

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

155 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

(619) 767-2370



June 23, 2004

RECORD PACKET COPY

Fri 5a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of San Diego, certifying the City's Local Coastal Program Amendment No. 2-98B (North Bay Redevelopment), is adequate to effectively certify its local coastal program (for Commission review at its meeting of July 14-16, 2004)

BACKGROUND

At its September 11, 1998 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment #2-98B, addressing amendments to the Midway/Pacific Highway Corridor Land Use Plan, Peninsula Community Plan and Linda Vista Land Use Plan. By its action adopting Resolution No. 291202 on January 19, 1999, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications address the potential future development of a bay-to-bay canal, acknowledge potential impacts to endangered species, wetlands and environmentally sensitive habitat areas and include language to assure additional environmental assessment and review by appropriate agencies occurs prior to a future LCP amendment to incorporate such a proposal into the certified LCP. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

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7575 METROPOLITAN DRIVE, SUITE 103
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****DATE AFTER HEARING****

Mayor Richard Murphy
City of San Diego
202 C Street
San Diego, CA 92101

RE: Certification of the City of San Diego Local Coastal Program Amendment
No. 2-98B (North Bay Redevelopment)

Dear Mayor Murphy:

The California Coastal Commission has reviewed the City's Resolution No. 291202 together with the Commission's action of September 11, 1998 certifying City of San Diego Local Coastal Program Amendment #2-98B pertaining to amendments to the Midway/Pacific Highway Corridor Land Use Plan, Peninsula Community Plan and Linda Vista Land Use Plan. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of July 16, 2004.

By its action on January 19, 1999, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications address the potential future development of a bay-to-bay canal, acknowledge potential impacts to endangered species, wetlands and environmentally sensitive habitat areas and include language to assure additional environmental assessment and review by appropriate agencies occurs prior to a future LCP amendment to incorporate such a proposal into the certified LCP. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

CLERK'S FILE COPY

MEET (66)

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(R-99-606)

RESOLUTION NUMBER R- 291202

ADOPTED ON JAN 19 1999

WHEREAS, on May 4, 1998, the City Council of The City of San Diego held a public hearing for the purpose of considering amendments to the Linda Vista, Claremont Mesa, Old Town, Peninsula, and Midway-Pacific Highway Corridor Community Plans, the City of San Diego Local Coastal Program Land Use Plan, the Progress Guide, and General Plan, and

WHEREAS, the proposed community plan amendments include applications of rezones, which are indicated on Zone Map Drawings B-4092, C-882, and C-883, amendments to the Municipal Code sections 103.0204(B)(5)(a), 103.0204(B)(6)(a), 103.0204(B)(6)(b), 103.0205(B), 103.0205(C), and 103.0205(E), and both the application and rescission of the Community Plan Implementation Overlay Zone to various properties; and

WHEREAS, portions of the affected area are within the coastal zone and, therefore, require certification by the California Coastal Commission to become effective; and

WHEREAS, the California Coastal Commission conducted a public hearing on September 11, 1998, to review the proposed community plan amendments and rezonings; and

WHEREAS, the California Coastal Commission approved the rezonings and approved the community plan amendments subject to modifications; and

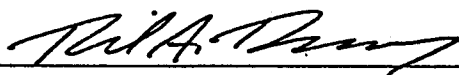
WHEREAS, the Council of The City of San Diego desires to adopt the modifications has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentation given at hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts amendments to the Midway-Pacific Highway Corridor Community Plan, on file in the Office of the City Clerk as Document No. RR- 291202.

BE IT FURTHER RESOLVED, that the Council hereby adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above plan amendments.

BE IT FURTHER RESOLVED, that the Council of The City of San Diego finds that the proposed plan amendments are consistent with the City-adopted Regional Growth Management Strategy, and directs the City Clerk to transmit a copy of this resolution to SANDAG in its capacity as the Regional Planning and Growth Management Review Board.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:jab
11/20/98
Or.Dept:Plan.&Dev.Rvw
R-99-606
Form=r-t.frm

Amend the new Bay-to-Bay element as follows:

Plans for the eventual Development of a canal linking San Diego Bay to Mission Bay via the San Diego River would provide an opportunity for a renewed vitality and upscale image for the Midway/Pacific Highway Corridor community. However, development of Before plans for such a canal can be developed and incorporated into the City's Local Coastal Program, the City shall conduct additional environmental assessment of the impacts of such a canal, including but not limited to the impacts to the tidal regimes, biological productivity, and water quality of Mission Bay and San Diego Bay. Completion of that assessment will be followed by a request that the Coastal Commission certify amendments to the Midway/Pacific Highway Corridor Land Use Plan and the certified Mission Bay Park Master Plan that reflect the alignment of the canal links to the San Diego River. In addition, if by that time the Coastal Commission has certified a Land Use Plan for the former Naval Training Center, such LUP shall also require amendment to reflect linkage of the canal with San Diego Bay.

An alternative to the Bay-to-Bay canal is the development of a linear park or waterway without connections to the San Diego Bay or Mission Bay in the Midway/Pacific Highway Corridor community planning area.

Development of a canal linking San Diego and Mission Bays through the Midway community would be is a critical step towards revitalization of the community.

However, development of a canal linking San Diego and Mission Bays could result in adverse impacts to endangered species, wetlands, and environmentally sensitive habitat areas. Therefore, the canal cannot be constructed without further assessment of environmental impacts and a further amendment of the Local Coastal Program Land Use Plan. Development of this area as a linear park or waterway is a plan alternative that does not require future amendments to the Local Coastal Program Land Use Plan.

Complete development plans of a Develop a Bay-to-Bay water link through the community as an urban and recreational amenity to improve the image of the community and stimulate revitalization and development. Such a water link would Econnect San Diego Bay, from the end of the NTC boat channel, to the San Diego River by constructing a canal that can be navigated by small hand-powered and motorized water craft. Completion of such plans will require further environmental assessment and amendment of the City's certified Land Use Plans. Develop this area as a linear park or waterway if plans for the Bay-to-Bay water link are not approved.

• Ensure that the design of the potential Bay-to-Bay canal is the least environmentally-damaging alternative and that environmental impacts to sensitive resources are avoided and/or minimized consistent with the habitat protection policies of the Coastal Act. Feasible mitigation measures shall be incorporated the canal is designed to minimize adverse impacts to sensitive resources.

DOCUMENT NO. RR-291202
FILED JAN 19 1999
OFFICE OF THE CITY CLERK

The canal alignment is conceptual at this time and subject to further environmental assessment and amendments to the City's certified Land Use Plans.

In developing plans for the final canal segment, the goal is to locate this segment ~~The final canal segment will occur~~ in the San Diego River flood control channel. The potential Bay-to-Bay canal would be constructed as a separate facility within the flood control channel; a jetty separating the two channels would be required. The potential Bay-to-Bay canal would likely be parallel to the flood control channel along the southern rock jetty, and then cross north to enable water craft to exit the channel to the Pacific Ocean and/or Mission Bay. A gate or lock would ~~will~~ probably be needed to protect the Bay-to-Bay canal from flooding during storm events. However, until further environmental studies are completed, the canal connecting San Diego and Mission Bays cannot be constructed.

The Bay-to-Bay canal would be ~~is~~ designed as a tidal canal connecting two tidal bodies of water. It is anticipated that the canal would ~~will~~ ebb and flow with the daily tides. The canal would be ~~is~~ designed as a 200-foot wide facility... Additional studies are needed to asses the impact of the canal on wetlands, and the tidal regimes and water quality of Mission Bay and San Diego Bay. Any properties along the proposed canal alignment that redevelop before the engineering study and other environmental assessment are ~~is~~ complete must comply with the conceptual design recommended by this community plan.

Ultimate design and construction of the canal shall ensure that environmental impacts to sensitive resources are avoided and/or minimized consistent with the habitat protection policies of the Coastal Act and that any necessary mitigation will occur as close to the area of impact as possible. The City will work closely with the United States Fish and Wildlife Service, United States Army Corps of Engineers, California Department of Fish and Game, California Coastal Commission, as well as other governmental agencies and organizations in assessing environmental and engineering feasibility and in designing the canal to achieve the best design possible to minimize identified impacts. Should the canal be designed as a linear park or waterway without connections to San Diego or Mission Bay, such that it is located outside the Coastal Zone, consultation with the California Coastal Commission is not necessary.