

CALIFORNIA COASTAL COMMISSION

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June 16, 1999

TO: COMMISSIONERS AND INTERESTED PERSONS

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FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY, COASTAL PLANNER, SAN DIEGO AREA OFFICESUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 1-98C TO THE
CITY OF SAN DIEGO LOCAL COASTAL PROGRAM (Carmel Valley
MSCP Land Use Plan Revisions) (For Public Hearing and Possible Final Action at
the Coastal Commission Hearing of July 13-16, 1999)

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

Over the last several years, the City of San Diego has been developing its Multiple Species Conservation Program (MSCP) in conjunction with the U.S. Fish & Wildlife Service, the State Dept. of Fish & Game and affected property owners to meet the requirements of the California Natural Communities Conservation Planning Act of 1992. Specifically, the City has developed the overall program and its MSCP Subarea Plan to implement the City's portion of the larger MSCP open space preserve. When the City Council adopted the MSCP Subarea Plan, it also adopted amendments to the Progress Guide and General Plan and several community plans to implement the MSCP. Although the City's General Plan was never incorporated into its certified local coastal program, there were three companion actions that do modify the City's LCP. As part of the Subarea Plan's adoption, there were revisions adopted for the NCFUA Framework Plan, the Tijuana River Valley Plan and the Carmel Valley Community Plan. The Coastal Commission has already acted on the other components of this amendment request as Local Coastal Program Amendments #1-98A and B. Thus, the proposed land use plan amendments to the Carmel Valley Community Plan, a subsection of the North City LCP Land Use Plan segment, are the subject of this report.

The amendment request consists of a map revising open space/land use boundaries for the areas of the Carmel Valley Community Plan located south of Route 56, except for Neighborhood 8A which is still being planned at the local level and will come forward to the Commission at a future date. The amendment establishes the MSCP/open space boundaries in Neighborhoods 8, 8B and 10, along with some areas of the Carmel Valley community which are not within any identified neighborhood. Since the Commission has not certified specific plans for Neighborhood 8B and the areas outside neighborhood boundaries in the past, this request will also formalize land uses in those areas and allow

the City, after acceptance of the suggested modifications, to assume permit issuing authority. The certified planning documents applicable in the areas addressed in this amendment request are the North City West (renamed Carmel Valley) Community Plan, the North City LCP Land Use Plan, the Carmel Valley Neighborhood 8 Precise Plan and the Carmel Valley Neighborhood 10 Precise Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial, as submitted, of the proposed Carmel Valley Community Plan amendments and then approval with suggested modifications . The appropriate resolutions and motions begin on Page 5. The suggested modifications begin on Page 6. The findings for rejection of the Carmel Valley Community Plan amendments, as submitted, begin on Page 9 and the findings for certification, if modified, can be found beginning on Page 16.

BACKGROUND

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

The City of San Diego LCP Amendment #1-98 was first received in the San Diego office on December 24, 1997. In addition, the resubmittal of the Tijuana River Valley LCP Land Use Plan Update was received on August 19, 1998. Two of the three components of LCP Amendment #1-98A and all of #1-98B received Commission action in February, 1999. The subject item, which was initially part of #1-98A, has been renumbered #1-98C (Carmel Valley MSCP); it is the only remaining component of this amendment request. It was postponed from the February meeting, as it had become apparent to both City and Commission staff that the submitted map for the Carmel Valley community was flawed and did not accurately reflect the City Council's action on the MSCP. In addition, Pinnacle Creek (a separate LCP amendment which was tracking at roughly the same time) further modified the map and has now been adopted by the Commission as part of Local Coastal Program Amendment #3-98. A corrected map has been submitted, and the postponed Carmel Valley portion (renumbered as #1-98C) is now being brought forward for Commission review.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment 1-98C may be obtained from Ellen Lirley, Coastal Planner, at the San Diego Area Office of the Coastal Commission, 3111 Camino Del Rio North, Suite 200, San Diego, CA, 92108-1725, (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May, 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November, 1996.

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

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

B. STANDARD OF REVIEW

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

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as

provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

A. RESOLUTION I (Resolution to deny certification of the City of San Diego Land Use Plan Amendment 1-98C [Carmel Valley Community Plan], as submitted)

MOTION I

I move that the Commission certify the City of San Diego Land Use Plan Amendment 1-98C for the Carmel Valley Community Plan, as submitted.

Staff Recommendation

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

Resolution I

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

- B. **RESOLUTION II** (Resolution to approve certification of the City of San Diego Land Use Plan Amendment #1-98C [Carmel Valley Community Plan], if modified)

MOTION II

I move that the Commission certify the City of San Diego Land Use Plan Amendment 1-98C for the Carmel Valley Community Plan, if it is modified in conformance with the suggestions set forth in this staff report.

Staff Recommendation

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

Resolution II

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

PART III. SUGGESTED MODIFICATIONS

Staff recommends adoption of the following suggested revisions to two of the applicable certified planning documents which address development in the Carmel Valley Community Plan area and to the submitted open space/land use map. All suggested modifications are in the Commission's usual revision format: language to be deleted is ~~struck out~~ and language to be added is underlined.

NORTH CITY LOCAL COASTAL PROGRAM LAND USE PLAN SEGMENT (as certified by the Coastal Commission on January 13, 1988)

1. As a second paragraph under "Note:" on Page 1 of the *Revisions to the North City LCP Segment*, the following language shall be inserted: (The pertinent sections of the *Revisions* are attached as an exhibit to this report.)

The policies set forth in Items 1-4 of the *Revisions to the North City LCP Segment*, as approved in City Council Resolutions No. R263183 and R862343, and certified by the Coastal Commission on August 27, 1985 and January 13, 1988, respectively, shall apply to Carmel Valley Neighborhood 8B and the two areas of the coastal zone outside neighborhood boundaries located south of Neighborhood 8.

2. On Page 12 of the *Revisions*, the following language should be added as Item 8:

8. Carmel Valley Community Plan, Neighborhood 8B and areas not within an identified neighborhood.

Any wetlands in the community as are currently delineated by the California Department of Fish and Game, U.S. Fish and Wildlife Service or U.S. Army Corps of Engineers, or are so delineated in the future, shall be protected from adverse impacts. Permitted uses within delineated wetlands shall be limited to the following:

(1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;

(2) Wetland restoration projects where the primary purpose is restoration of the habitat;

(3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

In addition, a wetland buffer shall be maintained around all wetlands as necessary and as appropriate to protect the functions and values of the wetland. Wetland buffers should be provided at a minimum 100 ft. distance adjacent to all identified wetlands and 50 ft. distance adjacent to riparian areas. The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features, such as topography, and the functions and values of the wetland. Developments permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and

similar improvements necessary to protect the wetland, and such improvements shall be restricted to the upper/inland half of the buffer zone.

CARMEL VALLEY NEIGHBORHOOD 8 PRECISE PLAN (as certified by the Coastal Commission on March 10, 1999)

3. On Page 16, the following modification shall be made:

2. Central Carmel Valley

Central Carmel Valley, consisting of approximately 198 acres, is bordered on the east and west by Carmel Country Road and Carmel Creek Road, respectively. The residential density within this portion of the precise plan area will be a combination of lower and medium density multi family development, ranging from 7-15 Du's per acre for the lower density to at a density of 15-29 Du's per acre for the medium density. ~~The lower density shall apply to all residentially designated lands in Central Carmel Valley, except for the Pinnacle Carmel Creek site, which shall be designated medium density.~~ It is likely that the area will be developed with duplexes, fourplexes, and other types of clustered multi family units. Table 2 is a land use acreage analysis of Central Carmel Valley. Figure 7 illustrates the proposed land use plan.

4. Tables 2, 3 and 4 and Figure 7, on Pages 16, 17, 19 and 19A shall be revised consistent with the map identified as Draft Carmel Valley Land Use Plan (Area South of SR 56) April 1999.

5. On Page 27, the following language shall be inserted as paragraph B.:

B. WETLANDS/BUFFERS

Any additional wetlands in the community (i.e., any wetlands located outside the enhanced floodway area) as are currently delineated by the California Department of Fish and Game, U.S. Fish and Wildlife Service or U.S. Army Corps of Engineers, or are so delineated in the future, shall be protected from adverse impacts. Permitted uses within delineated wetlands shall be limited to the following:

(1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;

(2) Wetland restoration projects where the primary purpose is restoration of the habitat;

(3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.

In addition, a wetland buffer shall be maintained around all wetlands as necessary and as appropriate to protect the functions and values of the wetland. Wetland buffers should be provided at a minimum 100 ft. distance adjacent to all identified wetlands and 50 ft. distance adjacent to riparian areas. The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features, such as topography, and the functions and values of the wetland. Developments permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and similar improvements necessary to protect the wetland, and such improvements shall be restricted to the upper/inland half of the buffer zone.

DRAFT CARMEL VALLEY LAND USE PLAN (as currently proposed)

6. The City shall submit a revised MSCP/Open Space map that conforms the MSCP boundaries to, at a minimum, the Hillside Review (HR) boundaries as shown on Map C720 (excerpt of map attached as exhibit) for the southern portion of the Jewish Academy properties. The revised map shall be at a scale equal to Map C-720 (1:400 scale).

**PART IV. FINDINGS FOR DENIAL OF THE CARMEL VALLEY
COMMUNITY PLAN, AS SUBMITTED**

A. AREA HISTORY

The North City Local Coastal Program Land Use Plan (City of San Diego, 1981) was initially approved by the City of San Diego in March 1981. It was amended in 1985 and again in 1988, and has been certified by the Coastal Commission. Although the area geographically within in the North City LCP segment includes all the coastal zone portions of the Torrey Pines, University, Mira Mesa, Sorrento Hills, and Carmel Valley (formerly called North City West) Community Plan areas, along with the Via de la Valle Specific Plan area and North City Future Urbanizing Area, only Torrey Pines, University, Mira Mesa and Carmel Valley are addressed in the North City Local Coastal Program Land Use Plan document. That document has never been rescinded and subsequent LCP amendments certifying community plans and specific plans have further refined and detailed the coastal planning policies applicable to the North City communities. Such is the case for the Carmel Valley planning area. Carmel Valley, formerly known as North City West, includes 4,286 acres; of that, approximately 24%, or 1,028 acres are located within the coastal zone.

The North City West Community Plan, which dates back to the mid-1970's, was the original planning document for the area now known as Carmel Valley. It contained broad policy statements, but did not include the level of specificity that is required for an

LCP land use plan. It did indicate that develop of this portion of the City of San Diego, which was relatively undeveloped at the time, would occur through the adoption and implementation of specific plans. More recently, but still prior to the Commission's effective certification of the City's LCP, North City West evolved into delineated planning areas called neighborhoods, but also included two isolated areas which are not within any identified neighborhood boundaries. Portions of Neighborhoods 2, 3, 4, 5, 6, 7, 8, 8A, 8B and 10 are located within the coastal zone. By the time the City's LCP was certified in 1988, specific plans for several of the communities had been approved at the local level, and much development had occurred under Commission-issued coastal development permits.

At the time of certification, the recognized planning documents for this area of the City included the original North City West Community Plan, the North City LCP Land Use Plan with 1985 and 1988 *Revisions*, and several neighborhood precise plans.

Neighborhood 8, which is almost entirely within the coastal zone, had not been planned at that time and was called out as an area of deferred certification. This status also applied to Neighborhoods 8A, 8B, and 10 and those areas not within an identified neighborhood, since detailed planning for those areas had not occurred. Over the years, the Commission has certified a number of amendments and updates to various neighborhood precise plans, and certified precise plans for Neighborhoods 8 and 10, thereby transferring permit authority in those neighborhoods to the City.

B. AMENDMENT DESCRIPTION.

In addition to other planning efforts which affect the North City area, over the last several years, the City of San Diego has been developing its Multiple Species Conservation Program (MSCP). This has been done in conjunction with the U.S. Fish & Wildlife Service, the State Dept. of Fish & Game and affected property owners to meet the requirements of the California Natural Communities Conservation Planning Act of 1992. Specifically, the City has developed the overall program and its MSCP Subarea Plan to implement the City's portion of the larger MSCP open space preserve which encompasses land in the City and County of San Diego and in several smaller municipalities. When the City Council adopted the MSCP Subarea Plan, it also adopted amendments to the Progress Guide and General Plan and several community plans to implement the MSCP. Although the City's General Plan was never incorporated into its certified local coastal program, there were three companion actions that modify the City's LCP.

As part of the MSCP Subarea Plan's adoption, the City adopted revisions to the North City Future Urbanizing Area (NCFUA) Framework Plan and the Carmel Valley Community Plan, as well as an update of the Tijuana River Valley LCP Land Use Plan. The Commission certified with suggested modifications the NCFUA and Tijuana River Valley land use plan amendments in February 1999. The Carmel Valley Community Plan portion was postponed pending Commission action on a separate amendment to the land use plan policies for Neighborhood 8 to incorporate the 40-acre Pinnacle Creek property. The Commission certified that amendment, with suggested modifications, on March 10, 1999. In addition to what was believed to be a conflict with the Pinnacle

Creek land use plan map associated with the community plan boundaries, it was also determined that the submitted MSCP map was not completely accurate in its depiction of the City Council's action. Thus, a corrected map has been prepared and submitted, and the City is now ready to bring the item forward for Commission certification.

The proposed LCP amendment consists of submittal of a new land use map delineating the MSCP boundaries in portions of the Carmel Valley community, and a request by the City to assume permit authority over some areas of deferred certification. The amendment includes the following:

- Establishment of new land use and MSCP boundaries in the Carmel Valley Neighborhood 8 Precise Plan, resulting overall in an increase of forty-nine acres of open space.
- Certification of a land use and MSCP boundaries map for Carmel Valley Neighborhood 8B and transfer of permit authority in that area.
- Certification of a land use and MSCP boundaries map for the two areas not included in any neighborhood boundary and transfer of permit authority in those areas.
- Continuation of existing conditions in Carmel Valley Neighborhood 10. This area is shown on the submitted map, since the map depicts all of the Carmel Valley Community south of Route 56, but no changes are proposed in Neighborhood 10.
- Confirmation that Carmel Valley Neighborhood 8A is not a part of the current amendment, and thus remains an area of deferred certification.

Commission adoption of the subject LCP amendment will result in certification of most of the remaining deferred certification areas in North City, namely Neighborhood 8B and the two areas outside neighborhood boundaries, which are physically located south of Neighborhood 8. Only Neighborhood 8A will remain uncertified after this Commission action; that neighborhood is undergoing planning review at the local level and will be brought to the Commission for certification sometime in the future. Under the present planning scenario, it can be noted that most of the areas of Neighborhood 8A within the coastal zone, which represent a very small part of the neighborhood overall, are being designated open space.

The City has determined that a precise plan for Neighborhood 8B is unnecessary, since there is no proposal to change the development patterns in that area or increase densities. Most of the community consists of mesatop lands and sixty out of sixty-three acres in the coastal zone are designated for rural residential development, with the remainder zoned as open space/MSCP preserve.

The areas outside neighborhood boundaries are located in two places. There are thirty acres located on the mesatops within the coastal zone. Under the MSCP mapping, the entire thirty acres is designated as open space/MSCP preserve, compared to twenty acres

currently designated as open space. Thus, there is a net gain of ten acres of open space proposed in this area.

The other area is a portion of the future site of the Jewish Academy, which is a proposal currently under review at the local level. Thirteen acres of the approximately forty-acre site is within the certified area known as Neighborhood 8 and designated as residential and open space land. The remaining twenty-seven acres are not in any designated neighborhood and are within the area of deferred certification. Much of the site has been disturbed by agricultural and ranching activities in the past and there are still some abandoned structures on the property and the remnants of an old orchard. Under the old North City LCP Land Use Plan, eight acres of the twenty-seven is designated for residential development; this will increase to eighteen acres under the current LCP amendment proposal. The nineteen acres currently designated as open space will be reduced to nine acres under the current plan.

The Commission is not reviewing a particular development proposal at this time. The proposed land use plan revisions would result in less open space on this particular property (the Jewish Academy site) than is currently designated, both in the area outside any neighborhood and that part in Neighborhood 8. Portions of the area of this property to be redesignated from open space to residential uses contain coastal sage and southern maritime chaparral habitat. Some of this habitat exists as flatter, isolated patches, surrounded by areas which have been disturbed in the past by ranching/agricultural uses. In fact, much of the overall site is comprised of flat lands and rolling terrain. However, the southern portion of the site, particularly, but not exclusively, that portion in Neighborhood 8, rises steeply and contains significant stands of the identified sensitive habitats. Moreover, the steep slopes/habitat areas in this portion of the site connect with larger areas of similar habitat to the south. On this particular site, the proposed revisions will reduce the amount of currently-designated open space by ten acres. The LCP amendment as a whole results in an increase of forty-nine acres of open space in the coastal zone over what the current designations provide. This all occurs within Neighborhood 8, as overall there is no net gain or loss in Neighborhood 8B (no change at all) or the two areas outside neighborhoods (gain of ten acres in one location and loss of ten acres in another).

Although the subject MSCP map includes Carmel Valley Neighborhood 10, the MSCP mapping in that neighborhood is the same as what was approved by the Commission previously. In March, 1997, the Commission last certified an amendment updating the Neighborhood 10 Precise Plan; the maps in that plan delineate the open space/MSCP preserve areas in the configuration shown on the subject map. Effective certification and the transfer of permit authority to the City for Neighborhood 10 occurred in June, 1995, after the Commission's initial review of an updated specific plan for the neighborhood. Since there are no proposed changes for Neighborhood 10, this planning area will not be further discussed in these findings.

C. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the land use plan amendment, as set forth in the resolution for certification as submitted, is not consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act and the goals of the state for the coastal zone.

D. CHAPTER 3 CONSISTENCY

1. Environmentally Sensitive Habitat Areas. The Coastal Act provides for the protection of environmentally sensitive habitat areas. The following Chapter 3 policies are applicable to the proposed amendment and state, in part:

Section 30231

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

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

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

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

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

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

(7) Restoration purposes.

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

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

Section 30240

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

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

The Carmel Valley areas which are part of this LCP amendment request contain several sensitive coastal habitats that include floodway/floodplain, freshwater marsh, riparian and coastal sage scrub/chaparral habitats. The certified planning documents for these areas contain a number of policies addressing the protection of wetland and upland resources in the valley. However, it is not clear that the policies are adequate to address all the resources in all the subject locations. For example, the original North City West Community Plan proposed that Carmel and Shaw Valleys be designated open space, along with all slopes in excess of 25% gradient; however, the plan goes on to acknowledge that development can still occur in these areas although it is less preferred. The North City LCP Land Use Plan, particularly as amended in 1985 and 1988, incorporated specific criteria for wetland buffers, erosion controls, mitigation fees for development within the Los Penasquitos Lagoon watershed and steep slope encroachments. These various policies, however, appear to be limited to specific geographic areas within the North City LCP segment, rather than applying to the segment as a whole – it is not clear whether or not they would apply to the two isolated areas outside the neighborhoods or to Neighborhood 8B. Moreover, neither this document nor its predecessor, the North City West Community Plan, contains criteria addressing allowable uses/development in wetlands.

The Commission has found such criteria necessary in land use plans in its review of more recent planning documents because these documents become the legal standard of review when a local government assumes the authority to issue coastal development permits. It is the City's intention, with approval of the subject LCP amendment, to assume permit authority over Neighborhood 8B and the areas outside neighborhoods, as shown on the attached map; it already has permit authority over Neighborhood 8. Thus, the Commission finds it imperative that specific wetland criteria be incorporated into all pertinent land use plans, which will become the standard of review for coastal permits issued by the City in the future.

Although much of the subject lands (Neighborhood 8, Neighborhood 8B and the two areas outside neighborhood boundaries) will be preserved as MSCP/open space areas, at least one future development site has already been identified to contain wetland resources. Thus, there is still a need to specify permitted uses in wetlands and define requisite buffer areas for natural resources. It is also necessary to make sure that the policies of the certified North City LCP Land Use Plan apply to the geographic areas currently under review.

An additional problem with the submitted new MSCP map for the areas of Carmel Valley south of Route 56 is that the proposed LCP amendment is inconsistent with the certified Carmel Valley Neighborhood 8 Precise Plan. The existing, certified Neighborhood 8 plan has narrative, tables and figures addressing the mix of uses within the neighborhood. In submitting the new map for Commission approval, the City failed to make any changes to these plan components to incorporate the different amounts of residential and open space lands within the community, which results overall in an increase in open space of forty-nine acres. Thus, the current plan and associated tables and figures are in error and conflict with the proposed revisions. In its current form, the Commission finds the proposed LCP amendment for Neighborhood 8 inconsistent with several identified components of the certified plan. Thus, in addition to the Chapter 3 inconsistencies noted above, the Commission must also deny the submittal as proposed in order to correct this error.

Finally, with regard to proposed open space/MSCP boundaries, the southern portion of the forty-acre site of the future Jewish Academy is composed of steep hillsides, which are designated as sensitive on the certified C720 series of maps which depict the Hillside Review Overlay (HR) areas of the City's LCP. Although some of the area has been disturbed, the majority of these steep hillsides contain a mixture of coastal sage and southern maritime chaparral habitats and areas identified as habitat for the Quino checkerspot butterfly, a federally-listed endangered species. A number of sensitive plant species are also depicted in this area in the Final Biology Technical Report for the San Diego Jewish Academy (Recon, March 29, 1999). Moreover, this area of the property connects with designated MCSP lands to the south and west. As proposed, the MSCP boundary map reflects removal of ten acres of currently-designated open space, but does not reflect incorporation of all the good quality habitat on the property as part of the MSCP preserve. Rather, it designates this area for residential development and sets up a potential conflict with the certified HR maps and implementation of the HR overlay zone ordinance. Thus, the Commission finds that additional lands on this site should be designated as open space to adequately protect identified sensitive habitat areas. Absent these provisions, the plan may not be found consistent with the cited Chapter 3 policies.

PART V. FINDINGS FOR APPROVAL OF THE CARMEL VALLEY COMMUNITY PLAN AMENDMENTS, IF MODIFIED

While the proposed new MSCP/open space map results in the preservation of significant additional areas of open space, the proposal is deficient in several areas. This is particularly important because the City is requesting a transfer of permit authority for several areas of deferred certification. It is critical that the pertinent planning documents, which will form the standard of review by which the City will approve coastal development permits, be fully up to date to reflect current planning practices and environmental concerns, consistent with Chapter 3 of the Coastal Act. In the previous findings for denial, the Commission has identified several areas where the proposed revised plan is inconsistent with Chapter 3 policies of the Coastal Act. The existing applicable land use plans did not contain adequate policy direction regarding allowable

uses in wetlands and appropriate mitigation standards. In addition, the plans are unclear in the breadth of their application and contain some narrative and graphic errors in that the new MSCP map was not reflected in portions of the existing Neighborhood 8 plan. Also, the proposed open space boundaries do not fully protect some identified sensitive habitat areas.

To address these inconsistencies, a number of suggested modifications have been proposed. The first suggested modification would clarify that Items 1-4 of the 1985 and 1988 revisions to the North City LCP Land Use Plan apply to all areas subject to this amendment request except Neighborhoods 8 and 10. These policies address drainage, runoff controls, steep slopes, grading restrictions and payment of Los Penasquitos Lagoon enhancement fees. Suggested modifications #2 and #5 incorporate wetland and wetland buffer policies into the North City LCP Land Use Plan and Carmel Valley Neighborhood 8 Precise Plan respectively. Suggested modifications #3 and #4 would make the text, tables and figures of the Carmel Valley Neighborhood 8 Precise Plan consistent with the proposed amendment.

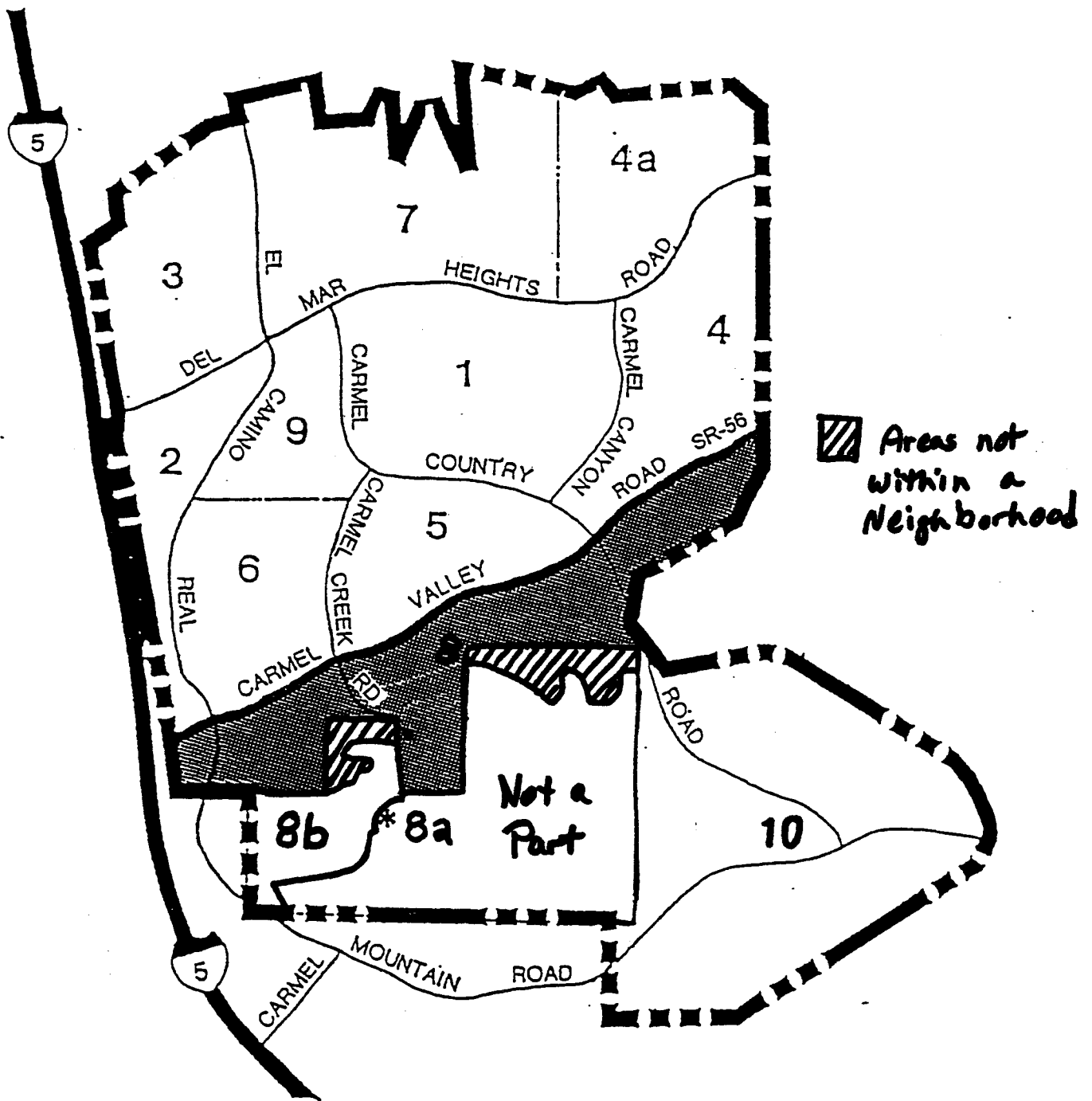
Finally, suggested modification #6 requires submittal of a revised MSCP/open space map. The revised map is to incorporate the previously-identified sensitive areas on the Jewish Academy property into the MSCP/open space boundaries, consistent with the designation of these hillsides as sensitive steep slopes on the certified C720 (HR) maps. With the inclusion of all these suggested modifications, the Commission finds the proposed LCP amendment consistent with all applicable Chapter 3 policies of the Coastal Act.

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

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

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the North City FUA amendment as submitted would result in significant environmental impacts under the meaning of the California Environmental Quality Act. However, as modified herein, suitable resource protection policies for wetlands, in particular, have been incorporated and the plan update should not result in significant environmental impacts.

Furthermore, future individual projects would require coastal development permits from the City of San Diego. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the LCP amendment, as submitted, can be supported.



City of San Diego
LCPA #1-98C

Vicinity Map

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RESOLUTION NUMBER R-288456

ADOPTED ON MARCH 18, 1997

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE PROGRESS GUIDE AND GENERAL PLAN, VARIOUS COMMUNITY PLANS, AND THE FUTURE URBANIZING AREA FRAMEWORK PLAN, AND REPEALING THE TIJUANA RIVER VALLEY COMMUNITY PLAN, TO IMPLEMENT THE MSCP PLAN.

WHEREAS, the Planning Commission of The City of San Diego held concurrent public hearings on January 30, 1997, to consider the proposed amendments to the City of San Diego Progress Guide and General Plan, Rancho Peñasquitos Community Plan, Otay Mesa Community Plan, East Elliot Community Plan, Future Urbanizing Area Framework Plan, and Carmel Valley Community Plan (herein collectively referred to as the "Amendments"), and to consider repealing the Tijuana River Valley Community Plan, all related to the implementation of the Multiple Species Conservation Program ("MSCP") Plan, in order to retain consistency between the plans; and

WHEREAS, the Amendments and the repeal of the Tijuana River Valley Community Plan are intended to be contingent upon and effective upon the California Department of Fish and Game ("CDFG") and the U.S. Fish and Wildlife Service ("USFWS") approval of the MSCP Plan in substantially the same form as approved by the City Council; and

WHEREAS, the Planning Commission approved and recommended adoption by the City Council of the Amendments and the repeal of the Tijuana River Valley Community Plan; and

City of San Diego
LCPA # 1-98C
Council Resolution

WHEREAS, Council Policy No. 600-7 provides that public hearings to consider revisions of the Progress Guide and General Plan for The City of San Diego may be scheduled concurrently with public hearings on proposed community plan amendments; and

WHEREAS, the Council of The City of San Diego held a public hearing to consider this matter, by a majority vote, approved the Amendments and the repeal of the Tijuana River Valley Community Plan; NOW, THEREFORE,

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

1. That this City Council hereby approves the Amendments and the repeal of the Tijuana River Valley Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-288456, with the following modifications:

a. Do not amend the Land Use Map in the Carmel Valley Community Plan with respect to Neighborhood 8A because the final development footprint for Neighborhood 8A is still under review, has not been determined, and will be before City Council for consideration at a future date; and

b. Insert a notation upon the East Elliot Community Plan Land Use Map identifying that the open space west of the existing County landfill is also a potential landfill site, as recommended by the City Manager in Attachment 4 of the City Manager's Memorandum to the Honorable Mayor and City Council dated March 12, 1997, on file in the Office of the City Clerk as Document No. RR-288455-4 [R-288455]; and

c. Modify the Open Space Element of the General Plan as recommended by the City Manager in Attachment 6 to Manager's Report No. 97-25.

2. That the Amendments and repeal of the Tijuana River Valley Community Plan shall be contingent upon and effective on the date that the California Department of Fish and

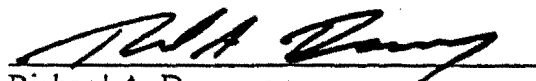
Game ("CDFG") and the U.S. Fish and Wildlife Service ("USFWS") issue permits to The City of San Diego as provided for in the MSCP Plan, on file in the Office of the City Clerk as Document No. RR-288455-1 and 3 [R-288455]; the City of San Diego Subarea Plan, on file in the Office of the City Clerk as Document No. RR-288455-2 [R-288455]; and the City of San Diego Implementing Agreement, on file in the Office of the City Clerk as Document No. OO-18394 [O-97-90] , and further provided that those permits are issued with terms and conditions which are substantially in the same form as approved by the City Council through adoption of Resolution No. R-288455 and Ordinance No. OO-18394 [O-97-90], on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED, that this resolution shall not become effective within the areas of the City within the jurisdiction of the California Coastal Commission until such time as the Commission unconditionally certifies these amendments as Local Coastal Program Amendments.

BE IT FURTHER RESOLVED, that the City will assume Local Coastal Program permit authority thirty days after the California Coastal Commission unconditionally certifies the Local Coastal Program Amendments incorporating the Amendments into the City's Local Coastal Program.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

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Passed and adopted by the Council of San Diego on
MAR 18 1997

by the following vote:

YEAS: Mathis, Wear, Kehoe, Warden, Stallings, McCarty,
Vargas, Mayor Golding.

NAYS: None.

NOT PRESENT: Stevens.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(Seal)

By: MARY A. CEPEDA, Deputy

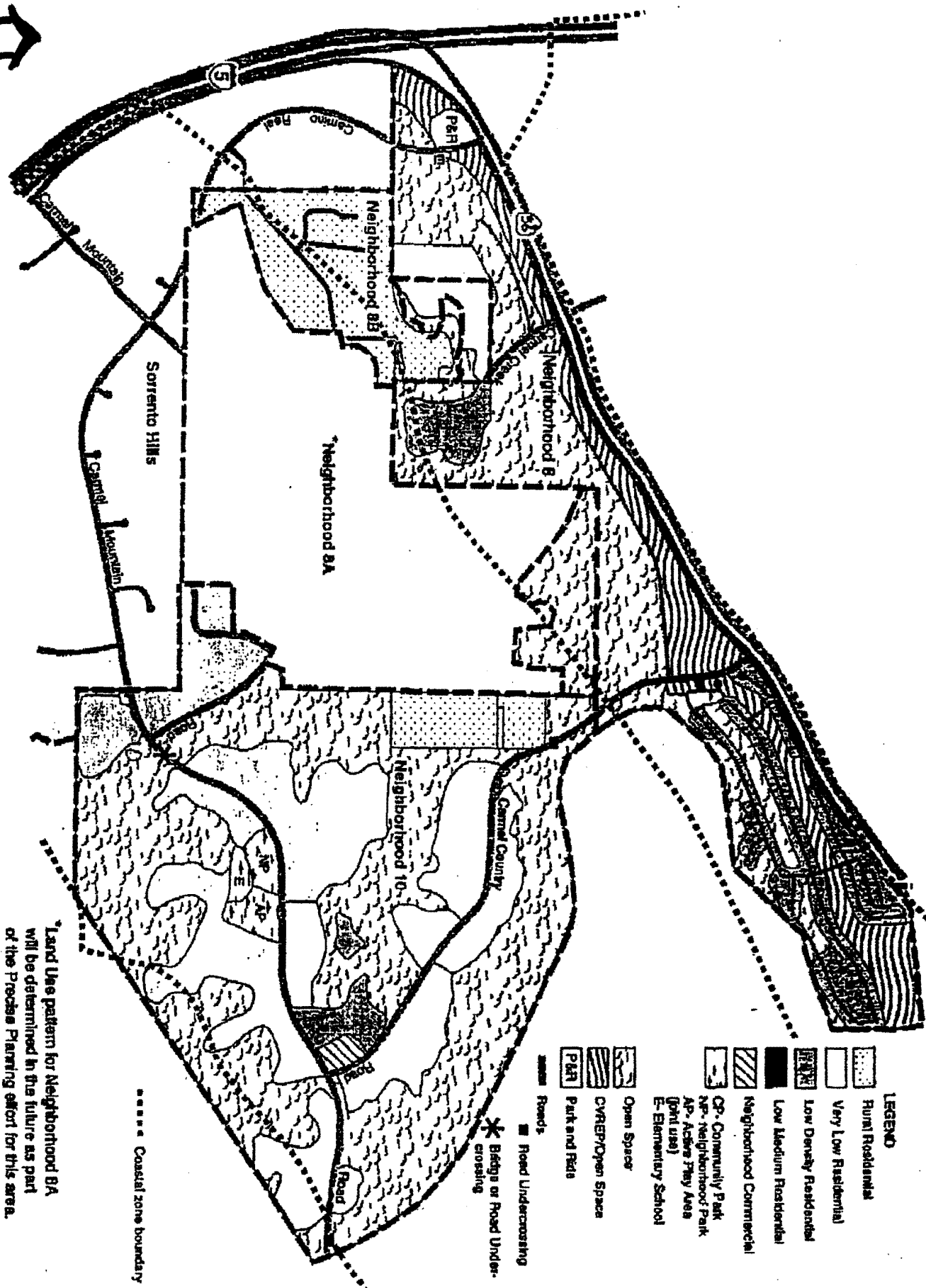
I HEREBY CERTIFY that the above and foregoing is a full, true and
correct copy of RESOLUTION NO. R- 288456,
passed and adopted by the Council of The City of San Diego,
California on MAR 18 1997.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Mary A. Cepeda, Deputy

North 



City of San Diego LCPA#1

Land Use Plan

REVISIONS TO THE NORTH CITY LCP SEGMENT

Note: The following revisions apply to more than one subarea (or Community Planning Area) of the City; therefore, both the subarea and the applicable policy(-ies) are indicated for each revision. Page Number references are to the City of San Diego Planning Report No. 83-292, Attachment A-2a.

1. Torrey Pines (Policy Groups 4, 5, 6, and 8; No. 5); North City West, Carmel Valley Area (Drainage No. 2, Page 17):

(A) Channelization or other substantial alteration of rivers or streams shall be limited to (1) necessary water supply projects, (2) flood control projects where no other feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development, or (3) other development, a primary element of which is the improvement of fish and wildlife habitat. Such development may include new or expanded roads or highways that are essential to the economic health of the region, state or nation, provided they comply with all the provisions of part (B) of this policy and all other applicable policies of this local coastal program. Long-term maintenance of healthy wetlands in Los Penasquitos Lagoon shall be a primary goal of any sedimentation or erosion control measures instituted pursuant to this section.

(B) Any development permitted pursuant to the provisions of Subsection (A) shall do all of the following:

(1) Incorporate all relevant findings of hydrological studies for the coastal watershed of the affected stream, including but not limited to erosional characteristics, flow velocities, and sediment transport;

(2) Incorporate mitigation measures designed to assure that there will be no increase in the peak runoff rate from the developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (i.e., the "6-hour, 10-year" design storm);

(3) Minimize stream scour, avoid increases in and reduce, where feasible, the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, including but not limited through the planting of riparian vegetation in and near

the stream. (4) If Channelization is determined to be necessary, the floodway of the stream shall accommodate a 100-year flood. To the maximum extent feasible, all artificial channels shall be constructed without removal of riparian vegetation, shall be designed to allow for riparian vegetation growth, and shall consist of natural bottoms and sides.

(C) To provide for the permanent maintenance and conservation of the stream channels and related habitat areas, a benefit assessment district or other financing mechanism which accomplishes the same result shall be created for that portion of the stream watershed lying within the coastal zone. As a condition precedent to the issuance of a Coastal Development Permit, the applicant shall agree in writing in a manner acceptable to the City Attorney to participate in the benefit assessment district or other financing mechanism that accomplishes the same result. In addition, the City should work cooperatively with other governmental agencies that have jurisdiction in the watershed lying inland of the Coastal zone and with landowners to create a benefit assessment district or other financing mechanism for stream conservation and maintenance in that portion of the stream watershed lying inland of the Coastal Zone. Funds generated by the Benefit Assessment District(s) or other equivalent financial mechanisms may be utilized to construct and maintain erosion control measures in the stream watershed inside and outside the Coastal Zone.

(D) To consolidate all baseline and performance standard information generated by the implementation of the local coastal program, a Coastal Zone natural resources data base should be established in the Department of Planning. Funding for the establishment and operation of the natural resources data base should be derived equally from a portion of Coastal Development Permit application fees and from the State of California Environmental License Plate fund. Immediately following certification of the LCP by the Coastal Commission, the City should undertake the necessary steps to obtain the start-up fund for this program from the environmental license plate fund.

2. Torrey Pines (Policy Groups 4, 5, 6, and 8; No. 9, Page 7); North City West (San Dieguito Canyon Hillsides; No. 1, Page 13); Mira Mesa (Policy Groups 4, 5, 6, and 8; Page 19)..

(A) Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over, and have not been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments may be developed provided the applicant can demonstrate all of the following:

(1) To protect the scenic and visual qualities of the site as seen from public recreational areas and road or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms of the surrounding area.

(2) The proposed development shall restore and enhance any previously manufactured slopes of the site to make them compatible with surrounding natural landforms and native vegetation.

(3) The proposed development, including any fill or grading, does not create any significant new soil erosion, silting of lower slopes, slide damage or other geologic instability, flooding, or permanent scarring. In reviewing the potential of any development to create or increase any such effects, official governmental soils maps, determinations of highly erodible soils, mapped active landslide areas, and similar documentation of geological instability shall be presumed to constitute rebuttable evidence and the applicant shall have an affirmative obligation to bring them to the attention of the City. Any decision by the City to override such evidence shall be based upon substantial evidence presented by a geotechnical expert licensed to practice in California. All liability for the accuracy of the geotechnical information presented on behalf of the applicant shall be assumed by the applicant, who shall also be required in writing as a condition precedent to issuance of the Coastal Development Permit to address and fully mitigate or otherwise correct any geologic instability, erosion, or sedimentation caused by the permitted development on other private or public properties and off-site coastal natural resources. Failure by an applicant to provide geotechnical or other engineering responses to such identified geological instabilities shall constitute grounds for denial of the development.

(4) The proposed development contains a native vegetation restoration and enhancement program for those portions of the site in 25 percent or greater slopes that will provide as follows:

(a) For every area or quantity of native vegetation located on slopes of 25 percent grade and over, in excess of the encroachment allowance provided in Table 1 below, that is disturbed by the development, an area equal to 120 percent of the

disturbed area shall be restored in native vegetation. The restoration and enhancement program shall be performed prior to or concurrently with the development and may be incorporated into the design and implementation of the overall landscaping program for the site.

(b) The native vegetation restoration and enhancement program required by subsection (a) shall be located on the site of the permitted development. However, if the size, topography or biological characteristics of the site are determined by the Planning Director to be unsuitable for said restoration or enhancement program, then the native vegetation shall be provided at one or more off-site locations within the Coastal Zone, which may include publicly owned rights of way. If such locations within the Coastal Zone are infeasible, then such native vegetation restoration or enhancement program shall be provided at other suitable locations within the City of San Diego outside the Coastal Zone.

(c) All native vegetation restoration and enhancement programs shall be prepared by a biologist, registered landscape architect, or other qualified professional in close consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service.

(B) In the case of those landforms which consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:

(1) Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:

TABLE 1 25% SLOPE ENCROACHMENT ALLOWANCE

| Percentage of Parcel in Slopes of 25% and Over | Maximum Encroachment Allowance as Percentage of Area in Slopes of 25% and Over |
|--|---|
| 75% or less | 10% |
| 80% | 12% |
| 85% | 14% |
| 90% | 16% |
| 95% | 18% |
| 100% | 20% |

The following uses shall be exempt from the encroachment limitations set forth above:

- a. Major public roads and collector streets identified in the Circulation Element of an adopted community plan or the City of San Diego Progress Guide and General Plan.
 - b. Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25 percent grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Planning Director based upon an analysis of the project site.
 - c. Public utility systems.
2. On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Planning Director, if necessary to maintain a minimum development right (total disturbed area) equal to 20 percent of the entire parcel.
 3. All encroachment allowances, including permissible deviations, shall be subject to a determination by the Planning Director that such encroachment supports the findings of fact set forth in the City's Hillside Review Zone.
- (4) The steep slope areas to be covered by this policy will be mapped as part of the LCP Implementation Program and will

include generally: steep slope areas on north and south side of the San Dieguito River Valley; the slopes on the south side of Carmel Valley; hillsides on both the north and south sides of Los Penasquitos and Lopez Canyon, including finger canyons or portions thereof which are visible from the canyon floors, slopes above the Sorrento Valley and Los Penasquitos Lagoon and other steep hillsides visible from Interstate 5 or other major coastal access roadways which possess scenic and habitat values.

(C) Encroachment allowances for the development of slopes of 25 percent grade and over occurring in either slope category described in paragraphs A. or B. above, shall not be transferable between categories.

(D) All slopes of 25 percent grade and over which remain undisturbed or which are restored or enhanced as a result of a development approval shall be conserved as a condition of permit approval through a deed restriction, open space easement or other suitable device which will preclude any future development or grading of such slopes.

(E) In accordance with the development boundaries established by previous Coastal Commission Development approvals obtained prior to May 14, 1985, in lieu of other provisions of this plan, development, grading, or filling shall be allowed on slopes of 25 percent or greater on the north and south sides of Lopez Canyon provided that such development, grading, or filling shall not be visible from a point located along the streambed of Lopez Canyon that is nearest to the proposed development, grading or filling. All other developments within the HR Zone on the north and south sides of Lopez Canyon shall comply with the provisions of this plan.

3. Torrey Pines (Policy Groups 4, 5, 6, and 8; No. 10, Page 8); Mira Mesa (Policy Groups 4, 6, and 8; No. 6 and 8, Page 22); North City West (Pages 115 and 130 in North City LUP).

(A) A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of project development shall be prepared and submitted concurrently with subdivision improvement plans or planned development applications where such development is proposed to occur on lands that will be graded, filled, or have a slope of 25 percent or greater. Such a plan shall be prepared by a registered civil engineer and shall be designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a

six-hour period once every ten years (the "six-hour, ten-year" design storm). Runoff control shall be accomplished by establishing on-site or at suitable nearby locations catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains, or other similar means of equal or greater effectiveness.

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

(C) From November 15 to March 31, grading may only occur (1) in increments as determined by the City Engineer based on site-specific soil erodibility and slopes in order to minimize soil exposure, and if (2) the applicant has installed temporary erosion control measures that the City Engineer finds are designed to assure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the "six-hour, ten-year" design storm); (3) the applicant posts a bond which shall remain in force and effect

for one year after acceptance by the city of the subdivision sufficient to cover the costs of any remedial grading and replanting of vegetation, including any restoration of lagoon, wetland, or other environmentally sensitive habitat areas adversely affected by the failure of the erosion control measures required pursuant to subsection (C) (2), as determined by the City Engineer, which bond will insure to the benefit of the City in case of noncompliance, as determined by the City Engineer, and (4) the applicant agrees to provide daily documentation to the City Engineer of the condition of the erosion control procedures for any 24-hour period in which precipitation exceeds 0.25 inches. Such documentation shall be provided within five working days of said 24-hour period. Failure to provide such documentation or occurrence of any significant discharge of sediments or silts in violation of this policy shall constitute automatic grounds for suspension of the applicant's grading permit(s) during the period of November 15 or March 31.

4. Torrey Pines (Policy Groups 4, 5, 6 and 8; new policy) North City West, San Dieguito River Valley/Los Penasquitos Canyon Hillside (Policy Groups 6 and 8; new policy); North City West, Carmel Valley Area (Drainage No. 4, Page 18); Mira Mesa (Policy Groups 4, 6, and 8; new policy); University/La Jolla (new policy).

(A) Applicants for coastal development permits for projects located in the watershed of Los Penasquitos Lagoon shall, in addition to meeting all other requirements of this 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 Penasquitos watershed restoration and enhancement fee to the Los Penasquitos Lagoon Fund for restoration of the Los Penasquitos lagoon and watershed. Consistent with applicable coastal development permit precedents, the requirement of public resources Code Section 30625(C), and the provisions of California Administrative Code, Title 14, Section 13511, the Los Penasquitos watershed restoration and enhancement fee shall be computed on the basis of the site surface affected by grading for urban development, agricultural, transportation, and other public service facility improvements, but not including for habitat restoration or enhancement, at a rate of \$0.005/square foot and at an additional rate for impervious surface(s) created by the development at a rate of \$0.03/square foot. The applicant shall provide evidence satisfactory to the City that such payment has been made prior to issuance of the Coastal Development Permit. The City recommends to the State Coastal Conservancy and the Los Penasquitos Lagoon Foundation Board of Directors that the

foundation's applicable by-laws be amended to provide that applicants who pay into the fund be provided a general membership status in the Los Penasquitos Lagoon Foundation.

5. Torrey Pines Subsegment (Policy Groups 4, 5, 6, and 8; No. 1 on page 2 and No. 6 on page 5 of City Report 83-292).

(A) Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will only be allowed if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of flood protective works, and the applicant can demonstrate that:

- (1) Existing environmentally sensitive habitat areas will not be significantly affected and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as an enhanced wildlife corridor. Such revegetation program shall, to the maximum extent feasible, utilize native vegetation and shall be designed and implemented by a professional landscape architect, biologist, or other qualified professional in close consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service.

- (2) The design of the development incorporates the findings and recommendations of both a site specific and coastal watershed hydrologic study in order that the development (1) either assures that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years; and (2) neither significantly increase nor contribute to downstream bank erosion and sedimentation, including of wetlands, lagoons, and other environmentally sensitive habitat areas.

- (3) There will be no significant adverse water quality impacts to downstream wetland, lagoon and other environmentally sensitive habitat areas.

Future development other than that permitted by this policy shall require an amendment to this Local Coastal Program.

(B) Within the 100-year floodplain fringe of Sorrento Valley, fill and/or permanent structures will only be allowed if it can be shown that:

- (1) Existing environmentally sensitive habitat areas will not be significantly adversely affected;
- (2) Increased flood flow velocities will not occur;
- (3) Areas to be filled do not function as significant silt deposition areas;
- (4) Any loss or significant degrading or existing wildlife habitat areas will be suitably mitigated;
- (5) Increases in runoff and sediment will be mitigated;
- (6) There will be no adverse water quality impact to downstream wetland areas; and
- (7) Any wetland values occurring in the man-made wetland on the property north of the channelized area of Sorrento Valley and immediately east of Interstate Highway 5 shall be fully mitigated through participation in the Los Penasquitos Lagoon restoration and enhancement program in consultation with the State Coastal Conservancy, Lagoon Foundation, Department of Fish and Game, and U.S. Fish and Wildlife Service. Such mitigation shall be completed prior to or concurrently with any development permitted on said property.

Based upon the updated information of a 100-year flood study, the property located south of Estuary Way east of Roselle Street can be filled within the existing graded area provided the existing fill within an expanded flow area is removed and the finish floor elevation is above the redefined flood level.

6. Torrey Pines Sub-Segment (Policy Groups 4, 5, 6, and 8; No. 1 on Page 2 and No. 6 on Page 5 of City Report 83-292).

Buffer zones sufficient to protect wetlands shall generally be 100 feet in width, unless the applicant demonstrates that a smaller buffer will protect the resources of the wetland based on site-specific information including but not limited to the type and size of the development and/or proposed mitigation (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The buffer should be measured landward from the wetland. Maps and supplemental information submitted as part of the

application should be used to specifically determine these boundaries. The California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted in such buffer determinations and their comments shall be accorded great weight by the City of San Diego and by the California Coastal Commission if a decision by the City concerning wetland buffers is appealed to the Commission pursuant to the California Coastal Act of 1976, as amended. Developments permitted in wetland buffer areas shall be limited to access paths, passive recreational areas, fences and similar improvements necessary to protect the wetland. Developments shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to its fish and wildlife values, or otherwise impair the functional capacity of the wetland.

7. North City West Sub-Segment, Carmel Valley Area.

Within the 100-year floodplain fringe of Carmel Creek, fill and/or permanent structures may only be allowed if the applicant can demonstrate that:

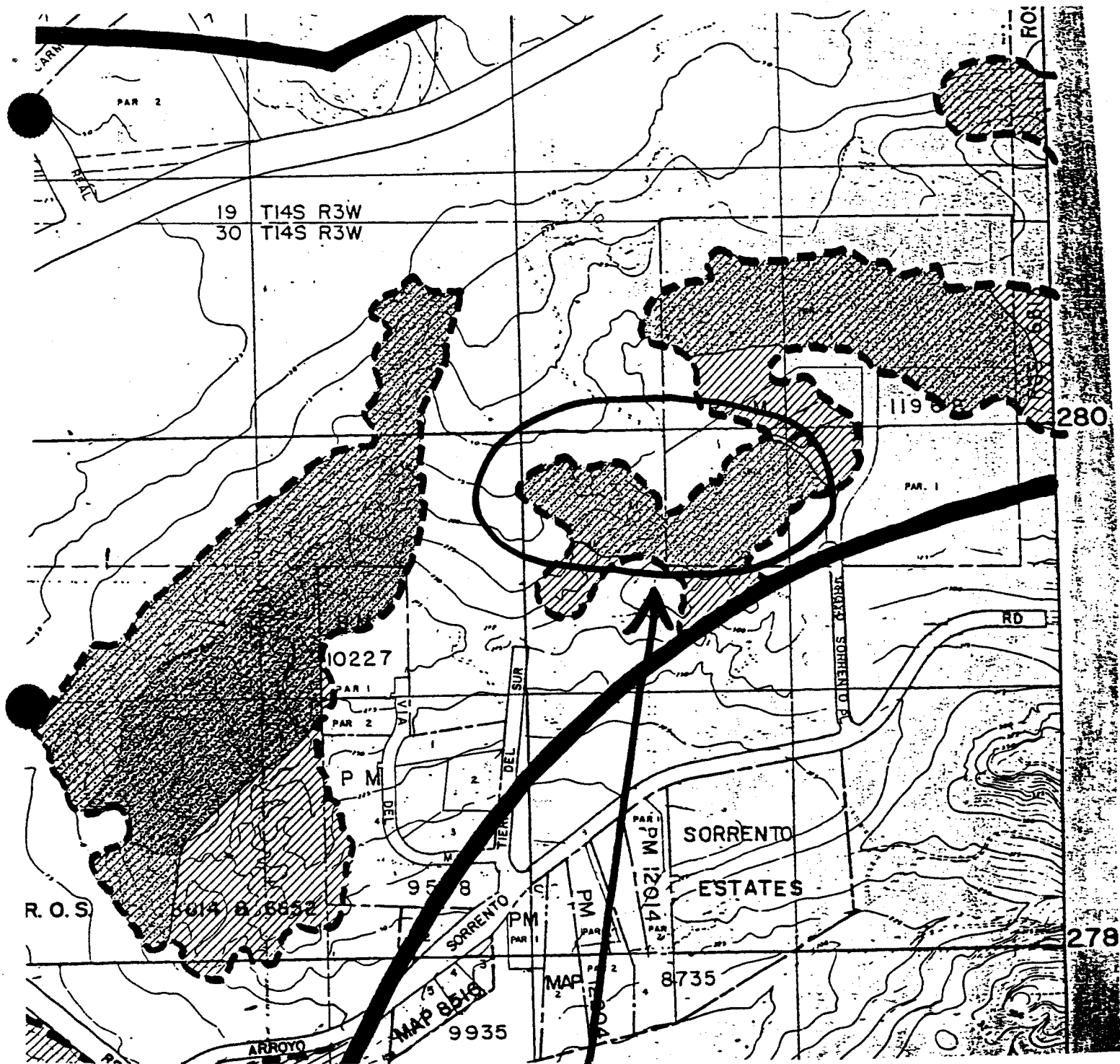
(1) Existing environmentally sensitive habitat areas will not be significantly adversely affected and, that as a condition of development, significant new riparian corridors will be planted and maintained to function as an enhanced wildlife corridor. Such vegetation shall, to the maximum extent feasible, utilize native vegetation and shall be designed and implemented by a professional landscape architect or biologist.

(2) The design of the development incorporates the findings and recommendations of both a site-specific and watershed hydrologic study in order that the development (1) will assure that there will be no increase in the peak runoff rate from the fully developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years (the six-hour, ten-year design storm), and (2) not significantly increase nor contribute to downstream bank erosion and sedimentation, including of wetlands, lagoons, and other environmentally sensitive habitat areas.

(3) There will be no significant adverse water quality impacts to downstream wetland, lagoon, and other environmentally sensitive habitat resources.

(A) As part of the overall Carmel Creek restoration and enhancement program, the California Department of Transportation in the course of any major public works in Carmel Valley within the Coastal Zone or that affects Carmel Creek shall make functional the drainage culvert underneath Interstate Highway 5 where it crosses Carmel Creek.

⑧ - being added in S.M. #6



General site area



- Solid dark line - CZ boundary
- biological sensitivity
- visual sensitivity

City of San Diego
LCPA #1-98C

C720 (HR) map

