

DATE ISSUED: October 29, 2003

REPORT NO. 03-212

ATTENTION: Honorable Mayor and City Council
Docket of November 4, 2003

SUBJECT: La Jolla Community Plan and Local Coastal Program, and Associated Documents and Actions

REFERENCE: Manager's Report 02-11, dated May 15, 2002
Memorandum dated May 30, 2002
Report to the Planning Commission No. P-01-186

SUMMARY

Issue - Should the City Council accept the Suggested Modifications (to the June 2002 draft La Jolla Community Plan adopted by City Council) that were approved by the California Coastal Commission (CCC) for conditional certification of the City of San Diego Local Coastal Program (LCP) Amendment 1-02A on February 5, 2003?

Manager's Recommendation - Approve the Suggested Modifications proposed by the California Coastal Commission to the June 2002 draft La Jolla Community Plan.

Other Recommendation - On April 3, 2003, the La Jolla Community Planning Association voted 9-4-2 to direct that the President of the Community Planning Association write a letter to the Mayor and City Council to deny the amendments (suggested by the Coastal Commission) in order to permit the public to have input.

Fiscal Impact – None with this action. The previously approved April 2002 Public Facilities Financing Plan identifies total project cost for public facilities of \$98,641,898 to be used as the base for calculation of development fees.

BACKGROUND

The La Jolla Community Plan and Local Coastal Program Land Use Plan is the City of San Diego's adopted statement of policy for growth and development of the La Jolla community planning area for the foreseeable future. The plan proposes specific goals, policies and strategies regarding the future preservation, use and development of land within La Jolla and identifies how the use and development of that land will affect current levels of public services and facilities.

The community plan for La Jolla currently in use is a combination of the 1976 community plan, along with the 1983 LCP (for areas within the coastal zone), the 1995 community plan (for areas outside the coastal zone) and the 1976 La Jolla Shores Precise Plan for the La Jolla Shores portion of the La Jolla community. The draft community plan update represents a consolidation of the 1976 and 1995 La Jolla Community Plans, the La Jolla Shores Precise Plan, the La Jolla/La Jolla Shores Local Coastal Program and the Fay Avenue Plan.

While an update to the La Jolla Community Plan has been in the works for several years, most recently, beginning in January 2000, City staff worked with the La Jolla Community Planning Association, the La Jolla Town Council, representatives of other community groups, individual members of the community and staff of the CCC on a comprehensive update to the plan. This led to workshops and hearings with the Planning Commission. The City's process culminated with two City Council hearings and approval of the June 2002 draft La Jolla Community Plan on June 4, 2002 (see enclosure).

In order for the La Jolla Community Plan to be in effect, the plan must be certified by the CCC. On February 5, 2003, the CCC voted unanimously to conditionally certify the plan with 63 Suggested Modifications (see Attachment 1 and Attachment 2). Final and unconditional certification is subject to the City Council accepting all of the suggested modifications. Should the City Council not accept all of the modifications, the updated La Jolla Community Plan will not be certified and the current documents will continue to stay in effect. If this should occur, the entire update process would have to be repeated for an updated community plan to be approved. The City Council does not have the ability to accept only a portion of the modifications.

In their February action, the CCC would not consider the associated rezones that were proposed by City staff and approved by City Council. The CCC's practice is to certify the policy document first and, at a subsequent hearing, consider any implementation actions.

DISCUSSION

The CCC Suggested Modifications represent a wide range of complexity. Several of the modifications are not significant and do not create an impact to the Council-approved June 2002

draft community plan. Others have the potential to be significant and in some cases are more restrictive than what the City Council approved. Some of these modifications are regulatory in nature which can be problematic given that the community plan is a policy document. In addition, the relationship of these policies to the previously certified implementation program (Land Development Code) must be considered. The more significant modifications pertain generally to four subjects: open space preservation and natural resources; steep hillsides; visual resources and shoreline areas and coastal bluffs. Attachment 3 is a summary of all the suggested modifications. This matrix summarizes each issue as it was approved by the City Council in the June 2002 draft community plan, the suggested modification by the CCC, and the impact of the modification on the community plan.

Some of the modifications are not clear. They could be subject to more than one interpretation or they conflict with other policies in the plan. Depending on the interpretation, the suggested modification could have a significant impact on the community plan policy and how it is applied to development projects. These modifications generally cover six topic areas. On August 6, 2003, the Planning Department sent a letter to the CCC to clarify four of the topic areas (see Attachment 4). These topics are Figure 7 (Open Space System), natural vs. disturbed slopes, views across yards and setbacks, and Appendix L (Encroachment Limitation for Open Space). The August 6 letter included a summary of the City's interpretation on these modifications and a request that the CCC staff concur with that interpretation. The CCC staff verbally concurred. At the August 8, 2003 hearing to adopt revised findings for the February 5 approval of the La Jolla Community Plan, CCC staff read their concurrence into the record. On August 26, 2003, the CCC sent a letter to the City confirming their concurrence with the City's interpretations (see Attachment 5). This concurrence from the CCC regarding these four major issues was critical since without it the pertinent modifications could have been interpreted as being very restrictive with significant impacts to the La Jolla Community Plan. Such an interpretation would be contrary to the CCC's intent.

On October 3, 2003, the Planning Department sent a second letter to the CCC to clarify two additional topic areas (see Attachment 6). These topics are previously conforming structures on coastal bluffs and structure height within visual access corridors. Verbal discussions with CCC staff indicate that they agree with the City's interpretations on these two issues. At the time this report was written the City had not received written confirmation from the CCC of their concurrence, nor will these items have had the benefit of a CCC hearing. Nevertheless, the indicated interpretations on these topics represent a valid and fair application of all the pertinent policies.

Proper interpretation of policy language pertaining to the above six topic areas is critical to the overall implementation of the La Jolla Community Plan. These interpretations represent the CCC's intent with the modifications. City staff agrees with these interpretations and therefore, the City will implement the policy document consistent with these interpretations.

Two final topic areas modified by the CCC represent significant revisions to the Council-approved policies, but did not require clarifying language by the CCC. These two modifications represent a significant departure from what the City Council adopted and how the issue is currently addressed in the City's implementation program.

The two issues are:

1. Modification Numbers 14 and 42 - These modifications limit additions to bluff top structures that are previously conforming (with regard to bluff edge setback pursuant to October 3 clarification letter) to a 50 percent increase in size before the entire structure must be brought into conformance with all provisions of the LCP, including bluff edge setback. The pertinent policies in the City Council-approved June 2002 draft La Jolla Community Plan mirror the regulations in the Land Development Code which allow expansion of previously conforming structures, as long as 50 percent or more of the structure's exterior walls remain.
2. Modification Number 38 - When development is proposed anywhere on a site containing a coastal bluff, a deed restriction to waive rights to construct shoreline protective devices in the future will be required. This issue is not addressed in the City Council-approved June 2002 draft community plan as this is regulatory and already addressed in the Land Development Code. The Land Development Code currently requires such a waiver only when a structure is proposed to be built closer than 40 feet to the bluff edge.

Despite the more restrictive nature of these two issues, they are not so significant when considered in the context of the entire community plan. Overall, and with the CCC interpretations, the suggested modifications to the June 2002 draft La Jolla Community Plan do not significantly impact the policies in the plan. There are significant overarching benefits to the updated community plan that outweigh the impacts of individual issues.

CONCLUSION

The 63 modifications to the June 2002 draft La Jolla Community Plan proposed by the CCC had the potential to create significant impacts to several of the policies in that document. Some of the modifications represent changes to the Council's intent with the adopted policy, while some have the effect of changing various components of the current implementation program. Of the 63 modifications, 18 of the most significant of them are associated with 6 topics addressed in the draft community plan. Regarding these topics, letters of clarification to the CCC, combined with the CCC's response, reduce the impacts of those modifications, because they verify that: 1) the CCC concurs with City staff on the interpretation and, 2) that interpretations reflect the CCC's intent. In reviewing development projects and other matters, City staff will implement the

policies in the community plan consistent with these interpretations. Other than the two topics raised in the Discussion section of this report, the remainder of the modifications are not significant and do not impact the policies in the community plan.

ALTERNATIVE(S)

Do not accept the modifications proposed by the CCC. This alternative would render the June 2002 draft La Jolla Community Plan not approved. The City would have to repeat the update process (including Planning Commission and City Council approval) before resubmitting to the CCC for consideration of the Local Coastal Program amendment.

Respectfully submitted,

S. Gail Goldberg, AICP
Planning Director

Approved: P. Lamont Ewell
Assistant City Manager

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Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachments:
1. March 7, 2003 CCC Letter with Suggested Modifications
 2. April 18, 2003 CCC Letter with Revisions to Suggested Modifications
 3. Summary of Suggested Modifications
 4. August 6, 2003 Planning Department Letter of Clarification
 5. August 26, 2003 CCC Letter of Clarification
 6. October 3, 2003 Planning Department Letter of Clarification

Enclosure: 2002 draft La Jolla Community Plan* (distributed to City Council only)

*A copy of the 2002 draft La Jolla Community Plan is available for review on the fourth floor of the City Administration building, 202 "C" Street, San Diego, California 92101.