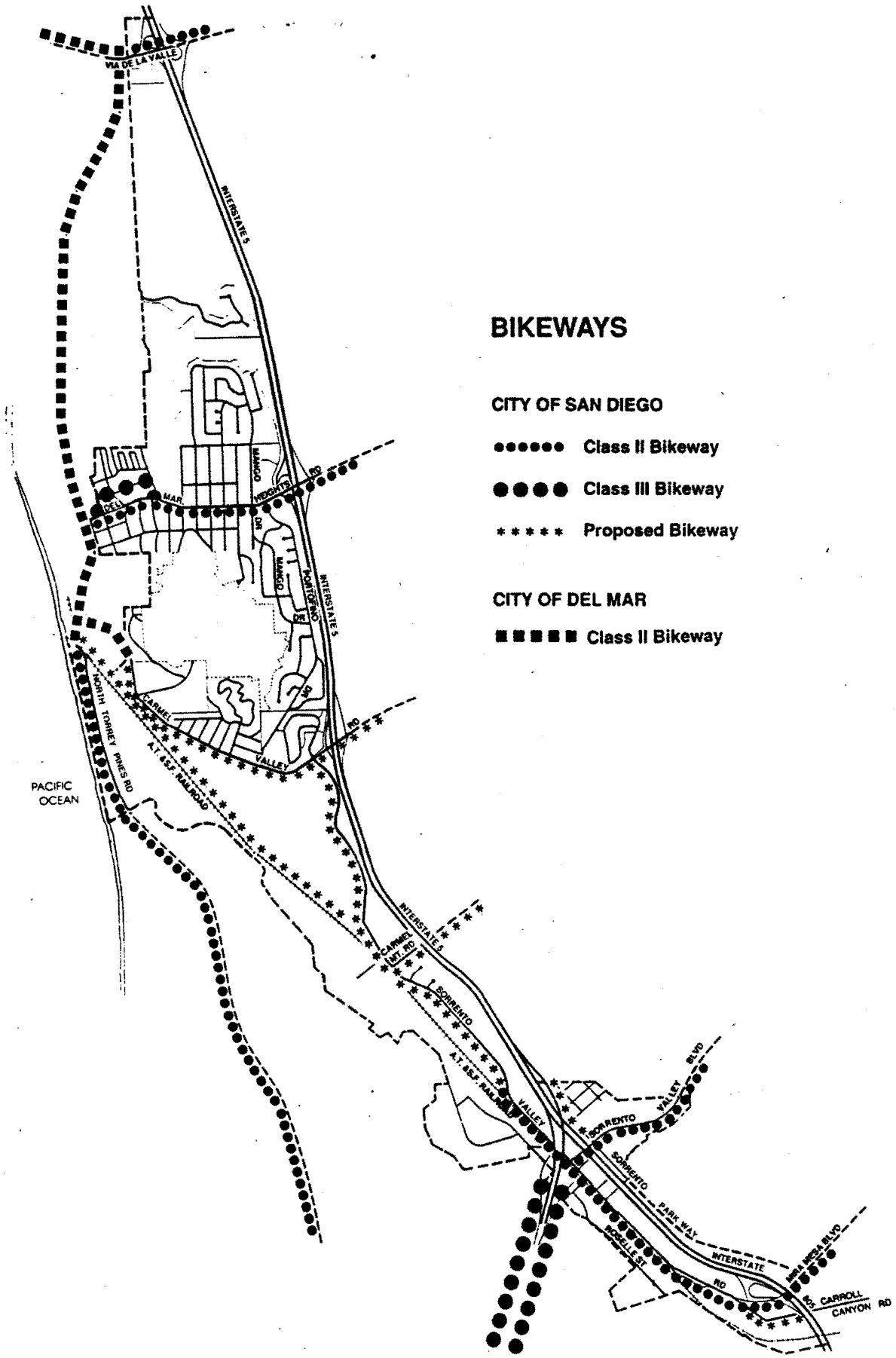
Existing (1990-1992) Average Daily Traffic

FIGURE 8



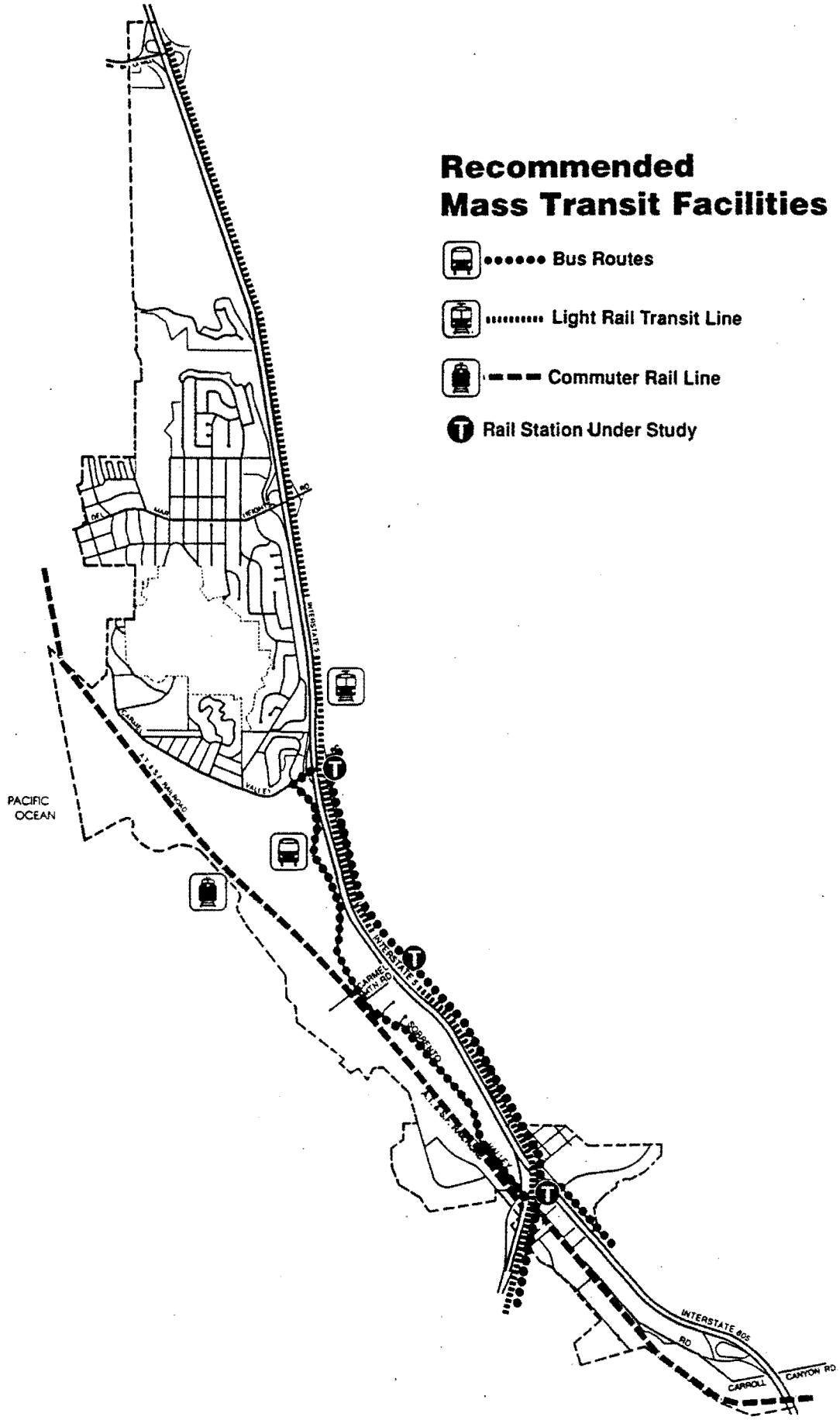
Horizon Year Average Daily Traffic

FIGURE 9



Bikeways

FIGURE 10



Recommended Mass Transit Facilities

FIGURE 11

Pedestrian Paths

Primary pedestrian routes should be well lit and located along or visible from the street. Wherever possible, trees planted in parkways or tree wells should line the street to create shade and a buffer between pedestrians and the street.

Mass Transit

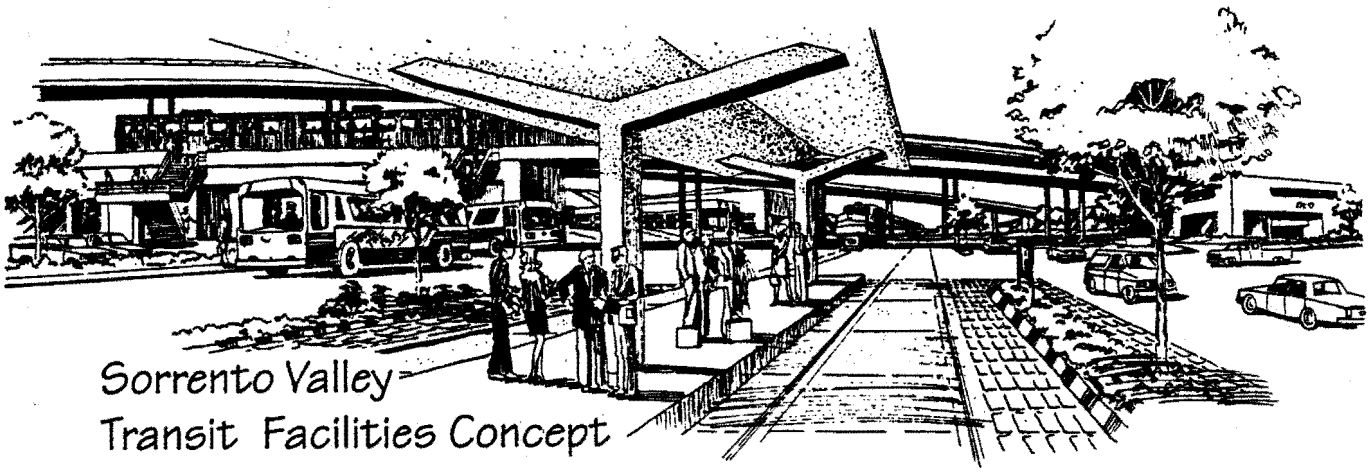
Currently, only one bus line provides service between downtown and the Torrey Pines Community Planning Area. The San Diego County Transit System provides express service (Route 800) between Oceanside and downtown with one stop at the Park and Ride facility located on the southwest corner of I-5 and Carmel Valley Road. The North County Transit District, Route 301, operates along North Torrey Pines Road and provides shuttle service to the annual Fair and thoroughbred racing during the summer months. In addition, future mass transit plans by the Metropolitan Transit Development Board (MTDB) include a variety of mass transit service improvements:

Light Rail Transit

MTDB's long range plans include extending the Light Rail Transit (LRT) line north along I-5 to Oceanside. The LRT alignment would extend north along the I-5 corridor with future potential LRT stations within Sorrento Valley near the I-5/I-805 intersection, and on the east side of I-5 both at Carmel Mountain Road and Carmel Valley Road (see Figure 11).

Commuter Rail

The North County Transit District is in the process of implementing a plan for a commuter rail line that would provide mass transit service to those communities along I-5 between Oceanside and San Diego. The Commuter Rail line would use the existing Santa Fe Railroad right-of-way through Sorrento Valley (see Figure 11) with a station within Sorrento Valley near the I-5/I-805 interchange.



Sorrento Valley Transit Facilities Concept

Bus Service

MTDB's Short Range Transit Plan identifies a need for one new bus service line to serve the Torrey Pines area. Route 961, while currently unfunded, would operate from Carmel Valley to University Towne Centre, with service to Sorrento Valley and Sorrento Mesa (see figure 11).

Transit Stations

Transit stations should provide shelter for pedestrians, convenient passenger loading zones, telephones, adequate lighting and secure bike storage. Retail shops and services should also be integrated with transit stations. Pedestrians and feeder/shuttle bus users should not have to walk across parking lots in order to board the rail lines. The intent is to provide comfortable, safe, convenient stations. The commercial uses can help alleviate the need for before or after work auto trips to do errands.

Scenic Routes

Since 1964, the City has maintained a 52-mile scenic route extending from Mount Soledad on the north to Cabrillo National Monument on the south and traversing such in-between areas of attraction as Balboa Park and Mission Bay Park. This route was designed to provide scenic views of the San Diego Community as well as to link points of visitor interest.

In addition to the 52-mile Scenic Route, the Torrey Pines Community has a number of road segments that have scenic qualities worthy of formal recognition and protection. Three road segments within the community are currently recommended for a Scenic Route designation including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.

Specific Road Improvements

The following specific road improvements are recommended primarily to: 1) protect the health and safety of pedestrians, bicyclists and motorists; 2) accommodate existing and future traffic with minimum disruption to residents and businesses; and 3) protect the sensitive environmental resources contained within the community planning area.

North Torrey Pines Road

North Torrey Pines Road is a five-lane primary arterial which narrows to two lanes as it passes about half-way through the Torrey Pines Community Planning Area. In order to improve the level of service at the intersection of North Torrey Pines Road and Carmel Valley Road, an additional north bound lane will be provided from Torrey Pines Park Road to Carmel Valley Road.

This improvement will require that two channelization islands be modified to allow the additional northbound lane to be extended through the Carmel Valley Road intersection. In addition, the bridge over the railroad tracks just south of this

intersection should be improved to allow a second northbound lane as well as bike lanes and a sidewalk on the west side.

It should be noted that this intersection and a portion of the railroad bridge are located within the City of Del Mar and would require their approval. An alternative to extending the additional lane through the intersection includes extending the lane as a right turn only lane onto Carmel Valley Road.

North Torrey Pines Road Bridge over Peñasquitos Creek

The reconstruction of this bridge includes the addition of a northbound lane, bike lanes on both sides, a sidewalk on the west side, and transition widening on both road approaches. Although the bridge should be widened in order to provide ultimately for three lanes, it should be striped for two lanes until the recommended northern road improvements are constructed.

This project shall include a special bridge design that will contribute to the restoration and enhancement of Los Peñasquitos Lagoon. The ultimate design of this bridge shall allow for a wider lagoon mouth in order to increase the tidal prism, restore tidal action and improve circulation of lagoon waters. Design consideration should include completely spanning the lagoon mouth by cutting back the road embankment and lengthening the bridge span, etc. The design of this bridge should include input from a qualified biologist or other lagoon expert familiar with the complex ecosystem found within Los Peñasquitos Lagoon.

One of the most scenic visual resources of the community includes those views of North Torrey Pines Road as it passes between the Pacific Ocean and Los Penasquitos Lagoon. In order to protect the scenic and visual qualities of this coastal area, the reconstruction and/or replacement of the North Torrey Pines Road bridges should include a design that is visually and aesthetically compatible with the character of the area. The design of both bridges should restore and enhance the visual quality and public views of this area. It is suggested that a variety of aesthetic designs and architectural alternatives be explored. The Torrey Pines Community Planning Group and the community shall review and provide input during the design of the bridges.

Carmel Valley Road

Improvements to Carmel Valley Road include retaining this road as a modified two-lane collector street with a center turn lane. Carmel Valley Road should remain a modified four-lane major between I-5 and just west of Sorrento Valley Road. A traffic signal will be provided at Portofino Drive and Carmel Valley Road, with intersection improvements as needed there and at Sorrento Valley Road.

Bicycle and pedestrian circulation should be provided along the south side of Carmel Valley Road within the Bicycle/Pedestrian Pathway (see Bicycle/Pedestrian Pathway discussion below). Parking for residents and businesses should be provided along the north side of Carmel Valley Road, and a sidewalk should also be provided

along the north side with appropriate street lighting. The ultimate design of Carmel Valley Road should also include the following improvements provided that adequate right-of-way exists:

A. A parking lane should be provided along the south side of Carmel Valley Road between Via Donada and Via Aprilia;

B. The existing curbline, sidewalk, landscaping and patios along the north side of Carmel Valley Road between Via Donada and Del Mar Scenic Parkway should be preserved.

Future improvements to Carmel Valley Road should include all measures necessary to eliminate silt and/or pollutants from entering/draining into Los Peñasquitos Lagoon. The speed limit on Carmel Valley Road should be aggressively enforced.

Various types and levels of traffic control methods and devices (i.e., traffic signals, stop signs, etc.) shall be utilized in order to provide the greatest degree of safety and efficiency for pedestrians, bicyclists and motorists on Carmel Valley Road.

Bicycle/Pedestrian Pathway

A bicycle/pedestrian pathway should be provided along the south side of Carmel Valley Road. The pathway should be wide enough to be shared by bicyclists and pedestrians, and should be physically separated from Carmel Valley Road (see Bicycle/Pedestrian Path Concept Sketch). The pathway should be constructed with a combination of concrete and wood. The concrete portion would be used for those previously disturbed areas where the path is located immediately adjacent to the road, the wooden or boardwalk portions would be constructed where the path meandered closer to or over sensitive resource areas. In order to reduce or eliminate impacts to the lagoon, the wooden boardwalk would be suspended above all sensitive areas by pilings.

The path should meander along the lagoon, and in several places provide sitting areas and viewpoints into the lagoon. Where appropriate, these viewpoint areas should extend south out over the lagoon. These extension viewpoint areas should be suspended above the lagoon by pilings to minimize lagoon impacts. Interpretive displays describing the marsh and lagoon ecosystem should be included at these viewpoint areas. Safe access to the pathway from the north should be provided at regular intervals.

Del Mar Heights Road

Del Mar Heights Road shall remain a four lane major street, but shall include improvements to facilitate pedestrian safety and traffic flow. Improvements should include a raised center median; a traffic signal with pedestrian crossing indications at Crest Way; a protected left turn signal for north/south bound traffic on Mango; adequate storage for left turns at Mango Drive; and sidewalks along the entire length

of Del Mar Heights Road. The raised center median should be landscaped when funding becomes available. Funding sources include but are not limited to a landscape maintenance district.

Sorrento Valley Road

Sorrento Valley Road, from Industrial Court to Carmel Valley Road, is a two lane major road that is scheduled for realignment improvements. The realignment project includes construction of a new bridge over Carmel Valley Creek, Class II Bike lanes on both sides, and a pedestrian path on the east side. The realignment project will minimize encroachment and other impacts to Los Peñasquitos Lagoon.

Mitigation for impacts to the lagoon must include restoration and enhancement of all areas previously disturbed by activities associated with the construction and operation of Sorrento Valley Road. The Torrey Pines Community Planning Group shall be provided the opportunity to review and provide input regarding the mitigation, restoration and enhancement efforts associated with this road improvement.

Carmel Mountain Road/Interstate 5 Interchange

This project will construct a diamond interchange at I-5 and Carmel Mountain Road. Design and construction is to be completed by CALTRANs. Although the cost of this improvement is being paid by the Carmel Valley Facilities Benefit Assessment District and Sorrento Hills Development Agreement, it is immediately adjacent to the Torrey Pines Community. A strong benefit of this improvement is the reduction of traffic using Sorrento Valley Road between Carmel Mountain and Carmel Valley Roads.

Vista Sorrento Parkway

The restriping of the northbound lanes of Vista Sorrento Parkway at Sorrento Valley Road is proposed to improve the poor Level of Service (LOS) projected at buildout. The restriping of the three northbound lanes from the existing left, through and right to two lefts and a through/right will improve the projected LOS from E to C. This minor modification should only be implemented when actual future traffic volumes warrant it.

In conjunction with buildout of the Sorrento Hills Community Planning Area, Vista Sorrento Parkway shall be extended from its existing terminus (Sorrento Valley Court) northerly through Sorrento Hills until it intersects with Carmel Mountain Road.

Carroll Canyon Road

This project, financed through the Mira Mesa Public Facilities Financing Plan, will construct Carroll Canyon Road as a four lane collector from its westerly terminus at Scranton Road, beneath I-805, to Sorrento Valley Road. Design of this roadway extension should minimize impacts to the adjacent Carroll Canyon Creek Corridor.

Mitigation for construction of this roadway should include implementation of the Guidelines for the preservation and enhancement of the Carroll Canyon Creek Corridor, which are located in the Industrial Element of this plan.

Mitigation for impacts to the wetland area must include restoration and enhancement of all areas previously disturbed by activities associated with the construction and operation of Carroll Canyon Road. The Torrey Pines Community Planning Group shall be provided the opportunity to review and provide input regarding the mitigation, restoration and enhancement efforts associated with this road improvement.

Del Mar Terrace Neighborhood Streets

The streets of the Del Mar Terrace neighborhood, located immediately north of Carmel Valley Road, have never been improved and accepted for maintenance by the City of San Diego. As a consequence these streets are in a state of disrepair. Property owners in the Del Mar Terrace neighborhood have petitioned the City Council to form an assessment district to improve the streets. The City Council directed City staff to take the necessary steps to form a maintenance district and directed that the street design maintain the rural nature of the area.

State Route 56/I-5/I-805 Widening Projects

These CALTRANS projects are located immediately east of the Torrey Pines Planning Area, and will be constructed in order to alleviate the extremely congested regional traffic conditions projected to occur on I-5, I-805 and I-15.

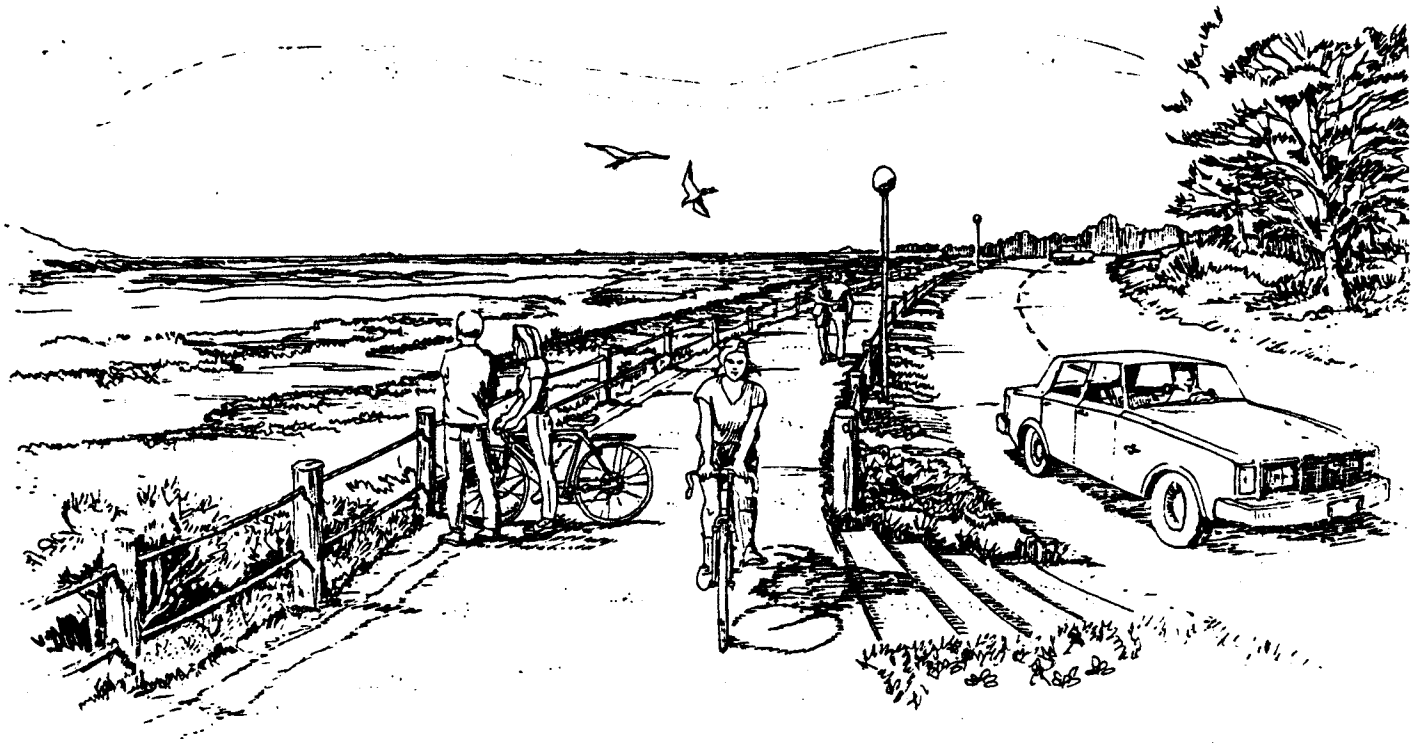
Environmental reports have been completed for each of these projects. Potential exists for significant environmental impacts to the Torrey Pines area, including but not limited to air quality impacts, visual impacts, impacts to wetlands, noise impacts, and erosion impacts.

Visual impacts include permanent landform change as a result of new cut slopes, fill slopes, bridge structures, traffic movement, and retaining walls. Visual grading impacts will be reduced to levels below significance by erosion control measures including immediate plant cover on cut/fill slopes. Newly planted slopes will be compatible with surrounding landforms. Interchanges will be given a full planting scheme with Torrey Pines. The visual impact from retaining walls will be mitigated by incorporating crib walls where feasible, special wall treatment utilizing texture, color and design elements, and new bridges with slender aesthetically pleasing design.

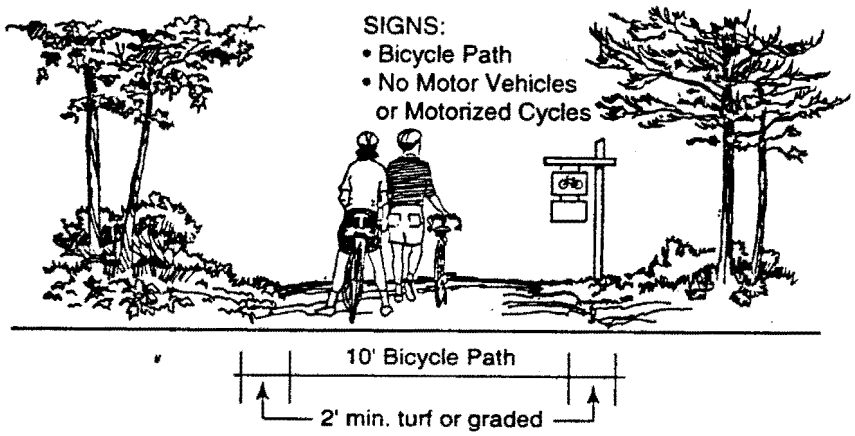
Impacts to wetlands are attributable to bridge piers, temporary work areas, and shading from bridge structures. It is considered biologically important to treat the creeks and lagoon as an ecosystem, therefore, mitigation for impacts to wetlands are included in the Carmel Valley Restoration and Enhancement Project (CVREP).

Existing noise levels at some points within the Torrey Pines area along I-5 exceed Federal guidelines. The proposed projects will increase noise from one to four additional decibels over today's level. It should be noted that a three decibel change is hardly discernible to the human ear. Sound walls at several locations are proposed as mitigation measures.

There will be increased erosion caused by grading. A detailed erosion control plan has been prepared. This plan includes immediately seeding new slopes and other abatement measures. Due to the sensitivity of Los Peñasquitos Lagoon, every reasonable precaution will be taken to protect watershed flow into the lagoon to avoid or minimize muddying and silting, before, during and after construction.

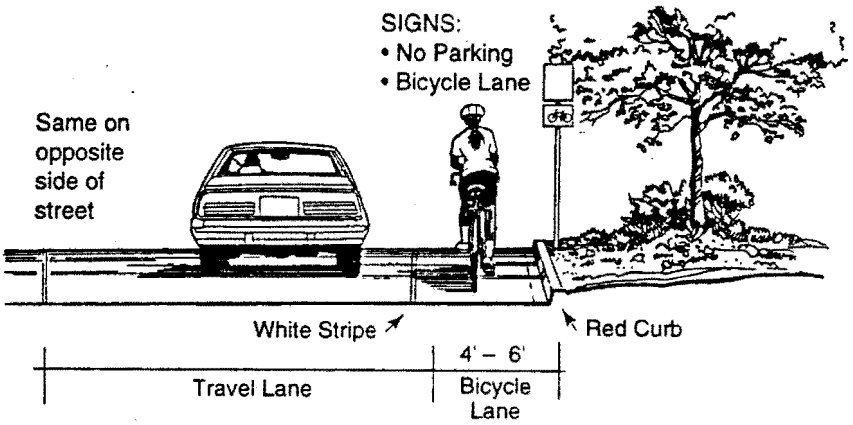


Bicycle/Pedestrian Path Concept Sketch



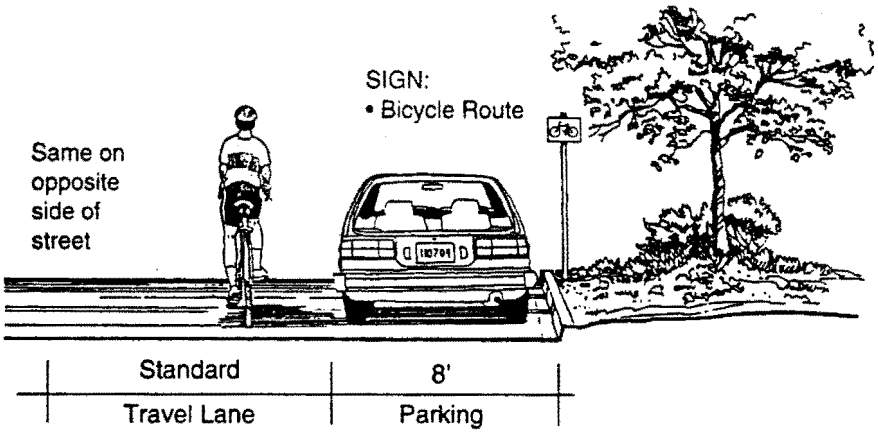
CLASS I
(Typical location - open space)

Bicycle Path
A completely separate right-of-way for the exclusive use of non-motorized vehicles.



CLASS II
(Typical location - major street)

Bicycle Lane
A restricted right-of-way located on the paved road surface alongside the traffic lane nearest the curb, and identified by special signs, land striping, and other pavement markings.



CLASS III
(Typical location - neighborhood street)

Bicycle Route
A shared right-of-way designated by signs only, with bicycle traffic sharing the roadway with motor vehicles.

NOTE: The dimensions illustrated on this page are subject to change.

Bicycle Facilities Classifications

FIGURE 12

Action Plan

Implementation Measures	Timing	Responsibility For Implementation	Source of Funding
Restore and enhance those biologically sensitive areas impacted by circulation improvements.	Add as condition at time project approval. Include in preliminary design.	Planning Dept., Engineering and Development Dept.	City of San Diego
Provide mass transit service, especially to the Sorrento Valley area.	Immediately	MTDB	MTDB through various funding sources, including private sector
Provide bikeways and pedestrian paths that link all areas within the community.	Include in design of private development and transportation projects.	Planning Dept., Engineering and Development Dept.	City of San Diego and Private
Adopt the Facilities Financing Plan to identify costs and potential funding sources.	Adopt with this Community Plan	City Council, Planning Dept.	City of San Diego
Require projects to design for transit, bicycle and pedestrian use (i.e., submit TDM Programs, provide bike lockers, showers, etc.).	Add as condition at time of project approval	Planning Dept.	Private
Reconstruction of North Torrey Pines Road bridge shall contribute to the restoration and enhancement of Los Peñasquitos Lagoon.	At preliminary design stage	Engineering & Development Dept.	City of San Diego and State bridge grant
Provide street improvements for the Del Mar Terrace Neighborhood.	Immediately	Engineering & Development Dept.	Assessment District

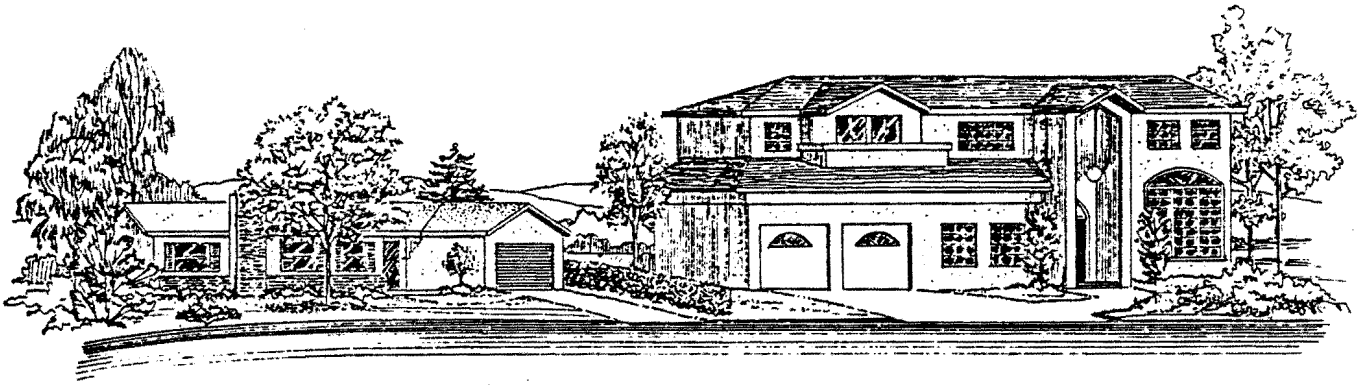
RESIDENTIAL ELEMENT

RESIDENTIAL ELEMENT

BACKGROUND AND ISSUES

The Torrey Pines Community Planning Area is almost completely built-out with approximately 3,000 total housing units. Of this total, approximately 78 percent is single-family, and 22 percent is multifamily. At buildout, the Torrey Pines Community is expected to contain a population of approximately 7,000 residents.

Over the last decade, residential development in the Torrey Pines Community has consisted primarily of single-family homes constructed in a variety of architectural styles, colors and building materials. In most cases, new single-family homes have tended to be larger scale, utilizing the maximum building envelope allowed under the zone. In some neighborhoods where existing homes are of a smaller scale, development of larger scale homes has resulted in abrupt transitions in scale.



Another critical issue is the development and expansion of non single-family residential uses within single-family neighborhoods. Projects of this type include commercial development, child care centers and other non-residential uses which are allowed under the conditional use permit process, and the construction of single-family homes that are designed for the shared living arrangement of five or more unrelated persons. The Torrey Pines Community Planning Group has recommended that the development of minidorms within single-family neighborhoods be prohibited. Minidorms are single-family homes specifically designed, built and used to accommodate a group of unrelated adults who either share ownership or rent. Some of the impacts associated with minidorms include lack of adequate parking, insufficient landscaping, and unusual design. An additional issue includes the construction and occupancy of new homes without the provision of required landscaping.

GOALS

1. Single-family development incorporating a variety of architectural styles, colors and building materials.

2. Residential development designed to preserve the integrity of the community's unique system of canyons, parks, sandstone bluffs and lagoons.

3. New single-family homes that are similar in bulk and scale to existing homes within the immediate neighborhood.

4. Residential neighborhoods that are designed to protect the safety and security of its residents.

POLICIES

1. New residential development shall be consistent with the design guidelines of this element.

2. The construction of shared housing (also known as minidorms) within the Torrey Pines Community Planning Area shall be discouraged.

3. Commercial development shall not be permitted within areas designated for residential development.

4. Residential neighborhoods should be preserved and protected from encroachment by adjacent uses including commercial development and the construction of public roads and utilities.

SPECIFIC PROPOSALS

Although the Torrey Pines Community Planning Area maintains a predominantly low-density residential character, a wide range of residential densities and product types are recommended by this plan. Descriptions, locations and recommendations regarding these density categories are as follows.

Density Categories

Very Low Density (0-4 du's/acre)

In the Torrey Pines area this density is characterized by both single-family detached and attached development with large portions of land area devoted to open space areas. This density is implemented in Torrey Pines by the existing R1-10000, R1-15000, R1-20000 and R1-40000 Zones.

Very low density developments in Torrey Pines are located on the edges of environmentally sensitive areas. This provides for minimal disturbance by buffering

these areas from higher density land uses. Very low density areas in the Torrey Pines area include:

- The 27-lot residential subdivision of Del Mar Estates is located in the northern portion of the community along Racetrack View Drive. This development includes large single-family detached homes of 25 feet in height on large (average one acre) lots, and over 17 acres set aside in an open space easement. This development is located in an environmentally sensitive location, within the Focused Planning Area of the San Dieguito Regional Open Space Park Plan, situated south of the San Dieguito River and Lagoon and north of Crest Canyon. Because of the area's sensitivity, additional development (tennis courts, pools, decks, gardens, walls, lighting, etc.) shall minimize or eliminate impacts to these resource areas.

- Two low density residential subdivisions exist near the northern portion of Torrey Pines Reserve Extension. One is located adjacent to the north-west corner of the reserve extension at the terminus of Mar Scenic Drive and Nogales Drive, and the other is located adjacent to the north-east corner of the reserve extension on Mira Montana. The Mira Montana project (approximately 19 residential lots and 5 acres of open space easements) is built-out. All open space easement areas that are part of this project shall be preserved.

- Another very low density project is located adjacent to the western boundary of the reserve extension, along Caminito Mar Villa and Via Mar Valle. This project is completely built-out and consists of approximately 50 units, both attached and detached, and over 6 acres of open space easements. The open space easement located southerly of the homes along Via Mar Valle provides a crucial open space corridor linking the reserve extension to Los Peñasquitos Lagoon. This linkage shall be preserved and protected through the Open Space designation on the area.

- The Point Del Mar development is also a very low density project, and is located on the bluffs north-west of Carmel Valley Road and I-5. This project includes approximately 99 single-family detached homes on large (half-acre) lots, and over 26 acres of open space easements. The open space easements located along the western portion of this project provide a critical wildlife corridor linking the reserve extension to the Los Peñasquitos Lagoon. This linkage has been preserved and protected by dedication and acceptance by the State Coastal Conservancy, and is managed by the Los Peñasquitos Lagoon Foundation. This area shall be preserved and protected through the Open Space designation on the area.

Low Density (5-9 du's/acre)

This density category is characterized by the conventional suburban subdivision, including single-family detached homes on 5,000- to 6,000-square-foot lots. Approximately 70 percent of the residential community is developed under this density category, which is implemented through the existing R1-5000 and R1-6000 Zones.

Low density developments in Torrey Pines include the Del Mar Heights, Del Mar Terrace and Sea Village (170 units) areas, which are almost completely built-out with single-family attached and detached homes. Infill development and redevelopment of homes occurs regularly in these areas. New home construction shall be sympathetic to and compatible with the existing neighborhood.

Low-Medium Density (10-15 du's/acre)

This density category is characterized by higher density housing, usually consisting of attached housing such as condominiums or townhomes. This density category is implemented through the existing R-3000 Zone.

The Sea Point condominium project is the only low-medium density development within Torrey Pines. Sea Point consists of 237 housing units on 19 acres.

The triangular shaped parcel on the south-west corner of Via Aprilia and Via Borgia is zoned and designated for single-family residential development. This community plan permits the rezoning of this property to R-3000 without the requirement for a community plan amendment.

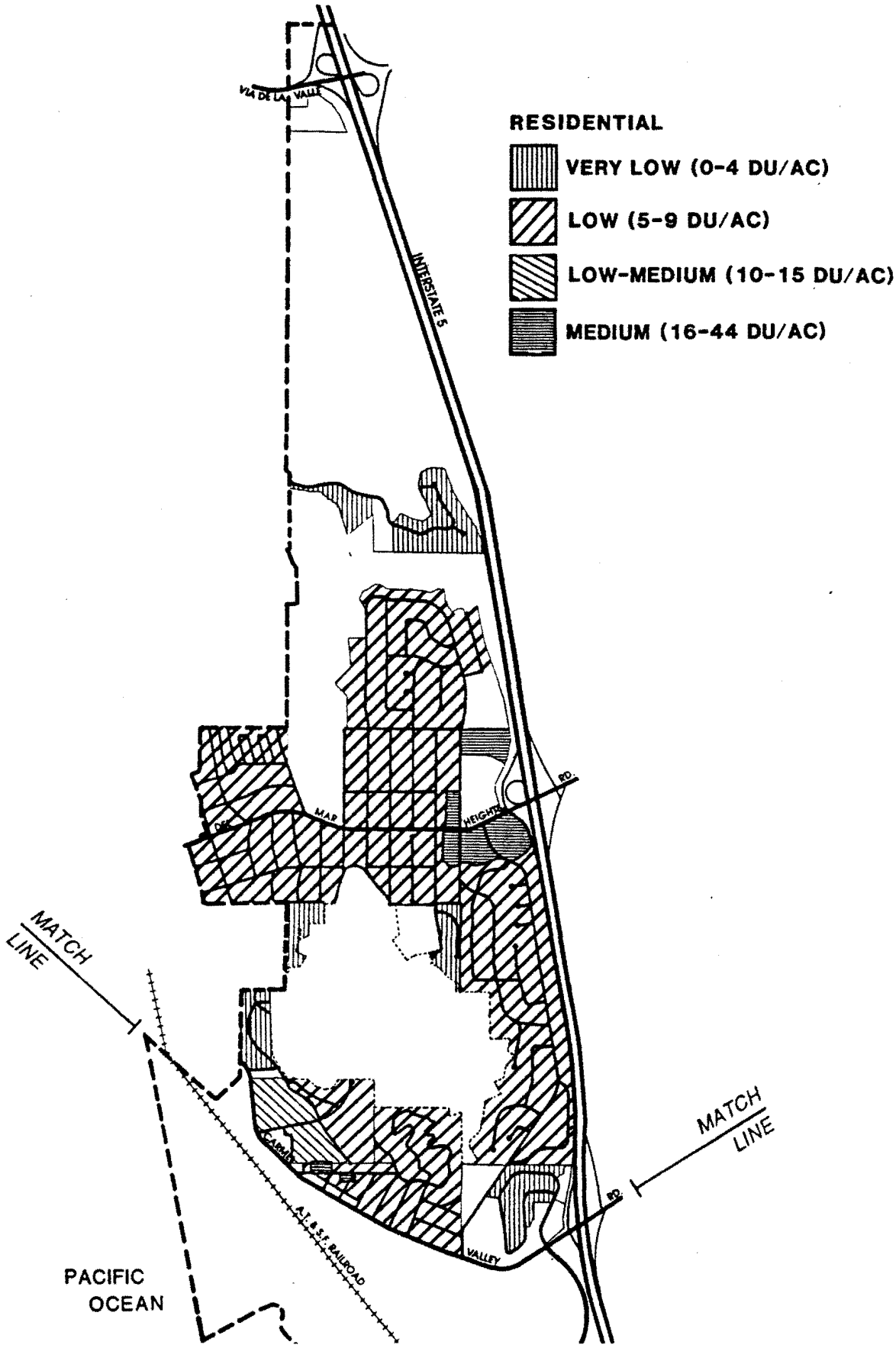
Medium Density (16-44 du's/acre)

This density category is characterized by higher density condominium and apartment development, and is implemented through the existing R-1000 and RV Zone.

There are seven medium density residential projects within the Torrey Pines Planning Area. Five of the projects are located in the Del Mar Heights Road/Mango Drive/I-5 area. A total of 495 units have been constructed in this area. Two smaller projects, totaling 23 units, are located along Via Aprilia and Via Cortina in the Del Mar Terrace area. Redevelopment of the medium density properties in the Torrey Pines Community shall be compatible with the existing surrounding neighborhood and shall be processed through the Planned Infill Residential Development (PIRD) Permit process.

Table 2: Proposed Residential Development

Designation	Acres	Units	% DU's	Population
Very Low (0–4 du's / acre)	60	200	7	465
Low (5–9 du's / acre)	520	2,187	70	4,900
Low Medium (10–15 du's / acre)	20	200	7	465
Medium	22	500	16	1,170
Total	**622**	**3,087**	**100**	**7,000**



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Residential Land Use Plan

FIGURE 13

Residential Development Design Guidelines

New residential development within the Torrey Pines Community should continue to incorporate a wide variety of architectural styles, colors and building materials. New residential development should also be designed to encourage compatibility in bulk and scale between existing and new residential development. All new residential development shall conform with Citywide underlying zoning and Coastal Zone requirements. The Torrey Pines Community Planning Group should review all development requiring discretionary approval by the City.

The following additional guidelines should also be incorporated into single-family residential development.

1. All required landscaping shall be installed prior to the issuance of an occupancy permit.

2. Natural runoff control measures should be implemented to direct runoff toward the street and not toward open space areas and to eliminate erosion and siltation of biologically sensitive areas (see coastal development regulations in appendix).

All new multifamily residential projects shall be developed through the Planned Infill Residential Development (PIRD) Permit Process. All new multifamily projects shall be considered compatible, and in conformance with the community plan if it meets the criteria of the PIRD, the Multifamily Design Regulations, and all other Citywide regulations including the underlying zone.

Balanced Community

It is the policy of the City of San Diego to promote economically and racially balanced communities: The Housing Element of the General Plan identifies four components of balanced communities: economic, ethnic, housing type (concentration of detached housing) and housing tenure (concentration of owner-occupied housing).

As of the 1990 Census, the Torrey Pines Community was not considered a balanced community. In order to alleviate this situation and provide opportunities for affordable housing, the Housing Element of the General Plan recommends plan revisions to higher densities and assistance programs, examples of which are provided below:

Density Bonus Program

This is an incentive program that allows developers to build up to 25 percent more units than a property's zoning would ordinarily allow. In exchange for this density bonus, the owners must rent the units to low income households for 20 years.

Multifamily Bond Program

Through the sale of bonds, this program provides low interest loans to developers of multifamily housing. In exchange for the loans, developers must rent 20 percent of the units to low income households for 10 years.

Public Housing

Public housing units are managed by the San Diego Housing Commission and rented to very low income households. Residents pay 30 percent of their gross monthly income for rent.

Section 8 Rental Assistance Program

This program offers certificates and vouchers to very low income households who use them to rent privately owned apartments. These households pay 30 percent of their gross monthly income for rent and the Housing Commission pays the difference to the landlords.

Senior CUP Program

This conditional use permit program provides a density bonus of up to 50 percent to developers who agree to rent all of the units in their project to senior citizens and physically impaired persons for the life of the project.

Modular Housing

Modular housing offers an alternative to reduce housing costs and still meet the demand for single-family detached housing.

Categorical Exclusion

Single-family residential development within that area indicated in Figure 28 shall be categorically excluded from the requirement to process coastal development permits. Categorical exclusion would eliminate the requirement for single-family home construction to undergo discretionary review. However, all new development within this categorical exclusion area shall be responsible for providing, at the applicants expense, a notice of application to all residents within 300 feet of the proposed project and to the Torrey Pines Community Planning Group.

Action Plan

Implementation Measures	Timing	Responsibility For Implementation	Source of Funding
Require all new residential development to be compatible with existing neighborhood.	Immediately with update to City's Zoning Code	City of San Diego	City of San Diego
Residential development adjacent to Open Space should blend into the natural area.	When buildings are being designed	Project Architect, Planning Dept.	Project Applicant
Commercial uses shall be prohibited in residentially designated areas.	With adoption of this plan	Planning Dept.	City of San Diego
Required landscaping should be in place prior to occupancy.	Immediately with update to City's Zoning Code	Planning Dept.	City of San Diego

COMMERCIAL ELEMENT

COMMERCIAL ELEMENT

BACKGROUND AND ISSUES

The Torrey Pines Community Planning Area contains approximately 26 acres of land designated for commercial development. Although these figures appear to be very low, unmet needs within the community are provided by commercial centers in adjacent areas including Del Mar and Carmel Valley.

There are four areas within Torrey Pines that are designated for commercial development (see Figure 14) including: 1) a 12-acre shopping center at the north-west corner of I-5 and Del Mar Heights Road; 2) an approximately 10 acre area at the northern end of the community just south of Via De La Valle; 3) a 2.96-acre shopping center located at the north-west corner of I-5 and Carmel Valley Road, and; 4) a small commercial area located on lots fronting Carmel Valley Road, between Via Donada and just north of Via Aprilia.

Some of the issues associated with commercial development within the Torrey Pines Community Planning Area, particularly within the Del Mar Terrace Neighborhood, include traffic, noise and visual impacts to adjacent residential development, encroachment into adjacent environmentally sensitive areas, lack of parking, and ingress and egress problems.

GOALS

1. Provide conveniently located and well designed commercial development that adequately serves the needs of the community. Commercial development should be easily accessed by, and attractive to pedestrians.

2. Encourage commercial uses that operate without adversely impacting surrounding residential neighborhoods.

3. Prohibit the encroachment of commercial development into areas other than those designated commercial, especially into residential, open space and environmentally sensitive areas.

4. Mixed use developments should be encouraged in commercial zones. Apartments over retail or office uses could help Torrey Pines meet its fair share of affordable housing goals.

POLICIES

1. Runoff and pollution control measures required by Federal, State, County or City regulations should be installed and maintained by the property owner in all commercial developments.

2. Commercial development within predominantly residential neighborhoods shall be designed to minimize or eliminate traffic, noise, parking and visual impacts to residents.

3. All commercial development, shall be processed through the Planned Commercial Development (PCD) Permit procedure, and shall be consistent with the design guidelines contained in this element.

4. All required parking for commercial development shall be accommodated on site, no on-street parking shall be used to satisfy parking requirements.

SPECIFIC PROPOSALS

Commercial Areas

Shopping Center at I-5 and Del Mar Heights Road

Infill commercial development within this center shall not result in a reduction of parking below those levels adequate to provide ample parking for tenant businesses and shall not be allowed to impact vehicle access or on-street parking.

Ingress/egress to Del Mar Heights Road from this center, and from Mango Road, should be improved during improvement either to the center or Del Mar Heights Road. Current ingress/egress conditions include difficult and confusing pedestrian crossing, congestion, and elevation differences between the shopping center entrance, Mango Road and Del Mar Heights Road. These elevations differences have caused difficulties for larger delivery trucks, in some cases "bottoming out" or becoming "high centered."

Commercial Area South of Via De La Valle

This 10-acre area should be maintained for commercial recreational development. Because most of this area is within the 100-year floodplain, and adjacent to the San Dieguito River Valley and Lagoon, new development in this area shall not be allowed unless it can be shown that:

1. Disturbance to environmentally sensitive areas will be minimized or eliminated.

2. Increase flood flow velocities will not occur.

3. Areas not in the floodplain to be filled will not function as significant silt deposition areas.

4. Any loss or degradation of existing wildlife habitat areas will be completely mitigated.

5. Increases in runoff and sediment will be mitigated.

6. There will be no adverse water quality impacts to adjacent or downstream wetland areas.

Carmel Valley Commercial Center

This 2.96-acre area shall be developed with a mix of commercial uses under an existing approved Planned Commercial Development Permit. Development of this area, as required by the PCD, shall include mitigating measures including:

1. The landscaping program shall be of sufficient quality and quantity to completely screen the large cribwall from view in all directions.

2. Erosion control measures shall be implemented in order to mitigate potential urban runoff impacts.

3. Pollution control measures to prevent contaminated runoff from reaching the Los Peñasquitos Lagoon wetlands and Carmel Valley Creek shall be implemented.

Design Guidelines

Carmel Valley Road Neighborhood Commercial Design Guidelines

The development of commercial uses within this area, because of its location within the residential neighborhood of Del Mar Terrace, shall be designed to mitigate all potential impacts including traffic, parking, noise, pollution, runoff, etc.

Only those lots that front directly on Carmel Valley Road, between Via Donada and just north of Via Aprilia are designated for neighborhood commercial development. Expansion of commercial use on properties other than those designated shall be prohibited.

Those areas designated commercial along Carmel Valley Road may be redeveloped to neighborhood commercial uses through the Planned Commercial Development (PCD) permit process. The PCD process should address and implement the following commercial development design guidelines.

Commercial Development Design Guidelines

Although the design guidelines listed below apply particularly to the neighborhood commercial area located along Carmel Valley Road, most can also be applied to the other designated commercial areas within the Torrey Pines Planning Area. Specific design guidelines for the other commercial areas within Torrey Pines can be found under the individual commercial policy discussions.

1. Bulk and scale of new commercial development along Carmel Valley Road shall be low scale and of similar height to buildings and homes in the existing area.

2. Activity areas (e.g., areas that generate noise, foot traffic, parking lots, etc.) of commercial projects shall be oriented away from residents, towards Carmel Valley Road.

3. Noise, light, odors or any other potential effects of or emissions from commercial development shall not emanate beyond the commercial property into residential areas.

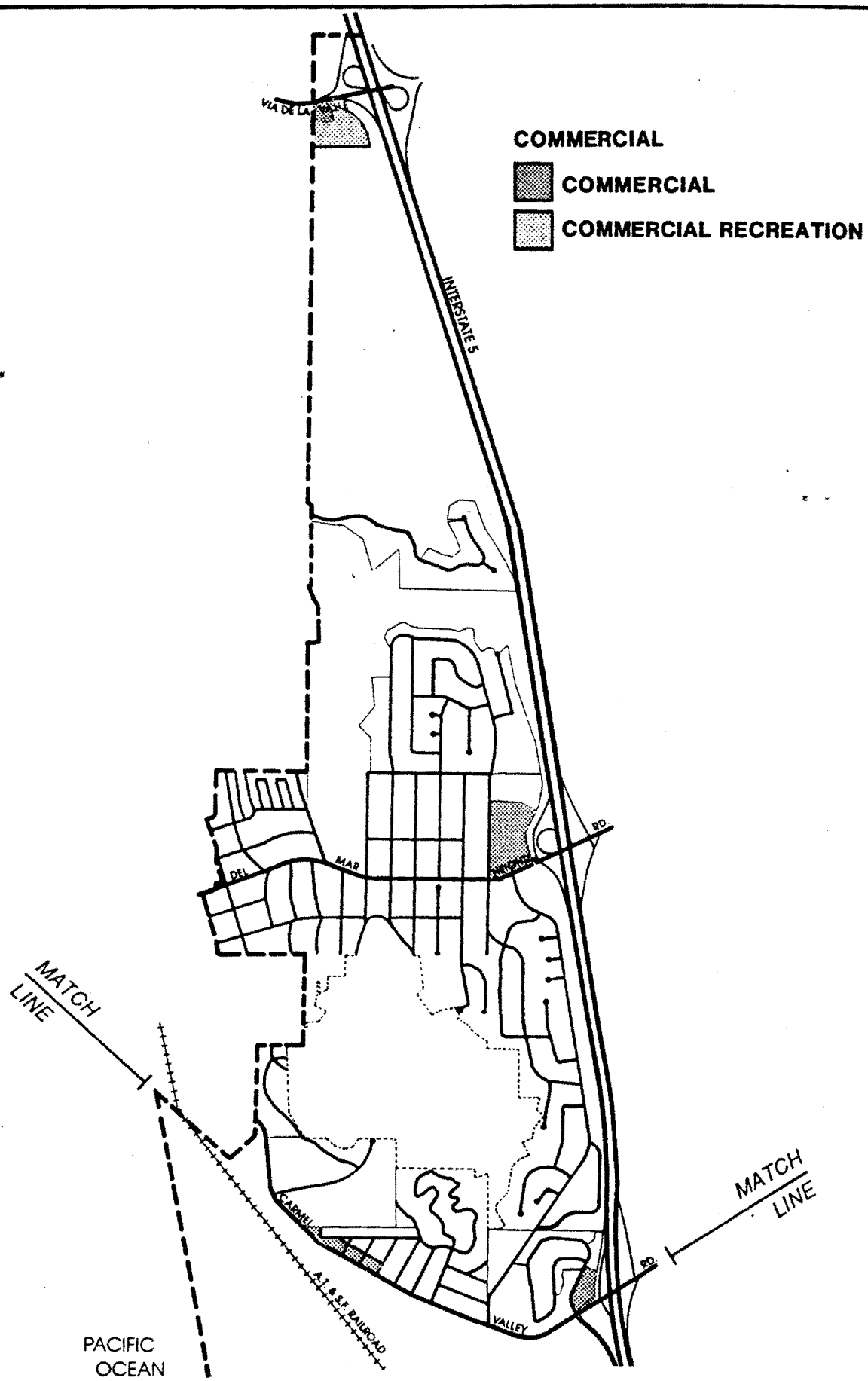
4. New commercial development shall be designed to accommodate the worst case parking scenario unless well served by public transit. The use of on-street parking shall not be considered to calculate parking requirements.

5. Erosion/sedimentation control measures shall be implemented to prevent runoff into the Los Peñasquitos and San Dieguito Lagoon.

6. The rear portions of commercial development that face residential areas should be designed (use of heavy landscaping, design elements, etc.) to mimic the continuation of a residential neighborhood.

7. A neighborhood association composed of residents and business owners should be formed to resolve existing problems in the neighborhood including:

   a. Coordination, timing, access and location of delivery trucks.
   b. Provision of adequate off-street parking.
   c. Litter, noise and traffic control.



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Commercial Land Use Plan

FIGURE 14

Action Plan

Implementation Measures	Timing	Responsibility For Implementation	Source of Funding
Require Planned Commercial Development Permits for new commercial development (until Zoning Code Update is complete). .	Until update to the City's Zoning Code is complete	Planning Dept.	Application Fees
Prohibit commercial development or encroachment into residential neighborhoods.	Adopt with this plan	Planning Dept.	Planning Dept.
Provide erosion control and prevent run off from commercial development into adjacent lagoons and wetlands.	Add as condition at time of PCD approval	Planning Dept., Engineering & Development Dept.	Applicant
Provide adequate off-street parking for new commercial development.	Require at time of project approval	Planning Dept.	Applicant
Eliminate impacts of new commercial development on existing adjacent residential neighborhoods.	Through project review and implementation of design guidelines	Planning Dept.	Planning Dept., Applicant

INDUSTRIAL ELEMENT

INDUSTRIAL ELEMENT

BACKGROUND AND ISSUES

Industrial development in the Torrey Pines Planning Area is located in Sorrento Valley, which contains approximately 380 acres of industrially designated property. Industrial development in Sorrento Valley includes manufacturing firms, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses. Most of the industrially designated property in Sorrento Valley is zoned M-1A with the FPF (Floodplain Fringe) Overlay Zone. The primary effect of the FPF Zone in this area is to ensure that new development will not adversely impact existing riparian habitat areas.

The Sorrento Valley area contains an abundance of environmentally sensitive areas, including both cultural and biological resources (see Resource Management Element). The most significant resource areas are located within the floodplain, wetland and riparian habitat areas of the Los Peñasquitos Lagoon and Carroll Canyon creek, which bisect the entire Sorrento Valley area. Issues associated with industrial development in Sorrento Valley include the impacts from industrial development on adjacent environmentally sensitive resources, lack of mass transit service, and lack of a usable, continuous open space system.

GOALS

1. Emphasize the Citywide importance of and encourage the location of scientific research, biotechnology, and light manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa Community's industrial areas. Ensure adequate transit/transportation facilities are provided.

2. Insure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations.

3. Contain industrial development within areas specifically designated for industrial usage.

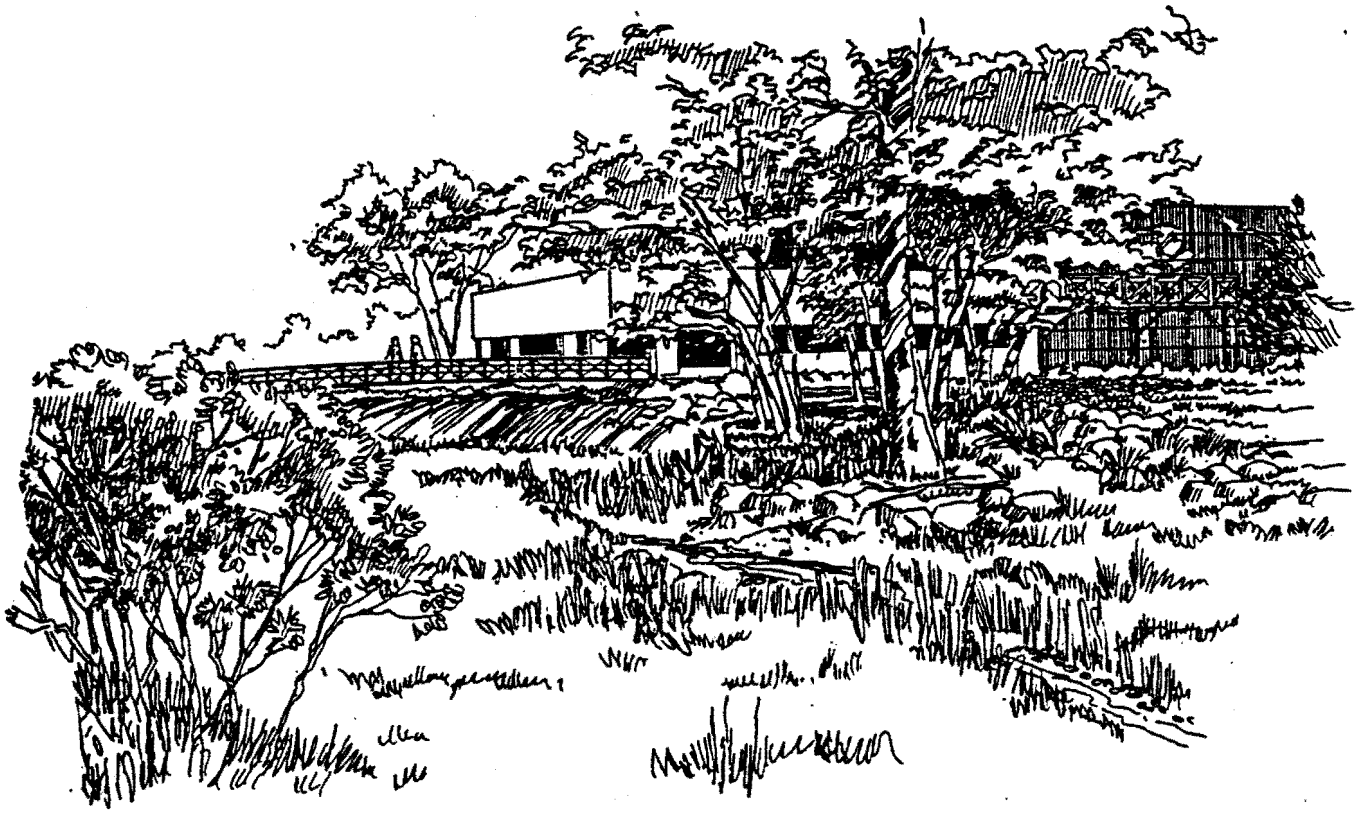
4. Restore and enhance the Carroll Canyon Creek Wildlife Corridor and the Los Peñasquitos Lagoon.

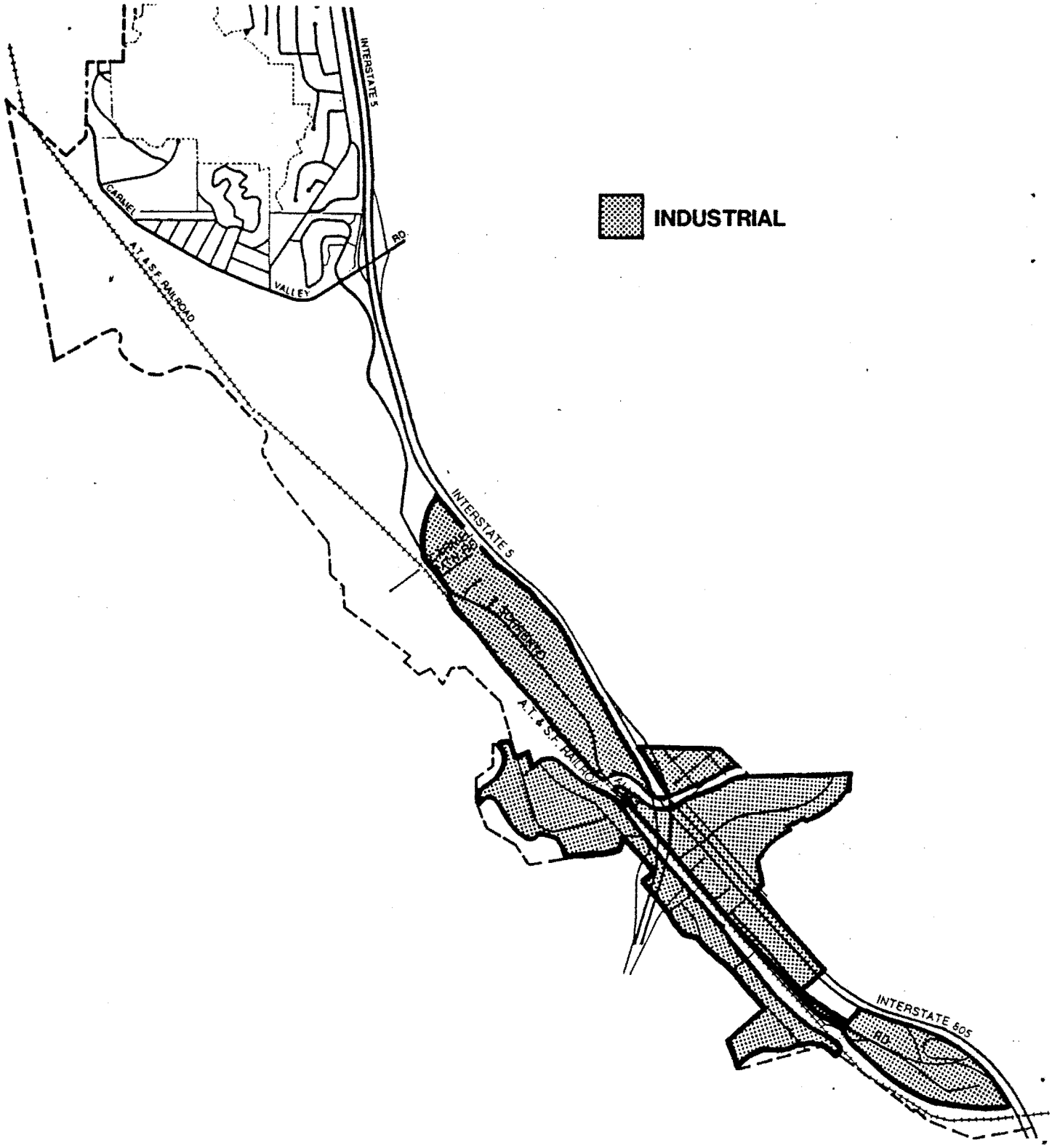
5. Encourage new industrial development to be well designed and aesthetically pleasing.

6. Provide easy access to the Sorrento Valley employment area through bicycling, mass transit, and transit oriented development such as providing safe and direct pedestrian connections and a convenient mix of uses.

7. Minimize traffic impacts from new industrial development through the implementation of Transportation Demand Management Programs. New industrial development should provide opportunities for staggered shifts, four-day work weeks, and other similar alternatives, and should incorporate services such as locker rooms, child care centers, restaurants, post offices, dry cleaners, and gift shops to minimize the need for auto trips and to make car pooling a more attractive option.

8. Restrict industrial development on steep slopes, wetlands, riparian habitats, and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor, and design industrial projects to blend in to adjacent open space areas.





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Industrial Land Use Plan

FIGURE 15

TORREY PINES Community Plan

POLICIES

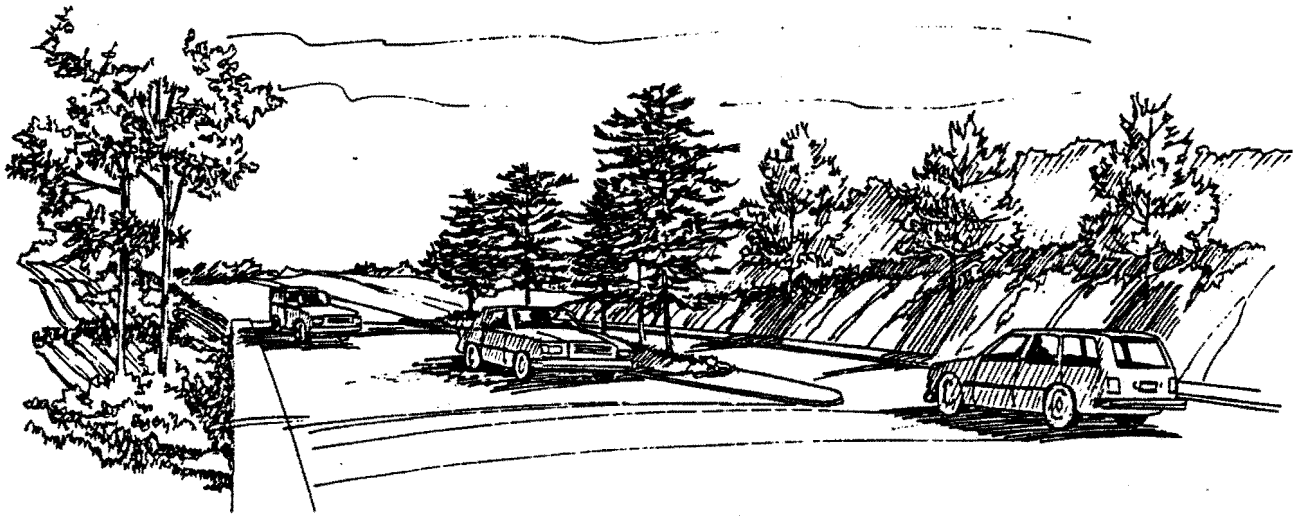
1. Development of freestanding retail commercial uses in industrially designated areas shall be restricted to those uses that serve only the immediate Sorrento Valley industrial area.

2. As required by the Airport Environs Overlay Zone, development within Sorrento Valley shall be consistent with the Comprehensive Land Use Plan for NAS Miramar (see Noise Contour and Accident Potential Zone information, Figures 17 and 18, in appendix).

3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.

4. Redevelopment of industrial areas shall require a Planned Industrial Development Permit, until such time as the Zoning Code Update is complete, in order to implement the policies and design guidelines contained in this element.

5. Continue to maintain the existing, and where feasible provide additional landscaped islands within Sorrento Valley Road and Sorrento Valley Boulevard.



6. Provide an open space area and pathway system along the Carroll Canyon Creek corridor area.

7. Where feasible, power distribution lines along Sorrento Valley Road shall be relocated underground, and those through Los Peñasquitos Lagoon shall be relocated outside the floodplain area.

8. New industrial development projects should provide outdoor seating/eating areas for employees, as well as bicycle lockers/racks, and shower and locker room facilities.

SPECIFIC PROPOSALS

Industrial Development Design Guidelines

Preservation and Enhancement of the Carroll Canyon Creek Corridor

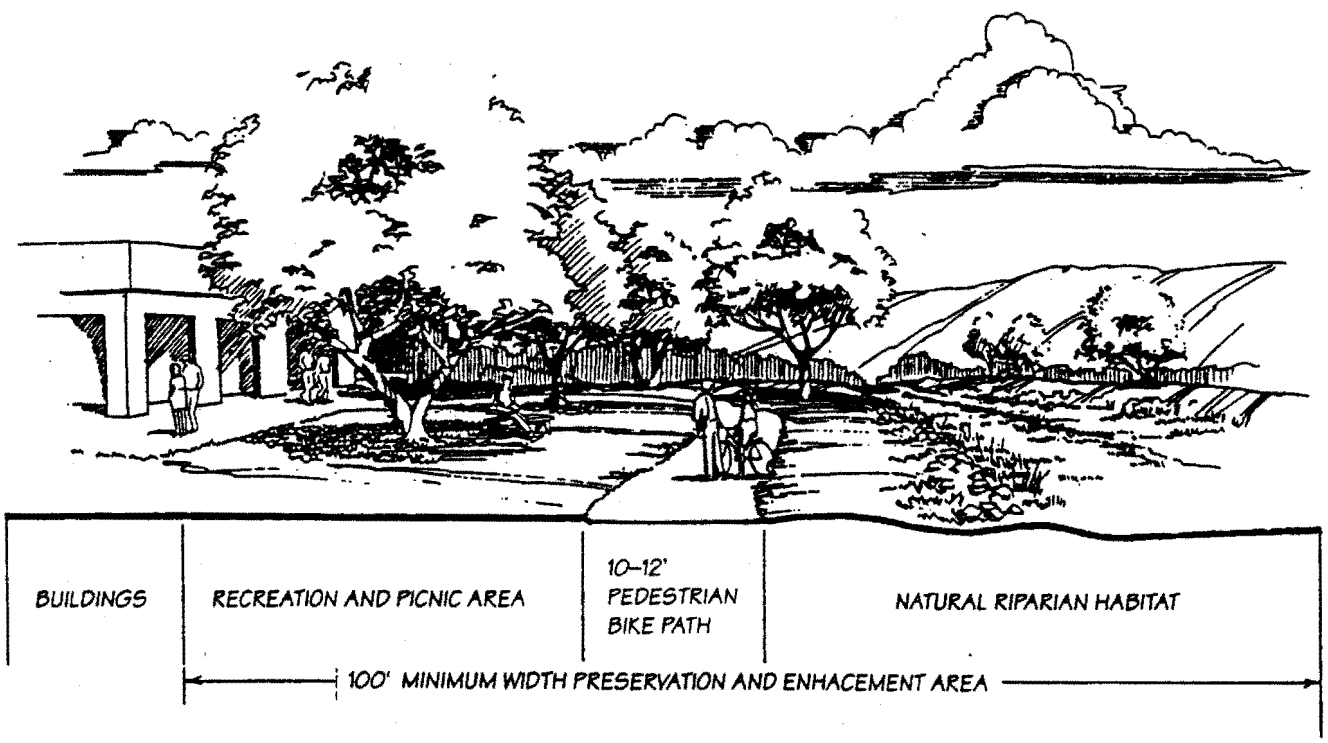
The Carroll Canyon Creek Corridor provides a vital wildlife corridor between Carroll Canyon and Los Peñasquitos Lagoon. The corridor is within the FEMA 100-Year floodplain, and contains wetlands with riparian vegetation along its entire length. Future development and redevelopment of property adjacent to this corridor shall be required to preserve and enhance this sensitive resource by incorporating the following features into the project. The intent of these guidelines is to:

1. Provide a continuous open space linkage between Carroll Canyon and Los Peñasquitos Lagoon;

2. Preserve and enhance the environmental quality and health of the corridor;

3. Provide a continuous pathway (consistent with "b" above) along the entire length of the corridor that will allow both pedestrian and bicycle access;

4. Provide a healthy park-like area where Sorrento Valley employees can jog, read, picnic, relax, etc.



Section View of Carroll Canyon Corridor

In order to restore and enhance the Carroll Canyon Creek Corridor, all projects proposed immediately adjacent to the corridor shall be subject to the following guidelines:

1. The corridor and buffer area shall vary in width depending on the habitat area, however, no areas shall be narrower than 100 feet. Existing wider portions shall not be encroached upon or reduced.

2. Those disturbed areas of the corridor shall be revegetated and planted with a combination of native trees, primarily riparian woodlands species and native shrubs. The revegetation plan shall include a monitoring program to determine the success of the program and identify maintenance needs.

3. A pedestrian/bicycle path shall be constructed along the entire length of the corridor. The pedestrian path should be identified through special, natural appearing design materials.

4. Passive recreation facilities shall be provided along the corridor but away from the most sensitive habitat areas. Recreational facilities may include picnic areas, benches, viewing areas, etc.

5. The corridor should be designed as a natural appearing waterway with rehabilitation, revegetation and/or preservation of native wetland habitats. Natural environmental features should be preserved and recreated within the floodway proper and should be incorporated in areas beyond the floodway boundary to maintain and enhance the habitat and aesthetic values of the creek.

Action Plan

Implementation Measures	Timing	Responsibility For Implementation	Source of Funding
Establish a restoration and enhancement plan for the Carroll Canyon Creek Corridor.	Immediately	City of San Diego, Coastal Commission, State Coastal Conservancy	City of San Diego, State of Calif., Private
Provide a continuous usable open space linkage between Carroll Canyon and Los Peñasquitos Lagoon, including a pedestrian/bicycle pathway	Require as mitigation at time of project review and approval	Planning Commission, Engineering and Development Dept.	City of San Diego, Applicant
Allow a mixed use and intensification of industrial land uses adjacent to LRT stations.	Subsequent to determination of station sites	City Council, Planning Dept. and MTDB	City of San Diego, MTDB
Where feasible, underground power distribution lines along Sorrento Valley Road, and remove or relocate those lines within Los Peñasquitos Lagoon.	As soon as possible	S.D.G.&E.	SDG&E,
Provide outdoor eating/seating areas for employees, as well as bike lockers/ racks, shower and locker room facilities.	Require as condition of project approval	Planning Dept.	Applicant
Require Planned Industrial Development Permits for all new industrial projects proposed adjacent to any designated open space areas.	Until update to Zoning Code is complete	Planning Dept.	Reimbursable

COMMUNITY FACILITIES ELEMENT

COMMUNITY FACILITIES ELEMENT

BACKGROUND AND ISSUES

Community facilities within the Torrey Pines Community Planning Area include park and recreation facilities, libraries, schools, water and sewer facilities, and police and fire protection. Issues associated with community facilities include lack of usable active park area, public utility and facility projects that traverse and impact Los Peñasquitos Lagoon and other sensitive environmental areas, and visual impacts associated with above ground power transmission lines.

Park and Recreation

The Progress Guide and General Plan for the city of San Diego, Recreational Element, establishes population-based park, open space, resource/regional park and other park requirements within the City. Population-based park requirements are based on 2.40 usable acres per 1,000 population. The Torrey Pines Community Plan identifies a potential build-out population of 7,000. This build-out population will require 16.80 usable acres. The existing Crest Canyon Neighborhood Park is 10 acres in size total but only 1.5 more or less is usable. The Torrey Pines Community Planning Area is short 15.30 acres of usable park property.

The possible joint-use of the Del Mar Hills and Del Mar Heights Elementary Schools should be investigated. The acquisition of either school, should they be declared surplus, shall be initiated under existing state codes.

Library

Residents of the Torrey Pines Community Planning Area are currently provided with library service both through the Carmel Valley and the City of Del Mar library. The new 13,000-square-foot library facility in Carmel Valley includes a community meeting room, and a myriad of informational and multimedia resources. The Carmel Valley Branch Library is located east of I-5, south west of the intersection of Carmel Country Road and Townsgate Drive within the Carmel Valley Community Planning Area (see Figure 16).

Schools

Elementary Schools

Elementary school students attend Del Mar Heights School and Del Mar Hills School (see Figure 10), both located in the City of San Diego, west of I-5. Both schools serve K-6 grade students from throughout the Del Mar Union School District. Students are bussed to these schools based on the criteria of avoiding heavily traveled streets and roads and excessive walking distance. Bus routes are designed so that students who live south of Del Mar Heights Road and attend Del Mar Hills School (located north of Del Mar Heights Road) and students who live north of Del Mar Heights Road and attend Del Mar Heights School (located south of Del Mar Heights

Road) are bussed across this busy street. The new Carmel Del Mar school in the Carmel Valley portion of the school district opened in 1992.

In May 1994 the Board of Trustees of the Del Mar Union School District established school attendance boundaries. Del Mar Heights and Del Mar Hills share a contiguous boundary and children may attend either school depending upon the class size at the time the students enroll. Carmel Del Mar School, east of the planning area, has a separate attendance boundary for its students.

The Del Mar Shores School, located in the City of Del Mar, is still owned by the Del Mar Union School District, however, this facility was closed following passage of Proposition 13 and declining enrollment. The district operates a before and after school child care program on a portion of this campus, and other portions are leased to a private preschool and a school for children with special needs. In addition, the school district's administrative offices, warehousing facility, and staff infant care program are located at this campus.

High Schools

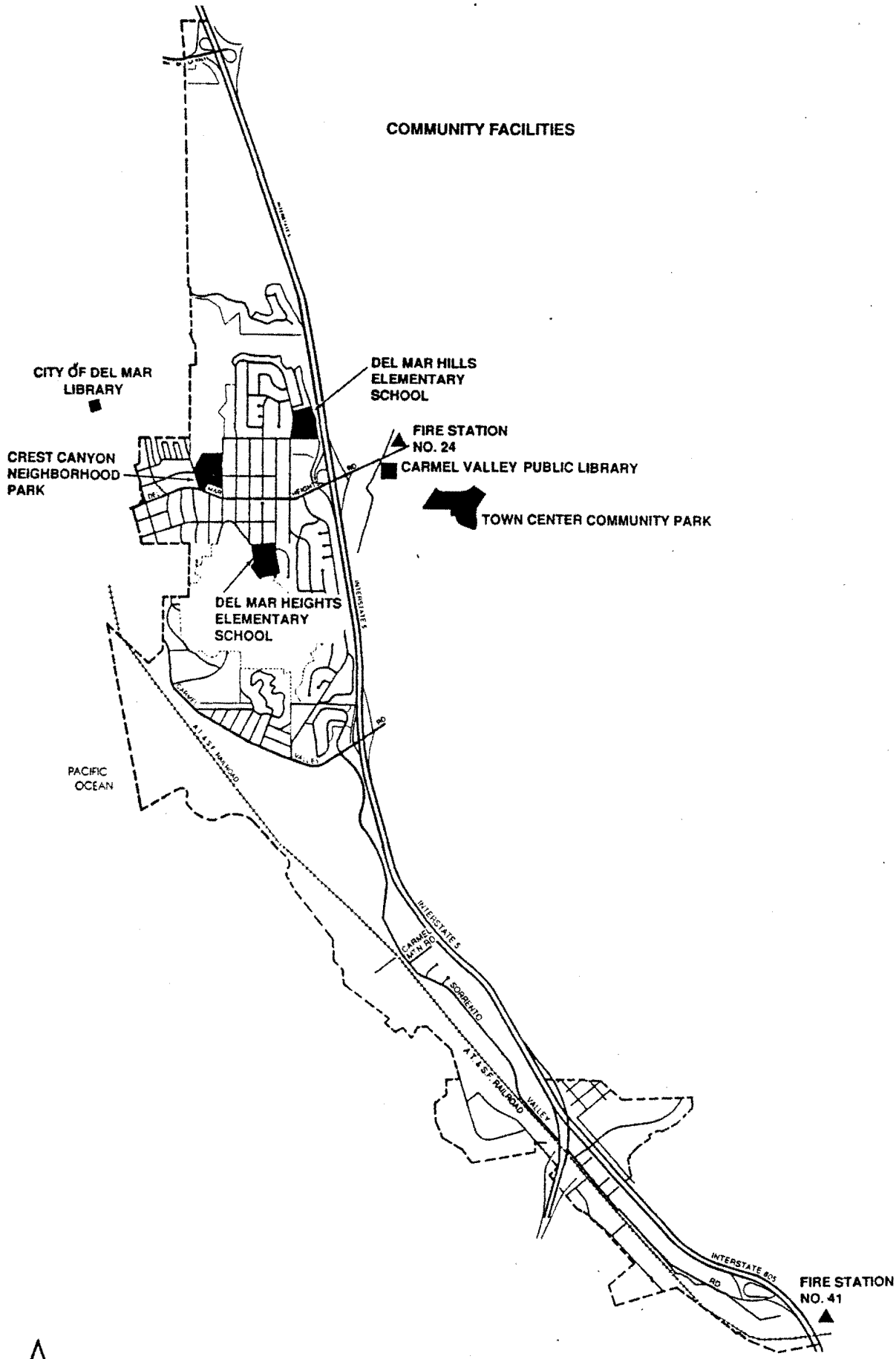
The community of Torrey Pines is served by the Torrey Pines High School for grades 9-12 and Earl Warren Junior High School in Solana Beach for grades 7 and 8. In addition, the San Dieguito Union High School District is currently negotiating with several owners of property in the Carmel Valley area to acquire land for purposes of constructing a junior high school.

The San Dieguito Union High School District has employed a variety of funding mechanisms to finance the construction of school facilities. In the Carmel Valley area, the San Dieguito Union High School District has joined with a number of other agencies in cooperation with the City of San Diego in a North City West Joint Powers Agency (JPA) for School Facilities Financing. This JPA utilizes a fee and a Mello Roos to support the construction of school facilities. The district anticipates continued cooperation from developers and other agencies to insure that adequate facilities are planned and constructed in anticipation of student population.

Fire Protection/Paramedic Service

The Torrey Pines Community Area is served by two fire stations. Fire Station No. 41 located at Carroll Canyon and Scranton Road has one engine and one truck company with a crew of eight personnel. Fire Station #24 is located at Del Mar Heights Road and Hartfield Avenue.

Paramedic services are provided to the Torrey Pines Community Planning Area through County Service Area 17. This paramedic service is funded by property taxes collected from the Torrey Pines Community.



Community Facilities Map

FIGURE 16

Police

Police service is provided to the Torrey Pines Community Planning Area by the Northern Substation located on Eastgate Mall in the University Community. Police service will also be provided by the proposed Northwestern Substation to be constructed in the Carmel Valley Community.

Water

A majority of the Torrey Pines Community is served with potable water via the 30-inch Del Mar Heights Pipeline, the 24-inch Soledad Valley Pipeline and through the 16-inch/24-inch pipelines in Carmel Valley Road which is supplied by the 54-inch Miramar Pipeline reduced 712 Pressure Zone. A small portion on the north side of the community is served by the 20-inch pipeline that runs from the east and west directions along Via de la Valle in the 284 feet Hydraulic Grade Line (HGL) Rancho Santa Fe Pressure Zone. Pressure Zones within the community north of Carmel Valley Road are the 610 feet HGL North City West, 330 feet HGL Carmel Valley, 328 feet HGL Del Mar Terrace, 378 feet HGL Mar Villa, 420 feet HGL Arroyo Sorrento, 196 feet HGL Lower Del Mar Terrace and 435 feet HGL Del Mar Hills. Pressure zones within the community south of Carmel Valley Road are also the 610 feet HGL North City West, 330 feet HGL Torrey Pines, 420 feet HGL Arroyo Sorrento and 196 feet HGL Lower Del Mar Terrace.

South of Carmel Valley Road is a portion of the 30-inch Green Valley Pipeline which is in various stages of development. This pipeline is the main source of water for the 610, 470, and 330 feet HGL pressure zones serving the Sorrento Valley Road industrial area. The Green Valley Pipeline is a main hub for the water supply to this community and the adjacent communities. This pipeline runs in the north and south directions which ties into the existing 30-inch Del Mar Heights Pipeline and the existing 54-inch Miramar Pipeline respectively.

Sewer

Sewer facilities serving the Torrey Pines Community are considered adequate. Improvements in the sewer transmission network are planned or under construction along Carmel Valley Road, Sorrento Valley Boulevard and Sorrento Valley Road.

Existing major sewer facilities that runs within the community include 12-inch/18-inch Del Mar Heights Trunk Sewer, 12-inch Del Mar force main and 33-inch Carmel Valley Trunk Sewer which all terminates at Pump Station 65 which is located in Peñasquitos Lagoon. From Pump Station 65, a 24-inch force main, the Sorrento Valley Trunk Sewer and the Campus Point Trunk Sewer carries the total flow of sewage from Torrey Pines and surrounding communities to Pump Station 64, which sends the effluent southward through the 42-inch force main towards the Point Loma Wastewater Treatment Plant. There is also an existing 84-inch sewer main along Sorrento Valley Boulevard and Sorrento Valley Road for the Sewer Pump Station 64 Emergency Storage.

Sewer improvements are planned or under construction in the portion of the Torrey Pines Community south of Carmel Valley Road to accommodate growth in several adjacent communities and to solve technical problems. These improvement projects could affect road planning, environmental protection and land use.

The most critical project planned is the relocation of Pump Station 65 out of Peñasquitos Lagoon along with associated relocation and upgrading of major trunk sewers. This series of facilities must be coordinated with the realignment of Sorrento Valley Road, upgrading of protection for Peñasquitos Lagoon, and land use planning for northern Sorrento Valley. Sewer projects related directly to development of Carmel Valley and Sorrento Hills are planned or under construction along Carmel Valley Road and Sorrento Valley Boulevard.

Reclaimed Water

City Ordinance No. 0-17327, adopted in July 1989, mandates that no person or public agency shall use potable water for irrigation of greenbelt areas, or other uses where use of reclaimed water is suitable, when reclaimed water is available. Reclaimed water uses can include, but are not limited to, the irrigation of greenbelt and agricultural areas, filling of artificial uses, and appropriate industrial and commercial uses. The ordinance further requires that tentative maps, subdivision maps, land use permits, or other development projects, if falling within an existing or proposed reclaimed water service area based on the Water Reclamation Master Plan, be served with reclaimed water or include facilities designed to accommodate the reclaimed water in the future.

The Torrey Pines Community Planning Area is located within the service area of the proposed North City Water Reclamation Plant. Therefore, facilities to accommodate future reclaimed water use will be a condition of approval of all developments in the area. The use of reclaimed water will include irrigation of greenbelt areas in commercial and industrial areas, schools, parks, multifamily residential and street medians and slopes.

Utilities

Major SDG&E land uses within the community plan area include the Del Mar substation and five overhead 69KV transmission lines. The Del Mar substation is an electric distribution substation which provides service to area customers within and outside the Torrey Pines Community Planning Area.

Future expansion of the Del Mar substation will occur as customer growth occurs. Reconductoring of a portion of TL 666 and TL 662, enlarging the existing wire size, is planned in 1994. The underground reconductor of portions of TL 662 and TL 666 has been scheduled for 1994. No improvements are presently contemplated for the other identified transmission lines.

A route selection is underway for the installation of a new 69KV transmission line that will likely traverse the southern portion of Sorrento Valley. The line will originate within an existing 150 foot wide transmission line corridor in the Mira Mesa Community Planning Area and terminate at the Genesee substation which is located in the University Community Planning Area.

GOALS

1. Provide adequate park and recreation facilities, libraries, schools, water and sewer service, and police and fire protection to the residents of Torrey Pines.

2. Maximize accessibility to community facilities for all members of the community.

3. Ensure that students have safe, direct access to their schools.

4. Ensure that new facilities are designed to minimize or preclude adverse impacts to environmentally sensitive resource areas.

5. Underground, where feasible, all above ground power lines, and relocate all power lines out of Los Peñasquitos Lagoon.

POLICIES

1. Permit only those recreational activities which do not negatively impact environmentally sensitive areas.

2. Crest Canyon Open Space Park, due to its topography and abundance of sensitive environmental resources, shall remain in its natural state, and shall not be developed for active recreational uses.

3. Passive recreational uses within the State Park and natural open space areas should continue to be provided to serve all age groups and interests.

4. Where feasible, remove or relocate public utility or facility projects from Los Peñasquitos Lagoon when improvements to these utilities are proposed.

5. When feasible, underground all above ground utility lines when major street improvements are proposed.

6. In order to provide a portion of needed active and passive recreational space, and to contribute towards meeting General Plan standards for active park area, the following actions should be pursued.

   a. The neighborhood park portion of Crest Canyon should have limited park development on the 1.5+ acres of semi-level land adjacent to Del Mar Heights Road and Durango Drive. The development should be for passive recreational use and limited to view points, benches, trail heads, information signs and

decomposed granite trails except where disabled access is viable. The open space portion of the canyon shall be preserved. Limited public access shall be provided by defined trails under standards established for the preservation of biologically sensitive plants and wildlife.

b. Whenever possible, small vacant properties within residential neighborhoods should be purchased (by the City or through an assessment district) and developed as pocket parks. Development of pocket parks in residential areas should not generate noise or traffic impacts to adjacent residents.

c. Large, vacant, non-sensitive state owned lands should be purchased (by the City or through an assessment district) and developed as neighborhood or community parks.

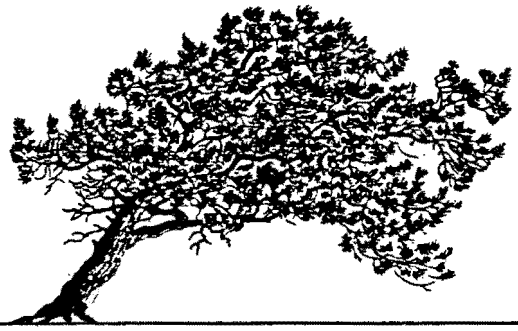
d. Joint use agreements with the elementary schools should be secured. If these schools should ever be declared surplus by the school district, they should be purchased by the City and developed as neighborhood or community parks.

7. Both the Del Mar Union and San Dieguito High School Districts should utilize every mechanism available to ensure that adequate school facilities are maintained. Future residential development east of I-5 should not negatively impact schools within the Torrey Pines Planning Area.

8. Adequate police protection should be maintained within the Torrey Pines Planning Area. All available police protection and law enforcement mechanisms should be provided to the Torrey Pines Planning Area.

Action Plan

Implementation Measures	Timing	Responsibility For Implementation	Source of Funding
Where feasible, underground all power distribution lines, and relocate existing utilities out of Los Peñasquitos Lagoon.	When fundiing becomes available, or concurrent with major street or utility improvement projects	City of San Diego, S.D.G.&E.	City of San Diego, SDG&E
Provide joint use of elementary school's recreational facilities.	Continuous	Del Mar Union School District, City of San Diego	School District, City of San Diego
Maintain Crest Canyon open space park as an undeveloped, passive recreational park.	Continuous	Park and Recreation Department	City of San Diego
Adopt the Torrey Pines Public Facilities Financing Plan.	Adopt with Plan	Planning Department	City of San Diego
Purchase and develop existing vacant property as pocket, neighborhood and/ or community parks.	When funding becomes available	Park and Recreation Department	Assesment District, City of San Diego



APPENDICES

A. LEGISLATIVE FRAMEWORK

The Torrey Pines Community Plan was developed within the context of a legislative framework existing on federal, state, and local levels. Among the more important levels of influence are:

- Section 65450 of the Government Code of the State of California (State Planning and Zoning Act) which gives authority for the preparation of the community plan and specifies the elements which must appear in each plan. It also provides means for adopting and administering these plans.

- Government Code Chapter 4.3 requires that local governments and agencies provide incentives to developers to include affordable units in housing projects. The City has adopted an ordinance which establishes an Affordable Housing Density Bonus that provides for an increase in density in a given zone to be granted for projects in which a portion of the total housing units are for low or moderate income persons.

- The California Environmental Quality Act of 1970 (CEQA), as amended, requires that environmental documents be prepared for all community plans. Separate, detailed environmental impact reports are also required for all projects which may adversely affect the environment, including actions related to implementing this plan.

- The Regional Air Quality Strategy (RAQS) was developed in 1977 to achieve a level of air quality in the San Diego Air Basin that would meet federal air quality standards set forth in the National Clean Air Act. A major recommendation pertinent to this planning effort is to include air quality considerations in all land use and transportation plans.

- The California Coastal Act of 1976 mandates that all designated coastal areas develop a Local Coastal Plan which is consistent with state-wide goals and objectives. The North City Local Coastal Program Land Use Plan, with revisions, was adopted by the City Council in March, 1987. The plan provides specific guidelines for the development of that area of the community which lies within the coastal zone boundary.

- The Progress Guide and General Plan of the City of San Diego establishes Citywide goals, guidelines, standards and recommendations which serve as the basis for the goals, objectives and recommendations of the community plan.

- The Citywide zoning and subdivision ordinances which regulate the development and subdivision of land in the City.

- In addition to legislation and ordinances, the City Council had adopted a number of policies to serve as guidelines in the decision-making process. Many of the policies relate directly to planning issues and are used in implementing plan recommendations.

B. RELATIONSHIP TO THE GENERAL PLAN

This plan provides specific recommendations for actions which will implement the goals and objectives of the City of San Diego Progress Guide and General Plan. Recommendations which implement the General Plan's goals and objectives are outlined below:

RESIDENTIAL

This plan recommends the retention of all existing residentially designated areas of the community, provides compatibility guidelines for new residential development, and encourages a balanced community character, and restricts commercial encroachment into residentially designated areas. These recommendations are consistent with the General Plan objectives of conserving, preserving and rehabilitating residential areas; promoting balanced communities; and providing opportunities for new residential construction.

COMMERCIAL

This plan recommends the elimination of a small amount of commercially designated property within a residential neighborhood, requires that new commercial development occur only within designated areas, and provides specific design guidelines that require new commercial projects to be compatible with the existing neighborhood, including requirements for off-street parking, landscaping and design. These recommendations are consistent with the General Plan objectives of prohibiting the expansion of existing strip commercial development, encouraging consolidated off-street parking, and suggesting drought resistent landscaping in all new commercial developments.

INDUSTRIAL

This plan designates approximately 380 acres for industrial development within Sorrento Valley. The Industrial Element of this plan contains recommendations and guidelines which limit commercial development within industrial property, encourage light manufacturing type uses, and promote Transportation Demand Management strategies for new industrial developments. In addition, a significant portion of industrial land which is environmentally sensitive, and has been purchased and included within Torrey Pines State Park, has been designated Open Space in this plan. These recommendations are consistent with the General Plan recommendations to limit commercial uses in manufacturing zones; remove inappropriately designated industrial land from the Citywide industrial inventory; and conditionally reduce parking requirements for industrial establishments which provide transportation for their employees.

TRANSPORTATION

The community plan provides for vehicular circulation improvements and some street widening along with the inclusion of bikeways and improved pedestrian amenities. The plan also provides recommendations for mass transit, provides recommendations for bicycle racks and locker facilities in industrial areas, and recommends that logical and convenient pedestrian paths and bikeways be linked to light rail transit stations. The community plan recommendations are consistent with the General Plan recommendations to place equal emphasis on the aesthetic, functional and noise design considerations of streets, the maintenance and increased efficiency of the existing street system, the development of an improved mass transit system, the maintenance of bicycle facilities at connection points with other transportation modes, and the provision of adequately sized pedestrian paths and bikeways.

PUBLIC FACILITIES, SERVICES AND SAFETY

This community plan meets the General Plan standards for fire, school, police, library, water and sewer service. This plan also recommends the joint use, for recreational purposes, of Del Mar Hill and Del Mar Heights Elementary Schools. This recommendation is consistent with the General Plan which encourages joint use of school sites.

OPEN SPACE

This plan designates over 1,000 acres for open space purposes. Most of this open space land contains sensitive environmental resources which are found within already established open space systems such as Los Peñasquitos Lagoon, Torrey Pines State Park Reserve Extension, Crest Canyon, and San Dieguito Lagoon and River Valley. This plan is consistent with the General Plan's goals, guidelines and standards for open space including: establish an open space system which provides for the preservation of natural resources.

RECREATION

Although over 1,000 acres within the community have been designated for open space, no public park space for active recreational type activities exist within the community. Based on the General Plan guidelines for park and recreational facility service areas this community's needs are met by facilities located in surrounding areas, and through the use of schools within the community planning area. This plan also recommends implementation of bikeways and pedestrian pathways that provide connections between open space and other areas within the community.

CONSERVATION OF RESOURCES AND CULTURAL RESOURCE MANAGEMENT

This plan contains a Resource Management Element which identifies all biologically and culturally sensitive resources within the planning area, and provides guidelines on how these resources should be protected and preserved. The community plan meets the General Plan recommendations to establish an open space and sensitive land element for each community plan with specific criteria on which to identify open space and sensitive land areas; identify and map all hillsides, canyons, water resources, bluffs, beaches, farm land, parks open space areas, natural resources and special urban areas; Minimize grading, control soil runoff, sedimentation, and erosion; and ensure that excavation of archaeological resources be done by qualified professionals who fully analyze and document all materials.

C. PLAN UPDATE AND AMENDMENT PROCESS

While the Torrey Pines Community Plan sets forth many proposals for implementation, it does not establish new regulations or legislation, nor does it rezone property. Some rezonings are recommended to carry out the proposals of the plan and public hearings for these will be held in conjunction with hearings for this plan. Should the land use recommendations in the plan necessitate future rezonings, subsequent public hearings would be held as necessary so that future development is consistent with plan proposals.

This plan is not a static document. While it is intended to provide long-range guidance for the orderly growth of the community, in order to respond to unanticipated changes in environmental, social, or economic conditions, the plan must be continually monitored and updated as necessary to remain relevant to community and City needs.

Once the plan is adopted, two additional steps will follow: implementation and review. Implementation refers to the process of putting plan policies and recommendations into effect. Review is the process of monitoring the community and recommending changes to the plan as conditions in the community change. Guidelines for implementation are provided in the plan, but the process must be based on a cooperative effort of private citizens, city officials and other agencies. The Torrey Pines Planning Group, as well as other private citizen organizations, will provide the continuity needed for an effective implementation program.

D. NAS MIRAMAR

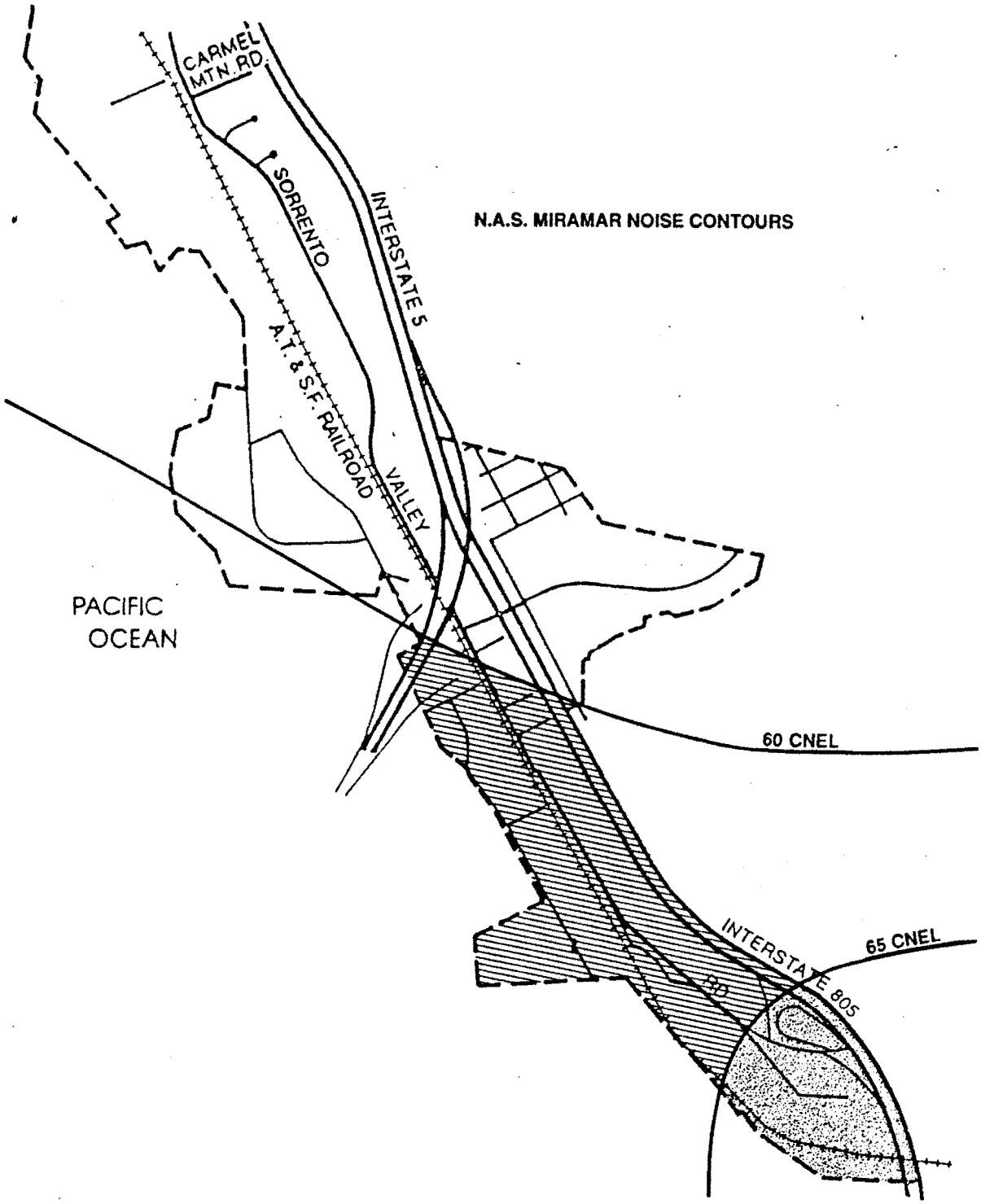
The Naval Air Station (NAS) at Miramar, although located a couple of miles southeast of the Torrey Pines Community Planning Area, represents some influence on land use within the southern portion of Sorrento Valley.

NAS Miramar accommodates approximately 225,000 flight operations per year. Air operations include departures to the west via the Seawolf corridor, departures to the north via the Julian departure corridor, arrivals from the east, Fleet Carrier landing Practice conducted over a southern loop, and touch-and-go exercises conducted over a northern loop.

The San Diego Association of Governments (SANDAG), in its authority as the region's Airport Land Use Commission has adopted a Comprehensive Land Use Plan (CLUP) for NAS Miramar to protect the airport from incompatible land uses and provide the city with development criteria that will allow for the orderly growth of the area surrounding the airport.

The CLUP identifies the areas that are affected by noise resulting from air operations and the types of land uses that are compatible within these areas. The CLUP also identifies the areas that are most susceptible to an accident and should, therefore, be protected from high intensity development. The types and intensities of land uses that are compatible in these areas are also provided.

The following pages indicate where the accident potential zones and noise contours affect the Sorrento Valley area, and how these restrict planning and development in the area.



NAS Miramar Noise Contours

FIGURE 17

Airport Noise/Land Use Compatibility Matrix

LAND USE	ANNUAL DAY/NIGHT AVERAGE SOUND LEVEL IN DECIBELS 55	60	65	70	75
1. OUTDOOR AMPHITHEATERS					
2. NATURE PRESERVES, WILDLIFE PRESERVES, LIVESTOCK FARMING, NEIGHBORHOOD PARKS AND PLAYGROUNDS					
3. SCHOOLS, PRESCHOOLS, LIBRARIES		45			
4. RESIDENTIAL- SINGLE FAMILY,MULTIPLE FAMILY MOBILE HOMES, RESIDENTIAL HOTELS, RETIREMENT HOMES, INTERMEDIATE CARE FACILITIES, HOSPITALS, NURSING HOMES		45			
5. HOTELS AND MOTELS, OTHER TRANSIENT LODGING, AUDITORIUMS, CONCERT HALLS, INDOOR ARENAS, CHURCHES		45	45		
6. OFFICE BUILDINGS-BUSINESS, EDUCATIONAL, PROFESSIONAL AND PERSONAL SERVICES; R&D OFFICES AND LABORATORIES			50		
7. RIDING STABLES, WATER RECREATION FACILITIES, REGIONAL PARKS AND ATHLETIC FIELDS, CEMETERIES, OUTDOOR SPECTATOR SPORTS, GOLF COURSES					
8. COMMERCIAL-RETAIL; SHOPPING CENTERS, RESTAURANTS, MOVIE THEATERS			50	50	
9. COMMERCIAL-WHOLESALE; INDUSTRIAL;MANUFACTURING					
10. AGRICULTURE (EXCEPT RESIDENCES AND LIVESTOCK), EXTRACTIVE INDUSTRY, FISHING, UTILITIES, AND PUBLIC R-O-W					

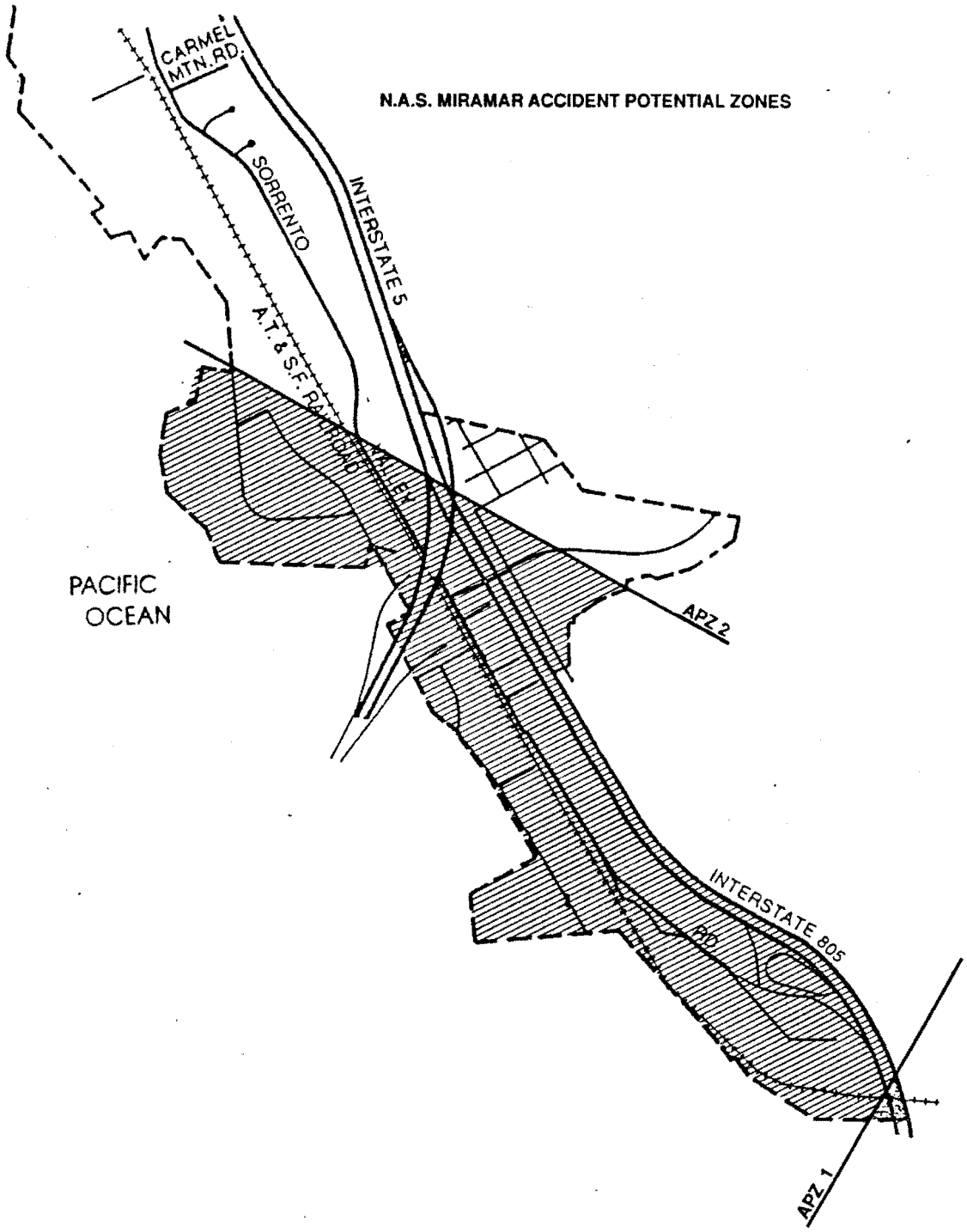
COMPATIBLE
THE OUTDOOR DAY/NIGHT AVERAGE SOUND LEVEL IS SUFFICIENTLY ATTENUATED BY CONVENTIONAL CONSTRUCTION THAT THE INDOOR NOISE LEVEL IS ACCEPTABLE, AND BOTH INDOOR AND OUTDOOR ACTIVITIES ASSOCIATED WITH THE LAND USE MAY BE CARRIED OUT WITH ESSENTIALLY NO INTERFERENCE FROM AIRCRAFT NOISE.

45

CONDITIONALLY COMPATIBLE
THE OUTDOOR DAY/NIGHT AVERAGE SOUND LEVEL WILL BE ATTENUATED TO THE INDOOR LEVEL SHOWN, AND THE OUTDOOR NOISE LEVEL IS ACCEPTABLE FOR ASSOCIATED OUTDOOR ACTIVITIES.

INCOMPATIBLE
THE DAY/NIGHT AVERAGE SOUND LEVEL IS SEVERE. ALTHOUGH EXTENSIVE MITIGATION TECHNIQUES COULD MAKE THE INDOOR ENVIRONMENT ACCEPTABLE FOR PERFORMANCE OF ACTIVITIES THE OUTDOOR ENVIRONMENT WOULD BE INTOLERABLE FOR OUTDOOR ACTIVITIES ASSOCIATED WITH THE LAND USE.

NOTE: This matrix should be used with reference to the Implementation Directives shown on the following page.



NAS Miramar Accident Potential Zones

FIGURE 18

TORREY PINES Community Plan

Land Use Compatibility in Accident Potential Zones

LAND USE	APZ 1	APZ 2
RESIDENTIAL[a] APARTMENTS, AND TRANSIENT LODGING		
ASSEMBLY AREA Schools, Churches, Libraries, Auditoriums, Sports Arenas, etc., Preschools, Nurseries, and Restaurants		
Hospitals, Sanitariums, and Nursing Homes		
OFFICE, RETAIL STORES[c]	50	
WHOLESALE STORES, MANUFACTURING[b, c]	50	
OUTDOOR USES: Playgrounds, Neighborhood Parks, Golf Courses, Riding Stables, Public Right-of-Way	50	

COMPATIBLE

50 or fewer Persons/Acre

CONDITIONALLY COMPATIBLE

INCOMPATIBLE

a Residential land uses include single-family, duplex, mobil homes, multi-family, and retirement homes.

b Prohibit the above ground storage of flammable, hazardous and toxic materials for those land uses within the accident potential zones; and storage of the material should be in accordance with the most stringent federal, state, and local ordinances and regulations.

c It is suggested that lot coverage in APZ 1 should be less than 25%; and less than 40% in APZ 2.

E. LOCAL COASTAL PROGRAM POLICIES

HILLSIDES

Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over that have not been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments, may be developed provided the applicant can demonstrate all of the following:

1. To protect the scenic and visual qualities of the site as seen from public vantage points, recreational areas, and roads or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms of the surrounding area.

2. The proposed development restores and enhances any previously manufactured slopes on the site to make them compatible with surrounding natural landforms and native vegetation.

3. The proposed development, including any fill or grading, does not create any significant new soil erosion, silting of lower slopes, slide damage or other geologic instability, flooding, or permanent scarring.

4. The proposed development contains a native vegetation restoration and enhancement program for those portions of the site in 25 percent or greater slopes that will provide as follows:

   a. For every area or quantity of native vegetation located on slopes of 25 percent grade and over, in excess of the encroachment allowance provided in Table 1 below, that is disturbed by the development, an area equal to 120 percent of the disturbed area shall be restored in native vegetation. The restoration and enhancement program shall be performed prior to or concurrently with the development and may be incorporated into the design and implementation of the overall landscaping program for the site.

   b. The native vegetation restoration and enhancement program required by subsection (a) shall be located on the site of the permitted development. However, if the size, topography or biological characteristics of the site are determined by the Planning Director to be unsuitable for said restoration or enhancement program, then the native vegetation shall be provided at one or more off-site locations within the Coastal Zone, which may include publicly owned rights of way. If such locations within the Coastal Zone are infeasible, then such native vegetation restoration or enhancement program shall be provided at other suitable locations within the City of San Diego outside the Coastal Zone.

c. All native vegetation restoration and enhancement programs shall be prepared by a biologist, registered landscape architect, or other qualified professional in close consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service.

In the case of those landforms which consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:

1. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:

TABLE 1
25 Percent Slope Encroachment Allowance

Percentage of parcel in slopes of 25 percent and over	Maximum encroachment allowance as percentage of area in slopes of 25 percent and over
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

The following uses shall be exempt from the encroachment limitations set forth above:

a. Major public roads and collector streets identified in the Circulation Element of an adopted community plan or the City of San Diego Progress Guide and General Plan.

b. Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Planning Director based upon an analysis of the project site.

c. Public utility systems.

2. On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Planning Director, if necessary to maintain a minimum development right (total disturbed area) equal to 20 percent of the entire parcel.

3. All encroachment allowances, including permissible deviations, shall be subject to a determination by the Planning Director that such encroachment supports the findings of fact set forth in the City's Hillside Review Zone.

GRADING/WATER QUALITY

A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of project development shall be prepared and submitted concurrently with subdivision improvement plans or planned development applications where such development is proposed to occur on lands that will be graded, filled, or have a slope of 25 percent or greater. Such a plan shall be prepared by a registered civil engineer and shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the rate of discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the "six-hour, ten year" design storm). Runoff control shall be accomplished by establishing on-site or at suitable nearby locations catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains, or other similar means of equal or greater effectiveness.

Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation and maintained through the development process as necessary to remove sediment from runoff waters draining from the land undergoing development. Areas disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be suitably prepared to prevent soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15 by means of native vegetation, if feasible, or by other suitable means. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional. Temporary erosion control measures, shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means of equal or greater effectiveness.

From November 15 to March 31, grading may only occur:

1. In increments as determined by the City Engineer based on site-specific soil erodibility and slopes in order to minimize soil exposure;

2. The applicant has installed temporary erosion control measures that the City Engineer finds are designed to assure that there will be no increase in the peak runoff rate.

3. The applicant posts a bond which shall remain in force and effect for one year after acceptance by the City of the subdivision sufficient to cover the costs of any remedial grading and replanting of vegetation, including any grading and replanting of vegetation, including any restoration of lagoon, wetland, or other environmentally sensitive habitat areas adversely affected by the failure of the erosion control measures.

4. The applicant agrees to provide daily documentation to the City Engineer of the condition of the erosion control procedures for any 24-hour period in which precipitation exceeds 0.25 inches.

Grading for properties within the Coastal Zone which drain into Los Peñasquitos Lagoon or San Dieguito Lagoon require compliance with erosion control measures specified in the document "Erosion Control Measures for North City Areas Draining to Los Peñasquitos or San Dieguito Lagoons," on file in the Office of the City Clerk as Document No. 00-17068.

WETLANDS

Buffer zones sufficient to protect wetlands shall generally be 100 feet in width, unless the applicant demonstrates that a smaller buffer will protect the resources of the wetland based on site-specific information including but not limited to the type and size of the development and/or proposed mitigation which will also achieve the purposes of the buffer. Developments permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and similar improvements necessary to protect the wetland. Developments shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its fish and wildlife values, or otherwise impair the functional capacity of the wetland.

VISUAL RESOURCES

The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines Community Planning Area possesses many highly scenic open space areas and dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This community plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:

1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.

2. Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.

3. Power distribution lines and utilities along Sorrento Valley Road and within Los Peñasquitos Lagoon are recommended to be relocated underground.

4. Future development adjacent to the Torrey Pines Reserve Extension area shall provide for adequate buffer areas. Development proposals shall provide adequate setbacks to avoid significant erosion, visual or sediment impacts from construction. Setbacks also shall be provided to prevent the necessity of fire breaks being constructed on reserve property.

5. Landscaping of properties adjacent to open space areas shall not use invasive plant species. Landscaping adjacent to these areas should use plant species naturally occurring in that area.

6. New residential development is recommended to be compatible with the existing neighborhood, and designed to blend into adjacent natural open space areas.

7. New commercial development within predominantly residential neighborhoods shall be designed to minimize or eliminate traffic, noise, parking and visual impacts to residents. Bulk and scale of new commercial development shall be low-scale and of similar height to buildings and homes in the existing area.

8. Continue to maintain the existing, and where feasible provide additional landscaped islands within Sorrento Valley Road and Sorrento Valley Boulevard. A landscaped center median should be provided along Del Mar Heights Road.

9. Those disturbed areas of the Carroll Canyon Creek Corridor shall be revegetated and planted with a combination of native trees, primarily riparian woodlands species and native shrubs. The revegetation plan shall include a monitoring program to determine the success of the program and identify maintenance needs.

10. Mechanical equipment, outdoor storage and appurtenances shall be screened from view and designed as integral parts of the overall building design. Fences, walls, grillwork, etc. should be of similar material and color as the main building.

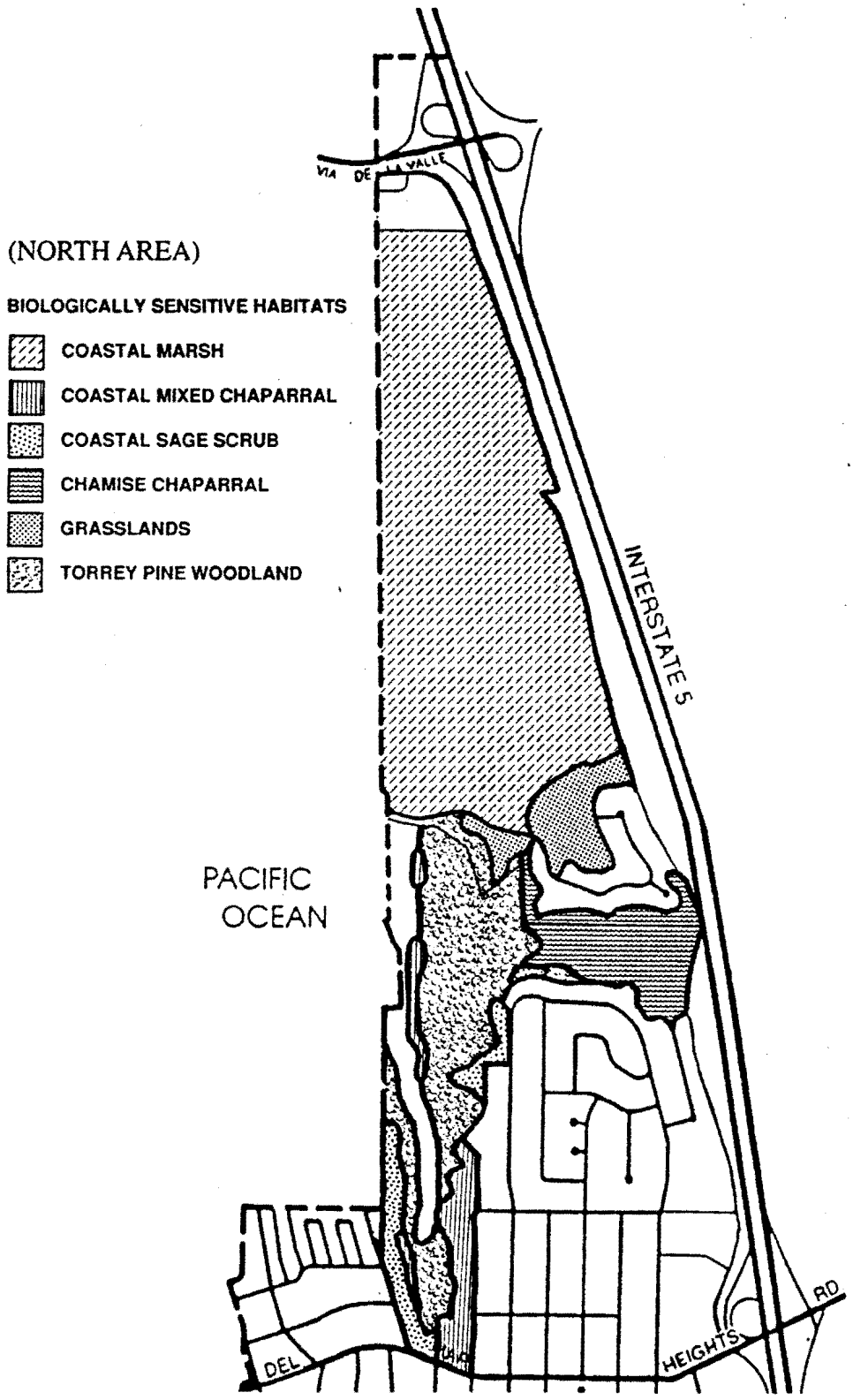
11. The plan recommends the preservation of Torrey Pines trees, and encourages the planting of Torrey Pines trees in roadways and other landscaped areas.

LOS PEÑASQUITOS WATERSHED RESTORATION AND ENHANCEMENT FEE

Applicants for coastal development permits for projects located in the watershed of Los Peñasquitos Lagoon shall enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund for restoration of the Los Peñasquitos Lagoon and watershed. The Los Peñasquitos watershed restoration and enhancement fee shall be computed on the basis of the site surface affected by grading for urban development, agricultural,

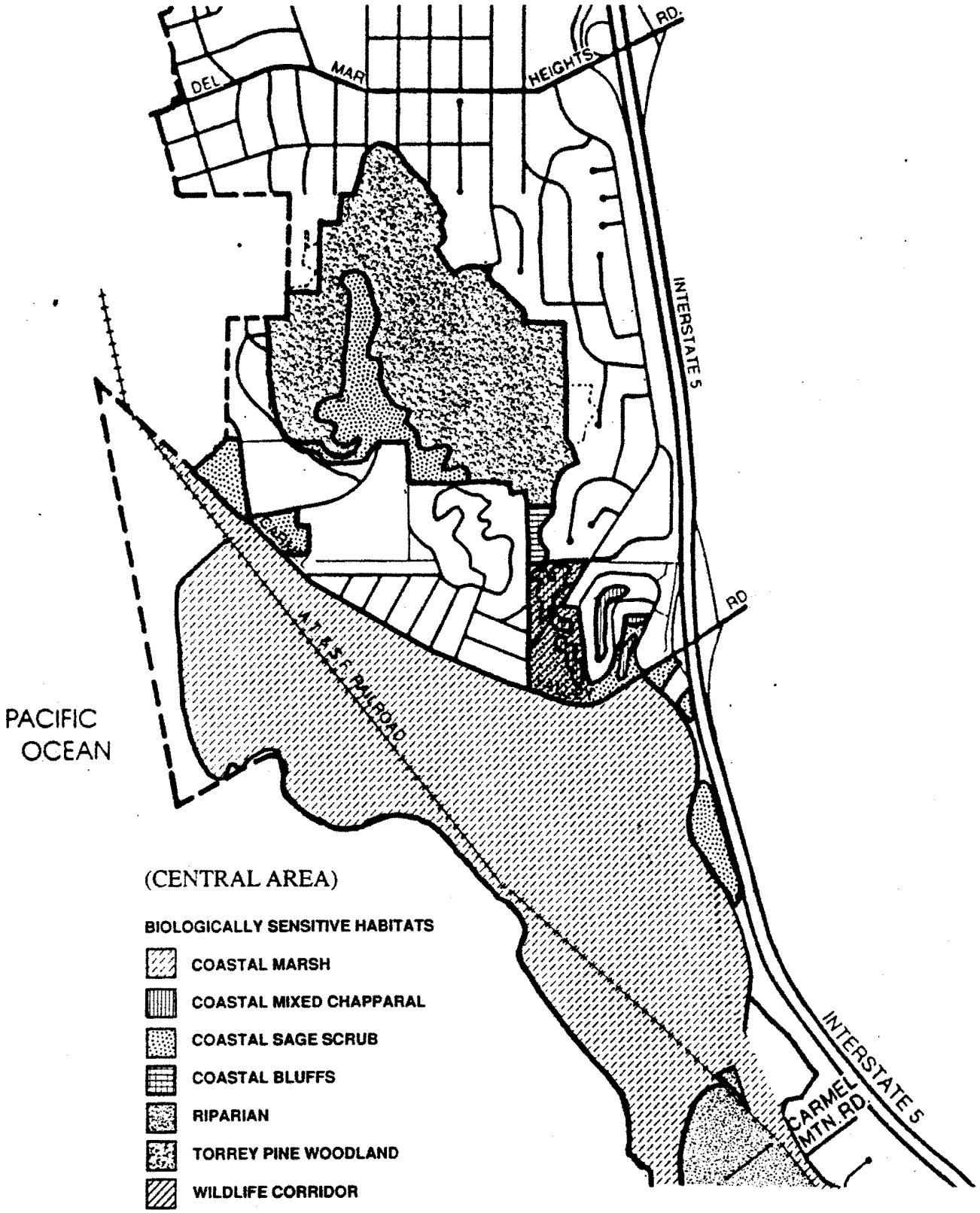
transportation, and other public service facility service facility improvements, but not including for habitat restoration or enhancement, at a rate of $0.005/square foot and at an additional rate for impervious surface(s) created by the development at a rate of $0.03/square foot. The applicant shall provide evidence satisfactory to the City that such payment has been made prior to issuance of the Coastal Development Permit. Mitigation measures for development or fill within the lagoon shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity, or opening equivalent areas to tidal action.

RESOURCE MANAGEMENT MAPS



Biologically Sensitive Habitats (North)

FIGURE 19



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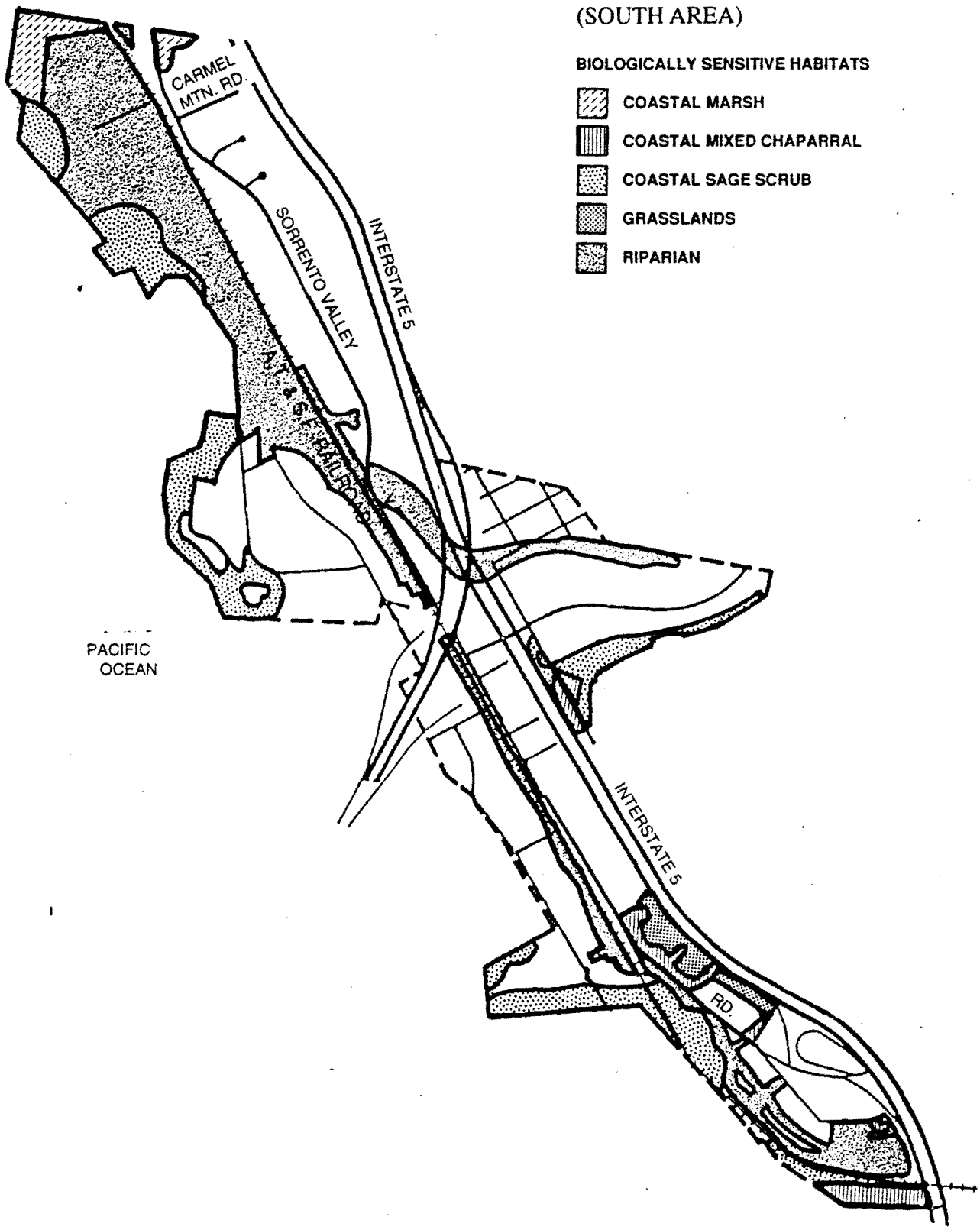
Biologically Sensitive Habitats (Central)

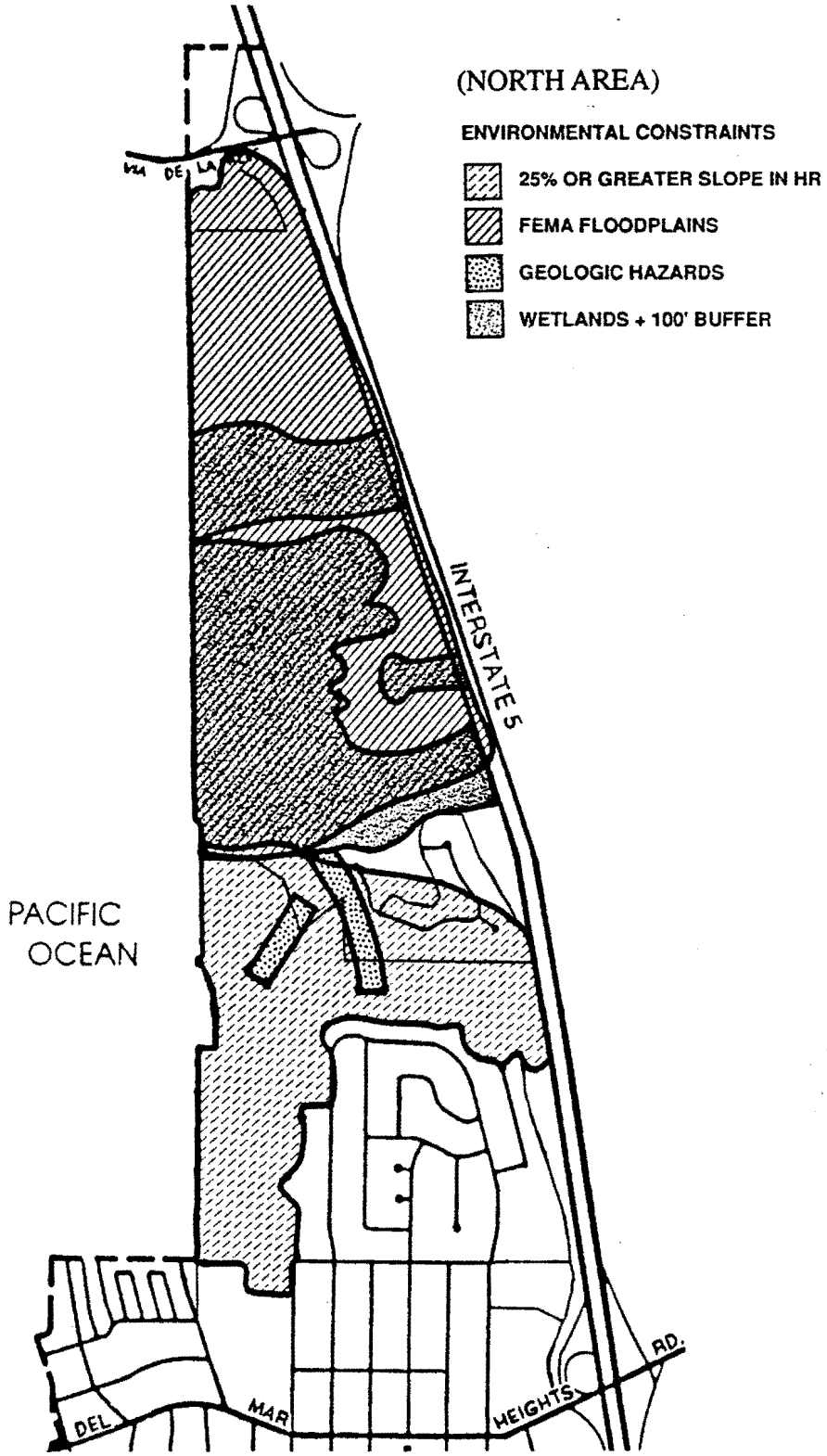
FIGURE 20



Biologically Sensitive Habitats (South)

FIGURE 21

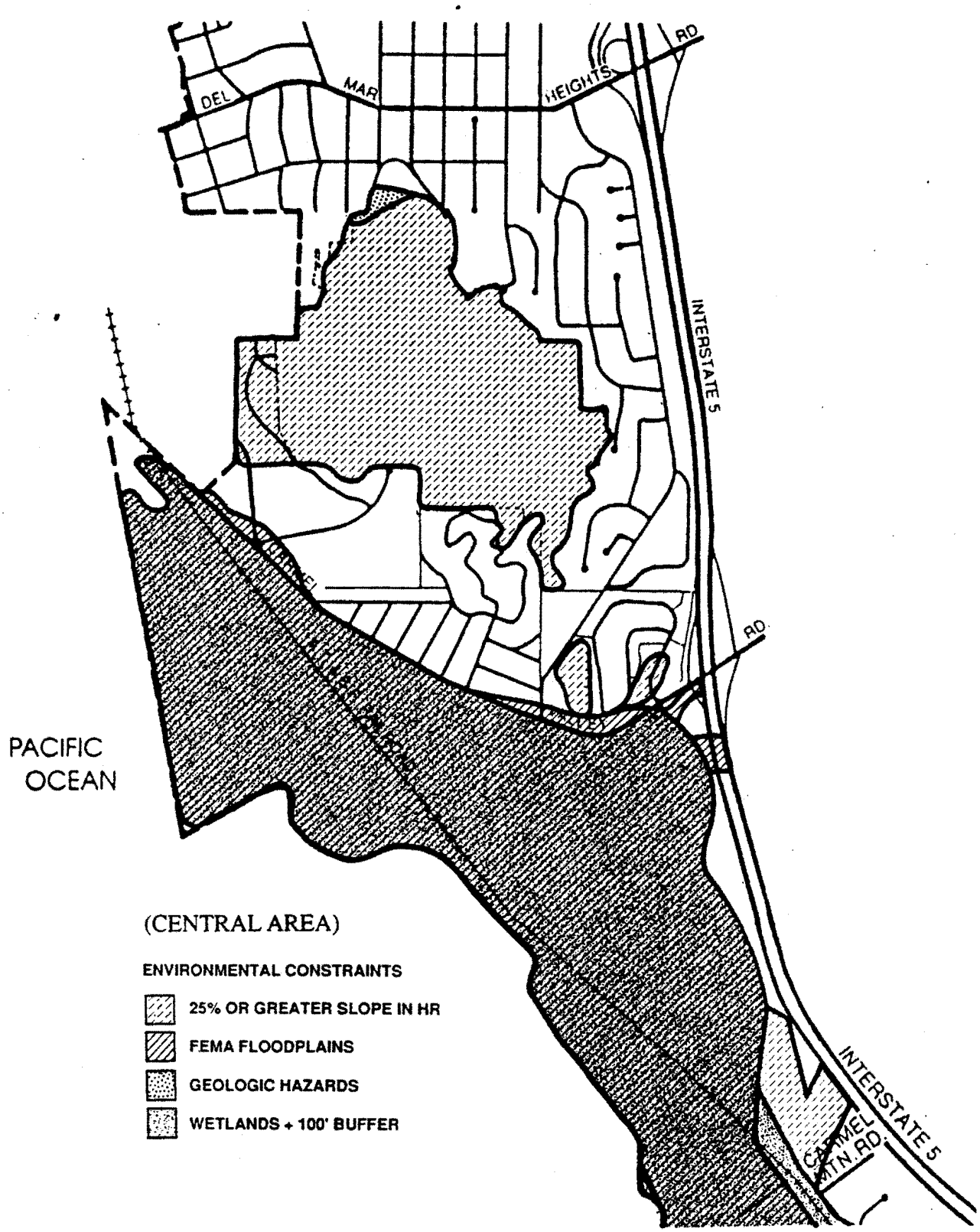
TORREY PINES Community Plan



Environmental Constraints (North)

FIGURE 22

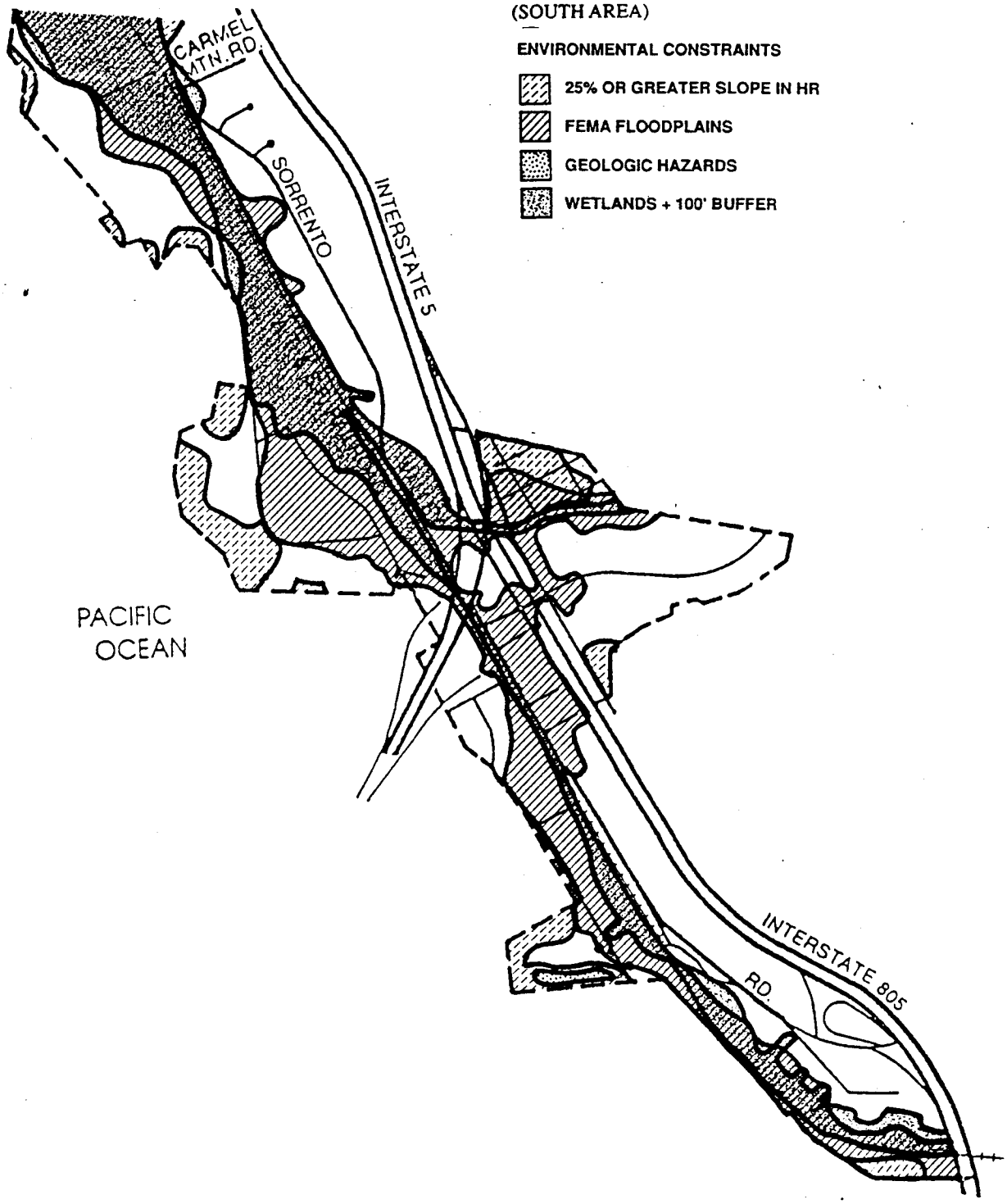
TORREY PINES Community Plan



N

Environmental Constraints (Central)

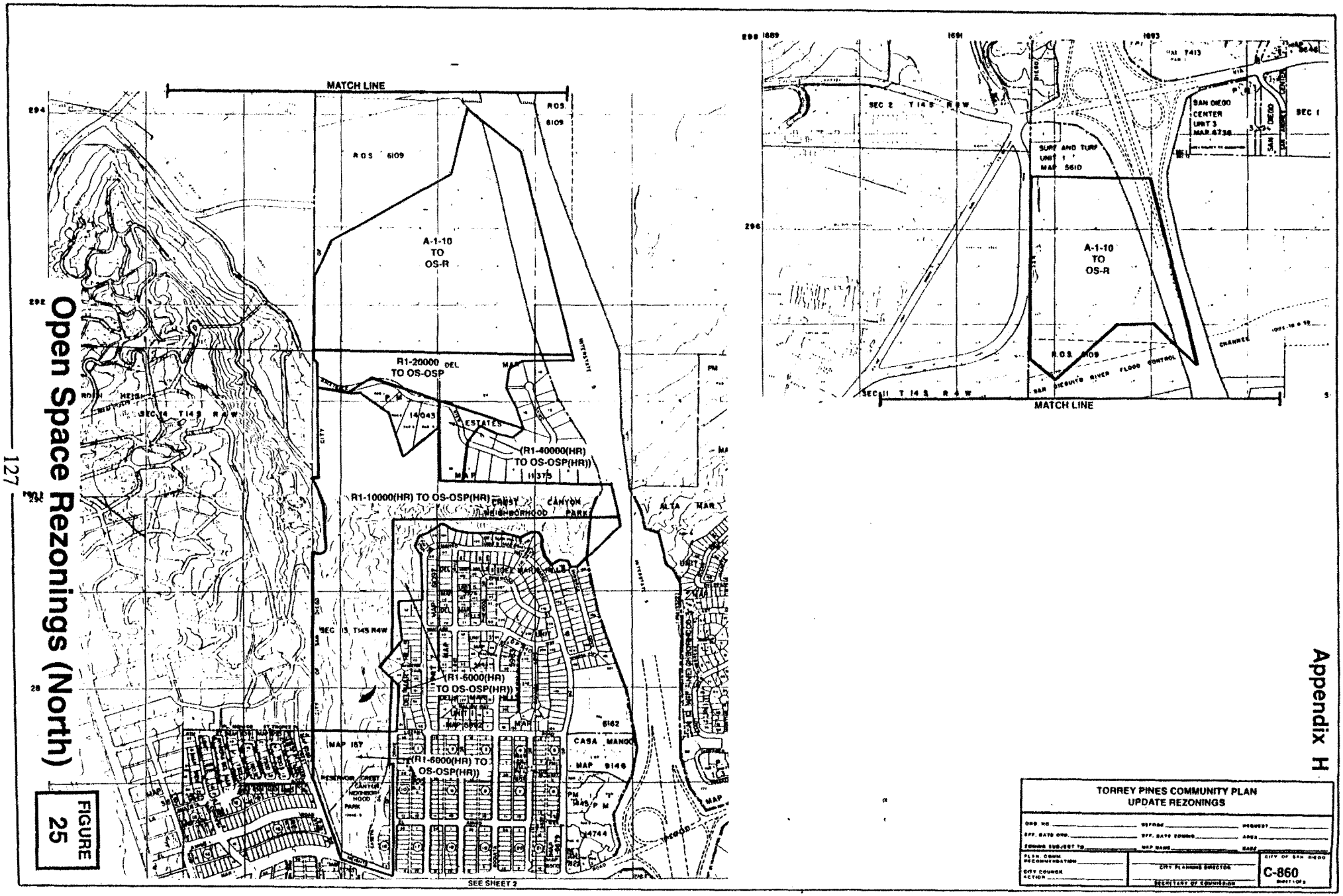
FIGURE 23



N

Environmental Constraints (South)

FIGURE 24



Open Space Rezonings (North)

FIGURE 25

Appendix H

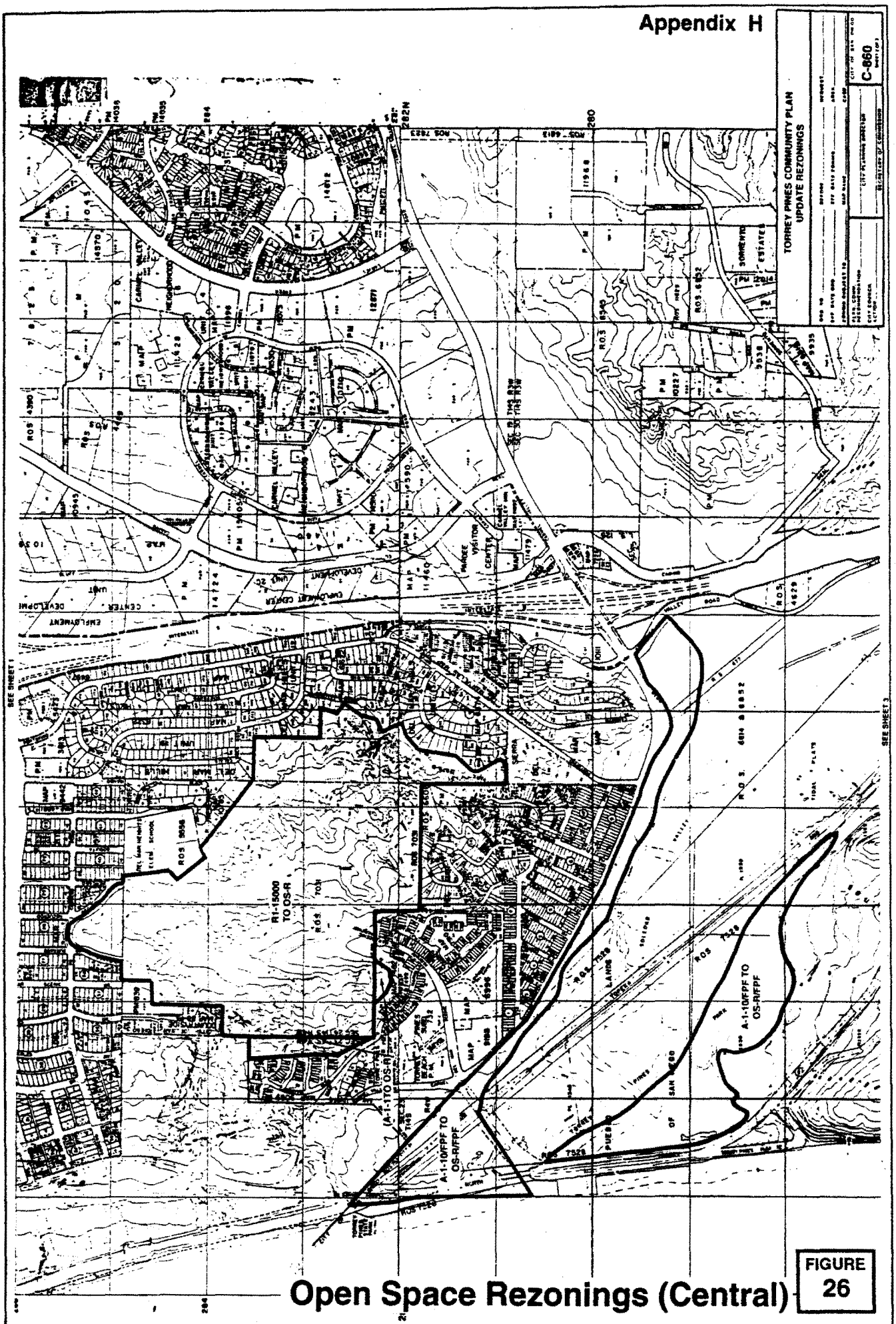
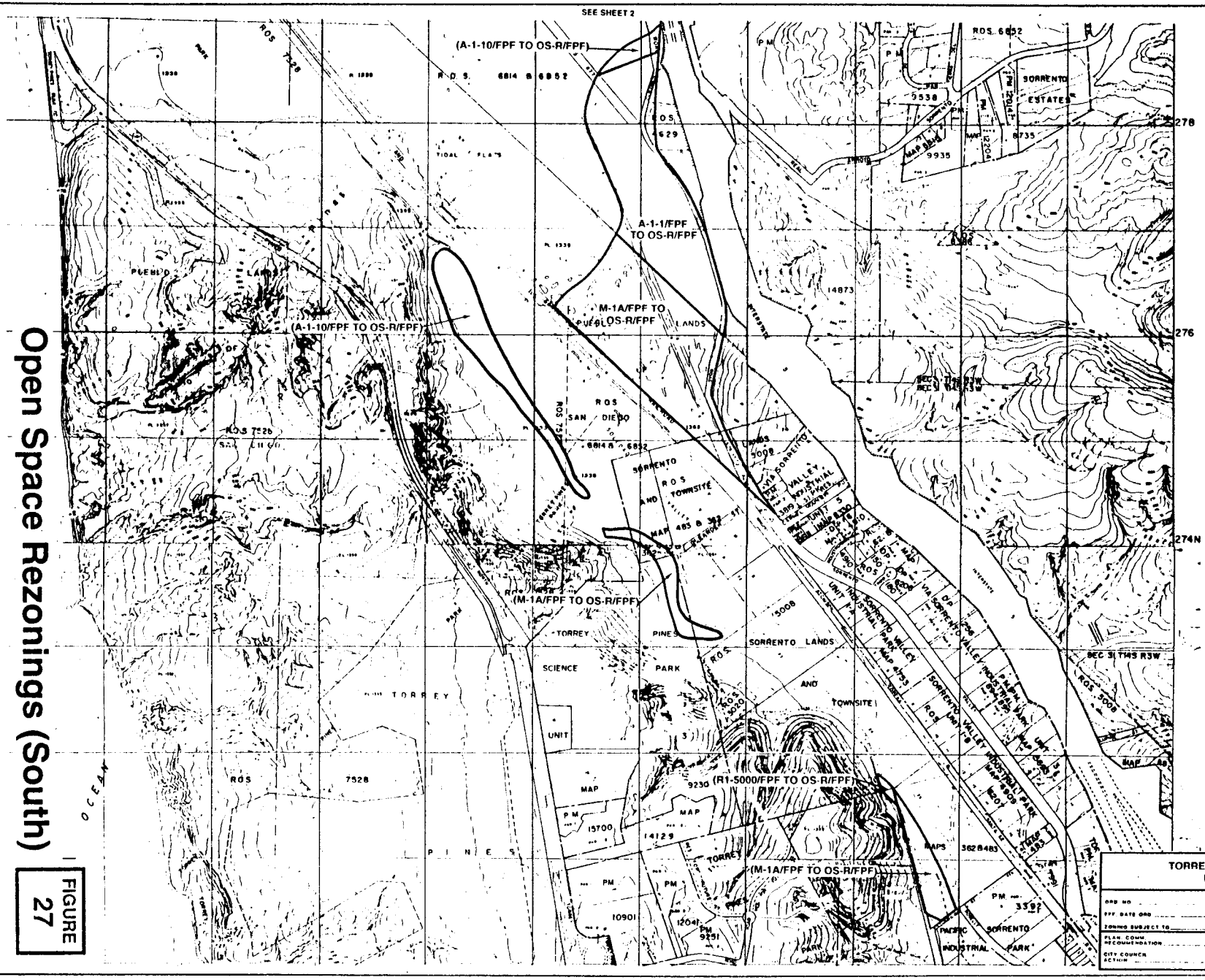


FIGURE 26

Open Space Rezonings (Central)



TORREY PINES COMMUNITY PLAN
UPDATE REZONINGS

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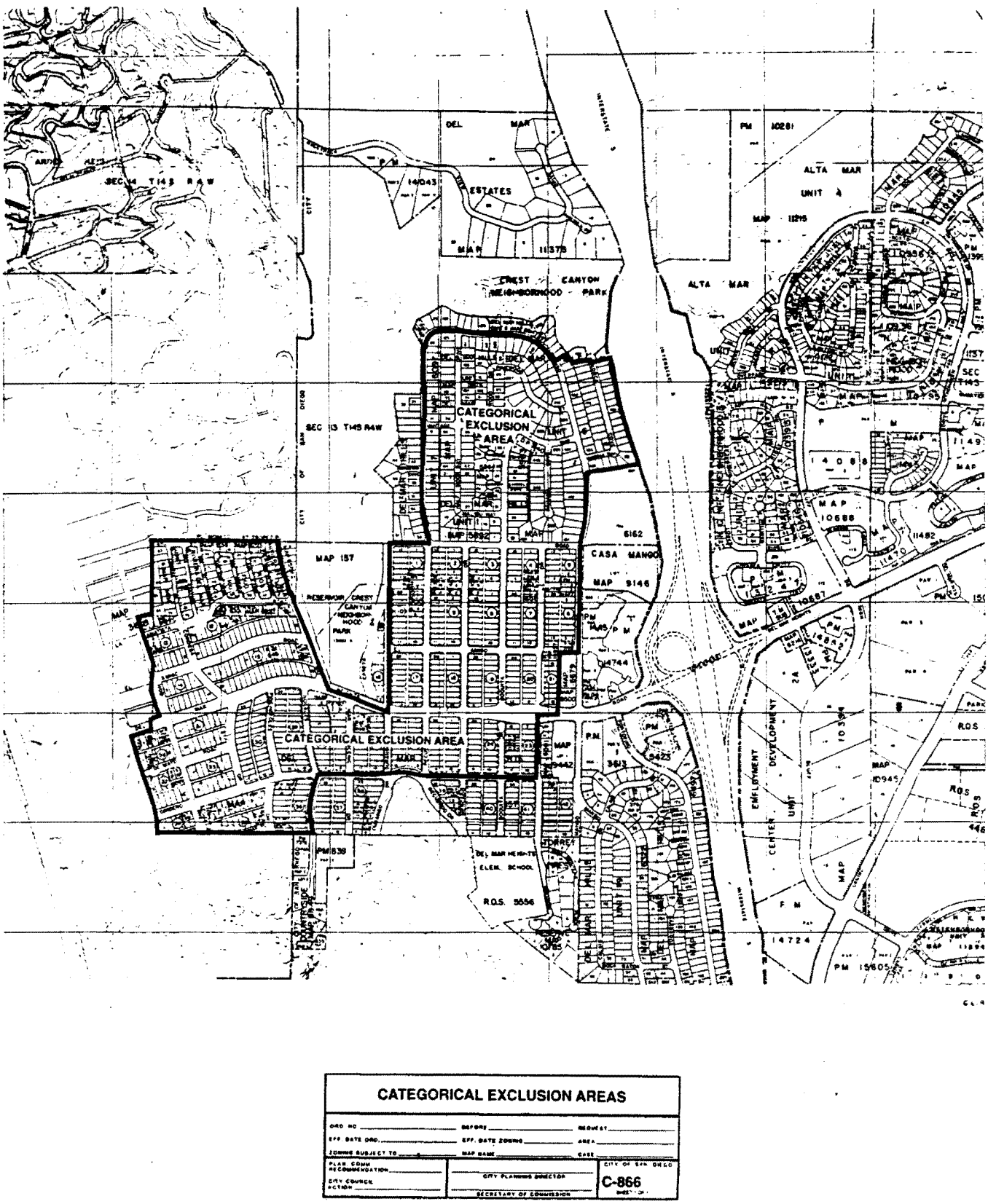
Open Space Rezonings (South)

FIGURE 27



Categorical Exclusion Areas

FIGURE 28

TORREY PINES Community Plan