

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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(619) 521-8036

RECORD PACKET COPY

October 16, 1997

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHUCK DAMM, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
LAURINDA R. OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 2-97/LA JOLLA REZONES TO THE CITY OF SAN DIEGO'S LOCAL COASTAL PROGRAM (For Public Hearing and Possible Final Action at the Coastal Commission Hearing of November 4-7, 1997)

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The City of San Diego is requesting an amendment to the La Jolla Planned District Ordinance (PDO), which is part of the Implementation Plan for the community of La Jolla, to rezone portions of two properties thereby eliminating the occurrence of multiple zoning on the properties. The two properties to be partially rezoned are abutting parcels each containing a single family residence. One property consists of a 7,523 sq.ft. parcel which fronts on Coast Boulevard South; and the other property consists of an 11,256 sq.ft. parcel which fronts on Prospect Street. A portion of the parcel located on Coast Boulevard South will be rezoned from 6A (Cultural Zone, Public View overlay) to Zone 5 (Multi-family zone) such that all of the site is Zone 5 and portions of the parcel on Prospect Street will be rezoned from Zone 5 to Zone 5A (Multi-family, Public View overlay) and from Zone 6A to Zone 5A such that all of the site is 5A. The rezones are proposed to correct a mapping error that occurred in 1984; so that the parcels, each of which contains an existing single-family residence, will no longer be non-conforming uses. In so doing, the property owners of the subject sites can expand the residences without having to apply for a variance or rezone.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed revisions to the City of San Diego's Implementation Plan, as submitted. The appropriate resolutions and motions begin on page 4. The findings for approval of the Implementation Plan Amendment as submitted also begin on page 4.

BACKGROUND

The City of San Diego Local Coastal Program (LCP) was segmented into twelve geographic areas, corresponding to community plan boundaries, with separate land use plans submitted and certified (or certified with suggested modifications) for each segment except Mission Bay. The Implementing Ordinances were submitted and certified with suggested modifications, first in March of 1984, and again in January of 1988.

Subsequent to the 1988 action on the implementation plan, the City of San Diego incorporated the suggested modifications and assumed permit authority for the majority of its coastal zone on October 17, 1988. Isolated areas of deferred certification remain, and will be submitted for Commission certification once local planning is complete. Several amendments to the certified LCP have been processed.

The La Jolla Planned District Ordinance (PDO) is the implementing ordinance for the downtown-village/commercial core area and the commercial area in the Bird Rock area in the community of La Jolla. The PDO was certified by the Commission in October of 1989. The ordinance regulates development of retail, residential and commercial uses while limiting additional office uses, and protects and enhances scenic vistas to the ocean, shoreline and hillside areas, which represent significant resources within the community.

ADDITIONAL INFORMATION

Further information on the City of San Diego's LCP Implementation amendment (La Jolla Rezones) may be obtained from Laurinda R. Owens, Coastal Planner, at (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve (12) parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments; all of the segments are presently certified, in whole or in part, with the exception of Mission Bay. The earliest land use plan (LUP) approval occurred in May, 1979, with others only occurring in 1988, in concert with the implementation plan.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January, 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remain; these are completing planning at a local level and will be acted upon by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been 18 major amendments and seven minor amendments processed for it. These have included everything from land use revisions in several segments, the rezoning of a single properties to modifications of city-wide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed, at least, 37 land use plan revisions and 90 ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on those amendment requests.

B. STANDARD OF REVIEW

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

C. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- A. **RESOLUTION I** (Resolution to approve certification of the City of San Diego LCP Implementation Plan Amendment (La Jolla Rezones), as submitted)

MOTION I

I move that the Commission reject the City of San Diego Implementation Plan Amendment #2-97, as submitted.

Staff Recommendation

Staff recommends a **NO** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution I

The Commission hereby approves certification of the amendment request to the City of San Diego's Local Coastal Program on the grounds that the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO'S IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed amendment request will amend the City's Implementation Plan for the community of La Jolla by rezoning portions of two properties to eliminate the occurrence of multiple zonings on the properties. Each of the properties are currently split-zoned. According to the City's environmental impact review of the proposed rezones, the subject site contains the original zones that were applied to them when the La Jolla Planned District ordinance was applied to the area in 1984. Zone boundaries were apparently established along street rights-of-way based upon City engineering maps which included unimproved rights-of-way ("paper streets"). The right-of-ways within the subject

properties have not been improved and have been vacated by the City since there are no plans to improve or develop them.

The sites are currently designated for "Cultural Complex" in the certified La Jolla Land Use Plan (LUP). Since both properties contain an existing single-family residence, they are considered non-conforming uses under Zones 6 (Cultural Zone) and 6A (Cultural Zone, Public View overlay) of the La Jolla PDO. As such, any proposal to expand the existing residential uses would require a variance or rezone. The 7,523 sq.ft. site along Coast Boulevard is presently zoned Zone 6A (Cultural Zone, Public View overlay)/Zone 5 (Multi-family Zone). Through the proposed implementation plan amendment, portions of the property will be rezoned such that the entire parcel will be Zone 5. The 11,256 sq.ft. site along Prospect Street is currently zoned Zone 6A/Zone 5A (Multi-family Zone, Public View overlay)/Zone 5. Through the proposed LCP amendment, portions of this property will be rezoned such that the entire parcel will be Zone 5A.

B. FINDINGS FOR APPROVAL

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

1. La Jolla PDO/Zone 5 (Multi-family Residential)

a) **Purpose and Intent of the Ordinance.** Zone 5 of the La Jolla Planned District Ordinance is intended to allow multi-family residential development at a density of up to 29 dwelling units per acre.

b) **Major Provisions of the Ordinance.** This zone includes the multi-family area to the west and north of the commercial core area and extends to the north, northwest and west to the shoreline. This area is of major importance due to its location adjacent to the shoreline, its relatively higher density and its location as the connecting link between the commercial core and the scenic shoreline and bluffs areas. Standards for new residential development and for redevelopment are intended to maintain the scale and character traditionally associated with these older residential portions of the village. This zone includes development standards establishing minimum lot sizes, yard setbacks, lot coverage requirements, etc.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.** The proposed LCP amendment will simply result in rezoning portions of a property to one zone to eliminate multiple zones on the site. The property is designated Cultural Complex in the certified LUP which encourages cultural uses in this area. Such uses are defined as possessing the unique or distinctive architectural, cultural, educational and historical heritage of La Jolla. However, the certified LUP also provides for underlying residential uses at a density of 14-43 dwelling units per acre. The subject property currently contains an existing single family residence. The residence is not identified as either a cultural resource or a historical structure pursuant to the certified LUP. In addition, the proposed amendment will not affect the other LUP policy provisions for any future redevelopment

of the site. The required standards for parking and protection of visual resources, etc. will still be applicable to the site. Therefore, inasmuch as the proposed rezone will result in the property being zoned consistent with the LUP, it can be found consistent with and adequate to carry out the certified LUP.

2. La Jolla PDO/Zone 5A (Multi-family residential/Public View overlay)

a) **Purpose and Intent of the Ordinance.** Zone 5A of the La Jolla Planned District Ordinance is part of Zone 5 and is intended to be applied to the seaward side of Prospect Street between Eads Avenue to La Jolla Boulevard due to its proximity to the scenic shoreline and coastal bluff areas.

b) **Major Provisions of the Ordinance.** This subarea has been identified due to its unique orientation to the ocean. The standards for development are intended to include additional provisions in order to protect and enhance public ocean views.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.** As noted earlier, the proposed LCP amendment will simply result in rezoning portions of this property such that the entire parcel will contain one zone only. The subject property is designated Cultural Complex in the certified LUP. However, the certified LUP also provides for underlying residential uses at a density of 14-43 dwelling units per acre. The subject property currently contains an existing single family residence which is not identified as either a cultural resource or a historical structure pursuant to the certified LUP. In addition, the proposed amendment will not affect the other LUP policy provisions for any future redevelopment of the site. During the review process at the City level for the proposed rezones, one letter of opposition was received from the La Jolla Town Council due to concerns that the proposed rezones would eliminate the public view protection requirements of the PDO. However, it was clarified at the hearing that the proposed rezoning would not result in any modification of the view protection standards. The required standards for parking, landscaping and particularly, protection of visual resources, etc., for this subarea will remain applicable to the site. This zone/subarea was specifically created to assure that new development and redevelopment proposals would incorporate design features and meet development standards set forth in the PDO in order to preserve the significant ocean views of the nearby scenic shoreline. Therefore, inasmuch as the proposed rezone will result in the property being zoned consistent with the certified LUP, it can be found consistent with and adequate to carry out the certified LUP.

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

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process.

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

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the subject LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

The proposed amendment to the City of San Diego's implementing ordinance, has been found consistent with and adequate to carry out the policies of the certified La Jolla Land use Plan. Individual projects resulting from the proposed changes would require review by the City for compliance with development standards which address, in part, application of development standards that address multi-family residential development for that portion of the parcel proposed to be rezoned to Zone 5 and application of development standards to address the preservation of public views to the ocean for those portions of the parcel proposed to be rezoned to Zone 5A.

Any specific impacts associated with individual development projects would be assessed through the environmental review process; and, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant, unmitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment.

ORDINANCE NUMBER O- 18430 (NEW SERIES)ADOPTED ON SEP 08 1997

RECEIVED

OCT 01 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3,
DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 103.1202 RELATING TO THE
LA JOLLA PLANNED DISTRICT, BOUNDARIES AND
PLANNED DISTRICT ZONES.

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

Section 1. That Chapter X, Article 3, Division 12, of the San Diego Municipal Code be
and the same is hereby amended by amending Section 103.1202, to read as follows:

SEC. 103.1202 Boundaries and Planned District Zones

A. BOUNDARIES OF THE PLANNED DISTRICT

The regulations which follow shall apply in the La Jolla Planned District
which is within the boundaries of the La Jolla community planning area in The City
of San Diego, California, designated on that certain Map Drawing Nos. C-690.2
and B-3934, and described in the appended boundary description filed in the
office of the City Clerk under Document Nos. OO- 18430 and OO-17613.

B. PLANNED DISTRICT ZONES

The following six zones are created along the designated street corridors in
order to maintain and encourage development of a land use mix consistent with
each zone's use and function.

The division into zones will set forth permitted uses, land use densities and
allocations for ground floor uses consistent with the Local Coastal Program and

EXHIBIT NO. 1
APPLICATION NO.
City of San Diego
LCPA 2-97
Adopted Ordinance
California Coastal Commission

Community Plan Guidelines, as well as special restrictions for the development of the cultural and multi-family zones, above ground parking facilities, drive through establishments, hotel/motel development, setbacks and access requirements.

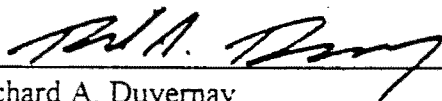
The boundaries of the six zones are designated on Drawing Nos. C-690.2 and B-3934.

ZONE 1 through ZONE 6 - [No changes in text.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permit for development inconsistent with the provision of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Section 3. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this ordinance as a Local Coastal Program amendment. If this ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void for the area within the coastal zone.

APPROVED: CASEY GWINN, City Attorney

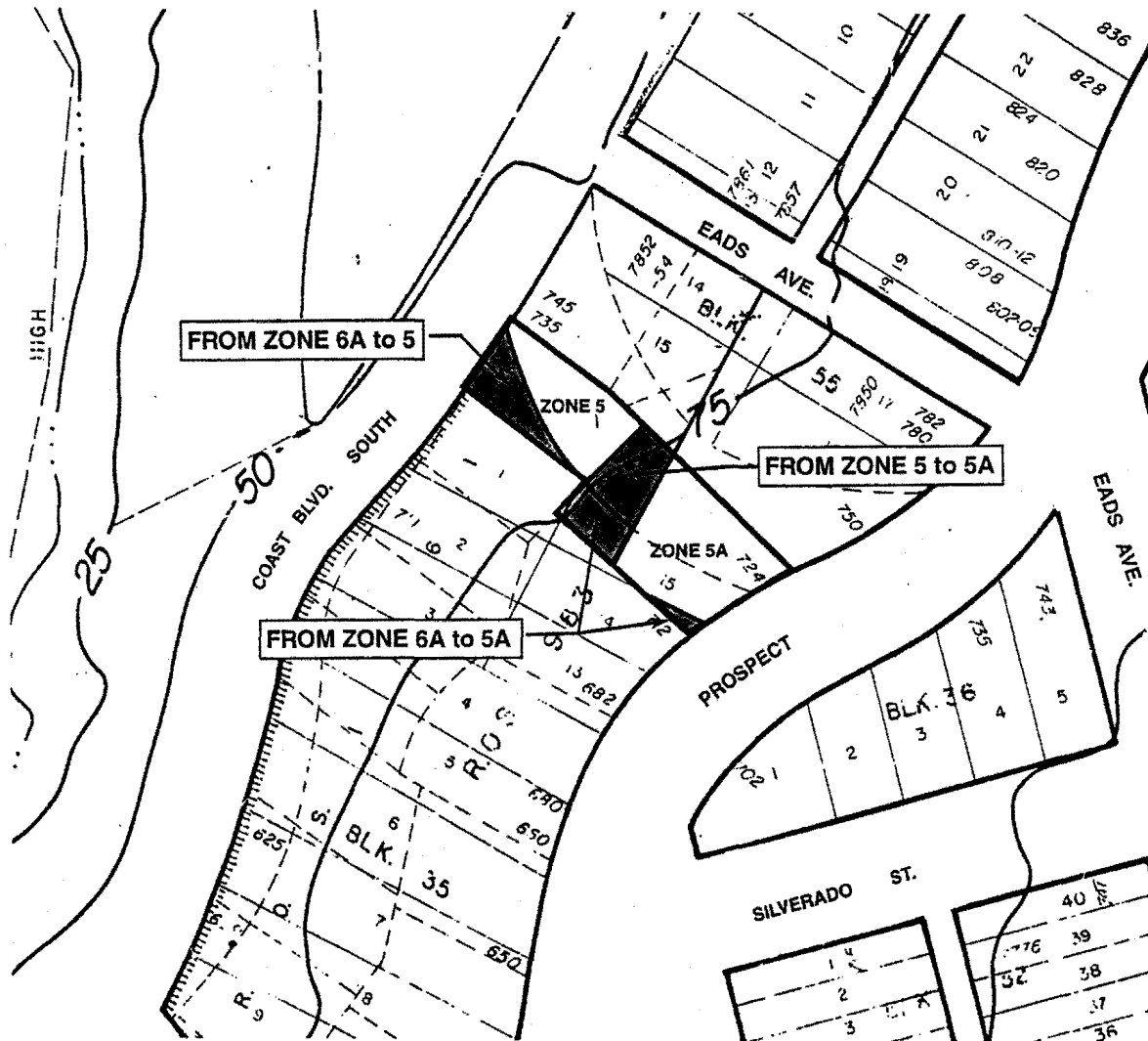
By 
Richard A. Duvernay
Deputy City Attorney

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CITY OF SAN DIEGO · PLANNING DEPARTMENT

PROPOSED REZONING



VICINITY MAP
EXISTING ZONING

FEET
0 100

Por. Lots 1, 14 & 15, Blk 35 and Vacated Street, La Jolla Park Map 352

ORDINANCE NO. _____
EFF. DATE ORD. _____
ZONING SUBJ. TO _____
BEFORE DATE _____
EFF. DATE ZONING _____
MAP NAME & NO. _____

REQUEST 5 & 5A
PLAN. COMM.
RECOMMENDATION
CITY COUNCIL
ACTION

CASE NO. 4205

COMMUNITY I

PER C

Parcels: 350-171

(248-1685) 7-8-97 L

EXHIBIT NO. 2
APPLICATION NO.
City of San Diego
LCPA 2-97
Map of Proposed
Rezoning

California Coastal Commission



MATCH LINE



LA JOLLA PLANNED DISTRICT

CITY OF SAN DIEGO · PLANNING DEPARTMENT

EXHIBIT NO. 3

APPLICATION NO.

City of San Diego

LCPA 2-97

Location of La Jolla

PDO Subareas

SEC. 103.1202 BOUNDARIES AND PLANNED DISTRICT ZONES

A. BOUNDARIES OF THE PLANNED DISTRICT

The regulations which follow shall apply in the La Jolla Planned District which is within the boundaries of the La Jolla community planning area in The City of San Diego, California, designated on that certain Map Drawing No. C-690.1, and described in the appended boundary description filed in the office of the City Clerk under Document No. 00-16312.

B. PLANNED DISTRICT ZONES

The following six zones are created along the designated street corridors in order to maintain and encourage development of a land use mix consistent with each zone's use and function.

The division into zones will set forth permitted uses, land use densities and allocations for ground floor uses consistent with the Local Coastal Program and Community Plan guidelines, as well as special restrictions for the development of the cultural and multi-family zones, above ground parking facilities, drive through establishments, hotel/motel development, setbacks and access requirements.

The boundaries of the six zones are designated on Drawing No. C-690.1.

ZONE 1: Girard Avenue and Prospect Street.

This zone includes the primary retail and visitor oriented commercial area in the core of La Jolla. This area is characterized by high levels of pedestrian activity. Standards for this zone are designed to maintain that pedestrian scale and continuity, and preserve and enhance the retail development pattern of department stores, small retail shops and restaurants.

Subarea 1A, included in this zone, is comprised of the area on the seaward or north side of Prospect Street from Cave Street to Eads Street. This subarea has been identified because of its unique orientation to the ocean. This Ordinance addresses development standards for the protection and enhancement of public ocean views.

ZONE 2: Herschel Avenue.

This zone includes an area characterized by community serving office development intermixed with retail establishments. Development standards for this zone are designed to permit the limited grouping of community serving professional offices, and to encourage residential uses to provide a transition zone to the single-family residential areas to the east.

ZONE 3: Fay Avenue.

This zone includes an area characterized by a mixture of community serving offices and retail establishments. Development standards for this zone are intended to maintain that community serving retail/office balance and encourage residential uses to provide a transition zone to the multi-family residential areas to the west.

ZONE 4: Pearl Street and La Jolla Boulevard.

This zone includes neighborhood commercial areas characterized by small retail shops. Development in this zone is dominated by community serving and visitor service retail uses. This area, unlike the other zones, is automobile oriented because of its location along major streets. Development standards for this zone are intended to maintain the retail community serving and visitor serving uses, and encourage the development of some community serving offices, and residences.

ZONE 5: Multi-Family Zone.

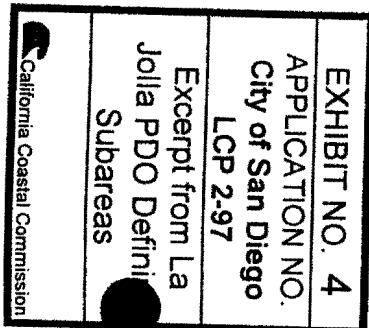
This zone includes the multi-family area to the west and north of the commercial core area and extends northward, northwestward and westward to the shoreline. This area is of major importance due to its location adjacent to the shoreline, its relatively higher density and its location as the connecting link between the commercial core and the scenic shoreline and bluffs areas. Standards for new residential development and for redevelopment are intended to maintain the scale and character traditionally associated with these older residential portions of the village.

Subarea 5A, included in this zone, comprises the area on the seaward, or northwesterly, side of Prospect Street from Eads Avenue to La Jolla Boulevard. This subarea has been identified because of its unique orientation to the ocean. The standards are intended to protect and enhance public ocean views.

ZONE 6: Cultural Zone.

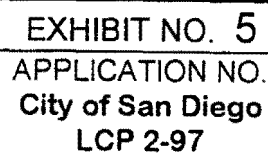
This zone includes a unique assemblage of cultural uses representing the distinctive architectural, cultural, educational, and historical heritage of La Jolla. A large portion of the properties in the zone were donated to the institutional cultural users who have enjoyed the privilege of a tax-free status for their entire existence. The regulations are intended to provide that the highest land use priority shall be reserved for these existing cultural uses. The design standards are intended to maintain the area's unique architectural appearance and scale.

Subarea 6A, included in this zone, comprises the area on the seaward, or northwesterly, side of Prospect Street from approximately Eads Avenue to approximately Cuvier Street. This subarea has been identified because of its unique orientation to the ocean. The standards are intended to protect and enhance public ocean views.



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SITES



Location Map of La Jolla & Project Sites