

Coastal View Corridor Ad Hoc Committee Status Report July 1, 2021

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Background

The La Jolla Community Planning Association created an Ad Hoc Committee on Coastal View Corridors in 2020 to address the increasing blockage of public access to views along the First Public Roadway in La Jolla. Through public records, visual observation and interaction with City staff and community leaders, the Committee has identified the following as significant barriers to the preservation of coastal views along our shoreline:

1. Lack of a well-defined process and accountability for establishing, monitoring and enforcing coastal view corridor easements;
2. Lack of clarity regarding the enforceability of the La Jolla Community Plan and its requirements for coastal view corridors;
3. An egregious pattern of view corridor obstructions, even where view corridor easements are in place;
4. No clear process for community reporting of infractions.

Summary Findings

The Ad Hoc Committee completed a thorough inventory of homes in Bird Rock and La Jolla Hermosa along the First Public Roadway. Sample properties in La Jolla Shores and La Jolla Farms were also reviewed.

The survey of 133 properties included visual observation from the First Public Roadway, examination of permitting history on OpenDSD, and review of public property records at the County Recorder's Office for each property. The findings for these 133 properties include the following:

- Only 19 view corridor easements are in place
- For 80% of the properties with view corridor easements, the protected view corridors were obstructed
- 1 property is required to have an easement, but the easement has not been recorded
- 22 properties (20% of those without easements) probably should have been required to have view corridor easements (These properties all had new construction or significant remodels/additions since 2006.)

Conclusions

Although coastal view corridor easements are required in the Land Development Code, procedures for defining, establishing and enforcing them vary due to differences in staff experience, property irregularities and owner cooperation. Written guidance and periodic training for DSD permitting and code enforcement staff would clarify and standardize the currently ad hoc process that is delivering unsatisfactory results.

While the City requires the recording of coastal view corridor easements, apparently there is no readily searchable database of these easements. This makes enforcement of these easements difficult for City staff, and suggests a lack of interest by the City in monitoring and enforcing them.

As a result, there is poor implementation of view corridor policies and recommendations included in the La Jolla 2004 Community and Coastal Plan. This includes view corridors identified within the La Jolla Community Plan that have not been dedicated through a view easement.

Most view corridor easements referenced in OpenDSD were found at the County Recorder's Office.

Examples of the Problems

--A newly constructed residence, completed in 2020, at 6436 Camino de la Costa is required by easement to have a 5' view corridor on the north side of the residence, 8.5' on the south. While the building was completed less than a year ago, and landscaped after construction, the south view corridor is already fully obstructed by two rows of hedges between the street and the ocean.

--A Coastal Development Permit for 1834 Spindrift required the homeowner to record a view corridor easement before building permits could be issued. However, no view corridor easements were recorded and building permits were issued anyway.

This property is particularly problematic because existing view obstructions (tree, old exterior fireplace) were "grandfathered" as part of the permit. Given the expressed intention to open view corridors along the coast, why an exterior fireplace would be allowed to remain in place when the remainder of the existing residence was demolished is puzzling. This anomaly could be resolved with clear written staff guidance on establishing view corridors.

--New construction of a home in 2008 at 5672 Dolphin Place does not appear to have required a view corridor easement, despite its location on the First Public Roadway.

--There does not appear to be an efficient way for the community to report or address known view easement infractions. A small sample of view corridor obstructions have been submitted to the City through various mechanisms (Get It Done app, email directly to City Code Enforcement and Development Services staff and email to CD 1 office). Only CD 1 Office undertook review of the reported issue, but was not successful in locating the underlying policy or addressing the compliance problem. Code Enforcement staff doesn't recognize this issue as their responsibility.

A complete spreadsheet detailing the Ad Hoc Committee's inventory and findings by property is attached.

A list of draft recommendations is provided for LJ CPA Trustee review, comment and approval.