

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

RECORD PACKET COPY



DATE: July 24, 1997

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

Wed 6a

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of San Diego's actions, certifying Local Coastal Program Amendment No. 2-96 are legally adequate (for Commission review at its meeting of August 12-15, 1997)

BACKGROUND

At its November 12, 1996 meeting, the California Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment 2-96, amending the City's certified Local Coastal Program. On March 14, 1997, revised findings were adopted. The amendment incorporated an update to the Carmel Valley Neighborhood 10 Precise Plan and the Del Mar Mesa Specific Plan, a new land use plan for the Subarea V portion of the Future Urbanizing Area, into the City's certified LCP. It amended the Implementing Ordinances with respect to special permit procedures for grading in Hillside Review areas, the determination of legal lots and non-conforming uses. It also included changes to the AI-Zones and the Planned Residential Ordinance to incorporate criteria relative to the Del Mar Mesa Specific Plan. The suggested modifications adopted by the Coastal Commission addressed only the Del Mar Mesa Specific Plan.

By their action adopting Ordinance No. O-18407, the City Council acknowledged and accepted all of the Commission's suggested modifications. As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the California Code of Regulations then requires this determination be reported to the Commission for its concurrence.

The City has also adopted Resolution No. R-288658 requesting that permit authority for the Del Mar Mesa Specific Plan area, an area of deferred certification, be transferred to the City of San Diego. All required City and Commission approvals are completed with this action. Thus, the City will assume permit-issuing authority for this area on August 18, 1997.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

(1864A)

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August 18, 1997

Honorable Susan Golding, Mayor
City of San Diego
202 "C" Street
San Diego, CA 92101

Re: Certification of the City of San Diego's LCP Amendment 2-96

Dear Mayor Golding,

The California Coastal Commission has reviewed the City's Ordinance No. O-18407 and Resolution No. R-288658, together with the Commission's actions on November 12, 1996 and March 14, 1997, certifying the Amendment 2-96 to the City's Local Coastal Program. The amendment incorporated an update to the Carmel Valley Neighborhood 10 Precise Plan and the Del Mar Mesa Specific Plan, a new land use plan for the Subarea V portion of the Future Urbanizing Area, into the City's certified LCP. It amended the Implementing Ordinances with respect to special permit procedures for grading in Hillside Review areas, the determination of legal lots and non-conforming uses. It also included changes to the AI-Zones and the Planned Residential Ordinance to incorporate criteria relative to the Del Mar Mesa Specific Plan. The suggested modifications adopted by the Coastal Commission addressed only the Del Mar Mesa Specific Plan.

In accordance with Section 13544 of the California Code of Regulations, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of August 12-15, 1997. By its actions on May 13 and 27, 1997, the City has formally acknowledged and accepted the Commission's certification of the amendment, including all suggested modifications, and has requested delegation of coastal development permit authority for the Del Mar Mesa Specific Plan area, effective this date. The Coastal Commission has endorsed this request as well.

In conclusion, I would like to extend our appreciation to you and all other elected or appointed officials, staff and concerned citizens for working in a cooperative fashion on this matter. We remain available to assist you and your staff in any way possible as you continue to implement the City's Local Coastal Program.

Sincerely,

Peter Douglas
Executive Director

1864A)

(O-97-99)

ORDINANCE NUMBER O- **18407** (NEW SERIES)

ADOPTED ON MAY 27 1997

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN
DIEGO AMENDING THE DEL MAR MESA SPECIFIC.

WHEREAS, on September 9, 1996, the Council of The City of San Diego adopted by Ordinance No. O-18337 the *Del Mar Mesa Specific Plan*; and

WHEREAS, on November 12, 1996, amendments to the City's *North City Local Coastal Program* necessary to implement the *Del Mar Mesa Specific Plan* were approved by the California Coastal Commission subject to specified modifications; and

WHEREAS, after due notice, the Council conducted a public hearing on this matter wherein all persons desiring to be heard were heard; and

WHEREAS, the Council has reviewed and considered all materials contained in the file regarding this matter on record in The City of San Diego and the oral presentations given; NOW, THEREFORE,

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

Section 1. That the Council of The City of San Diego hereby approves and adopts amendments to the *Del Mar Mesa Specific Plan* in the form on file in the office of the City Clerk as Document No. OO- **18407**, incorporated herein by reference.

Section 2. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 3. That the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as an amendment to the City's local coastal program.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay
Deputy City Attorney

RAD:lc

03/25/97

Or.Dept:Comm.&Eco.Dev.

O-97-99

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PROPOSED AMENDMENTS TO THE
DEL MAR MESA SPECIFIC PLAN
REFLECTING RECOMMENDATIONS OF THE
CALIFORNIA COASTAL COMMISSION (NOVEMBER 12, 1996)

III. ELEMENTS OF THE SPECIFIC PLAN (*page 12*)

A. LAND USE

1. Development Area

no change

2. Residential Land Use

no change

TABLE 2: SUBAREA V - MAXIMUM DWELLING UNITS

no change

TABLE 3: DWELLING UNIT ALLOCATION

no change

3. Resort Hotel

no change

4. Golf Course

no change

5. Affordable Housing (*page 18*)

a. through d. no change

e. Within the coastal zone, increased density achieved through provisions of State law mandating density bonuses shall not result in greater encroachment in designated Resource-Based Open Space or augmentation of any circulation element road beyond what is adopted in the Del Mar Mesa Specific Plan.

B. MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP)/OPEN SPACE

1. through 4. no change

5. MSCP Preserve Boundary and Criteria for Adjustment (page 23)

For more specific definition of the Subarea V open space boundary and proposed MSCP Preserve boundary, refer to the 400-scale map adopted as Exhibit A. It is anticipated that federal and state authorities will authorize the City to make minor adjustments to the proposed MSCP Preserve Boundary with subsequent tentative map approvals or other discretionary permit approvals without the need to amend the Del Mar Mesa Specific Plan. Within the coastal zone, adjustments consistent with the MSCP implementing agreement between the City of San Diego, the California Department of Fish and Game and the U.S. Fish and Wildlife Service, will not require an amendment to the LCP. The criteria for making these adjustments is proposed to be based on whether the resulting change maintains a preserve area that is equivalent in biological value to the original configuration or is of higher biological value. Within the Coastal Zone, boundary adjustments which result in an amendment to the Del Mar Mesa Specific Plan due to modification of Figure 7 of the Del Mar Mesa Specific Plan will require an amendment to the certified Local Coastal Program.

The comparison of the biological value of existing versus proposed amendments to the preserve may be analyzed by any of the following factors:

- a. The population size of sensitive species contained in the preserve area;
- b. The function of the preserve area as a wildlife corridor or connection between preserve areas;
- c. The configuration of the preserve that results in the best defensible space or greater viability of species;
- d. Topography, amount of ecotone, or other conditions that promote preservation of a greater diversity of species; and/or
- e. Increased preservation of a particular target species or habitat type of concern.

6. and 7. no change

C. COMMUNITY FACILITIES

no change

D. CIRCULATION

no change

E. COASTAL ELEMENT (page 57)

Portions of Subarea V are located within the Coastal Zone and are governed by the *North City Local Coastal Program (LCP)*, adopted by the City Council and certified by the California Coastal Commission. These include areas designated Estate Residential and Resource Based Open Space in the northwest corner of the Del Mar Mesa and open space areas primarily in public ownership in the southern part of the subarea (see Figure 6).

The Del Mar Mesa Specific Plan, in addition to the *Framework Plan*, constitutes the land use plan segment for Subarea V within the City's LCP. This plan is intended to implement the *Framework Plan* and the *North City LCP*.

Both the Del Mar Mesa Specific Plan, and plan amendments and ordinances necessary to implement the specific plan require certification by the California Coastal Commission in order to become effective in the Coastal Zone areas. Upon certification of the Del Mar Mesa Specific Plan by the Coastal Commission, and after the City Council accepts any revisions to the plan requested by the Commission and formally requests a transfer of permit authority, the City ~~shall~~ may assume coastal permit authority for Coastal Zone areas within Subarea V.

IV. IMPLEMENTATION

A. through F. no change

G. FACILITIES FINANCING AND FEES (page 84)

Public Facilities Financing Plan

no change

Specific Plan Preparation Fee

no change

School Financing

no change

Los Peñasquitos Lagoon Enhancement Fund

Applicants for coastal development permits for projects located in the watershed of the Los Peñasquitos Lagoon shall, in addition to meeting all other requirements of the local coastal program, enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund for restoration of the Los Peñasquitos Lagoon and its watershed.

H. and I. no change

RESOLUTION NUMBER R- 288658

ADOPTED ON MAY 13 1997

WHEREAS, on September 9, 1996, the Council of The City of San Diego adopted by Ordinance No. O-18337 the *Del Mar Mesa Specific Plan*; and

WHEREAS, On November 12, 1996, amendments to the City's *North City Local Coastal Program* necessary to implement the *Del Mar Mesa Specific Plan* within the California Coastal Zone were approved by the California Coastal Commission subject to specified modifications; and

WHEREAS, it is in the interest of the citizens of The City of San Diego that authority for issuance of Coastal Development Permits within that portion of the *Del Mar Mesa Specific Plan* area subject to provisions of the *North City Local Coastal Program* be transferred from the California Coastal Commission to The City of San Diego; and

WHEREAS, the California Coastal Act includes provision for transfer of Coastal Development Permit issuance authority to local jurisdictions; NOW, THEREFORE,


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

1. That a request be submitted to the California Coastal Commission for transfer of authority for the issuance of Coastal Development Permits within that portion of the *Del Mar Mesa Specific Plan* area subject to provisions of the *North City Local Coastal Program* from the California Coastal Commission to The City of San Diego.

2. That upon transfer of Coastal Development Permit issuance authority to the City of San Diego, the review and approval of Coastal Development Permit requests shall be

conducted in conformance with the *Del Mar Mesa Specific Plan* and the *North City Local Coastal Program*, as amended.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc:jb

03/25/97

Or. Dept: Comm. & Eco. Dev.

Aud. Cert: N/A

R-97-970

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