

TO: Mayor Golding and City Councilmembers
FROM: League of Women Voters of San Diego
RE: Item- 334 Naval Training Center Land Use Entitlements
DATE: October 3, 2000

The League of Women Voters of San Diego would like to draw your attention to a particular aspect of the implementation proposal for the Naval Training Center that appears to be a breach of faith regarding the public trust.

Our objection concerns plans to exceed the 30-foot coastal height limit on a portion of the NTC site that is slated to pass into private ownership. The city attorney has opined that the 30-foot height limit does not apply to the NTC because the NTC was under federal jurisdiction when Proposition D established coastal height restrictions in 1972. The city attorney has also opined that the city — because it a subdivision of the state -- is not controlled by its own zoning ordinances. The League finds these arguments spurious and detrimental to the public interest.

Based on the following facts, we have concluded that granting a coastal zone exemption to private development at the NTC is an unjustified and illegal act:

* First, the case law cited by the city attorney to justify exceeding the 30-foot height limit pertained to city property and/or public infrastructure. In contrast, the proposed exemption from the 30-foot height limit in the NTC project will apply to development slated for private ownership.

* Second, city ordinances governing zoning, building, and environmental regulations will apply to new and rehabilitated buildings on the NTC site. The 30-foot coastal height limit is also a city ordinance, section 101.0451, and warrants full compliance. Please take note that the 30-foot height limit overlays every other square inch of privately-owned property in the coastal area north of Laurel Street for over 20 miles.

* Third, the voters passed Proposition D explicitly to prevent high rise development along the coastline, with the provision that height restrictions could be lifted only through a new public vote. Although Proposition D explicitly excluded coastal land under federal, state, or port jurisdiction, it did not state -- nor did it imply -- that coastal land subsequently transferred from these jurisdictions to the city or to private ownership should be excluded.

We understand the city's attempt to provide the NTC developer with special financial incentives in order to move this project forward. We can only assume that ballpark-related constraints on the city budget and on downtown redevelopment funds prevent the city from contributing adequately to the NTC project. Nevertheless, we view the height limit exemption as an ill-advised and illegal maneuver and urge you to enforce the height limit or turn the question back to the voters, as required by Proposition D.

Thank you for your attention