

APPENDIX A

Ocean Beach Issue Identification
(LCP Phase I)



SAN DIEGO COAST REGIONAL COMMISSION

6154 MISSION GORGE ROAD, SUITE 220
SAN DIEGO, CALIFORNIA 92120—TEL. (714) 280-6992

TIM COHELAN
Chairman

ROGER HEDGECOCK
Vice Chairman

Harriet Allen
Representative to the
California Coastal Commission

Tom Crandall
Executive Director

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OCEAN BEACH PRECISE PLAN AREA
CITY OF SAN DIEGO
[GEOGRAPHIC SEGMENTATION AND
ISSUE IDENTIFICATION]

I. INTRODUCTION

The purpose of the Issue Identification is to describe existing conditions in the planning area, to identify uses of larger than local significance, to evaluate existing uses and plans with respect to the policies of the Coastal Act, and to identify and summarize existing or potential conflicts. The issues thus identified would determine the areas needing further study in the LCP process.

The San Diego City Council adopted the Ocean Beach Precise Plan on April 2, 1975. On March 26, 1979, the Council approved the Issue Identification report for the plan area prepared by City staff. The City has indicated it's intention to process this plan in two phases (land use plan and implementation), and this first discussion of issues is therefore, focused on the land use plan alone.

In discussions below, staff has attempted to summarize the City's report, and has recommended additions or clarifications where appropriate. For the sake of simplicity, no comment was made whenever the City's report was considered adequate as submitted. The two documents should be considered as complementary, and a complete reading of both is required for full delineation of the issues raised.



II. GEOGRAPHIC SEGMENTATION

Coastal Act Section 30511(c) provides that a local coastal program (LCP) may be submitted and processed by the Commission in separate geographic segments consisting of less than the local government's entire jurisdiction lying within the coastal zone, provided that the Commission finds the following:



"...that the area or areas proposed for separate review can be analyzed for the potential cumulative impacts of development on coastal resources and access independently of the affected jurisdiction."

PUEBLO LOT 212






RESIDENTIAL

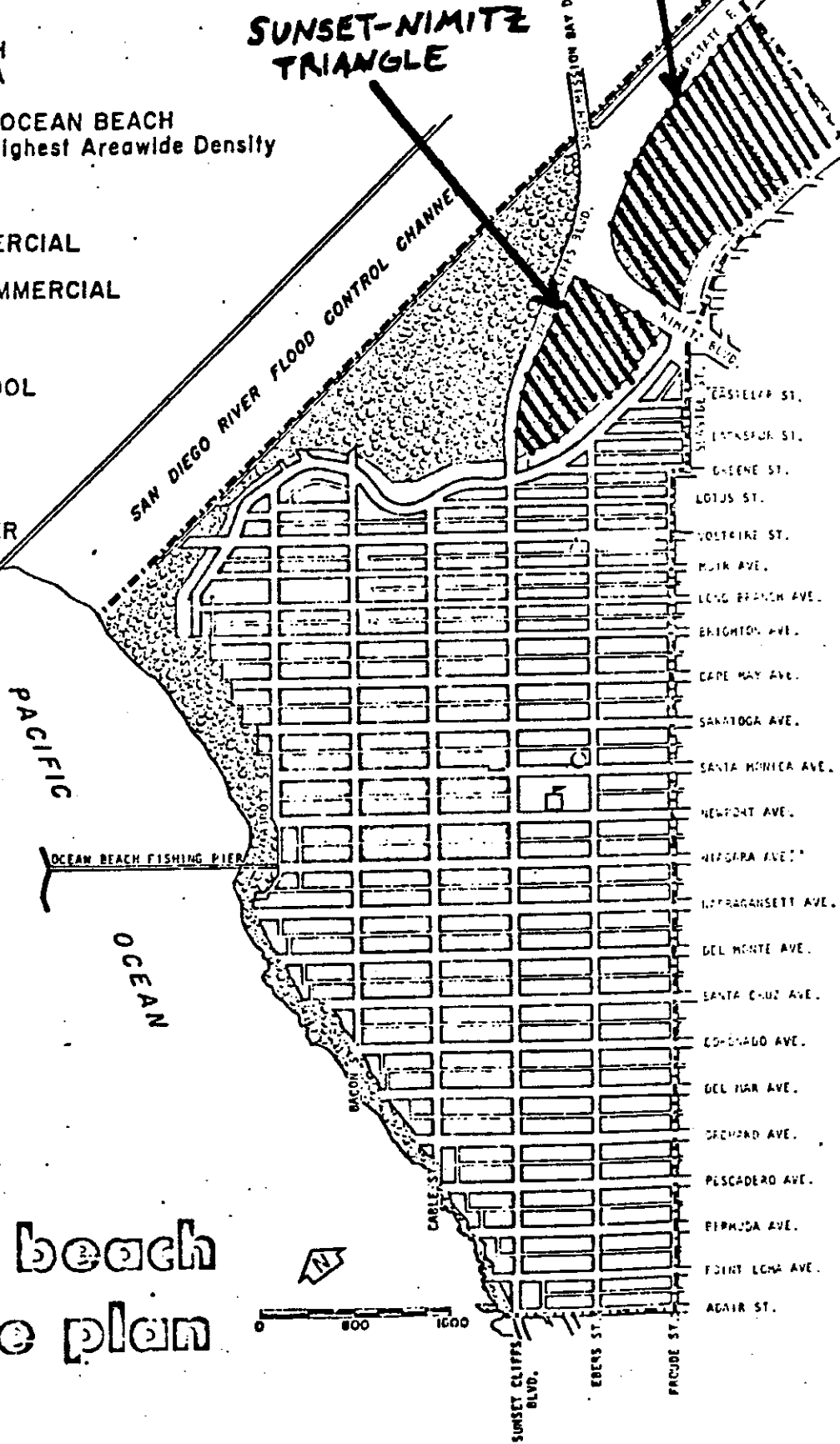
-  EAST OCEAN BEACH
8 - 14 DU/NRA
-  NORTH AND SOUTH OCEAN BEACH
25 DU/NRA Highest Areawide Density

COMMERCIAL

-  COMMUNITY COMMERCIAL
-  NEIGHBORHOOD COMMERCIAL

PUBLIC FACILITIES

-  ELEMENTARY SCHOOL
-  LIBRARY
-  FIRE STATION
-  RECREATION CENTER
-  PARK AND PUBLIC OWNERSHIP



**ocean beach
precise plan**

STAFF RECOMMENDS that the San Diego Coast Regional Commission transmit the Ocean Beach Issue Identification to the State Commission with a recommendation that it be processed as a separate segment of the City's LCP.

III. AREAWIDE DESCRIPTION

Staff Comments:

The areawide description indicates that the Ocean Beach Planning Area "is bounded by the San Diego River and State tidelands on the north; the Pacific Ocean on the west; Froude Street and West Point Loma Blvd. on the east; and Adair Street on the south. In response to the Issue Identification report, the Ocean Beach Planning Board has pointed out, that a precise definition of the planning area should include a reference to Seaside Street on the east boundary and more significantly, a reference to a finger of land - extending up the north side of West Point Loma Blvd. east of Nimitz Blvd., including Pueblo Lot 212, up to and including the Famosa Slough." (Exhibit "A") While this area is included in the Precise Plan it should be clarified that Pueblo Lot 212 includes the Famosa Slough channel on its east boundary but does not include the slough itself. The slough is located to the south of West Point Loma Boulevard, outside the coastal zone. The State Commission has recommended that the coastal zone boundary be extended to include the slough because of its significant value as a wetland habitat. If the boundary is extended, the major land use issues regarding the slough will be addressed in the Peninsula Community LCP segment. Although the slough is not part of the Ocean Beach Planning Area, land use and development in the slough channel areas on the north side of West Point Loma Blvd. will have a direct relationship to the quality of the slough habitat. The slough channel within the Planning Area is also a significant tidal zone habitat area in and of itself.

The areawide description should also be amended to read that the two most typical parcel sizes in Ocean Beach, are 50 x 140 (7,000 sq. ft.) and 50 x 100 (5,000 sq. ft.) This is more descriptive of the actual pattern of development which generally requires the use of two adjacent 25' wide lots.

IV. POLICY GROUP EVALUATION

A. Shoreline Access (Coastal Act Section 30210-12)

Issues Identified by the City

1. Availability of parking at Ocean Beach Park during periods of heavy use.
2. Provision of safe access at Sunset Cliffs.
3. Provision of visual and physical access to the shoreline in new development.

Additional Issue Identified by Staff

4. The need for a "specific public access component" in the land use plan, pursuant to Coastal Act Section 30500(a).

Staff Comments:

Re: 1. As indicated in the Ocean Beach Precise Plan, on-street parking within a few blocks from the beach is under competitive use by both residents and beach users. Because inadequate parking and congestion interfere with beach access, the provision of adequate parking facilities and off-street parking requirements for recreation, commercial, and residential development is an important goal. Consideration should also be given, as is indicated in the Precise Plan for the provision of a remote parking area with shuttle service to the beach. The "Sunset-Nimitz triangle" (the parcel of land bounded by Sunset Cliffs Blvd., Nimitz Blvd., and West Point Loma Blvd.) has been suggested for such a use. This would help cut down on recreational traffic through the higher density residential areas west of Sunset Cliffs Blvd. and the congested commercial areas of Newport Ave. and Voltaire Street.

Re: 2. The City's discussion of this issue sites the Precise Plan recommendation that public access to the shoreline be improved in several ways, including establishment of public access and use rights and provision of safe access down Sunset Cliffs. In light of Precise Plan goals to resolve the erosion problems along Sunset Cliffs, any erosion control program should be sensitive to the need to protect and enhance beach and shoreline access.

Re: 3. Visual access is more appropriately included under policy group L, "Visual Resources and Special Communities." It is recognized, however, that physical access points may become important public viewing areas, and that whenever possible surrounding development should be set back to protect visual resources associated with such accessways.

In addition, the City has been studying the need for improvements in lifeguard facilities, including new office facilities. Any such proposals will have to be weighed against the potential loss to the public of beach area and access to the sea, and alternative sites considered for non-essential uses.

Re: 4. Section 30500(a) of the Coastal Act states: "Each local coastal program... shall contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." According to the Commission's LCP Regulations, Section 00042, "The public access component shall set forth in detail the kinds and intensity of uses, the reservation of public service capacities for recreation purposes where required pursuant to Public Resources Code Section 30254, and specific geographic areas proposed for direct physical access to coastal water areas as required by Public Resources Code, Sections 30210-30224 and 30604(c)." The existing Precise Plan does not contain a specific public access component.

B. Recreation and Visitor Serving Facilities (Coastal Act Sections 30212.5, 30213, 30220-23, 30250(c)).

Issues Identified by the City

1. The provision of visitor facilities for low and moderate income families.

Additional Issues Identified by Staff

2. The potential development of the Sunset-Nimitz triangle into a park area.
3. The need for a determination of the historic mean high tide line and extent of public trust interest, if any, in Pueblo Lot 212, prior to approval of any non-recreational development on this site.
4. The stimulation of the recreational use of Ocean Beach Pier.

Staff Comments:

In recognition of the importance of Ocean Beach Park as a regional recreational resource, the Ocean Beach Planning Board, in concurrence with staff, recommends the following inclusion in the policy group discussion:

"A combination of the Mission Beach Jetty and severe winters have contributed to the erosion of the beach. The Precise Plan recommends the consideration of a sand replenishment program. There is also a sand bar in the San Diego River Flood Channel mouth known as "Dog Beach". It is one of the few beaches in San Diego where dogs are permitted, and is used by residents from all over the City. In March, 1971 the City Council adopted a resolution to protect the sand bar."

Re: 1. At the present time there are only four beach oriented hotel-motel facilities in Ocean Beach, located along West Point Loma Blvd., Newport Avenue, and Sunset Cliffs Blvd. These facilities should be protected and new low/moderate cost facilities should be encouraged. Beach oriented commercial uses, and restaurants should be encouraged along the west end of Newport Avenue, particularly those uses dependent upon pedestrian traffic.

Re: 2, 3. It is noted in the Ocean Beach Precise Plan, that the Ocean Beach Community and the Point Loma area generally are lacking in passive park facilities. Such recreational facilities alleviate traffic pressures and the over use of beach areas. Significantly, the Sunset-Nimitz triangle is under tideland jurisdiction and, consequently, limited to park-like uses, although it is not actually designated for such use by the City. Development of this area as a park, including a large parking reservoir, would greatly enhance adjacent Robb Field as a regional recreation resource.

C. Housing (Section 30213)

Issue Identified by the City

1. The continued loss of housing for low and moderate income families.

Issue as Expanded by Staff

1. The protection of existing housing opportunities for persons of low/moderate income, and the encouragement of new development which provides a mix of housing opportunities for all segments of the population including families with children, senior citizens, and the handicapped.

Additional Issues Identified by Staff

2. The need to develop means for encouraging and, where feasible, providing housing opportunities for persons of low and moderate income in new residential development.
3. Conformance of both the LCP housing component, and City of San Diego General Plan Housing Element with the guidelines established by the California Department of Housing and Community Development.

Staff Comments:

Re: 1 & 2. The Ocean Beach Planning Board has indicated that "the refusal of many landlords to rent to tenants with children has created a critical shortage of housing for low and moderate income families with children." This issue has been expanded to address this concern.

Although housing opportunities for persons of low/moderate income exist in the Ocean Beach Community, neither the Precise Plan nor the City's report provide adequate data on the relative proportions of housing types and costs within the Community. In the face of redevelopment pressures, strategies in the land use plan to retain and promote the rehabilitation of existing low and moderate housing are of critical importance. As noted in the City's General Plan Housing Element, however, there is also a substantial need for new low income housing and this should be addressed along with retention strategies.

Re: 3 One of the means to meet the inclusionary guidelines in the Housing Element will be through the provision of "density bonuses". The Precise Plan states that while "the maximum density allocated at this time to any portion of Ocean Beach should be 25 dwelling units," densities up to 38 units per acre "could be applied under certain circumstances... and according to special criteria... (including) the provision of low and moderate income housing..." In conformance with Commission actions, on permits in Ocean Beach, the density bonus should be granted only where a genuine public benefit will be provided. Emphasis in the density bonus criteria should be to encourage the provision of new low and moderate cost housing.

D. Water and Marine Resources (Sections 30230-31, 30236)

Issues Identified by the City

1. The preservation of tidepools along Sunset Cliffs.
2. The potential impact of the metropolitan sewer outfall on offshore water quality.

Additional Issue Identified by Staff

3. The protection of water quality in the Famosa Slough and San Diego River channel adjacent to the Ocean Beach Planning Area.

Staff Comments:

Re: 3. Other wetland resources adjacent to the Ocean Beach Planning area include the San Diego River and the Famosa Slough. Uncontrolled grading, filling and inadequate runoff controls associated with new development may further degrade water quality in these areas.

E. Diking, Dredging, Filling, Shoreline Structures (Sections 30233 and 30235)

Issue Identified by the City of San Diego

1. The resolution of erosion problems at Sunset Cliffs in a manner which is environmentally and aesthetically sensitive, economically feasible, and acceptable to a majority of the Community.

Issue as Revised by Staff

1. The resolution of natural erosion problems at Sunset Cliffs, in a manner which maximizes shoreline access, which is environmentally and aesthetically sensitive, and which is acceptable to a majority of the Community.

Additional Issue Identified by Staff

2. Evaluation of beach sand erosion and maintenance of Ocean Beach Park.

Staff Comments:

Re: Policy Introduction

The City's description of the Ocean Beach Fishing Pier as the only existing shoreline structure is incorrect, since the term refers to erosional control structures as well. Therefore, mention should be made of a rock groin at the foot of Cape May, which was installed by the City of San Diego in 1955, to contain newly placed dredged material from Mission Bay. The groin has generally been effective in stabilizing the beach, however, some sand loss due to littoral erosion still occurs. Additional, piecemeal, erosion control structures such as retaining walls, sea walls, gunite cover and rock revetments are scattered throughout the Sunset Cliffs Area. Many of these are ineffective and adversely effect the visual qualities of the bluffs.

Re: 1. The large scale and increased potential for adverse impacts of the proposed erosion control projects necessitates a careful consideration of the available alternatives. The land use plan should address the need to replace on a one-for-one basis any beach area lost as a result of erosion control structures.

F. Commercial Fishing and Recreational Boating (Sections 30224, 30234, and 30255)

Issues Identified by the City

None.

Staff Comments:

None

G. Environmentally Sensitive Habitat Areas (Section 30240)

Issues Identified by the City

1. Continued protection of environmentally sensitive habitat areas, particularly in the vicinity of Sunset Cliffs (and the Famosa Slough).
2. Develop and implement additional erosion protection measures for Sunset Cliffs. (This has been revised by the City to read "How to protect the Sunset Cliffs from human erosional forces without negatively impacting access or scenic value).

Staff Comments:

- Re: 1. As previously mentioned, the Famosa Slough channel area on the north side of West Point Loma Blvd., including portions of Pueblo Lot 212, can be considered an environmentally sensitive habitat area. Section 30240(b) of the Coastal Act also states that, "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 such areas, and shall be compatible with the continuance of such habitat areas." Thus, development in Ocean Beach must be sensitive to potential adverse impacts to sensitive habitat areas adjacent to, but outside the planning area. This would include the Famosa Slough.

Another adjacent area of environmental concern is the mouth of the San Diego River. The Ocean Beach Precise Plan indicates that although the San Diego River flood channel is outside of the planning area, it does have a close relationship to the Ocean Beach Community. While the sand bar across the river mouth is used intensively for beach recreation, the Plan states that: "the remainder of the channel behind the sand bar should be preserved as a natural wildlife sanctuary and protected from abuse by active recreational users." Currently, the area of the river channel directly behind the beach is used for overflow parking and occasionally as a site for the use of dirt bikes and other active recreational pursuits.

- Re: 2. This issue is related to the previous issue in consideration of the entire bluff-tide pool area as a sensitive habitat area. The Ocean Beach Precise Plan specifically recommends that the tide pools, cliffs and street-end beaches between the pier and Adair Street be maintained in a natural state. Therefore, the erosion control measures suggested in this issue should be directed towards means to control erosion caused by human use (i.e. runoff from development, foot traffic, digging in caves, tide pool poaching). Additional erosion control measures, however, may be necessary to protect existing bluff top development from natural

erosion forces. Most of the alternatives proposed thus far would require extensive shoreline structures or the creation of artificial beaches, thus necessitating some compromise with the goal of preserving the bluffs in a natural state. In accordance with this policy group, it is important that such erosion control measures are compatible with the protection of environmentally sensitive habitats in the Sunset Cliffs area.

H. Agriculture (Sections 30241 - 42)

Issues Identified by City

None.

Staff Comments:

None.

I. Hazard Areas (Section 30253)

Issues Identified by City

1. Public Safety and development problems with respect to erosion of Sunset Cliffs.

Staff Comments:

Re: 1. This issue appears to have two components: 1) The provision of safe access in hazardous areas and 2) the protection of property from geologic hazards. Both are salient problems in the Sunset Cliffs area.

J. Forestry and Soils Resources (Section 30243)

Issues Identified by the City

None.

Staff Comments:

None.

K. Locating and Planning New Development (Sections 30244, 30250, 30252-53)

Issues identified by the City

1. The conflict between the land use recommendations of the Precise Plan, and existing high density zoning.
2. The use of Pueblo Lot 212
3. The need to provide adequate on-site recreational facilities in new developments.

Staff Comments:

Re: 1. Staff supports the residential land use recommendations in the Precise Plan in conjunction with the proposed density bonus provision.

Re: 2. Although included as a "key issue", the City's report does not contain any discussion regarding the use of Pueblo Lot 212. The land is currently zoned R-4 but is designated as "park and public ownership" in the Ocean Beach Precise Plan. The 53 acre parcel has recently been considered as potential site for a Planned Residential Development, including provisions for new low/moderate income housing. Concern has been expressed by the community over the effect of such a development on traffic congestion, and the Ocean Beach Planning Board has recommended that it be dedicated as park land. The City should clarify its interpretation of the land use proposed by the Precise Plan and indicate what changes, if any, would be required in the Plan to permit residential use.

Re: 3. Section 30252 of the Coastal Act also requires that new development provide adequate onsite recreational facilities so that the recreation needs of new residents will not overload nearby coastal recreation areas. This is particularly critical in Ocean Beach, due to existing deficiencies in such facilities.

L. Visual Resources and Special Communities (Coastal Act Sections 30251 and 30253)

Issues Identified by the City

1. Preservation of the existing character and scale [of development].
2. Preservation of visual amenities along the shoreline.
3. The protection of large trees that contribute significantly to the visual attractiveness of the Community.

Additional Issues Identified Staff

4. Reduction of visual clutter in commercial areas and along the entrance to the Ocean Beach Community.

Staff Comments

Re: 2. In light of proposed erosion control alternatives to protect bluff top development, special consideration must be given to the visual protection of the Sunset Cliffs Area.

Related to the protection of visual amenities along the shoreline are opportunities for the public to view the coast (visual access). The maintenance of existing public vistas, particularly along Sunset Cliffs is a significant issue.

Re: 3. The Ocean Beach Planning Board has recommended that the following language be included after paragraph one, in the policy introduction: "The Plan area contains many large trees, including palms, cypress, and Torrey Pines, which contribute significantly to the visual attractiveness of the Community and should be protected." Staff concurs with this statement noting the efforts of the Commission in past permit actions to protect significant vegetation in the Ocean Beach Community.

M. Public Works (Coastal Act Section 30254)

Issues Identified by the City

1. Traffic congestion and parking problems.
2. The limited automobile carrying capacity of north-south streets.

Additional Issues Identified by Staff

3. Adequacy of existing intra-community and inter-community public transit serving Ocean Beach.
4. The future use of the San Diego River mouth, east of "Dog Beach," as an overflow parking area.

Staff Comments:

- Re: 1. During periods of heavy usage, traffic congestion and parking problems are particularly severe. Possible solutions mentioned in the Precise Plan include on-street parking restrictions, one-way street designations, improved bike ways, development of a remote park and ride system for beach users, the establishment of an off-street parking district for Newport Center, and the possible transformation of Newport Center into a pedestrian mall. These and other alternatives should be analyzed further, to prevent the type of traffic and congestion problems now occurring in Mission Beach.
- Re: 3. The Ocean Beach Precise Plan indicates that existing transit service in Ocean Beach is inadequate. Improved transit service from inland areas to Ocean Beach would help alleviate traffic congestion as well as provide additional access opportunities for persons of lower incomes who cannot afford private transportation. Improved intra-community transportation would also help alleviate congestion and parking problems. Transit proposals should include a beach shuttle service and should tie-in to the Mission Beach Access Study.
- Re: 4. As mentioned previously, the dry areas east of "dog beach" in the mouth of the San Diego River provide a substantial supply of additional parking for the users of Ocean Beach Park. Due to the potential resource conflicts, and environmental sensitivity of the river channel, the future use and regulation of this area should be clarified in the land use plan.

N. Industrial and Energy Facilities (Coastal Act Sections 30233, 30250, 30255, 30260-64)

Issues Identified by the City

None.

Staff Comments

None

V. THE CITY'S REPORT HAS IDENTIFIED THE FOLLOWING USES AS OF REGIONAL OR STATEWIDE SIGNIFICANCE IN THE OCEAN BEACH PRECISE PLAN AREA

1. Ocean Beach Park and Robb Field (recreational facilities of regional or statewide significance).
2. West Point Loma Blvd., Sunset Cliffs Blvd., Newport Avenue and the fishing pier (uses that maximize public access to the coast).
3. Sunset Cliffs (uses of larger than local importance).

Additional uses of Regional or Statewide Significance Identified by Staff

4. Sunset-Nimitz Triangle and Pueblo Lot 212 (in conjunction with potential Robb Field expansion).

VI. SUMMARY OF KEY ISSUES

The following is a summary of the "key issues" determined by Staff to be most critical in the development of a land use plan for Ocean Beach. These have been condensed from the larger group of issues identified in the City's report and Staff discussion. For further delineation of these issues, refer to the appropriate policy group in the City's report and Staff discussion.

1. The protection of existing housing opportunities for persons of low/moderate income and the provision, where feasible, of new housing for persons of both low and moderate income. (Policy Group C).
2. Use of Pueblo Lot 212 and resolution of the extent of public tidelands. (Policy Groups B, K).
3. The resolution of natural erosion problems at Sunset Cliffs in a manner which maximizes shoreline access, which is environmentally and aesthetically sensitive, and which is acceptable to a majority of the Community. (Policy Groups G, L).
4. The control of bluff top development and erosion related to human use. (Policy Groups I, E, G).
5. Traffic congestion, inadequate public transportation and parking problems. (Policy Group M).
6. Protection of environmentally sensitive habitat areas in the vicinity of Sunset Cliffs and the Famosa Slough Channel. (Policy Group G).
7. The maintenance and provision of safe access at Sunset Cliffs and the inclusion, in the land use plan, of a "specific public access component" for the Community. (Policy Groups A, I).
8. Preservation of the existing character and scale of development and reduction of visual clutter in commercial areas. (Policy Group I).
9. The provision of new visitor and recreational facilities for low and moderate income families. (Policy Group B).

VII.

STAFF RECOMMENDATION ON ISSUE IDENTIFICATION

STAFF RECOMMENDS that the San Diego Coast Regional Commission transmit the City of San Diego's Ocean Beach Issue Identification, as amended or revised, to the State Commission with a recommendation that it be adopted as the Issue Identification for this area.

APPENDIX B
CD Coastal Shoreline Development
Overlay Zone

CD COASTAL SHORELINE DEVELOPMENT OVERLAY ZONE

Section 1. PURPOSE AND INTENT. The CD Coastal Shoreline Development Overlay Zone is intended to provide land use regulations along the coastaline area including the beaches, bluffs, and the land area immediately landward thereof. Such regulations are intended to be in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the CD Zone and the underlying zone are inconsistent, the regulations of the CD Zone shall apply. The purpose of the CD Coastal Shoreline Development Zone is to provide for control over development and land use along the coastline so that the public's interest in maintaining the shoreline as a unique recreational and scenic resource, promoting public safety, and in avoiding the adverse geologic and economic effect of bluff erosion, is adequately protected. New construction in the CD Coastal Shoreline Development Zone shall be designed and located so as to minimize risks to life and property and to assure stability and structural integrity and neither create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms in said Zone.

Section 2. LAND USES. In a CD Zone the following uses are permitted:

1. Any use permitted in the underlying zone subject to the same conditions and restrictions applicable in such underlying zone and to all requirements and regulations of this Article.
2. Beach facilities constructed, owned and maintained by the State of California, County of _____* or such other public agency or district as may be authorized to construct, own and maintain such facilities for the use of the general public; including but not necessarily limited to:

* City of San Diego

- a. Steps and stairways for access from the top of the bluff to the beach.
 - b. Toilet and bath houses.
 - c. Parking lots meeting all requirements of Section _____ of this ordinance.
 - d. Refreshment stands having no seating facilities within the structure.
 - e. Stands for the sale of bait and fishing tackle and the rental only of surfboards, air mattresses and other sports equipment for use in the water or on the beach.
 - f. Lifeguard towers and stations and other life saving and security facilities.
 - h. Trash containers.
 - i. Beach shelters.
3. Private beach facilities and structures as follows:
- a. Fire rings and similar picnic facilities.
 - b. Trash containers.
 - c. Lifeguard towers.
 - d. Signs declaring property ownership and access conditions or limitations provided not more than four (4) such signs each not exceeding four (4) square feet in area shall be permitted.
 - e. The following, subject to the issuance of a special use permit therefore:
 - (1) Toilet facilities and bath houses provided such structures are so placed and constructed that the floor thereof is at an elevation no lower than 15 feet above mean sea level (North American Datum, 1929) and further provided that such facilities shall be connected to and all effluent therefrom shall be discharged into a public sewer.

- (2) Permanent or temporary beach shelters provided that such shelters shall be at least 50 percent open on the seaward side and that permanent shelters are so placed and constructed that the floor thereof is at an elevation no lower than 15 feet above mean sea level (North American Datum, 1929).
- (3) Sea walls or other structural devices where necessary to prevent erosion of the base of the bluff as the result of wave action provided that such sea wall or other structural device:
 - (i) shall be constructed essentially parallel to the base of the bluff;
 - (ii) shall not obstruct or interfere with the passage of people along the beach at any time;
 - (iii) is necessary to protect coastal - dependent uses or to protect existing principal structures or public beaches in danger from erosion;
 - (iv) is designed to eliminate or mitigate, to the maximum extent feasible, adverse impacts on local beaches, shoreline sand supply or transport;
 - (v) shall assure stability and structural integrity for the economic life of the structures or uses it is to protect;
 - (vi) shall neither create nor contribute significantly to erosion or instability of adjacent property; and
 - (vii) shall mitigate or eliminate any alteration of natural landforms or adverse effects to the scenic qualities of the coast.
- (4) Upon the issuance of a special use permit, any use allowed in the underlying zone by special use permit; provided that the Board of Supervisors determines that such use is consistent with the intent and purpose of the CD Zone.
- (5) A record of Survey map shall be filed with the State Lands

* City Council

Commission and the Planning Department showing the following information when any construction activity is proposed that alters any beach or the toe of any bluff:

- (a) An accurate positioning of the present, preconstruction, ordinary high-water line;
- (b) Sufficient ties to existing record monuments which will not be disturbed by proposed construction;
- (c) The accurate position of any monument shown on a map filed in an office public record which will be disturbed by the proposed construction, together with a plan to replace the monument in its original position or to replace it with another monument tied to nearby recorded monuments.
- (d) State Lands Commission Review. Prior to commencement of construction, the applicant shall obtain a written determination from the State Lands Commission that:
 - 1. No State lands are involved in the development; or
 - 2. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
 - 3. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.
- (e) Public Rights. The applicant shall, by accepting the terms and conditions of the permit, agree that issuance of the permit and completion of the authorized development shall not prejudice any subsequent assertion of public rights e.g., prescriptive rights, public trust, etc.

4. Upon the issuance of a special use permit, any use allowed in the underlying zone by special use permit; provided that the Board of Supervisors determines that such use is consistent with the intent and purpose of the CD Zone.

Section 2. SPECIAL USE PERMIT REQUIRED. Notwithstanding any other provisions of this ordinance, no building permit may be issued or construction commenced on any building or structure in the CD Coastal Development Overlay Zone, except one-family dwellings and structures appurtenant thereto, unless a special use permit therefore has first been granted by the Board of Supervisors. Applications for such special use permit approval shall be submitted to the Director of _____ and shall be accompanied by such data and information as required by this Article for a site plan application.

Section 3. LIMITATIONS OR PERMITTED USES. Uses permitted in the CD Zone shall be subject to the following development criteria:

1. Development Criteria - Beach. For the purposes of this Article, beach shall be considered as that area lying seaward of the first contour line defining an elevation 15 feet above mean sea level (North American Datum, 1929). No structures of any type shall be erected or placed on the beach except:
 - a. Structures pursuant to a permitted use as specified in Section 2, subsections 2 and 3 of this Article.
2. Development Criteria - Bluff. For the purposes of this Article, a bluff is a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this Article, bluff is limited to those features having vertical relief of ten feet or more, and whose toe is or may be subject to marine erosion. "Bluff edge" is the upper termination

of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes, the bluff edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step-like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to the bluff edge. In those cases where irregularities, erosion intrusions, structures or bluff stabilizing devices exist on a subject property to that a reliable determination of the bluff edge cannot be made by visual or topographic evidence, the Director of _____ shall make such determination as to the location of the bluff edge and the bluff setback after evaluation of a geologic and soil report in accordance with Board of Supervisors Policy. No structure shall be placed on or extend beyond the face of the bluff and no tunnel or shaft shall be sunk into the face of the bluff, except that the following structures may be placed thereon and alterations made thereto subject to issuance of a special use permit therefore authorizing such structures or alterations.

- a. Stairways, ramps and other structures or devices designed and intended to provide public access from the top of the bluff to the beach, provided that construction thereof shall not require excavation of the bluff face except to the extent necessary to accommodate placement of vertical or lateral support members;
- b. Fences of non-view-obscuring-type, as reasonably necessary to deter trespassing or to discourage indiscriminate traverse upon the face of the bluff; and

e. Bluff repair and erosion control measures such as retaining walls and other appropriate devices, provided, however, that such measures and devices shall be limited to those necessary to repair existing man-caused damage to the bluff face, such as casual excavations, or to prevent or retard additional natural erosion, such as along drainageways or erosion gullies on the face of the bluff; provided further that no such measures or devices shall cause significant alteration in the natural character of the bluff face.

3. Development Criteria - Blufftop.

a. Bluff setback

- (1) No building or structure shall be placed or erected closer than 40 feet from any point of the bluff edge, except as provided herein.
- (2) A bluff setback in excess of 40 feet may be required by the Director of _____ or the Board of Supervisors following evaluation of geologic and soil reports for a particular site.
- (3) In areas where there is no bluff, all structures, except those established pursuant to subsection 1 of this Section, shall be located landward of the first contour line defining an elevation 15 feet above mean sea level (North American Datum, 1929) as follows:
 - (a) Main buildings 15 feet; and
 - (b) Accessory structures, 10 feet.

b. Limitation on Building Width and Lot Coverage.

- (1) For any one-family or two family dwelling or accessory building, no story above the first story shall exceed a width of one-half the lot width of the lot or lots on which such dwelling or building is located.
 - (2) All two-family or multiple dwellings or accessory structures hereafter constructed shall provide a permanent vista corridor with an unobstructed width equivalent to one-third (1/3) the average width of the lot or lots on which the proposed dwellings are to be located. Property abutting the end of a public street which meets the top edge of the coastal bluff may include one-half the width of the street end as credit for up to one-half of the required vista corridor. Any object exceeding two feet in height above finished grade shall be considered an obstruction except: (a) Fences with an open area to obstructed area ratio of 6:1; (b) Trees which at maturity will not obstruct vision from finished grade to approximately eight feet above finished grade. The open space area shall be made permanent by means of an open space easement or a deed restriction, free and clear of any prior liens or encumbrances, recorded prior to the commencement of construction of the development.
- c. Limitation on Maximum Number of Dwelling Units. For the purposes of calculating the maximum allowable number of dwelling units per acre in any zone, only the lot area landward of the bluff edge shall be used.
- d. Grading and Excavation. Grading and excavation shall be the minimum necessary to complete the proposed development consistent with the provisions of this Article and the following requirements:

- (1) Building sites shall be graded to direct surface water away from the top of the bluff, or, alternatively, drainage shall be handled in a manner satisfactory to the County which will prevent damage to the bluff by surface and percolating water.
- (2) No excavation, grading or deposit of natural materials shall be permitted on the beach or the face of the bluff except to the extent necessary to accomplish construction pursuant to subsections 1 and 2 of this section.

Section 3.1. FINDING OF PUBLIC BEACH ACCESS RIGHTS. No building permit shall be issued for any construction within the CD Zone unless the Director or the Board of Supervisors pursuant to the provisions of this section shall make findings relative to public rights of beach access or usage, if any, in the real property upon which the proposed construction is to be located, and approve the plan of construction.

1. The applicant for a building permit at the time of application shall file with the Director of _____ a plan of the proposed construction for a finding whether the proposed construction will interfere with any public rights of beach access or usage. When applicable, the plan shall contain the following:
 - a. Boundaries of real property, location of beach and nearby streets;
 - b. Location and height of all proposed structures, including buildings, walls, fences, free-standing signs, swimming pools and game courts and the location and extent of individual building sites;
 - c. Locations and dimensions of ingress and egress points, interior roads and driveways, parking areas and pedestrian walkways;
 - d. Location of important drainageways;
 - e. Proposed grading and removal or placement of natural materials, including finished topography of the site;

2. Within sixty (60) days after he shall have received the plan, the Director of _____ shall make a finding whether the proposed construction will interfere with any public rights of beach access or usage in, over and across the site of proposed construction. At least forty-five (45) days prior to making said finding the Director shall forward copies of the site plans to the Coastal Commission, State Lands Commission, Coastal Conservancy and State Attorney General's Office. Said finding shall specifically incorporate any views expressed by the Coastal Commission, the State Lands Commission, the Coastal Conservancy or the State Attorney General's Office. If the Director of _____ shall make a finding whether the proposed construction will not interfere with any public rights of beach access or usage, he shall approve the plan and notify the applicant of such finding.
3. If the Director of _____ finds that the proposed construction will interfere with any public rights of beach access or usage he shall disapprove the plan or he may conditionally approve such plan subject to such modifications as will insure that the proposed construction will not interfere with such public rights in a manner consistent with any state agency recommendations provided pursuant to 2 above. The Director of _____ shall notify the applicant of such finding or conditional approval.
4. A finding by the Director of _____ that the proposed construction will not interfere with any public rights of beach access or usage shall not relieve the applicant from the necessity of obtaining such other approvals as may be required by this ordinance, the County Code or other laws.

Section 4. SITE PLANS REQUIRED

1. **Site Plans.** Prior to the issuance of any building permit or to the commencement of any construction, an application for site plan approval shall be submitted to the Director of _____ and shall be accompanied by such data and information as may be required including maps, plans, drawings, sketches and documented material as is necessary to show:
- a. Boundaries and existing topography of the property, location of bluffline and beach, and adjoining or nearby streets;
 - b. East-west cross-sections of the property showing existing and proposed topography, proposed buildings and a profile of the bluff at its steepest point. Additional cross-sections showing all undercut areas of the bluff face shall also be provided.
 - c. Location and height of all existing buildings and structures existing trees and the proposed disposition or use thereof;
 - d. Location, height and proposed use of all proposed structures, including walls, fences and free-standing signs, and location and extent of individual building sites;
 - e. Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;
 - f. Location and treatment of important drainageways, including underground drainage systems;
 - g. Proposed grading and removal or placement of natural materials, including finished topography of the site;
 - h. Proposed landscaping plan including location of game courts, swimming pools and other landscape or activity features.

2. Geotechnical Reports.

a. Geotechnical reports shall be submitted to the Director of _____ as part of an application for plan approval, shall be prepared and signed by a professional civil engineer with expertise in soils and foundation engineering, and a certified engineering geologist or a registered geologist with a background in engineering applications.

The report document shall consist of a single report, or separate but coordinated reports. The document should be based on an on-site inspection in addition to a review of the general character of the area and it shall contain a certification that the development as proposed will have no adverse effect on the stability of the bluff and will not endanger life or property, and professional opinions stating the following:

- (1) The area covered in the report is sufficient to demonstrate the geotechnical hazards of the site consistent with the geologic, seismic, hydrologic and soil conditions at the site;
- (2) The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake;
- (3) The effect the project could have on the stability of the bluff.

b. As a minimum the geotechnical report(s) shall consider, describe and analyze the following:

- (1) cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

- (2) historic, current and foreseeable cliff erosion including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;
- (3) geologic conditions, including soil, sediment and rock types and characteristics and structural features, such as bedding, joints, and faults;
- (4) evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity;
- (5) impact of construction activity on the stability of the site and adjacent area;
- (6) ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e. introduction of sewage effluent and irrigation water to the ground water system, alterations in surface drainage);
- (7) potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e. landscaping and drainage design);
- (8) effects of marine erosion on seacliffs;
- (9) potential effects of earthquakes including : (a) ground shaking caused by maximum credible earthquake, (b) ground failure due to liquefaction, lurching, settlement and sliding, and (c) surface rupture;
- (10) any other factors that might affect slope stability;
- (11) the potential for flooding due to sea surface super-elevation (wind and wave surge, low barometric pressure and astronomical

tide), wave run-up, tsunami and river flows. This potential should be related to one hundred and five hundred year recurrence intervals;

- (12) a description of any hazards to the development caused by possible failure of dams, reservoirs, mudflows or slides occurring off the property and caused by forces or activities beyond the control of the applicant;
- (13) the extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake;
- (14) the effect the project could have on the stability of the bluff; and
- (15) mitigating measures and alternative solutions for any potential impact.

The report shall also express a professional opinion as to whether the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability throughout the lifespan of the project. The report shall use a currently acceptable engineering stability analysis method, shall describe the degree of uncertainty of analytical results due to assumptions and unknowns, and at a minimum, shall cover an area from the toe of the bluff inland to a line described on the bluff top by the intersection of a plan inclined at a 20° angle from horizontal passing through the toe of the bluff or 50 ft. inland from the bluff edge, whichever is greater. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project.

3. The Director of _____ shall approve the site plan only if said Director finds that:

- a. All elements of the proposed development are sited and designed to assure stability and structural integrity for their expected economic lifespans and are consistent with the intent and purpose and meet the requirements of this Article.
- b. Buildings and structures will be so located on the site as to create a generally attractive appearance and be agreeably related to surrounding development and the natural environment.
- c. Buildings, structures, and landscaping will be so located as to preserve to the degree feasible any ocean views as may be visible from the nearest public street.
- d. Insofar as is feasible, natural topography and scenic features of the site will be retained in their natural form and incorporated into the proposed development.
- e. Any grading or earth-moving operations in connection with the proposed development are planned and will be executed so as to blend with the existing terrain both on and adjacent to the site, and will not result in the defacement, or decrease the stability of the bluff.
- f. The development will not require any shoreline protective structures to protect it from erosion for the life of the project.

4. Standard Conditions

a. Need for future protective works.

- (1) No development in a shoreline area may be approved unless the permit application is accompanied by a report signed by a [registered civil engineer, geologist] stating the basis for his/her conclusion that no shoreline protective work shall be required to protect the proposed development for its useful life.

- (2) The aforementioned report is reviewed and approved by the _____ planning director.

b. Liability

- (1) A development permit shall not become effective until the applicant and property owner record in the chain of titles of the parcel to be developed: (a) A waiver of public liability for any future damage to the development resulting from natural conditions; (b) An agreement to reimburse any public agency that expends funds for purposes of protecting the project; and (c) A waiver of all claim against any public entity for future liability or damage resulting from permission to build or claim of any right to construct a protective shoreline structure for the life of the project. All such waivers shall be concurred in by any holder of a lien against the property shall be notarized and recorded in the Office of the County Recorder and shall be evidenced as such in a title report prior to the issuance of the permit.

5. Within 60 days of receipt of an application for site plan review and all material specified in subparagraph 1 of this Section, the Director of _____ - shall approve, conditionally approve or disapprove such site plan. The said 60-day period may be extended with the written consent of the applicant. If the Director of _____ does not act on said site plan within the specified time limit or extension thereof, said site plan shall be deemed to have been denied. Any disapproval or other decision rendered pursuant to this Section may be appealed pursuant to Section _____ of this ordinance, except that the Planning Commission's action on such appeal shall be a recommendation only and shall be transmitted directly to the Board of Supervisors for final action.

6. The applicant or any interested person may appeal the decision of the Director of _____ by filing with such director an appeal in writing within ___ days from the decision and setting forth therein the basis of such appeal. The Director of _____ may affirm the prior disapproval or conditional approval or may approve the plan with or without modifications. If the Director of _____ affirms the prior disapproval or conditional approval, the papers and documents applicable to the matter shall be forthwith filed with the Board of Supervisors.
7. Within ___ days from such filing of the appeal the Board of Supervisors shall consider said appeal and may either:
 - a. Affirm decision of the Director of _____, or
 - b. Hold a hearing.Following the hearing the Board of Supervisors may affirm the decision of the Director of _____ or render such decision as it considers appropriate.
8. Any site plan application proposing modification of any development criteria of Section _____ of this Article shall be accompanied by a filing fee of _____ and shall be considered by the Board of Supervisors at a public hearing within 60 days of receipt of a complete application. Notice of such public hearing shall be given as provided for a variance or special use permit in Article _____ of this Ordinance.
9. The Director of _____ may, upon request of the applicant, approve a modification of an approved conditionally approved site plan if he finds that the modification is not material and is consistent with the intent, purpose and requirements of the CD Zone.
10. Any approval of a site plan shall expire within one (1) year of such approval except where construction and/or use in reliance on such site

plan has commenced prior to its expiration. If construction and/or use in reliance thereupon has not commenced within the one (1) year period, said period may be extended by the Director of _____ at any time prior to the original expiration date.

Section 5.5 GRADING. No grading, removal or deposit of natural materials shall take place on any lot or parcel in the CD Zone except pursuant to a grading permit which has been issued in connection with a building permit for a structure which conforms to all provisions of this Article; or, where no structure is involved, pursuant to a grading which has been approved by the Director of _____.

The following activities are exempt from the requirements of this Section.

1. Tilling or preparation of land for agricultural purposes on previously cultivated fields provided that no such activity shall take place closer than 10 feet from the bluff edge.
2. Minor excavation or placement of natural materials incidental to the planting of trees and shrubs and the construction of other landscape features not requiring a grading permit, provided that such excavation or placement of materials does not in itself alter the general overall topographical configuration of the land and provided that no such activity shall take place closer than 10 feet from the bluff edge.
3. Minor excavation not exceeding one foot in depth within the required bluff setback, or placement of natural materials incidental to installation of permitted minor structural features not requiring a grading permit such as fences, walls, walkways, patios and similar elements customarily accessory to permitted use, provided such excavation or placement of materials conforms to all requirements of this Article, does not in itself alter the general overall topographical configuration of the land, and provided that no such activity shall take place closer than 10 feet from the bluff edge.

Research and Analysis

Phil Garofalo
Craig Jones
Gene Lathrop
Angeles Leira
Wally Mumper
Diana Newkirk
Mike Stepner
Larry Van Way
Gary Weber

Text

Craig Jones
Wally Mumper
Gary Weber

Review

Jim Fisk

Coordination

Gary Weber

Cover Design

First Impressions

Cover Photography

Graphic Impressions

Report Design and Layout

Peggy McMahon

Graphics

Art Barlow
Sharon Barta
Peggy McMahon
Jim Overstreet
Tony Pluth
Ernie Tamayo

Typing

Roberta Diaz
Mary Havanis
Billie Hunter
Jan Molina

