

## CALIFORNIA COASTAL COMMISSION

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April 17, 1996

## RECORD PACKET COPY

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: REVISED FINDINGS ON MAJOR AMENDMENT 2-95A (TORREY PINES  
COMMUNITY PLAN) TO THE CITY OF SAN DIEGO LOCAL COASTAL PROGRAM  
(Commission consideration at hearing of May 7-10, 1996)

SYNOPSISSUMMARY OF COMMISSION ACTION

At the Commission meeting of February 8, 1996, the Commission reviewed major amendment 2-95A to the City of San Diego certified LCP updating the Torrey Pines Community Plan and rezoning 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. In its action, the Commission rejected as submitted, then approved with suggested modifications, both the Torrey Pines Community Plan and associated rezonings. The Commission revised the staff's recommendation by changing Suggested Modification #8 regarding the addition of a lane on North Torrey Pines Road, to indicate that improvements north of the City of San Diego's boundaries can only occur with the approval of the City of Del Mar, and to include a design alternative which would redirect the added lane as a right turn only lane onto Carmel Valley Road. The Commission also revised Suggested Modifications #15 and #16 to delete the plan policies on Density Bonuses and the Senior Housing CUP program in order to allow Commission and City staff the opportunity to pursue a resolution to the issue of harmonizing the Coastal Act with the state density bonus statute on a city-wide basis.

COMMISSION VOTES

1. Torrey Pines Community Plan, approve as submitted:

Commissioners Voting "Yes": none

Commissioners Voting "No": Cava, Calcagno, Doo, Flemming, Carpenter,  
Karas, Pavley, Wright, Wan and Chairman  
Williams

2. Torrey Pines Community Plan, approve with suggested modifications:

Commissioners Voting "Yes": Cava, Calcagno, Doo, Flemming, Carpenter,  
Karas, Pavley, Wright, Wan and Chairman  
Williams

Commissioners Voting "No": none

3. Implementation Plan, reject as submitted:

Commissioners Voting "Yes": Cava, Calcagno, Doo, Flemming, Carpenter,  
Karas, Pavley, Wright, Wan and Chairman  
Williams

Commissioners Voting "No": none

4. Implementation Plan, approve as modified:

Commissioners Voting "Yes": Cava, Calcagno, Doo, Flemming, Carpenter,  
Karas, Pavley, Wright, Wan and Chairman  
Williams

Commissioners Voting "No": none

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.

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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

The Commission adopted the following resolutions and findings following the public hearing.

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

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 Torrey Pines Community Plan, if modified)

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)

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)

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

The following are the suggested policy revisions for the Torrey Pines Community Plan and Implementation Plan requests. New language to be added is underlined and deletions are ~~crossed out~~.

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 Carmel Valley Road the boundary of the City's jurisdiction. 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. 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 piling.~~

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 piling 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 Peñasquitos 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 Peñasquitos 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 Peñasquitos 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 Peñasquitos 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 this same 4-acre parcel in the Commercial Recreation designation.

15. On page 68 under RESIDENTIAL ELEMENT, the Density Bonus Program Policy shall be deleted:

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.

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

*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.*

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 parcels 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 Rezoning (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 preceding 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 incidental 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 incidental 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 manmade 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 preceding 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.

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.

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.

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. 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.

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 Counsel, 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 than 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 and ensure the protection of existing commercial recreation facilities. 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 found consistent with the Coastal Act. Some of 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 incidental 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-damaging 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 Peñasquitos 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 that intersection. It is inappropriate for the City of San Diego to include areas outside its jurisdiction in its land use plan; therefore, language has been removed from the plan referring to the extension of the northbound lane of North Torrey Pines Road through the intersection with Carmel Valley Road (which would be within the City of Del Mar), 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. The Commission determined that it is appropriate to include the City's proposed alternative of extending North Torrey Pines Road as a right turn only lane onto Carmel Valley Road, although a portion of this project would be located within the City of Del Mar, because the plan language explicitly notes the City of Del Mar's approval is required for development in 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. Proposed improvements located within the City of Del Mar would be reviewed for consistency with the Chapter 3 policies of the Coastal Act.

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



to 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 earthen 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

As proposed in the Community Plan, the density bonus provisions of the Plan do not conform with policies of Chapter 3 of the Coastal Act. At the Commission hearing, the Commissioners found that the lack of harmony between the requirements of the density bonus statute and the Coastal Act found in the Community Plan was an issue which affects all segments of the City of San Diego's LCP, and as such, should be dealt with on a City-wide basis. In order to ensure a comprehensive approach to harmonizing the statutes, the Commission directed Commission staff to work with City staff on developing language consistent with the Coastal Act regarding density bonuses which could be applied through the City of San Diego in the coastal zone. Therefore, the Commission found that the sections of the proposed Community Plan addressing density bonuses and senior housing should be removed to allow for future resolution of the issue in a comprehensive manner. Representatives of the City agreed to this approach and have committed to working with Commission staff. Therefore, the Commission finds the Locating and Planning New Development policy group, subject to the suggested modifications, is consistent with the applicable sections 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 uses 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 maintain 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 designate 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.

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