

DRAFT RECOMMENDATIONS TO IMPROVE COASTAL VIEW CORRIDOR EASEMENTS PROGRAM IN LA JOLLA

WHEREAS The California Coastal Act recognizes La Jolla as a “special community” of regional and statewide significance (p. 19);

- *The entire coastline of La Jolla stretching from La Jolla Farms to Tourmaline Surfing Park provides dramatic scenic beauty to the City of San Diego is considered an important sensitive coastal resource and should be protected. (p. 31)*

WHEREAS The Open Space Preservation and Natural Resource Protection Element of the La Jolla Community and Coastal Plan (2014) identifies on p. 36 the following Visual Access Resources:

- *MAJOR VIEWSHED: Unobstructed panoramic view from a public vantage point;*
- *VIEW CORRIDOR: Unobstructed framed view down a public R.O.W.;*
- *SCENIC OVERLOOK: View over private property from a public R.O.W.;*
- *SCENIC ROADWAY: Partially obstructed views over private property and down public R.O.W.'s.*

WHEREAS The Open Space Preservation and Natural Resource Protection Element of the La Jolla Community and Coastal Plan (2014) specifies goals, objectives, policies and recommendations to protect, preserve and enhance both physical and visual access to La Jolla’s beaches and coastline;

WHEREAS Visual Resource Policy (a) states:

- *Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons shall be retained and enhanced for public use (see Figure 9 and Appendix G). (p. 39)*

WHEREAS one hundred public vantage points were identified in the LJ Community & Coastal Plan and mapped in FIGURE 9 (pp. 35-36) and APPENDIX G;

WHEREAS Visual Resources Recommendation (c) states:

- *Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G (Coastal Access Subarea maps). Public views to the ocean along public streets are identified in Appendix G.*
- *Design and site proposed development that may affect an existing or potential public view to be protected, as identified in Figure 9 or in Appendix G, in such a manner as to preserve, enhance or restore the designated public view. (p. 45)*

WHEREAS Visual Resource Recommendation (h) states:

- *Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance or restore existing or potential view corridors within the yards and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent an appearance of the public right-of-way being walled off from the ocean. (p. 46)*

WHEREAS Residential Land Use Policies: Visual Resources and Public Access states:

- *All development and redevelopment projects should be subject to the policies and recommendations outlined under the Visual Resources, Coastal Bluffs, and Public and Shoreline Access Sections of the Natural Resources and Open Space System Element.*
- *b) All unauthorized encroachments into the public right-of-way should be removed or an Encroachment Removal Agreement (ERA) should be obtained (p. 72)*

WHEREAS LDC Sec. 132.0403 Supplemental Regulations of the Coastal Overlay Zone states:

(a) If there is an existing or potential public view and the site is designated in the applicable land use plan as a public view to be protected,

(1) The applicant shall design and site the coastal development in such a manner as to preserve, enhance or restore the designated public view, and

(2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.

(b) A visual corridor of not less than the side yard setbacks or more than 10 feet in width, and running the full depth of the premises, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:

(1) The proposed development is located on premise that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and

(2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable land use plan.

(c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a land use plan as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

(d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of

any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.

NOW THEREFORE, the La Jolla Community Planning Association recommends that The City of San Diego adopt the following measures to ensure a process that preserves, enhances or restores visual corridors and is effective, efficient, transparent, equitable, and clear.

1. An Informational Bulletin that explains La Jolla Community Plan and San Diego Land Development Code requirements for coastal view corridor easements, mapping and recording their locations, and maintaining them in perpetuity;
2. A DSD staff permit approval checklist for properties where visual corridors are to be preserved, enhanced or restored; checklist requirements include verifying that appropriate easements are recorded on the property's title at the County Recorder's Office before construction permits are issued;
3. A property owner checklist that clearly explains their responsibilities to record the easements and to maintain, in perpetuity, the visual corridors identified in the easements.
4. Annual property owner documentation, with verification by city staff, that the view corridors are being maintained;
5. A central repository for coastal view corridor easements, which is easily accessible on the Development Services Webpage and routinely updated by city staff;
6. Identification of parcels subject to dedicated view corridor easements required by the California Coastal Act in the city's GIS mapping system;
7. A simple online process for reporting suspected code violations of recorded view corridor easements;
8. Sufficient code enforcement staff who are trained to address the reported code violations;
9. Sufficient City Attorney Office Staff to prosecute code violations where property owner response is inadequate;
10. Sufficiently stiff penalties for code violations to encourage compliance and to fund code enforcement.