

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



March 26, 2012

W24a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHARLES LESTER, 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. 3-11 (Voluntary Accessibility Program), is adequate to effectively certify its local coastal program (for Commission review at its meeting of April 11-13, 2012)

BACKGROUND

At its November 4, 2011 meeting, the Coastal Commission certified, with one suggested modification, the City of San Diego Local Coastal Program Amendment #3-11, regarding the establishment of a voluntary program to create incentives for the incorporation of accessible design elements and features in new residential development. By its action adopting Ordinance Number O-20128 on February 17, 2012, the City Council has acknowledged and accepted the Commission's suggested modification. The modification specified that a density bonus or incentive could not be granted if it would allow development that is inconsistent with the certified land use plan(s) or the Environmentally Sensitive Lands regulations. 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).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



April 16, 2012

Mayor Jerry Sanders
City of San Diego
202 "C" Street, 11th Floor
San Diego, CA 92101

RE: Certification of the City of San Diego Local Coastal Program Amendment
No. 3-11 (Voluntary Accessibility Program)

Dear Mayor Sanders,

The California Coastal Commission has reviewed the City's Ordinance Number O-20128 together with the Commission's action of November 4, 2011 certifying City of San Diego Local Coastal Program Amendment #3-11 pertaining to the City's voluntary program to create incentives for the incorporation of accessible design elements and features in new residential development. 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 April 11, 2012.

By its action on February 17, 2012, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including one suggested modification. The modification specified that the granting of a density bonus or incentive would not be allowed for development that is inconsistent with the certified land use plan(s) or the Environmentally Sensitive Lands regulations. 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,

Charles Lester
Executive Director

Cc: Amanda Johnson Lee
Dan Normandin

ORDINANCE NUMBER O- 20128 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 17 2012

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 5,
DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 145.4003 RELATING TO THE
VOLUNTARY ACCESSIBILITY PROGRAM.

WHEREAS, on May 11, 2010, the Council of the City of San Diego (Council) adopted Ordinance No. O-19955 adding a voluntary accessibility program to encourage residential development that incorporates accessible design features; and

WHEREAS, effective June 17, 2010, Ordinance No. O-19955 applies outside of the Coastal Overlay Zone, but does not apply within the Coastal Overlay Zone until the California Coastal Commission (Coastal Commission) certifies it as a Local Coastal Program Amendment; and

WHEREAS, City staff submitted Ordinance No. O-19955 to the Coastal Commission for certification in June 2010; and

WHEREAS, on November 4, 2011, the Coastal Commission voted to conditionally certify the Voluntary Accessibility Program ordinance on the condition that the City amend San Diego Municipal Code section 145.4003 to further explicitly clarify that the Voluntary Accessibility Program incentives shall not be granted where inconsistent with the policies of the certified Local Coastal Program land use plans or the Environmentally Sensitive Lands (ESL) regulations; and

WHEREAS, the further clarification recommended by the Coastal Commission is not a substantive change to Ordinance No. O-19955; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 5, Division 40 of the San Diego Municipal Code is amended by amending section 145.4003 to read as follows:

§ 145.4003 Voluntary Accessibility Program Regulations and Development Incentives

(a) through (e) [No change in text.]

(f) A bonus or incentive shall not be granted where it would allow *development* that is inconsistent with the policies in the certified *Local Coastal Program land use plan* or the allowed uses and development regulations of the Environmentally Sensitive Lands regulations.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the date the California Coastal Commission unconditionally certifies the provisions of this ordinance as a local coastal program amendment; provided however, that if such California Coastal Commission certification occurs within thirty days from and after the date of its final passage, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

Signature on File

By

Heidi Vonblum
Deputy City Attorney

HV:hm
12/08/2011
02/07/2012 COR.COPY
Or.Dept.DSD
Document No. 316929

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 07 2012.

ELIZABETH S. MALAND
City Clerk

By Signature on File
Deputy City Clerk

Approved: 2-17-12
(date)

Signature on File

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor