

RESOLUTION NO. 11903

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ADOPTING THE FINAL DRAFT OF THE
BAYFRONT SPECIFIC PLAN AND AUTHORIZING THE
SUBMISSION OF THE BAYFRONT SPECIFIC PLAN

The City Council of the City of Chula Vista does hereby resolve as follows:

WHEREAS, the Bayfront Redevelopment Land Use Plan, part of the Local Coastal Plan process, was approved by the State Coastal Commission on March 27, 1984, and concurred in as to findings of the State Coastal Commission on September 26, 1984; and

WHEREAS, in order to allow the City to issue permits for construction in the coastal zone, the Coastal Commission must first certify a Bayfront Specific Plan, otherwise known as an Implementation Plan; and

WHEREAS, the Implementation Plan must be consistent with the Land Use Plan of this coastal zone; and

WHEREAS, the proposed Specific Plan mirrors the previously approved Land Use Plan; and

WHEREAS, the attached Exhibit A entitled "Errata" is incorporated herein as if fully set forth.


NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Chula Vista does hereby adopt the final draft of the Chula Vista Bayfront Specific Plan as its official Specific Plan for the Bayfront and hereby authorizes submission of this Bayfront Specific Plan to the State Coastal Commission.

Presented by



Paul G. Desrochers
Community Development Director

Approved as to form by



Thomas J. Harron
City Attorney

WPC 1380H

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA, this 24th day of January

19 85, by the following vote, to-wit:

AYES: Councilmen Cox, Malcolm, McCandliss, Scott, Moore
NAYES: Councilmen None
ABSTAIN: Councilmen None
ABSENT: Councilmen None

Gregory R. Cox

Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. 11903, and that the same has not been amended or repealed

DATED _____

(seal)

City Clerk

ERRATA

January 9, 1985

REVISIONS TO CHULA VISTA LAND USE PLAN

The City of Chula Vista recognized the following technical inconsistencies between the adopted Land Use Plan (LUP) for the Bayfront and the submitted Specific Plan (SP) for the Bayfront.

Specifically, changes to the Specific Plan document to conform to the Land Use Plan are as follows:

LAND USE PLAN

SPECIFIC PLAN

Building Heights

Reference:

Fig. 5, p. III-7

Map 2, p. 22.

Change to reflect the text and illustration as shown in the LUP.

Delete special condition #2 of Section 19.85.01 - Building Height.
p. 23.

Circulation

Reference:

Chapter III, p. 17
"A secondary access . . .
of the levee . . ."

Figure 8, Section 61, p. 33.

Delete phrase "or asphalt if required."

Add to Section 19.86.05 - On site parking, p. 27. The sentence "Reference is made to Section 19.91.02, p. 73 and said provisions shall apply to this section also."

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LAND USE PLAN

Figure 6
Circulation Element
Chapter III, p. 11

Ref: Chapter III, p. 25 -
Existing Conditions, "The
marshlands within . . . project."

Ref: Chapter II, p. 5 -
"Ownership and responsibility...
management program." "Within the
City... management program."

Chapter III, p. 28 - "Basic
Environmental Management
Objectives," Subsection 1,
Subsection 2, and Subsection 3.

SPECIFIC PLAN

(Continued)

Ref: Map 3 Circulation, p. 26

Delete reference to the Tidelands
Avenue - Hwy 54 offramps.

Environmental Management

Ref: Section 19.88.03 - Subarea
1-D Street Fill Environmental
Management Provision, subsection a,
p. 40. Map 6, Environmental
Management, p. 41. Figure 9,
Wetland Buffer Design, p. 43.

100' buffer to include the water
barrier. Map 6 to show the
combination.

Ref: Section 19.88.05 - Subarea 3 -
Midbayfront subsection b, p. 45.
Add as a separate paragraph The
marshlands within . . . project."

Ref: Section 19.88.53 - Management
Goals and Objectives, subsection 2,
p. 49. Add the following words to
the existing clause: "Create and
fund the Chula Vista Bayfront
Conservancy Trust to jointly
receive and hold dedications of
land with the State of California,
Department of Fish and Game;...."

Land Use

Ref: Section 19.84.50 - Interim
Uses, p. 21. Add the sentence:

"4. This does not apply to
wetlands, buffers, and
environmentally sensitive
habitat areas."

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LAND USE PLAN

SPECIFIC PLAN

Land Use (Continued)

Ref: Chapter IV, p. 13.
Subarea 6 - Southern and Inland
Parcels, Southern Parcel, "The
southern . . . is vacant.

Ref: Section 19.82.37 - General
Industrial Activities, p. 10 and
Appendix A. Use Classification
System - Administrative Guidelines,
p. 10. Add the use classification:
"Utility and Vehicular" as listed
in Appendix A, p. 10, to Section
19.82.37 as subsection(d) "Utility
and Vehicular."

Gunpowder Point

Ref: Figure 15
Gunpowder Point Hotel Illustrative
Plan, Chapter IV, p. 5. Subarea 2
Gunpowder Point, item 3. "Parking,"
Chapter IV, p. 3.

Ref: Map 10 - Gunpowder Point Hotel
Illustrative Plan, p. 63.

Change 4 in legend to read: "Hotel/
conference parking limited to 220
surface spaces, 440 overall."

Mid-Bayfront

Ref: Figure 16
Mid-Bayfront Specific Design
and Development Guidelines,
Chapter IV, p. 7.

Ref: Map 11
Mid-Bayfront Specific Design and
Development Guidelines, p. 66.

Change to Figure 16, Mid-Bayfront
Specific Design and Development
Guidelines, Chapter IV, p. 7. Note
as Map 11 in SP.

Zoning

Ref: Chapter VI, p. 1
Implementation.

Ref: Section 19.07.035 - Specific
Plans - Supersedence of Zoning
Designations. Delete: ". . . and
other procedures of Sections 19.92
and 19.93." Replace with ". . .
and other procedures incorporated
in Section 19.92.01 et seq. of this
document."

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Errata

The City of Chula Vista, hereby amends the Specific Plan and Subdivision Ordinance relative to the Implementation Plan for the Bayfront with the following changes.

1. Environmental Organization and Administration.

A. Page 49: Section 19.88.53

1. Maintain, restore, and enhance wetland and upland habitat areas in a biologically productive state on a permanent basis consistent with applicable LUP provisions and technical advice by the State Coastal Conservancy, Department of Fish and Game, and U.S. Fish and Wildlife Service.
2. Create and fund the Chula Vista Bayfront Conservancy Trust to receive and hold dedications of land other than those made to Department of Fish and Game pursuant to Section 19.88.54; engage in restoration, enhancement, and preservation of Sweetwater Marsh complex natural resources; and increase public knowledge of and support for natural resource conservation, including through an active educational program. Within one year after effective certification of the Bayfront LCP, sufficient funds shall be made available to and by the Bayfront Conservancy Trust to meet the requirements of Sections 19.88.58 and 19.88.59.

B. Page 49: Section 19.88 54 - Dedications of Land.

Consistent with the Bayfront LCP Land Use Plan, all presently privately owned property within the Sweetwater Marsh complex (consisting of approximately 188 acres) will be given in fee title to the Department of Fish and Game. This 188-acre property may not be reconveyed to any other person, governmental agency, association, or other party. In cooperation with the State Coastal Conservancy and the Bayfront Conservancy Trust, which will be created jointly by the City of Chula Vista and the State Coastal Conservancy consistent with the Environmental Management Plan, and the State Coastal Conservancy, and consistent with the provisions of the Chula Vista Bayfront Local Coastal Program, the Department of Fish and Game shall prepare a management plan for the 188-acres in its ownership. Such management plan shall constitute a development pursuant to Section 19.92.02 and shall meet the requirements of Section 19.92.93. Following approval of the management plan for the 188-acre property, it shall become an element of the Bayfront Environmental Management Plan.

Delete remainder of paragraph.

C. Page 50. Section 19.88.55 - Bayfront Conservancy Trust Administrative Organization and Functions

(a) The Bayfront Conservancy Trust will be governed by a ten-member Board of Directors which will consist of: (1) the Mayor of Chula Vista or his/her designee, who will also be the Chairman; (2) a representative of the San Diego Unified Port District; (3) a representative appointed by the County of San Diego Board of Supervisors; (4) a representative of the private land ownership north of "G" Street within the Coastal zone; (5) a representative of the Educational Community from the field of environmental sciences; (6) a representative of an environmental organization; (7) appointee of the State Coastal Commission; (8) appointee of the State Coastal Conservancy; (9) appointee of the Chula Vista City Council, citizen-at-large, and (10) a representative of the Department of Fish and Game (for purposes of advising the Bayfront Conservancy Trust on management of wildlife habitat not contained within the 188-acre property).

Special provisions apply to the following numbered seats:

- (4) At the time when special improvement districts are formed in the subject area, a representative of the collective ownerships will be selected on an election basis supervised by the City of Chula Vista.
- (5) At the direction of the Chairman, representation will be on a two-year rotation basis through a request to the Chancellor of the University of California, San Diego or the President of San Diego State University.
- (6) The Chula Vista City Council will select, on a two-year rotation basis, a representative from a regionally recognized organization whose aim is the protection and conservation of the natural environment.
- (7) (8) and (10) Those appointed need not be members of the State Coastal Commission, State Coastal Conservancy, or Department of Fish and Game respectively.

(b) The Bayfront Conservancy Trust shall be organized as a non-profit organization under the laws of the United States and California, and shall adopt bylaws in accordance therewith and with the management goals and objectives set forth in this Environmental Management Plan. On January 1 of every year, the Bayfront Conservancy Trust shall, in addition to any other reports required by law, submit an annual report for the year preceding to the City Council of Chula Vista on the status of implementation of the Bayfront LCP, including acreage of habitat areas restored, enhanced, and protected; a count of wildlife, including endangered species, utilizing the Bayfront; a full accounting of the Bayfront Conservancy Trust's past-year and coming-year budgets; and recommendations for the improvement of the Bayfront Environmental Management Program. The State Coastal Conservancy has agreed to provide technical and organizational support to assist in the formation of the Bayfront Conservancy Trust.

D. Page 51 Section 19.88.57 - Program Definition

The implementation of the actions identified above are based on commitments or requirements contained in the Chula Vista Bayfront Redevelopment Plan, Bayfront LCP Land Use Plan, and the Corps of Engineers and CalTrans Consistency Determination CD-18-82. The annual assessment provided by Section 19.88.56(a) shall be sufficient to fully fund the annual operations and maintenance costs of the Sweetwater Marsh and Upland Habitat Program, as provided by Sections 19.88.58 and 19.88.59, without incurring costs to the California Fish and Game Preservation Fund. This funding shall be provided permanently on an annual basis.

The Bayfront Conservancy Trust, working in close cooperation with the State Coastal Conservancy, Department of Fish and Game, and other agencies that have an interest in the wetlands and other natural resource values of the Bayfront, shall prepare a detailed and implementable Bayfront Management Plan. The element of the Bayfront Management Plan for the 188 acre property in the Sweetwater Marsh complex to be transferred to and owned by the Department of Fish and Game shall be prepared by the Department as provided in Section 19.88.54. The Bayfront Management Plan initial restoration and clean-up at a minimum shall consist of the following.

E. Section 19.88.59 Pg. 52 Wildlife Habitat Restoration and Enhancement

Replace entire section with the following:

The staff of the State Coastal Conservancy has agreed to the City of Chula Vista's request that the Conservancy assume the lead role of preparing and coordinating preparation of the detailed wildlife habitat restoration and enhancement plan for the Bayfront. The plan shall, consistent with all applicable provisions of the Land Use Plan and Specific Plan, contain but not be limited to the following components and incorporate the following criteria, standards, and objectives.

1. Criteria

Restoration (i.e., reestablishment) and enhancement (i.e., increase in density or diversity) of coastal habitats associated with the Chula Vista Bayfront Specific Plan involve the intentional planting of habitat-specific native plants in their appropriate ecological settings. Passive recovery is a minor aspect of the proposed restoration.

The objective of restoration and enhancement for the several areas involved in the Bayfront Specific Plan is to replace non-native vegetation with native plants or substrate associations, which are of greater use to a wider range of native, particularly coastal dependent, animals. As a result, a reduction of erosion and increased biological productivity will be achieved. Preliminary site- and species-specific aspects of the Bayfront habitat restoration and enhancement plan are discussed below.

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2. Coastal Salt Marsh

The restoration of Coastal Salt Marsh habitats will involve (1) the restoration of tidal action to presently non-tidal areas; (2) the production of transplantable-sized plant propagules either by nursery growing or translocation; (3) planting the various plants at species-appropriate densities and elevations; (4) monitoring of the rate of success of re-seeding efforts, stolon advance or stem-rooting; and (5) replacement or investigation and remedial action to achieve recovery of problem sites.

The plants to be included in this restoration will be *Salicornia virginica*, *S. subterminalis*, *S. bigelovii*, *Spartina foliosa*, *Suaeda esteroa*, *Distichlis spicata*, *Monanthochloe littoralis*, *Triglochin maritima*, *Jaumea carnosa*, *Limonium californicum* and *Batis maritima*.

Coastal Salt Marsh restoration sites on the Bayfront are:

- a. the east side of Vener Pond (by the Corps of Engineers);
- b. the southside of the "E" Street Marsh (by the Corps of Engineers);
- c. the west and east sides of the "F-G" Street Marsh (by the Bayfront Conservancy Trust/ State Coastal Conservancy);
- d. the 9.6-acre channel east of the least tern sanctuary on the "D" Street Fill (by CalTrans); and,
- e. levee removal as part of Tidelands Avenue extension (by CalTrans and the City of Chula Vista).

The excavated channel at the least tern island sanctuary shall conform to Section H, page III-30 of the certified Bayfront Land Use Plan and shall be designed to utilize tidal flushing to maintain channel depth, to minimize maintenance requirements, and to provide an adequate barrier against access to the island by humans, dogs, and cats.

3. Freshwater Marsh Habitat

The restoration of Freshwater Marsh is to be accomplished with freshwater runoff collected sites in the vicinity of the F & G Marsh.

The plants involved with creation of this habitat include *Scirpus acutus*, *S. olneyi*, *Juncus acutus*, *J. balticus*, *Typha dominguensis*, *T. larifolia* and *Eleocharis marcostachya*.

Open water habitat is an important aspect of Freshwater Marsh development, especially if water fowl use is to be encouraged. Some excavating for open water deeper than 4 feet will be useful to avoid *Typha* inundation. Use of the siltation basin will require periodic maintenance of this habitat to remove accumulated sediments.

Freshwater Marsh restoration on the Bayfront will occur:

- a. on the north side of "F" Street, including at the siltation basin site (by the Bayfront Conservancy Trust); and,
- b. on the south side of the "F-G" Street Marsh (by the Bayfront Conservancy Trust.)

4. Upland Habitat

(a) Maritime Sage Scrub: Gunpowder Point/Vener Farms:

The upland habitat is associated with Maritime Sage Scrub, a community including *Artemisia Californica*, *Eriogonum fasciculatum*, *Isocoma veneta*, *Encelia californica*, *Mimulus puniceus*, *Dudleya edulis*, *Frankenia palmeri* and *Lycium californicum*.

Restoration of this community will require removal of upland debris at various locations on Gunpowder Point and the mainland agricultural fields. Most of this debris is agriculture-associated and some re-contouring of the land will be required. Re-seeding, using hydro-mulches, is the most effective means of establishing the basic foundation plants.

Selected planting of liner- or container-grown plants will be the chief means of creating habitat diversity within the main vegetation foundation.

Timing of the planting is important to ensure that no long season irrigation is needed and that ambient rainfall 's well utilized.

(b) Least Tern Nesting Island: "D" Street Fill:

On the proposed California least tern nesting island, the development of a vegetative cover is incompatible with the goal of tern nesting. Rather than covering by shrubs, the site will be contoured to assure a gentle runoff slope, with covering of the standard light colored sand and crushed shell mixture associated with tern nesting sites. No fences shall be constructed on the least tern island sanctuary, to minimize predation and all restoration or enhancement work shall be performed during months when the least terns are absent from the site.

5. Tidal Flow Augmentation

The natural flow of tidal waters into the F & G Marsh and Vener Pond has been retarded by the placement of road crossings.

(a) F & G Marsh-Tidelands Avenue crossing:

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The realignment of Tidelands Avenue in this area would allow excavation and replacement with a larger culvert that would permit greater flow of tidal water into and out of the marsh. Utilization of a 3-foot diameter pipe is expected to retard flows by only one-half hour. Carefully placed protection of the pipe ends may be necessary to prevent erosion.

(b) Tidelands Avenue northerly extension over the (former) Sweetwater River channel:

The partial removal of existing railroad levees at this site, and their replacement as roadway foundation by pilings, may increase tidal flows. The Corps of Engineers has agreed to provide facilities to transfer adequate amounts of freshwater from the Sweetwater Flood Control Channel to the Sweetwater Marsh down the former Sweetwater River Channel.

(c) Gunpowder Point - South Causeway:

The small corrugated pipe culvert through the south dike that connects Vener Pond with Vener ("E" Street) Marsh shall be removed and replaced with a water control structure that will facilitate the management of water in Vener Pond.

Detailed engineering is being completed by the City of Chula Vista for this principal access to Gunpowder Point on the existing levee road. Less than one acre of fill is permitted for the roadway, but excavation below lower tidal limits may be required for placement of a property-sized water control structure to provide tidal flow into Vener Pond and assure salinity levels comparable to San Diego Bay waters provided such restoration is determined in consultation with the Department of Fish and Game to be the preferred alternative. All construction of the roadway and excavation for the water control structure should be performed from the existing causeway with construction materials to be stored in the Midbayfront. Detailed engineering studies should be performed to determine the required diameter and exact depth of location of the new water control structure. Both sides of the levee should be screened with landscaping to reduce disturbance to marsh and water birds.

(d) Gunpowder Point - North Emergency Access Causeway:

Detailed engineering studies by the Corps of Engineers shall be performed to determine the appropriate size and elevation of the existing levee and new culvert. All construction of this emergency roadway should be performed from the existing causeway and construction materials should be stored in the Midbayfront.

6. Fencing and Berming

To maintain the existing and restored integrity of natural areas in the Bayfront, fences and berms are required by the Bayfront Specific Plan and certified Land Use Plan, as follows:

a. the 188-acre Sweetwater Marsh mitigation site for the Sweetwater Channel/Route 54 project shall be fenced and bermed as provided by Section "I" of the LUP (at III-32, "Hidden fence at Gunpowder Point");

b. the "F-G" Street Marsh shall be fenced and bermed as provided by Section "O" ("Typical Soft Edge Detail at Detention Pond", LUP at IV-8); and,

c. the 100-footwide wetland/habitat area buffers shall be fenced and bermed by the City of Chula Vista and Corps of Engineers as provided by Section "I" ("Hidden Fence at Gunpowder Point", LUP at III-32) so as to limit all human and domestic pet access to Sweetwater Marsh, Vener Pond, and "E" Street Marsh.

7. Trails and Interpretive Features

a. Pedestrian and bicycle trails shall be placed at the upland edge of buffer zones away from the marsh and shall be designed and constructed by the City of Chula Vista and the Corps of Engineers as provided in LUP Sections F (III-16), H (at III-30), I (at III-32), J (at III-34), K (at III-35), L (at III-35), and M (at III-36).

b. The Interpretive Center at Gunpowder Point shall be designed, located, and constructed by the City of Chula Vista and the State Coastal Conservancy consistent with Figure 5, (Building Heights, 2 story maximum), LUP Figure 11 (following III-28), and Figure 15 (at IV-4 and IV-5). The Interpretive Center shall be located away from the northeast and northwest corners of Gunpowder Point with a minimum setback of 100 feet from Sweetwater Marsh or Vener Pond. The Center shall be available for public use and shall include adequate space for exhibits and other wetlands interpretative materials, a meeting room that accommodates at least 75, office space for Bayfront Conservancy Trust staff, and appurtenant facilities such as restrooms, telephones, showers, etc.

c. This subsection provides wildlife habitat restoration and enhancement standards and objectives for the 188-acre Sweetwater Marsh mitigation property (that is required to be dedicated to the Department of Fish and Game) in addition to the requirements of the Bayfront Land Use Plan and other applicable sections of the Bayfront Specific Plan.

The principal restoration and enhancement goals for the 188-acre Department of Fish and Game property shall be the maintenance and enhancement of wetland habitat. The Sweetwater Marsh complex shall be maintained, restored, and enhanced as a complex of marsh habitats that include freshwater, brackish, and saltwater marshes. Water control facilities necessary to achieve habitat protection, restoration, or enhancement and/or wetland maintenance and monitoring activities may be permitted consistent with the applicable sections of the Bayfront LCP.

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F. Pg. 53 Section 19.88.60 (e) and (g) shall be revised as follows:

e. Emergency Storm Damage Repair

(i) San Diego Bay shoreline; no permanent placement of rock revetments shall occur in areas where such placement would result in impacts to existing habitat values.

(ii) Trail erosion; no impacts to existing habitat values will occur.

(iii) Sweetwater Marsh complex tidal circulation.

g. Offshore

(i) Removal of Derelict ships (by Port of San Diego)

(ii) Removal of rubble exposed on tidal flats and replacement of beach materials in a manner which assures that the total amount of tidal mud flat habitat shall not be reduced.

E. Pg. 53 New subsection 19.88.63.

The wildlife habitat restoration and enhancement plan to be developed pursuant to subsection 19.88.59 shall be developed prior to issuance of any permit for development within the 100-foot-wide protected habitat buffer areas required by the LCP.

2. Use Classifications and Permitted Uses. Pgs., 9, 19, 11, 12

Use classification provide generic groupings for ease of consideration and communication. They are supplemented by the Administrative guidelines (Appendix B), which lists uses by common name within each grouping to facilitate understanding of the classifications. Any use not included in the generic grouping or corresponding administrative guideline appendix or under Section 19.84 can be allowed only after amendment of the LCP to include the use.

Sections 19.82.36, 19.82.37, 19.82.50, 19.82.53, and 19.82.55 shall have the following phrase deleted:

"They also include accessory uses thereto."

Pg. 17 19.84.03 Landscaped Parking

Add: Utility Transmission Systems.

3. Pg. 21 Permitted Land Uses and Interim Uses. Section 19.84.50 (Interim Uses) shall be deleted from the ordinance.

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4. Pg. 24 Development. Section 19.85.01 (Building Height) shall be revised as follows and Map 2 shall be revised consistent with the revised language:

The maximum heights of buildings shall be controlled by Map 2, Building Height Controls, and shall be measured in stories or feet, whichever is less:

Two-story maximum - 22 feet.

Four-story maximum - 44 feet.

Five-story maximum - 55 feet.

Eight-story maximum - 88 feet.

Twelve-story conditional - a maximum of 132 feet, provided that the increase in height above 88 feet can be shown to produce a visually and environmentally superior solution for a visually prominent and resource-sensitive location, and which adheres to the following standards:

- a. Linear slab or cruciform design shall be avoided in favor of a stepped building form.
- b. The building shall enclose a south facing public outdoor space.

Pg. 37 Grading & Drainage Section 19.87.07

Delete October, replace with November.

5. Pg. 38 Planned Land Form. Map 5 shall be revised to indicate the "Original Upland Areas" referenced in the text.
6. Pg. 60 Site Specific Development and Design Provisions.

(a) Section 19.90.02 - Subarea 2 - Gunpowder Point. The following individual subsections shall be revised to reflect the suggested revised language provided below:

(3) Parking. The parking provided for the hotel conference complex shall be 440 spaces. A reduction in this requirement may be granted if vanpool or limousine service is provided by the hotel operator. A maximum of 220 surface parking spaces may be provided on Gunpowder Point with the remaining balance located in structures over the surface parking, beneath the tennis court or located remotely in the Midbayfront.

In addition, the captions to Map 10 shall be revised to reflect the following specifications:

Total parking	440 spaces
Surface Parking	220 spaces
Upland Reserve	16.8 acres revegetated habitat
Community Park	6 acres

(b) Pg. 66 Section 19.90.03 - Subarea 4 - Midbayfront. Map 11 shall be revised to reflect the same building envelope/open space relationships exhibited in Figure 16 of the certified LUP.

7. Coastal Development Permit Procedures.

Section 19.92 shall be revised as follows:

(a) Pg. 76 Section 19.92.02 - Definitions. The following definition shall be added:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and help harvesting.

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

(b) Pg. 76 New Sections. The following new sections shall be added to the Coastal Development Permit Procedures:

Development Permit Procedures:

Access, open space, and conservation requirements.

Wherever reservation of an interest in land for public access, open space, or conservation is required by the LCP, it shall be a condition of the coastal development permit.

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Legal Instruments Required. Prior to issuance of a coastal development permit where a public accessway, or open space or conservation restriction on land is required by this Local Coastal Program, each applicant shall record one of the following legal documents as specified in the conditions of approval:

(i) Irrevocable Offer of Dedication.

The applicant shall submit a preliminary title report and record an irrevocable offer to dedicate the access, open space, or conservation easement or to convey such interest in property in fee the accessway, as described in the permit conditions, free of prior liens or encumbrances, except for tax liens. This offer can be accepted within 21 years by a non-profit organization or governmental agency subject to approval by the executive director of the Coastal Commission. Until this offer is accepted or until the landowner allows, the public has no right to use the accessway, provided that the landowner shall not interfere with established existing public use.

(ii) Outright Grant of Fee Interest or Easement.

If the project is important in and of itself for public access, open space, or conservation needs, and the size and scope the proposed development is such that an out-right conveyance interest is appropriate, or there is an accepting agency approved by the Executive Director of the Coastal Commission available to accept the easement or fee interest, it can be required prior to issuance of the permit. Until such a grant is accepted or until the land-owner allows, the public has no right to use the accessway, provided that the landowner shall not interfere with established existing public use.

Required Information. As a condition of the of a permit, title information and all necessary subordination agreements shall be required. Title insurance may also be required when extensive interests inland are being granted.

(c) Pg. 82 New section: Variance.

In addition to the variance provision contained at subsection 19.14.190, add the following new section:

The Planning Director or Planning Commission may grant a variance to a regulation prescribed by this chapter only with respect to fences, walls, hedges, screening, or landscaping; site area, width, frontage or depth; front, rear, or side yards; basic floor area; height of structures; or distances between structures, courts or usable open space as the variance was applied for, or in modified form, if, on the basis of the application

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and the evidence submitted, the Director of Planning makes findings of fact that establish that the circumstances prescribed in subsections (a) through (c) of this subsection apply:

- (a) Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the ordinance deprives such property of privileges enjoyed by other property owners in the same land use classification in the coastal zone.
- (b) That the strict application of the specified provision would deprive the applicant of privileges enjoyed by the owners of other property classified in the same use classification in the coastal zone; and
- (c) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same use classification in the coastal zone.

8. Subdivision Ordinance. Sections of the Subdivision Ordinance shall be revised as follows:

- (a) Section 18.04.010 - Statutory authority.

This chapter is enacted pursuant to the authority granted by Section 66421 of the Government Code of the State of California and in accordance with the limitations of Section II of Article XI of the Constitution of the state, the general laws of the state, and Section 66410 et seq. of the Government Code of the State, known as the Subdivision Map Act. The provisions of this chapter are in addition to the regulations of said Subdivision Map Act and are supplemental thereto consistent with and not in conflict with the provisions of said act. In the event of any conflict arising between the provisions of the certified LCP and the Subdivision Ordinance or other legal authorities applying to the Subdivision Ordinance, the LCP shall control.

- (b) Section 18.32.090 - Curbs, sidewalks, and pedestrian ways. (The following sentence shall be added to subsection "A":)

In the coastal zone, gutter elevations shall be established at sufficient height above mean sea level to allow for anticipated head losses throughout the drainage system.

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