

**CALIFORNIA COASTAL COMMISSION**

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November 14, 2017

**W24j****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
ALEX LLERANDI COASTAL PLANNER, SAN DIEGO COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT  
No. LCP-6-SAN-17-0057-4 (Parking Regulations Cleanup) for Commission  
Meeting of December 13-15, 2017**

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**SYNOPSIS**

The subject LCP implementation plan amendment was submitted and filed as complete on October 4, 2017. At the November 2017 hearing, the Commission approved a one-year time extension. As such, the latest hearing for Commission action on this item is the November 2018 Commission hearing. In addition to this amendment, there are two other pending items from the City of San Diego: LCP-6-CCP-0064-2 (Downtown Mobility Plan) and LCP-6-SAN-17-0056-3 (LDC Revisions). Both of those amendments are also scheduled for the December 2017 Commission hearing.

**SUMMARY OF AMENDMENT REQUEST**

At the July 2017 hearing, the Commission approved LCP Amendment No. LCP-6-SAN-17-0030-1 (LDC Amendments) as submitted, an amendment request that updated the North Park Community Plan – located outside of the coastal zone – and modified certain neighborhood commercial and community commercial zones, including modifying the parking requirements of an existing neighborhood community zone – CN-1-4 – and the creation of a new neighborhood community zone: CN-1-5, that were being utilized in the North Park community. Although the community plan update did not require Commission review because of its location outside of the coastal zone, given that the Land Development Code (LDC) serves in large part as the City’s certified implementation plan, the related code amendments did require Commission certification in order to keep the Land Development Code internally consistent as both the certified UP and citywide zoning. Subsequent to the Commission’s approval, the City realized that it had inadvertently omitted the parking ratios for the above neighborhood commercial zones from the relevant parking tables. This amendment is intended to rectify this omission by including the ratios in Tables 142-05E and 142-05F of the certified LCP. To date, the CN-1-4 and CN-1-5 zones have not been previously used elsewhere in the City, including the coastal zone.

## **SUMMARY OF STAFF RECOMMENDATION**

The Implementation Plan of the City of San Diego's certified Local Coastal Program is contained in Chapters 11 – 15 of the San Diego Municipal Code and is referred to as the "Land Development Code" (LDC). In part, the LDC contains tables listing the parking ratios for each specific zone type within the city, and the previously approved LCP amendment inadvertently omitted two parking ratios from the amended tables. However, while the specific listings for CN-1-4 and CN-1-5 were omitted, the previously approved amendment made it clear that the two zones were going to be used for mixed-use development that would have increased allowable residential densities of 0-44 dwelling units per acre and 0-73 dwelling units per acre, respectively. Thus, the parking ratios were analyzed in the related Environmental Impact Report conducted by the City for the previous amendment. Furthermore, neither CN-1-4 nor CN-1-5 zones have not been previously used by the City and are not currently proposed for implementation within the City's coastal zone. Finally, the proposed parking ratios for the two zones are similar to parking ratios already in use by the City, including the coastal zone areas. Thus, the proposed amendment represents a minor correction that will first be implemented outside of the coastal zone; and, the amendment can be found consistent with the City's certified land use plans and no adverse impacts to coastal resources, including public access, are anticipated. Staff therefore recommends the Commission approve the proposed LCP amendment as submitted.

The appropriate resolutions and motions may be found on Page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 4.

## **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, among other components, 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. For the subject amendment, Commission staff was briefed by City staff on its drafting, and consultation between the respective offices continued through its adoption.

## **ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-17-0057-4 may be obtained from Alexander Llerandi, Coastal Planner, at (619) 767-2370.

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## **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 - RESOLUTION**

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

- I. MOTION:**     *I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-17-0057-4 for the City of San Diego 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 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 will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, 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 Amendment.

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

At the July 2017 hearing, the Commission approved LCP Amendment No. LCP-6-SAN-17-0030-1 (LDC Amendments), as submitted, and the amendment request that updated the North Park Community Plan – located outside the coastal zone – and modified certain neighborhood commercial and community commercial zones, including modifying the parking requirements of an existing neighborhood community zone – CN-1-4 – and the creation of a new neighborhood commercial zone: CN-1-5. Although the community plan update did not require Commission review because of its location outside the coastal zone, given that the Land Development Code (LDC) serves in large part as the City’s certified implementation plan, the related code amendments did require Commission

certification in order to keep the Land Development Code internally consistent as both the certified IP and citywide zoning code. Subsequent to the Commission's approval, the City realized that it had inadvertently omitted from the amendment the parking ratios for the above neighborhood commercial zones from the relevant parking tables. This amendment is intended to rectify this omission by including the ratios in Tables 142-05E and 142-05F of the certified LCP. To date, the CN-1-4 and CN-1-5 zones have not been previously used elsewhere in the City, including the coastal zone.

## **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.

### **a) Purpose and Intent of the Ordinance.**

The purpose of the proposed amendment is to correct an inadvertent omission of parking ratios for CN-1-4 and CN-1-5 from the relevant data tables in the certified LCP.

### **b) Major Provisions of the Ordinance.**

The major provision of the amendment modifies certain city-wide parking ratio tables accordingly:

- Amend Table 142-05E: Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use Development to include parking ratios for CN-1-5. The parking ratio would be 2.5 parking spaces per 1,000 square feet of floor area outside of the Transit Overlay Zone, 2.1 parking spaces per 1,000 square feet within the Transit Overlay Zone, and a maximum threshold of 6.5 parking spaces per 1,000 square feet.
- Amend Table 142.05F: Parking Ratios for Eating and Drinking Establishments to include parking ratios for CN-1-4 and CN-1-5. The parking ratios for both zones would be 2.5 parking spaces per 1,000 square feet of floor area outside of the Transit Overlay Zone, 2.1 parking spaces per 1,000 square feet within the Transit Overlay Zone, and a maximum threshold of 25 parking spaces per 1,000 square feet.

### **c) Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan(s). In the case of the City of San Diego, it has developed community planning areas based on its established neighborhoods and future urbanizing area. Predicated on those community planning areas, the City utilized the geographic segmentation provisions of the LCP regulations and developed its land use plan component covering twelve different communities (e.g., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Otay-Mesa Nestor). Each community plan or LCP Land Use Plan contains

policies that protect public views, scenic resources, public access, recreational opportunities and sensitive coastal resources including, but not limited to, beaches, bluffs, slopes, hillsides and environmentally sensitive lands in that community. The Commission's review of the proposed changes to the Land Development Code must assure that development is approved only when consistent with the certified LUPs.

Listed below are representative policy excerpts contained in the certified Land Use Plan segments in the Coastal Overlay Zone for the City of San Diego.

### **La Jolla LCP Land Use Plan**

- Maintain a diversified, yet balanced land use pattern which includes providing adequate levels of commercial retail services, residential development, and cultural opportunities within existing commercial areas, while limiting additional office use within commercial designated area.
- Promote mixed-use residential and commercial developments along transit corridors such as the commercial areas of La Jolla Boulevard, in order to encourage affordable housing opportunities.

### **Ocean Beach Community Plan**

- Mixed-use projects should be developed in commercial areas in an integrated, compatible, and comprehensive manner.
- Encourage the City to adopt pilot programs aimed at creating incentives for sustainable, mixed-use development.
- Encourage the development of community-related institutions within the community to serve the residential and employment needs of residents and visitors.

The proposed corrections to insert the inadvertently omitted parking ratios apply to commercial zones that currently are not currently applied anywhere in the City of San Diego and are not proposed to be applied within the City's coastal zone at this time. The parking ratios in question equate to a requirement of 1 parking space per 400 square feet of retail, commercial, office, mixed-use, or restaurant use outside of the Transit Overlay Zone and 1 parking space per 476 square feet of the above uses within the Transit Overlay Zone. These ratios are comparable to the parking ratios that are commonly utilized within the coastal zone and are consistent with offering an incentive to development located in close proximity to alternate transit. Nevertheless, the appropriateness of the parking ratios in question is not being analyzed at this time, as no specific rezoning in the coastal zone is currently being proposed; future application of these zones to new parts of the coastal zone would necessitate a separate LCP amendment related either to the community plan update or specific site rezoning, at which time the merits of the proposed parking ratios and site-specific conditions would be assessed by

the Commission. Thus, the proposed amendment can be found adequate to carry out the policies of the certified Land Use Plans in the City's certified LCP, and may be approved as submitted.

**PART V. 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. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. 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 submission.

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.