

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
(619) 767-2370



December 17, 2015

Th16f**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: CHARLES LESTER, EXECUTIVE DIRECTOR****SUBJECT: CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. LCP-6-SAN-15-0035-4 (Part D/Chollas Creek Triangle
Community Plan Implementation Overlay Zone) FOR COMMISSION REVIEW
AT ITS MEETING OF January 13-14, 2015**

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

PROPOSED AMENDMENT

On November 19, 2015, the City of San Diego's LCP amendment request was filed in the San Diego Coast District office. The amendment package included four distinct and unrelated items; the subject report addresses only Part D of the submittal. The herein proposed amendment involves the addition of a new overlay zone in the City's Land Development Code (LDC) which serves, in large part, as the City's certified implementation plan. The proposed amendment only affects the certified implementation plan and was properly noticed.

DISCUSSION

As part of its citywide planning efforts, the City of San Diego completed an amendment to the Mid-City Communities Plan area for a 43-acre site, commonly referred to as the Chollas Creek Triangle. The amendment would establish new land uses that allow for mixed use development, a realigned street system and additional park and open space lands. Rezoning to implement the community plan amendment were also adopted. However, none of the affected property is located within the coastal zone. Therefore, for

the most part, none of the City's action relative to the plan amendment or rezonings requires Coastal Commission review.

The one element of the City's action on the Chollas Creek Triangle community plan amendment that does require Commission endorsement is the adoption of a code amendment that establishes a Community Plan Implementation Overlay Zone for the site. The overlay zone provides supplemental development regulations to ensure that future development proposals are reviewed for consistency with the plan amendment. The overlay zone is incorporated into the municipal code/Land Development Code by citation; and, since the Land Development Code constitutes the City's certified implementation plan, the subject LCP amendment is necessary to update it for LCP purposes. Again, the substance of the overlay zone provisions are immaterial since the site is located outside the coastal zone but the City's certified LCP implementation plan must be amended to reflect the administrative change.

The proposed revision to the Land Development Code (IP) does not change any coastal zone property, any land uses or have any potential to impact, either individually or cumulatively, coastal resources. Therefore, the proposed amendment can be found consistent with Chapter 3 of the Coastal Act and be supported.

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. 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 de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

DETERMINATION

The Executive Director determines that the City of San Diego LCP Amendment No. LCP-6-SAN-15-0035-4 (Part D) is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property within the coastal zone. The City has properly noticed the

proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

MOTION:

I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2,
DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 132.1402, AND ADDING NEW
DIAGRAM 132-14N, RELATED TO THE MID-CITY
EASTERN AREA – CHOLLAS TRIANGLE COMMUNITY
PLAN IMPLEMENTATION OVERLAY ZONE.

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The properties within this overlay zone are shown generally on Diagrams 132-14A through 132-14MN.

Table 132-14A

Community Plans with Property in the Community Plan Implementation Overlay Zone

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132-14A)	C-771.1, B-3951
Linda Vista (See Diagram 132-14C)	C-750
<u>Mid-City Eastern Area-Chollas Triangle (See Diagram 132-14N)</u>	<u>B-4310</u>
Midway/Pacific Highway Corridor (See Diagram 132-14D)	C-782
Navajo (See Diagram 132-14E)	C-954
Otay Mesa (See Diagram 132-14B)	C-956, B-4300
Pacific Beach (See Diagram 132-14F)	B-37371, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4025
Skyline Paradise Hills (See Diagram 132-14L)	B-4272
Southeastern San Diego (See Diagram 132-14M)	B-4272
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-780.2

(b) [No change in text.]



DIAGRAM 132-14N
Mid-City Eastern Area - Chollas Triangle Community Plan Implementation
Overlay Zone

This is a reproduction of Map No. B-4310 for illustration purposes only.

SMT:als
06/04/2015
08/27/2015 Cor.Copy
Or.Dept: Planning
Doc. No.: 1003521_2

Passed by the Council of The City of San Diego on JUL 14 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 28 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Hernandez, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 30 2015

, and on

JUL 28 2015

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Hernandez, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20540