

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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RECORD PACKET COPY**TH 14A**

January 26, 2004

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
LAURINDA OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE**

SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP AMENDMENT No. 1-02C (La Jolla Rezones)

SYNOPSIS

The proposed LCP amendment (component C) was submitted on July 25, 2002. It was part of the submittal that included an update to the La Jolla Community Plan (Component A), which was approved by the Commission on February 5, 2003. The submittal includes one other component (SD LCPA #1-02B/Estates at Costa Del Mar), which was also approved by the Commission at its February 5, 2003 meeting. The amendment package was deemed complete and filed on September 23, 2002. On December 11, 2002, the Commission granted an extension of up to one year. The final date for Commission action was December 23, 2003; however, by Court Order, the deadline for action was extended to the Commission's February 18-20, 2004 meeting.

SUMMARY OF AMENDMENT REQUEST

The proposed LCP amendment includes rezoning of approximately 21 properties currently zoned residential (RS-1-5, RS-1-7, RM-1-1 and La Jolla Shores Planned District Ordinance Zones SF, PRF, PP and CC La Jolla Planned District Ordinance zones LJ-4, LJ-5 and LJ-6) to the Open Space Zones designation in order to reflect the presence of existing parks; rezoning various properties along the Fay Avenue right-of-way zoned RS-1, RM-1 and LJ-4 to OP 1-1 and OP-2-1; the downzoning of several residential properties located on 13 acres from RS-1-5 to RS-1-4 in order to maintain the existing bulk and scale of development in this residential area consistent with the certified land use plan designations; the rezoning of a single property on Cave Street in the La Jolla Planned District Ordinance from La Jolla Planned District Ordinance LJ-1 allowing retail and visitor-oriented commercial use to citywide zone RM-3-7; and rezoning a single property on La Jolla Boulevard from citywide zone Community Commercial to La Jolla Planned District Ordinance LJ-4 (Neighborhood Commercial) in order to be consistent with the designations of the certified land use plan.

Specifically, all the proposed rezones are consistent with the approved 2002 La Jolla LCP Land Use Plan that was approved by the Coastal Commission with suggested modifications in February 2003. The City Council voted to accept the suggested modifications in November 2003; and, the LCP amendment adopting the 2002 LCP Land Use Plan has been resubmitted to the Commission for effective certification at the February 2004 hearing. The proposed rezones were approved by the City Council concurrent with the Land Use Plan to assure the appropriate zoning is in place to implement the Land Use Plan. The Commission often reviews and approves implementation plan changes simultaneously with Land Use Plan changes as part of the LCP review process. Although submitted at the same time, staff delayed scheduling the rezones for Commission action until the City Council took action on the Commission's suggested modifications. In any event, the City has indicated the rezones will not be implemented in the coastal zone if, for any reason, the Land Use Plan does not become effectively certified.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the LCP amendment, as submitted. The appropriate resolution and motions begin on page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on page 5.

BACKGROUND

The City's first LCP Implementation Plan (IP) was certified in 1988, and the City assumed permitting authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The City's IP includes Chapters 11 through 14 of the LDC.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment No. 1-2002C may be obtained from Laurinda Owens, Coastal Planner, at (619) 767-2370.

OVERVIEW

A. LCP HISTORY

The La Jolla Community Plan/Local Coastal Program is part of the City of San Diego's certified LCP which contains 12 segments. The Commission approved, with suggested modifications, the La Jolla-La Jolla Shores LCP segment of the City of San Diego's Local Coastal Program in April, 1983. The two Planned District Ordinances (PDOs) which regulate commercial development in the La Jolla Shores and downtown La Jolla areas were approved by the Commission in 1984 and 1989, respectively. The City proposed to update the La Jolla Community Plan in 1995 which was approved by the Commission, with suggested modifications, at its May 11, 1995 meeting. However, due to concerns over visual access requirements in the nearshore area by a few property owners, the City was not able to agree to the suggested modifications and thus, the LUP was never effectively certified. The City subsequently acquired grant monies to complete its LCP efforts and proposed an LUP Update which is similar to that which was approved in 1995. That update was conditionally approved by the Coastal Commission on February 5, 2003 (approved with suggested modifications) as LCPA #1-02A, but has not yet been re-submitted with the suggested modifications incorporated, for Executive Director approval and effective certification.

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.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, Section 13542 of the Commission's Code of Regulations is applicable. Section 13542 (c) states, in part:

- (c) The standard of review of the implementing actions shall be the land use plan as certified by the Commission. If the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan. However, if the local government elects to revise and resubmit the land use plan in a manner different from that set forth in the suggested modifications of the conditional certification, the Commission's approval of the implementing actions shall be void. Absent either a certified or conditionally certified land use plan, the Commission may take no action on the implementing actions....

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. Pursuant to Section 13524 of the California Code of Regulations, the Commission has provided notice to the Commission, local government and all individuals or organizations who are known to have an interest in the subject LCP amendment.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment Number #1-02C for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego certified Local Coastal Program as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with and is adequate to carry out the provisions of the certified land use plan, as amended, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

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

A. AMENDMENT DESCRIPTION

The proposed LCP amendment addresses various rezones in the La Jolla Community Plan LCP Land Use Plan area. These rezones were originally proposed in 1995 when they were submitted with the La Jolla Community Plan Update. They were resubmitted (with some minor changes) with the 2002 La Jolla Land Use Plan Update (LCPA #1-02A) approved by the Commission on 2/5/03. In addition to the previous rezones which were approved by the Coastal Commission (LCPA #2-95) but never effectively certified, two new rezones of two properties are also proposed at this time. The proposed rezones consist of the following:

-Rezoning of specific properties currently zoned Residential Single-Unit (RS-1-5, RS-1-7), Residential-Multiple Unit (RM-1-1) and La Jolla Shores Planned District Ordinance Zones Single-Family (SF), Private Recreation Facility (PRF), and Public Park (PP), and La Jolla Planned District Ordinance Zones LJ-4 (Neighborhood Commercial) LJ-5 (Multi-Family Zone) and LJ-6 (Cultural Zone) to the Open Space-Park (OP-1-1 and OP-2-1) zones;

-Rezoning various properties along the Fay Avenue right-of-way zoned Residential-Single Unit (RS-1-5 & RS-1-7) to Open Space-Park (OP-2-1);

-Rezoning various properties near Nautilus Street and Muirlands Drive zoned Residential Single-Unit (RS-1-5 & RS-1-4) to Open Space-Park (OP-1-1 & OP-2-1);

-Rezoning of a single property on Cave Street from La Jolla Planned District Ordinance LJ-1 (Retail/Visitor-Oriented Commercial) to citywide zone Residential-Multiple Unit (RM-3-7). The property is designated as Low Medium Density (8-14 du) in the 1983 La Jolla-La Jolla Shores LCP Addendum and as Medium Residential (15-30 du) in the 2002 La Jolla LCP Land Use Plan. The proposed zoning is consistent with existing development on the site and the currently certified zoning would allow mixed-use development up to 29 du;

- Rezoning a single property on La Jolla Boulevard from citywide zone Community Commercial to La Jolla Planned District Ordinance LJ-4 (Neighborhood Commercial). The property is designated as Neighborhood Commercial in the 1983 La Jolla-La Jolla Shores LCP Addendum and as Commercial/Mixed Use in the 2002 La Jolla LCP Land Use Plan.

b) FINDINGS FOR APPROVAL

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In this particular case, the proposed rezones have been reviewed for their consistency with the

2002 La Jolla LCP Land Use Plan conditionally certified by the Commission on February 5, 2003.

1. La Jolla Rezone/Open Space Park (OP-1-1 and OP-2-1)

a) Purpose and Intent of the Ordinance. The purpose and intent of the open space zones is to protect open space for the preservation of natural resources, the managed production of the resources, outdoor recreation and education, public health and safety, controlling urban form and design, and scenic and visual enjoyment.

b) Major Provisions of the Ordinance. The proposed Open Space-Park zone classification is one of four open space zone classifications (Open Space –Park, Open Space-Conservation, Open Space –Residential and Open Space-Floodplain) used by the City of San Diego. It includes provisions for limiting development in areas that are located, configured and have physical features that provide valuable and functional open space, i.e., parks, historic and cultural resources, and natural resources. The zone is primarily applied to public land indicated for open space and park purposes. The OP-1-1 and OP-2-1 zones are applied to all population-based parks and facilities including both neighborhood parks and facilities and community parks and recreation centers. The difference between the two zones is that OP-1-1 allows open developed active parks and the OP-2-1 allows for parks for passive uses with some active uses.

c) Adequacy of the Ordinance to Implement the Certified LUP Segment. The proposed ordinance amendment does not modify the ordinance itself in any way, but only applies the zoning to specific areas of the La Jolla community. The proposed rezones apply to various dedicated City-owned park and open space properties in the community which are within the RS-1-5, RS-1-7 and RM-1-1 zones, and the La Jolla Shores Planned District Ordinance Zones SF, PRF, PP and CC and the La Jolla Planned District Ordinance Zones LJ-5 and LJ-6, into the OP-1-1 and OP-2-1 (Open Space-Park) zones. All of the aforementioned rezones will go to Open Space (OP-1-1). Some of these rezoned properties include neighborhood parks such as Calumet Park, Bird Rock Park, Starkey and Via del Norte Mini Park, among others--which are zoned RS-1-7 and RM-1-1. They are proposed to be rezoned to OP-1-1 in order to remain as designated parks. Several other shoreline parks such as La Jolla Strand Park (i.e. Windansea Beach) and Ellen Scripps Park adjacent to the ocean are also proposed to be rezoned from their respective zones, RM-1-1 and RS-1-7, to OP-1-1. A majority of the properties zoned RS-1-1 represent Mount Soledad Natural Park which will be rezoned from residential (RS-1-1 and L-SF) to the open space (OP-2-1) zone. All of the proposed re-zones are within the coastal zone.

Existing dedicated open space areas are located primarily within the hillsides that comprise the core of La Jolla's open space system and are designated Parks/Open Space in the certified La Jolla Land Use Plan. These areas include the slopes of Mount Soledad, La Jolla Heights Natural Park and Soledad Open Space Park. These areas also possess environmentally sensitive habitat areas and are significant scenic resources. The LUP contains specific recommendations for the preservation of these dedicated parks and open space areas within the community. In particular, the steep slopes containing coastal

sage chaparral on Mount Soledad are highly visible from the lower-lying areas of La Jolla to the west and along the coastline looking east and are considered a valuable community asset in terms of their visual resources. Therefore, in order to permanently preserve and maintain the community's natural resources and open space areas, they are proposed to be rezoned as cited. As noted earlier, the OP-1-1 allows open developed active parks and the OP-2-1 allows for parks for passive uses with some active uses. As such, the Commission finds the City is appropriately rezoning these properties to OP-2-1, which is consistent with and adequate to carry out the certified La Jolla Land Use Plan.

2. La Jolla Rezone/Residential-Single Unit (RS-1-4) and Open Space (OP-1-1 and OP-2-1)

a) Purpose and Intent of the Ordinance. Residential-Single Unit Zone (RS-1-4) is among several residential zones (all listed under RS Zones in the Land Development Code) applied throughout the City of San Diego. The purpose of this zone is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types, which promote neighborhood quality, character, and livability.

b) Major Provisions of the Ordinance. The RS Zones carry a number of provisions including: a listing of permitted uses; minimum lot areas and dimensions; and development standards, including setbacks, FAR, height, landscaping, and parking requirements.

c) Adequacy of the Ordinance to Implement the Certified LUP. The proposed ordinance amendment does not modify the ordinance itself in any way, but only applies the respective zoning to specific areas in the La Jolla community. With respect to the Open Space (OP-1-1) rezone, various City-owned properties along the Fay Avenue right-of-way in the community planning area within the RS-1-, RM-1- and LJ-4 zones (approx. 20-24 acres) are proposed to be incorporated into the Open Space-Park (OP-1-1 and OP-2-1) zone. Both the currently certified La Jolla Land Use Plan and the recently approved 2002 La Jolla Land Use Plan recommend that the right-of way be developed as a recreational and pedestrian walkway. They also recommend that the Fay Avenue right-of-way be retained primarily as an open space area and that the significant portions of the adjacent slopes and hillsides be retained in a natural, undisturbed state through public open space. These policies were originally derived from the 1980 Fay Avenue Plan which were incorporated into the existing 1983 La Jolla-La Jolla Shores LCP Land Use Plan as well as the newly updated La Jolla LUP/Community Plan (2002). The City proposes to proceed with formal dedication of the Fay Avenue right-of-way in the near future, changing it from the designated Open Space to dedicated Open Space (or Public Parkland). Specifically, Fay Avenue is a right-of-way consisting of an approx. 20-24-acre linear area between Genter Street to the north and ending at the intersection of Mira Monte and La Jolla Boulevard. East of the bike path are steep, sensitive slopes that contain native vegetation. The right-of-way is undeveloped (with the exception of four homes for affordable housing managed by the City Housing Commission) and is used for recreational activities including walking, jogging and bicycling. In addition, two mini-parks, Starkey and Via del Norte have also been developed in this area. The

proposed rezone from residential use to open space would maintain the naturalized character of the area and would also encourage the continued passive recreation and limited active uses by the public along the Fay Avenue corridor and bike path, consistent with the community plan designation of Parks/Open Space. In addition, a small area adjacent to, and immediately west of, the Fay Avenue right-of-way (ref. Exhibit No. 2, p. 4 of 6) is also proposed to be rezoned from Residential –Multiple Unit (RM-1-1) to Open Space-Park (OP-1-1) in order to allow an existing neighborhood park to remain as a designated park.

In addition, a separate, rectangular shaped property at the southern end of the Fay Avenue right-of-way is proposed to be rezoned from LJ-4 (Neighborhood Commercial) to OP-1-1 (Open Space, Parks). The property is designated for Medium Density residential use at 14-43 dua in the 1983 La Jolla-La Jolla Shores LCP Addendum and as Parks Open Space in the 2002 La Jolla LCP Land Use Plan.

With respect to the Residential-Single Unit (RS-1-4 zone), various properties on the north side of Nautilus Street and on both the north and south sides of Muirlands Drive, west of Nautilus Drive east of Muirlands Junior High School within the RS-1-5 zone (13 acres), are proposed to be incorporated into the RS-1-4 zone. The difference between the two zones is that the RS-1-4 zone requires minimum 10,000 sq.ft. lots and the RS-1-5 zone requires minimum 8,000 sq.ft. lots. As noted by the City, single family residential development in La Jolla consists of a wide range of densities and architectural design. A key issue--one that is often raised by community members--is maintaining the harmony in bulk and scale between new development and existing single family residential development. Inasmuch as the citywide zones and La Jolla Shores PDO regulate land use through size and density of structures, the LUP calls for maintenance of existing residential character of neighborhoods through build-out of these areas at the density permitted by the existing zone. For this reason, the rezone is proposed in order to preserve the current bulk, scale, development pattern and residential character of the neighborhood in this area which include residential development on large lots. The proposed downzoning will result in a change to the minimum lot size requirements from 8,000 sq.ft. to 10,000 sq.ft. The development regulations for both zones are very similar with the exception of the permitted lot size, lot width and density. Given that the RS zones are intended to promote neighborhood quality, character and livability, the proposed downzoning is consistent with the very low density residential designations of the 1983 and 2002 certified LCP Land Use Plans. In summary, the Commission finds the City is appropriately rezoning the aforementioned properties to RS-1-4, which is consistent with, and adequate to carry out, the certified La Jolla Land Use Plan.

3. La Jolla Rezones/Residential-Multiple Unit (RM-3-7) Zones.

a) Purpose and Intent of the Ordinance. The RM-3-7 Zone is one of several residential zones (all listed under Residential-Multiple Unit Zones in the Land Development Code) applied throughout the City of San Diego. The purpose of these zones is to allow multiple dwelling unit development at varying densities. As stated in the City's Land Development Code, the RM-3-7 zone permits medium density multiple dwelling units with limited commercial uses at a density of 1 dwelling unit for each 1,000

sq.ft. of lot area. The Residential-Multiple Unit Zones individually accommodate development with similar densities and characteristics.

b) Major Provisions of the Ordinance. The Residential-Multiple Unit Zones carry a number of provisions, including: a listing of permitted uses; minimum lot areas and dimensions; and, development standards, including setbacks, FAR, landscaping, parking requirements and permitted density.

c) Adequacy of the Ordinance to Implement the Certified LUP. In order to be consistent with the existing 1983 La Jolla-La Jolla Shores LCP Land Use Plan and the newly updated La Jolla LUP/Community Plan (2002) as well as the appropriate land use for the site, a single property on Cave Street is proposed to be rezoned from La Jolla Planned District Ordinance LJ-1 (Retail-Visitor-Oriented Commercial Area) to a citywide zone RM-3-7 (Residential-Multiple Unit Zone). The LJ-1 (Zone 1) of the La Jolla Planned District Ordinance is intended to include the primary retail and visitor-oriented commercial area in the core of downtown La Jolla which is characterized by high levels of pedestrian activity. In this particular case, a single property that presently contains residential development is not in the visitor-serving core and would be rezoned to medium density residential development in order to be consistent with the existing land use pattern. Surrounding land uses along the north side of this street between Ivanhoe Avenue and Prospect Street also contain other residential development and the 1983 certified land use plan designates this area as low-medium density residential allowing a density of 8-14 dwelling units per acre. The 2002 La Jolla LCP Land Use Plan designates this property as Medium Density Residential at a density range of 15-30 dwelling units per acre.

In summary, the Commission finds the City is appropriately rezoning the aforementioned property to RM-3-7, which is consistent with, and adequate to carry out, the certified La Jolla Land Use Plan.

4. La Jolla Rezones/La Jolla Planned District Ordinance LJ-4.

a) Purpose and Intent of the Ordinance. The LJ-4 Zone is one of seven zones (as listed under the La Jolla Planned District Ordinance) applied throughout the commercial core areas of La Jolla. The purpose of this zone is to allow neighborhood commercial development such as small retail shops. This zone is automobile-oriented due to its location along major streets (i.e., Pearl Street and La Jolla Boulevard) and development regulations are intended to maintain retail community serving and visitor-serving uses and encourage development of community-serving offices and residences.

b) Major Provisions of the Ordinance. The LJ-4 Zone carries a number of provisions, including: a listing of permitted uses; minimum lot areas and dimensions; and, development standards, including setbacks, landscaping and parking requirements.

c) Adequacy of the Ordinance to Implement the Certified LUP. The proposed rezone of a single property currently zoned citywide Community Commercial to La Jolla Planned District Ordinance LJ-4 (Neighborhood Commercial) will render it consistent

with the certified land use plan designation of commercial/mixed-use, which is also consistent with the 1983 certified land use plan designation of Neighborhood Commercial. Inasmuch as the change in type of commercial designation from a citywide zone to the neighborhood commercial designation will not result in a change to the type of land use permitted and will continue to maintain existing retail community-serving uses, the proposed change can be found consistent with, and adequate to carry out, the certified La Jolla Land Use Plan.

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

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a 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 approving IP submittal, or, as in this case, an IP amendment submittal, to find that the approval of the proposed IP, or IP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. § 13542(a). In this particular case, all of the proposed amendments are being approved as submitted. Thus, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

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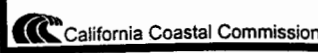
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32
Land - p
Guide & Ge
Plan / La Jolla
Comm
Plan A

ORDINANCE NUMBER O- 19073 (NEW SERIES)

ADOPTED ON MAY 18 2002

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING A SINGLE PROPERTY OF 0.18 ACRE (7936 SQ. FT.) LOCATED AT 1252 CAVE STREET AS SHOWN ON DRAWING B-4170, A SINGLE PROPERTY OF 0.16 ACRE (7274 SQ. FT.) LOCATED AT 5779 LA JOLLA BLVD. AS SHOWN ON DRAWING B-4174, 28 PROPERTIES LOCATED IN THE MUIRLANDS TERRACE, UNIT I MAP 2523 POR. LOTS 1 AND 2, MUIRLANDS TERRACE UNIT 2, MAP 3051 (P.M. 16924) LOTS 49-62; MUIRLANDS VILLAGE UNIT 1, MAP 3081, SUBDIVISIONS AS SHOWN ON DRAWING B-4184, AND VARIOUS CITY-OWNED PROPERTIES LOCATED WITHIN THE LA JOLLA COMMUNITY PLAN AREA, AS SHOWN ON DRAWING C-914 ALL WITHIN THE LA JOLLA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE LJ-1 ZONE (CAVE ST.), THE CC-3-5 ZONE (LA JOLLA BLVD.), THE RS-1-5 ZONE (MUIRLANDS), AND ZONES L-SF, L-PP, L-PRF, L-CC, RS-1-1, RS-1-5, RS-1-7, RM-1-1, LJ-1, LJ-5, LJ-6 (VARIOUS CITY-OWNED PROPERTIES PER C-914) INTO THE RM-3-7 ZONE (CAVE ST.), THE LA JOLLA PLANNED DISTRICT LJ-4 ZONE (LA JOLLA BLVD.), AND THE RS-1-4 ZONE (MUIRLANDS) AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 103.0301 (LA JOLLA SHORES PLANNED DISTRICT ORDINANCE), 103.1201 (LA JOLLA PLANNED DISTRICT ORDINANCE), 131.0201 (OPEN SPACE), 131.0401 (RESIDENTIAL), 131.0501 (COMMERCIAL), RESPECTIVELY; AND REPEALING ORDINANCE NOS O-18430, ADOPTED 09/08/97 (CAVE ST.); O-15342, ADOPTED 09/22/80 (LA JOLLA BLVD.); O-12176, ADOPTED 10/19/77 (MUIRLANDS); AND O-15567, ADOPTED 08/17/81; O-7670, ADOPTED 12/31/57; O-18168; ADOPTED 03/20/95; O-12177, ADOPTED 10/19/77; O-4059, ADOPTED 05/24/49; O-13294, ADOPTED 08/31/31; O-12176, ADOPTED 10/19/77; O-12643, ADOPTED 05/15/79; O-3858, ADOPTED 09/07/48; O-16608, ADOPTED 03/17/86; O-16627, ADOPTED 04/21/86; AND O-13455, ADOPTED 02/15/32 (VARIOUS

EXHIBIT NO. 1
APPLICATION NO.
San Diego
LCPA 1-02C/LJ
Rezones
City Ordinance


CITY-OWNED PROPERTIES PER C-914), INSOFAR AS THE
SAME CONFLICT THEREWITH.

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

Section 1. That 0.18 acres located at 1252 Cave Street, and legally described as Lot 16, Block 52, LA JOLLA PARK, Map 352, in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4170, filed in the office of the City Clerk as Document No. OO-19073, are rezoned from the La Jolla Planned District Ordinance LJ-1 zone into the RM-3-7 zone as the zones are described and defined by San Diego Municipal Code sections 103.1201 and 131.0401, by the Council of the City of San Diego.

Section 2. That 0.16 acres located at 5779 La Jolla Blvd., and legally described as Lot 2, Block 14, LA JOLLA HERMOSA, Map 1810, in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4174, filed in the office of the City Clerk as Document No. OO-19073, are rezoned from the CC-3-5 zone into the La Jolla Planned District Ordinance LJ-4 zone as the zones are described and defined by San Diego Municipal Code sections 131.0501 and 103.1201, by the Council of the City of San Diego.

Section 3. That approximately 13.02 acres located at 1156, 1206, 1230, 1248, 1264, 1306, 1326, and 1346 Nautilus Street, and at 1303 through 1396 West Muirlands Drive, and at 6706 through 6741 Avenida Manana and legally described as Muirlands Terrace, Unit 1, Map 2523 Por. lots 1 & 2, Muirlands Terrace Unit 2, Map 3051 (P.M. 16924) Lots 49-62, Muirlands Village Unit 1, Map 3081, in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4184 and C-914, filed in the office of the City Clerk as Document No. OO-19073, are rezoned from the RS-1-5 into the

RS-1-4 zone, as the zones are described and defined by San Diego Municipal Code section 131.0401.

Section 4. That Assessor Parcel Number (APN) 346-050-18, APN 346-050-07, a portion of APN 346-090-33, a portion of APN 346-090-12, a portion of APN 346-090-02, a portion of APN 346-090-06, a portion of APN 346-090-07 and a portion of APN 346-090-38 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, are rezoned from the SF to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 5. That APN 346-810-0, APN 346-071-01, APN 346-071-02, APN 346-160-01, APN 346-160-02, APN 346-221-01 and APN 346-221-02 (Kellogg Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, are rezoned from the PP to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 6. That APN 346-244-01 (Kellogg Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the PRF to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 7. That APN 346-340-08 (Cliffridge Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the

office of the City Clerk as Document No. OO-19073, is rezoned from the PP to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 8. That APN 346-750-01 and 346-750-02 (Pottery Canyon Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO-19073, are rezoned from the PP zone to the OP-2-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 9. That APN 353-010-15 (Soledad Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO-19073, is rezoned from the RS 1-1 to the OP-2-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 10. That APN 357-301-05 (La Jolla Hermosa Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO-19073, is rezoned from the RR-1-7 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 11. That APN 357-605-03 (and adjacent Sea Rose Place) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO-19073, is rezoned

from the RS-1-7 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 12. That APN 415-070-06 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- **19073** _____, is rezoned from the RM-1-1 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 13. That APN 358-590-32 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- **19073** _____, is rezoned from the RS-1-1 to the OP-2-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 14. That APN 351-132-14 and 351-210-01 (Windansea Shoreline Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- **19073** _____, are rezoned from the RS-1-7 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 15. That APN 351-263-01 (Windansea Shoreline Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- **19073** _____, is rezoned from the RM-1-1 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 16. That APN 351-467-01 (La Jolla Strand Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the RM-1-7 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 17. That APN 351-561-01 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the RS-1-5 zone to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 18. That APN 351-410-18 (Starkey Mini-Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the RM-1-1 to OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 19. That Fay Avenue R/W and APN 351-370-37 and 351-370-15 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, are rezoned from the RS-1-1 zone to the OP-2-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 20. That APN 357-062-08 and adjacent abandoned R/W and a portion of APN 357-062-04 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No.

OO- 19073, are rezoned from the LJ4 to OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 21. That APN 350-570-25 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the LJ5 to OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 22. That APN 350-311-01, 350-431-01 and 350-431-07 (La Jolla Park and Recreation Center) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, are rezoned from the LJ-6 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 23. That APN 350-432-05 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the LJ-5 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 24. That Park Row R/W in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the RS-1-7 to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 25. That APN 350-010-01 (Ellen Scripps Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- 19073, is rezoned from the RS-1-7

to the OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 26. That APN 350-680-05 (City Park/La Jolla Park) in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- **19073**, is rezoned from the RS-1-1 to OP-1-1 zone, as zones are described and defined by San Diego Municipal Code section 131.0401.

Section 27. That APN 344-080-22 and 344-062-17 in the La Jolla Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-914, filed in the office of the City Clerk as Document No. OO- **19073**, are rezoned from the RS-1-7 to the OP-2-1 zone, as the zones are described and defined by San Diego Municipal Code sections 131.0201 and 131.0401.

Section 28. That Ordinance Nos. O-18430, adopted on September 8, 1997; O-15342, adopted on September 22, 1980; O-15567, adopted on August 17, 1981; O-7670, adopted on December 31, 1957; O-18168, adopted on March 20, 1995; O-12177, adopted on October 19, 1977; O-4059, adopted on May 24, 1949; O-13294, adopted on August 31, 1931; O-12176, adopted on October 19, 1977; O-12643, adopted on May 15, 1979; O-3858, adopted on September 7, 1948; O-16608, adopted on March 17, 1986; O-16627, adopted on April 21, 1986; and O-13455, adopted on February 15, 1932, of the ordinances of the City of San Diego are repealed insofar as the same conflict with the rezoned uses of the land.

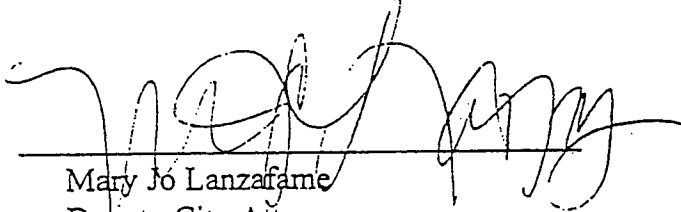
Section 29. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 30. That this ordinance shall not take effect until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Section 31. That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:jp:pev
05/06/02
05/16/02 COR.COPY
Or.Dept: Planning
Case No. 40-0747
O-2002-138
Form=inloto.frm

Nov-21-09

From-618 767 2384

618 767 2384

T-393

P.002/010

F-878

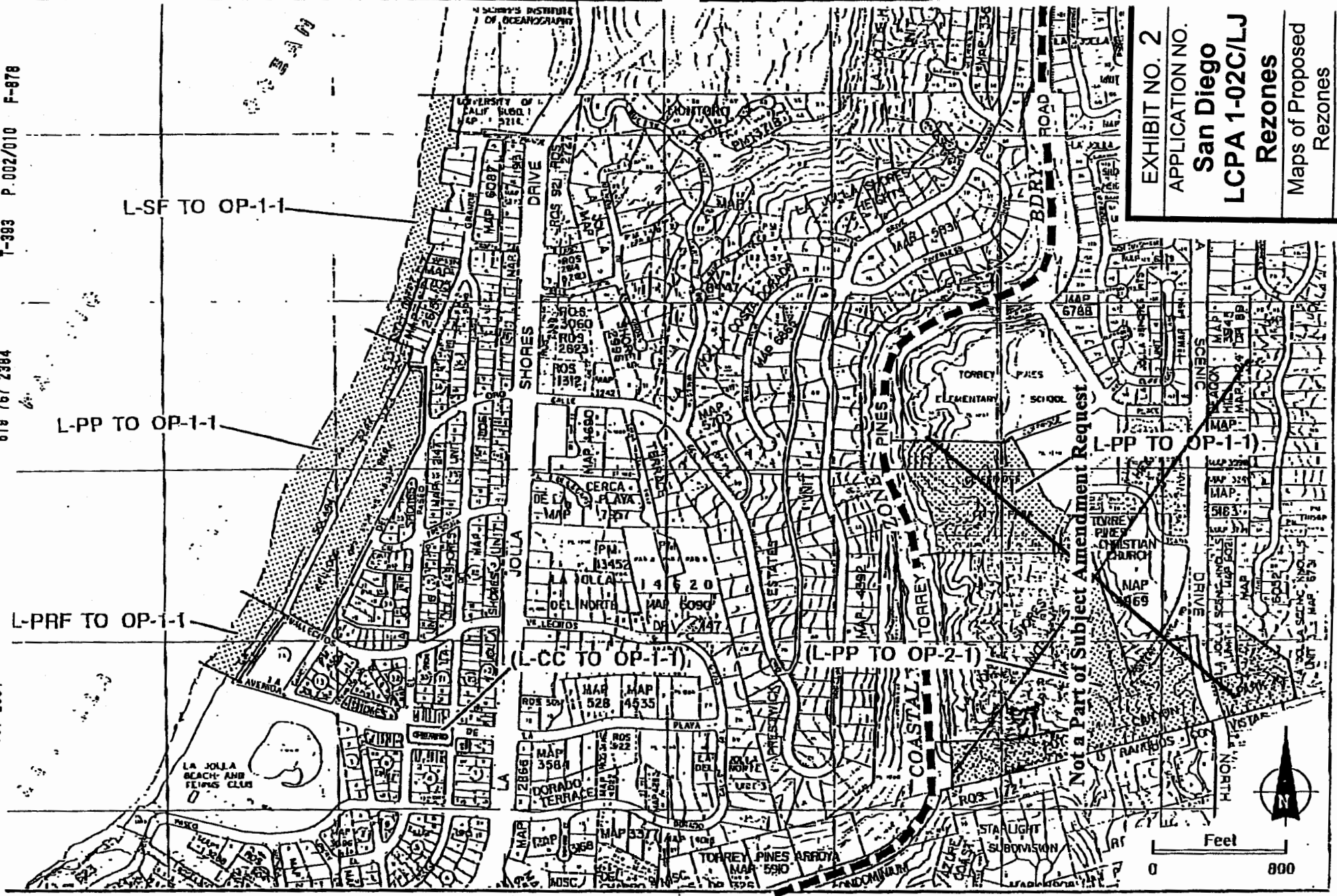


EXHIBIT NO. 2
 APPLICATION NO.
San Diego
LCPA 1-02C/LJ
Rezones
 Maps of Proposed
 Rezones

California Coastal Commission

Not a Part of Subject Amendment Request

10-29-2001 bl.
 1 of 6



Proposed La Jolla Rezones (per C-914)

CITY OF SAN DIEGO • PLANNING DEPARTMENT

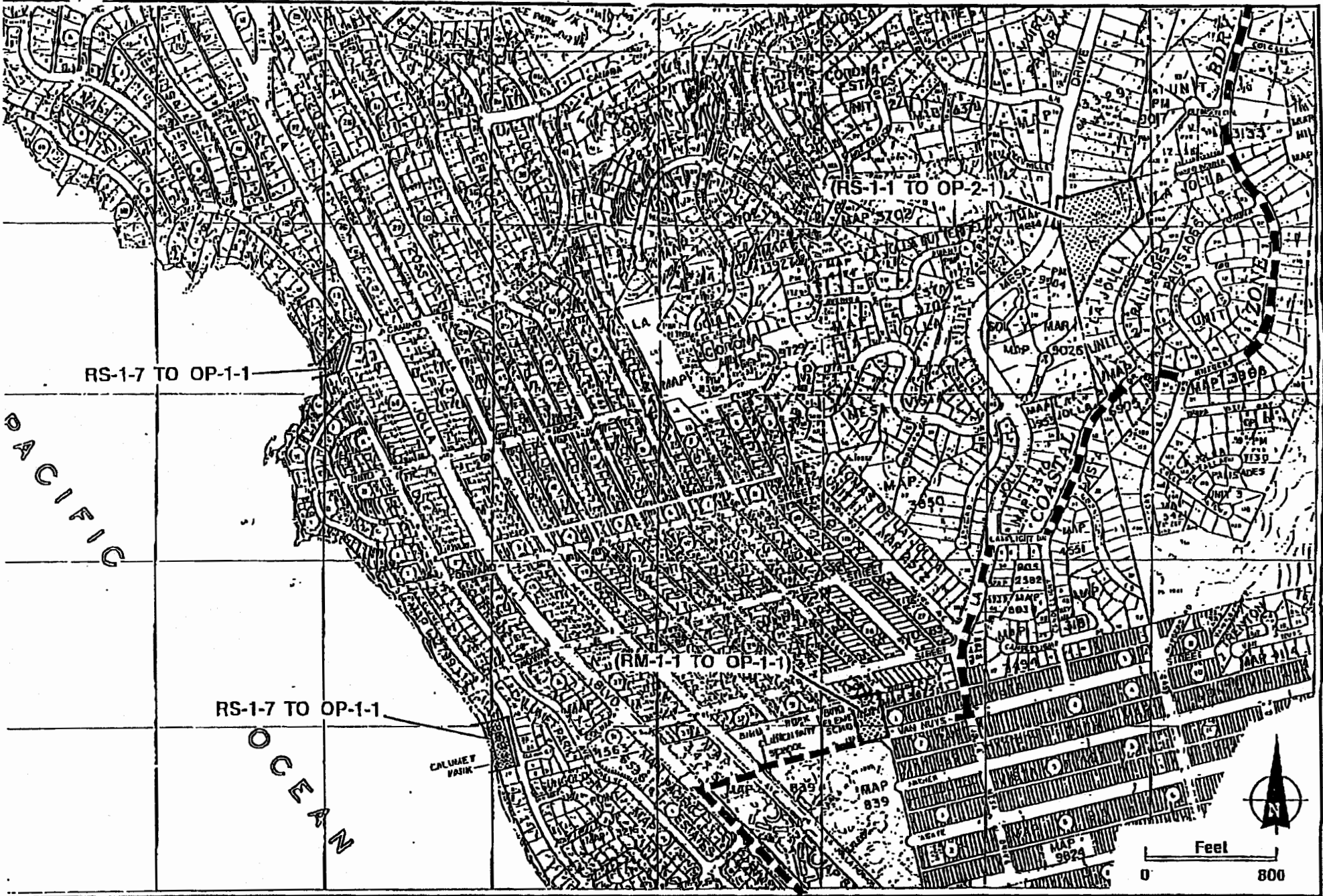


CITY OF SAN DIEGO • PLANNING DEPARTMENT

Proposed La Jolla Rezones (per C-914)

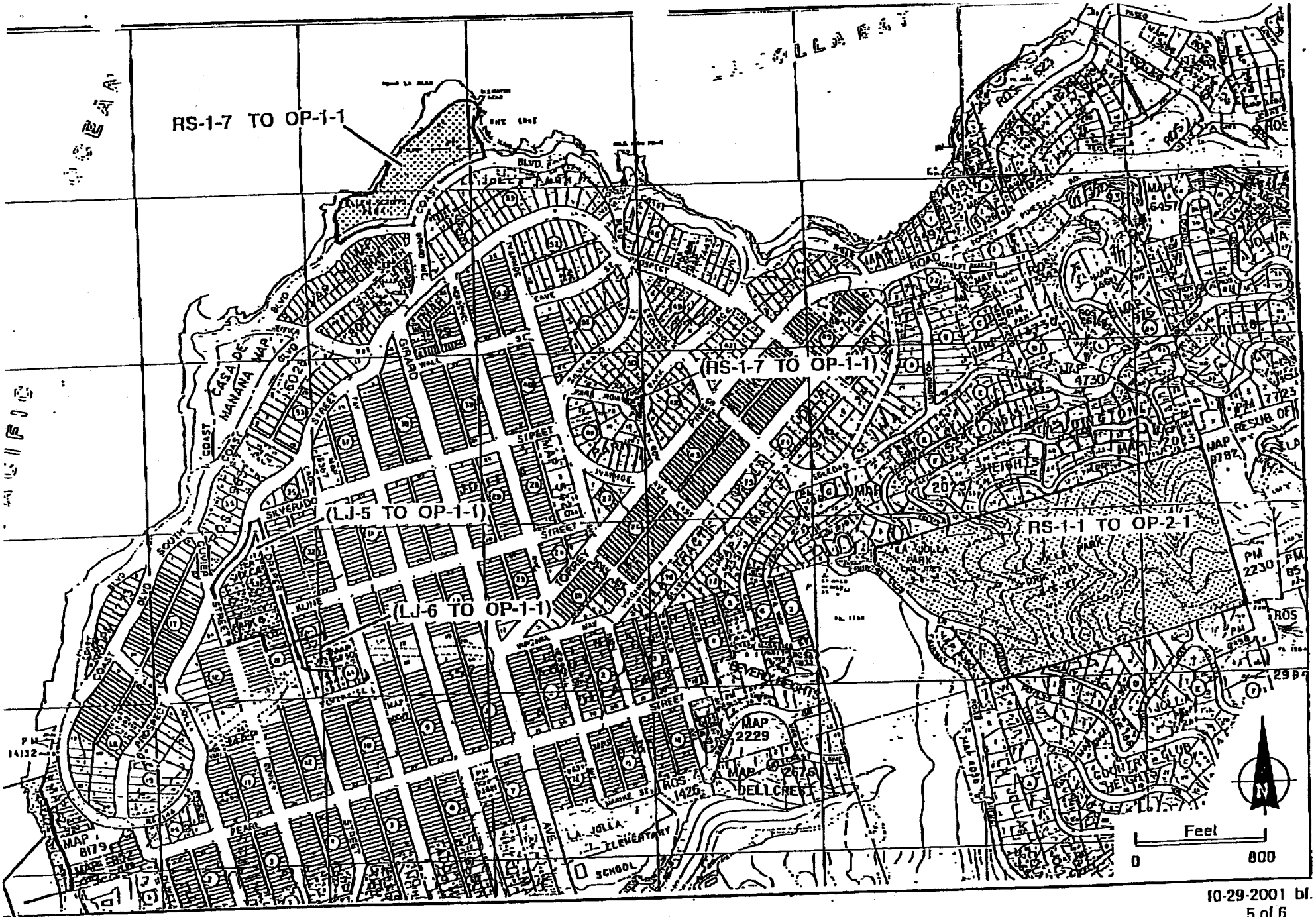


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P.004/010 F-878



Proposed La Jolla Rezones (per C-914)

CITY OF SAN DIEGO • PLANNING DEPARTMENT



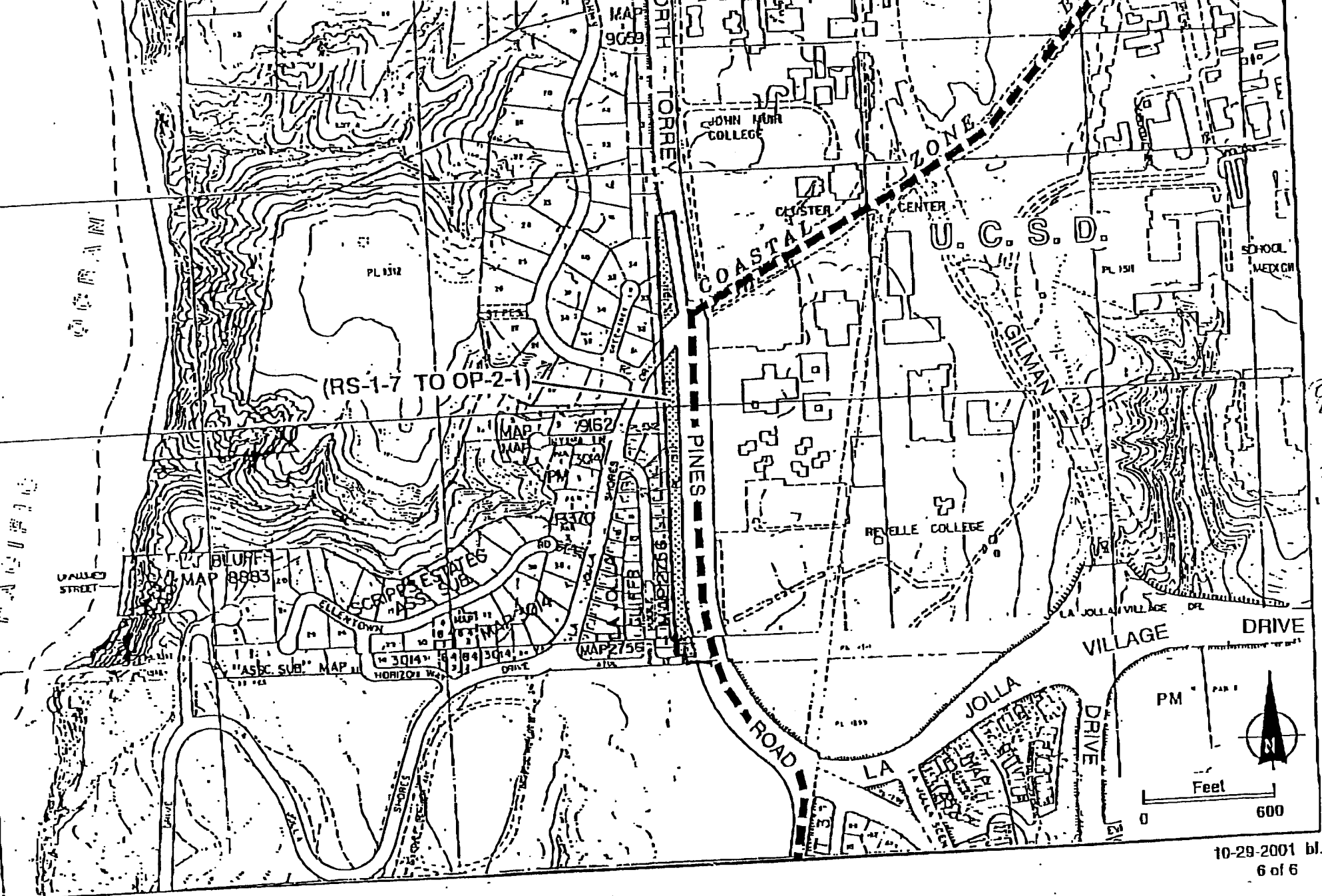
LJ-5 TO OP-1-1



Proposed La Jolla Rezones (per C-914)

CITY OF SAN DIEGO • PLANNING DEPARTMENT

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10-29-2001 bl.
6 of 6



Proposed La Jolla Rezones (per C-914)

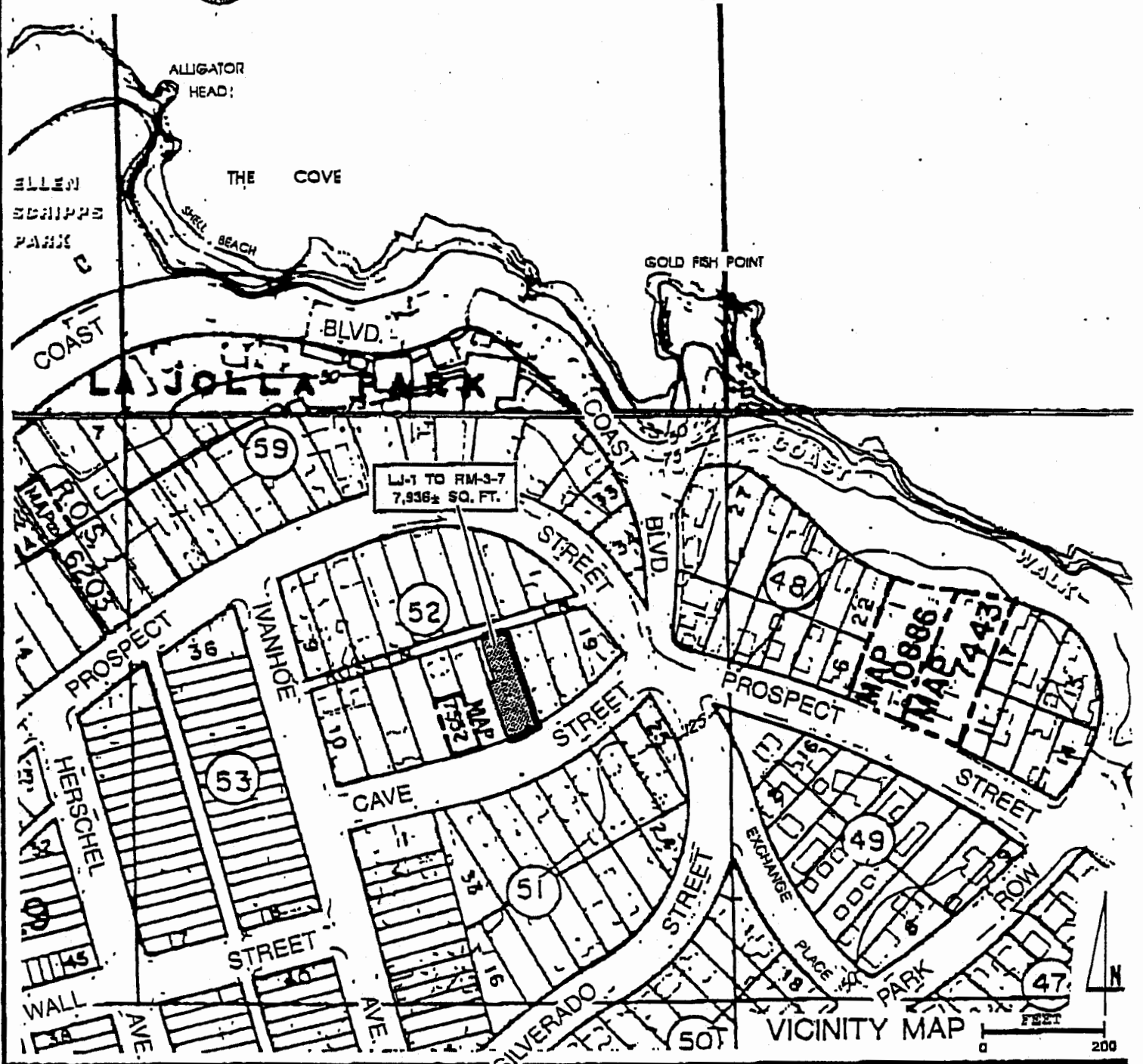
CITY OF SAN DIEGO • PLANNING DEPARTMENT

Done



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



Lot 16, Block 52, LA JOLLA PARK, Map 352

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

REQUEST RM-3-7
 PLAN. COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

CASE NO. 4205

B - 4170

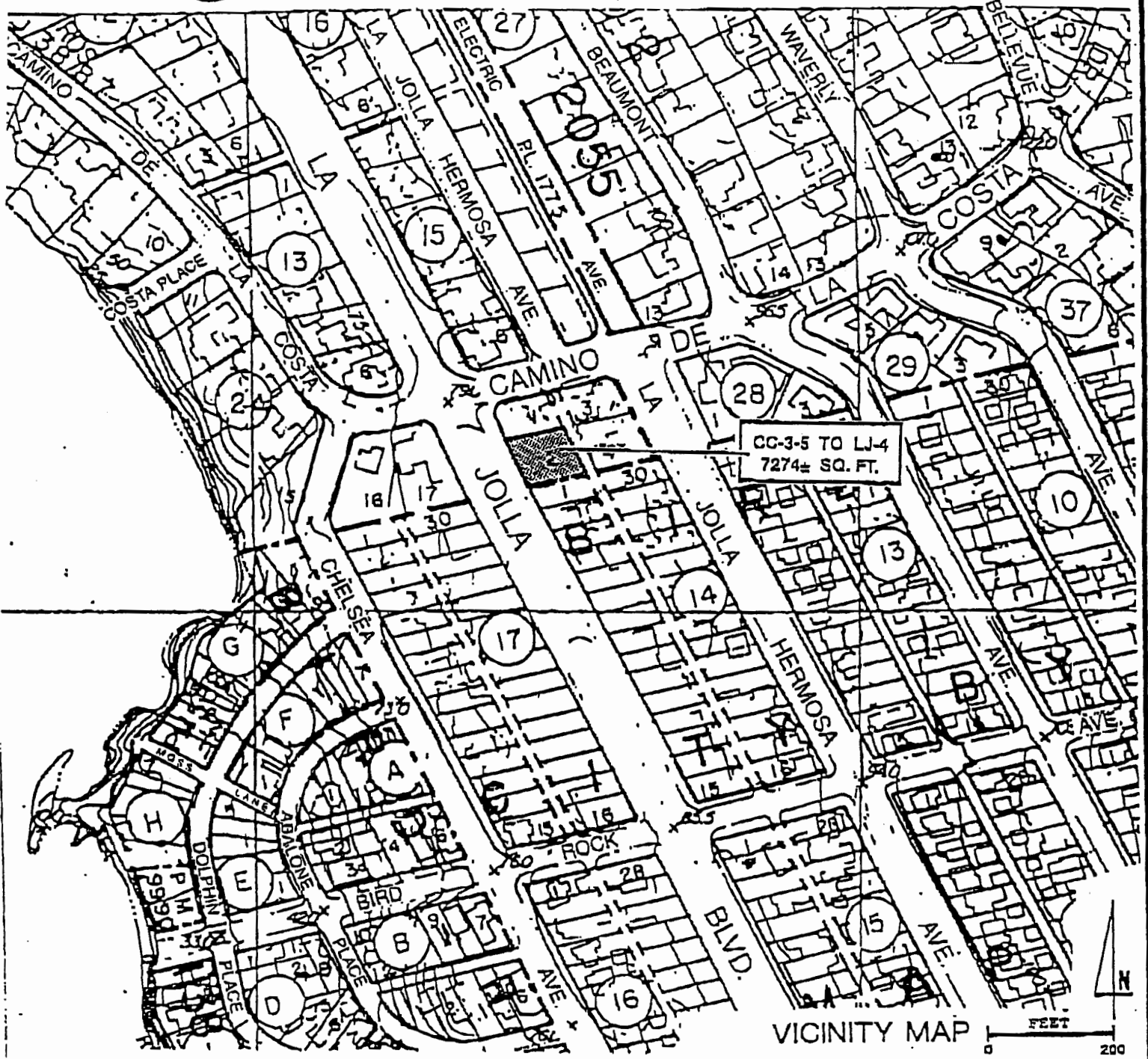
APN: 350-100-30

(249-1586) 8-2-2001 bl.



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



Lot 2, Block 14, LA JOLLA HERMOSA, Map 1810

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

REQUEST LJ-4
 PLAN, COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

Job Order No. 4205

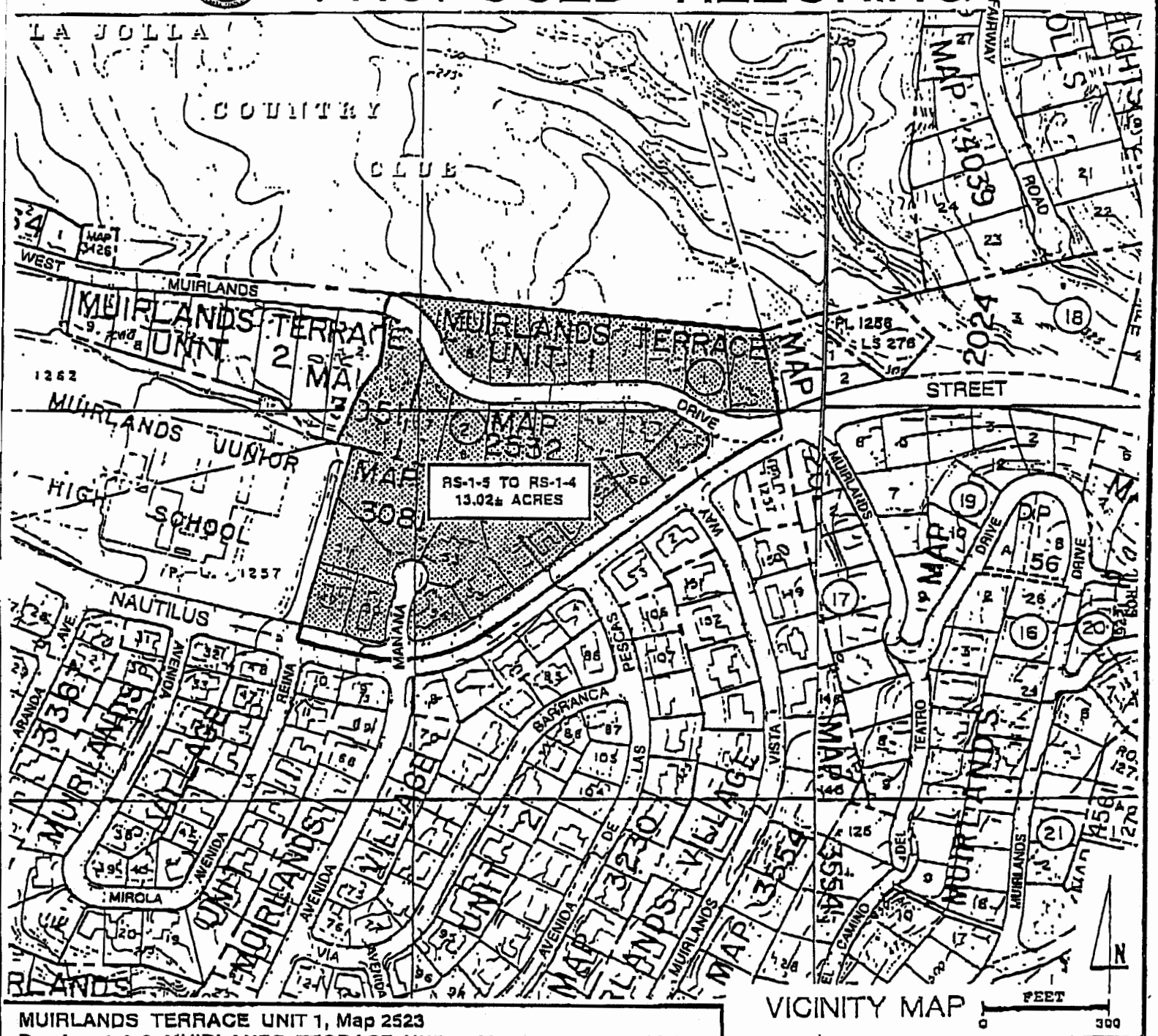
B - 4174

APN: 357-305-02



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



RS-1-5 TO RS-1-4
13.02± ACRES

MUIRLANDS TERRACE UNIT 1, Map 2523
 Por. lots 1 & 2, MUIRLANDS TERRACE UNIT 2, Map 3051 (P.M. 16924)
 Lots 49 - 62, MUIRLANDS VILLAGE UNIT 1, Map 3081

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

REQUEST RS-1-4
 PLAN. COMM. RECOMMENDATION
 CITY COUNCIL ACTION

J.O. 4205

B - 4184

APN: 351-330-12 & 13, -341 all, -441 all, & -434 all

PETERSON & PRICE
A PROFESSIONAL CORPORATION

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San Diego, California 92101-4454
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Telephone (760) 929-1920
Fax (760) 929-2206

File No.
6602.001

VIA FACSIMILE
TO ALL

December 8, 2003

THIS WRITTEN MATERIAL IS SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION IN ACCORDANCE WITH THE EX PARTE COMMUNICATION REQUIREMENTS OF PUBLIC RESOURCES CODE SECTIONS 30319-30324. THIS MATERIAL IS A MATTER OF PUBLIC RECORD AND HAS BEEN SUBMITTED TO ALL COASTAL COMMISSIONERS, THEIR ALTERNATES, AND THE COASTAL COMMISSION STAFF.

Chairperson Mike Reilly and Members of the
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Re: Friday, December 12, 2003 Agenda Item No. 6A
San Diego LCP Amendment No. 1-02C (La Jolla Rezones)

**Notice of Imminent Litigation
Request for Continuance, Postponement or Denial**

Dear Chairperson Reilly and Members of the
California Coastal Commission:

We, along with the law firm of Mazzarella, Dunwoody & Caldarelli LLP represent
San Diegans for Sensible Land Use ("SDSLU").

SDSLU is a community-based organization which includes hundreds of individual
property owners as well as highly skilled and qualified design, legal and technical
professionals.

EXHIBIT NO. 3
APPLICATION NO.
San Diego
LCPA 1-02C
Letter of Opposition

Chairperson Mike Reilly and Members of the
California Coastal Commission
December 8, 2003
Page 2 of 9

As you know, SDSLU was formed in response to the last minute 64 modifications that the California Coastal Commission ("CCC") mandated upon the City of San Diego Adopted La Jolla Community Plan.

On November 4, 2003 as Agenda Item No. 330 the San Diego City Council approved the La Jolla Community Plan Update. However the City Council did not unconditionally accept all of the 63-64 CCC suggested modifications. In fact, if you review the City Council Resolution No. R-298578 you will see that the Resolution clearly is an attempt to modify the specific language that you imposed upon the City. If you review our letter to the City Council of November 4, 2003, which is attached, you will see that in addition to the multiple other substantive and procedural due process violations, the City Council did not unconditionally accept the CCC modifications. The City Council Resolution of Approval attempts to alter, interpret, and otherwise modify the specific language that the CCC mandated. As you know, the CCC has not, as yet, taken final action to certify the City Council modified La Jolla Community Plan and Local Coastal Program Land Use Plan.

We note by reviewing the Public Notice for the CCC meeting for Friday, December 12, 2003 that as Item 6A, the CCC intends to conduct a public hearing and

Chairperson Mike Reilly and Members of the
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December 8, 2003
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take action on a request by the City of San Diego to "amend its LCP Implementation Plan through various rezones." The November 20, 2003 Staff Report makes reference to the City Council's approval of the 2002 Community Plan Update and also references the 1995 La Jolla Community Plan and the 1983 Certified LCP as justification for the City Council initiated rezones. The Report concludes that the rezones will "implement" the existing 1995 and the proposed 2002 Plans.

As your Staff should be aware, the 1995 La Jolla Community Plan Update was never certified for those areas located within the coastal zone. All of the proposed rezones, which are intended to "implement" the 1995 La Jolla Community Plan, are located within the coastal zone boundaries to which the 1995 La Jolla Community Plan does not apply. Further, as your Staff is aware, the La Jolla Community Plan Update which the City Council further modified by its Resolution on November 4, 2003 is also of no force or effect at this time since it has not been certified by the CCC. By our review of the 1983 Certified LCP, there is nothing within that document which would warrant, justify or otherwise support the City's rezone of the various properties. In fact, there is no reference at all within that document to the private properties which are to now be down zoned.

Chairperson Mike Reilly and Members of the
California Coastal Commission
December 8, 2003
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Please be advised that the City Council in adopting Resolution no. R-298578 specifically repealed the 1967 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise Plan, and the 1983 La Jolla – La Jolla Shores Local Coastal Program and Land Use Plan, and the 1980 Fay Avenue Plan. Therefore, there is no Community Plan in effect at this time to “implement” through the proposed rezoning measures.

Finally it is our belief that absent an “emergency” a 90-day “waiting period” is required pending certification before any implementation measures can be adopted.

We conclude that the City Council’s action initiating and processing these rezones and any action by the CCC concerning these rezones would violate due process and be in excess of the City’s and the CCC’s jurisdiction under the California Coastal Act. We have already discovered 2 property owners that did not receive any notice of these pending rezones.

IMMINENT LITIGATION

At its regularly scheduled meeting on December 3, 2003, SDSLU directed its legal counsel to file on or before Monday, December 8, 2003 legal challenges concerning the City’s action to approve the CCC modified La Jolla Community Plan and to seek a stay of the City Council’s approval to prevent the City and the CCC from taking any further

Chairperson Mike Reilly and Members of the
California Coastal Commission
December 8, 2003
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action to approve or further implement the La Jolla Community Plan Update and/or any other associated implementation measures including, but not limited to, the requested rezones that are on your December 12, 2003 Agenda.

We would respectfully request that the CCC continue all of these matters until the February 2004 meeting in San Diego when the Community and adversely affected property owners will have an opportunity to receive at least some type of notice and have the ability to attend and testify at the CCC.

For your consideration we have sent to the Local Office copies of our letters which we have submitted to the City Council dated October 30, 2003, two letters dated November 3, 2003, a letter dated November 4, 2003, and our request that the City Council reconsider its action in a letter dated November 13, 2003. All of these letters detail the significant procedural, legal, and equitable problems that are associated with the CCC Modified La Jolla Community Plan Update. We hereby incorporate the attached letters into the record.

Chairperson Mike Reilly and Members of the
California Coastal Commission
December 8, 2003
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CEQA HAS BEEN VIOLATED

SDSLU has also requested that its legal team pursue a legal challenge to the City Council's adoption of the La Jolla Community Plan Update based upon noncompliance with the California Environmental Quality Act ("CEQA").

The Environmental Analysis Section of the City of San Diego made a determination that the La Jolla Community Plan Update was exempt from CEQA review under Section 15061(B)(3). The City determined that the La Jolla Community Plan Update could:

"be seen with a certainty that there is no possibility that the activity in question may have a significant effect on the environment."

Obviously the City did not conduct a Preliminary Review, did not conduct a Pre-Application Conference, and did not even conduct an Initial Study. If the City had done even a very minimal amount of environmental analysis concerning the La Jolla Community Plan Update by utilizing Appendix G, "the Environmental Checklist Form," the City would have determined that many of the provisions and mandates of the La Jolla Community Plan could potentially result in significant, and in our opinion, unmitigated environmental impacts including, but not limited to:

Aesthetics (new regulatory provisions in the La Jolla Community Plan Update significantly curtail remodeling, including upgrades, rehabilitation, and beautifying

Chairperson Mike Reilly and Members of the
California Coastal Commission
December 8, 2003
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beachfront and bluff top homes, also property owners will no longer be allowed to repair and maintain seawalls which will result in visually degrading scenic areas, and adversely affecting the visual quality and character of the beach areas),

Cultural Resources (the potential that legally nonconforming historic resources and structures will not be able to be properly restored, maintained, rehabilitated, and/or protected from shoreline erosion and bluff failure or fire),

Geologic and Soils Adverse Effects ("Planned Retreat," the requirement for a recorded waiver of the right to protect one's property with shoreline protection and erosion control devices, the inability to maintain, repair, and replace existing shoreline protection devices, and the potential loss of substantial soil and private and public property as a result of uncontrolled shoreline erosion),

Hazards (based upon the mandatory rezonings to open space and new and severe regulations concerning hillside development, property owners will not have the ability to implement necessary brush management and fire protection within steep slopes. This will significantly expose people and structures to grave risk and loss involving fires.

Land Use and Planning Impacts (both internal (within the Community Plan) and external inconsistencies between the La Jolla Community Plan Update and the City of San Diego Progress Guide and General Plan. These conflicts within the Plan and with

the City of San Diego Progress Guide and General Plan result in significant and unmitigated land use and planning impacts which have not been studied or analyzed),

Population, Housing, and Property Ownership Impacts (the potential to displace substantial numbers of existing housing in the event of destruction through natural (or man initiated) disasters including fire and erosion, the inability to reconstruct existing legally nonconforming structures and housing based upon the new mandatory regulatory standards and restrictions, and the inability to subdivide properties which have been "de facto" rezoned to "open space"),

Impacts to Public Services (the potential for significant reductions in property tax revenues as properties continue to devalue since they will not be redeveloped, remodeled, or rehabilitated consistent with the current values and development trends of homes in La Jolla),

Mandatory Findings of Significance (no review or analysis concerning the cumulative impacts associated with all of the modifications to the Community Plan and the potential for causing substantial adverse effects on human beings, the inability of property owners to protect their homes from fire, hazard and the inability of property owners to protect their properties from shoreline erosion and storm related damage and destruction).

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California Coastal Commission
December 8, 2003
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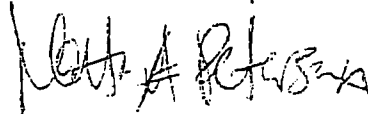
Based upon all these factors, the City incorrectly concluded that the La Jolla Community Plan Update was exempt from CEQA. Clearly the La Jolla Community Plan Update and the implementation thereof will have the potential to cause significant adverse effects on the environment. Unfortunately, there was **no** environmental review or analysis at all in the City's preparation or adoption of the La Jolla Community Plan Update.

CONCLUSION

For all of these reasons, we would ask the CCC **not** to take any action on Friday, December 12, 2003. Clearly "the cart is before the horse" since there is no procedural mechanism or Coastal Act provision to "implement" a Community Plan which does not exist.

Sincerely,

PETERSON & PRICE
A Professional Corporation



Matthew A. Peterson

2 sets of attachments available @ CA Coastal Commission Office, 7575 Metropolitan Dr., Ste. 103, San Diego, CA
92108-4402

cc: Peter M. Douglas, Executive Director
Sherilyn Sarb, District Manager
Mayor Dick Murphy and Members of the City Council
SDSLU
Mazzarella, Dunwoody & Caldarelli LLP

