

CALIFORNIA COASTAL COMMISSION

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**W18a**

June 26, 2014

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ALEXANDER LLERANDI, COASTAL PLANNER, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT
No. LCP-6-CCP-14 -0606-1 (Centre City Industrial Buffer Overlay Zone) for
Commission Meeting of July 9-11, 2014**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 29, 2014. It is one of two unrelated LCP amendments from the City of San Diego that constitute the City's first submittal for this calendar year. The other LCP amendment (LCP-6-LJS-14-060-1) in the submittal deals with the proposed seasonal closure of the Children's Pool during the harbor seal pupping season. As a whole, the LCP amendment submittal affects both the Land Use Plan (LUP) and Implementation Plan (IP) components of the City's certified LCP. At the June 2014 Commission hearing, a one year time extension was granted by the Commission on the Children's Pool LCP amendment. The Children's Pool LCP amendment is scheduled for Coastal Commission review in August 2014. Absent Commission action at the July hearing, for the subject matter, a time extension for this item would be necessary.

SUMMARY OF AMENDMENT REQUEST

The City has adopted code amendments to the Centre City Planned District Ordinance (PDO) to create a six-block Industrial Buffer Overlay Zone (IBOZ) to the east and south-east of the existing Solar Turbines industrial facility in the northern section of the Little Italy neighborhood of downtown San Diego. Specifically, the proposed 12-acre overlay zone runs north-south between Laurel Street and Grape Street (1,900 feet), and east-west between Pacific Highway and Kettner Boulevard (530 feet, excluding the southeastern-most block). The proposed overlay zone would prohibit uses deemed incompatible with the neighboring Solar Turbines industrial use, defined in the proposed amendment as "sensitive receptors," which includes residential, educational facilities (kindergarten through twelfth grade), child care facilities, hospitals, intermediate care facilities, and nursing facilities. Commercial uses, such as visitor serving commercial, retail, and hotels, that are called for in the certified Downtown Community Plan would still be permitted.

SUMMARY OF STAFF RECOMMENDATION

For the City of San Diego's Local Coastal Program (LCP), the Land Development Code (LDC) constitutes the primary element of the City's certified implementation plan and it

represents an integrating feature for the multiple community plan/land use planning areas. Within the LDC are PDO's, which are specific zoning regulations that, while still meeting the policies of the Land Use Plan (LUP), are applicable only in a specific community. The proposed code amendments will implement the IBOZ to the east and southeast of the existing Solar Turbines industrial facility, prohibiting "sensitive receptor" uses such as residential, educational facilities (kindergarten through twelfth grade), child care facilities, hospitals, intermediate care facilities, and nursing facilities within 650 feet of Solar Turbines.

Currently, the certified Downtown Community Plan, within which the area of the proposed IBOZ falls, designates the northern five blocks as Mixed Commercial and the one southernmost block as Employment/Residential Mixed-Use. The Mixed Commercial land use category is described in the Downtown Community Plan as accommodating a diverse array of uses, including residential, artist's studios and live/work spaces, hotels, offices, research and development, retail and allowing continuing operation of existing services and industrial uses – including light industrial and repair, warehousing and distribution, transportation, and communication services. The Employment/ Residential Mixed-Use land use category permits a variety of uses, including office, residential, hotel, research and development, educational and medical facilities. Thus, the proposed amendment would prohibit artist living spaces and residential use in the five Mixed Commercial blocks and residential, primary educational facilities, and many medical facilities in the single block of Employment/Residential Mixed-Use within the IBOZ.

Under the Coastal Act, visitor-serving uses which serve as an amenity to support coastal visitors and activate a coastal destination are seen as priorities in coastal neighborhoods such as Little Italy. Each of the City's certified community plans/LUPs contain provisions that encourage and support visitor-serving uses. Little Italy has a strong pedestrian-oriented atmosphere, and the proposed amendment will not prohibit any visitor-serving uses. The proposed code amendments do not modify any of the otherwise required development standards, such as parking or landscaping. Therefore, the proposed amendment can be found consistent with the City's certified Downtown Community Plan and no adverse impacts to any coastal resources, including public access, are anticipated. Staff therefore recommends the Commission approve the proposed LCP amendment as submitted.

The appropriate resolution and motion may be found on Page 5. The findings for approval of the Implementation Plan Amendment as submitted also begin on Page 5.

BACKGROUND

The City's first Implementation Plan (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-CCP-14-0606-1 may be obtained from **Alexander Llerandi**, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC became effective in January, 2000.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of San Diego No. LCP-6-CCP-14-0606-1 as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program, as amended.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed code amendments will implement the six-block IBOZ to the east and southeast of the existing Solar Turbines industrial facility, prohibiting “sensitive receptor” uses such as residential, educational facilities (kindergarten through twelfth grade), child care facilities, hospitals, intermediate care facilities, and nursing facilities in the five blocks of Mixed Commercial and the one southernmost block of Employment/Residential Mixed-Use.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The proposed amendment to the certified LCP would prohibit “sensitive receptor” uses such as residential, educational facilities (kindergarten through twelfth grade), child care facilities, hospitals, intermediate care facilities, and nursing facilities in the five blocks of Mixed Commercial designated properties and the one southernmost block of Employment/Residential Mixed-Use designated properties. No visitor serving commercial uses would be prohibited in the IBOZ. Thus, other uses called for in the Downtown Community Plan for those zones, such as hotels, retail, and research and development, would still be permitted. The purpose of these regulations is to ensure that incompatible uses are not introduced in proximity to existing industrial uses, such as the Solar Turbines industrial facility.

Under the Coastal Act, visitor-serving uses, such as overnight accommodations, restaurants, and retail, serve as an amenity to support coastal visitors and activate a coastal destination and are viewed as a land use priority. The certified Downtown Community Plan encourages such uses, especially at street level, so as to foster a pedestrian-oriented atmosphere that is already strongly present in the Little Italy neighborhood.

Section 3.1-G-1 through 3 of the Downtown Community Plan lists the goals of the LUP:

Provide a land use and development framework to guide downtown’s evolution as a premier regional and global center of commerce, residence, arts, education, and recreation.

Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services.

Allow service and support commercial uses – such as small hospitals, produce markets that serve restaurants, and repair shops – in specific locations to ensure availability of essential services within downtown.

The proposed code amendments still allow the above goals of the plan to be met both by limiting its impact to 6 blocks and by still allowing the overall intent of a mixed pattern of development to occur. The amendments do not modify any of the otherwise required development standards, such as parking or landscaping. The California Air Resources Board recommends a 1,000 foot buffer from industrial uses, and this recommendation is echoed in the City’s General Plan which, while uncertified, is applicable throughout the City. Because the proposed IBOZ is 635 feet at its widest point, the buffer area could have potentially encapsulated much more of the Little Italy neighborhood. However, by limiting the buffer zone’s reach to the reasonable minimum necessary to avoid impacts from incompatible uses, the City’s action still achieves its goals while avoiding overly broad and restrictive impacts. Therefore, the proposed amendment can be found

consistent with the City's certified Downtown Community Plan (LUP) and no adverse impacts to any coastal resources, including public access, are anticipated. The Commission therefore approves the proposed LCP amendment as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 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 Coastal Commission and 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 to CEQA provisions. At the local level, the City found that the environmental review completed at the time of the original adoption of the Land Development Code remained valid and sufficient. The City concluded that the proposed amendment would not result in a substantially changed project, would not result in new impacts or changed circumstances that would require a new environmental document. In the case of the subject LCP amendment request, the Commission also finds that approval of the LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for any impacts which have not been explored and the LCP amendment, as submitted, can be supported.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302 AND 156.0307 AND FIGURE C, RELATING TO THE ESTABLISHMENT OF AN INDUSTRIAL BUFFER OVERLAY DISTRICT IN THE CENTRE CITY PLANNED DISTRICT.

§156.0302 Definitions

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses through *Senior housing* or *senior unit* [No change in text.]

Sensitive receptor means any of the following land uses: residential, educational facilities for kindergarten to grade 12, *child care facilities*, hospitals, intermediate care facilities, and nursing facilities.

Setback through *Urban open space* [No change in text.]

§156.0307 Land Use Districts

Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay dis

EXHIBIT NO. 1
APPLICATION NO.
LCP-6-CCP-14-
0606-1
Strike-out/Underline
 California Coastal Commission

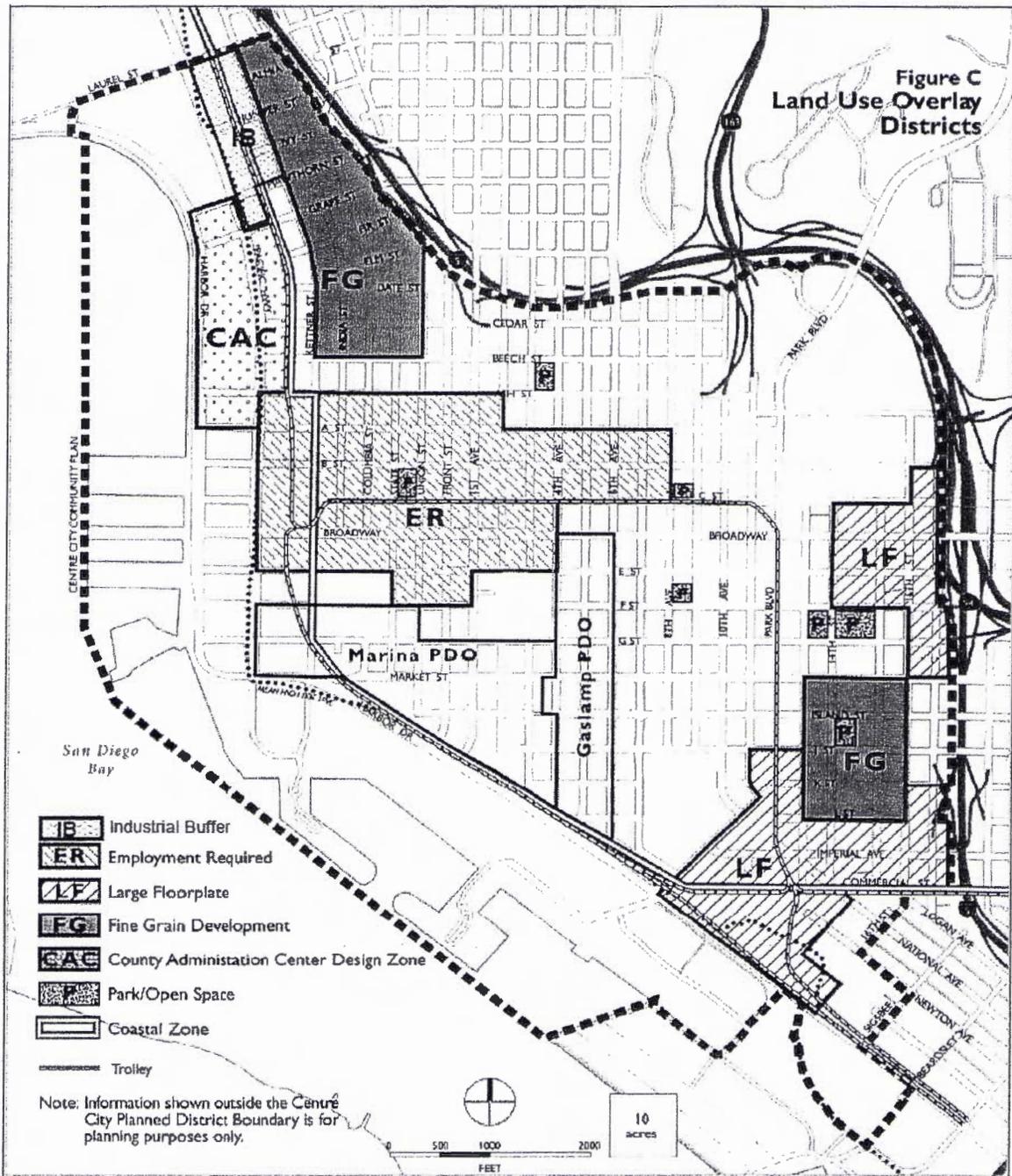
shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308-A. Specific requirements for minimum and maximum percentages of *active commercial uses* on the ground-floor along *street frontages* are provided.

- (a) [No change in text.]
- (b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

(1) through (12) [No change in text.]

(13) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to protect industrial lands by minimizing potential land use incompatibilities that could result from proximity to sensitive receptors. Sensitive receptors are prohibited within the IB Overlay District.



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12/12/13
Or.Dept: Civic San Diego
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