

CALIFORNIA COASTAL COMMISSION

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April 28, 2017

Th17g**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
KAITLIN CARNEY, COASTAL PROGRAM ANALYST, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT
NO. LCP-6-TJN-17-0029-1 (San Ysidro Community Plan Update) for Commission
Meeting of May 11, 2017**

SYNOPSIS

On March 30, 2017, the City of San Diego (City) Local Coastal Program (LCP) Amendment Nos. LCP-6-PEN-17-0028-1, LCP-6-SAN-17-0030-1, and LCP-6-TJN-17-0029-1 were filed in the San Diego District office as a batched submittal. The submittal represents the City's first major amendment submittal for the 2017 calendar year. The amendment involves three items: the first two involve modifications to the certified Land Development Code (LDC), which serves as the City's Implementation Plan (IP), related to height restrictions in the Peninsula area and city-wide zone updates, while the third item is the San Ysidro Community Plan Update, along with related land use redesignations and rezones, and the subject of this report. The date by which the Commission must take action on this item, absent an extension of the time limits by the Commission, is June 28, 2017. The other two items will be heard at a later date.

SUMMARY OF AMENDMENT REQUEST

The subject submittal consists of a comprehensive update to the certified Land Use Plan (LUP) for the San Ysidro community in the City of San Diego, with land use changes to redesignate several areas in the community to better reflect existing uses, the rescission of the current San Ysidro Planned District Ordinance, and the adoption of city-wide zones with some zone changes. The proposed amendment will therefore affect both the certified land use and implementation plans.

Although the LCP amendment submittal is being treated as an update to the existing community plan, this plan is essentially an entirely new LCP Land Use Plan (LUP) for the San Ysidro community and it replaces in its entirety the San Ysidro Precise Plan. The San Ysidro Community Plan Update has been developed to address the coastal issues identified by Commission and City staff, along with the citizens and property owners of San Ysidro, as well as other interested parties. The San Ysidro Community Plan covers approximately 1,865 acres that comprise the community of San Ysidro. The southern

portion of the community lies within the Coastal Zone, including the Dairy Mart Ponds open space area and some existing residential and commercial development. Therefore, the City has included issues and policies related to the requirements of the Coastal Act. This updated plan went into effect outside of the Coastal Zone on January 5, 2017; however, adoption of the plan within the Coastal Zone awaits Commission approval.

The proposed land use plan update is provided as [Exhibit 1](#).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP amendment as submitted, then approval with suggested modifications.

The comprehensive update to the San Ysidro LUP addresses a wide range of issues and planning concerns relevant to the community of San Ysidro. As a whole, the community is a place of international exchange and commerce, serving both the tourist and resident populations. The southern portion of the community lies within the coastal zone, including the Dairy Mart Ponds open space area, residential area and commercial areas. While the community is located several miles from the coast, it contains important coastal resources.

In terms of an overview, the following Coastal Act issues and priority concerns are not sufficiently addressed in the comprehensive LUP update as submitted and are either missing, unclear, or inadequate. The issues must be addressed to approve and update a land use plan that is consistent with Chapter 3 policies of the Coastal Act and responsive to emerging issues such as Environmentally Sensitive Habitat Area (ESHA) determinations and sea level rise. This staff report organizes these issues into the following policy groups: (1) Biological Resources, (2) Climate Change/Sea Level Rise, (3) Scenic and Visual Resources, and (4) Low-Cost Visitor Overnight Accommodations. The outstanding issues and concerns are cited here, along with a brief summary of proposed modifications:

1. **Biological Resources:** The City's certified IP, the Land Development Code (LDC), contains Environmentally Sensitive Lands (ESL) regulations for protection of coastal bluffs, beaches, wetlands, steep hillsides, sensitive biological resources, and floodways. The proposed plan addresses the existing sensitive lands and the Multi-Habitat Planning Area (MHPA) in the community, and requires implementation of the City's ESL regulations and MHPA Adjacency Guidelines. However, the MHPA is not part of the certified LCP. Under Section 30240 of the Coastal Act, there are specific provisions for protecting ESHA that are not captured by the ESL regulations. Land use plans and especially comprehensive updates should identify ESHA within each planning area and adopt policies for protecting them, consistent with Section 30240, including both currently identified ESHA and providing for future determinations to be made as resources and conditions change over time. In addition, the proposed plan includes provisions for the possible development of a road through the Dairy Mart

Ponds, which could impact potential ESHA and wetland habitat. Therefore, suggested modifications include policies for the protection of ESHA and wetland habitat in the community, provisions for site-specific determinations to identify and protect ESHA over time, and strengthened policies that direct how future development (including a roadway extension) may occur. (Reference Suggested Modification #s 2, 3, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22 and 23)

2. **Climate Change/Sea Level Rise:** It is crucial for communities to adequately address and prepare for impacts from climate change and sea level rise. The proposed plan addresses climate change in terms of policies to improve mobility, sustainable development, and water conservation; however, the plan fails to identify sea level rise as a growing issue of concern. Suggested modifications prioritize protection of coastal resources from risks of sea level rise and flooding, avoiding and minimizing risks from sea level rise in new development, and establish the need to utilize best available science to prepare for and adapt to climate change impacts. (Reference Suggested Modification #s 19, 24, 25, 26, 27, 28 and 29)
3. **Scenic and Visual Resources:** The community has a variety of scenic resources in its San Ysidro South Neighborhood, including views of the Dairy Mart Ponds open space and Tijuana River Valley. The river valley provides an open, natural area in an otherwise urban atmosphere and has a dramatic visual impact on the San Ysidro community. The LUP, as submitted, lacks specific policies for the protection of public views, as well as an identification of where those viewpoints are located. Suggested modifications add a policy to protect important coastal views and incorporate a map of the existing “Scenic Overlooks” and “Intermittent or Partial Vistas.” In addition, the proposed plan fails to clearly address signage and restrict the development of freeway signs. Therefore, suggested modifications restrict large commercial signage. (Reference Suggested Modification #s 9, 10 and 11)
4. **Low-Cost Visitor Overnight Accommodations:** The San Ysidro community currently has a significant supply of lower-cost overnight accommodations. However, the LUP update does not have any policies protecting existing lower-cost or mid-range overnight accommodations. Section 30213 requires that lower-cost visitor and recreational facilities be protected and retained and the Commission has the responsibility to ensure that a range of affordable facilities be provided with new development. Without LCP policies to protect existing lower-cost facilities, redevelopment could reduce the available supply. Therefore, suggested modifications include policies that add language to protect and encourage lower and moderate-cost overnight accommodations in the community. (Reference Suggested Modification #s 4 and 5)
5. **New Development:** The submittal includes several changes to land use designations in the Coastal Zone. These changes are intended to better reflect

existing development. No new allowable uses are proposed, nor are any deletions of reductions of priority uses. (No Suggested Modifications)

In summary, although it is clear that the City and other stakeholders involved have made a great effort to update and develop LUP policies that will protect and enhance the community's resources, it is critical that the LUP update contains clear, specific and detailed policy direction for each of the policy groups contained in Chapter 3 of the Coastal Act, in order to carry out the policies of the Coastal Act. As proposed, the update is lacking the detail and specificity required of an LUP in the policy groups as summarized above. Therefore, the City and Commission staff have worked closely together to supplement and refine the proposed policies through suggested modifications to address all of the critical Coastal Act issues and to narrow the potential areas of disagreement. At the time of this writing, agreement has not been reached on the following issues:

- **Protection of wetlands and ESHA with new development.** Suggested modifications require the avoidance of coastal wetlands and ESHA in future development, including the development of a road connection from Calle Primera to Camino de la Plaza.

The subject amendment also contains eight changes to the land use designations in the Coastal Zone. These changes are listed in a table on Page 17 and mapped in [Exhibit 10](#). These land use changes are meant to correct inconsistencies between the designations and existing development and no new land uses are proposed, nor are any priority uses being removed. Therefore, staff is recommending approval of these land use designation changes with no modifications.

For the proposed rezonings, staff is recommending approval of the IP amendment as submitted. The proposed IP amendment is consistent with the LUP as proposed relative to land use.

The appropriate resolutions and motions begin on Page 8. The suggested modifications begin on Page 10. The findings for denial of the Land Use Plan Amendment as submitted and approval if modified begin on Page 16. The findings for approval of the Implementation Plan as submitted begin on Page 29.

BACKGROUND

Over the past year, there was significant coordination work and consultation between City staff and Commission staff prior to submittal of the subject amendment proposal, resulting in productive exchanges and resolution on many topics. Commission staff met with City staff at least twice in mid-summer of 2016 to provide early feedback and identify issues of concern about consistency with the Coastal Act based on our review of the draft plan. At the end of those two meetings, it was staff's expectation that further consultation would occur. Unfortunately, the City's timeline advanced more quickly and Council hearings were set. Nonetheless, in anticipation of the city council hearing, staff sent a letter to the City expressing concerns with the proposed plan and indicating a lack

of support for the plan without changes. In November 2016, the City adopted the San Ysidro Community Plan update and rezones; and, as of January 5, 2017, the update, land use changes and rezones took effect outside of the coastal zone. In December, continuing the staff coordination effort, City staff provided Commission staff with a revised set of policies and acknowledged their intent to work with the Commission and take suggested modifications back to City Council for final certification. After productive discussions with City staff, many of the initial recommendations were resolved either with new information, clarifications, or mutually agreed upon rewording of text and policy recommendations. City and Coastal staff met in January 2017 to discuss some revised policies and address remaining concerns. These revised policies have been incorporated into many of the modifications suggested for the San Ysidro Community Plan Update.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment LCP-6-TJN-17-0029-1 may be obtained from **Kaitlin Carney**, Coastal Planner, at (619) 767-2370.

EXHIBITS

- [Exhibit 1 Proposed LUP Update](#)
- [Exhibit 2 City Resolution for LUP Update](#)
- [Exhibit 3 City Resolution for CEQA](#)
- [Exhibit 4 City Ordinance for SY PDO Rescission](#)
- [Exhibit 5 City Ordinance for Rezone](#)
- [Exhibit 6 November 10, 2016 CCC Letter to City Council](#)
- [Exhibit 7 Scenic Views and Vistas](#)
- [Exhibit 8 100-year Flood Map](#)
- [Exhibit 9 Potential Future Roadway Alignment Study Area](#)
- [Exhibit 10 Map of Land Use Changes](#)
- [Exhibit 11 Map of Rezones](#)
- [Exhibit 12 Map of San Ysidro Coastal Zone](#)

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process, and in 1977, requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to 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, but some have since been certified as LCP amendments. Other areas of deferred certification still remain today and the Coastal Commission will act on certifying those areas 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 has been in effect within the City's coastal zone since January 1, 2000.

The San Ysidro community is part of the Tijuana River Valley segment, one of the City of San Diego's twelve LCP segments. The community, approximately 1,865 acres in area, is bordered by Otay Mesa-Nestor, Otay Mesa, the Tijuana River Valley, and the international border with Mexico. San Ysidro is a historic community that has witnessed over a century of settlement and development and its urban form has been influenced by many factors. San Ysidro's location along the border with Mexico fosters abundant opportunities for exchange and commerce, while also exposing the community to border traffic congestion and vehicle emissions, as well as separating the community from the rest of the City of San Diego. The portion of the community that is within the coastal zone lies south and west of the I-5 and adjacent to the Tijuana River Valley ([Exhibit 12](#)). The Tijuana River Valley has its own community plan, the Tijuana River Valley Local Coastal Program Land Use Plan, which emphasizes the preservation, enhancement, and restoration of the natural features of the valley and allows for limited recreational and agricultural uses. The important coastal resources in the coastal zone of San Ysidro community are the Tijuana River Valley floodplain and open space area, including the Dairy Mart ponds.

The existing San Ysidro Community Plan was adopted by the City in 1990 and certified by the Commission in September 1991, certifying it as the Land Use Plan portion of the

City's LCP for this planning area. The subject request is a comprehensive update to the existing community plan with land use changes to better reflect existing development. In addition, the subject request includes an ordinance to rescind the current community zoning, the San Ysidro Planned District Ordinance, and replace it with citywide base zones.

Over the past year, there was significant coordination work and consultation between City staff and Commission staff prior to submittal of the subject amendment proposal, resulting in productive exchanges and resolution on many topics. While many identified issues were resolved, in anticipation of the City Council hearing, staff sent a letter to the City expressing concerns with the proposed plan and indicating a lack of support for the plan without changes. In November 2016, the City adopted the San Ysidro Community Plan update and rezones; and, as of January 5, 2017, the updates and rezones took effect outside of the coastal zone. In December, City staff provided Commission staff with a revised set of policies in response to coastal concerns. City and coastal staff met in January 2017 to discuss the revised policies and address any remaining concerns.

Commission staff is now recommending approval of the LCP amendment with some suggested modifications. A great many of the concerns previously identified have been resolved through the collaborative approach between City and Coastal Commission staff, but some additional modifications are suggested to ensure protection of ESHA, plan for sea level rise and climate change, protect scenic views, and protect low-cost visitor overnight accommodations.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

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.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

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's public outreach process was extensive and included representation from the diverse community of San Ysidro residents, business owners, community leaders, public officials, other interested parties and agencies. Meetings took place over the course of six years and the Community Plan Update Advisory Committee served as the venue for more than 24 community meetings and workshops, in addition to regular presentations and discussions at scheduled San Ysidro Community Planning Group meetings, and meetings with four separate planning group subcommittees. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All 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.

MOTION I: *I move that the Commission certify the Land Use Plan Amendment #LCP-6-TJN-17-0029-1 for the City of San Diego certified LCP as submitted.*

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners.

**RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN
AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment #LCP-6-TJN-17-0029-1 for the City of San Diego certified LCP as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

MOTION II: *I move that the Commission certify the Land Use Plan Amendment #LCP-6-TJN-17-0029-1 for the City of San Diego certified LCP if modified in accordance with the suggested changes set forth in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT WITH
SUGGESTED MODIFICATIONS:**

Subject to the following modifications, the Commission hereby certifies the Land Use Plan Amendment #LCP-6-TJN-17-0029-1 for the City of San Diego certified LCP and finds for reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of the Chapter 3 of the California Coastal Act. Certification of the Plan as modified as suggested below complies with 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

MOTION III: *I move that the Commission reject the Implementation Program Amendment #LCP-6-TJN-17-0029-1 for the City of San Diego certified LCP as submitted.*

STAFF RECOMMENDATION TO CERTIFY 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 the majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM
AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment #LCP-6-TJN-17-0029-1 for the City of San Diego certified LCP as submitted and adopts the findings set forth below on the grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, 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. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LUP be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck out~~ sections represent language that the Commission suggests be deleted from the language as originally submitted. The following suggested revisions are listed in the order they appear in the proposed LUP.

Chapter 1: Introduction

1. On Page 1-6, Table 1-1 shall be revised to add the following Policy References to the Public Access Issue area:

2.2.6, 3.10.4, 3.10.5 On-street

Chapter 2: Land Use Element

2. On Page 2-14, Policy 2.2.10 shall be revised as follows:

Design new housing in San Ysidro South Neighborhood to ~~reduce~~ avoid impacts to natural habitat within the Dairy Mart Ponds natural habitat by implementing Environmentally Sensitive Lands regulations per the Land Development Code.

3. On Page 2-17, Policy 2.3.8 shall be revised as follows:

~~Support the extension of~~ Should a roadway connection from Calle Primera to Camino de la Plaza be constructed to provide better access to the San Ysidro

Wholesale District, identify an alignment that avoids coastal wetlands and ESHA where delineated.

4. On Page 2-18, the following shall be added as a new Commercial & Industrial Use Policy 2.3.11:

Encourage the addition of overnight accommodations particularly serving the low/moderate cost range in the community.

5. On Page 2-18, the following shall be added as a new Commercial & Industrial Use Policy 2.3.12:

Rehabilitate existing hotel/motel/hostel facilities where feasible.

Chapter 3: Mobility Element

6. On Page 3-22, Street & Freeway Systems Policy 3.5.5 shall be revised as follows:

Support the construction of a roadway connection from Calle Primera to Camino de la Plaza. Coordinate with appropriate resources agencies to identify an alignment for a roadway connection from Calle Primera to Camino de la Plaza that would avoid coastal wetlands and ESHA where delineated.

7. On Page 3-13, Figure 3-8 shall be revised to remove proposed road alignments and replace with an identified study area for future potential alignments. See [Exhibit #9](#)

Chapter 4: Urban Design Element

8. On Page 4-23, Pedestrian-Oriented Design Policy 4.5.15 shall be revised as follows:

Explore the opportunity to connect West Calle Primera with Camino de la Plaza and provide linkages to Dairy Mart Ponds and open space while avoiding coastal wetlands and ESHA where delineated.

9. On Page 4-31, the following shall be added as a new Streetscapes Policy 4.9.5:

Protect identified coastal views as shown on Figure 4-27 by implementing front, side, and rear setbacks to maximize access to public coastal views within the coastal area.

10. On Page 4-31, or elsewhere as appropriate in the Streetscapes Section, a new Exhibit 4-27 shall be added to identify scenic overlooks and vistas. See [Exhibit #7](#)

11. On Page 4-42, Gateways and Signage Policy 4.11.18 shall be revised as follows:

Provide a community identification sign in advance of the 1-5 off-ramp to Via San Ysidro outside of the Coastal Zone. Within the Coastal Zone, no freestanding pole signs or roof signs shall be permitted.

Chapter 5: Economic Prosperity Element

12. On Page 5-10, Wholesale Industrial Policy 5.9.3 shall be revised as follows:

~~Support the~~ Should a road connection from West Calle Primera to Camino de la Plaza be constructed to improve circulation for the Wholesale Industrial area, identify an alignment that avoids coastal wetlands and ESHA. Also see the Mobility Element for additional policies for road development.

Chapter 6: Public Facilities, Services & Safety

No suggested modifications

Chapter 7: Recreation Element

No suggested modifications

Chapter 8: Conservation Element

13. On Page 8-4, the following shall be added as a new Resource Management & Preservation discussion paragraph:

Environmentally Sensitive Lands (ESL) Regulations

The purpose of the City's Environmentally Sensitive Lands (ESL) regulations are to protect, preserve, and, where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. The ESL regulations, as part of the municipal code, and the accompanying Biology, Steep Hillside, and Coastal Bluffs and Beach's Guidelines serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards also serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the Multiple Habitat Planning Area, as identified in the City of San Diego Subarea Plan. Within wetland areas, state, and federal laws and regulations regulate adverse impacts to wetlands and listed species habitat.

14. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.6:

Implement the City's Environmentally Sensitive Lands regulations and Biology Guidelines for preservation, acquisition, restoration, management, and monitoring of biological resources, including Environmentally Sensitive Habitat Areas, consistent with Section 30240 of the Coastal Act.

15. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.7:

The potential future roadway alignment study area (See Figure 3-8) is within a potential Environmentally Sensitive Habitat Area (ESHA) per the Coastal Act. Prior to determining an alignment for the Calle Primera roadway extension, conduct a survey of the study area to delineate ESHA boundaries. ESHA is defined by the Coastal Act as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments. Such areas are critically important for the survival of species or valuable for maintaining biodiversity.

16. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.8:

Minimize and evaluate the use of night lighting adjacent to sensitive habitat areas, consistent with MHPA Adjacency Guidelines, ESL Regulations, and Outdoor Lighting Regulations.

17. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.9:

Encourage the use of special design and window treatments to improve the degree to which new developments are bird-safe. Green design that facilitates bird safety includes: reduction of reflectivity and transparency in glass, the avoidance of light pollution, reduced disturbance to natural landscapes, and biological systems, and lowered energy use.

18. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.10:

Support re-vegetation of open space areas with native and location-appropriate plant communities, drought-tolerant, and non-invasive plants.

19. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.11:

Consider new construction within floodplain areas only in accordance with adopted development regulations and incorporation of proper setbacks and buffer areas from wetland areas.

20. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.12:

Encourage the installation of additional recycling bins on sidewalks in high-use areas, as needed.

21. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.13:

Encourage new development to meet the requirements of the US Green Building Council (USGBC) Leadership in Environmental Design Program (LEED) certification or equivalent CALGreen standards.

22. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.14:

Encourage the use of native and location appropriate plant communities, and drought tolerant landscaping to reduce water usage.

23. On Page 8-4, the following shall be added as a new Resource Management & Preservation Policy 8.2.15:

Require a Focused Survey Report in accordance with the City of San Diego Biology Guidelines for any project which could potentially impact sensitive resources.

24. On Page 8-7, the following shall be added to Section 8.7 Watershed and Urban Runoff Management:

The General Plan Conservation Element contains policies to manage urban runoff, including protecting and restoring water bodies and preserving natural attributes of floodplains and floodways. The Element also contains policies supporting water quality protection through development practices to protect water quality. The City complies with the requirements of its National Pollutant Discharge Elimination System Permit by documenting Best Management Practices – designed to prevent pollutants from entering storm water and urban runoff – in its annual Urban Runoff Management Plan.

As shown on Figure 8-1, a portion of the community is within the 100-year floodplain of the Tijuana River and Old Tijuana River and is mapped by the Federal Regulatory Emergency Management Agency (FEMA). The City's Land Development Code contains regulations to guide the location of development and protect health and safety as well as the floodplain.

25. On Page 8-8 or elsewhere in the Watershed and Urban Runoff Management Section, a new Figure 8-1 shall be added depicting the 100-year floodplain and floodway. See [Exhibit #8](#)

26. At the end of the Conservation Element Section, the following shall be added as a new Section 8.8:

Section 8.8 Climate Change and Sea Level Rise

Sea level rise caused by climate change is an issue of growing concern in California and in coastal communities around the world. The 2012 National Research Council *Sea-Level Rise for the Coasts of California, Oregon, and Washington* report is recommended as the current best available science for sea level rise for California. The report's sea level rise projections for California south of Cape Mendocino are 2 to 12 inches (4 to 30 cm) by 2030; 5 to 24 inches (12 to 61 cm) by 2050; and 17 to 66 inches (42 to 167 cm) by 2100.

Based on available research, if sea level rise reaches 1.4-1.5 meters (which is considered to be in the intermediate/high range of projections), San Diego could experience some loss of beaches and coastal habitat. The National Oceanic and Atmospheric Administration's *Sea Level Rise and Coastal Flooding Impacts Viewer* shows street flooding is another possible impact if the sea level rises to this level.

The California Global Warming Solutions Act (Assembly Bill 32) requires that the State's global warming emissions be reduced to 1990 levels by the year 2020. In accordance with AB 32, the City of San Diego General Plan discusses climate change and provides a broad range of policies designed to reduce greenhouse gas emissions citywide.

Additionally, the City's Climate Action Plan more specifically addresses greenhouse gas (GHG) reductions in accordance with AB 32 and to make progress toward meeting more ambitious 2050 GHG reduction goals. The Climate Action Plan addresses the need for the City to prepare a stand-alone Climate Adaptation Plan to proactively prepare for a range of anticipated climate change impacts.

27. On Page 8-8 or elsewhere in the Climate Change and Sea Level Rise Section, the following shall be added as a new Policy 8.8.1:

Encourage individual and community-level actions that contribute to implementation of General Plan and Climate Action Plan climate change and sustainability policies. Support development and implementation of city-wide climate mitigation and adaptation measures that could include: innovative programs, regulations and incentives; identification of vulnerable populations, infrastructure and habitat, and other means.

28. On Page 8-8 or elsewhere in the Climate Change and Sea Level Rise Section, the following shall be added as a new Policy 8.8.2:

Use best available science and site-specific geotechnical reports as needed to assess public and private projects for their vulnerability to impacts from sea level rise and flooding and, if vulnerable, propose a reasonable adaptation strategy. Analyze options for removal or relocation of structures that become threatened by coastal hazards. Use “soft” or “natural” adaptation strategies as a preferred alternative, and limit flood protective devices in special circumstances in accordance with the California Coastal Act and the California Coastal Commission’s 2015 Sea Level Rise Policy Guidance.

29. On Page 8-8 or elsewhere in the Climate Change and Sea Level Rise Section, the following shall be added as a new Policy 8.8.3:

Monitor sea level rise impacts and adjust adaptation strategies as needed over time.

Chapter 9: Historic Preservation Element

No suggested modifications

Chapter 10: Implementation

No suggested modifications

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL, IF MODIFIED

A. AMENDMENT DESCRIPTION

The subject submittal consists of a comprehensive update to the certified Land Use Plan (LUP) for the San Ysidro community in the City of San Diego, with land use changes to apply land use designations that better reflect existing development, and subsequent zoning changes, the findings of which will be addressed in Part V of this staff report.

The LUP submittal is a comprehensive update to the existing community plan, the San Ysidro Precise Plan. The update addresses several new issues and contains many new policies. The San Ysidro Community Plan Update (SYCPU) has been developed to address the coastal issues that have been identified by Commission and City staff, along with the citizens and property owners of San Ysidro, as well as other interested parties. The San Ysidro Community Plan covers approximately 1,865 acres that comprise the community of San Ysidro. Since a portion of the community is within the Coastal Zone, the City has included issues and policies related to the requirements of the Coastal Act.

The proposed plan consists of 10 chapters, or “elements,” namely the Introduction, Land Use Element, Mobility Element, Urban Design Element, Economic Prosperity Element, Public Facilities, Services & Safety Element, Recreation Element, Conservation Element, Historic Preservation Element, and Implementation Element. Each element begins with an overview of how the element applies to San Ysidro and has a bullet-point list of overarching “goals” for the community in regards to the subject element. The element is then discussed in more specific sections and subsections, with specific policies at the end of each section. The policies included in this plan constitute the governing LUP policies to utilize in the review of future coastal development permits, while the discussion sections provide necessary information to support the goals and policies.

The subject amendment contains eight changes to the land use designations in the Coastal Zone. These changes are listed in the table below and the referenced areas, under the column “Site,” correspond to numbered map locations indicated on [Exhibit 10](#). These land use changes are meant to correct inconsistencies between the designations and existing land uses. No new allowable land uses are proposed and no priority uses are being removed. For example, the proposal includes changing the land use designation of the wholesale business district along I-5 from “Industrial” to “Heavy Commercial.”

Site	Adopted Land Use	Proposed Land Use	Change Notes
1	Industrial/Low Density (5-10 du/ac)	Low Density Residential (5-10 du/ac)	Change to Residential to reflect existing development
2	Industrial	Heavy Commercial	Change to reflect existing development

3	Industrial	Low Medium Density Residential (10-15 du/ac)	Change to reflect existing development
4	Border Commercial	Low Density Residential (5-10 du/ac)	Change to reflect existing development
5	Border Commercial	Regional Commercial	Change to reflect existing development and General Plan designation
6	Low Density Residential (5-10 du/ac)	Park	Change to reflect existing development
7	Residential (5-10 du/ac)	Park	Change to reflect existing development
8	Industrial/Low Density Residential (5-10 du/ac)	Open Space	Change to reflect existing development

B. CHAPTER 3 CONSISTENCY

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms to Chapter 3 of the Coastal Act.

1. Biological Resources

a. Plan Summary

Provisions for biological resources are primarily contained within the Conservation Element of the proposed plan. The major biological resources in the community are located in the Dairy Mart ponds and the adjacent Tijuana River Valley floodplain open space area.

b. Applicable Coastal Act Policies

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities. [...]

Section 30240

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30253

New development shall do all of the following:

[...]

- (d) Minimize energy consumption and vehicle miles travelled

c. Conformity with Chapter 3 Policies

Environmentally Sensitive Habitat Areas (ESHA)

The City has several different sets of regulations that together govern the protection of biological resources citywide. The City's certified IP, the Land Development Code

(LDC), contains Environmentally Sensitive Lands (ESL) development regulations that are intended to protect, preserve, and restore sensitive habitat areas, defined to include sensitive biological resources, coastal beaches, steep hillsides, sensitive coastal bluffs, and 100-year floodplains, and the viability of the species supported by those lands. The City also has a Biology Guidelines document, intended to aid in the implementation and interpretation of the ESL regulations.

In addition, the City has a Multiple Species Conservation Program (MSCP), which is a comprehensive habitat conservation planning program for southwestern San Diego County designed to preserve native vegetation and meet the habitat needs of multiple species. The MSCP includes a MSCP Subarea Plan, established to guide and implement the identification of priority areas for conservation. This preserve system is called the Multi-Habitat Planning Area (MHPA), and delineates core biological resource areas and corridors targeted for conservation. The MSCP Subarea Plan also contains MHPA Adjacency Guidelines, which apply land use and development regulations to lands adjacent to MHPA mapped land. However, neither the MSCP nor the MHPA are specifically incorporated into the certified LCP. The ESL regulations do reference the MHPA, noting that the development regulations for ESL and Biology Guidelines serve to implement the MSCP by prioritizing the preservation of biological resources within the MHPA.

The City's LCP does not include environmentally sensitive habitat area (ESHA) as a defined term but instead includes the term "Sensitive Biological Resources" in the ESL regulations of the certified LCP. The LCP defines sensitive biological resources as:

...those lands included with the Multiple Habitat Planning Area (MHPA) as identified in the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego 1995), and other lands outside the MHPA that contain wetlands; vegetation communities classified as Tier I, Tier II, IIIA, or IIIB; habitat for rare, endangered or threatened species, or narrow endemic species.

Specifically, the City defines the following habitat types as sensitive biological resources: 1) Tier I – southern foredunes, Torrey pines forest, coastal bluff scrub, maritime succulent scrub, maritime chaparral, native grasslands, and oak woodlands; 2) Tier II – coastal sagescrub, coastal sage scrub/chaparral; 3) Tier IIIA – mixed chaparral and chamise chaparral; and 4) Tier IIIB – non-native grasslands. While the Commission does not traditionally classify all of these habitat types, for example, oak woodlands, Torrey pines forest and non-native grasslands as ESHA, this definition is broad and includes habitat areas that could fit the definition of ESHA pursuant to Section 30107.5 of the Coastal Act. However, not all "environmentally sensitive lands" would rise to the order of ESHA, and ESHA is afforded special protection under Coastal Act Section 30240, protection that is not adequately provided by the City's ESL regulations. The ESL regulations do limit the types of development that can occur within ESL, but do not explicitly prohibit any disruption of habitat value or any development that is not dependent on those resources to be allowed within those areas. The MSCP Adjacency

Guidelines address runoff, night lighting, construction noise, invasive plant species, and errant construction impacts, but these guidelines are not part of the LCP nor would they protect all areas adjacent to ESHA, as required by Coastal Act Section 30240(b).

As described in the background paragraphs of the Resource Management and Preservation Section (8.2) of the Conservation Element, San Ysidro contains significant coastal resources. Approximately 10% (181 acres) of the community planning area is designated “open space.” The open space located within the Coastal Zone area consists of the Dairy Mart Ponds, which are one of the community’s most significant natural resources. This area consists of 88 acres of wetland habitat. A portion of this area was acquired by the State of California Wildlife Conservation Board, some is under other public ownership, and an additional portion is under private ownership. The wetland habitat consists mostly of Riparian Scrub with Southern Arroyo Willow Riparian Forest concentrated in the northern third. The Ponds are habitat for the least Bell’s vireo, a Federal and State listed endangered species. In addition to resources within the community, the Tijuana River Valley lies just to the west of the community planning boundary. The Tijuana River Valley includes the floodplain extending west of the Tijuana River Levee, Border Field State Park, and the Tijuana River National Estuarine Research Reserve. The river valley provides an open, natural area in an otherwise urban atmosphere and has a dramatic visual impact on the San Ysidro community. Some lands within the Dairy Mart Ponds and the Tijuana River Valley are within the Multiple Species Conservation Program (MSCP) and Multi-Habitat Planning Area (MHPA). Because of the current resources within the San Ysidro community, including the least Bell’s vireo habitat, the Commission’s staff ecologist has determined that the Dairy Mart Ponds should be considered ESHA, but a specific delineation remains to be completed.

As proposed, the plan update contains policies requiring the implementation of the ESL regulations, Biology Guidelines, and MSCP Adjacency Guidelines for new development. Suggested Modification #s 2 and 14 require the implementation of the City’s ESL regulations specifically for identification and protection of ESHA. The City’s ESL regulations require that in connection with any permit application for development on a parcel, the applicant must provide the necessary information for the City to determine the existence and precise location of ESL on the premises, including identification of sensitive species, and delineation of habitat and wetland borders. New housing development, must be designed to not only be consistent with the City’s ESL regulations, but must also avoid impacts to ESHA pursuant to the Coastal Act. The City’s ESL regulations also require buffers between new development and wetlands. Thus, with this suggested modification, ESHA determinations would be made and sensitive habitat would be protected over time through up-to-date biological surveys.

The proposed plan also references the MSCP Adjacency Guidelines; however, as described above, the MHPA is not part of the certified LCP. In addition, the policies do not regulate the siting of development in such a manner that the Commission can be assured that ESHA will be protected and do not fully provide the necessary protection of ESHA as mandated by the Coastal Act in association with coastal development. Therefore, Suggested Modification #s 13, 14, 15 and 16 have been included to add the

definition of ESHA and language of Coastal Act Sections 30233 and 30240 to the Resource Management and Preservation Section (8.2), including the requirement that any development permitted in such areas must be uses that are dependent on those resources. In addition, if development is proposed adjacent to such habitat areas and parks and recreation areas, it must be sited and designed to prevent degradation and to be compatible with the continuance of such habitat and recreation areas.

Future Road Development

The protection of ESHA has become an important topic during this community plan update in regards to a potential road that would connect the Wholesale Business District (along the I-5 corridor) with the San Ysidro South Neighborhood. As proposed, this road would connect West Calle Primera with Camino de la Plaza and travel directly through the Dairy Mart Ponds. Because of the current resources within the San Ysidro community, including the least Bell's vireo habitat, the Commission's staff ecologist has determined that the Dairy Mart Ponds should be considered ESHA.

The existing San Ysidro Community Plan was approved by the Commission in the early 1990s. This plan contained policy language that allowed for the development of a road connection from Calle Primera to Camino de la Plaza. Noting that this area of the community contained ESHA and wetland habitat, the road was designed to follow a previously disturbed dirt road so that no impacts to wetlands or ESHA would occur. In the years since, a subdivision was built in the San Ysidro South Neighborhood and these homes now block the previously envisioned road connection and make it infeasible. The road connection remains an important feature for residents to improve traffic flow, provide better circulation options for the wholesale business district, and to provide an additional connection between the subdivision and the rest of the community. Therefore, the proposed update includes policies that allow for the potential future construction of a roadway connection.

Construction of the road connection would be allowed under the City's MSCP Subarea Plan and could occur in the MHPA because the road is identified as a collector street. However, under Sections 30233 and 30240 of the Coastal Act, a new road is not a permitted use within wetlands or ESHA. Section 30233 defines several specific uses that may be allowed within a wetland area and Section 30240 states that only resource-dependent uses may be allowed in ESHA. Since the date of the original Precise Plan's adoption, which included provisions for this road connection, albeit planned along a then existing disturbed corridor, the protection of coastal resources has become more strident, cognizant of the habitat degradation that continues, new information on resources, and court precedents. As proposed, the plan update's policies conflict with these requirements of the Coastal Act.

This is not the first time the Commission has been presented with a road proposed in ESHA or wetlands. Most recently, in September 2016, the Commission denied the construction of a road through ESHA as part of the Newport Banning Ranch project (CDP No. 5-15-2097). While the road was designed to minimize impacts, it would still

have direct impacts on ESHA and wetland habitat. The Commission found that only resource dependent uses are allowed in ESHA and resource dependent uses are limited to trails, public accessways, low impact campgrounds, interpretative signage and use, and habitat restoration. Therefore, construction of the road was not found to be consistent with the Coastal Act.

Therefore, Suggested Modification #s 3, 6, 8, 12 and 15 revise policies and add language that maintain the possibility for a road connection, but also require that any such construction must be consistent with Coastal Act requirements to protect ESHA and wetlands. At the time of the road's development (or any future development that may be sited in this area), the ESL regulations require the submittal of a detailed biological study of the site, with the addition of a delineation of all wetland areas on the project site. With these suggested modifications, the LCP affords strict requirements for the protection of wetlands and ESHA and mandates that development in wetlands or ESHA can only occur if it is a resource dependent use or will support its preservation. In addition, rather than including a map with a road alignment, Suggested Modification #7 revises the map to include a potential future roadway alignment study area so that any future road can be appropriately sited to avoid all ESHA and wetland resources ([Exhibit #9](#)). Therefore, as modified, the proposed policies adequately address Coastal Act concerns regarding ESHA and wetlands.

Development Standards

In addition to policies that call for the protection of sensitive habitat, Suggested Modification #s 16, 17, 18, 20, 21 and 22 include policies that encourage more sustainable development in San Ysidro, including the use of native and drought tolerant plants, minimized night lighting, bird-safe design and window treatments, U.S. Green Building Council Leadership in Environmental Design certification, and placement of additional recycling bins in public areas.

2. Climate Change/Sea Level Rise

a. Plan Summary

The proposed plan contains a discussion and policies for climate change; however, it does not discuss climate change in the context of sea level rise and coastal hazards. These are important concepts for communities today and must be addressed in any LCP update.

b. Applicable Coastal Act Policies

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other

method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, continuous with, or in close proximity to, existing developed areas able to accommodate it, or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, wither individually or cumulatively, on coastal resources.

Section 30253

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

c. Conformity with Chapter 3 Policies

Sea level rise and climate change are an issue of growing concern locally, statewide, and globally. Increasing atmospheric temperatures caused by accelerated, anthropogenic greenhouse gas (GHG) emissions are causing not only melting ice caps and rising sea levels, but also an increase in extreme storm events, droughts and fires. As sea levels are expected to continue to rise, coastal communities will likely see impacts such as flooding, property and infrastructure damage, and impacts to coastal resources and public access and recreation. These are serious statewide issues that must be addressed in any LCP

development or LUP update as the Commission has the opportunity to review them, in order to properly prepare for, adapt to, avoid and minimize such potential impacts.

The Commission's Sea Level Rise Policy Guidance ("SLR Guidance") document was adopted in August 2015 and is intended to provide local governments with a framework for addressing sea level rise in LCPs and CDPs and carrying out planning and regulatory responsibilities under the Coastal Act in the face of rising sea levels. As cited above, the Coastal Act has many policies related to hazard avoidance and coastal resource protection. The Coastal Act also includes policies that address climate change, requiring development to be concentrated in areas with adequate public services and to minimize energy consumption. The SLR Guidance contains specific policies for avoiding and adapting to sea level rise impacts.

The CPU contains many policies to combat climate change including increased mobility and alternative transportation improvements, encouragement of sustainable development, and water conservation. However, the plan does not address sea level rise, which is an important component of climate change. Therefore, Suggested Modification #s 26, 27, 28, and 29 add a section on climate change and sea level rise, as well as policies that encourage climate mitigation and adaptation, and monitoring of impacts to adjust adaptation strategies over time. This section follows the Commission's SLR Guidance and the Ocean Protection Council's 2013 State of California Sea Level Rise Guidance Document and identifies the *National Research Council's 2012 Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* report as the best available science. It also includes policies that require the use of best available science and site-specific studies for new development.

Flood Hazards

With climate change and increased storms, flooding is expected to increase. San Ysidro is located just north of the Tijuana River. While the portion of the river south of the US-Mexico border and most adjacent to the community is channelized, the river flows naturally through the Tijuana River Valley. Therefore, the community's proximity to the river means it has the potential to experience increased flooding. As proposed, the plan contains information and policies related to urban runoff and its management in Section 8.7 Watershed Urban Runoff Management. Suggested Modification # 24 adds further discussion on the City's efforts to protect water quality and reduce pollutants. However, as proposed, the plan update does not contain policies regarding flood hazards. Suggested Modification #25 adds a map to the SYCP depicting the 100-year floodplain and floodway of the Tijuana River ([Exhibit #8](#)). Suggested Modification #19 restricts new development in floodplain areas in accordance with development regulations, including the ESL regulations, which prohibit new development (other than agriculture) in special flood hazard areas. Section 30235 and 30236 of the Coastal Act also restrict how rivers and other landforms adjacent to waterbodies may be modified to prevent flooding and other impacts. Therefore, Suggested Modification #28 adds the requirement that new development use site-specific studies to assess vulnerability and implement appropriate

adaptation strategies, rather than channelization or other flood protective devices that would be inconsistent with the Coastal Act.

3. Scenic and Visual Resources

a. Plan Summary

As proposed, the LCP does not contain provisions for the protection of scenic and visual resources.

b. Applicable Coastal Act Policies

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

c. Conformity with Chapter 3 Policies

Preservation of Views and Vistas

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and the enhancement of visual resources. The community has a variety of scenic resources in its San Ysidro South Neighborhood, including views of the Dairy Mart Ponds open space and Tijuana River Valley. The river valley provides an open, natural area in an otherwise urban atmosphere and has a dramatic visual impact on the San Ysidro community. The LUP, as submitted, lacks specific policies for the protection of views, as well as an identification of where those important public viewpoints are located. Suggested Modification #10 incorporates a map of the existing “Scenic Overlooks” and “Intermittent or Partial Vistas” ([Exhibit #7](#)). Suggested Modification #9 adds a policy to Section 4.9 Streetscapes in the Urban Design Element that protects these identified coastal views. Because the views lie along street ends, the policy utilizes otherwise required yard setbacks as a means for protecting them.

Signage

As proposed, the plan update contains policies and illustrations of several possible signs that would better direct visitors to San Ysidro and its destinations from the I-5 freeway. These policies include the encouragement of Caltrans General Service signs and freeway exit signs. These small signs along the freeway would be an appropriate way to guide visitors to the region; however, the plan also includes an illustration and map that shows a large community identification sign that also advertises commercial destinations. The Commission has traditionally restricted the size, number and extent of commercial and industrial signage to avoid adverse visual impacts. Throughout San Diego County, including the City of San Diego, most jurisdictions limit commercial signage in the Coastal Zone to only façade signs and monument signs and prohibit large freeway-oriented pole signs and roof signs. The proposed plan contains other examples of possible community signs proposed outside of the Coastal Zone where they may be more in character with the surroundings and would not block views. However, the proposed freeway sign along I-5 would be out of character with the existing community landscape and would not be in conformance with the City's existing sign regulations, which restricts commercial freeway signs in the Coastal Zone. Therefore, Suggested Modification #11 revises the policy to ensure that free-standing pole signs and roof signs are not allowed in the Coastal Zone. As modified, the Land Use Plan can be found consistent with the visual protection policies of the Coastal Act.

4. Low-Cost Visitor Overnight Accommodations

a. Plan Summary

As proposed, the plan update does not contain policies regarding low-cost visitor overnight accommodations.

b. Applicable Coastal Act Policies

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. [...]

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

c. Conformity with Chapter 3 Policies

Overnight Accommodations

Section 30213 requires that lower-cost visitor and recreational facilities be protected and retained. In addition, while lower-cost facilities may not always be available, affordable (mid-range) facilities should also be given protection to ensure a wide range of the public are able to access and recreate along the coast. However, the LUP does not have any policies protecting existing lower-cost or mid-range overnight accommodations. Pursuant to the public access policies of the Coastal Act, and particularly Section 30213, the Commission has the responsibility to both protect existing lower-cost facilities, and to ensure that a range of affordable facilities be provided in new development. In light of current trends in the marketplace and along the coast, the Commission is increasingly concerned with the challenge of providing lower-cost overnight accommodations consistent with the Coastal Act. Recent research in a Commission workshop concerning hotel-condominiums showed that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower-cost. Although statewide demand for lower-cost accommodations in the coastal zone is difficult to quantify, there is no question that camping and hostel opportunities are in high demand, and that there is an on-going need to provide more lower-cost and even affordable (mid-range) overnight opportunities along California's coast.

The San Ysidro community currently has a significant supply of lower-cost overnight accommodations. However, without LCP policies to protect existing lower-cost facilities, redevelopment could reduce the available supply. Therefore, Suggested Modification #s 4 and 5 have been included to add language to the Commercial & Industrial Use Section of the Land Use Element to protect and encourage lower and moderate-cost overnight accommodations in the community.

5. New Development

a. Plan Summary

As proposed, the LUP update contains several land use designation changes in the Coastal Zone.

b. Applicable Coastal Act Policies

Section 30250

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate

public services and where it will not have adverse effects, either individually or cumulatively, on coastal resources

c. Conformity with Chapter 3 Policies

As shown in the table on Page 17 and [Exhibit 10](#), the submittal contains eight land use designation changes. These changes are intended to correct inconsistencies between the land use designation and existing development. No new allowable uses are proposed on these sites and future development is concentrated in areas of existing development, thereby protecting open space areas, including the Dairy Mart Ponds. No priority uses are proposed to be deleted.

6. Conclusion

In summary, the LUP update, as proposed, has many policies addressing the relevant policy groups in Chapter 3 of the Coastal Act as they apply to the resources present in the San Ysidro community. Deficiencies, though, have been identified in several critical policy areas that affect priority uses and resources, including environmentally sensitive habitat area, development in the floodplain, scenic views, and low-cost overnight accommodations. However, with pre-submittal coordination and exchange of information, along with the modifications suggested herein, these deficiencies have been addresses through policy revisions, clarifications and additions. Therefore, as modified, the Commission finds the LUP update does conform to the Chapter 3 policies of the Coastal Act and that it may be approved.

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

A. AMENDMENT DESCRIPTION

In addition to the comprehensive LUP update and land use changes, the subject submittal proposes to rescind the San Ysidro Planned District Ordinance and replace it with citywide base zones, as well as correct inconsistencies between the existing uses and the adopted zones. The proposed zoning is shown in [Exhibit 11](#).

B. PURPOSE AND INTENT OF THE ORDINANCE

A-R-1-1 Zone

The purpose of the AR (Agriculture—Residential) zone is to accommodate a wide range of agricultural uses while also permitting the development of single family dwelling unit homes at a very low density. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense

zoning. Residential development opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future development at urban intensities when and where appropriate. The AR-1-1 zone requires minimum 10-acre lots.

A-R-1-2 Zone

The purpose of the AR (Agriculture—Residential) zone is to accommodate a wide range of agricultural uses while also permitting the development of single family dwelling unit homes at a very low density. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential development opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future development at urban intensities when and where appropriate. The AR-1-2 zone requires minimum 1-acre lots.

IL-3-1 Zone

The purpose of the IL (Industrial—Light) zones is to provide for a wide range of manufacturing and distribution activities. The development standards of this zone is intended to encourage sound industrial development by providing an attractive environment free from adverse impacts associated with some heavy industrial uses. The IL zones are intended to permit a range of uses, including non-industrial uses in some instances. The IL-3-1 zone allows a mix of industrial, office and commercial uses.

CC-2-1 Zone

The purpose of the CC (Community—Commercial) zone is to accommodate community-serving commercial services, retail uses and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Property within the CC zones will be primarily located along collector streets, major streets, and public transportation lines. The CC-2-1 zone allows community-serving uses with no residential uses and is intended to accommodate development with strip commercial characteristics.

CR-2-1 Zone

The purpose of the CR (Commercial—Regional) zone is to provide areas for a broad mix of business/professional office, commercial service, retail, wholesale and limited manufacturing uses. The CR zones are intended to accommodate large-scale, high intensity developments. Property within these zones will be primarily located along major streets, primary arterials, and major public transportation lines. The CR zones are designed for auto-oriented development and the CR-2-1 zone allows regional-serving commercial and limited industrial uses with an auto orientation but no residential use.

RM-1-1 Zone

The purpose of the RM (Residential—Multiple Unit) zone is to accommodate multiple dwelling unit development at varying densities. The RM zones individually

accommodate developments with similar densities and characteristics. The RM-1-1 zone permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area.

RS-1-7 Zone

The purpose of the RS (Residential—Single Unit) zone is to accommodate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character and livability. The zones are intended to provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties. The RS-1-7 zone is designated for Urbanized Communities and requires minimum 5,000-square-foot lots.

OP-1-1 Zone

The purpose of the OP (Open Space—Park) zone is to accommodate public parks and facilities in order to promote recreation. The uses permitted in these zones will provide for various types of recreational needs of the community. The OP-1-1 zone is intended to accommodate developed, active parks.

C. MAJOR PROVISIONS OF THE ORDINANCE

The City’s Base zones carry a number of provisions, including: a listing of permitted uses, minimum lot areas and dimensions, and development standards, including setbacks, FAR, landscaping, parking requirements and permitted density. The proposed rezones would not permit any uses not currently allowed or existing.

D. ADEQUACY OF THE ORDINANCE TO IMPLEMENT THE CERTIFIED LUP SEGMENT

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In this particular case, the proposed rezones have been reviewed for their consistency with the San Ysidro Community Plan Update (LUP) as proposed to be amended, and if modified as suggested herein.

Applicable LUP policies:

Policy 2.2.10: Design new housing in San Ysidro South Neighborhood to avoid impacts to natural habitat within the Dairy Mart Ponds natural habitat by implementing Environmentally Sensitive Lands Regulations per the Land Development Code.

Policy 2.2.16: Create synergy between all land uses by providing a balance and mix of types.

The purpose and intent of the proposed rezoning is to replace the San Ysidro Planned District Ordinance zones with citywide zones and to correct an inconsistency between the existing uses and the adopted zoning designations. The City of San Diego is in the process of converting all communities to a unified citywide zoning. By rescinding the San Ysidro Planned District Ordinance and replacing it with citywide zoning, the City will be able to streamline development. The ordinance adopting the citywide zones also includes rezones for several areas in the community. The proposed changes would correspond with the land use changes also proposed with the subject submittal and would correct inconsistencies between the zone and the existing development. ([Exhibit 11](#)) As with the changes in land use designations, the rezones will reflect existing development and no changes to allowable use are proposed. The rezones adequately protect coastal resources, including the Dairy Mart Ponds.

PART VI. 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.

The City prepared and adopted a Program Environmental Impact Report (PEIR) for the proposed amendment. The PEIR identifies that even after adopting all feasible mitigation measures in the Mitigation, Monitoring, and Reporting Program, there would still be unavoidable adverse direct and cumulative impacts to Traffic/Circulation, Air Quality, and Historical Resources. However, the City adopted findings that mitigation measures for Traffic (Freeways) and Air Quality (Criteria Pollutants) are the responsibility of another agency and mitigation measures for Historical Resources (Historical Built Environment) and Transportation (Roadway Segments and Intersections) are infeasible.

The PEIR analyzes alternatives to avoid impacts, including a No Project Alternative that would continue implementation of the San Ysidro Precise Plan, a Lower-Density Alternative, a Higher-Density Alternative, and a No Calle Primera Extension Alternative. These alternatives would not eliminate or substantially reduce any of the impacts associated with the CPU.

Thus, the City adopted overriding considerations determining that the specific economic, social and other benefits of the proposed project outweigh the project's unavoidable adverse environmental impacts. The overriding considerations include that the plan update will provide a comprehensive guide for growth and development in the

community and will implement the General Plan's City of Villages strategy, will provide an effective means to protect and enhance character and function, will promote the City's Complete Streets policy to promote multi-modal mobility, and will implement strategies in the City's Climate Action Plan. Therefore, the City determined that the benefits of the project outweigh its significant environmental impacts; and, therefore, such impacts are considered acceptable.

As described above, the Commission has reviewed and evaluated the proposed amendment, and finds that potential coastal resource impacts have been mitigated, and that the amendment does not have the potential to result in significant individual or cumulative impacts to sensitive resources, recreation, or the visual quality of the environment of the coastal zone. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment. Any specific impacts associated with individual development projects would be assessed through the environmental review process, thus, an individual project's compliance with CEQA would be assured. The Commission therefore finds the amendment is consistent with the California Environmental Quality Act.