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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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January 10, 1997

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHUCK DAMM, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION AND PROPOSED FINDINGS FOR CITY OF
SAN DIEGO CATEGORICAL EXCLUSION E-95-1 for the Torrey Pines
Community (For Public Hearing and Commission Action at the
Commission Meeting of February 4-7, 1997)

SYNOPSIS

A. Staff Recommendation

Staff recommends that the Commission certify the attached Negative Declaration and adopt Order of Categorical Exclusion No. E-95-1 as conditioned, along with the findings and declarations in support of the Order. The exclusion would apply to development that has no potential for any significant adverse impacts, individually or cumulatively, on coastal resources or public access.

B. Background

Public Resources Code, Section 30610(e) authorizes the Commission to exclude from the permit requirements of the Coastal Act, any category of development within a specifically defined geographic area that has no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast. The exclusion must not impair the ability of the local government to prepare a local coastal program. The Commission can adopt a categorical exclusion only after public hearing and by a two-thirds vote of the appointed members.

The City of San Diego, in 1977, 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. One resulting segment, North City, is actually comprised of a number of subareas (individual communities) including the Torrey Pines Community. Over the years, the City gradually obtained Commission certification of each of its LUP segments, including North City. 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, including the Torrey Pines Community within the North City LCP segment.

Since effective certification of the City's LCP, the Commission has certified a number of major and minor amendments. These have included everything from land use revisions in several segments, the rezoning of single properties to modifications of city-wide ordinances. In June, 1996, the Torrey Pines Community Plan update was effectively certified by the Commission; this plan included policies identifying categorical exclusion as an appropriate means to streamline the discretionary permit process for portions of the community.

C. Brief Description of the Proposed Categorical Exclusion Order

The City has requested that the Commission use its authority under Section 30610(e) to exclude from permit requirements all single family residential development, and demolition of structures (which could include existing homes, as well as existing accessory structures), on land zoned R1-6000 within the area shown on Map No. C-866, on file in the Planning Department and also on file in the office of the City Clerk as Document No. 00-18153. The location of the proposed exclusion order is that part of the Torrey Pines Community known as Del Mar Heights, and is described in specific detail later in this report. This exclusion would only apply to development located within the City of San Diego's non-appealable, post-certification jurisdiction on properties not located within the Sensitive Coastal Resource Overlay Zone, and to development which complies with all the beach impact regulations of the zone. The exclusion would not allow different uses or intensities of use than what is currently approved in the certified Torrey Pines Community Plan. Although the exclusion would eliminate the requirement for a coastal development permit, the construction of single-family homes would still require building permits, as well as any other local discretionary permits that might apply, and most demolitions would require a demolition permit.

D. CEQA Requirements and Public Comments

Pursuant to the requirements of the California Environmental Quality Act, Commission staff circulated a draft Negative Declaration for the proposed categorical exclusion order which is attached to this staff report. Two comments were received from the general public and no comments were received from other State agencies; the comment period is now closed. Responses to the two public comments are included in an attachment to this report.

Additional Information

Further information regarding the proposed exclusion order or the staff recommendation may be obtained from Ellen Lirley at the San Diego Area Office of the Coastal Commission, 3111 Camino Del Rio North, Suite 200, San Diego, California 92108, (619)521-8036.

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Attachments

Complete Text of City's Request
Negative Declaration/Initial Environmental Study
Map of Proposed Exclusion Area
Public Comments and Responses

I. CITY OF SAN DIEGO PROPOSED CATEGORICAL EXCLUSION ORDER

The City of San Diego has requested that the Coastal Commission exercise its authority under Section 30610(e) of the Coastal Act to identify certain categories of development within certain geographic areas as having no significant adverse effects. If the Coastal Commission exercises that authority, the identified development will be excluded from coastal development permit requirements.

A. The City proposes that the Commission categorically exclude the following developments:

1. Demolition of structures.
2. Construction of single-family residences.

B. In the following area, as shown on Map C-866 (attached), and generally described as follows:

The outer boundary of the area proposed for a categorical exclusion generally follows existing City streets (looping along Mango Drive, Recuerdo Drive, Lozana Road, Durango Drive, Del Mar Heights Road, Crest Way, Nob Avenue, Camino del Mar, Nogales Drive, Cordero Road, Mira Montana Drive, Del Mar Heights Road again, and El Amigo Road, back to Mango Drive). Within this overall loop, there are a few areas where the proposed categorical exclusion boundary follows property lines, the I-5 right-of-way and portions of the border between the Cities of San Diego and Del Mar.

II. STAFF RECOMMENDATION AND RESOLUTION

The staff recommends that, following a public hearing, the Commission adopt the following resolution and related findings:

APPROVAL OF THE CATEGORICAL EXCLUSION WITH CONDITIONS

A. MOTION:

I move that the Commission adopt the attached Categorical Exclusion Order No. E-95-1 and certify the Negative Declaration.

Staff recommends a YES vote, and the adoption of the following resolution and findings. To adopt this resolution, two-thirds of the appointed members of the Commission must vote YES on the resolution.

B. RESOLUTION:

The Commission hereby adopts Categorical Exclusion Order No. E-95-1, which excludes from permit requirements certain categories of development within specified areas of the Torrey Pines Community subject to nine Special

Conditions, and adopts the findings set forth below, on the grounds that as conditioned, the categories of development identified in the Order do not have the potential for any significant adverse effects, either individually or cumulatively, on coastal resources or on public access to, or along, the coast. The Commission also certifies the Negative Declaration on the grounds that the Order will not cause a significant adverse effect on the environment within the meaning of CEQA. The Coastal Commission, as lead agency, hereby adopts this Negative Declaration, which reflects its independent judgment.

III. CATEGORICAL EXCLUSION E-95-1

A. The Commission categorically excludes the following developments:

1. Demolition of structures.
2. Construction of single-family residences.

B. In the following area, as shown on Map C-866 (attached), and generally described as follows:

The outer boundary of the area proposed for a categorical exclusion generally follows existing City streets (looping along Mango Drive, Recuerdo Drive, Lozana Road, Durango Drive, Del Mar Heights Road, Crest Way, Nob Avenue, Camino del Mar, Nogales Drive, Cordero Road, Mira Montana Drive, Del Mar Heights Road again, and El Amigo Road, back to Mango Drive). Within this overall loop, there are a few areas where the proposed categorical exclusion boundary follows property lines, the I-5 right-of-way and portions of the border between the Cities of San Diego and Del Mar.

C. Subject to the following conditions:

1. Mapping

Categorical Exclusion Order No. E-95-1 shall not be effective until the City submits to the Executive Director of the Coastal Commission and the Executive Director approves, in writing, a map depicting all of the following:

- a. The geographic areas excluded by this Order; and
- b. The zoning designations of the geographic areas excluded by this Order.

2. Determination By Executive Director

This Order shall not become effective until the Executive Director of the Coastal Commission has determined, in writing, that the local government has taken the necessary action to carry-out the exclusion order pursuant to Section 13244 of the Coastal Commission Regulations.

3. Exclusion Limited To Coastal Development Permits

This exclusion order shall apply only to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt a person from the permit requirements of any other federal, state or local government agency.

4. Exclusion Limited

This Order does not exclude any development located on tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.

5. Records

The City shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 13315 of the Coastal Commission Regulations.

6. Notice

Whenever a development is exempted from coastal development permit requirements pursuant to this Order, the City shall, within five (5) working days of said exemption, provide formal notification of such exemption on a form to the San Diego District Office, the applicant, and to any persons who, in writing, requested such notice. Unless the City provides such notification to the District Office, the development will not be exempted under this order. The form shall contain the following information:

- a. Developer's name;
- b. Street address and assessor's parcel number of subject property;
- c. Brief description of proposed development;
- d. Date of application for other local permit(s);
- e. All terms and conditions of development imposed by the local government in granting its approval.

7. Conformity With LCP

Development under this exclusion shall conform with the City of San Diego's Local Coastal Program in effect on the date that this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

8. Amendment Of LCP

In the event an amendment of the local coastal program of the City of San Diego is certified by the Coastal Commission pursuant to Section 30514 of

the Coastal Act, development under this Order shall comply with the amended local coastal program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of this exclusion.

9. Limitation

Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.

IV. RECISION AND REVOCATION

Pursuant to Title 14 of the California Code of Regulations Section 13243(e), the Commission hereby declares that Categorical Exclusion Order No. E-95-1 may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership, after public hearing, that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this Order may be revoked at any time that the terms and conditions are violated.

V. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares for the following reasons, that these exclusions, as conditioned, present no potential for significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast:

1. Public Access. Section 30212 of the Coastal Act requires that public access to the shoreline be provided in conjunction with new development, except where inconsistent with the public safety, military security needs, or where adequate access exists nearby. The proposed exclusions will not have significant adverse impacts on existing or potential new public access opportunities. As can be seen from the attached map of the areas to be categorically excluded, the subject portion of the community is well removed from the immediate shoreline. The affected properties closest to the shoreline are inland of, and disconnected from, Camino del Mar, such that there is no beach or blufftop access through any of the affected properties.

Section 30252 addresses the protection and enhancement of public access through the provision of adequate off-street parking associated with new development, both to assure that existing street spaces remain available for beachgoers and to facilitate a smooth flow of traffic on coastal access routes. Del Mar Heights Road is a major coastal access route, cutting through the subject area in an east-west direction, and connecting Interstate 5 with Camino del Mar. However, the development to be excluded (i.e., the demolition of structures and construction of single-family residences on existing legal

lots) will not adversely affect traffic on area streets, including coastal access routes, since most existing legal lots already have homes on them. Thus, there is little potential that the overall number of families (and therefore cars) in the excluded area will significantly increase in the future, or contribute a significant amount of additional traffic to the existing circulation system.

Moreover, the excluded development will not result in population increases beyond those already approved in the certified Torrey Pines Community Plan Update; thus, competition for public parking spaces and public recreational facilities will not increase due to the categorical exclusion order. Finally, existing zoning already requires property owners to provide adequate off-street parking for permitted residential uses, to assure that the private development will not adversely impact public parking reservoirs. The area proposed for categorical exclusion is too far inland, in any event, for its street system to serve as a parking reservoir for beach visitors. Therefore, the Commission finds that the exclusion order presents no potential for any significant adverse impacts, either individually or cumulatively, on public access to or along the coast, and is thus consistent with Sections 30212 and 30252 of the Coastal Act.

2. Environmentally Sensitive Habitats. Section 30240 of the Coastal Act states:

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

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

The Torrey Pines Community contains, or is immediately adjacent to, a number of sensitive habitat areas, including the Torrey Pines Reserve Extension, Crest Canyon and the western portion of the San Dieguito River Valley. However, the proposed exclusion does not apply to development that is located in or immediately adjacent to areas designated as sensitive habitat in the certified LCP. The proposed physical boundaries of the categorical exclusion area generally follow existing city streets, looping along Mango Drive, Recuerdo Drive, Lozana Road, Durango Drive, Del Mar Heights Road, Crest Way, Nob Avenue, Camino del Mar, Nogales Drive, Cordero Road, Mira Montana Drive, Del Mar Heights Road again, and El Amigo Road, back to Mango Drive. Within this overall loop, there are a few areas where the proposed categorical exclusion boundary follows property lines, the I-5 right-of-way and portions of the border between the Cities of San Diego and Del Mar. Properties abutting any of the identified sensitive resource areas have been deleted from the proposed exclusion boundaries, such that, at a minimum, a public street separates any excluded areas from the resources.

Torrey Pines is a relatively built-out community. With the exception of the few remaining vacant parcels in the exclusion area, most anticipated

development will involve the demolition and reconstruction of existing single-family homes. The exclusion is only applicable to such developments, and only applies within the existing R1-6,000 Zone, which allows for single-family residences on minimum 6,000 sq.ft. lots. This density of development has been approved by the Commission in the recent certification of the Torrey Pines Community Plan Update. Thus, the development allowed under the proposed categorical exclusion order without a coastal development permit will be no different than that now occurring. The exclusion order will not apply to any sites that fall under any other discretionary reviews at the local level, such as Hillside Review or Sensitive Coastal Resource permits. Therefore, the Commission finds that the exclusion order presents no potential for any significant adverse impacts, either individually or cumulatively, on sensitive resources, and is thus consistent with Section 30240 of the Coastal Act.

3. Hazards Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The categories of development proposed for exclusion will not result in risks to life or property as the City's grading regulations would still apply and would adequately mitigate any adverse environmental effects associated with such developments. Moreover, the Del Mar Heights portion of the Torrey Pines community is a relatively-flat, mesa-top area, where geologic hazards are nearly non-existent, and none of the mapped exclusion area falls within the delineated Hillside Review Overlay. Therefore, the Commission finds that the proposed exclusions are consistent with Section 30253 of the Coastal Act as the development that occurs under the exclusion order will have no significant adverse impacts, either individually or cumulatively, on geologic resources.

4. Visual Resources. Section 30251 of the Act protects the scenic and visual qualities of coastal areas, including views to and along the coast. The category of development proposed for exclusion that concerns visual resources is the construction of new single-family residences. The Commission has historically denied or conditioned developments where public views are of concern. However, the proposed exclusions do not apply to development located in the scenic areas and corridors identified in the LUP; where the exclusion areas are in closest proximity to scenic resources (Crest Canyon and the Torrey Pines Reserve Extension), they are separated from said resources by a public street. Thus, any public views of the scenic areas would not be impacted by new construction on the inland/upland sides of the streets.

Excluded development could occur along Del Mar Heights Road, which is a major coastal access route and thus considered a visual resource. However, the City's existing zoning regulations contain specific landscaping, height, floor area ratio and setback standards which would have to be adhered to by any new development, and which would protect existing view corridors along this road. Although new development on the few remaining vacant parcels, and redevelopment of existing developed sites, may result in larger homes than many older homes now existing in the community, they will be within the general bulk and scale envisioned in the certified Torrey Pines Community Plan Update. Moreover, due to intervening development, and the buffer provided by

public street rights-of-way and required frontyard setbacks, it is unlikely that any excluded development will be visible from within the nearby scenic areas of Crest Canyon, the San Dieguito River Valley and the Torrey Pines State Reserve Extension. The Commission therefore finds that adequate protection of scenic resources, as required by Coastal Act Section 30251, will continue in the granting of this exclusion order in the City of San Diego's coastal zone.

5. New Development. Section 30250(a) of the Act, states:

(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 significant adverse effects, either individually or cumulatively, on coastal resources.

The Torrey Pines Community, including the Del Mar Heights subarea where the categorical exclusion is proposed, is an existing, nearly built-out portion of the City of San Diego. Most of the community is residential, with a couple small, neighborhood-oriented commercial areas along Carmel Valley Road and near Interstate 5. All required infrastructure is already in place to serve the development approved in the Torrey Pines Community Plan update, recently certified by the Coastal Commission. The single-family residential construction and redevelopment proposed for exclusion are permitted outright by the underlying R1-6,000 Zone, and must still adhere to all the standards and requirements of the City's municipal code, which is part of the LCP. Therefore, the Commission finds that the proposed exclusions are consistent with Section 30250 of the Coastal Act.

6. Local Coastal Planning. Since the City of San Diego already has a certified local coastal program, approval of the proposed exclusion will not impair its ability to prepare one, nor to continue implementation of the certified program. As a procedural matter, the Commission adoption of Categorical Exclusion Order No. E-95-1 does not in any way amend the certified City of San Diego LCP. The City requested that the Commission adopt a categorical exclusion of certain development in the Torrey Pines Community by adopting and submitting an ordinance that purports to categorically exclude development from permit requirements. The Commission cannot process the ordinance as an LCP amendment. The Coastal Act procedures, findings, voting requirements etc., for categorical exclusions are distinct from those applicable to LCP amendments. Thus, the Commission has interpreted the City's submission of the ordinance as a request for a categorical exclusion. In response to this request, the Commission is adopting Categorical Exclusion Order No. E-95-1 pursuant to Coastal Act requirements applicable to adoption of categorical exclusions. However, the Commission is not by this action certifying any amendments to the City's LCP. Should the City wish to amend its LCP to reflect the Commission's adoption of this Order, it should submit an LCP amendment.

VI. PROPOSED NEGATIVE DECLARATION

The Commission hereby adopts a Negative Declaration for Categorical Exclusion E-95-1 as follows. The Commission has prepared an Initial Study for this project (attached) and has circulated this proposed Negative Declaration pursuant to the California Environmental Quality Act of 1970.

1. Project Description. The proposed project would exclude certain developments from the coastal permit requirements of the California Coastal Act of 1976. The categorical exclusion order by the California Coastal Commission, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), from the permit requirements of the Coastal Act of 1976, would affect the following categories of development in designated areas within the coastal zone of the City of San Diego:

- A. The demolition of structures; and
- B. Construction of single-family residences.

These exclusions do not apply to developments upon any lands and waters subject to or potentially subject to the public trust, such as tidelands or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach.

Only developments which meet all applicable policies and criteria of the certified City of San Diego Local Coastal Program are proposed for exclusion. Applications which are not consistent with the certified local coastal program, such as projects requiring a variance, remain subject to the requirement for a coastal development permit.

2. Findings. Section 30610(e) of the Coastal Act states that no coastal development permit shall be required for:

Any category of development, or any category of development within a specifically defined geographical area, that the Commission, after public hearing, and by two thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of the local government to prepare a local coastal program.

Additionally, Section 30610.5(b) requires that the following findings and provisions must be made:

Every exclusion granted.....shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610....may be revoked at any time by the Commission, if the conditions of exclusion are violated.

The project proposes the exclusion of certain developments (contained in the project description above) from the coastal development permit requirements of the California Coastal Act of 1976. The Commission has already certified the City of San Diego's Local Coastal Program (LCP) for the coastal zone portions of the City, including the Torrey Pines portion of the North City LCP segment. The LCP's land use policies and implementing ordinances govern development within the areas proposed for categorical exclusion. The categories of development proposed for exclusion are permitted uses in those areas and only developments which fully comply with the policies and ordinances of the certified LCP may be excluded under this categorical exclusion.

The local coastal program has identified the geographic locations of the area's significant coastal resources. It contains policies and implementing ordinances which provide mitigation techniques to avoid adverse impacts on the coastal environment. These include the Hillside Review and Sensitive Coastal Resource Overlays, as well as the City's ordinances governing grading, drainage and erosion control. The proposed exclusion has been carefully limited so as not to be applicable in those areas where a potentially adverse impact may occur (i.e., there are no Hillside Review or Sensitive Coastal Resource lands within the proposed exclusion). Additionally, the City's ordinances addressing grading, drainage and erosion control will continue to apply to development in the exclusion area.

Therefore, the Commission finds that the proposed excluded developments will have no potential for significant adverse affects, either individually or cumulatively, on coastal resources or on public access to or along the coast. For the same reasons, the Commission also finds that the proposed exclusions will have no significant effect on the environment for the purposes of the California Environmental Quality Act of 1970.

3. Mitigation In certifying the LCP, the Commission found that, "t[T]here are no further feasible mitigation measures or feasible alternatives which could substantially lessen significant adverse impacts on the environment." All development excluded pursuant to this exclusion, must conform to the policies, standards, ordinances and other regulations of the City in effect on the effective date of the Commission's Order of Exclusion. Thus, no mitigation measures are necessary, other than compliance with the certified Categorical Exclusion Order No. E-95-1, to ensure that the proposed exclusions have no impact, either individually or cumulatively, on coastal resources.

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(R-95-708)

RESOLUTION NUMBER R- 285183

ADOPTED ON JAN 10 1995

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

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

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

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

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

considered the oral presentations given at the public hearing;
and

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

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

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

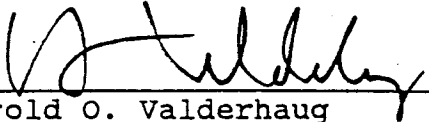
BE IT FURTHER RESOLVED, that the Council hereby adopts the
associated open space rezonings and categorical exclusion as
shown on Zone Maps C-860 and C-866, respectively.

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

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

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

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
10/28/94
Or.Dept:Plan.
R-95-708
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JAN 10 1935

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *John Monahan* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-285183** Adopted

JAN 10 1935

SEC. 105.0204 Exemptions

For the following types of development, no coastal development permit shall be required:

- A. through E. [No changes]
- F. Categorically Excluded Development.

(1) The following types of development described in Section 105.0204(1)(a), (b), (c), and (d) below, are categorically excluded from the requirements of a Coastal Development Permit provided the development is located within the California Coastal Commission non-appealable jurisdiction, is not located within the Sensitive Coastal Resource Overlay Zone, is not a City-designated historic site or structure within the La Jolla community, and complies with all the beach impact regulations of the applicable zone:

(a) ~~1.~~ Single family residential development, and demolition of structures, on land zoned R1-5000 as shown on Map No. C-859, on file in the Planning Department and also on file in the office of the City Clerk as Document No. 00-180567 and the Planning Department, and; single-family residential development, and demolition of structures, on land zoned R1-6000 as shown on Map No. C-866, on file in the Planning Department and

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

~~also on file in the Office of the City Clerk as Document No. 00-18153, and the Planning Department, and single family residential development, and demolition of structures, on land zoned R1-5000, R1-8000 and the La Jolla Shores Planned District Zones SF, Tr.A, D, E, F, as shown on Map No. C-867, on file in the Planning Department and also on file in the office of the City Clerk as Document No. 00- , and the Planning Department. With regard to development in the Torrey Pines area shown on Map No. C-866, applicants for single family residential development permits within the categorical exclusion area and which otherwise qualify for categorical exclusion shall nevertheless be required to send, at the applicant's expense, a notice of application to owners of properties within 300 feet of the proposed project and to the community planning group. The notice shall be sent concurrently with application to the City for any permit.~~

2- (b) Multi-family residential development and demolition of structures, on land zoned RV, R-1000, R-1500 and R-3000, and in La Jolla Planned District Zones MF2 and MF2, as shown on Map Nos. C-859 and C-867.1, on file in the Planning Department and also on file in the office of the City Clerk as Document Nos. 00-18056 and 00-

_____, and the Planning Department.

3- (c) Commercial development, and demolition of structures, on land zoned C-1, CA, CV, RV, CC, CO, and CN, and in La Jolla Shores Planned District Zone V and La Jolla Planned District Zones 1 through 6, as shown on Map Nos. C-859 and C-867.1, on file in the Planning Department and also on file in the office of the City Clerk as Document Nos. 00-18056 and 00-_____, and the Planning Department.

4- (d) Industrial development, and demolition of structures, on land zoned M-SI as shown on Map No. C-859, on file in the Planning Department and also on file in the office of the City Clerk as Document No. 00-18056, and the Planning Department.

(2) For development in the Torrey Pines area shown on Map No. C-866, applicants for single family residential development permits within the categorical exclusion area, which otherwise qualify for categorical exclusion, shall be required to send, at the applicant's expense, a notice of application to owners of properties within 300 feet of the proposed project and to the applicable community planning group. The notice shall be sent on or before an application is filed with the City for any permit.

5- (3) However, prior to approval of any permit for a development within La Jolla exempted under

~~paragraphs 1, 2, and 3 above, Section 105.0204~~

~~E-(1)(a), (b), or (c)~~ the City shall send, at the applicant's expense, a notice of application to the owners of record of all parcels within 300 feet of the proposed project and to the Community Planning Association.

02/24/95

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

96121006



NOTICE OF PROPOSED NEGATIVE DECLARATION

To: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: Calif. Coastal Commission
3111 Camino Del Rio North
Suite 200
San Diego, CA 92108

Project Title:

City of San Diego/Torrey Pines Community, Categorical Exclusion #E-95-1

Project Location:

Within a portion of the Torrey Pines community, a part of the North City Local Coastal Program segment of the City of San Diego. The specific area of the Torrey Pines community where a categorical exclusion request is proposed is known locally as Del Mar Heights; it is located west of Interstate 5, both north and south of Del Mar Heights Road. The City of Del Mar forms the western, and part of the northern, boundary of this portion of the community, and Crest Canyon and the San Dieguito River Valley lie to the north. The Torrey Pines State Reserve Extension lies immediately south, with Los Penasquitos Lagoon further south. The area proposed for a categorical exclusion request is shown on the attached map (Exhibit #1), and generally follows existing city streets (looping along Mango Drive, Recuerdo Drive, Lozana Road, Durango Drive, Del Mar Heights Road, Crest Way, Nob Avenue, Camino del Mar, Nogales Drive, Cordero Road, Mira Montana Drive, Del Mar Heights Road again, and El Amigo Road, back to Mango Drive). Within this overall loop, there are a few areas where the proposed categorical exclusion boundary follows property lines, the I-5 right-of-way and portions of the border between the Cities of San Diego and Del Mar. The entire Torrey Pines community, as well as the specific area where the categorical exclusion request is proposed, is located within the coastal zone.

Background and Environmental Setting:

The Torrey Pines community area of the City of San Diego includes both densely developed neighborhoods and large areas of open space. The urbanized areas include Del Mar Heights, Del Mar Terraces and portions of the Sorrento Valley industrial complex. Open space systems includes the wetlands of Los Penasquitos and San Dieguito Lagoons and the upland areas of the Torrey Pines State Reserve Extension and Crest Canyon. The Del Mar Heights area of the community, where the categorical exclusion request is proposed, is relatively flat, although other portions of the Torrey Pines community include steep hillsides, canyons and coastal bluffs.

The Coastal Act of 1976 required local governments (cities and counties) to develop local coastal programs for each jurisdiction, which would guide and regulate development within each community's coastal zone. The coastal zone boundary varies from a few city blocks up to five miles wide (inland extension), depending upon urbanization and watershed considerations. A local coastal program reflects a community's local concerns in relation to the statewide interests of public access and resource protection, and must be certified by the Coastal Commission in order for the local government to assume coastal development permit authority within its coastal zone. A local coastal program includes a land use plan (or, in the case of the City of San Diego, which was segmented into individual communities/areas, twelve land use plans) and implementing ordinances.

The City of San Diego Local Coastal Program was effectively certified by the Coastal Commission in 1988, and the City assumed coastal development permit authority in October of that year. Since that time, there have been numerous amendments to the LCP, addressing various land use plan segments and a number of City-wide implementing ordinances. An updated community plan for Torrey Pines was recently approved by the City and then adopted by the Coastal Commission with suggested modifications in February, 1996.

Project Description:

The City of San Diego is requesting approval by the Coastal Commission to exclude certain developments in the Torrey Pines community from coastal development permit requirements. The categorical exclusion order, if approved by the California Coastal Commission, pursuant to Public Resources Code Section 30610 (e) and 30610.5 (b), would exclude single family residential development, and demolition of structures (which could include existing homes, as well as existing accessory structures), on land zoned R1-6000 as shown on Map No. C-866, on file in the Planning Department and also on file in the office of the City Clerk as Document No. 00-18153. This exclusion would only apply to development located within the California Coastal Commission non-appealable, post-certification jurisdiction, not located within the Sensitive Coastal Resource Overlay Zone, and development which complies with all the beach impact regulations of the zone. Because this area of San Diego has developed relatively recently, historic structures is not an issue in this community. In addition, applicants for single-family residential development permits within the categorical exclusion area, which otherwise qualify for this exemption, shall be required to send, at the applicant's expense, a notice of application to owners of properties within 300 feet of the proposed project and to the applicable community planning group. The notice shall be sent on or before an application is filed with the City for any permits, and shall be accomplished through the same procedure in place for coastal development permit noticing.

These exclusions do not apply to developments upon any lands and waters subject to or potentially subject to the public trust, such as tidelands or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach. Any such properties would either be located within the Coastal Commission's retained area of permit jurisdiction, or within that area where a City-issued

coastal development permit would be subject to appeal to the Coastal Commission. Moreover, the categorical exclusion request is not proposed for any properties designated within the Hillside Review Overlay or immediately adjacent to the Crest Canyon open space system.

Only the construction of new single-family residences and the demolition of existing structures which meet all applicable policies and criteria of the Torrey Pines Community Plan and RI-6000 Zone of the certified City of San Diego Local Coastal Program are proposed for exclusion. Applications which are not consistent with the certified local coastal program remain subject to the requirements of said plan and full coastal development review.

Environmental Effects:

The project proposes the exclusion of certain developments (contained in the project description above) from the coastal permit requirements of the California Coastal Act of 1976. The Coastal Commission has already certified the City of San Diego Local Coastal Program (LCP) for the coastal zone of the City. The certified LCP's land use policies and implementing ordinances govern development within the area of the Torrey Pines community proposed for categorical exclusion. The categories of development proposed for exclusion are limited to the construction of new single-family residences and the demolition of existing structures (homes, garages, storage sheds, etc.). Moreover, only those identified developments which fully comply with the policies and ordinances of the certified LCP may be excluded under this categorical exclusion order.

The LCP has identified the geographic locations of the most significant coastal resources within the City. It contains policies and implementing ordinances which provide mitigation techniques to avoid adverse impacts on the coastal environment. The exclusions are not proposed and would not be applicable within the Sensitive Coastal Resource Overlay area or the Hillside Review Overlay area, and excluded development must comply with all Beach Impact Area regulations. In addition, in response to community input, single-family home construction in the Torrey Pines community will still have a public noticing requirement, so that neighboring property owners will be aware of the proposed development even though no discretionary action will be required. The area proposed for exclusion is a built-out residential neighborhood; only infill and replacement development will occur in the future. Nearby resource areas are not included within the mapped area for possible exclusion, such that development within those areas will not be excluded; there are no unique coastal resources within the mapped area for possible exclusion. Moreover, the application of existing zoning will address the bulk and scale of proposed development, and will adequately regulate height, parking, setbacks, etc. Therefore, the proposed excluded developments will have no potential for significant adverse effects, either individually or cumulatively, on coastal resources or on public access to or along the coast. For the same reasons, the proposed exclusions will have no significant effect on the environment for the purposes of the California Environmental Quality Act of 1970.

Mitigation:

In certifying the LCP, the Commission found that, "there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored." All development excluded pursuant to this order, must conform to the policies, standards, ordinances and other regulations of the City's LCP in effect on the effective date of the Commission's Order of Exclusion. Thus, no other mitigation measures, other than compliance with the certified LCP, are required to ensure that the proposed exclusions have no impact, either individually or cumulatively, on coastal resources.

Lead Agency and Address Where Copy of Initial Study is Available:

California Coastal Commission
San Diego District Office
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

Contact Person:
Ellen Lirley

Title:
Coastal Planner

Telephone:
(619) 521-8036

11/26/96

DATE

Ellen Lirley
SIGNATURE

Coastal Planner
TITLE

ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM

City of San Diego, Torrey Pines Community
Categorical Exclusion #E-95-1

ENVIRONMENTAL CHECKLIST FORM
(To Be Completed By Lead Agency)

I. Background

1. Name of Proponent California Coastal Commission
2. Address and Phone Number of Proponent 3111 Camino Del Rio North, Suite 200, San Diego, CA 92108 (619) 521-8036
3. Date of Checklist Submitted October 17, 1995
4. Name of Proposal, if applicable Categorical Exclusion #E-95-1
5. Project Location A portion of Del Mar Heights, within the Torrey Pines community, a subarea of the North City LCP Land Use Plan Segment, in the coastal zone of the City of San Diego. The area proposed for categorical exclusion is shown on the attached map (Exhibit #1), and generally follows existing city streets, within a loop formed by Mango Drive, Recuerdo Drive, Lozana Road, Durango Drive, Del Mar Heights Road, Crest Way, Nob Avenue, Camino del Mar, Nogales Drive, Cordero Road, Mira Montana Drive, Del Mar Heights Road again, and El Amigo Road, back to Mango Drive.

II. Environmental Impacts

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Earth. Will proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	___	___	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	___	<u>X</u>	___
c. Change in topography or ground surface relief features?	___	<u>X</u>	___
d. The destruction, covering or modification of any unique geologic or physical features?	___	___	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	___	<u>X</u>	___
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	<u>X</u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	___	___	<u>X</u>

Comments:

The proposed categorical exclusion would allow residential infill/reconstruction (single-family homes) on existing minimum 6,000 sq.ft. lots without a coastal development permit. Such development would still be subject to all existing zoning requirements and any other discretionary permits that apply. In most cases, older homes already exist on the potential sites, as the community is nearly built out; these structures would be demolished prior to construction of a new home, which would likely be larger than the demolished structure and thus incrementally increase impervious surfaces. There are also a few remaining undeveloped parcels in the community. On these few lots, construction of a single-family residence could result in minor changes to existing landforms, compaction of existing soils, or slight increases in erosion due to an increase in impervious surfaces. Existing infrastructure includes a storm drain system to address ultimate buildout of the community. Moreover, grading techniques, grading period restrictions, temporary erosion controls, earthquake safety standards and other potential construction impacts are all adequately regulated through the building permit process.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. <u>Air</u> . Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	___	___	<u>X</u>
b. The creation of objectionable odors?	___	___	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	___	___	<u>X</u>

Comments:

The proposed exclusion from the coastal development permit process will not adversely impact air quality. The area is primarily built-out, with new development consisting of the replacement of existing structures with the same uses and new infill development occurring only on a few remaining vacant lots; thus, no significant change in air emissions or air quality is expected to result.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
3. <u>Water</u> . Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	___	___	<u>X</u>
b. Changes in the absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	<u>X</u>	___

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
c. Alterations to the course or flow of flood waters?	___	___	<u>X</u>
d. Change in the amount of surface water in any body of water?	___	___	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	___	<u>X</u>
f. Alteration of the direction or rate of flow of ground waters?	___	___	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	___	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	___	___	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	___	___	<u>X</u>

Comments:

The proposed categorical exclusion does not modify the type or intensity of allowed land use, only the permitting requirements for development of individual sites. However, construction of new homes could slightly change existing absorption rates, drainage patterns and surface runoff by contributing to an increase in impervious surfaces. This represents an insignificant increase in this primarily built-out community where only limited infilling or replacement construction can occur at the same intensity of use.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
4. <u>Plant Life.</u> Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	___	___	<u>X</u>
b. Reduction of the number of any unique, rare or endangered species of plants?	___	___	<u>X</u>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	___	___	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
d. Reduction in acreage of any agriculture crop?	___	___	<u>X</u>

Comments:

The proposal will allow redevelopment of existing single-family parcels, and, in a few cases, development of a few existing vacant sites within a portion of the R1-6000 Zone, without a coastal development permit, but consistent with existing zoning requirements. This change in permit requirements will not result in significant impacts to any plant species or sensitive habitat, or any diminished degree of protection for those resources, because there are no environmentally-sensitive habitats within the area proposed for the categorical exclusion. In addition, the proposed exclusion area has been historically developed and it is unlikely that any sensitive species remain. As evidenced by the community's name, the area is known for the presence of one sensitive tree species, the Torrey Pine. However, the State Reserve Extension and abutting properties are removed from the proposed categorical exclusion area. Other Torrey Pines in the area are typically planted, not native, and the Coastal Commission has not historically regulated the retention or removal of planted (i.e., ornamental) vegetation.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
5. <u>Animal Life.</u> Will the proposal result in:			
a. Changes in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	___	___	<u>X</u>
b. Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	<u>X</u>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	___	___	<u>X</u>
d. Deterioration to existing fish or wildlife habitat?	___	___	<u>X</u>

Comments:

The proposed categorical exclusion request applies only to existing parcels already designated for single-family residential development. In most cases, the parcels have been historically developed, and future redevelopment would consist of removal of an existing home and its replacement with a new home. This should not significantly increase the number of domestic pets in the community, and, since the area is already urbanized, native wildlife is not present in significant numbers. Moreover, those properties immediately adjacent to resource areas (i.e., Crest Canyon and the Torrey Pines State Reserve Extension) are not included in the mapped area for possible exclusion and will still require discretionary review prior to development or redevelopment. Thus, the

proposed exclusion will not adversely impact any native wildlife animal species or habitat.

Yes Maybe No

6. Noise. Will the proposal result in:

- | | | | |
|---|-----|-----|----------|
| a. Increases in existing noise levels? | ___ | ___ | <u>X</u> |
| b. Exposure of people to severe noise levels? | ___ | ___ | <u>X</u> |

Comments:

The construction of new or replacement single-family residences without a coastal development permit will not cause any significant increase in ambient noise levels as the area is essentially built out. All future development would still be subject to building permit requirements regarding noise during construction, and would consist primarily of the same uses in newer structures.

Yes Maybe No

7. Light and Glare. Will the proposal produce new light or glare?

___ ___ X

Comments:

The construction of new or replacement single-family residences without a coastal development permit will not cause any significant increase in light or glare. All future development would still be subject to building permit requirements regarding these features.

Yes Maybe No

8. Land Use. Will the proposal result in substantial alteration of the present or planned land use of an area?

___ ___ X

Comments:

The construction of new or replacement single-family residences without a coastal development permit will not result in any change in land use for the Del Mar Heights community, which is already designated for residential development. It only removes one form of discretionary review for construction of single family residences in the existing single family residential zone.

Yes Maybe No

9. Natural Resources. Will the proposal result in:

- | | | | |
|--|-----|-----|----------|
| a. Increase in the rate of use of any natural resources? | ___ | ___ | <u>X</u> |
|--|-----|-----|----------|

Comments:

The construction of new or replacement single-family residences without a coastal development permit will not cause any significant increase in the

rate of use of natural resources, such as fossil fuels as the subject area is essentially built out. The existing utility allocations are sufficient for buildout of the community.

Yes Maybe No

10. Risk of Upset. Will the proposal involve:

a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

___ ___ X

b. Possible interference with an emergency response plan or an emergency evacuation plan?

___ ___ X

Comments:

The construction of new or replacement single-family residences without a coastal development permit will not result in the release of hazardous/toxic substances or interfere with existing emergency routes or response times, which have been designed to address the needs of the community at full buildout.

Yes Maybe No

11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?

___ ___ X

Comments:

The construction of new or replacement single-family residences without a coastal development permit will not increase the number of units in the community or density on a particular site, since the existing single family land use designation and zoning are being retained. Furthermore, the future homes and/or demolition activity remains consistent with the certified Local Coastal Program.

Yes Maybe No

12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?

___ ___ X

Comments:

The proposed categorical exclusion request will not result in a need for new housing or alter the amount of housing stock in the City. Future development within the exclusion area will consist of infilling and replacement structures at the existing density.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
13. <u>Transportation/Circulation.</u> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	<u>X</u>
b. Effects on existing parking facilities, or demand for new parking?	—	—	<u>X</u>
c. Substantial impact upon existing transportation systems?	—	—	<u>X</u>
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	<u>X</u>
e. Alterations to waterborne, rail or air traffic?	—	—	<u>X</u>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	<u>X</u>

Comments:

The proposed change in permitting requirements would not have any impact on circulation or transportation systems. Future development will consist of infilling and replacement structures at the existing and planned density and thus within the traffic levels identified for community buildout.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
14. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	—	—	<u>X</u>
b. Police protection?	—	—	<u>X</u>
c. Schools?	—	—	<u>X</u>
d. Parks or other recreational facilities?	—	—	<u>X</u>
e. Maintenance of public facilities, including roads?	—	—	<u>X</u>
f. Other governmental services?	—	—	<u>X</u>

Comments:

The proposed change in permitting requirements will not increase, decrease or modify the existing/planned type and level of development in the community; thus, it will not have any substantial impact on public services.

Yes Maybe No

15. Energy. Will the proposal result in:

- a. Use of substantial amounts of fuel or energy? X
- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? X

Comments:

The proposed change in permitting requirements will not increase, decrease or modify the existing/planned type and level of development in the community; thus, it will not have any substantial impact on energy demands.

Yes Maybe No

16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to sewer systems, solid waste or hazardous waste control systems?

 X

Comments:

The proposed change in permitting requirements will not increase, decrease or modify the existing/planned type and level of development in the community; thus, it will not result in the need to alter the existing sewer or waste control systems and it is not growth-inducing.

Yes Maybe No

17. Human Health. Will the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)? X
- b. Exposure of people to potential health hazards? X

Comments:

The proposed change in permitting requirements would not affect the existing application or enforcement of public health standards. Construction would occur within existing areas already committed to development, as opposed to undeveloped areas where new exposure risks are present. Furthermore, no contamination sites have been identified within the proposed categorical exclusion area.

Yes Maybe No

18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

 X

Comments:

The City has specifically omitted all properties adjacent to or visible from identified scenic areas (Crest Canyon, the San Dieguito River Valley and the Torrey Pines State Reserve Extension) from its categorical exclusion request. Thus, the proposed change in permitting requirements will not adversely impact any scenic vista, viewshed or public view corridor. Moreover, development proceeding without a coastal development permit must still conform with existing zoning parameters, assuring that new single-family residences in the Torrey Pines community are compatible with the existing community character. Again, future development will consist only of limited infilling and replacement of existing structures with the same uses.

Yes Maybe No

19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

___ ___ X

Comments:

The proposed change in permitting requirements will result in a continuance of the existing type and level of land use, and will not have any significant impact on existing or future recreational opportunities. Since future development will consist only of infill and replacement structures, no substantial increase in recreational demand is expected.

Yes Maybe No

20. Cultural Resources.

a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?

___ ___ X

b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

___ ___ X

c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

___ ___ X

d. Will the proposal restrict existing religious or sacred uses within the potential impact area?

___ ___ X

Comments:

This is a nearly built-out, established community with only a few vacant parcels left for infill development; all other future development will consist of replacing existing single-family homes with newer ones. No cultural resources have been identified; thus, the proposed categorical exclusion is not expected to result in adverse impacts on cultural or historic resources.

21. Mandatory Findings of Significance.

Yes Maybe No

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

_____ _____ X

Comments:

The proposed change in permitting requirements does not have the potential to adversely impact the quality of the natural environment, reduce the habitat of fish or wildlife species, or eliminate a significant plant or animal community, since there are no environmentally-sensitive habitats located within the proposed exclusion area. The exclusion would only allow the continuing buildout/infill of an existing, urban community at its current density.

Yes Maybe No

- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

_____ _____ X

Comments:

The proposed change in permitting requirements will not achieve short-term goals at the expense of long-term goals, or have an impact on the underlying zone or land use designation. It only modifies the permit requirements for demolition and construction of single family residences. In this nearly built-out community, future development will consist of infill on the few remaining vacant parcels and replacement of existing residences with newer homes.

Yes Maybe No

- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

_____ _____ X

Comments:

The change in permitting requirements will not have cumulative impacts on any identified resources, since it will not result in any change or intensification of planned land uses. The categorical exclusion will merely allow development consistent with the certified local coastal program to proceed without a coastal development permit. In this nearly built-out community, future development will consist of infill on the few remaining vacant parcels and replacement of existing residences with newer homes.

Yes Maybe No

- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

_____ _____ X

Comments:

The proposed change in permitting requirements does not have the potential to harm human beings either directly or indirectly. In this nearly built-out community, future development will consist of infill on the few remaining vacant parcels and replacement of existing residences with newer homes, maintaining the existing level and type of use (single-family residential development). Thus, no impacts to human health have been identified.

III. Discussion of Environmental Evaluation

(Comments were included for each individual category in the preceding section.)

IV. Determination

(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. X

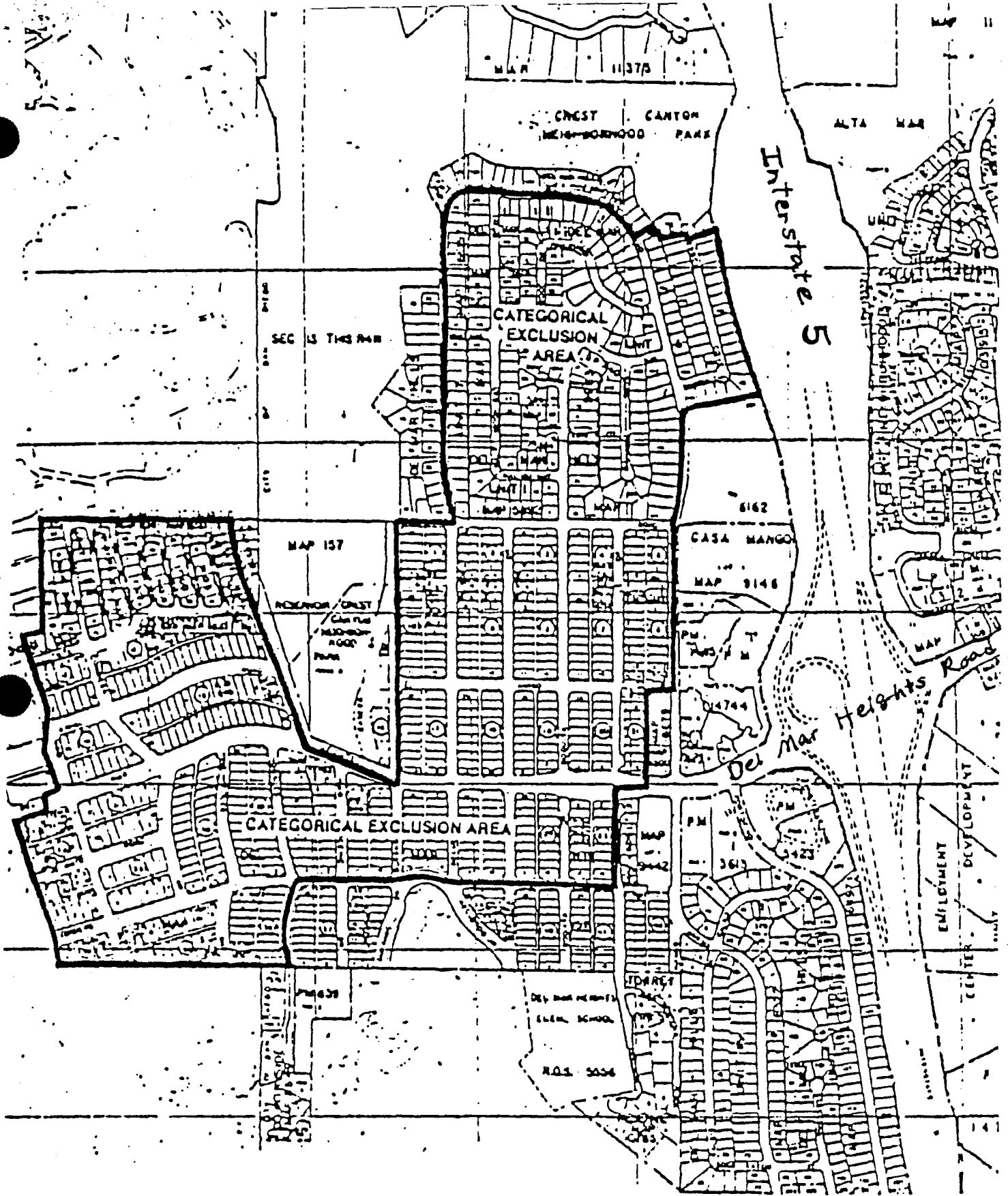
I find that although the proposed project could have a significant effect on the environment, there will not be significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED. _____

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. _____

_____ Date

_____ Signature

For _____



● Proposed Categorical Exclusion Area
 Map C-866
 Exhibit #1





TORREY PINES COMMUNITY PLANNING GROUP

Ellen Lirley
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

January 3, 1997

Re: Notice of Preparation of Negative Declaration, City of San Diego/Torrey Pines
Community, Categorical Exclusion #E-95-1

Dear Ellen:

The Torrey Pines Community Planning Group strongly recommends that all projects that are being considered for exemption of the Coastal Development Permit continue to require public notice to property owners and tenants within 300 feet, and that after the review of the project the comments of the Board will be considered by staff prior to approval or denial by staff. In a letter addressed to us dated July 30, 1996, Planning Director Ernest Freeman stated that "input received from the community on a project before the project's approval which address whether or not the project meets required regulations will be considered by staff."

1. Under "Project Description" and "Environmental Effects" your notice only mentions a public noticing requirement but does not mention the opportunity for public review and comment. The provision for public review and comment was the intent of the noticing language in the Torrey Pines Community Plan. To notify and not give the opportunity for comment is a ruse.

2. Also, under "Project Description", your notice states that properties adjacent to Crest Canyon should continue to require a Coastal Development Permit. This exemption should also apply to the Torrey Pines State Reserve Extension.

Thank you for continuing to assist us in our endeavor to protect our precious coastal region.

Sincerely,

Robert Lewis, Chair
Torrey Pines Community Planning Group
13713 Recuerdo Dr
Del Mar 92014 phone 481-1331

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 2, 1997

Ellen Lirley, Coastal Planner
California Coastal Commission
3111 Camino Del Rio North
San Diego, CA 92108

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: City of San Diego/ Torrey Pines Community, Categorical Exclusion #E-95-1

Dear Ms. Lirley:

Thank you for the opportunity to review and comment on the adequacy, scope and content of the proposed Negative Declaration for the above project.

3. It is stated in the report on page 3 in the second paragraph that "Only the construction of new single-family residences and the *demolition of existing structures* are proposed for exclusion." Nothing is said about remodeling of or additions to present structures. Many of the homes in this area which is shown on the map for exclusion are small homes built when the city's floor area ratio (FAR) was only .40, not the present .60. In recent years, many of these homes have been bought for demolition or remodeling. Since coastal property is so expensive, the cost of rebuilding or remodeling is recovered by adding extra bedrooms which are then rented to additional tenants within the single family units. This in turn results in the need for additional parking facilities, crowded streets and roads, the need for additional police and fire protection, enlarging of sewers, additional runoff because of increases in impervious surfaces, and in general, greater restriction of coastal access to residents in other parts of the city and to visitors. The cumulative impacts along the whole San Diego coastal area are staggering. How do you propose to mitigate for such impacts?

4. Since single family homes are excluded from California Environmental Review, the only protection for coastal resources is the Coastal Development Permit, the findings for which are attached. Excluding areas from the need for a CDP means that the findings need not be met. City staff would do the permitting without the need to meet coastal development standards, which means that the coastal area would be treated the same as the rest of the city, with no protection for coastal resources other than hillside review. How does this conform to the Coastal Act?

5. Statements are made on page 3, last paragraph which are incorrect. The argument is made that the area is mainly built out, and that "*only* (italics mine) infill and replacement development will occur in the future". That is the whole point-- that public and discretionary review is necessary to make sure that the coastal resources are protected, as stated in the California Coastal Act. Without public hearings, the coastal area will be treated as if it

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were just another part of the city. How is this to be mitigated?

6. It also is stated in the same paragraph that there are no unique coastal resources within the mapped area. Such resources, however are abutted by the excluded area and adjoin the back or front yards of property which would be excluded. I have indicated on a copy of the map that many such areas are excluded which either back up to or front Crest Canyon or the Torrey Pines State Preserve Extension. Also, many of these homes have been limited to 25 feet in height by previous Coastal Commission restrictions. However, the Development Services Department of the City of San Diego has refused to heed such restrictions with remodeling or new homes built in the same areas. How are these resources to be protected?

7. It is stated that "the application of existing zoning will address the bulk and scale of proposed development, and adequately regulate height, parking, setbacks, etc." This does not take into account that granny flats will now be permitted in the coastal areas, or that two bedrooms rented to tenants usually results in four occupants and four cars to be parked and driven on already overcrowded streets. Thus, the final statement on page 3 is incorrect. Is not mitigation necessary?

8. In relation to the Environmental Check List, Item I g., there have already been landslides and mudslides in Crest Canyon, resulting in a death, and several homes within the mapped exclusion area abut Crest Canyon. Also, in relation to 3.b, as houses are enlarged, there will be less absorption of water, and the rate and amount of surface runoff increased. This will affect runoff into the San Dieguito River Valley as well as run-off into the Torrey Pines State Reserve Extension. A major collection storm sewer exists in front of the home at the juncture of Recuerdo and Cordero Drives. This storm sewer drains the entire area and empties into the Reserve at this point. Therefore, this block should not be included in the excluded area. Thus, contrary to the Comments on Page 3, categorical exclusion would modify the type and intensity of land use, in that far more persons would be living in the area, and the height and intensity of homes would be altered without reference to coastal findings. Such change is NOT insignificant since it could, in time, involve every house not already built out to maximum FAR. Does not the Coastal Act require mitigation ?

9. Since several rare, listed animals and plants exist in both Crest Canyon and the Torrey Pines Reserve Extension, the proven increase in population in the excluded area would impact the preservation of these sensitive species. In fact, the addition of what is now called the Del Mar Estates in the San Deguito River Valley west of I-5 has already negated the mitigation for the least tern in that area. The unleashed domestic pets in the development swam out to

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the island created in the river for least tern nesting grounds and completely destroyed the them, so that no least terns are found there. As explained, replacement or enlargement of homes results in more bedrooms, more persons in residence and, of course, more domestic pets. Also, there have been and will be increases in noise as the transportation increases in the area, which it will do as the population expands. Light and glare will also increase as the number of rooms per house is expanded. We already have "go-homes" in the Torrey Pines Community Planning area. These are houses with six or seven bedrooms which are rented out, and are in reality multiple dwellings. We have been able to restrict them to one area so far, but with the exclusion of Coastal Development Permits and the required findings, the possibility of their being built everywhere in the area increases. Just because one small house is being replaced with one large house does not mean that the density remains the same! How is this to be mitigated?

With an increase in the number of residents, there will also be an increase in vehicular movement, demand for more parking, better transportation systems, alteration to the present patterns of circulation, and an increase in traffic hazards, particularly to bicyclists and pedestrians, many of whom come to the area as visitors. An increase in the number of residents will also increase the need for additional fire and police protection, schools, recreational facilities, etc. Why was this not considered?

When we bought here, we were told that the area was primarily developed, and protected under Coastal Commission review. Then in 1988, this review was turned over to the city, and immediately amendments were threatening that protection. This exclusion will now divide the Torrey Pines Community into haves and have nots, with one part enjoying protection and one part without meeting the findings for development. Is this consistent with the Coastal Act?

Contrary to the statement on page 8 under item 15, the proposed change will increase and modify the existing planned type and level of development in the community, increase the need for alterations to the sewer system, increase the number of persons living in the area and impact their physical and mental health. Scientific studies have shown the deterioration of health and an increase in crime through too many people living too close to each other.

As height and bulk of houses increase, it will be increasingly difficult to maintain public views. As shown on the attached map, ALL properties adjacent to sensitive resources have not been removed from the excluded areas. The new regulations do not conform to previously designated height, bulk and color restrictions, so that newly rebuilt houses will not be compatible to existing community character. No explanation is made as to how infill can be limited, although the statement is made that it will be. Please explain.

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14. This area is also rich in paleontological and archeological resources. Almost every time any grading is done, such relics surface. How to you propose to deal with this situation?

15. For some time, the City of San Diego has been pursuing Regulatory Relief to help the Building Industry. Categorical exclusion has been a part of the regulatory relief program. In view of the fact that coastal congestion is being pushed to the detriment of coastal protection, is this not the pursuit of a short-term goal (profits) to the disadvantage of a long-term environmental goal (coastal protection)?

Thank you for your attention to these matters.

Sincerely yours,



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Del Mar, CA 92014-3606
Phone: 481-0763

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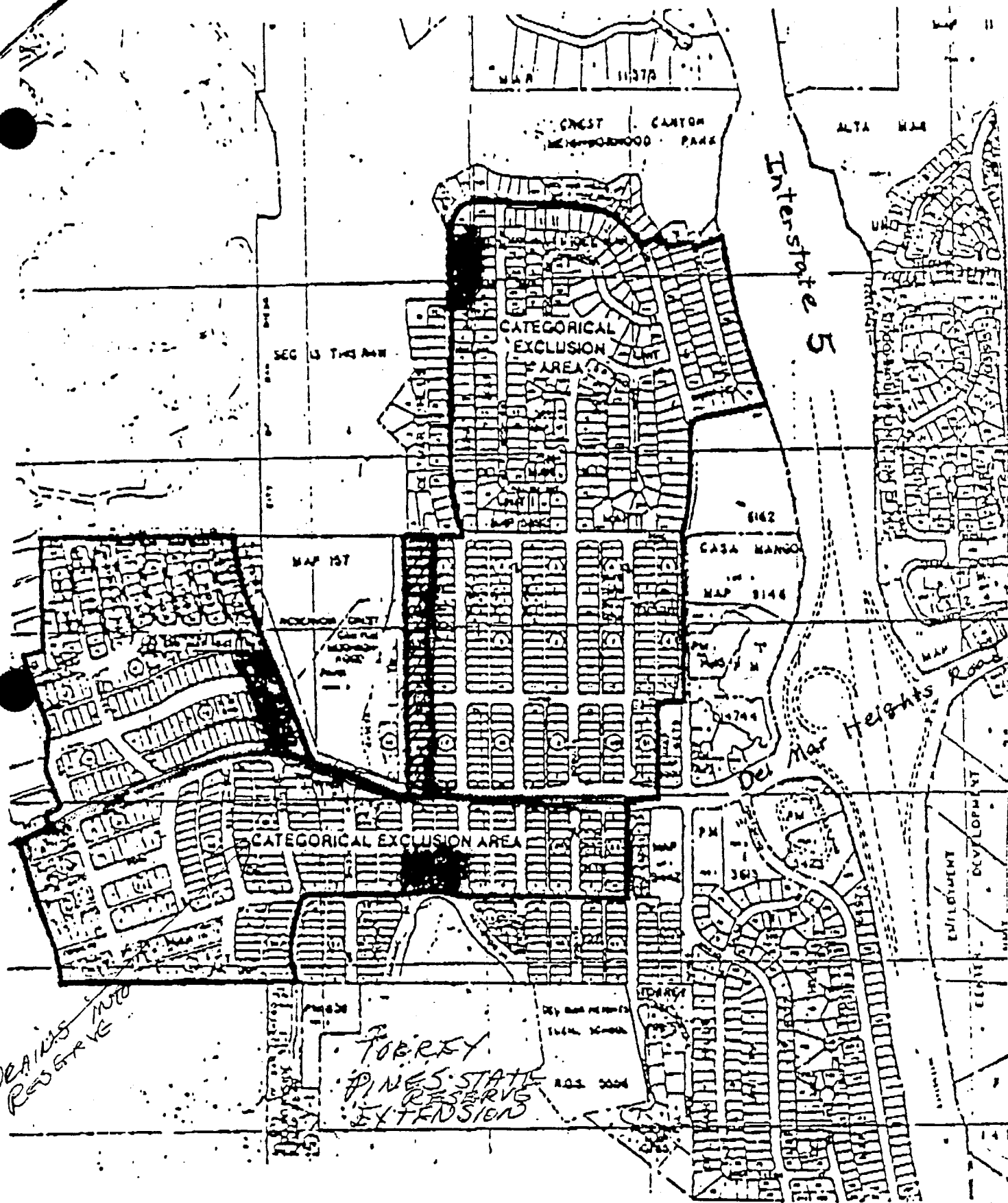
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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT**FINDINGS**

(What are the findings and other regulations which must be met in order to approve a Coastal Development Permit?)

A Coastal Development Permit is unique in that the implementing ordinance for the permit contains no specific development regulations. There are, however, seven findings which need to be made in order to approve any development in the Coastal Zone:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program land use plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.
2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.
3. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.
4. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.
5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.
6. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.
7. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.



Proposed Categorical Exclusion Area

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Exhibit #1

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



CITY OF SAN DIEGO/TORREY PINES
PROPOSED CATEGORICAL EXCLUSION #E-95-1

RESPONSE TO COMMENTS

A draft Negative Declaration for the proposed City of San Diego/Torrey Pines Community Categorical Exclusion #E-95-1 was prepared and circulated to state agencies and known interested parties. The public review period began on December 3, 1996 and ended on January 2, 1997. Two comments were received from the public; no state agencies commented. Following are the responses to the two public comments.

Letter from the Torrey Pines Community Planning Group:

1. The City's resolution adopting the proposed categorical exclusion for portions of the Torrey Pines Community includes a provision to provide written notice to property owners within 300 feet of any proposed development. Such notice must be sent on or before an application is filed with the City for any permits, but there is no provision for public comment or response to the notice. Once the categorical exclusion order is approved, projects consistent with the order will not require any discretionary review at the local level, only building permits. Thus, there would be no formal opportunity to comment. However, such early notice would give interested parties an opportunity to review the file and provide informal comments to the Building Department, while the project is undergoing building permit review. In addition, the early notice could provide interested parties with a greater ability to sue.

A City representative indicated the planning group was aware of this situation, but requested the noticing anyway, even if formal comments could not be made; thus the noticing provision was included in the City's approval. Such noticing is not a requirement under the Coastal Act regulations governing categorical exclusions. Therefore, this is a local concern and does not affect the proposed categorical exclusion's consistency with the Coastal Act.

2. Properties immediately abutting the Torrey Pines State Reserve Extension are not shown within the proposed categorical exclusion area (see Exhibit #1 in the attachments). All properties to be excluded are separated from any sensitive or scenic area (Crest Canyon and the Reserve Extension) by improved public streets (portions of Cordero Road, Durango Drive and Recuerdo Drive).

Letter from Opal Trueblood:

3. Under the City's certified LCP, most single-family residential remodels/additions are exempt from coastal development permit requirements

already, consistent with the exemptions listed in Section 30610(a) of the Coastal Act for improvements to existing single-family residences, and further enumerated in Section 13250 of the California Code of Regulations. This includes any such development within the mapped exclusion area, which is well removed from the shoreline and thus not subject to more restrictive regulations. Thus, the proposed categorical exclusion will not change or reduce the permitting requirements for most residential remodels/additions in this area, which are likely already exempt.

The certified LCP does not limit the number of bedrooms in a home, nor directly limit the number of individuals who can reside in a home. Over the last several years, throughout the City, the needs of extended families and shared living arrangements have become a code enforcement problem in historic single-family neighborhoods. However, if single-family residences are being converted into multi-family dwellings, such conversions would not be exempt under the proposed categorical exclusion. Moreover, they would be inconsistent with the certified Land Use Plan and the R1-6,000 Zone, and would more properly be addressed as a zoning enforcement issue at the local level.

4. The Coastal Act specifically provides for categorical exclusions as a means of exempting development that has no potential, either individually or cumulatively, for adverse impacts on coastal resources or public access. Development occurring under an approved categorical exclusion order must be fully consistent with all zoning regulations in order to be given a building permit. The City of San Diego's zoning regulations have been certified as part of the City's LCP, and have been found consistent with and adequate to carry out the certified land use plan for the area, in this particular case the Torrey Pines Community Plan Update, as part of the North City LCP segment. None of the area proposed for exclusion is within the Hillside Review Overlay Zone, and no sensitive resources have been identified within the exclusion area. Thus, any development exempted from coastal development permit requirements under the proposed categorical exclusion order would, of necessity, meet all the required findings of coastal development permits in the City's certified LCP.

5. See previous response. Also, the comment provides that incorrect statements have been made in the Negative Declaration, but does not identify the specific errors.

6. No properties immediately abutting the identified resource areas, Crest Canyon and the Torrey Pines State Reserve Extension, are included in the mapped exclusion area. Although some properties are immediately inland of existing, improved public streets adjacent to said resource areas, the street rights-of-way provide a sufficient buffer from the resources. While the Coastal Commission occasionally imposes special height limits on properties within identified viewsheds, in this particular area, the Commission in 1988 certified the City's zoning regulations, including the 30-foot coastal height limitation, as being consistent with, and adequate to carry out, the certified land use plan for the area in question. Therefore, existing zoning will afford adequate protection for the nearby resource areas.

7. Although "granny flats" or second units are now allowed in most single-family zones under state law, such construction will still be governed by the existing regulations on setbacks, height and off-street parking. Such units could be inconsistent with the underlying density for a particular site, but, according to state mandates, would have to be allowed with or without a coastal development permit, as long as the other design parameters were met; also, such units are not ultimately counted against the allowable site density. Thus, the statement in the Negative Declaration that "the proposed exclusions will have no significant effect on the environment for the purposes of the California Environmental Quality Act of 1970," as it relates to coastal resources or public access, is supportable.

8. The area proposed for exclusion consists primarily of relatively-flat, mesa-top land within the Del Mar Heights portion of the Torrey Pines Community. While some of these flatter parcels are fairly near Crest Canyon, none of the properties is within the canyon, and none has been identified as having a risk of landslide. It is noted within the draft Negative Declaration that impervious surfaces for the overall community will be incrementally increased, as properties containing small older homes, and the few remaining vacant parcels, are developed with the larger residences now in fashion. However, this small increase is anticipated in the certified Torrey Pines Community Plan Update, and is accommodated in the existing infrastructure for the community. The City's certified ordinances governing grading, drainage and erosion control will all apply to development occurring under an approved categorical exclusion order. Therefore, the categorical exclusion does not modify the existing permitted type and intensity of land use, and no further mitigation is required for development consistent with the certified LCP. Moreover, in its certification of the Torrey Pines Community Plan update, the Commission found that the proposed intensity of development in the proposed exclusion area would not result in any adverse impacts on coastal resources or public access.

9. Since the Del Mar Heights area is nearly built out at this time, it is unlikely that there will be a significant increase in domestic pets over what exists in the community at this time. While it is recognized that these animals can cross the street and enter the sensitive resource areas of Crest Canyon and the Torrey Pines State Reserve Extension, they can also travel several blocks and still access those areas. Moving the boundary of the exclusion area by another row of lots would not significantly alter this situation.

Also, although larger homes may emit incrementally more light than smaller ones, intervening developed lots, which are not in the exclusion area, or the public street rights-of-way in a few locations along Cordero Road, Durango Drive and Recuerdo Drive, provide enough distance that such light should not enter the sensitive resource areas.

Also, the issue of shared living arrangements and extended families has been raised. Response #3 has identified this as a local zoning enforcement problem. Since the formal conversion of a single-family residence to a

multi-family structure is inconsistent with the underlying land use designation and zone, such development would not be exempt from the coastal development permit process under the proposed categorical exclusion order. In addition, it appears likely that such development would require modification of both the land use plan and implementing ordinances, which would, in turn, require extensive local review and an LCP amendment certified by the Coastal Commission as well.

Finally, density is calculated based on the number of dwelling units per acre of land, not on the number of people per dwelling unit. Under such a method of calculation, replacing one small house with one large house does not change the density.

10. The concerns raised in this comment were all considered at the time the Torrey Pines Community Plan Update was certified. The plan anticipated full buildout of the community, and provided for traffic circulation improvements and other infrastructure to accommodate said buildout. Thus, the construction of new single-family residences under an order of categorical exclusion will not result in a need for different or additional public improvements beyond those in the certified land use plan.

11. The level of protection of coastal resources is not being changed with approval of the proposed categorical exclusion order. Only development consistent with all resource protection policies of the certified LCP can be excluded from the coastal development permit process. Thus all property owners in the community, whether or not their properties are within the mapped exclusion area, must meet the same basic development standards. For geographic areas in this community not covered by the exclusion order, typically, there are additional discretionary standards imposed.

12. The existing and planned type and level of development in the community is not being changed with approval of the proposed categorical exclusion order. Only development consistent with all policies of the certified LCP, including the type, intensity and location of development identified in the Torrey Pines Community Plan Update, can be excluded from the coastal development permit process. Thus, excluded development would fall within the expected levels of the certified LCP, and will not result in significant impacts to energy supplies, utility systems or human health.

13. Public views in the general vicinity of the proposed exclusion area would include views from within Crest Canyon and the Torrey Pines State Reserve Extension, from portions of the San Dieguito River Valley, and along Del Mar Heights, which is a major coastal access route. With respect to the first three identified viewsheds, no properties immediately abutting these areas are included in the proposed exclusion area. At a minimum, there would be a public street right-of-way and the applicable frontyard setback separating any excluded development from the identified viewsheds. Thus, it is unlikely that even the larger homes expected to be built on these properties could have a significant adverse impact on existing public views.

With respect to the public views along Del Mar Heights Road, many of the properties fronting this street are already built to the maximum allowable floor area ratio. These homes must maintain either a required frontyard or sideyard setback, depending on whether they are oriented to Del Mar Heights Road or to an intersecting street, and are limited to a maximum thirty feet in height. These same regulations would apply with or without an approved categorical exclusion order. Future infill development is limited by the small number of remaining vacant lots, and the fact that many properties have already built out to the maximum zoning standards. Although the community as it exists today is significantly different visually than it was twenty years ago, the existing patterns of development are what would be accommodated under the proposed categorical exclusion, just as they are currently being accommodated under the coastal development permit process.

14. No cultural resources (i.e., no known archaeological or paleontological sites) have been identified in the area mapped for categorical exclusion, and the community is too new to contain historic homes or structures. In addition, the area is largely developed or already subdivided; most of the community has been graded or disturbed in the past, so new impacts to such resources are not likely. However, should development on a site unearth some unexpected archaeological or paleontological resource, the City's existing ordinances governing such discoveries would apply.

15. The basic finding that the Coastal Commission must make in approving an order of categorical exclusion is that excluded development will have no significant adverse impact, either individually or cumulatively, on coastal resources or public access. Thus, only development fully consistent with the certified LCP is being proposed for exclusion from the coastal development permit process. Applying for limited categorical exclusions such as the subject one for very specific type of development (demolition of structures and construction of single-family residences) within a relatively small and clearly-defined geographic location where there are no identified coastal resources or access concerns, is the most appropriate means of achieving regulatory relief under the Coastal Act. The process of categorical exclusion was established in the Coastal Act to address those areas, such as the subject one, which are within the coastal zone but do not contain any unique resources or public access constraints which require special protection under a discretionary review process.

(1532A)