

CALIFORNIA COASTAL COMMISSION

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November 1, 2017

W24i**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR****SUBJECT: CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. LCP-6-SAN-17-0056-3 (LDC Revisions) FOR
COMMISSION REVIEW AT ITS MEETING OF December 13-15, 2017**

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.

PROPOSED AMENDMENT

On October 30, 2017, the City of San Diego’s LCP amendment request was filed in the San Diego Coast District office. At the local level, the amendment involves the adoption of the Uptown Community Plan Update, the related repeal of the Mid-City Communities Planned District, West Lewis Street Planned District, and Interim Height Ordinances, as well as changes to the mapped boundaries of the Uptown Community Plan Implementation Overlay Zone which revise the City’s certified Land Development Code (LDC). The LDC 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 update to the Uptown Community Plan area. At the city level, other amendments to rezone properties in the Uptown community to use city-wide zones, abolish planned district ordinances and height regulations that are no longer applicable, and modify the boundaries of the plan area’s Community Plan Implementation Overlay Zone were also adopted. However, none of the affected properties are located within the coastal zone. Therefore, for the most part,

none of the City's action relative to the plan amendment or specific rezoning requires Coastal Commission review.

The elements of the City's action on the Uptown Community Plan that do require Commission endorsement is the adoption of the LDC amendments that repeal PDOs that previously applied to the Uptown Community Plan area, along with the adoption of the revised Community Plan Implementation Overlay Zone (CPIOZ). The PDOs and overlay zone provide supplemental, community-specific development regulations to ensure that development proposals are designed with community concerns in mind. However, with the adopted update to the Uptown Community Plan and adjacent community areas, the PDOs are no longer necessary and are being repealed to remove redundancies and streamline the LDC. While the community areas in question are all outside of the coastal zone, because the repeal of the PDOs and the adoption of the revised overlay zone require an amendment to the LDC, which is the certified IP of the LCP, the subject LCP amendment is necessary to update it for LCP purposes. Again, the substance of the LDC amendment is immaterial because the affected properties are located outside of the coastal zone but the City's certified LCP IP must be amended to reflect the administrative changes.

The proposed revision to the Land Development Code (IP), does not change any coastal zone property or any land uses in the coastal zone, or have any potential to impact, either individually or cumulatively, coastal resources. Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act and it can 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-17-0056-3 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.