

CALIFORNIA COASTAL COMMISSION

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November 21, 2005

Wed 16a**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT No. 3-05A (Jewish Academy Rezone) for Commission Meeting of
December 14-16, 2005**

SYNOPSIS

The subject LCP implementation plan amendment #3-05A (Jewish Academy Rezone) was submitted on October 13, 2005 as part of an LCP amendment package that also includes #3-05B (Brush Management) and is not yet filed as complete. This component is complete and able to be processed at this time.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego is requesting to amend the certified Implementation Plan (IP) to rezone a 19.16-acre site from Agriculture Residential (AR-1-1) to Residential Single Unit (RS-1-14) and Open Space Conservation (OC-1-1). The property is located at 11860 Carmel Creek Road in the Carmel Valley Neighborhood 8 Community of North City, and is already developed with a private school. The purpose of the proposed rezone is not to allow increased or different development, but to increase the property's value for financing purposes to fund already approved improvements and maintain the facility. The RS-1-14 Zone would apply to the 10.44 acres of the site that is already developed, and the OC-1-1 Zone would apply to the remaining 8.72 acres, which consists primarily of naturally vegetated steep slopes.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed rezone as submitted, as the rezone will not adversely impact any coastal resources, and will result in greater area being protected through Open Space zoning than the area designated as Open Space in the certified Land Use Plan. The proposed residential zone conforms to the area designated for residential use on the property. The proposed Open Space zoning would apply to lands designated for residential use and open space; however, the rezone is consistent with and adequate to

carry out the open space protection policies of the certified Land Use Plan. 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's first Implementation Program (IP) was certified in 1988, and the City assumed permit 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 (LDC) 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 has been reviewing this plan on a quarterly basis, and has made a number of adjustments to facilitate implementation; most of these required Commission review and certification through the LCP amendment process. Additional adjustments will continue to be made in the future. The City's IP includes Chapters 11 through 14 (identified as the Land Development Code or LDC) of the municipal code.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment 3-05A may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

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 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, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

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 remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC has been in effect within the City's coastal zone since January 1, 2000.

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.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment No. 3-05A 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 Implementation Program Amendment No. 3-05A for the City of San Diego 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 City of San Diego North City Land Use Plan, 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 NO. 3-05A, AS
SUBMITTED****A. AMENDMENT DESCRIPTION**

The City of San Diego is requesting to amend the certified Implementation Plan (IP) to rezone a 19.16-acre site from Agriculture Residential (AR-1-1) to Residential Single Unit (RS-1-14) and Open Space Conservation (OC-1-1). The property is located at 11860 Carmel Creek Road in the Carmel Valley Neighborhood 8 Community of North City, and is already developed with a private school. The purpose of the proposed rezone is not to allow increased or different development at this time, but to increase the property's value for financing purposes, in order to fund future improvements and program expansions if permitted through the City of San Diego Coastal Development Permit process. The RS-1-14 Zone would apply to the 10.44 acres of the site that is already developed, and the

OC-1-1 Zone would apply to the remaining 8.72 acres, which consists primarily of naturally vegetated steep slopes.

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.

RS-1-14 Zone

a) Purpose and Intent of the Ordinance. As stated in the Land Development Code (LDC): “The purpose of the RS zones is to provide appropriate regulation for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.”

b) Major Provisions of the Ordinance. The specific RS-1-14 Zone primarily provides for:

1. Minimum 5,000 sq.ft. lots with one home per lot;
2. Recreation and open space enjoyment;
3. Small residential care facilities and transitional housing;
4. Other uses complementing residential use, with discretionary permits;
5. Regulations for setbacks, height, parking, FAR, etc.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The certified Carmel Valley neighborhood 8 LUP identifies a portion of this site for very low density residential (0-5 dwelling units per acre [dua]) and the remainder as open space. The residential zoning (RS-1-14) is proposed for the portion of the site that is designated for low density residential use west of Carmel Creek Road where the subject school has been developed. A school is a permitted use in this zone subject to a Conditional Use Permit.

The property is also located within the Carmel Valley Planned District Ordinance area, which encompasses all the Carmel Valley neighborhoods. The PDO has identified SF2 as the implementing zone for the residentially-designated portion of the site. The SF2 Zone is an old code designation that has been replaced in the certified Land Development Code with the RS-1-14 Zone. Although this zone would typically accommodate a higher density than envisioned in the LUP, the LUP is the controlling document. Therefore, the 0-5 dua identified in the certified LUP would ultimately determine the level of residential density allowed on this site, were it ever redeveloped from its current school use. As such, the Commission finds the proposed RS-1-14 Zone consistent with and adequate to carry out the residentially-designated portions of the certified LUP.

OC-1-1 (Open Space Conservation)

a) Purpose and Intent of the Ordinance. As stated in the Land Development Code (LDC): “The purpose of the OC zone is to protect natural and cultural resources and *environmentally sensitive lands*. It is intended that the uses permitted in this zone be limited to aid in the preservation of the natural character of the land, thereby implementing *land use plans*.”

b) Major Provisions of the Ordinance. Among others, the primary provisions of the OC-1-1 Zone are:

- Only passive recreation and natural resources preservation are allowed by right.
- Satellite antennas may be permitted in limited locations or circumstances.
- Interpretive centers are allowed only with a conditional use permit.

c) Adequacy of the Ordinance to Implement the Certified LUP Segment. This is the City’s most restrictive open space zone with respect to the types and level of uses allowed. Basically, the only allowed uses are those that protect, preserve or enhance the natural or cultural resources present on a specific site. The Commission finds this is the most appropriate zone to apply to those portions of properties designated as open space in certified land use plans. Furthermore, the Commission supports the use of this zone, and has no issue with any of its provisions.

The proposed line between residential and open space areas accurately reflects the existing boundary between developed and natural areas on the ground; however, the proposed open space zone will apply to a portion of the area that is currently designated for residential use in the LUP (see Exhibit 2). This LUP is undergoing further revision at the local level, primarily to address the redevelopment of properties east of Carmel Creek Road, and will be resubmitted to the Coastal Commission for future certification. At that time, the LUP maps for this specific site will be corrected as a clean-up measure to make the Open Space land use and zoning maps fully consistent with each other.

In any event, the proposed line between residential and open space zoning on this site is consistent with and adequate to carry out the open space and resource protection policies of the certified LUP. The existing resources on the undeveloped portion of the site will be fully protected as open space through the Open Space conservation zone.

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 a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives 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), 13540(f), and 13555(b).

In this particular case, the requested LCP amendment, as submitted by the City, is fully consistent with CEQA and requires no mitigation. Therefore, the Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.