

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370

**RECORD PACKET COPY****TH 12A**

January 29, 2004

**TO: COMMISSIONERS AND INTERESTED PARTIES**

**FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of San Diego, accepting the Commission's certification of the City's Local Coastal Program Amendment No. 1-02A (La Jolla Land Use Plan Update) with suggested modifications, is legally adequate to effectively certify its local coastal program (for Commission review at its meeting of February 18-20, 2004)

**BACKGROUND**

At its February 5, 2003 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment #1-02A, regarding the La Jolla Land Use Plan Update. By its action adopting Resolution No. 298578 on November 4, 2003, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed policies and plan recommendations designed to protect public access and recreational resources, scenic vistas and open space within the La Jolla community that are resources of local, regional and statewide importance. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

In its action on November 4, 2004, the Council resolved that its "adoption of the California Coastal Commission's suggested modifications are expressly contingent upon" ten declarations contained in the resolution attached to this report as Exhibit 1. Seven of the declarations were to clarify the intent of the Commission's suggested modifications, and to that end, stated exactly as follows:

1. The reference to Map C-720 does not and is not intended to designate properties as open space beyond those shown on Figure 7 in the 2002 La Jolla Community Plan and Local Coastal Program Land Use Plan.
2. Disturbed or manufactured slopes in areas designated as open space may be considered natural if the disturbance was unauthorized.
3. The term yard, as it relates to view preservation, is intended to pertain only to those yards resulting from the zone required setback and does not include any undeveloped area of a site between a structure and the required setback line where the structure is not built to the setback line.

4. Appendix L provides guidelines for determining the allowable development area and limiting encroachment into sensitive areas for designated open space.
5. The guidelines set forth in Appendix L allow for development in excess of the twenty-five percent development area where development could occur in the non-sensitive or disturbed portions of the site that are both inside and outside of the open space designation.
6. The 50% limitation (based on the floor area of the structure) on increases to previously conforming structures is applicable only to structures that are previously conforming with regard to bluff edge setback regulations.
7. Increasing the height of a structure, up to the height allowed in the zone, is not prohibited within a visual access/public vantage point area.

The declarations were a result of City staff seeking clarification as to the Commission's intent on several suggested modifications through two letters to Commission staff dated August 6 and October 3, 2003 (attached as Ex. 5 and 7). The declarations approved by the Council are a summary of the Commission staff's response to the City in two letters dated August 26, and October 22, 2003 (attached as Ex. 6 and 8). Therefore, the Executive Director concurs that the declarations do not modify the intent of and are consistent with the Commission action on February 5, 2003.

As provided for in Section 13544.5 of the Commission's 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 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

### **RECOMMENDATION**

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

**\*\*DATE AFTER HEARING\*\***

Mayor Richard Murphy  
City of San Diego  
202 'C' Street, M.S. 4A  
San Diego, CA

RE: Certification of the City of San Diego Local Coastal Program Amendment  
No. 1-02A (La Jolla Land Use Plan Update)

Dear Mayor Murphy:

The California Coastal Commission has reviewed the City's Resolution No. 298578 together with the Commission's action of February 5, 2003 certifying City of San Diego Local Coastal Program Amendment #1-02A pertaining to the La Jolla Land Use Plan Update. In accordance with Section 13544 of the Commission's 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 February 19, 2004.

By its action on November 4, 2003, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed policies and plan recommendations designed to protect public access and recreational resources, scenic vistas and open space within the La Jolla community that are resources of local, regional and statewide importance. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas  
Executive Director



THE CITY OF SAN DIEGO

December 12, 2003

Ms. Sherilyn Sarb  
California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Ste 103  
San Diego, CA 92108-4402

RECEIVED

DEC 17 2003

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: City of San Diego Local Coastal Program Amendment No. 1-02A (La Jolla Land Use Plan Update)

Dear Ms. Sarb:

The California Coastal Commission approved the above referenced amendment to the City of San Diego Local Coastal Program on February 5, 2003, subject to 63 modifications. On November 4, 2003, the San Diego City Council held a public hearing to consider accepting the suggested modifications to the La Jolla Community Plan. After considering all materials, including the two letters clarifying several of the modifications from Coastal Commission staff dated August 26, 2003 and October 22, 2003, and hearing all testimony, the City Council accepted all 63 of the suggested modifications.

Enclosed please find the City Council Resolution No. R-298578, accepting the modifications approved by the Coastal Commission. Please schedule this matter for Coastal Commission consideration in order to complete the certification process of the Local Coastal Program amendment. We request that this item be scheduled for the February, 2003, Coastal Commission meeting in San Diego.

Please call me if you have any questions regarding this matter at 619-235-5222.

Sincerely,

Robert J. Manis  
Community Planning Program Manager  
City of San Diego Planning Department

RM/ah

cc: Betsy McCullough, Deputy Planning Director  
Chris Cameron, Council District 1  
John Mullen, Deputy City Attorney

EXHIBIT NO. 1
SD LCPA 1-02A
LJ LUP Update
ED Approval
City Resolution of Approval

California Coastal Commission



Planning Department

202 C Street, MS 5A • San Diego, CA 92101-3865

Tel (619) 236-6479 Fax (619) 236-6478

RECEIVED  
DEC 01 2003

(R-2004-449)(REV.)

RESOLUTION NUMBER R-298578

ADOPTED ON NOVEMBER 4, 2003

WHEREAS, the La Jolla Community Plan is the policy document for land use in the community of La Jolla; and

WHEREAS, the community plans for all communities are periodically updated; and

WHEREAS, the proposed La Jolla Community Plan is a comprehensive revision of the 1976 La Jolla Community Plan (in effect in the Coastal Zone) and the 1995 La Jolla Community Plan (in effect outside the Coastal Zone); 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 and the City Council have held such concurrent public hearings; and

WHEREAS, on May 21, 2002, and June 6, 2002, the Council of the City of San Diego held a public hearing to consider the approval of the June 2002 La Jolla Community Plan update, and repeal of the 1976 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise Plan, the 1983 La Jolla – La Jolla Shores Local Coastal Program, and the 1980 Fay Avenue Plan; and

WHEREAS, on June 6, 2002, the Council of the City of San Diego adopted and recommended certification to the California Coastal Commission of the June 2002 La Jolla Community Plan update, and repeal of the 1967 and 1995 La Jolla Community Plans, the 1972

La Jolla Shores Precise Plan, the 1983 La Jolla – La Jolla Shores Local Coastal Program, and the 1980 Fay Avenue Plan; and

WHEREAS, on January 13, 2003, California Coastal Commission staff issued their recommended findings and fifty-eight suggested modifications to support conditional certification of the June 2002 La Jolla Community Plan update and associated repeal of plans and programs; and

WHEREAS, on February 5, 2003, the California Coastal Commission held a public hearing to consider certification of the June 2002 La Jolla Community Plan update and associated repeal of plans and programs; and

WHEREAS, on February 5, 2003, the California Coastal Commission adopted the Coastal Commission staff proposed findings and conditionally certified the June 2002 La Jolla Community Plan update and associated repeal of plans and programs, subject to sixty-three suggested modifications; and

WHEREAS, on March 7, 2003, the California Coastal Commission transmitted, in writing, to the City of San Diego, the sixty-three suggested modifications for adoption by the Council of the City of San Diego; and

WHEREAS, on April 18, 2003, the California Coastal Commission transmitted, in writing, corrections to five of the sixty-three suggested modifications; and

WHEREAS, on August 8, 2003, the California Coastal Commission clarified its action of February 5, 2003, and adopted Revised Findings in support of the February 5, 2003, conditional certification of the 2002 La Jolla Community Plan and Local Coastal Program Land Use Plan, subject to the sixty-three proposed modifications; and

WHEREAS, by letters dated August 26, 2003 and October 22, 2003, the District Manager of the California Coastal Commission, San Diego area, further clarified the actions of February 5, 2003 and August 8, 2003; and

WHEREAS, on November 4, 2003, the City Council considered the sixty-three California Coastal Commission suggested modifications; NOW, THEREFORE,

BE IT RESOLVED, the Council of the City of San Diego declares that:

1. The reference to Map C-720 does not and is not intended to designate properties as open space beyond those shown on Figure 7 in the 2002 La Jolla Community Plan and Local Coastal Program Land Use Plan.
2. Disturbed or manufactured slopes in areas designated as open space may be considered natural if the disturbance was unauthorized.
3. The term yard, as it relates to view preservation, is intended to pertain only to those yards resulting from the zone required setback and does not include any undeveloped area of a site between a structure and the required setback line where the structure is not built to the setback line.
4. Appendix L provides guidelines for determining the allowable development area and limiting encroachment into sensitive areas for properties designated open space.
5. The guidelines set forth in Appendix L allow for development in excess of the twenty-five percent development area where development could occur in the non-sensitive or disturbed portions of the site that are both inside and outside of the open space designation.
6. The 50% limitation (based on the floor area of the structure) on increases to previously conforming structures is applicable only to structures that are previously conforming with regard to bluff edge setback regulations.

7. Increasing the height of a structure, up to the height allowed in the zone, is not prohibited within a visual access /public vantage point area.

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

8. That this City Council approves the California Coastal Commission sixty-three suggested modifications to the Council-adopted June 2002 comprehensive update of the La Jolla Community Plan, a copy of which is on file in the office of the City Clerk as Document No.

RR- 298578.

9. That the Council hereby repeals the 1967 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise Plan, the 1983 La Jolla – La Jolla Shores Local Coastal Program, and the 1980 Fay Avenue Plan.

10. That the Council adopts associated amendments to City of San Diego Progress Guide and General Plan and the Local Coastal Program to incorporate the updated La Jolla Community Plan.

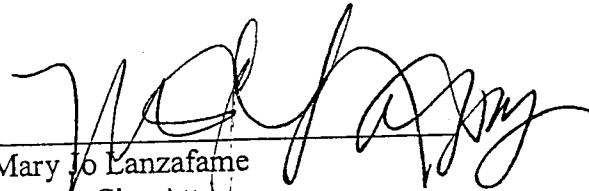
BE IT FURTHER RESOLVED, that the updated La Jolla Community Plan and Local Coastal Program Land Use Plan are not effective until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment, and shall not be applicable to applications for development permits, deemed complete (as defined and set forth in the San Diego Municipal Code) by the City of San Diego, on or before that date.



BE IT FURTHER RESOLVED, that the City Council's adoption of the California Coastal Commission's suggested modifications are expressly contingent upon the declarations one through ten stated herein.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

MJL:cdk  
10/21/03  
11/18/03 REV.  
Or.Dept:Planning  
R-2004-449



THE CITY OF SAN DIEGO

**RECEIVED**

JAN 29 2004

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

January 29, 2004

Ms. Sherilyn Sarb  
California Coastal Commission  
San Diego District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Dear Ms. Sarb:

**SUBJECT: Local Coastal Program Amendment No. 1-02A (La Jolla Land Use Plan Update)**

On December 12, 2003, I submitted to your office a copy of City Council Resolution No. 298578, accepting the suggested modifications to the La Jolla Community Plan update adopted by the Coastal Commission. In order to proceed with the effective certification of the La Jolla Community Plan update, I provided your office with additional information related to the project. On January 15, 2004 I provided you with a copy of the Managers Report No. 03-212 to the City Council, the final clarification letter from the Coastal Commission dated October 22, 2003, and a copy of the City Council-approved June 2002 draft Community Plan. Then, on January 27, 2004 we delivered a set of Map C-720 sheets, an enlargement of the Figure 7 (Open Space) from the draft Community Plan, and a revised draft Community plan (unformatted) which incorporates all of the suggested modifications.

You have asked for copies of the documentation that is referred to in declaration No. 8 of Resolution No. 298578. The documents on file with the City Clerk that are referred to in this declaration are all of the materials submitted for City Council consideration at the November 4, 2003 hearing on the suggested modifications. These are the items that were delivered to your office on January 15, 2004 and described above. It should be noted that attachments 1 and 2 of the Manager's report contain the modifications that were presented and approved by the City Council. There attachments are letters with attachments from the Coastal Commission dated March 7, 2003 and April 18, 2003, respectively.

EXHIBIT NO. 2
SD LCPA 1-02A
LJ LUP Update
ED Approval
Letter from City

Planning Department

202 E Street, MS 51 • San Diego, CA 92101-2845

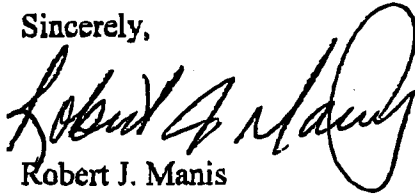
 California Coastal Commission



Page 2  
Ms. Sherily Sarb  
January 29, 2004

I hope this information and the documents already provided to your office assists with completing your review for the effective certification. We understand that this item has been scheduled for the Coastal Commission meeting on February 19, 2004 in San Diego. Please call me if you have any further questions on this matter.

Sincerely,



Robert J. Manis  
Community Planning Program Manager

RM/rjm

RECEIVED

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

GRAY DAVIS, Governor

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92106-4402  
 (619) 767-2370

529 10 03  
 PLANNING DEPARTMENT



March 7, 2003

Mayor Richard Murphy  
 City of San Diego  
 202 'C' Street, M.S. 4A  
 San Diego, CA

Re: Certification of Major Amendment No. 1-02A (La Jolla Land Use Plan Update) to the  
 City of San Diego Local Coastal Program

Dear Mayor Murphy:

The California Coastal Commission approved the above referenced amendment to the City of San Diego Local Coastal Program (LCP) on February 5, 2003. The approved LCP amendment is a comprehensive update to the La Jolla Community Plan and LCP Land Use Plan (LUP). The updated LUP was approved by the Commission with suggested modifications designed to protect the public access and recreational resources, scenic vistas and open space within the La Jolla community that are of local, regional and statewide importance. We are very pleased to have reached this point in our mutual efforts to complete an updated land use plan for the La Jolla community. Numerous parties, including City representatives, community planning groups and other interested parties, have worked cooperatively toward this important achievement. The following comments refer to some of the important policies and Commission changes.

There are many excellent plan policies and recommendations in the La Jolla LUP designed to protect and enhance public access to La Jolla's coastline and its visitor-serving amenities, including implementation of a comprehensive sign program along major coastal access routes to identify existing physical and visual public access points. The Commission's suggested changes serve to reinforce maintenance, restoration and enhancement of the existing access and recreational facilities.

To address protection of public views and scenic resources, the La Jolla LUP identifies public vantage points which provide scenic vistas and visual access to and along the shoreline. The City developed specific plan policies to address scale, bulk, location and landscaping of development in those areas. The Commission's suggested modifications specifically address that when variances or other requests for reduced setbacks are proposed for development within a view corridor, scenic viewshed or between the ocean and the first coastal public view provided from the identified public vantage point should be p

**EXHIBIT NO. 3**  
**SD LCPA 1-02A**  
**LJ LUP Update**  
**ED Approval**

Certification Letter  
 with Sugg. Mods  
 City Attachment 1

Mayor Richard Murphy

March 7, 2003

Page 2

The Commission has suggested several revisions to the plan policies and recommendations addressing protection of open space and steep hillsides mapped on City of San Diego Map C-720 as containing sensitive biological resources, scenic quality and/or geologic hazards. These areas are shown as designated "open space" on Figure 7 of the LUP and are recommended for future rezoning to "open space" in the plan. These mapped areas have historically been protected in the City's certified LCP through the previous Hillside Review Overlay Zone and the current Environmentally Sensitive Lands regulations. The Commission's suggested modifications document the City's intent that designated "open space" shown on Figure 7 includes, but is not limited to, those sensitive slopes shown on Map C-720. The modifications also assure encroachment limitations shown in Appendix L and similar to those required by the open space zone and steep hillside regulations, will be applied in review of development on property containing those lands until such time as the open space rezones are in place. As part of the future LCP amendment including the open space rezones, Appendix L can be removed from the certified LUP as it will no longer be necessary.

The Commission has also suggested several revisions to policies and recommendations addressing blufftop and shoreline development towards the goal of avoiding or eliminating shoreline armoring and its associated impacts to public access and scenic amenities. Much of La Jolla's shoreline was developed before the Coastal Act and, due to the age of the structures, the City and Commission are seeing redevelopment projects involving the primary residence, accessory structures, shoreline protection and/or bluff retention devices. Because of this, it is critical for the plan to contain policies that address expectations for new or additional shoreline or bluff protection. The policies that establish thresholds for improvements to structures located within the geologic setback are designed to assure development is not perpetuated in a hazardous location or too far seaward so that it will eventually need shoreline protection.

The requirement to waive the right to shoreline protection in the future, in connection with new development, is a statewide approach the Commission has established in response to Section 30253 of the Coastal Act. This section requires that new development assure stability and structural integrity, and not contribute to erosion or geologic instability or in any way require the construction of protective devices that would alter natural landforms along the bluffs and cliffs. The estimation of erosion rates and shoreline processes is an inexact science and, too often, the Commission has seen permittees return for shoreline armoring or bluff stabilization, after securing entitlements, when the original geologic reviews attest to the site's stability. The suggested LUP policy is meant to acknowledge the uncertainties and risks associated with shoreline development, even when the development is accompanied by a geotechnical study which indicates shoreline protective devices will not be required, and regardless of whether or not the recommended setback is provided.

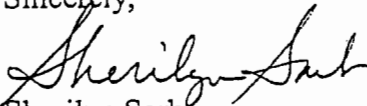
Before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the

Mayor Richard Murphy  
March 7, 2003  
Page 3

Commission's certification order. This is necessary because the amendment was certified with suggested modifications. In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as rezonings or other ordinance revisions.

As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We hope you agree the Commission's suggested revisions only serve to strengthen and clarify what have already been included by the City as important policy goals for the La Jolla community. We remain available to assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,

  
Sherilyn Sarb  
District Manager

Attachment

cc: Councilman Scott Peters  
Bob Manis  
Mike Tudury  
Laurinda Owens

SUGGESTED MODIFICATIONS  
ADOPTED BY THE CALIFORNIA COASTAL COMMISSION  
FOR CITY OF SAN DIEGO LCP AMENDMENT 1-02A  
ON FEBRUARY 5, 2003 (PAGE 1 OF 21)

1) On Page 11, under Plan Organization, the third paragraph in right-hand column shall be revised as follows:

- Elements of the community plan serve as the framework for generating land use goals for the future development and the protection of environmentally sensitive resources within the community, and describes the policies that will guide the actions of the city as it works toward achieving these goals. Each element has five main sections: Goals, Background, Policies, Action Plan, and Plan Recommendations. The goals are general statements of vision and objectives of the element. The background section provides general information and context for the various topics regarding the element. The policies are specific objectives and design criteria that guide the implementation. The action plan identifies specific actions that need to be taken to address certain policies and plan recommendations. The plan recommendations are directives on standards and requirements that implement the policies. This section also contains tables of recommended actions to implement the policies and proposals of the plan and time frames for achieving them.

2) On page 26 revise the section titled Nonpoint Source Pollution Runoff as follows (as suggested by the City):

- Nonpoint Source Pollution in Urban Runoff

~~The Community Facilities, Parks and Services Element contains references to the City of San Diego's ongoing management measures to identify, prevent and control nonpoint source pollution. This citywide issue of ensuring that new development and redevelopment address nonpoint source pollution from urban runoff is being~~ will be addressed through a multi-tiered strategy in first, the Progress Guide and General Plan is being amended to include water quality and watershed protection principles; and second, City ordinances, including the Storm Water Management and Discharge Control Ordinance (M.C. Section 43.03 et seq.), and Storm Water Runoff and Drainage Regulations (M.C. 142.02 et seq) have been ~~will be~~ amended to comply with the City's Municipal Storm w Water National Pollutant Discharge Elimination System (NPDES) Permit to ensure the preservation of local water resources for future generations; and third, the City began implementation of the Storm Water Standards Manual (dated October 23, 2002) on December 2, 2002 to ensure that all applicable construction and permanent storm water requirements are implemented on development and redevelopment projects.

For all new development and redevelopment in the La Jolla Community Planning area, the Community Facilities, Parks and Services Element contains references the City of San Diego's ongoing management strategy to identify prevent and control nonpoint source pollution associated with urban runoff, and identifies associated policies and recommendations to ensure the protection of water resources in the La Jolla community.

3) On Page 38, under Open Space Preservation and Natural Resource Protection, the last paragraph shall be revised as follows:

The City's Environmentally Sensitive Lands regulations and Sensitive Coastal Overlay zone regulations restrict the degree to which private development is allowed to encroach upon biologically sensitive open areas, steep hillsides and coastal bluffs in order to preserve their stability, plant and wildlife habitats. In addition, the open space designations and zoning protect the hillsides and canyons for their park, recreation, scenic and open space values. The location of the public and private dedicated and designated open space and park areas ~~and easements~~ in La Jolla are shown on Figure 7 and include, but are not limited to, all lands designated as sensitive slopes, viewshed or geologic hazard on City of San Diego Map C-720 dated 12/24/85 (last revision).

4) On Page 40, under Steep Hillsides, the second paragraph shall be revised as follows:

The steep hillside development regulations contained in the Environmentally Sensitive Lands regulations of the Land Development Code are intended to preserve the natural hillsides and vegetation and the wildlife habitat areas and linkages that are located on many of La Jolla's steep slopes. Moreover, these regulations are intended to protect the visual resources of the community that can be seen from public vantage points along these hillsides, to minimize the potential of hillside erosion due to excessive grading and disturbance, to revegetate and restore steep hillsides, when possible, and to protect public safety, particularly in areas of seismic and geological instability.

5) On Page 40, under Steep Hillsides, the last paragraph shall be revised as follows:

In addition, the steep hillside development and open space regulations are intended to be used in conjunction with the policies and plan recommendations identified in the Residential Element of this plan and the seismic and geological studies for the area.

6) On Page 47, Open Space Preservation and Natural Resource Protection, Policy 1(d) shall be struck and replaced with the following:

- d. Mitigation for biological impacts should, if possible, occur within the boundaries of the La Jolla community. If biological impacts occur within the coastal zone of La Jolla, the mitigation should occur within the coastal zone of La Jolla, and if not, elsewhere within the La Jolla community. Mitigation for biological impacts within La Jolla should only be considered outside of the community if the applicant can demonstrate that there is no feasible way to mitigate within the community.



7) On Page 47, Open Space Preservation and Natural Resource Protection, Policy 1(f) shall be revised as follows:

- f. The City ~~should~~ shall ensure the preservation of portions of public and private property that are partially or wholly designated as open space to the maximum extent feasible. Development potential on open space lands shown on Figure 7 shall be limited to preserve the park, recreation, scenic, habitat and/or open space values of these lands, and to protect public health and safety. Maximum developable area and encroachment limitations are established to concentrate development in existing developed areas and outside designated open space. Prior to the adoption of rezonings for the open space shown on Figure 7, and in addition to the Environmentally Sensitive Lands regulations, when applicable, the encroachment limitation standards taken from the OR-1-1 and OR-1-2 zone and included in Appendix L, shall be implemented for development on those portions of the property designated as open space on Figure 7.

8) On Page 47, add new Open Space Preservation and Natural Resource Protection, Policy 1(k) as follows:

- k. Land designated as open space but disturbed through offsite development, invasive plant species or unpermitted onsite development shall be presumed natural. Such definition of disturbance does not include manufactured slopes.

9) On Pages 47-48, Visual Resources, Policy 2(a-c) shall be revised as follows:

- a. ~~The City should ensure that p~~Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons ~~are~~ shall be retained and enhanced for public use (see Figure 9 and Appendix G).
- a. ~~The City should ensure that p~~Public views to the ocean from the first public roadway adjacent to the ocean ~~are~~ shall be preserved and enhanced, including visual access across private coastal properties at side yards and setbacks.
- b. ~~The City should ensure that t~~The scenic value and visual quality of Mount Soledad Park, La Jolla Heights Park and habitat linkages through steep slopes and canyons ~~are~~ shall be protected from developments or improvements that would detract from the scenic quality and value of these resources.

10) On Page 48, Shoreline Areas and Coastal Bluffs, Policy 3(a) shall be revised as follows:

- a. The City should preserve and protect the coastal bluffs, canyons, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these

resources, encourages sensitive-development, retains biodiversity and interconnected habitats and maximizes physical and visual public access and along the shoreline.

Coastal bluffs are formed by constant wave action eroding the base of the cliffs, and causing the shoreline to move landward. The coastline retreat is rapid in some areas, slower in others, and can be greatly accelerated by human activities. To protect the natural beauty of the coastline while allowing the natural shoreline retreat process to continue, the City and the State aggressively regulate coastal development to prevent activities such as misdirected drainage from increasing natural erosion. Only appropriate erosion control measures that maintain the natural environment, yet allow for the effective drainage of surface water shall be permitted. Surface water drainage ~~should~~ shall not be allowed to drain over or near the bluff, but rather shall be directed towards the street or directed into subterranean drainage facilities with energy dissipating devices. Where street drainage systems erode bluffs, the drainage system should be redesigned to present bluff erosion.

11) On Page 48, Shoreline Areas and Coastal Bluffs, Policy 3(b) shall be revised as follows:

- b. The City ~~should~~ shall maintain, and where feasible, enhance and restore the shoreline areas such as Torrey Pines City Beach, Coast Walk, Emerald Cove, Wipeout Beach and Hospital Point, along with the areas of Scripps Park, Coast Boulevard Park, including Shell Beach and the Children's Pool, in order to benefit present and future residents and visitors to these areas (see Appendix G, Figures A through E).

12) On Page 48 Shoreline Areas and Coastal Bluffs Policy 3c shall be revised as follows:

- c. Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion control devices so as not to impact the geology and visual quality of the bluff and/or public access along the shoreline.

13) On Page 48, Shoreline Areas and Coastal Bluffs, Policy 3(d) shall be revised as follows:

- d. Accessory structures located within the bluff edge setback should be removed or relocated if determined that they pose a threat to bluff stability. When feasible, accessory structures should be brought into conformance with current standards and regulations.

14) On Page 49, Shoreline Areas and Coastal Bluffs Policy 3(e) shall be revised as follows:

- e. On coastal bluff property, when redevelopment of an existing previously conforming structure includes the demolition or removal of 50 percent or more of the exterior walls, require the entire structure to be brought into conformance with all policies and standards of the Local Coastal Program development regulations pursuant to the Land Development Code, including, but not limited to, bluff edge setback. The 50 percent removal is a cumulative total measured from March 17, 1990. Additions that increase the size of the structure by 50 percent or more, shall not be authorized unless the structure is brought into conformance with the policies and standards of the Local Coastal Program. The baseline

for determining the percent change to the structure is the structure as it existed on March 17, 1990. Any changes to the structure that have occurred since March 17, 1990 shall be included when determining if the 50 percent threshold is met. This policy does not apply to development that is exempt from coastal development permit requirements pursuant to the Land Development Code.

15) On Page 49, Steep Hillside Policy 4(a) shall be revised as follows:

- a. The City ~~should~~ shall apply the Environmentally Sensitive Lands regulations to all new development on property in La Jolla having slopes with a natural gradient of 25 percent or greater and a minimum differential of 50 feet. The Environmentally Sensitive Lands regulations provide supplementary development regulations to underlying zones such as development encroachment limits for natural steep slopes, erosion control measures and compliance with design standards identified in the Steep Hillside Guidelines. Development on steep hillsides shall avoid encroachment into such hillsides to the maximum extent possible. When encroachment is unavoidable, it shall be minimized and in accordance with the encroachment limitation standards contained in the plan. These regulations ~~to~~ assure that development occurs in a manner that protects the natural topographic character of the hillsides as well as ~~to~~ insure that development does not create soil erosion or contribute to slide damage and the silting of lower slopes. Disturbed portions of steep hillsides shall be revegetated or restored to the extent possible.

16) On Page 49, Steep Hillside Policy 4(b) shall be revised as follows:

- b. The City should not issue a development permit for a project located on steep hillsides ~~natural slopes~~ in La Jolla, unless all the policies, recommendations and conditions identified in this plan element are met.

17) On Page 49, Steep Hillside Policy 4(c) shall be revised as follows:

- c. The City should ~~maintain~~ rezone the existing zone of slopes above 25 percent open space areas shown on Figure 7 as open space and should discourage the rezoning of ~~these other steep slopes areas~~ to allow a higher residential density than what is currently allowed.

18) On Page 49, Public Access, Policy 5(b) shall be revised as follows:

- b. ~~The City should institute a~~ The City should institute a comprehensive sign program along Prospect Street, North Torrey Pines Road, La Jolla Boulevard and La Jolla Shores Drive and La Jolla's coastline to identify existing public access points and enhance public safety along the coastal bluffs. The implementation of such a program could be done by the City through the Capital Improvement Program and/or through the review process for private development.

19) On Page 49, Public Access, Policy 5(c) shall be revised as follows:

- c. The City ~~should~~ shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas. No encroachment into the public right-of-way should be permitted within the Coastal Zone without a permit.

20) On Page 51, Open Space Preservation and Natural Resource Protection, revise and replace the last implementation measure with the following implementation measure:

<u>IMPLEMENTATION</u>	<u>ADOPT WITHIN</u> WITH PLAN	<u>TIMING</u> WITHIN 5 YEARS	<u>RESPONSIBILITY</u>	<u>FUNDING</u>	<u>SEE FOR MORE DETAILS</u>
<del>Develop an appropriate OR zone and apply to portions of private or public property that are designated open space</del>			Planning Dept.	City	Policy 2e Recommendation 1f
<u>Apply encroachment limitation standards shown in Appendix L to portions of private property that are designated open space and shown on Figure 7.</u>					<u>Policy 1(f)</u> <u>Recommendation 1e</u>

21) On Page 51, Open Space Preservation and Natural Resource Protection, add the following implementation measures:

<u>IMPLEMENTATION</u>	<u>ADOPT WITHIN</u> WITH PLAN	<u>TIMING</u> WITHIN 5 YEARS	<u>RESPONSIBILITY</u>	<u>FUNDING</u>	<u>SEE FOR MORE DETAILS</u>
<u>Rezone to OR 1-1 or OR 1-2 portions of private property that are designated open space and shown on Figure 7.</u>			<u>Planning Dept.</u>		<u>Policy 1f, 4c</u> <u>Recommendation 1e</u>

Apply appropriate open space zones to all publicly owned dedicated or designated open space shown on Figure 7 through rezoning.

Policy 1f  
Recommendation 1f

Prepare with input from the community a needs assessment for public access points along the shoreline to formulate recommendations for needed improvements.

Planning Dept.

City

Policies 3b, 5a, b, c, 7  
Recommendations 3a-g & 3i, 3m & 3r

22) On Page 52, Open Space Preservation and Natural Resource Protection Recommendation 1(a) shall be revised as follows:

- a. Limit encroachment of new development in sensitive resource areas by implementing the Environmentally Sensitive Lands regulations of the Land Development Code. These regulations establish encroachment limits for sensitive hillsides and biological areas that adequately preserve and protect resources while allowing a limited amount of development on private property and require preservation of sensitive areas not ~~proposed~~ approved for development.

Limit encroachment of new development in open space areas identified in Figure 7 by implementing the appropriate open space zone regulations of the Land Development Code. These regulations implement the open space policies of this plan by limiting uses, establishing encroachment limits for lots that are entirely or partially designated as open space, while allowing a limited amount of development on private property, and requiring preservation of open space areas not approved for development. Until the open space areas are rezoned to the appropriate open space zone, apply the encroachment limitation standards in Appendix L to development proposals on private property that contains any portion in open space designation as shown in Figure 7.

23) On Page 52, Open Space Preservation and Natural Resource Protection Recommendation 1(e) shall be revised as follows:

- e. Preserve sensitive resource and open space areas to the maximum extent possible. Allow only limited development in these areas. Rezone open space areas on private property to an Open Space-Residential (OR) zone so that the open space can be preserved to the appropriate level while allowing limited development of the property. Apply encroachment limitation standards, shown in Appendix L, to establish maximum developable area and preserve open space values prior to completion of rezones.

24) On Page 52, Visual Resources Recommendation 2(a) shall be revised as follows:

- a. Install utility lines and accessory facilities and equipment underground in dedicated parkland and in open space areas. Encourage new and existing development to locate cable, telephone and utility lines underground wherever feasible. Do not obstruct public views to Mount Soledad and to and along the ocean, as identified in Figure 9 and Appendix G, by overhead utility poles that intrude on the views to these natural features from public places.

25) On Page 53, Visual Resources Recommendation 2(c) shall be revised as follows:

- c. Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G (Coastal Access Subarea maps). Public views to the ocean along public streets are identified in Appendix G. Design and site proposed development that may affect an existing or potential public views to be protected, as identified in Figure 9 or in Appendix G, in such a manner as to preserve, enhance or restore the designated public view.

26) On Page 53, Visual Resources Recommendation 2(d) shall be revised as follows:

- d. Implement the regulation of the building envelope to preserve public views through the height, setback, landscaping and fence transparency regulations of the Land Development Code that limit the building profile and maximize view opportunities.

27) On Page 53, Visual Resources Recommendation 2(e) shall be revised as follows:

- e. Where existing streets serve as public vantage points, as identified in Figure 9 and Appendix G including, but not limited to, view corridors and scenic overlooks and their associated viewsheds, set back and terrace development on corner lots and/or away from the street in order to preserve and enhance the public views-provided from the public vantage point to and along the ocean. ~~Vigorously~~ In-review of variances or other requests for reduced sideyard and frontyard setbacks within the viewshed of public vantage points, when development occurs adjacent to identified view corridors or on property between the ocean and first coastal roadway, do not allow any reduction in the public view provided to and along the ocean. Figure 9 and Appendix G list streets that provide identified public views to and along the ocean to be protected from visual obstruction.

28) On Page 53, Visual Resources Recommendation 2(h) shall be revised as follows:

- h. Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance or restore existing or potential view corridors within the side-yards and setbacks by adhering to setback regulations that

cumulatively, with the adjacent property, form functional view corridors and prevent and appearance of the public right-of-way-being walled off from the ocean.

29) On Page 53, Visual Resources Recommendation 2(j) shall be revised as follows:

- j. As viewed from identified scenic overlooks, minimize the impact of bulk and scale, rooflines and landscaping on the viewshed over the property.

30) On Page 53, Shoreline Areas Recommendation 3(a) shall be revised as follows:

- a. Maintain, and, where feasible, enhance and restore existing facilities including streets, public easements, stairways, pathways and parking areas in order to provide adequate public access to the shoreline. Detailed maps and specific subarea recommendations are provided in Appendix G.

31) On Page 54, Shoreline Areas Recommendation 3(d) shall be revised as follows:

- d. Maintain, and, where feasible, enhance and restore coastline resource-based parks such as Tourmaline Surfing Park and La Jolla Strand Park, between Playa del Sur and Palomar Street, in order to preserve the scenic quality of these areas.

32) On Page 54, Shoreline Areas Recommendation 3(f) shall be revised as follows:

- f. Maintain, and, where feasible, enhance and restore the natural scenic character of existing coastal trails such as those of Coast Walk and Mira Monte Place. Maintain the right-of-way along Coast Walk between the existing footbridge at Park Row and Goldfish Point, for pedestrian use only.

33) On Page 54, Shoreline Areas Recommendation 3(i) shall be revised as follows:

- i. Maintain, and, where feasible, enhance and restore all existing steps and paved access ramps to beach and shoreline parks, such as those at Marine Street Beach, Tourmaline Surfing Park and La Jolla Strand Park, in order to increase public safety and vertical access to these areas.

34) On Page 54, Shoreline Areas Recommendation 3(l) shall be revised as follows:

- l. Designate Consider establishing public access to and dedication of Charlotte Park as public open space.

35) On Page 55, Shoreline Areas Recommendation 3(q) shall be revised as follows:

- q. Where new development is proposed on property that lies between the shoreline and the first public roadway, offer for dedication as a public easement, lateral access along the ~~beach~~ shoreline.

36) On Page 55, Shoreline Areas Recommendation 3(r) shall be revised as follows:

- r. Maintain or, if necessary, remove, modify or relocate landscaping on City-owned land and easements, and public right-of way, to preserve, enhance, or restore identified public physical and/or visual access to the ocean.

37) On Page 55, Shoreline Areas Recommendations 3(s), 3(t) and 3(u) shall be added as follows:

- s. Maintain and, where feasible, enhance ~~additional~~ park furnishings such as guard rail, benches, trash, receptacles, and signs at Forward Street. Discourage access down bluffs due to hazards. Consider reserve site for stairway if future needs warrant it and geologic hazard can be mitigated. Maintain visual access and view corridor. ~~If offered, accept Coastal Commission required easement as view corridor only.~~
- t. Maintain and enhance additional park furnishings such as guard rail, benches, trash, receptacles, and signs at Midway Street. Discourage access down bluffs due to hazards. Consider reserve site for stairway if future needs warrant it and geologic hazard can be mitigated. Maintain visual access and view corridor.
- u. Calumet Park should be given a high priority for the development of an access stairway down the bluff. Access should be contingent upon adequate mitigation of geologic and bluff stability problems. Utilize drought tolerant, non-invasive landscaping materials to beautify park.

38) On Page 55, Coastal Bluffs Recommendation 4(b) shall be revised as follows:

- b. Set back new development on property containing a coastal bluff at least 40 feet from the bluff edge so as to not impact the geology and visual quality of the bluff. This setback may be reduced to not less than 25 feet if evidence is provided that indicates the site is stable enough to support the development at the proposed location ~~without requiring construction of shoreline protective measures throughout the economic lifespan of the structure (not less than 75 years).~~ Require applicants to accept a deed restriction to waive all rights to protective devices associated with new development on coastal bluffs. Do not allow a bluff edge setback less than 40 feet if erosion control measures ~~or shoreline protective devices~~ exists on the site ~~due to excessive erosion which are necessary to protect the existing principal structure in danger from erosion.~~ Require removal of obsolete or unnecessary protective devices, when feasible, and in a safe manner, or otherwise allow such devices to deteriorate naturally over time without any improvements allowed, to restore the natural integrity and visual quality of the coastal bluff over the long-term. When appropriate, development may include open fencing to deter trespassing and protect fragile resources, and erosion control measures. These measures, such as seawall and drainage conduits, are subject to the Environmentally Sensitive Lands regulations which will ensure that such measures do not alter the natural character of the bluff face, restrict public access, or encroach on public property. Do not allow erosion control measures on a site where



development was approved with less than a 40 foot bluff edge setback, unless otherwise permitted in the Sensitive Coastal Bluff Regulations in the Land Development Code.

39) On Page 55, Coastal Bluffs Recommendation 4(d) shall be revised as follows:

- d. Permit placement of shoreline protective works, such as air-placed concrete, seawalls, revetments and parapets, only when required to save-serve coastal dependent uses or when there are not other feasible means to protect existing principal structures such as homes in danger from of erosion from wave action, and when such protective structures are designed to eliminate or mitigate adverse impacts on shoreline sand supply. Do not allow the placement of such protective structures to encroach on any public areas unless engineering studies indicate that minimal encroachment may be necessary to avoid significant erosion conditions and that no other viable alternative exists. Require replacement protection to be located as far landward as possible, and require infilling between protective devices to encroach no further seaward than the adjacent devices/structures. Remove obsolete protective structures, when feasible, and restore beach area to public use.

40) On Page 56, Coastal Bluffs Recommendation 4(f) shall be revised as follows:

- f. Require indigenous, native, non-invasive and drought tolerant plants in all new development and significant additions along coastal bluffs, .....

41) On Page 56, Coastal Bluffs Recommendation 4(j) shall be revised as follows:

- j. Require removal or relocation of accessory structures located within the bluff edge setback if it is determined, in conjunction with proposed development on the site, that such structures pose a threat to the bluff stability, or, such structures should be brought into conformance with current regulations.

42) Page 56, Coastal Bluffs Recommendation 4(k) shall be revised as follows:

- k. For structures located partially or entirely within the bluff edge setback, require all additions (at grade and at upper floors) to be landward of the bluff edge setback line. Additions that increase the size of the structure by 50 percent or more, including all authorized additions that were undertaken after March 17, 1990 (effective certification of the LCP), shall not be authorized unless such structures are brought into conformance with the policies and standards of the Local Coastal Program.

43) On Page 56, Coastal Bluffs Recommendation 4(l) shall be added as follows:

- l. For structures located partially or entirely within the bluff edge setback, do not authorize redevelopment, including demolition or removal of 50 percent or more of the exterior walls, including all demolition that was undertaken after March 17, 1990, unless

the entire structure is brought into conformance with the policies and standards of the Local Coastal Program.

44) On Page 56, under 5. Steep Hillides, the first paragraph should be revised as follows:

In addition to the recommendations contained in the Residential Element of this plan and the requirements in the Land Development Code, including the Environmentally Sensitive Lands regulations and the Steep Hillside Guidelines of the Land Development Manual, the following ~~Hillside Development Guidelines~~ recommendations should shall be used as requirements in evaluating new development proposed on all properties containing slopes in La Jolla which equal or exceed 25 percent:

45) On Page 56, the Steep Hillides Recommendation 5(c) shall be revised as follows:

- c. Design structures on hillsides with a 25 percent or greater slope in a manner that does not excessively alter the natural hillside conditions, thereby minimizing the need for cut and full grading. Land designated for open space but disturbed through offsite development, invasive plant species or unpermitted onsite development shall be presumed natural. Such definition of disturbance does not include manufactured slopes. Maintain the existing condition of hillsides during construction and restore steep slopes that are disturbed by development or by road construction with native vegetation, where possible. Replant scarred slopes and graded areas with native vegetation. Revegetation should simulate pre-development conditions whenever possible and utilize species compatible with the native habitat type in order to reclaim the natural habitat.

46) On Page 57, the Steep Hillides Recommendation 5(k) shall be revised as follows:

- k. Set back large residential structures from the top of slope of steep hillsides so that the design and site placement of a proposed project respect the existing natural ~~landform and resources~~ and steep hillside character of the site ~~in accordance with the Environmentally Sensitive Lands regulations and the Steep Hillside Guidelines in the Land Development Manual.~~ This is especially important for those locations that are visible from natural open space systems, park lands, major coastal access routes and the seashore. The reservation of the natural character of these areas depends upon minimizing visual intrusions.

47) On Page 58, the Steep Hillides Recommendation 5(r) shall be revised as follows:

- r. Require lot divisions to have a portion of each created lot in ~~natural slopes areas~~ of less than 25 percent gradient. The portion of the lot to be in slopes of less than 25 percent gradient should be large enough to accommodate development consistent with the open space and resource protection policies of this plan and the Land Development Code; and in areas where there is a Floor Area Ratio, the area should be equal to or exceeding the area represented by the Floor Area Ratio for the zone in which the property is located. This requirement would not apply to parcels restricted to open space uses, either by dedication or transfer of title to the City or another responsible

agency. In the case of clustered developments obtained through a Planned Development Permit, allow lot divisions provided the development is located in the flattest and/or disturbed portions of the site and is designed to harmonize with the natural features of the hillsides.

48) On Page 58, the Steep Hillsides Recommendation 5(s) shall be revised as follows:

- s. Locate developments, grading or land alterations (including private access roads) associated with subdivisions or development permits on existing slopes of less than 25 percent gradient, and harmonize the site design with the natural features of the hillsides. Develop sSpecific criteria addressing govern the extent of development area and allowable encroachment into steep hillsides in order to preserve, to the maximum extent possible, open space value, natural steep hillsides, sensitive resources and wildlife habitat and linkages. When encroachment onto steep hillsides is unavoidable, encroachment is permitted in such steep hillsides to provide for a development area of up to a maximum 25% of the premises on property containing less than 91% of such steep hillsides. On existing legal lots, where 91% of the property or greater is steep hillsides, the maximum allowable development area is 20% of the premises, thereby preserving the remaining portions of the hillside in a natural undisturbed state. However, an additional 5% encroachment may be permitted if necessary to allow economically viable use.

49) On Page 59, Steep Hillside Recommendation 5(t) should be revised as follows:

- t. Preserve steep hillsides in their natural state and minimize encroachments into hillsides to the maximum extent possible to preserve their open space value. On existing legal lots with steep hillsides, encroachment into the steep hillside area should be limited in order to preserve portions of the hillside in a natural, undisturbed state while providing useable development area. The trimming of vegetation that retains the root stock and is greater than thirty feet from any structure (Zone 2 brush management) as mandated by the City in order to meet Fire Code regulations is may be exempted from this encroachment limitation, if habitat quality is maintained.

50) On Page 59, Natural Resources and Open Space System Element, Plan Recommendation 5 (v) and (x) shall be revised as follows:

- v. Preserve all steep natural hillsides which remain undeveloped on conditions of permit approval through dedication, a permanent OC (Open Space Conservation) designation, or deed restriction covenant of open space easement, or other means.
- x. Create a monitoring program to ensure compliance with this plan's policies and recommendations related to hillside grading and drainage.

51) On Page 59, add new Natural Resources and Open Space System Element, Plan Recommendation 5 (y) as follows:

y. Use of invasive plant species shall not be permitted. Where development encroaches into or disturbs naturally-vegetated areas, require use of native plant species appropriate to the habitat type.

52) On Page 69, Transportation System Element, Parking Recommendation 4(e) shall be revised to read as follows:

e. Require that all proposed development maintain and enhance public access to the coast by providing adequate parking per the Coastal Parking regulations of the Land Development Code. This required parking should take into account the additional parking needs of includes higher parking ratios for multiple-dwelling units in the Beach Impact Areas, as well as the required prohibition of curb cuts where there is alley access, in order to retain and enhance publicly-accessible street parking for beach visitors.

53) On Page 69, Transportation System Element, a Parking Plan Recommendation 4(f) shall be added to read as follows:

f. All red-curbing on the first street adjacent to the ocean should be reviewed for appropriateness and previous authorization in order to assure that on-street parking is protected for beach visitors to the maximum extent feasible. Unauthorized red-curbing shall be removed.

54) On Page 78, Residential Land Use Element, under Development Near Coastal Bluffs, the following paragraph shall be revised as follows:

The shoreline bluffs are one of the community's most beautiful scenic resources and offer magnificent vistas of the ocean and the coastline of La Jolla. The views provided by these coastal bluffs continue to offer a tremendous incentive for residential development along the bluff top. Studies, however, have indicated that certain bluffs are susceptible to periodic erosion and are unstable. Seawalls, revetments and parapets which have been constructed in some cases to protect private homes and property may eventually become structurally unstable. Thus, the coastal bluff regulations that are contained in the Environmentally Sensitive Lands regulations of the Land Development Code are intended to guide the placement of these seawalls, revetments, parapets and residential structures in order to prevent structural damage to existing principal structures, minimize erosion of the bluff face, minimize impacts on local shoreline sand supply and maintain lateral public access along the coast.

55) On Page 80, Residential Land Use Element, Development Near Coastal Bluffs Policy 3(a) shall be revised as follows:

a. The City should ensure that residential projects along the coastal bluff maintain sideyards and setbacks as established by the underlying zone and other applicable regulations in the Land Development Code in order to form view corridors and to prevent a walled-off appearance from the street to the ocean.

56) On Page 83, add a new Action Plan item as follows (as suggested by the City):

<u>IMPLEMENTATION</u>	<u>ADOPT WITHIN</u> <u>WITH</u>	<u>5</u> <u>YEARS</u>	<u>RESPONSIBILITY</u>	<u>FUNDING</u>	<u>SEE FOR MORE</u> <u>DETAILS</u>
<u>Prepare an urban design element to be included in the community plan</u>	:		<u>Planning Dept.</u>	<u>City</u>	<u>Policies 2&amp;5 Recommendations 2 &amp;</u>

57) On Page 41, Correct Figure 7 to show Charlotte Park as Open Space

58) Add Appendix L to the land use plan as follows:

#### APPENDIX L

##### Encroachment Limitation Standards for Open Space shown on Figure 7 (taken from OR Zone regulations in the Land Development Code)

Within the open space shown on Figure 7 of this land use plan, encroachment shall be limited and no development shall occur unless the premises complies with the standards below:

##### Allowable Development in Open Space on Figure 7 (or OR Zones)

- (a) On a site containing area designated as open space, up to 25 percent of the premises may be developed subject to the following:
- (1) If the entire site is designated open space, and if 25 percent or more of the entire site is not in its natural state due to existing development, any new development proposed shall occur within the disturbed portion of the site and no additional development area is permitted.
  - (2) If only a portion of the site contains open space designation, the following shall apply:

(A) If less than 25 percent of the premises is outside the open space, the portion that is outside the open space shall be developed before any encroachment into the open space portion of the site. Encroachment into the open space may be permitted to achieve a maximum development area of 25 percent of the entire site (including the open space and non-open space areas).

(B) If more than 25 percent of the premises is outside the open space, the area outside the open space may be developed and no additional development area is permitted.

(b) Within the Coastal Overlay Zone, coastal development on premises containing environmentally sensitive lands is subject to the use and encroachment limitations and any other applicable regulations established for those lands in the Local Coastal Program, in addition to the above encroachment limitation standards established for the open space portion of the site.

59) On Page 109, revise the section titled Nonpoint Pollution Runoff, as follows (as suggested by the City):

Storm Water Conveyance System - Nonpoint Source Pollution in Urban Runoff

The City of San Diego recognizes the impacts of nonpoint source pollution runoff on coastal waters. Pollutants in Urban runoff are is-a leading cause of water quality impairment in the San Diego region. As runoff flows over urban areas, it picks up harmful pollutants such as pathogens, sediment, fertilizers, pesticides, heavy metals, and petroleum products. These pollutants are conveyed through the City's storm water conveyance system into streams, lakes, bays and the ocean without treatment. New development, if not adequately designed, creates new surfaces which potentially contribute pollutants to the storm water conveyance system and eventually our beaches and bays. To address nonpoint source pollution in the land use planning phase of development, the City is in the process of updating it's Progress Guide and General Plan to include water quality and watershed protection policies and principles. To address current development and redevelopment projects, including all development projects in La Jolla, the City's development regulations have been revised to include approach to effectively reducing pollutants in urban runoff involves the application of a a combination of site design, pollution prevention, source control and treatment control Best Management Practices (BMP's). These BMPs are considered "permanent" BMPs because they function throughout the "use" of a developed project site, and are contained in the City's Storm Water Standards Manual (dated October 23, 2002) and effective December 2, 2002. The City of San Diego Progress Guide and General Plan will be amended to incorporate policies and principles designed to safeguard water resources for future generations.

APPENDIX L

Encroachment Limitation Standards for Open Space shown on Figure 7  
(taken from OR Zone regulations in the Land Development Code)

Within the open space shown on Figure 7 of this land use plan, encroachment shall be limited and no development shall occur unless the premises complies with the standards below:

Allowable Development in Open Space on Figure 7 (or OR Zones)

- (a) On a site containing area designated as open space, up to 25 percent of the premises may be developed subject to the following:
- (1) If the entire site is designated open space, and if 25 percent or more of the entire site is not in its natural state due to existing development, any new development proposed shall occur within the disturbed portion of the site and no additional development area is permitted.
  - (2) If only a portion of the site contains open space designation, the following shall apply:
    - (A) If less than 25 percent of the premises is outside the open space, the portion that is outside the open space shall be developed before any encroachment into the open space portion of the site. Encroachment into the open space may be permitted to achieve a maximum development area of 25 percent of the entire site (including the open space and non-open space areas).
    - (B) If more than 25 percent of the premises is outside the open space, the area outside the open space may be developed and no additional development area is permitted.

(b) Within the Coastal Overlay Zone, coastal development on premises containing environmentally sensitive lands is subject to the use and encroachment limitations and any other applicable regulations established for those lands in the Local Coastal Program, in addition to the above encroachment limitation standards established for the open space portion of the site.

60) On Page 109, revise the section titled Nonpoint Pollution Runoff, as follows (as suggested by the City):

Storm Water Conveyance System - Nonpoint Source Pollution in Urban Runoff

The City of San Diego recognizes the impacts of nonpoint source pollution runoff on coastal waters. Pollutants in Urban runoff are is-a leading cause of water quality impairment in the San Diego region. As runoff flows over urban areas, it picks up harmful pollutants such as pathogens, sediment, fertilizers, pesticides, heavy metals, and petroleum products. These pollutants are conveyed through the City's storm water conveyance system into streams, lakes, bays and the ocean without treatment. New development, if not adequately designed, creates new surfaces which potentially contribute pollutants to the storm water conveyance system and eventually our beaches and bays. To address nonpoint source pollution in the land use planning phase of development, the City is in the process of updating it's Progress Guide and General Plan to include water quality and watershed protection policies and principles. To address current development and redevelopment projects, including all development projects in La Jolla, the City's development regulations have been revised to include approach to effectively reducing pollutants in urban runoff involves the application of a combination of site design, pollution prevention, source control and treatment control Best Management Practices (BMP's). These BMPs are considered "permanent" BMPs because they function throughout the "use" of a developed project site, and are contained in the City's Storm Water Standards Manual (dated October 23, 2002) and effective December 2, 2002. The City of San Diego Progress Guide and General Plan will be amended to incorporate policies and principles designed to safeguard water resources for future generations.

61) On Page 110, revise the Community Facilities, Parks and Services Policies as follows (as suggested by the City):

8. The City should ensure that ~~proposed and existing~~ development projects adheres to the City Storm Water Management and Discharge Control ordinance in order to control non-storm water discharges, eliminate discharge from spills, dumping or disposal of materials other



than storm water, and reduce pollution in urban storm water to the maximum extent practicable possible.

The City should ensure that proposed development and redevelopment projects adhere to the City's Drainage Regulations, Storm Water Runoff and Drainage Regulations, and Storm Water Standards Manual in order to limit water quality impacts to water resources (including coastal waters), minimize disruption of the area's natural hydrologic regime, minimize flooding hazards while minimizing the need for flood control facilities, ~~to~~ reduce impacts to environmentally sensitive lands, and ~~to~~ implement federal and state regulations.

~~The City should maintain storm drains and~~ The City should continue education, enforcement and Best Management Practices and programs to address nonpoint source pollution runoff and its effect on water quality in order to ensure the preservation of local water resources. The Citywide development regulations Municipal Stormwater Permit shall should continue to include enhanced-BMPs designed to prevent and control nonpoint source pollution. The City should continually consider improving development regulations to benefit water quality.

~~The City should adoption of new General Plan policies including watershed protection principles, to and implementation of a full range of BMPs will ensure the preservation for local water resources for future generations.~~ The City's watershed planning efforts are being implemented through watershed urban runoff management plans for each of the watersheds wholly or partially within the City. As additional years of water quality data is gathered, these programs likely will assist in identifying water quality issues present in each watershed and may be used to facilitate the creation of targeted water quality-related development policies and regulations in each watershed. These watershed programs should continue to include mechanisms for water quality assessment, protection of natural drainage, riparian and wetland resources, problem identification, land use planning, education, and public participation.

62) On Page 115, delete Plan Recommendation #7 in its entirety and replace it with the following Plan Recommendations #7 and #8:

7. Watershed Analysis, Planning, and Permitting

For proposed projects and future development in the La Jolla Community Plan adhere to the policies and recommendations developed and included in the Storm Water Standards Manual as a result of the City's watershed urban runoff management program efforts.

8. Development Analysis

For all new development, meet the requirements of the California Regional Water Quality Control Board San Diego Region's *Waste Discharge Requirements for discharges of urban runoff from Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District (Order No. 2001-01, dated February 21, 2001)* or subsequent versions of this plan, and the City's regulations implementing these requirements. Specifically, for all new development, meet the applicable construction and permanent storm water requirements of the Storm Water Standards Manual or subsequent regulations during project review, as summarized below.

- i. For priority projects, design post-construction structural BMPs (or suites of BMPs) in accordance with the numeric sizing criteria set forth in the Storm Water Standards Manual.
- ii. In accordance with the City's Storm Water Standards Manual, provide proof of a mechanism of ongoing maintenance of permanent BMPs acceptable to the City.
- iii. New development shall comply with the City's construction phase erosion control and polluted runoff requirements with the objectives of first controlling erosion, and second, controlling sediment. New development that requires a grading/erosion control plan shall include landscaping and re-vegetation of graded or disturbed areas.

To achieve project designs that minimize impact to water resources and attempt to mimic the site's natural hydrologic regime, and as required by the Storm Water Standards Manual and, as applicable, BMPs shall be incorporated into the project design in the following progression:

- Site Design BMPs
- Source Control BMPs
- Treatment Control BMPs

Site design and source control BMPs shall be included in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality, structural treatment BMPs will be implemented along with site design and source control measures. The following design principles shall be incorporated in general order of importance:

- Site and design new development on the most suitable portion of the site while ensuring protection and preservation of natural and sensitive site resources;
- minimize impervious areas in the site's design;

- minimize high polluting surfaces exposed to runoff using appropriate source control measures, including non-native or non-drought tolerant landscaping to minimize the need for irrigation and the use of pesticides and fertilizers;
- minimize the amount of impervious areas directly connected to the storm drain system;
- maintain and use natural drainage features;
- conserve other natural areas including significant trees, native vegetation, and root structures and maximizing the preservation of natural contours;
- and maximize infiltration and filtration of runoff by incorporating the site's landscaping and natural drainage features (if any) into the site's drainage design.

63) Listed below are the City's Correction/Clarification Items for the Draft June 2002 La Jolla Community Plan Update:

1. Princess Street View Cone to be added on Figure 9.
2. Change Policies referring to 1(f) and Recommendation to 1(e) in the last item of the Action Plan on page 51.
3. At the end of page 144, delete "of the San Diego Land Development Code."
4. Reinstate the graphics and note "previous location of unimproved foot trail on private parcels" on the Subarea A: La Jolla Farms-Physical Access map.
5. Expand Subarea C: La Jolla Shores maps to include missing area at Roseland Drive.
6. Show properties seaward of Spindrifft Drive on Subarea D: Coast Walk-Visual Access map.

64) Replace Figure 7 (attached Exhibit 4) with the amended Open Space System Map as approved by final action of the City of San Diego, with added note to clarify the connection between Map C-720 and the designated open space shown in the plan.

**LEGEND**

**Dedicated Open Space/Park**  
 City-owned property that has been formally dedicated by the City or State for park and/or open space under Charter Section 55 of the San Diego Municipal Code. Protected in perpetuity unless changed by a two-thirds vote of the people.

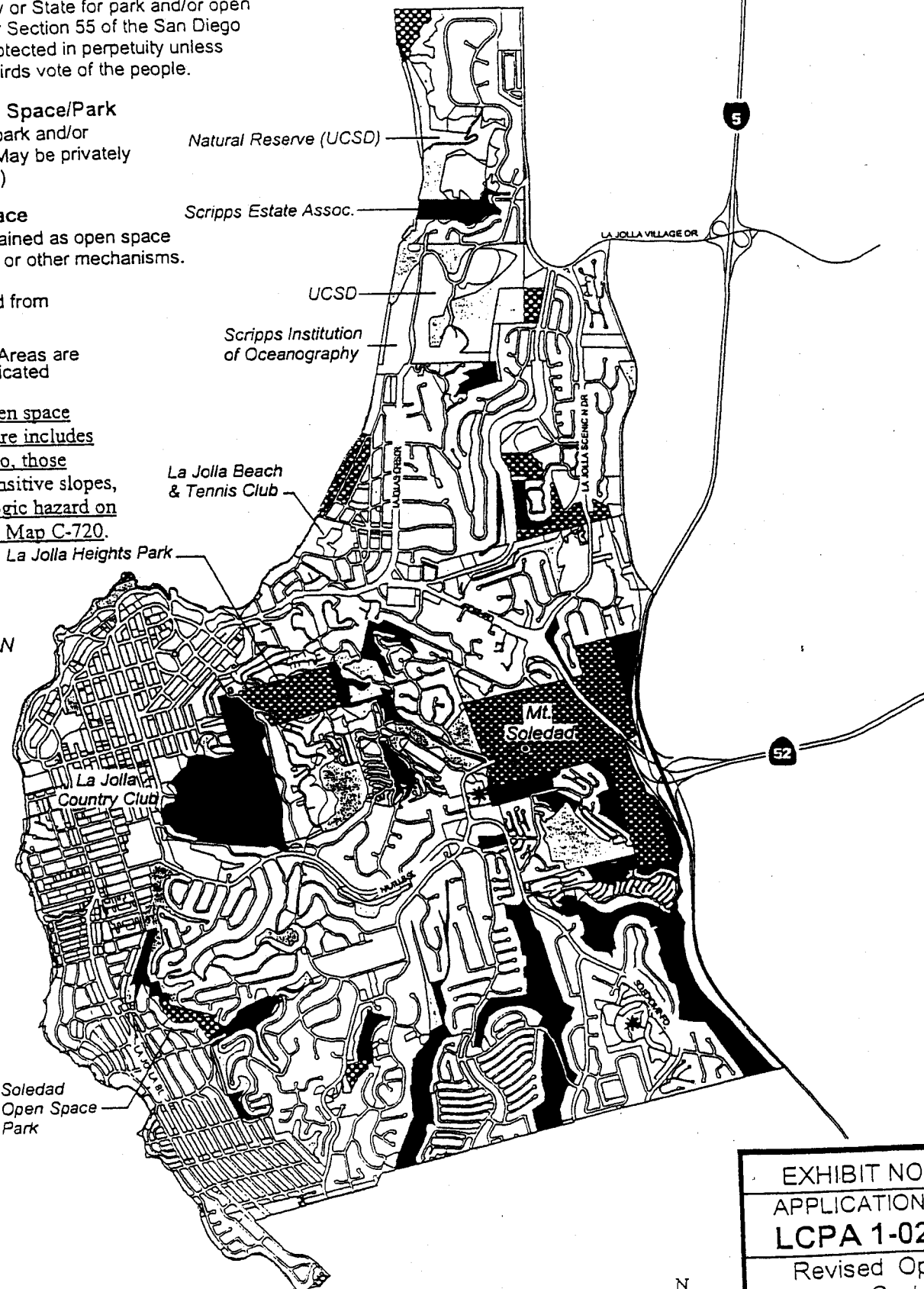
**Designated Open Space/Park**  
 Areas intended for park and/or open space uses. (May be privately or publically owned.)

**Private Open Space**  
 Private property retained as open space through easements or other mechanisms.

**Structures excluded from Open Space**

**NOTE:** In General, Beach Areas are Designated or Dedicated Open Space

**NOTE:** The designated open space shown on this figure includes but is not limited to, those lands shown as sensitive slopes, viewshed or geologic hazard on City of San Diego Map C-720.



**Open Space System**



EXHIBIT NO. 4  
 APPLICATION NO  
**LCPA 1-02(A)**  
 Revised Open  
 Space System/  
 Figure 7 - Proposed  
 LUP

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
767-2370



RECEIVED

APR 21 2003 April 18, 2003

PLANNING DEPARTMENT

Mayor Richard Murphy  
City of San Diego  
202 'C' Street, M.S. 4A  
San Diego, CA

Re: Certification of Major Amendment No. 1-02A (La Jolla Land Use Plan Update) to the City of San Diego Local Coastal Program

Dear Mayor Murphy:

On February 5, 2003, the California Coastal Commission certified the above referenced amendment to the City of San Diego Local Coastal Program (LCP) with suggested modifications. Those modifications were transmitted to you via a certification letter dated March 7, 2003. In review of those modifications, City staff has identified some minor changes necessary to correct editing errors and an omission, and to maintain internal consistency within the document. We have reviewed the City's comments and concur that the attached revisions are necessary and accurately reflect the Commission's action. The revisions to the March 7, 2003 suggested modifications shown in the attached document do not modify the intent of the Commission's action taken on February 5, 2003.

Due to the fact that the suggested modifications, as approved by the Commission, must be adopted by the City Council to achieve effective certification of the LCP amendment, we are transmitting the following minor corrections for Council adoption. The following attachment contains only the suggested modifications requiring revision, to replace those same modifications previously transmitted. The changes are shown in bold and #10, 47 and 50 include editorial corrections to accurately reflect how the original City language was modified by the Commission. The update to the map addressed in #63 was inadvertently omitted. The change to Coastal Bluffs recommendation 4(l) shown in #43 is necessary to reflect the change to the language made by the Coastal Commission at the February 5, 2003 hearing, and to achieve internal consistency with the corresponding Shoreline Areas and Coastal Bluffs Policy 3(e). All other modifications should remain as shown in the March 7, 2003 transmittal.

We apologize for any inconvenience these errors may have caused. If you have any questions about the Commission's action or this final certification procedure, please contact our office. We remain available to assist you and your staff in any way possible to continue the successful implementation of the certified local coastal program.

Sincerely,

*Sherilyn Sarb*  
Sherilyn Sarb  
District Manager

Attachment

cc: Councilmember Scott Peters  
Bob Manis  
Mike Tudury  
Laurinda Owens

EXHIBIT NO. 4  
SD LCPA 1-02A  
LJ LUP Update  
ED Approval

Certification Letter  
with Sugg. Mods  
City Attachment 2

obtained through a Planned Development Permit, allow lot divisions provided the development is located in the flattest and/or disturbed portions of the site and is designed to harmonize with the natural features of the hillsides.

50) On Page 59, Natural Resources and Open Space System Element, Plan Recommendation 5 (v) shall be revised as follows:

- v. Preserve all steep natural hillsides which remain undeveloped on conditions of permit approval through dedication, a permanent open space easement, **a permanent OC (Open Space Conservation) designation, or a deed restricted covenant of easement,** or other means.

63) Listed below are the City's Correction/Clarification Items for the Draft June 2002 La Jolla Community Plan Update:

1. Princess Street View Cone to be added on Figure 9.
2. Change Policies referring to 1(f) and Recommendation to 1(e) in the last item of the Action Plan on page 51.
3. At the end of page 144, delete "of the San Diego Land Development Code."
4. Reinstate the graphics and note "previous location of unimproved foot trail on private parcels" on the Subarea A: La Jolla Farms-Physical Access map.
5. Expand Subarea C: La Jolla Shores maps to include missing area at Roseland Drive.
6. Show properties seaward of Spindrift Drive on Subarea D: Coast Walk-Visual Access map.
7. **Update Figure 5 in accordance with the most recent San Diego Geologic Map Update, with restoration to Figure 5 of "Areas subject to liquifaction".**



## THE CITY OF SAN DIEGO

August 6, 2003

Ms. Sherilyn Sarb  
California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Ste 103  
San Diego, CA 92108-4402

Re: Local Coastal Program Amendment No. 1-02A (La Jolla Land Use Plan Update)

Dear Ms. Sarb:

The California Coastal Commission approved the above referenced amendment to the City of San Diego Local Coastal Program on February 5, 2003, subject to modifications. These modifications are summarized in your March 7, 2003 letter to Mayor Dick Murphy. Pursuant to our telephone conversation, I am writing this letter to ask for clarifications on several of the modifications to the La Jolla Community Plan approved by the Coastal Commission. For each of the identified modifications, I have provided the City's understanding of the policy or recommendation along with a brief interpretation of what it means. Please confirm that our interpretation is the same as yours.

Modification No. 3

It is our understanding that the language added to Figure 7 under the second "Note" is intended to clarify what is included in the areas designated as open space shown on Figure 7. The areas shown on Figure 7 are the only areas designated as open space and this language is not intended to add additional areas into open space beyond what is mapped. Of course, we acknowledge that areas with sensitive resources outside of the open space designated areas would continue to be regulated by the Environmentally Sensitive Lands regulations of the Land Development Code and other policies and recommendations in the La Jolla Community Plan.

Modification Nos. 8 and 45

It is our understanding that the intent of these modifications is to establish that some disturbed slopes in areas designated as open space may in fact be sensitive and therefore should be considered natural. Although these modifications state that manufactured slopes are not included in the definition of disturbance, manufactured slopes that were created without authorization would still be deemed natural, while others would

EXHIBIT NO. 5
SD LCPA 1-02A
LJ LUP Update
ED Approval
City 8/6/03 Letter
Requesting
Clarification



Planning Department

202 C Street • San Diego, CA 92101-3865  
Tel: (619) 234-4479 Fax: (619) 234-4478

Page 2  
Ms. Sherilyn Sarb  
August 6, 2003

Modification No. 9(b)

It is our understanding that the intent of this modification is to expand view preservation beyond the side yards to include preservation of views across any yard. The yards referred to in this policy are only those yards resulting from the zone-required setbacks.

This does not apply to any undeveloped area of a site that is between an existing structure and the required setback line (when such structure is not built to the setback line).

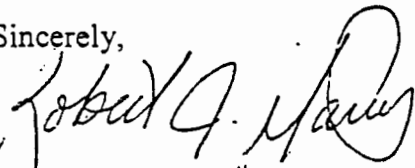
Modification No. 58 (Also discussed in Nos. 7, 22 and 23)

It is our understanding that the addition of Appendix L is intended to apply open space zoning regulations in advance of processing the plan recommended rezones of the open space areas shown on Figure 7. The eventual application of the open space zones will include site-specific analysis to determine where precisely the open space zones should be applied. The standards set forth in Appendix L (taken from the OR zones of the Land Development Code) will limit development within the open space designation by establishing an allowable development area and limiting encroachment into sensitive areas on a site. As such, development in excess of the basic 25% development area could potentially occur in the non-sensitive/disturbed portions of the site, both inside and out of the open space designation. Of course, evidence would have to be provided to show that the areas proposed for development (beyond the basic 25% development area) are indeed, not in their natural state.

Confirmation on these items will assist the City in its consideration of the modifications to the La Jolla Community Plan and LCP approved by the Coastal Commission. A prompt response would be greatly appreciated as we are expecting to bring the modifications before the Community and the City Council in September.

If you have any questions please call me at 619-235-5222.

Sincerely,



Robert J. Manis  
Community Planning Program Manager

RJM/rjm

cc: Councilmember Scott Peters  
Chris Cameron, Council District 1  
Betsy McCullough, Deputy Planning Director



## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
 75 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4402  
 TEL: 619-767-2370



August 26, 2003

Mr. Bob Manis  
 City of San Diego  
 Planning Department  
 202 C Street  
 San Diego, CA 92101-3865

Re: LCP Amendment No. 1-02A (La Jolla Land Use Plan Update)

Dear Mr. Manis:

This is in response to your letter of August 6, 2003, requesting clarification on a few of the modifications to the La Jolla LCP Land Use Plan (LUP) approved by the Coastal Commission in its action on February 5, 2003. As you know, the Commission also adopted Revised Findings in support of the February action at the August 8, 2003 hearing. At that hearing, Commission staff read into the record the following clarifications of the points raised in your letter.

Modification No. 3

This modification addresses the note on Figure 7 in the LUP and is intended to note the inclusion of Map C-720 into the Open Space system. The language is not intended to add any additional areas into the open space beyond that mapped on Map C-720 and the other areas shown as "Open Space" in Figure 7.

Modification Nos. 8 and 45

The modification is to clarify that some disturbed slopes in areas designated as open space may in fact be sensitive and, therefore, should be considered natural. In particular, manufactured slopes that are not legally authorized or permitted should be deemed natural. If there are manufactured slopes that were legally authorized, then the impact was sanctioned; but, if there is an illegal activity, the site, including the manufactured slopes, should be treated as natural and reviewed in accordance with the Environmentally Sensitive Lands regulations.

Modification No. 9(b)

This modification addresses view preservation along side yards. The yards referred to in this policy are only those yards resulting from the zone required setbacks. This policy does not apply to any undeveloped area of the site that is between the existing home and the required setback line when that structure is not built to the setback.

**EXHIBIT NO. 6**

**SD LCPA 1-02A  
 LJ LUP Update  
 ED Approval**

**Commission staff  
 response 8/26/03**

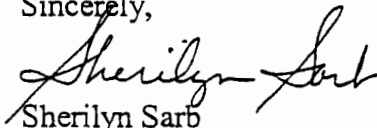
San Diego LCPA No. 1-02A  
La Jolla Land Use Plan Update  
August 26, 2003  
2

Modification No. 58 (Also discussed in Nos. 7, 22, and 23)

This modification addresses the application of the standards set forth in Appendix L which are taken from the Open Space Residential (OR) Zones and would limit development within the "Open Space" designation by establishing allowable development areas and by limiting encroachment into sensitive areas. The intent of Appendix L is to apply Open Space zone regulations in advance of processing the plan recommended rezones of the "Open Space" areas shown on Figure 7. The eventual application of the Open Space zones will include site-specific analysis to determine where the Open Space zones should be applied. The Commission recognizes that in this interim period, until the site specific mapping and rezones are completed, there may be instances where there is existing development within mapped Open Space, but the entire site is not designated "Open Space". In those cases, the LUP policies and Appendix L are intended to protect the undeveloped Open Space but allow development within the already disturbed area.

I hope this provides the necessary clarification and will allow the Commission's action of approval with suggested modifications to move forward to City Council for review and acceptance. Attached are the suggested modifications as approved by the Commission on February 5, 2003 and adopted with the Revised Findings on August 8, 2003. They represent the compilation of the original suggested modifications sent to Mayor Murphy on 3/7/03 and the corrections later forwarded to the City on 4/18/03. We understand that the La Jolla LUP Update has generated a lot of community debate and discussion about possible land use proposals. If our assistance in responding to specific questions would be helpful, please let us know. Also, don't hesitate to call with any questions and, for final action, please remember the Council must act by August 5, 2004.

Sincerely,

  
Sherilyn Sarb  
District Manager

cc: Deborah Lee  
Laurinda Owens  
Councilmember Scott Peters  
Mike Tudury



ATTACHMENT 6

THE CITY OF SAN DIEGO

October 3, 2003

Ms. Sherilyn Sarb  
California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Ste 103  
San Diego, CA 92108-4402

Re: Local Coastal Program Amendment No. 1-02A (La Jolla Land Use Plan Update)

Dear Ms. Sarb:

The California Coastal Commission approved the above referenced amendment to the City of San Diego Local Coastal Program on February 5, 2003, subject to modifications. These modifications are summarized in your March 7, 2003 letter to Mayor Dick Murphy. On August 6, 2003, I sent you a letter to clarify several modifications that pertained to four topic areas to which you replied on August 26, 2003. We were pleased to find out that your interpretation on those modifications is the same as ours.

Pursuant to our telephone conversation, I am writing another letter to ask for clarifications on a few additional suggested modifications to the La Jolla Community Plan, approved by the Coastal Commission. These modifications pertain to two topic areas that were recently brought to my attention. For each of the topics, I have provided the City's understanding of the policy and/or recommendation along with a brief interpretation of what it means. Please confirm that our interpretation is the same as yours.

Modification Nos. 14 and 42

Modifications 14 and 42 add a new provision to the community plan that limits the expansion of previously conforming structures on bluff top properties to a 50 percent increase in the size of the structure. Additions beyond 50 percent will require the entire structure to be brought into conformance with the policies and standards of the LCP (including bluff edge setback). Based on differing language between the two modifications and the intent of the new policy to protect coastal bluffs and avoid the need for future shoreline protection, it is our understanding that the previously conforming situation that would trigger the 50 percent addition limitation, only to structures that are located within the required bluff edge setback. As such, a structure that meets the bluff edge setback but is previously conforming for other reasons (such as yard setback) would not be subject to the 50 percent limitation. Such a structure would be subject to the citywide regulations for previously conforming structures that are in the Land Development Code.

EXHIBIT NO. 7
SD LCPA 1-02A
LJ LUP Update
ED Approval
City 10/3/03 Letter Requesting Clarification

Planning Department

203 C Street, 11C 51 • San Diego, CA 92101-2015

California Coastal Commission

Page 2  
Ms. Sherilyn Sarb  
October 3, 2003

When a structure is within the bluff edge setback and therefore, this provision applies, the 50 percent increase in size limitation is based on the floor area of the structure.

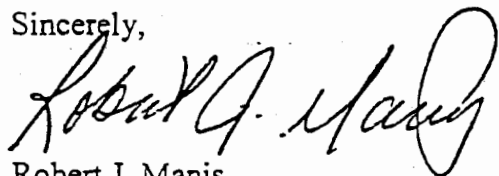
Modification Nos. 25, 26, 27, 28, 29

These modifications pertain to view protection and development within visual access areas/ public vantage points. It is our understanding that the La Jolla Community Plan, including the proposed modifications, does not prohibit increasing the height of a structure up to the maximum allowed by the zone, even when located within a viewshed or scenic overlook. While some of these policies state that views should be preserved, enhanced and restored, they also state that impacts to views should be minimized and acknowledge that proposed development may affect an existing public view. Several of these modifications specifically refer to the height, setback and landscaping regulations of the certified Land Development Code to implement view protection policies. All of these policies will have to be considered together and applied on a case-by-case basis as part of the discretionary review process for Coastal Development Permits. While this will not preclude an increase in structure height, it could affect the siting and design of the increase in order to maximize public view opportunities when designated by the plan.

Confirmation on these items will assist the City in its consideration of the modifications to the La Jolla Community Plan and LCP approved by the Coastal Commission. A prompt response would be greatly appreciated as we are expecting to bring the modifications to the City Council for consideration in early November and would like to include your response with the other materials they will receive for the hearing.

If you have any questions please call me at 619-235-5222.

Sincerely,



Robert J. Manis  
Community Planning Program Manager  
City of San Diego Planning Department

RJM/ah

cc: Councilmember Scott Peters  
Chris Cameron, Council District 1  
Betsy McCullough, Deputy Planning Director

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



October 22, 2003

Mr. Bob Manis  
City of San Diego  
Planning Department  
202 C Street  
San Diego, CA 92101-3865

Re: LCP Amendment No. 1-02A (La Jolla Land Use Plan Update)

Dear Mr. Manis:

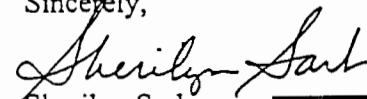
This is in response to your letter of October 3, 2003 requesting clarification on a few of the modifications to the La Jolla LCP Land Use Plan (LUP) approved by the Coastal Commission in its action on February 5, 2003.

Regarding Modification Nos. 14 and 42, we concur with your stated interpretation that the non-conforming situation that would trigger the 50 percent addition limitation is non-conformance with the bluff edge setback. The intent of these policies is to avoid the need for shoreline protective devices on public beaches. Additionally, we concur the 50 percent increase in size limitation is based on the floor area of the structure.

Regarding Modification Nos. 25 - 29, we concur with your stated interpretation that all view protection policies must be considered and applied on a case-by-case basis to determine whether or not, or to what degree, an existing public view may be affected by proposed development. Although the policies in the plan do not prohibit an increase in structure height, in some cases, such an increase may not be appropriate. The siting and design of a proposed height increase could be affected or the increase may not be permitted, based on application of all pertinent policies to maximize public views protected by the plan.

I hope this provides the necessary clarification and will allow the Commission's action of approval with suggested modifications to move forward to City Council for review and acceptance. If our assistance in responding to any more specific questions would be helpful, please let us know.

Sincerely,

  
Sherilyn Sarb  
District Manager

cc: Deborah Lee  
Laurinda Owens  
Councilmember Scott Peters  
Mike Tudury

<b>EXHIBIT NO. 8</b>
<b>SD LCPA 1-02A</b>
<b>LJ LUP Update</b>
<b>ED Approval</b>
Commission staff response 10/22/03

California Coastal Commission

