

CALIFORNIA COASTAL COMMISSION

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September 28, 2018

Th13e**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR****SUBJECT: CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. LCP-6-SAN-18-0067-4 (University Heights CPIOZ) FOR
COMMISSION REVIEW AT ITS MEETING OF October 11, 2018**

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission.

PROPOSED AMENDMENT

On September 7, 2018, the City of San Diego's LCP amendment request was filed in the San Diego Coast District Office. The request was submitted as a separate de minimis LCP amendment and involves one item for Commission review that is associated with a community plan update and rezonings. The herein proposed amendment involves the addition of a new overlay zone in the City's Land Development Code (LDC) which serves, in large part, as the City's certified implementation plan. The proposed amendment is presented in the attached Ordinance Number O-20957. The proposed amendment only affects the certified implementation plan and was properly noticed.

DISCUSSION

The affected area is the Uptown Community Plan (inland of Interstate 5 and south of Interstate 8) which is all out of the coastal zone so the community plan update itself and rezonings do not require Commission review and action. However, the one element of

the City's action that does require Commission endorsement is the adoption of a code amendment that establishes a revised Community Plan Implementation Overlay Zone (CPIOZ) for the University Heights sub-area of the plan. The overlay zone provides supplemental development regulations, in this case addressing height provisions, that must be applied in the review of future development proposals. The overlay zone is incorporated into the Land Development Code, which is certified as part of the City's LCP. Therefore, although the affected properties are out of the coastal zone, the revision to a certified LCP document requires an LCP amendment to reflect the administrative change and maintain the accuracy of certified documents.

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

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

For its CEQA determination, the City found the adoption of the revised CPIOZ overlay for the University Heights area was addressed in the programmatic environmental impact report adopted for the Uptown Community Plan Update. Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

DETERMINATION

The Executive Director determines that the City of San Diego LCP Amendment No. LCP-6-SAN-18-0067-4 is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

MOTION: *I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.*

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.