## CALIFORNIA COASTAL COMMISSION

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June 29, 2005

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TO:

COMMISSIONERS AND INTERESTED PERSONS

FROM:

DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR

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**OFFICE** 

SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP

AMENDMENT NO. 2-04C (Sea Breeze Carmel View) for Commission Meeting of

July 13-15, 2005

## **SYNOPSIS**

## SUMMARY OF AMENDMENT REQUEST

The City of San Diego is proposing an update of the certified Carmel Valley Neighborhood 8 Precise Plan, that serves as the LCP Land Use Plan (LUP) for this community of the North City LCP segment. The update incorporates several past LCP amendments into a newly printed plan, addresses the status of the community at this time, adds language to direct future development, and sets limits on where future development may occur.

The most significant change is to designate a 5.4 acre property for Neighborhood Commercial development. This property is located south of Shaw Ridge Road, west of Carmel Creek Road. The currently-certified Neighborhood 8 Precise Plan LCP Land Use Plan designates a .5 ac. portion of the property for very low density residential development (0-5 dwelling units per acre) and 4 ac. for Open Space. A 0.9 acre portion of the site is located north of Shaw Ridge Road, adjacent to the Carmel Valley Resource Enhancement Project (CVREP); this portion is designated open space and is not proposed for redesignation or future development. In the prior certified LUP there are no commercially designated areas in Neighborhood 8, which is a linear community along a relatively narrow valley whose main feature is a restored riparian corridor. In addition to adding a commercial area, the amendment includes text changes and revised maps that apply to the entire plan area and would consolidate all new development into one area of the community at Shaw Ridge Road and Carmel Creek Road. No revisions to designated land use or zoning are proposed on any other properties.

Three additional amendments will be submitted to the Commission in the future addressing the remaining three sites in Neighborhood 8 which are designated open space. All are currently undergoing local review; two are for multi-family residential

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development, and the third is for a horse ranch. All four sites (the subject commercial site and these three others) have been considered together by the City for purposes of proposed LUP text changes, land exchanges, contiguity, and mitigation. While Commission staff had hoped to review all four items together, they are tracking separately through the City on significantly different timelines. However, most, if not all, LUP text modifications are included herein, and the future LCP amendments will consist primarily of LUP map changes and rezonings.

## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP amendments as proposed, due to inconsistencies with Coastal Act policies addressing biological and visual resources, traffic and water quality. Staff then recommends approval with suggested modifications addressing those deficiencies in the proposed LUP, and acknowledging that this amendment concentrates development where it is most appropriate and preserves large areas of connected biological resources for maximum habitat value and to preserve wildlife movement throughout the area. Finally, staff recommends approval of the proposed NC Zone, as it is the most appropriate zone in the Carmel Valley PDO for the proposed site uses.

The proposed LCP amendment represents a significant change to the pattern of buildout anticipated in the more recently certified plans for Neighborhood 8. At least one older Neighborhood 8 Precise Plan identified a small neighborhood commercial area in roughly the same location as the currently proposed commercial area. However, there does not appear to be any commercial element in the Neighborhood 8 plan since the mid-1980s. Reinstating this use now will significantly increase the intensity of buildout in this location. This is not completely offset by the fact that some prior LCP amendments have eliminated a number of previously designated residential areas in Neighborhood 8, and reduced the overall amount of anticipated residential development.

There are benefits to the subject LCP amendment and the other locally-pending proposals, such as concentrating development, formalizing and protecting MHPA open space, and potentially reducing the need for some out-of-community automobile trips; however, staff is recommending the potential buildout of the entire plan area be addressed in the land use plan policies and text changes proposed at this time. Future development of the remaining undeveloped sites could be brought to the Commisson as rezones only, or map changes without the ability to address applicable plan policies. In addition, these policies should be utilized to guide future rezonings and buildout of Neighborhood 8 in a manner that recognizes and protects significant coastal resources, and acknowledges the lands that have been designated open space and MHPA as part of the City's habitat management planning efforts. These MHPA lands have been set aside to offset impacts of development elsewhere in the City and are to be conserved as part of a permanent habitat preserve.

Also, adding a commercial element to an otherwise residentially planned area raises a greater concern regarding traffic management and non-automobile circulation needs.

This change supports additional plan policies emphasizing traffic demand management measures with new development. Finally, the site is highly visible from Route 56, a major coastal access route, and the public recreational trails within the adjacent Carmel Valley Resource Enhancement Project (CVREP) adjacent to the Carmel Valley Creek corridor. Therefore, policies have been added that address scale of development, signage and visibility from these public resource and access routes.

The appropriate resolutions and motions begin on page 6. The suggested modifications begin on page 8. The findings for denial of the Land Use Plan Amendment as submitted begin on page 13. The findings for approval of the plan, if modified, begin on page 26. The findings for approval of the Implementation Plan Amendment as submitted begin on page 29.

## **BACKGROUND**

For purposes of developing an LCP, the City of San Diego's coastal zone was divided into twelve segments, each with their own land use plan. In the case of the North City LCP segment, the area included several distinct communities that were in various stages of planning and buildout. Carmel Valley, where this amendment would apply, is one of the "subareas," along with Mira Mesa, Sorrento Hills, Torrey Pines, University, Via de la Valle, and the North City Future Urbanizing Area. The Carmel Valley subarea itself is divided into several neighborhoods, each with its own precise plan. The proposed amendments apply only to Neighborhood 8 of the North City Carmel Valley LCP segment.

Neighborhood 8 has a long history, with at least one unusual feature. Legislation (AB2216) was enacted to allow the exclusion of Neighborhood 8 from the coastal zone itself upon Commission certification of a drainage and transportation plan - at that time, these were considered the only significant Coastal Act issues. Ultimately, the City decided against this option, chose to keep the area in the coastal zone, and prepared a full LUP for the neighborhood. The Commission certified a LUP in September, 1990, that included an alignment for SR 56, a planned connection of I-5 and I-15, and, as mitigation for freeway impacts on biological resources, a widened and restored riparian corridor along Carmel Creek, that would occupy much of the valley floor. The IP for this area is the Carmel Valley Planned District Ordinance (PDO) and the Land Development Code (LDC).

The last Commission review of the entire Neighborhood 8 LUP was in September, 1990, but there have been four amendments to the LCP as a whole, specifically addressing Neighborhood 8, since that time. The 1990 action was to fix the SR 56 corridor and develop an enhanced/expanded riparian corridor along Carmel Creek known as the Carmel Valley Resource Enhancement Plan (CVREP). Two subsequent amendments were site-specific, one modifying both the LUP and Implementation Plan (IP) to accommodate a 348-unit apartment complex on the site of a prior sand-mining operation (Pinnacle); and one modifying only the IP to accommodate development of a private school (San Diego Jewish Academy). The third amendment incorporated the Multiple

Habitat Planning Area (MHPA) boundaries into the LUP, which resulted in the removal of several pockets of residentially-designated land, and, as submitted, modified only maps and tables; some text changes establishing wetland uses and buffers were added as suggested modifications when the Commission certified the amendments. Because the request was to increase the open space lands in the community, and reduce the areas for future development, it was routinely found by the Commission to be consistent with Chapter 3 policies.

The City's idea with this amendment was to delete several residentially-designated areas to create a more expansive open space system and keep existing wildlife corridors open, and then to increase the intensity of development allowed on remaining properties that are in a more disturbed state. However, no open space rezonings occurred at that time. Therefore, in some cases, there are disturbed portions of these sites that are designated open space but still zoned for residential uses. If private properties are designated entirely as open space/MHPA, the certified LDC and the City's Multiple Species Conservation Plan (MSCP) guidelines allow up to 25% of the site to be developed, by siting that development on the least sensitive portion of the property. Three of the four remaining parcels include areas of high quality native vegetation that will likely be identified as environmentally sensitive habitat (ESHA) when those sites come forward. The one site that is the principal part of the subject LUP amendment, however, is disturbed over a larger proportion of the property than the others, and has no on-site ESHA. That site, and the appropriateness for redesignating it for Neighborhood Commercial use, will be discussed later in this document.

A fourth amendment did not address Neighborhood 8 directly, but amended the Carmel Valley Planned District Ordinance (PDO), one implementing device for the whole Carmel Valley LCP segment. Much as the proposed amendment is doing for the Neighborhood 8 LUP, that IP amendment updated several PDO's in the City, including the Carmel Valley PDO, to correct references and department names that no longer applied. More significantly, since the City was adopting a whole new Implementation Plan for the LCP, it stressed that, in cases of conflict, the PDOs had precedence over the IP, since they addressed specific areas in greater detail than the Citywide plan could.

## ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment #2-04C may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

## PART I. OVERVIEW

## A. LCP HISTORY

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

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000.

Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future. Since effective certification of the City's LCP, there have been numerous major and minor LCP amendments processed by the Commission.

## B. STANDARD OF REVIEW

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

## Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

## C. PUBLIC PARTICIPATION

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

## PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

I. MOTION I: I move that the Commission certify Land Use Plan Amendment No. 2-04C as submitted by the City of San Diego (Sea Breeze).

#### STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a NO vote on the motion. Failure of this motion will result in denial of the land use plan amendment as resubmitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

## RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of Land Use Plan Amendment No. 2-04C as submitted by the City of San Diego (Sea Breeze) and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act.

Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. MOTION: I move that the Commission certify Land Use Plan Amendment

No. 2-04C for the City of San Diego (Sea Breeze) if modified in accordance with the suggested changes set forth in the staff

report.

## STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a YES vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

## RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED:

Subject to the following modifications, the Commission hereby certifies Land Use Plan Amendment No. 2-04C (Sea Breeze) and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

III. MOTION: I move that the Commission reject Implementation Program Amendment No. 2-04C as submitted by the City of San Diego (Sea Breeze)

#### STAFF RECOMMENDATION OF REJECTION:

Staff recommends a NO vote. Failure of this motion will result in certification of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

## RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment No. 2-04C as submitted by the City of San Diego (Sea Breeze) as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

## STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

## PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LUP be adopted. Since most of the Commission's modifications are to the City's new, and thus <u>underlined</u>, language, the <u>double-underlined</u> sections represent language that the Commission suggests be added, and the <u>struck-out</u> sections represent language which the Commission suggests be deleted from the language as originally submitted. There are no instances where the Commission is modifying or reinstating language that was previously struck out by the City.

- 1. On Page 7, the second bulleted item shall be modified and expanded in the following manner:
  - Projects shall comply with the City's brush management requirements. Brush Management Zone 1 (minimum 35 ft. in width and refers to the area adjacent to structures, consisting of pavement, non-combustible structures, and/or permanently irrigated, ornamental plantings) shall be be contained within the developable areament envelope. The width of Zone 1 should be increased when possible to reduce the width of Zone Two and impacts to native vegetation.

Brush Management Zone 2 activities are considered impact neutral not permitted within environmentally sensitive areas provided they are restricted to the minimum necessary to meet fuel load reduction requirements. Zone 2 areas (maximum 65 feet in width and refers to the area of native or naturalized plant material that is thinned to reduce fuel load) may extend beyond the developable area development envelope when subject to an approved site specific brush management plan acceptable to the fire department and when it avoids significant disruption of habitat values, is the minimum necessary to meet fuel load reduction

requirements and if such zone complies with the brush management provisions of the City's Multiple Species Conservation Program (MSCP). However, it is desirable to preserve or restore the integrity of the relatively small pockets of natural habitat that are interspersed with disturbed or developed areas within the designated open space system for this neighborhood. Projects should consider shall incorporate creative site and/or structural design features that would minimize the amount of avoid Brush Management Zone 2 extending into undisturbed natural habitat areas, where possible. Measures such as replacing cleared or thinned native vegetation with fire-resistive native vegetation that does not require fuel modification and is compatible with the existing habitat, and maintenance of at least 50% of the existing ground cover of native vegetation shall be implemented, when possible, to avoid significant disruption.

2. On Page 15, the last paragraph, which continues onto Page 16, shall be modified in the following manner:

Development is expected to occur only within areas of low conservation value where site disturbance has already occurred and access is already provided. Three major roads bisect Neighborhood 8: El Camino Real, Carmel Creek Road, and Carmel Country Road. The segments of El Camino Real and Carmel Country Road within Neighborhood 8 cross environmentally sensitive areas not suitable for development, as well as the Palacio Del Mar golf course. The portion of Carmel Creek Road south of Shaw Ridge Road fronts properties where either agricultural or urban development has already occurred, including the private school, a commercial equestrian facility, and the Pinnacle Carmel Creek apartment complex. This area is the appropriate location to concentrate development and assure preservation of the maximum amount of remaining undeveloped open space and/or Multiple Habitat Preserve Area (MHPA) lands to provide habitat linkage and connectivity between the riparian corridor of Carmel Creek and the coastal sage scrub hillsides of Carmel Valley within Neighborhood 8. Carmel Creek Road also provides convenient access between Neighborhood 8, the SR-56 freeway, and other Carmel Valley neighborhoods to the north. Properties fronting Carmel Creek Road may accommodate some development, while areas within Neighborhood 8 with limited access should be conserved as open space or developed with limited recreational use where appropriate.

3. On Page 20, the first paragraph of the **COMMERCIAL COMPONENT** shall be modified as follows, and a new paragraph added:

Commercial uses will be limited to the development node that comprises the area south of Shaw Ridge Road, along Carmel Creek Road and implemented by the Neighborhood Commercial zones. Allowable uses will be restricted to the Office Use Category, as defined in the City's Municipal Code for commercial base zones, although an accessory component of neighborhood-serving retail sales and commercial services also shall be provided as part of any office project. The accessory component may shall comprise up to no less than a total of eight

percent (8%) of the building square footage of the entire site. Accessory uses may include an eating and drinking establishment, financial services, the sale of groceries, sundries, pharmaceuticals, and convenience items, with the goal of minimizing automobile trips outside the community.

4. On Page 29, the following new paragraph shall be added to the introduction:

There shall be no net loss in the coastal zone of sensitive biological resources. including but not limited to coastal sage scrub, southern maritime chaparral and native grasslands, that are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Mitigation for impacts to any of these habitat types, when permitted, shall include creation or substantial restoration of areas where effective function of habitat type have been lost, to achieve the no net loss standard. Mitigation for impacts within the coastal zone should be provided within the coastal zone in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the coastal zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios and the mitigation is part of the MHPA. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the MHPA preserve management plan, through open space zoning and/or other means, as a condition of development approval.

5. On Page 32, under NATURAL OPEN SPACE, the following should be added as a third paragraph:

The City shall ensure the preservation of portions of public and private property that are partially or wholly designated as open space and/or MHPA to the maximum extent feasible. Development potential on open space lands 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 shall be established to concentrate development in existing developed areas and outside designated open space and MHPA lands. Rezonings to implement the appropriate encroachment limitations and development standards shall occur prior to development of these properties.

6. On Page 50 and 51, Item C, INTERNAL ROAD SYSTEM, shall be modified as follows:

An existing, partially improved collector street, parallel to the SR-56 freeway, will has provided the primary internal access to the middle portion of Neighborhood 8. The collector street is was initially required by Community and Economic Development, Development Services, and the Fire Department to link Carmel Creek and Carmel Country Road. However, more recent changes in the development

patterns within the community would render improvements of the street to typical collector street standards unnecessary. The only property still requiring access from this street is a future passive public park; all other properties to be developed would take access from either Shaw Ridge, Carmel Creek or Carmel Country Roads. The collector may be downgraded if approved by the Development /Transportation Planning Section, and the Fire Department, and it may be retained in its current condition if needed for future park and emergency access. The design of the proposed collector street within the precise plan area is shown in Figure 20 16. The individual internal street systems within the plan area will be similar in several respects and will consist of the following street classifications:

- A collector street system, including Carmel Creek and Carmel Country Roads, to provide access to the various development units within the precise plan area.
- A local street system to provide access to individual residential projects (the local street system will include conventional streets and cul-de-sacs).
- Private project streets to provide access to individual attached residential projects (it is expected that these streets will be privately maintained).

Several features incorporated into the design of the proposed circulation system will ensure that it operates in a smooth and efficient manner.

- Access to the precise plan area will be permitted at only two major entry points to limit the development of major intersections.
- The number of driveways and curb cuts on the collector streets will be limited, where possible, which will facilitate traffic flow.
- Access to individual residential lots will be provided by local streets or by private project streets.
- All internal streets, except those used only for emergency vehicles and park access, will meet the City's design standards.

## 7. On Page 53, the following paragraph shall be added:

## 5. Transportation Demand Management

To further minimize the impacts of large commercial/office development, any proposal to develop the Neighborhood Commercial area shall include a Transportation Demand Management Program (TDM). The program's purpose is to minimize peak hour traffic generation by various means such as accommodating flexible work shifts, providing a shuttle to the nearest

transit/trolley stations to encourage use of transit by employees and clientele, facilitating a carpool program, providing shower facilities and bicycle racks to encourage alternative modes of transportation, and/or other traffic reducing tactics. The result of the program should be an approximately 20% reduction in peak hour traffic over what would occur with non-flexible shifts and all employees/clientele traveling in single-car-occupancy vehicles. Any such program should be monitored for at least five years after the date of building occupancy to determine the success of such measures, and copies of an annual monitoring report should be submitted to the City of San Diego and to the Coastal Commission. If the 20% goal is not reached in any year, the monitoring report should include alternative methods to attain the goal. The City shall also develop incentives, when possible, to allow measures such as the trolley shuttle to be extended to serve the entire community and reduce single-occupancy trips outside the community.

8. On Page 62, add the following paragraph at the bottom of the page:

To preserve views to these hillsides from public vantage points such as SR-56 and the CVREP multi-use trails, permitted structures shall not exceed 35 feet in height. Where no views of the natural hillsides and sandstone bluffs would be adversely affected, higher buildings may be allowed.

9. On Page 64, the final paragraph shall be modified in the following manner:

All grading, if possible, will be accomplished in phases, avoiding ground clearing prior to construction. This will minimize the need for detention basins, however, detention basins will be allowed as part of Best Management Practices (BMPs) to maintain water quality as needed. Grading will be carefully monitored, avoiding any disturbance of areas designated as undisturbed natural open space. On sites designated entirely as open space, required detention basins shall be contained within the allowable developable area.

- 10. On Page 66, modify the first bulleted item as follows:
  - Encourage Require low maintenance, <u>non-invasive</u> drought-tolerant <u>native or naturalizing</u> plant material.
- 11. On Pages 66 and 67, modify the lists of suggested plant materials to reflect the requirements of Suggested Modification #8
- 12. On Page 70, under SIGNAGE, modifying the following paragraph as follows:
  - 2. Neighborhood Commercial Areas

Project identification and directional signage shall be designed as an integral element of the project architecture and landscape design. Signs shall incorporate

elements and materials consistent with the building architecture. Freestanding signs shall be limited to monument signs not exceeding eight (8) feet in height. Pole signs, including freeway-oriented signs, are prohibited. Lighting sources shall be hidden from direct view..

- 13. On Page 39, Figure 5 Open Space Plan Carmel Valley Neighborhood 8 shall be deleted and replaced with a new Figure 5 that corresponds to the Open Space designated lands shown on Figure 4 on Page 26. Lands designated as MHPA shall also be indicated.
- 14. On Page 80, Figure 19 (Zoning Concept) shall be modified to include the following note:

NOTE: Rezoning of lands designated Open Space on Figure 4 of this Precise Plan shall require an LCP amendment and shall occur prior to development of these properties.

## PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE LCP LAND USE PLAN AMENDMENT, AS SUBMITTED

## 1. AMENDMENT DESCRIPTION

The City of San Diego is proposing an update of the certified Carmel Valley Neighborhood 8 Precise Plan, that serves as the LCP Land Use Plan for this community of the North City LCP segment. Although several LUP amendments have been certified more recently, the LUP has not been updated in its entirety since May 8, 1990. The interim amendments simply rewrote the applicable pages on an individual amendment basis, and did not update the entire document.

The proposed update melds all previous amendments into a newly reprinted document, and adds newly proposed amendments addressing a 5.4 acre property adjacent to the north of the existing Jewish Academy and south of SR 56. The bulk of these findings will address the specific amendments proposed to accommodate future buildout of Neighborhood 8, including a commercial development called Sea Breeze Carmel View, that has already been approved by the City of San Diego, and three other proposals on adjacent lands that are going through local review at this time. Although two of these projects will require individual LUP and zoning changes in the future, the new policies proposed to accommodate Sea Breeze and update the LUP will also apply to these future proposals. The policies describe the expected development patterns for this community, recognize the significance of the completed Carmel Valley Resource Enhancement Project (CVREP) and the community's other natural habitat areas, and incorporate new policies addressing brush management, siting of land uses, provision of retail commercial facilities, and the protection of views, open space and public access amenities.

Thus, while some of the amendments concerning this specific property and other potentially developable sites are substantive, many of the proposed amendments are more editorial in nature. These consist of tense changes (i.e., something previously proposed is

now existing), land use changes for the Pinnacle apartments and Jewish Academy sites, modifications of open space boundaries done to incorporate the MSCP maps into the LUP, and reorganization of the plan itself. As the Commission has already certified most of these changes and they are just being consolidated, clarified, and reformatted herein, no new issues are raised in connection with these document updates, and there is no need to discuss them further. Through these proposed amendments, the City is consolidating all future development in Neighborhood 8, with the exception of a horse ranch, to the area surrounding Carmel Creek Road. Several proposed policies in these areas are not consistent with the Coastal Act, as detailed below.

2. <u>Land Use/Intensity of Development</u>. The following Coastal Act policy addresses the appropriate location of new development, and states, in part:

### **Section 30250.**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

The specific property addressed in some of the proposed amendments is located south of Shaw Ridge Road, west of Carmel Creek Road, within the Neighborhood 8 portion of the Carmel Valley community. The currently-certified Neighborhood 8 Precise Plan LCP Land Use Plan designates portions of the property (0.5 acres) for very low density residential development (0-5 dwelling units per acre) and most of the property (4.0 acres) for open space. A 0.9 acre portion is located north of Shaw Ridge Road, adjacent to CVREP; this portion is designated open space and is not proposed for redesignation or future development. The portion of residentially designated lands represents a very small amount of the 4.5 acre part of the site (0.5 acre) that the City has determined is developable, i.e., the portion south of Shaw Ridge Road, and would only accommodate a couple residential units. The remainder of the site (4.0 acres) is designated open space in the currently certified LUP, although significant portions of the property have been disturbed in the past for agricultural and equestrian uses. The standard of review for development in this area is the certified LCP, although future development of the site would be appealable to the Commission, due to the presence of an off-site riparian area.

Section 30250 of the Coastal Act mandates consolidation of development on areas able to accommodate it without significant adverse effects on coastal resources. The feature that gives this community its identity is CVREP, a riparian restoration area along Carmel Creek, which is north of the subject site, running west into Los Penasquitos Lagoon. SR-56, also trending east-west, is immediately north of CVREP, and beyond that are other Carmel Valley neighborhoods (4, 5, and 6) with intense residential and commercial development. Neighborhood 8, however, is a very linear community, and CVREP open space occupies a sizeable segment of the community. There is an existing 421-lot

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subdivision at the far eastern end of the community, just east of CVREP, and a few private properties, including the subject site, between the floodplain and the steep slope area south of the creek. For the most part, these are the properties expected to develop or redevelop in the future, and, again for the most part, they are contiguous and all accessed from Carmel Creek Road.

Other somewhat intense development has already occurred in this Carmel Creek area of Neighborhood 8 in recent years. Immediately south and west of the Sea Breeze site proposed for commercial uses is a K-12 private school, and slightly further south and east a 348-unit apartment complex has been constructed. Two multi-family residential proposals and relocation of an existing horse ranch/stables are currently under review at the city, and will come forward to the Commission in the form of LCP amendments in the future. The potential multi-family properties are located immediately east of the site across Carmel Creek Road, where a horse ranch currently exists. The horse ranch would need to be relocated to accommodate this development, and, if it is approved, the horse ranch is proposed to move further east in the same corridor, just west of Carmel Country Road.

To accommodate the development already approved by the City on the Sea Breeze site, the subject LUP amendments propose to redesignate the site as Neighborhood Commercial. The City expects the site to develop with primarily office uses, with a small retail component serving the immediate community. The proposed text changes would include specific language describing the Neighborhood Commercial designation, which was chosen from the very few commercial designations available in the Carmel Valley Planned District Ordinance (PDO) that governs all Carmel Valley neighborhoods. However, office uses are not what is typically associated with a neighborhood commercial zone, which typically provides goods and services such as grocery stores, eating establishments, drug stores, dry-cleaning and similar services needed by residents of surrounding areas. The language is worded such that only 8%, at most, of the total proposed square footage of future development can be devoted to such uses, and allows the remainder to be office uses which may, or may not, serve the immediate area.

The portion of the site currently designated as open space includes the portion of the site that has been most disturbed by past uses. The existing boundary between open space and residential lands was not drawn based on the detail generated by a site-specific biology report to map the resources existing on the ground, but rather from a large scale aerial photograph. The open-space designated portion includes all of the areas where agriculture, in the form of an orchard, and horse stables, corrals, outbuildings, etc. existed – some of these facilities remain on the property today. What native vegetation remains on the site is also found within the open space portion, and consists of a few Torrey Pines and *Quercus dumosa* trees and patchy coastal sage vegetation, all mixed with nonnatives. The current proposal would eliminate both the open space and residential designations on the 4.5 acre portion of the site and redesignate that entire 4.5 acres for Neighborhood Commercial uses.

Although the Commission finds that some intensification of use on this partially disturbed property can be found consistent with the Coastal Act, the language presented in the proposed LUP to guide future development within Neighborhood 8 does not adequately address potential impacts of redevelopment on the preserve open space, native vegetation, public views, traffic circulation and land use:

- Although the City is proposing mitigation for all native communities disturbed in the future, it does not require that coastal zone impacts be mitigated within the coastal zone, potentially resulting in a net loss of coastal zone resources.
- Although proposed and existing LUP policies suggest the use of native and non-invasive plant species, the suggested planting palettes include a substantial amount of non-native, and even invasive, species for use in landscaping of future development proposals.
- Although the City has added significant brush management policies to the LUP, the language states that Zone 2 brush management (thinning and clearing) is impact neutral. The impacts to ESHA associated with Zone 2 brush management were addressed in recent Commission actions on City of San Diego LCP Amendments (Crescent Heights and Sunset Pointe) that raised similar concerns regarding concentration of development and open space preservation. The proposed brush management policies do not ensure that brush management will be taken into consideration in development siting and design to assure that impacts to existing undisturbed native vegetation within the designated open space/MHPA lands are avoided.
- Because the City proposes to concentrate new development along Carmel Creek Road, traffic generated by these new projects will also be concentrated in this area, and could potentially impact air quality, water quality and access. Although required in other coastal zone portions of San Diego where office facilities, corporate headquarters, and similar commercial development are allowed, the proposed Neighborhood 8 LUP does not require Transportation Demand Management programs in conjunction with future development of the proposed neighborhood commercial area.
- Although the proposed LUP update includes view protection policies, these do not
  specifically limit building height where new structures would be seen against
  existing, natural landforms, or addrss potential signage in this scenic coastal area
  that would be visible from major coastal access routes and public recreational
  trails.

In summary, the Commission finds that the LUP changes proposed by the City could accommodate development resulting in significant adverse effects on coastal resources, which is inconsistent with Section 30250 of the Act. Thus, the proposed LUP must be denied. Nevertheless, the Commission believes that, with modifications to the proposed

policy language addressing future development, the community can be developed consistent with the Coastal Act and still allowing a higher intensity of development to occur on the Sea Breeze site. Suggested modifications to accommodate this are found in Part III of this report, and will be discussed in detail in Part V of this report.

## 3. Native Habitats/Open Space and MHPA.

A number of Coastal Act policies address various aspects of potential impacts on sensitive biological resources. The most significant policy states:

### **Section 30240**.

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The areas proposed to be removed from the open space designation on the Sea Breeze site contain southern mixed chaparral and disturbed coastal sage scrub. The area currently designated for residential uses contains of number of individual native species including Torrey Pines and *Quercus dumosa* trees and patchy coastal sage vegetation, all mixed with non-natives. The certified Land Development Code (LDC) defines environmentally sensitive lands (ESL) to include sensitive biological resources, steep hillsides, floodplains, coastal bluffs and beaches. The Multiple Habitat Preserve Area (MHPA) identified in the City's Multiple Species Conservation Program (MSCP) is intended to protect such lands and describes various habitat types in tiers, with Tier I habitats being the rarest and/or the most sensitive. The term "environmentally sensitive lands" is not synonymous with the term "environmentally sensitive habitat area" or ESHA as addressed in Section 30240 of the Coastal Act. For instance, Tier I through Tier IV vegetation is considered sensitive biological resources and regulated through the ESL regulations; however, not all Tier I—IV vegetation is ESHA, which looks more at the site-specific quality and function to determine value.

Regarding the relationship of the certified LUP to the MSCP, several years ago, in response to significant fragmentation of habitat and accelerated loss of species, the state legislature adopted a law to address conservation in a regional manner, instead of property by property. The objectives of the southern California Natural Communities Conservation Program (NCCP) include identification and protection of habitat in sufficient amounts and distributions to enable long-term conservation of the coastal sage community and the California gnatcatcher, as well as many other sensitive habitat types and animal species. Generally, the purpose of the HCP and NCCP processes is to preserve natural habitat by identifying and implementing an interlinked natural

communities preserve system. Through these processes, the resource agencies are pursuing a long-range approach to habitat management and preserve creation over the more traditional mitigation approach to habitat impacts. Although plans have been prepared for areas as small as a single lot, the Multiple Species Conservation Program (MSCP) and its subarea plans are intended to function at the citywide or regional level, instead of focusing on impacts to individual properties. For the City of San Diego, the actual preserve lands are referred to as the Multiple Habitat Preserve Area (MHPA).

Implementation of the MSCP or large-scale approach to habitat conservation within the City without any other restrictions would allow some development involving incidental take of listed species and/or environmentally sensitive habitat in those areas where it has been deemed to be most appropriate, in order to preserve the largest and most valuable areas of contiguous habitat and their associated populations of listed species. Although the goals of the NCCP processes include maintenance of species viability and potential long-term recovery, impacts to habitat occupied by listed species are still allowed. This approach differs from the more restrictive Coastal Act policies regarding Environmentally Sensitive Habitat Areas (ESHA), which apply within the Coastal Zone. Those policies provide that, when a habitat must be considered environmentally sensitive (e.g., because it has become especially rare and/or provides crucial habitat for listed species), use of the habitat should not be allowed except for uses that are dependent on that resource.

As proposed by the City, the LCP amendment request would have no significant direct impacts on ESHA, since no ESHA has been designated on the subject site. Pursuant to the Coastal Act, the Commission determines what is ESHA both by habitat type and function. Because of the criteria the City uses for identifying Tier I and Tier II habitat, most areas that are identified by the City as Tier I or Tier II habitat constitute ESHA under the Coastal Act, particularly when they are undisturbed, high quality habitat used by listed species and/or contiguous with other ESHA or located within wildlife corridors. In this particular case, there is a large area of coastal sage scrub (Tier II) in the center of the site. However, this has been disturbed and degraded through past uses on the site and the introduction of non-native species in some areas. In addition, the site does not support any listed species, this area is not contiguous with any nearby ESHA and it is disconnected from the CVREP riparian corridor by a 50-foot buffer and an existing road. Although there is some Tier II vegetation present, the Commission's staff ecologist has determined the vegetation in these areas does not meet the definition of ESHA.

Most of the area currently designated as open space on the Sea Breeze site is also mapped within the MHPA, although the boundaries are not exactly the same. The proposed LUP amendments would remove all of the site south of Shaw Ridge Road from the open space and MHPA designations, leaving only the 0.9-acre fragment north of Shaw Ridge Road as open space and within the MHPA. Under MHPA regulations, any loss of MHPA lands must be mitigated by expanding the MHPA an equal or greater amount elsewhere. The mitigation area must also be of equal or better quality habitat than what is being lost. This sometimes involves creation or restoration of degraded areas, and sometimes is

accomplished by the purchase of private lands within the MHPA and retiring them from development potential.

The MSCP program is not formally incorporated into the City's LCP, but is identified and addressed in several LUPs updated or created since its inception. Most of the MHPA lands are outside the coastal zone, extending to the east into the more rural areas of the City of San Diego. Since the City's program allows mitigation to occur anywhere within or adjacent to the MHPA, there is sometimes a significant distance between the MHPA loss and the MHPA replacement. When a loss of biological resources occurs within the coastal zone, it is the Coastal Commission's general practice to require mitigation within the coastal zone to achieve no net loss of habitat value in the coastal zone. Neither the certified LUP nor any of the proposed amendments include this requirement; thus any loss of MHPA lands on the Sea Breeze site could potentially be mitigated outside the coastal zone, as has already happened in the City's approval for a specific development proposal at this site. MHPA lands are generally also open space lands, so the proposed LUP amendments fail to adequately protect open space in the coastal zone.

In addition to these considerations, there is also a small riparian corridor along and within a drainage ditch just south of the property line on the Jewish Academy site. It is believed this wetland was created by operations of a sand mining facility that previously existed south of the site. Regardless of its origin, the riparian area meets the Commission's (and the Army Corps of Engineer's) definition of wetlands, and would typically require a minimum 100-foot buffer under the certified IP. The Jewish Academy site was developed, however, before the current IP was in place, at a time when required riparian buffers were often 50 feet in width.

The City ultimately permitted development of the Jewish Academy with a buffer ranging from 0 to 25 feet in width, with an average width of 10 feet. Also at that time, however, the riparian area did not meet the City's definition of a wetland. Under the new IP, it is considered a wetland by the City, and was addressed that way in the City's action on the subject LCP amendments and associated local permits. A reduced buffer was approved by the City for several reasons, including the fact that there is an elevational difference between the wetland and the Sea Breeze site such that the Sea Breeze site cannot drain into the wetland. There is an existing dirt road along the southern border of the subject property, providing some separation; and there is an 8-foot berm separating portions of the wetlands from the site. The wetland itself is discontinuous and does not connect with any other body of water or flow into the CVREP riparian corridor; and, the question of equity was raised at the City level between the subject site and the Jewish Academy site.

In summary, despite the City having already approved a specific project for this site, the Commission must review the proposed LUP and IP amendments independent of any specific development plan and analyze the maximum impacts a proposed project could have if built consistent with the development criteria in the proposed LUP policies and implementing zone. The particular project approved by the City may never be built, but the parameters accommodating it will remain part of the City's LCP to dictate other development proposals in the future.

In this particular case, areas with some native vegetation, albeit of questionable quality and functional value, that are currently protected as open space, will no longer be protected if the amendment is approved as submitted. However, in removing these lands from the open space designation, no distinction is made in the proposed LUP policies between open space designated lands containing significant habitat value within viable habitat linkages/corridors, and open space designated lands that have significant disturbance and little habitat value such as the subject site. In other words, plan policies do not prohibit future conversion of the remaining open space lands within Neighborhood 8 that have been designated MHPA and provide viable linkages between CVREP and the steep hillsides to the south.

These lands are located to the east and west of the area where development is to be concentrated pursuant to this LCP amendment, and were designated MHPA to be part of the habitat preserve managed as part of the MSCP program. The MSCP designates preserve open space, not all of which contains existing habitat value, in contiguous blocks of land within viable core and linkage areas, to be preserved over the long-term as open space and habitat, and to offset the impacts of concentrating development outside these habitat corridors. Areas within the preserve limits that have limited habitat quality can be enhanced and restored to provide habitat and open space value and achieve the long-term goals of the MSCP. Without policies that allow concentration of development in the least sensitive portion of the plan area, but that also clearly protect the remaining undeveloped open space/MHPA lands for their connectivity and open space value, the proposed LCP amendment must be denied.

The certified LDC protects environmentally sensitive lands and the Open Space Residential zone establishes encroachment limitations for development on property which is designated residential and open space, or entirely open space. The regulations recognize some development potential on lands that are entirely designated open space or MHPA, however, the emphasis is to preserve the maximum amount of undisturbed habitat as possible. Given the fact that the remaining undeveloped land within Neighborhood 8 meets this criteria, it is appropriate for the proposed update to plan policies assure build-out consistent with those regulations and preservation of the remaining open space in perpetuity as MSCP habitat preserve, or MHPA lands. As submitted, the Commission cannot support the redesignation of open space lands to developable area without such policies, as it would not be consistent with Section 30240 of the Coastal Act.

4. <u>Traffic Circulation/Alternative Transit</u>. The following Coastal Act policy addresses potential concerns with traffic impacts, and states:

### **Section 30252.**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential

development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed LUP amendments will allow for more intense development on the Sea Breeze site than could currently occur under the very low density and open space certified LUP designations. The modification from very low density residential to Neighborhood Commercial would accommodate office and retail uses over the entire site south of Shaw Ridge Road, whereas the current residential designation would only allow two or three units within the half-acre residentially designated part of the site, and no development within the open space portion.

As an example of what could occur under the proposed LUP and zoning changes, the City has already approved a specific development proposal for the site including 125,000 sq.ft. of commercial development, including 2,000-3,000 sq.ft. of retail use and the remainder in office use. The City-approved project is comprised of a 75,000 sq.ft. three story building, a 50,000 sq.ft. two-story building and a four-level parking garage, with three of the levels underground. Whether or not this particular proposal ever gets built, it provides a way to compare how approval of the proposed LUP amendments would increase the intensity of use on the site and change the character of the neighborhood.

Carmel Creek Road, a north-south, two-lane collector street at its terminus, is the only means of access and egress from the existing 348-unit apartment complex to the south, and the only means of access to SR 56 to the north, from this part of Carmel Valley. It also provides the main entry and exit point of the Jewish Academy, which accommodates a roughly 1,200 person student body, as well as teachers and staff. Both of these uses contribute to peak hour impacts on weekdays for work and school, and potential peak hour impacts on the weekends for recreational purposes, including beach access, although the shoreline itself is a couple miles to the west. SR 56, a six-lane freeway, is itself a major coastal access route used by numerous inland communities in the North City area, both inside and east of the coastal zone. The potential future office uses allowed by the Neighborhood Commercial designation would typically generate mostly weekday traffic.

The adversity of traffic impacts is somewhat dependent upon the type of office use that ultimately is developed. An insurance office, for example, would generate most of its traffic during peak hours, when the circulation system is already strained, whereas medical offices tend to generate relatively level amounts of traffic throughout the day. Most retail uses also generate this steady, rather than peak, pattern of traffic flow. Residential uses, on the other hand, generate primarily peak flow traffic, with people coming and going to work at relatively similar hours. However, since the currently

certified residential use can only generate two or three units, no significant traffic impacts would result from buildout under the current LUP.

The proposed LUP amendments do not address these potential traffic issues, as submitted by the City. Although the City addressed traffic impacts in their review of the coastal development permit they have already approved for development on the site, they did not address it at the planning level or require mitigation measures. In other City communities, commercial facilities (primarily offices) are required to provide a Traffic Demand Management Program (TDM). This is a mechanism used to reduce traffic impacts from an individual development by reducing peak hour flows and promoting transit use. It has been applied to developments of as little as 20,000 sq.ft. of office use; the amount of office use on the subject site would be far greater than that. Most acceptable TDMs include a number of different tactics to reduce traffic concerns, that may include carpooling incentives and assistance, transit subsidies, shuttle service to major transit centers, flexible work hours and bicycle racks with shower facilities. The location of access points can also influence traffic congestion; at this site, entering and exiting off Shaw Ridge Road, rather than Carmel Creek Road, in conjunction with other traffic improvements, would lessen traffic impacts.

In summary, it is difficult to accurately predict what traffic impacts might occur through buildout under the proposed Neighborhood Commercial designation without knowing specifically what types of uses would occupy development enabled by the proposed LUP amendment. However, when compared to traffic generated by two single family dwellings allowed by the current LUP, it is appropriate to consider the potential increased traffic to be significant. To lessen the potential impacts, therefore, it is critical to have some criteria in the LUP to guide future development, as is the case in other certified LUPs in the City of San Diego LCP. Therefore, the Commission finds it cannot approve the proposed LUP amendment as submitted by the City as consistent with Section 30252 of the Coastal Act.

5. <u>Hazards/Brush Management</u>. The following Coastal Act policy is most applicable to the proposed development, and states in part:

## **Section 30253**

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. ...

The potential effects of brush management on biologically valuable habitat must not be underestimated. The community as a whole contains naturally vegetated steep slopes that

are part of the Carmel Valley canyon system. It is very likely that future development in portions of the community will be threatened by fire sometime during the economic life (approximately 75 years) of such development. This is true, however, for most new development throughout the City of San Diego and indeed Southern California. Population increases have forced new development ever further into undisturbed and topographically constrained areas. Specific fire safety design criteria does not appear in the currently certified LUP, but is added in the proposed amendments. The proposed amendments describe what brush management is and how the various brush management zones operate. Other proposed policies require compliance with the detailed design criteria in the Land Development Code to address this concern and require specific building elements and setbacks in fire-prone areas.

In the certified LDC, regulations currently require different brush management zone widths depending on the site's location east or west of Highway 805 and El Camino Real. West of 805, Zone One is required to be 20-30 feet and Zone Two is 20-30 feet. East of 805, Zone One is 30-35 feet and Zone Two is 40-50 feet. These regulations were in place prior to the October, 2003 devastating wildfires in San Diego County. Based on these events, however, the Fire Chief is recommending a minimum 100-foot brush management zone be applied citywide, including a minimum 35 feet of clear-cut (Zone One) and 65 or more feet of selective clearance and thinning (Zone Two).

The City is currently reviewing its brush management regulations, and will be bringing forth an LCP amendment to incorporate modifications in the near future. These will address all habitable structures within a *High Fire Hazard Area*, as well as accessory structures measuring more than 120 sq.ft. in size and located less than 50 feet from any habitable area. The City's proposed code changes define *High Fire Hazard Area* as "any open space, park area, undeveloped public or private lands containing native or naturalized vegetation, and areas containing environmentally sensitive lands." The potential changes would also require new habitable structures to incorporate fire prevention construction materials, including sprinkler systems, non-combustible roofs and garage doors, and special exterior treatments for eaves, skylights, gutters, etc.

In current form, the certified LDC regulations identify Zone One clear-cut, which removes all portions of vegetation above the ground, as an adverse impact (i.e., an encroachment) if it occurs within sensitive areas; however, Zone Two, which allows removal of up to 50% of the overall cover has, in the past, been considered "impact neutral" (i.e., neither detrimental nor beneficial to habitat function). More recently, in its actions on Dana Point LCP Amendment #1-03 (Dana Point Headlands), the Marblehead development (CDP #5-03-013), and San Diego LCP Amendment No. 3-03B (Crescent Heights), the Commission has found that fuel modification which includes selective thinning, clearing and/or replacement of cleared vegetation with fire-resistant vegetation to be an unacceptable impact within ESHA. Such activities are not resource dependent and are not compatible with the continuance of these habitat areas. Fuel modification also places long-term management constraints on the conserved habitat, and replacement vegetation may not include species important to the sensitive habitat value.

In addition, selective thinning or deadwood removal is difficult to implement without changing the understory character of the habitat or having impacts on the health of individual plants that remain. Deadwood removal also requires periodic disturbance to the habitat. Finally, since coastal sage scrub vegetation is woody and seasonally dry, it is difficult, at best, for trained experts to confine deadwood removal to truly "dead" wood on these inherently dry, woody plants. Rather, the deadwood removal would amount to trimming and thinning of the habitat and not merely removal of dead stems of individual plants. These impacts are not compatible with the continuance of the habitat areas and must be prohibited within ESHA.

The Sea Breeze site in particular, does not raise brush management concerns. If approved, this LUP amendment will designate the entire site for Neighborhood Commercial development. It has been determined that the sparse native vegetation on the site does not constitute ESHA, and the entire site is surrounded by developed areas. The Jewish Academy and its playing fields are located to the south and west, an improved public street and riparian corridor exist to the north, and an improved public street and existing horse facility are located east of the Sea Breeze site.

For the community as a whole, however, fire represents a clear threat to both existing structures and those to be constructed in the future. The LUP update addresses the entire community, and its brush management policies must be consistent with the Coastal Act. Because the City-proposed language identifies Zone 2 brush management as "impact neutral," ESHA within the community is not fully protected, which is inconsistent with Section 30240 of the Coastal Act. Thus, the Commission finds that, as submitted, the proposed LUP amendment is not consistent with all Chapter 3 policies of the Coastal Act.

#### **6. Visual Resources.** The following Coastal Act policy addresses this issue:

#### **Section 30251.**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Existing LUP policies addressing visual resources are not proposed for significant modification. However, there are no existing policies addressing commercial development, as this use was not part of the Neighborhood 8 Plan until this LUP amendment. Both existing and new policies emphasize the protection of public views and that new development shall be compatible with the existing development and natural landforms. The siting of development is critical and must preserve the southern hillsides

as a backdrop. Although the plan does not set any specific height limitations on commercial development, the corresponding zone in the PDO references similar zones in the LDC, which include a thirty foot height limit on Neighborhood Commercial uses. Exceeding thirty feet would thus require a variance or deviation from these regulations. However, the certified LUP does include a height limit for residential uses, which is 35 feet.

For the specific Sea Breeze property, which is the only proposed commercial site in Neighborhood 8, taller structures may be acceptable if they are sited in such a way as to be subordinate to the natural setting and/or to not interfere with existing public views of the hills/landforms south of the site. The Sea Breeze property is backed by the existing Jewish Academy, which includes buildings as tall as 60 feet. The developed portions of the Academy site also sit at an approximately 30-foot higher elevation than the highest point of the Sea Breeze site. Thus, structures of greater than thirty feet in height could be found consistent with Section 30251 if the existing Jewish Academy, rather than the natural hills, forms the backdrop, and views of those hills are not further diminished. Other existing and proposed policies address building materials and colors, architectural design, lighting and signage. The signage policies for Neighborhood Commercial uses, however, do not address the types of signs permitted, acceptable sign height, or the potential for freeway-oriented signage. The Commission finds this is not acceptable in this highly scenic area visible from public recreational trails and major coastal access routes. The policies will continue to direct development and will be applied to any proposed projects in the community, and they are not adequate as currently proposed. Thus, although the proposed LUP amendment is consistent with the visual resource policies of the Coastal Act in most ways, it is not fully consistent with respect to protection of scenic views.

7. Water Quality. The following Coastal Act policy addresses this issue:

### Section 30231

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

The subject site is located within the Los Penasquitos Lagoon watershed, and all areas to be developed in the future are located south and upland of the streambed of Carmel Creek and the CVREP restoration area. The proposed LUP amendments will not result in any direct changes in water quality because no physical improvements are approved at this time. However, the proposed LUP amendments set the stage for intense commercial

development in Neighborhood 8, which will significantly increase the amount of impervious surfaces.

Within the Design Element of the subject certified LUP, grading and drainage concepts are already addressed in detail. Proposed amendments would require all development to incorporate BMPs consistent with storm water management regulations of the LDC in all project designs, and during construction activities. These regulations incorporate the 85<sup>th</sup> percentile standard now adopted by the Regional Water Quality Control Board, Coastal Commission, and the City of San Diego in its LDC. Thus, the proposed LUP amendments are consistent with Section 30231 of the Coastal Act.

## PART V. FINDINGS FOR APPROVAL OF LCPA NO. 2-04C FOR THE CITY OF SAN DIEGO (SEA BREEZE) LAND USE PLAN, IF MODIFIED

Although the LUP amendment, as submitted, has been denied as inconsistent with numerous Chapter 3 policies of the Coastal Act, modifications have been suggested that would allow the Commission to approve the amendment request. With adoption of the suggested modifications, identified impacts on biology, open space and habitat preserve, visual resources, fire safety, water quality and land use can be avoided or minimized when the community builds out in the future under the policies of the certified LUP.

## 1. <u>BREAKDOWN OF INDIVIDUAL SUGGESTED MODIFICATIONS</u>

Suggested Modification #1 addresses brush management or fuel modification requirements to be applicable to any development proposed in Neighborhood 8. The Commission suggested language is the same as that approved for the Cresecent Heights and Sunset Pointe LCP Amendments addressing properties designated for residential and open space in the Mira Mesa community of San Diego. The policies are intended to assure the development is located in a manner that avoids impacts to ESHA for all brush management measures required to meet the fire department standards, i.e. minimum 100 ft. distance from structures. The policy acknowledges that, when possible, all brush management should be located outside undisturbed native vegetation. However, at a minimum, a 35 foot Zone One must be accommodated within the developable area. The width of Zone One should be increased when possible to reduce the width of Zone Two (assuming total 100 ft. brush management zone) and impacts to native vegetation.

In this particular case, there may be some areas of open space immediately adjacent to residential development area that do not contain ESHA. These areas could accommodate Zone Two brush management measures without conflicts with Section 30240 of the Coastal Act. The criteria require that any fuel modification or brush management measures within designated open space should be implemented in accordance with an approved brush management plan acceptable to the fire department that minimizes disruption of existing habitat values to the maximum extent possible. Measures such as replacing cleared or thinned vegetation with fire-resistant native vegetation that does not require fuel modification and is compatible with existing habitat, and maintenance of at least 50% of the existing ground cover are encouraged.

However, those impacts would not be acceptable within ESHAs which, in this community would likely include all existing native vegetation in areas designated as open space and MHPA. Accordingly, new development must be sited with sufficient setbacks (e.g. combustible-free defensible space, irrigated zones and thinning zones), buffering elements (e.g.walls), appropriate construction methods and materials, and other fire safety measures contained entirely within the development footprint and entirely outside ESHA.

The LUP in several places calls out that the area along Carmel Creek Road, which has seen prior disturbance, is the area of Neighborhood 8 suitable for new and/or more intense development. Suggested Modification #2 clarifies this is the appropriate location to concentrate development in the community. The modification also stresses the importance of preserving the maximum amount of undeveloped open space and maintaining connectivity between these lands and other nearby open space and MHPA preserve areas. The only other potential development within Neighborhood 8 outside the Carmel Creek Road corridor consists of the relocation of an existing horse ranch to a location further east in the valley, not adjacent to, or accessed from, Carmel Creek Road. It will be reviewed on its own merits when rezoning of that property is before the Commission sometime in the future.

Suggested Modification #3 addresses the commercial element of the LUP. The modified language stresses the importance of neighborhood-serving uses in Neighborhood Commercial designations, and provides that, rather than "up to 8%" of commercial buildings being retail in nature, "no less than 8%" must be devoted to such uses. Food service, grocery and sundry sales, pharmacies, dry cleaners, etc. are example of the types of uses that fulfill this purpose. It is these types of facilities that best meet local needs and reduce out of community car trips, whereas large office developments serve on a more regional basis.

Suggested Modifications #4 and #5 address the Open Space Element of the proposed LUP. The City's MHPA regulations already provide a means to change open space/MHPA boundaries, and state that any loss of MHPA lands must be replaced with equal or more lands of equal or better habitat value. These provisions, however, do not necessarily protect resources in the coastal zone, as mitigation is allowed to occur anywhere in the City on or adjacent to existing MHPA lands. The permit approved by the City for development of Sea Breeze, as an example, allows net losses to resources in the coastal zone and allows all mitigation outside the coastal zone. Coastal zone resources have been diminished drastically over time, as coastal areas are generally the choice location for development. Suggested Modification #4 stresses the importance of mitigating within the coastal zone whenever possible, but also allows mitigation outside that area when it results in higher levels of habitat protection and value, provides significantly greater mitigation ratios and is legally retired from development as part of the MHPA. Suggested Modification #5 goes on to address situations where all or most of a property, whether public or private, is designated as open space or MHPA. It requires the establishment of maximum developable areas and encroachment limitations to

concentrate development and requires that rezonings occur prior to development of these properties.

Suggested Modification #6 pertains to the internal road system of Neighborhood 8. The certified Neighborhood 8 circulation plan includes a collector street between Carmel Creek and Carmel Country Roads, which had initially been intended to access all the private properties in between. However, some of the land is now owned by the City and intended for a passive public park, and most of the rest will remain open space. Of the four properties identified as developable in the community, three are accessed by Carmel Creek Road and the fourth by Carmel Country Road. Therefore, there is no longer any need to retain this street as part of the circulation element, or improve it to City street standards (presently it is narrow and only partially paved). It may be necessary to retain the road, however, both to access the public park and as an emergency access between the two main roads. The Suggested Modification will allow retention, but not improvement, of that access way, and suggests that it be deleted from the circulation element as a through collector street.

Suggested Modification #7, also pertaining to the Internal Road System, requires a TDM program for commercial structures, to reduce peak hour traffic flows and encourage carpooling and use of public transportation. These programs are required in other coastal zone communities for commercial developments with as little as 20,000 sq.ft. of building area. The Sea Breeze site can accommodate several times that amount of building area. Moreover, there is virtually no public transportation currently available in Neighborhood 8 itself, although space for bus stops is required in streetscape design in anticipation of possible future transit service. This makes it all the more imperative that individual commercial developments provide private alternatives to the single-occupancy vehicle mode of travel. The City should further provide incentives to allow as many as possible of the TDM measures to be extended to serve the entire community to reduce traffic impacts and out of community car trips.

Suggested Modification #8 addresses preservation of the scenic resources of Neighborhood 8. It adds language limiting the height of structures to 35 feet in most cases. This will protect public views towards the sandstone cliffs and natively vegetated hillsides along the southern part of the community as seen from public use areas and coastal access routes, such as SR 56 and the multi-use trails in the CVREP habitat area. Higher structures may be allowed if public views to these areas are not impacted by proposed development.

The LUP contains policies for grading intended to protect water quality, and the currently proposed update includes new language requiring Best Management Practices (BMPs) as part of the construction and operation of all new development. In addition, Suggested Modification #9 provides that any required desolation basins on open space designated lands be fully contained within the allowable development area of that site. This will prevent such drainage facilities from being sited within ESHA or area to remain undisturbed and protected through conservation easements.

The next two suggested modifications address the landscaping policies contained in the LUP as submitted. First, Suggested Modification #10 would "require," rather than "encourage," the use of low maintenance, drought tolerant non-invasive native or naturalizing plant materials. As proposed, the policy only encourages use of low maintenance, drought-tolerant plant materials. With the entire neighborhood being linear/narrow, and centered between an enhanced riparian corridor and naturally vegetated steep hillsides, only strict limitations on the type of plants allowed can assure no degradation of these resources. As a companion measure, Suggested Modification #11 requires modification of the suggested plant lists in the proposed LUP to eliminate those species that do not meet the criteria of low maintenance, drought-tolerant, non-invasive native or naturalizing species, and add other species that do meet the criteria, if desired by the City.

Suggested Modification #12 addresses signage for any future commercial uses in Neighborhood 8. Language has been added prohibiting use of pole signs, particularly freeway oriented ones, and limiting the height of monument signs to eight feet. These policies will reduce the visual impact of development on views from Route 56, a major coastal access route, and the public recreational trails within CVREP adjacent to the north of the site.

The last two suggested modifications require corrections/additions to two of the LUP exhibits, Figure 5 and Figure 19. Suggested modification #13 provides for the deletion of the Open Space exhibit (Figure 5) and its replacement with a new graphic consistent with Figure 4 (Land Use Plan) and delineating MHPA lands. Finally, Suggested Modification #14 provides for a note to be placed on Figure 19, the proposed zoning map. The note acknowledges the discrepancies between existing zoning and the currently certified LUP designations for the remaining undeveloped properties in this plan area. The note is intended to acknowledge rezoning consistent with the LUP designations must occur prior to development of each property. This will assure that open space rezonings consistent with the intent of the certified LUP, and with the land use plan depicted in Figure 4, will accompany buildout of the remainder of this planning area.

The Commission finds the LUP amendment, if modified as suggested, would be consistent with Sections 30231, 30240, 30250, 30251, 30252 and 30253 of the Coastal Act.

## PART VI. FINDINGS FOR CERTIFICATION OF LCP IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

### 1. AMENDMENT DESCRIPTION

The proposed Implementation Plan amendment would rezone all of the site south of Shaw Ridge Road, which is currently zoned partly (0.5 acre) as very low density residential and partly (4 acres) as open space to the Neighborhood Commercial (NC) Zone of the Carmel Valley PDO. The portion north of the road is, and will remain, zoned Open Space. In the City's LDC, there is a wide range of possible commercial zones,

designed to accommodate the many different forms of commercial development (office, retail, regional shopping centers, visitor commercial, etc.) In general, NC Zones accommodate a majority of local retail sales and services, and different zones are available to accommodate other commercial uses like office development. The main intent of the proposed NC Zone for the specific Sea Breeze site is to accommodate commercial office development, but a small amount of retail area is also required.

The Carmel Valley LUPs for all the Carmel Valley neighborhoods have a single implementation plan, which is embodied in the Carmel Valley Planned District Ordinance. Because this entire area was envisioned to develop in a similar manner (i.e., mostly bedroom communities with just one employment center), the PDO does not offer the range of commercial zones that the LDC does. Of the zones in the PDO, Neighborhood Commercial best fits the proposed Sea Breeze's expected buildout character, as it is the only commercial zone accommodating general uses. Other PDO zones are specifically included to promote visitor-serving uses and the employment center.

## 2. SUMMARY FINDINGS FOR CERTIFICATION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. Whereas here, an amendment to the certified LUP was conditionally certified, the standard of review for the proposed change to the zoning is the conditionally certified LUP. 14 C.C.R. § 13542(c).

The proposed NC Zone is able to carry out the conditionally certified LUP. The Commission action on the conditionally certified LUP has increased various resource protections, but does not modify the general pattern of development from that proposed by the City. Sea Breeze is the only site being designated for commercial uses, and this particular commercial zone "fits" better than any other offered in the certified PDO, as shall be shown in the following findings.

In proposing an Implementation Plan amendment for the remainder of the undeveloped property within Neighborhood 8, most of which is designated open space and/or MHPA, the City will have to reconcile the provisions of the Carmel Valley PDO and the Land Development Code in determining the appropriate zoning. It would appear the OR regulations in the LDC are designed to address those properties partially or entirely within the MHPA and, therefore, would apply.

### 3. SPECIFIC FINDINGS FOR CERTIFICATION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

## **NC Zone**

<u>Purpose and Intent of the Ordinance</u>. The PDO does not provide a purpose and intent for specific zones, but the purpose and intent of the PDO as a whole is the following:

"The public health, safety, and welfare necessitate distinctive development controls and requirements for capital improvements and public facilities in order to systematically implement the phased growth of North City West (now Carmel Valley). The regulations contained herein are in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, of the North City West Community Plan (the first certified LUP for the area), and of precise plans adopted in accordance with the community plan. All development plans and subdivisions shall conform to the adopted precise plan."

Moreover, the Neighborhood Commercial Zone itself references the CN Zone of the old Municipal Code, which, under the certified LDC, is now identified as the CN-1-2 Zone. The CN Zones of the LDC offer the following purpose and intent:

- "(a) The purpose of the CN zones is to provide residential areas with access to a limited number of convenient retail and personal service uses. The CN zones are intended to provide areas for smaller scale, lower intensity developments that are consistent with the character of the surrounding residential areas. The zones in this category may include residential development. Property within the CN zones will be primarily located along local and selected collector streets."
- b) <u>Major Provisions of the Ordinance</u>. The specific NC Zone in the PDO only identifies the process of reviewing development plans. However, the CN-1-2 Zone provides for:
  - 1. A table of all allowed uses in commercial zones and permit process;
  - 2. Uses permitted by right include multi-family residential, retail sales, commercial services, and office uses;
    - 3. Small residential care facilities and transitional housing;
    - 4. Other uses with discretionary permits;
    - 5. Regulations for Lot areas and dimensions, setbacks, height, etc.;
    - 6. Specific design regulations.
- c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The certified LUP identifies this site for Neighborhood Commercial development. The proposed NC Zone is consistent with the intent of that designation and is appropriate to carry out the policies of the LUP, as certified with modifications. Moreover, the proposed zone is specifically consistent with the following Carmel Valley Neighborhood 8 LUP policies:

## On Page 15 (Land Use Element), last sentence on page states:

The portion of Carmel Creek Road south of Shaw Ridge Road fronts properties where either agricultural or urban development has already occurred, including

the private school, a commercial equestrian facility, and the Pinnacle Carmel Creek apartment complex. And,

On Page 20 (Commercial Component), first sentence states:

Commercial uses will be limited to the development node that comprises the area south of Shaw Ridge Road, along Carmel Creek Road and implemented by the Neighborhood Commercial zones.

The Commission has acknowledged in its action on the LUP that this area is the appropriate location to concentrate development and assure preservation of the maximum amount of remaining undeveloped open space and/or Multiple Habitat Preserve Area (MHPA) lands to provide habitat linkage and connectivity between the riparian corridor of Carmel Creek and the coastal sage scrub hillsides of Carmel Valley within Neighborhood 8.

The proposed NC Zone is being applied to the specific area called out in the LUP for commercial use. It is thus fully consistent with the LUP, as certified by the Commission. Because this area has a PDO, the design standards of the PDO take precedence in future development proposals over those in the LDC, as do any other PDO provisions that are different from those in the LCD. Because the proposed rezone is consistent with the LUP, as certified with suggested modifications, the Coastal Commission finds the proposed zone able to carry out the provisions of the LUP.

Although the current LCP Amendment only proposes to rezone the specific Sea Breeze property, the Commission recognizes that additional rezonings will be proposed for the multi-family and agricultural uses in Neighborhood 8 that are undergoing local review at this time. Future rezonings will require future LCP amendments.

As stated above, in this specific IP amendment, only the Sea Breeze site is proposed for rezoning. The LCP amendment that designated the majority of the remainder of the undeveloped property in Neighborhood 8 as open space did not include rezoning of those properties to open space. The City has indicated that will not occur until development is proposed and/or environmental review completed. In some cases, there are properties that are completely designated as open space that are not entirely habitat and include existing disturbed area. In some cases, the entirety of the undeveloped properties are also designated within the MHPA.

The certified Land Development Code which is also part of the certified Implementation Plan applicable to this area, contains the Open Space—Residential (OR) Zones. "The purpose of the OR zones is to preserve privately owned property that is designated as open space in a land use plan for such purposes as preservation of public health and safety, visual quality, sensitive biological resources, steep hillsides, and control of urban form, while retaining private development potential. These zones are also intended to help implement the habitat preservation goals of the City and the MHPA by applying the development restrictions to lands wholly or partially within the boundaries of the MHPA.

Development in these zones will be limited to help preserve the natural resource values and open space character of the land."

The OR-1-2 regulations would apply to premises within or partially within the MHPA. The regulations state, if the premises is located entirely within the boundary of the MHPA, a maximum of 25 percent of the site may be developed. If the premises is located partially within the boundary of the MHPA, any development must occur on the portion of the premises not within the MHPA. If the portion of the MHPA is greater than 25 percent of the premises area, the allowable development may include all of the area outside of the MHPA, except if limited by the presence of other environmentally sensitive lands.

In this particular case, there is disturbed area adjacent to Carmel Creek Road on the properties east of the road that are designated open space and MHPA. Pursuant to the certified LDC, some development potential exists on the least sensitive disturbed portion of these properties. However, the MHPA line was drawn in this particular area to create an habitat preserve with connectivity between the riparian corridor to the north and the coastal sage scrub communities on the steep hillsides to the south, all of which are part of the much larger ecosystem within Carmel Mountain Preserve, extending to the south and east. These are properties where development should be limited to the disturbed areas only, including all grading and brush management requirements and the OR regulations applied.

In proposing an Implementation Plan amendment for the remainder of the undeveloped property within Neighborhood 8, most of which is designated open space and/or MHPA, the City will have to reconcile the provisions of the Carmel Valley PDO and the Land Development Code in determining the appropriate zoning. It would appear the OR zones of the LDC are designed to address those properties partially or entirely within the MHPA and that the OR zones and the 25 percent maximum developable area would apply. The Commission has suggested a note be applied to the Zoning Map contained in the Neighborhood 8 Precise Plan that acknowledges rezoning of the properties designated Open Space in the Plan is required prior to development of the properties. The rezonings to the OR zones did not occur when the Open Space land use designations were applied as part of implementation of the MSCP.

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

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section

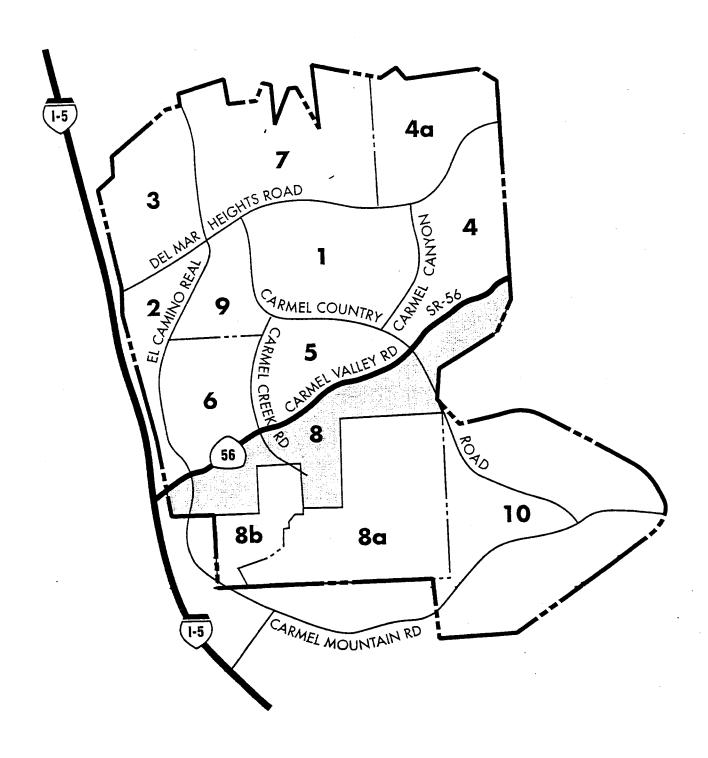
San Diego LCPA #2-04C Sea Breeze Carmel View Page 34

21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

In this particular case, the requested LCP amendment, as submitted by the City, is not consistent with CEQA, particularly with regard to land use, protection of open space and public views, transportation demand management and brush management standards. Therefore, the Commission denies the LCP amendment and then approves it with suggested modifications addressing these issues. As modified, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

(G:\San Diego\Reports\LCP's\City of San Diego\North City\City of San Diego LCPA 2-04C Sea Breeze stfrpt.doc)

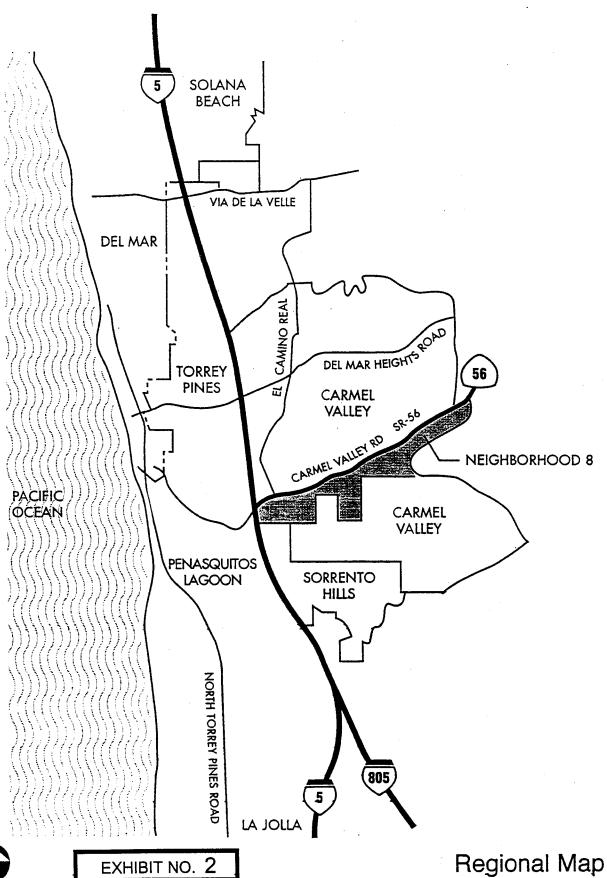




Precise Plan Development Units

Carmel Valley Neighborhood 8

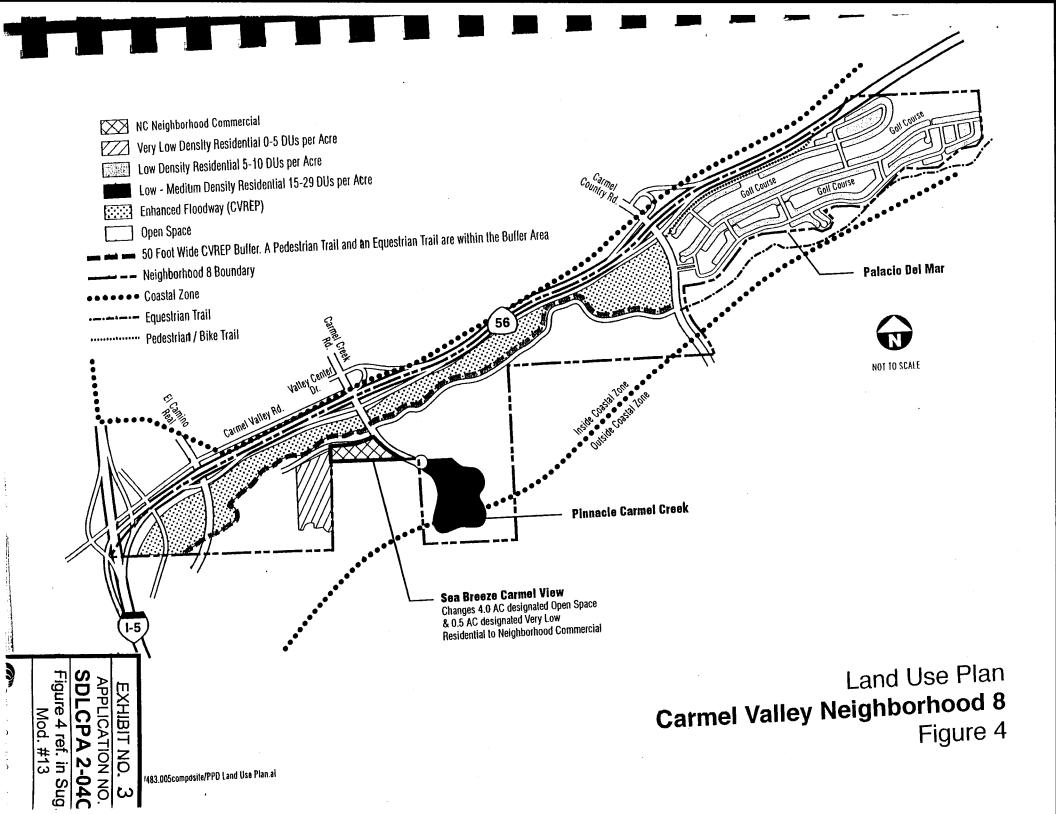
Figure 1

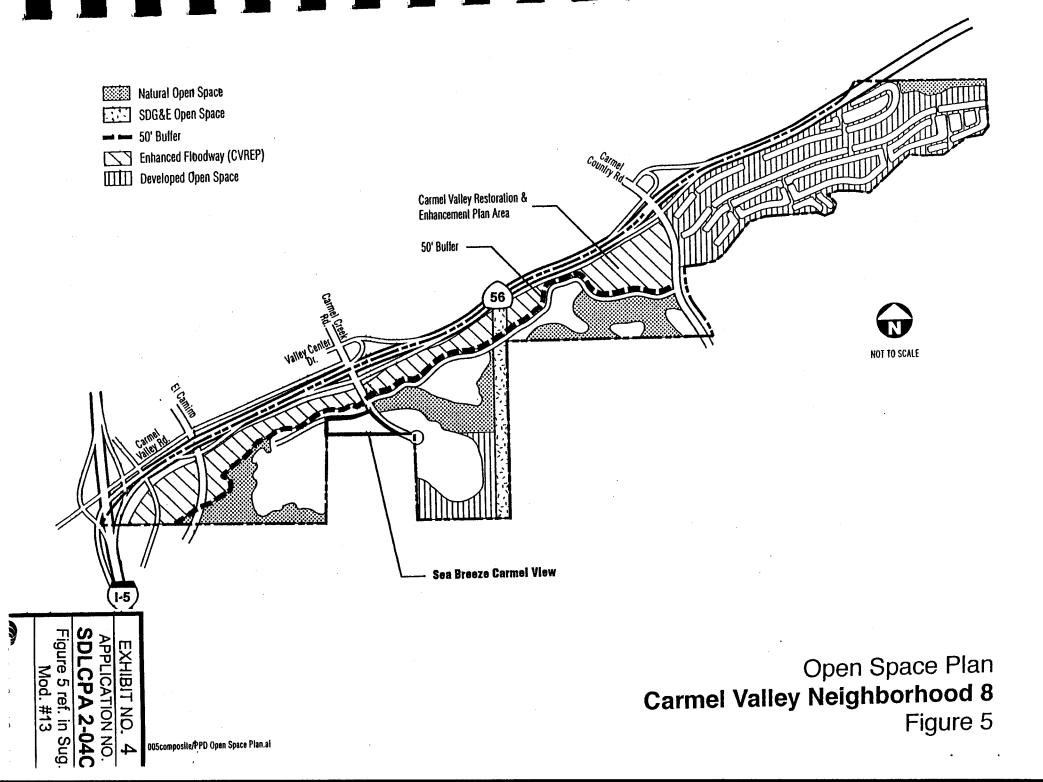


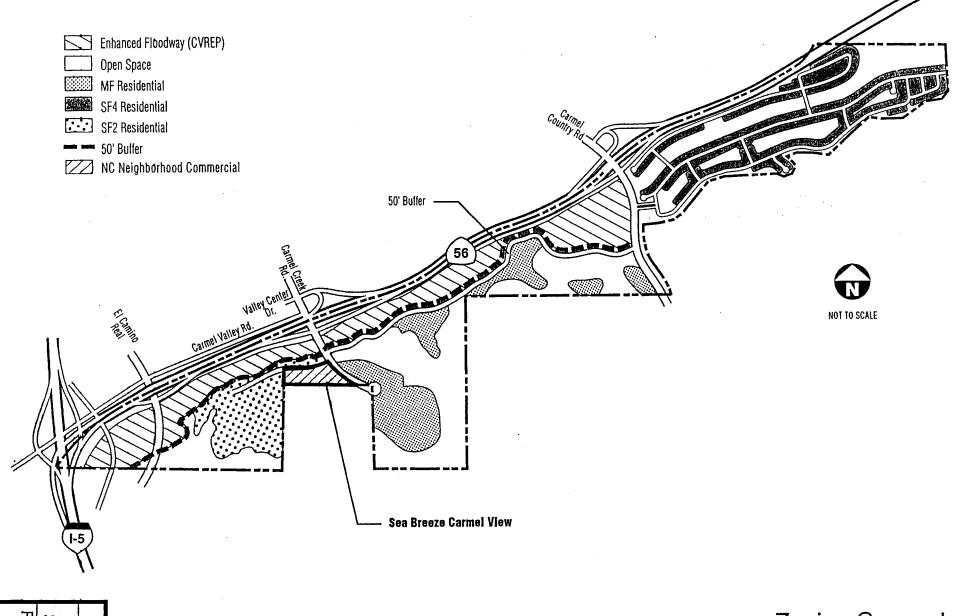
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EXHIBIT NO. 2
APPLICATION NO.
SDLCPA 2-04C
Regional Map

Carmel Valley Neighborhood 8
Figure 2







composite/PPD Zoning.al

Zoning Concept
Carmel Valley Neighborhood 8
Figure 19

(R-2002-INSERT)

RESOLUTION NUMBER R	
ADOPTED ON	

WHEREAS, on August 10, 2002, Sea Breeze Carmel Valley, LLC, submitted an application to The City of San Diego for a Progress Guide and General Plan Amendment, Local Coastal Program Amendment, Carmel Valley Community Plan Amendment, Neighborhood 8A Precise Plan, Rezone, Multiple Habitat Plan Area (MHPA) Boundary Adjustment, Coastal Development Permit/Site Development Permit and Planned Development Permit; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on November 30, 2004; and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 4449; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 4449, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Sea

Breeze Carmel Valley Project.

BE IT FURTHERRESOLVED, by the Council of the City of San Diego that it adopts the Multi-Habitat Boundary Line Adjustment.

APPROVED: CASEY GWINN, City Attorney

By \_\_\_\_\_\_ Mary Jo Lanzafame

Mary Jo Lanzarame
Deputy City Attorney

MJL:pev INSERT Date Or.Dept:DSD R-2002- INSERT Form=r-t.frm(61203wct)

ORDINANCE NUMBER O	(NEW SERIES)
ADOPTED ON	•

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 5.4 ACRES LOCATED AT THE SOUTH WEST CORNER OF SHAW RIDGE ROAD AND CARMEL CREEK ROAD, WITHIN THE CARMEL VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CARMEL VALLEY PLANNED DISTRICT SF2 AND OS ZONES INTO THE CARMEL VALLEY PLANNED DISTRICT NC AND OS ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 103.0610 AND 103.0614, AND REPEALING ORDINANCE NO.0-16636 (NEW SERIES), ADOPTED APRIL 28, 1986 AND ORDINANCE NO. 0-17016 (NEW SERIES), ADOPTED JANUARY 25, 1988, OF ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.



MAR 0 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

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

Section 1. That 5.4 acres located at the south west corner of Shaw Ridge Road and Carmel Creek Road, and legally described as Section 19 of Township 14 South, Range 3 West of the USGS 7.5' Del Mar Quadrangle, in the Carmel Valley Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4216, filed in the office of the City Clerk as Document No. OO-\_\_\_\_\_\_, are rezoned from the Carmel Valley Planned District SF2 and OS zones into the Carmel Valley Planned District NC and OS zones, as the zone is described and defined by San Diego Municipal Code sections 103.0610 and 103.0614.

Section 2. That Ordinance No. O 16636 (New Series), adopted April 28, 1986, and

Ordinance No. O-17016 (New Series), adopted January 25, 1988, of the ordinances of the City of

San Diego is repealed insofar as the same conflict with the rezoned uses of the land

EXHIBIT N

EXHIBIT NO. 7
APPLICATION NO.
SDLCPA 2-04C
Rezoning Ordinance

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage. However, this ordinance will not apply within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

William W. Witt

Deputy City Attorney

WWW:pev 11/15/04

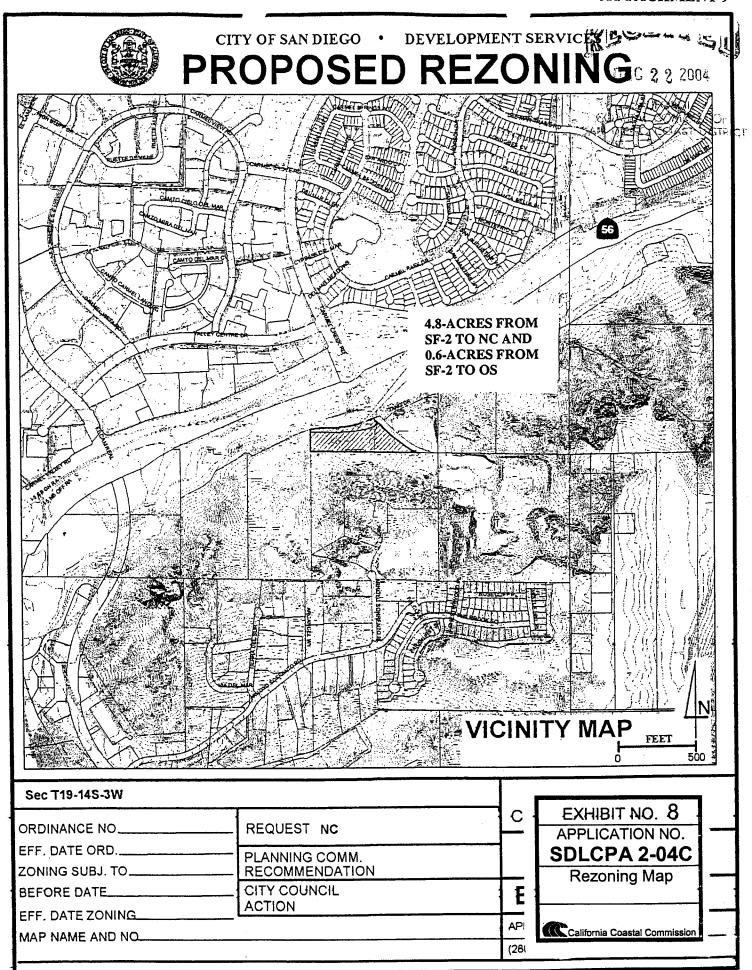
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O-2005-68

MMS#1056

ZONING Rezone No Map 11-01-04





JUN 2 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT Thu 3a

12747 Futura St. San Diego CA 92130

June 27, 2005

San Diego Coast District Office

Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402

Project: Sea Breeze Carmel View

San Diego LCP Amendment No. 2-04C

To Whom It May Concern:

I am a long-time resident of Carmel Valley having lived in this community for the past 18 years. During this time I have watched the steady erosion of open space that was promised to the residents of this high density community when it was originally planned. I am writing this letter in reference to the Sea Breeze Carmel View Project planned for Carmel Valley. I am writing to urge you and your committee to consider the impact of this project by taking into account the impact of all the planned projects for this same corridor.

The Sea Breeze project will be built on Multi-Habitat Preservation Area (MHPA) land. By law, they can develop more than the 25% allowable footprint only if they mitigate this development by purchasing alternative land that will be saved from development. Sea Breeze plans to mitigate 0.9 acres of open space. Considered independently, this may not seem significant. However, it is imperative that your committee consider the impact of all the development projects along this corridor which will cumulatively result in the loss of a greater amount of open space.

When considering other projects along this natural corridor, the presence of two office buildings and a 4-floor parking structure sets a precedent for the types of development that might be allowed in the future. Currently, the local planning board is considering the construction of two separate apartment building complexes across the street (Carmel Creek) from these office buildings. Here again, one should look at the impact of all these projects on traffic and the environment prior to giving approval. This scenic corridor is home to a highly-valued hiking/biking trail which is continuously used and appreciated by the members of our community, both young and old. The proposed large-scale development does not belong in this location.

Sincerely.

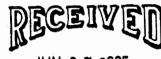
Robert J. Schmidt

EXHIBIT NO. 9
APPLICATION NO.
SDLCPA 2-04C
Letters of Concern

California Coastal Commission

June 27, 2005

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384



JUN 2 7 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View San Diego LCP Amendment No. 2-04C

To Whom It May Concern:

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When considering other projects along this natural corridor, the presence of two office buildings and a 4-floor parking structures sets a precedent for what will be allowed. Currently, the local planning board is considering the construction of two separate apartment building complexes across the street (Carmel Creek) from these office buildings. Here again, one should look at the impact of all these projects on traffic and the environment before giving approval. This scenic corridor is home to a highly-valued hiking/biking trail which is continuously used and appreciated by the members of our community and these plans for large-scale development do not belong here.

Sincerely,

Danielle Haber, MD 5610 Willowmere Lane San Diego, CA 92130

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384



JUN 2 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View
San Diego LCP Amendment No. 2-04C

To Whom It May Concern:

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Sincerely,

Marci Lizerbram 12625 High Bluff Dr. #318

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Stc 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384

Project: Sea Breeze Carmel View

San Diego LCP Amendment No. 2-04C

To Whom It May Concern:

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

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Sincerely.

12137 Caminito Mira del Mar

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384



JUN 2 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View

San Dicgo LCP Amendment No. 2-04C

To Whom It May Concern:

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Sincerely

Elisna Glazebrook 4110 Via Candidiz #101



JUN 2 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

June 26, 2005

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384

Project: Sea Breeze Carmel View San Diego LCP Amendment No. 2-04C

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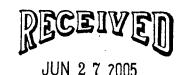
Kenneth Jacobs

12656 Intermezzo Way

San Diego, CA 92130

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San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384



CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View San Diego LCP Amendment No. 2-04C

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Sincerely,

Leslie Siegel 4963 Sterling Grove Lane San Diego, CA 92130

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384



JUN 2 8 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View

San Diego LCP Amendment No. 2-04C

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Sincerely,

Dr. Peter Rose and Mika Rose

J. K.

### Bruce & Laura Eidelson 10890 Cloverhurst Way San Diego, CA 92130

June 27, 2005

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402

JUN 2 8 2005

CALIFORNIA

COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View San Diego LCP Amendment No. 2-04C

To Whom It May Concern:

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Jaura Eidelson

Sincerely,

Bruce & Laura Eidelson

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384 DECEIVED

JUN 2 8 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View

San Diego LCP Amendment No. 2-04C

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Sincerely,

Til M'Cardell 2 M'Cardell

Ryane Jill M'Cardell 4804 Camenito Atildado San Diego, CA 92130 (858) 755-5666

### Eric Leonard 12451 Carmel Cape San Diego, CA 92130

June 26, 2005

San Diego Coast District Office

Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384

)]医CISILV语]] JUN 2 8 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View

San Diego LCP Amendment No. 2-04C

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Eric Leonard

Sincerely

# Thu 3a

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 (619) 767-2370 FAX (619) 767-2384

Project: Sea Breeze Carmel View San Diego LCP Amendment No. 2-04C

June 26, 2005

JUN 2 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

To Whom It May Concern:

I am writing this letter in reference to the Sea Breeze Carmel View Project planned for Carmel Valley. I believe that the impact of this project should not be considered without taking into account the impact of all the planned projects for this same corridor.

In November of 2004, I spoke before the San Diego City Planning Board to object to this plan on the grounds that the community does not support the trading away of our open space to other communities. Since that time, I have co-authored a petition concerning three other projects in this precise corridor which all seek to develop in the MHPA and mitigate their destruction of open space by trading for open space in the community of Mira Mesa. To date, we have 253 signatures and 63 emails supporting the petition. Our petition did not specifically address the Sea Breeze project only because it had already been approved by the City Planning Board. However, the petition was initiated specifically in response to this vote of approval in the hope of preventing future recurrences. The Sea Breeze project plans to mitigate 0.9 acres of open space. Considered independently, this may not seem significant, but one must consider the impact of all the development projects along this corridor which will cumulatively result in the loss of a greater amount of open space.

When considering other projects along this natural wildlife corridor, the presence of two office buildings and a 4-floor parking structures sets a precedent for what will be allowed. Currently, the local planning board is considering the construction of two separate apartment building complexes across the street (Carmel Creek) from these office buildings. Here again, one should look at the impact of all the projects on traffic and the environmental before giving final approval. These plans for large-scale development do not belong alongside a scenic mountain hillside.

Sincerely,

Sherry Kempin

5039 Manor Ridge Lane San Diego, CA 92130

skempin@san.rr.com

EXHIBIT NO. 10 APPLICATION NO. SDLCPA 2-04C Letters of Objection California Coastal Commission June 27, 2005

San Diego Coast District Office Deborah Lee, Sr. Deputy Director Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402 TEL (619) 767-2370 / FAX (619) 767-2384 Beceined

JUN 2 7 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Project: Sea Breeze Carmel View San Diego LCP Amendment No. 2-04C

To Whom It May Concern:

Please do not permit the Sea Breeze Carmel View Project planned for Carmel Valley. The impact of this project on the natural areas is too large, especially when considered along with the other plans for this corridor.

In particular, there are proposals for office buildings, parking structures, new roads, and so forth. None of this is acceptable, unless drastic measures are taken to mitigate the impact (e.g. undergrounding, size reduction, etc.).

Why? The trail and open space along the CVREP is the only sizeable, accessible, natural open space in Carmel Valley. It's the most popular place for joggers, cyclists, walkers, etc. Why ruin the only open space we have left – after years of development – by building intrusive apartments and offices on the south side of Hwy 56? There is plenty of open "infill" land on the north side, not to mention an ample supply of empty office buildings. Why add traffic and congestion to the south side as well?

Furthermore, the City's idea to build a public park along the CVREP is a horrible idea as well. The idea of building soccer fields in an area where no one lives is senseless. Recreation-oriented parks should be in neighborhoods, not in locations where people are force to drive to them.

Please preserve the area along CVREP for future generations to enjoy as we have. We've already built enough in this sensitive area (Jewish Center and large adjacent apartment complex). In both cases, there's been little effort to restore the affected vegetation (witness the eroding bulldozed hillsides, years later, still bare).

Please do not permit these projects, especially Sea Breeze Carmel View.

Sincerely

Andrew Sefkow

10696 Haven Brook Place San Diego, CA 92130 California Coastal Commission San Diego Coast District Office Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402



Re: San Diego LCP Amendment No. 2-04C (Sea Breeze Carmel View)

June 28, 2005

Dear Coastal Commissioners:

I respectfully request that you not grant the request by the City of San Diego to update certified Carmel Valley Neighborhood 8 Precise Plan (LUP), and amend Implementation Plan to redesignate and rezone 5.4-acre site from Single Family & Open Space to Neighborhood Commercial & Open Space, at southwest corner of Shaw Ridge & Carmel Creek Roads, in Carmel Valley part of North City LCP Segment. (EL-SD).

This is the absolute wrong place to increase density. The Carmel Valley Restoration Enhancement Project (CVREP) area borders a nature trail routinely enjoyed by a multitude of citizens living in the area. It is one of the only opportunities to escape the density of city life and enjoy nature within an urban environment. This is still possible under the current zoning but the upzoning entirely destroys the ambiance of the area. There are more suitable locations in the local area to increase commercial density if that is the city's goal.

Protecting the CVREP wildlife corridor was one of the main rationales for closing Sorrento Valley Road to vehicular use. That rationale has only increased as development increases. Why has this argument been forgotten because there is now a desire to increase density in this inappropriate locale?

Further, the series of fractured rezones planned along CVREP results in piece-meal development and trades away open space to other areas. The City of San Diego has been playing a shell game with open space mitigation. This compromises the integrity of the original MSCP boundary lines identified by the City and adopted by the Coastal Commission on January 1, 2000. Please preserve the area and current zoning as it is.

Sincerely,

Kathryn Burton

4106 Via Mar de Delfinas

Jathryn Buston

San Diego, CA 92130

(858) 755-2128



CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRI**CT** 

11118 Corte Pleno Verano San Diego, CA 92130 June 28, 2005

San Diego Coast District Office Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402

Re: San Diego LCP Amendment No. 2-04C (Sea Breeze Carmel View)

#### **Dear Coastal Commissioners:**

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Protecting the CVREP wildlife corridor was one of the main rationales for closing Sorrento Valley Road to vehicular use. That rationale has only increased as development increases. Why has this argument been forgotten? This is supposed to be a wildlife corridor and it is continually being squeezed to much smaller and narrower than it should realistically be.

This whole process will result in piece-meal development and trades away open space to other areas. The open space corridor in Carmel Valley is one of our greatest assets not only to Carmel Valley but to residents in Torrey Hills, Torrey Pines, and Del Mar. The City of San Diego has been playing games with our open space in terms of mitigation. This compromises the integrity of the original MSCP boundary lines identified by the City and adopted by the Coastal Commission on January 1, 2000.

Sincerely,

Paula Abney

June 28, 2005

California Coastal Commission San Diego Coast District Office Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402



JUN 2 9 2005

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Re: San Diego LCP Amendment No. 2-04C (Sea Breeze Carmel View)

## Dear Coastal Commissioners:

The proposed Sea Breeze Carmel View development is directly adjacent to a popular nature trail that people in this community walk or bicycle on with their families to have a peaceful interlude with nature. My family and many others who use this trail regularly will no longer frequent this tranquil spot because it will have been spoiled by ugly urbanization.

In my opinion, the emphasis should be on the preservation of what little precious open space we have left with the appropriate buffers between open space and developement. I do not believe that tall imposing buildings or increased density provide an appropriate buffer next to open space.

I respectfully request that you deny approval of this project.

Best regards,

Dr. Ethan Bier, Ph.D.

4106 Via Mar de Delfinas San Diego, CA 92130

(858) 755-2128



California Coastal Commission San Diego Coast District Office Sherilyn Sarb, District Manager 7575 Metropolitan Drive Ste 103 San Diego, CA 92108-4402

JUN 2 9 2005

COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Re: San Diego LCP Amendment No. 2-04C (Sea Breeze Carmel View)

June 29, 2005

Dear Coastal Commissioners:

I am writing to ask that you deny the request by the City of San Diego to update certified Carmel Valley Neighborhood 8 Precise Plan (LUP), and amend Implementation Plan to designate and rezone 5.4-acre site from Single Family & Open Space to Neighborhood Commercial & Open Space, at southwest corner of Shaw Ridge & Carmel Creek Roads, in Carmel Valley part of North City LCP Segment. (EL-SD).

To increase density in this location would unnecessarily impact the purpose of the Carmel Valley Restoration Enhancement Project (CVREP) area. The nature trail that this area borders is intended as a respite from urban living and as a corridor for local wildlife. If the desire of the Commission is to preserve and protect a little of our diminishing native coastal area, then this proposed piece-meal development endangers that goal.

There are more appropriate ways and locations to increase commercial density in San Diego. However, our limited open space is too precious a commodity to use in this manner. I urge the Commission to deny the City the right to rezone this area for the proposed development.

Sincerely,

Diana Padgett

4291 Corte Langostino