

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



November 26, 2019

W10b**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ALEXANDER LLERANDI, COASTAL PLANNER, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP
AMENDMENT NO. LCP-6-SAN-19-0143-2 (12th Update/Phase 1) for Commission
Meeting of December 11-13, 2019**

SYNOPSIS

On September 18, 2019, the City of San Diego (City) submitted its second major Local Coastal Program (LCP) amendment package for the 2019 calendar year to the San Diego District office. The second submittal was a batch submittal consisting of three unrelated items: LCP-6-SAN-19-0143-2 (12th Update/Phase 1), LCP-6-SAN-19-0142-2 (Mission Bay Park Master Plan Update – Fiesta Island), and LCP-6-SAN-19-0141-2 (Baxamura Settlement). Currently, the batched submittal remains non-filed. However, this particular item consisting of the 12th Update/Phase 1 to the Land Development Code (LDC) was complete and could be deemed filed on September 18, 2019 and is ready for Coastal Commission review.

Currently, there are two other pending items from the City of San Diego: LCP-6-NOC-19-0061-1 (Tierra Alta), which received a one-year time extension from the Coastal Commission at the November 2019 hearing. The other item, City of San Diego LCP Amendment No. LCP-6-SAN-19-0155-3 (Montezuma Hotel CPIO) was determined to be a de minimis LCPA and is also scheduled for Commission action at the December 2019 hearing.

SUMMARY OF AMENDMENT REQUEST

The 12th Update/Phase 1 to the Land Development Code includes fifty-six issue items that are separated into five categories: appeals, zoning, Downtown Planned District Ordinance (Centre City), landscaping, and minor corrections. The LDC serves, in large part, as the certified Implementation Plan (IP) for the City's certified LCP. The City periodically reviews the LDC and proposes corrections, clarifications, and modifications to comply with state and federal laws, streamline and clarify the permit process, and correct code references and grammatical errors.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Coastal Commission approve the proposed IP amendment as submitted. The 12th Update/Phase 1 to the LDC divides its fifty-six amendments into five categories: three amendments addressing appeals, sixteen amendments addressing zoning, seventeen amendments addressing the Downtown Planned District Ordinance, six amendments addressing landscaping, and fourteen amendments addressing minor corrections.

The three amendments addressing the appeal ordinances bring the appeal period, appeal fees, and ability to withdraw appeals in line with other recent City actions by decreasing the appeal period from twelve days to ten, increasing the appeal fee from one-hundred dollars to one-thousand dollars, and allowing appeals to be withdrawn to avoid having an appeal hearing and allowing refunding of all or part of the appeal fee. No changes to the provisions for appealable coastal development are being made.

The sixteen zoning amendments address a broader range of development both inside and outside of the coastal zone. Regarding development within the coastal zone, a noteworthy amendment clarifies that the existing allowance for accessory dwelling units to encroach into setbacks is limited to the interior and rear yard setbacks. As currently certified, accessory dwelling units are not exempt from obtaining a coastal development permit, and all coastal development permits for accessory dwelling units are required to make the necessary findings that the proposed accessory dwelling unit complies with the certified LCP provisions pertaining to protection of public view corridors and environmentally sensitive land regulations regarding setbacks from habitat. Other notable amendments prohibit private clubs, lodges, and fraternal organizations within coastal zone floodplains so as to become consistent with regulations on similar uses, introduce a newly defined, separately regulated use – permanent supportive housing – and reduce or eliminate the parking requirement for it and a related use – transitional housing, and introduce new regulations for the installation and expansion of wireless communication facilities.

The seventeen amendments addressing the Downtown Planned District Ordinance relate to the Downtown community area, the vast majority of which is outside the coastal zone, and are focused on redundant or obsolete development regulations and modifying the amount of residential and commercial uses within certain segments of the community.

The six amendments addressing landscaping clarify existing language and remove or modify certain minor requirements regarding spacing and planting requirements.

The fourteen amendments addressing minor corrections rectify erroneous citations, spelling, and grammar, or clarify requirements.

Of the above amendments, the changes to parking requirements for permanent supportive housing and transitional housing, the introduction of new regulations governing the review and approval of new or expanded wireless communication facilities, and the

elimination of caps on hotel and motel development in La Jolla have the greatest potential for impact to coastal resources and public access.

In order to bring the LCP into conformance with recent state law (AB 2162 (Chiu, 2018)) promoting the development of supportive housing facilities, the City is adopting a new land use, permanent supportive housing, which is defined as housing with no limit on length of stay, occupied by the target population of disabled or homeless individuals or families, that provides on-site or off-site supportive services. Along with the related existing land use of transitional housing facilities, which do have limits on length of stay, the City is implementing the state law by allowing permanent supportive housing and transitional housing facilities as a limited use, meaning a local conditional use permit would not be required if certain development and operational parameters are met, and the development is sited in multifamily or commercial zones that already allow residential housing. However, because the primary intended use of commercially zoned property is commercial development, it is important to protect this priority use, especially in visitor commercial zones. As such, any proposed transitional or permanent supportive facilities proposed on commercially zoned properties are expected to be part of a mixed-use development that locates the supportive facilities on the upper floors and reserves the prime, first-floor area for the primary commercial use. Additionally, the proposed amendment will lower the base minimum parking requirements to one space per on-site employee or eliminate the requirement altogether when the facility is located within one-half mile of a major transit stop.

The reduction or elimination of parking requirements in the coastal zone creates the potential for adverse impacts to public access resulting from the inadequate supply of off-street parking causing spillover of parking into the public streets, thereby reducing the ability of the visiting public to park and reach the coast. However, in its recent action at the October 2019 hearing on the City's LCP amendment eliminating the parking requirement for multi-family residential structures within one-half mile of a major transit stop (LCP No. LCP-6-SAN-19-0063-1/Transit Priority Areas), the Commission found that the City's efforts to incentivize affordable housing options and encourage alternate transportation measures were appropriate and balanced. The City's work under that amendment will be monitored in order to ensure that public parking reservoirs will be maintained and unexpected consequences do not result.

Likewise, the permanent supportive housing and transitional housing facilities are multi-family structures that are targeted to lower-income, recently homeless individuals, and the proposed elimination of the parking requirement would only apply within a one-half mile of a major transit stop. Given the low number of these facilities in the coastal zone and the likelihood that residents of such facilities would not have a vehicle, the City's proposed amendment is not expected to cause substantial adverse impacts to public access. Finally, while the City is streamlining the procedural review regarding local discretionary permits, these facilities will still be subject to coastal development permit requirements, so there will still be the opportunity to review such facilities for conformity with the requirements of the certified LCP.

Regarding wireless communications facilities, the 12th Update/Phase 1 amends regulations to conform to recent state and federal laws, including the Spectrum Act, which impose mandated review and approval time frames for wireless communication facilities. The amendment includes standard conditions, design requirements for small cell facilities, and allows the facilities as a limited use in certain zones and properties while requiring local discretionary permits under other circumstances, such as close proximity of residences. The proposed amendment promotes the practice of co-locating and condensing wireless communication facilities and siting them outside of the public right-of-way. The design requirements in the amendment place limits on the diameter of the wireless facilities, the number of antennae on any one facility, and the distance and size of related ground-mounted equipment. Regarding coastal resources, the amendment explicitly states in its general regulations for wireless communication facilities within the coastal zone, all development must comply with the existing certified permitting requirements of the certified LCP, thus preserving the opportunity to review such facilities for conformance with the certified LCP as necessary.

Currently, the LDC contains a Planned District Ordinance for the community of La Jolla, a set of community specific development regulations for the La Jolla Village portion of the community. Despite being one of the most visited destinations in the entire City, the PDO contains limits on the total number of hotel and motel rooms that may be developed at any one time. In order to expand the opportunity for overnight accommodations in this popular area, the proposed LCP amendment will eliminate those caps, which is expected to enhance public access through greater provision of overnight accommodations.

Thus, upon review of the fifty-six amendments of the 12th Update/Phase 1 to the Land Development Code, the City's proposed LCP amendment can be found in conformance with the certified LUPs, and staff recommends that the amendment be approved as submitted.

The appropriate resolution and motion begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 6.

BACKGROUND

The City's first IP was certified in 1988, and the City then assumed permit authority. The IP consisted of portions of the City's Municipal Code, along with some Planned District Ordinances (PDOs) and Council Policies. In 1999, the Commission certified the City's LDC that primarily includes Chapters 11 through 15 of the municipal code. It replaced the first IP and took effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-19-0143-2 may be obtained from Alexander Llerandi, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process, 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 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 by the Commission. These have included everything from land use revisions in several segments, to the rezoning of single properties, 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 the maximum opportunity to participate in the development of the LCP amendment prior to submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-19-0143-2 for the City of San Diego certified LCP, 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 conforms with, and is adequate to carry out, the provisions of the certified land use plan(s), and certification of the Implementation Program 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

The subject amendment request consists of approximately 56 separate items, and represents the 12th Update/Phase 1 of the certified LDC, which went into effect in the coastal zone on January 1, 2000. The City periodically reviews the LDC and proposes corrections, modifications, clarifications, etc. to make the document easier to understand, implement and enforce. This update is similar to past updates in that it covers a number of different issue categories of the LDC, including appeals, zoning, Downtown Planned District Ordinance, landscaping, and minor corrections.

The City of San Diego 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 (i.e., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Olay-Mesa Nestor). These community plans or LCP Land Use Plans contain policies that seek to reduce risk from coastal hazards and protect, or where possible enhance, public access and public views. 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 land use plan(s).

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 LCP amendment to clarify, correct, and update the LDC to bring it into conformance with new state and federal laws and improve its readability and applicability by the general public through amending various ordinances identified during annual City review of the LDC.

b) Major Provisions of the Ordinance.

While the 12th Update/Phase 1 consists of fifty-six amendment across five categories, the major provisions within the proposed amendment consist of:

- Introducing a new, separately regulated use – permanent supportive housing – and, along with the existing related use of transitional housing facilities, streamline the permitting process for these uses and lower the development requirements for such uses, such as allowing them as limited uses in residential and commercial areas that already allow multiple residential dwellings and lowering or eliminating the on-site parking requirement.
- The introduction of updated regulations governing the review and approval of new or expanded wireless communication facilities to allow them as limited uses under certain siting and operating parameters, require local discretionary review in certain situations, and place a time limit on the review of applications for such facilities.
- Eliminate the caps on the number of new hotel rooms, motel rooms, and time shares in the La Jolla Planned District Ordinance area to allow more visitor accommodation development.

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 general, increased density or intensification of use raises potential issues with the protection of critical coastal resources. Allowing greater density than could otherwise be permitted could adversely affect coastal resources through more intensive development, that could encroach on public views or contribute to increased traffic that would deter coastal access. In addition, the granting of incentives, concessions or waivers or reductions to otherwise required development standards to encourage affordable housing opportunities could displace primary commercial uses or lead to coastal resource impacts, such as direct impacts to sensitive habitats or reductions in required buffers. Critical coastal resources are mandated for protection first in the Coastal Act's Chapter 3 policies and then applied, as appropriate, to each coastal community through the establishment of resource protection standards in their certified land use plans.

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 (i.e., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Otay-Mesa Nestor, and others). 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

- Introduce opportunities for the production of more affordable housing within La Jolla to meet the housing needs of all income levels.
- 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 commercially designated districts.
- Revitalize commercial retail areas to strengthen, reinforce, and unify existing retail districts within La Jolla.
- The City should seek to strengthen the existing commercial districts by requiring pedestrian-related amenities with development, such as plazas and courtyards, by limiting office-commercial uses to the existing office-commercial areas identified in this plan, and by prohibiting the encroachment of new commercial uses into existing residential neighborhoods.

- The City should preserve and protect the coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, encourages sensitive development, retains biodiversity and interconnected habitats and maximizes physical and visual public access to and along the shoreline.
- Maintain the identified public views to and from these amenities [open space and park areas] in order to achieve a beneficial relationship between the natural or unimproved and developed areas of the community.
- Public views from identified vantage points, to and from La Jolla's community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons shall be retained and enhanced for public use.
- Public views to the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private coastal properties at yards and setbacks.

Torrey Pines Community Plan

- Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.
- Protect, preserve and enhance the variety of natural features within the San Dieguito River Valley including the floodplain, the open waters of the lagoon and river, wetlands, marshlands and uplands.

Mira Mesa Community Plan

- No encroachment shall be permitted into wetlands, including vernal pools. [...]

Mission Beach Precise Plan and Local Coastal Program Addendum

- The promotion of a wider variety of dwelling unit sizes including studios, and one-, two-, or more bedroom houses and apartments.
- The promotion of an economically balanced community through the investigation of individual and community rehabilitation efforts, changes in taxing and assessment procedures, and the use of subsidy funds where applicable.
- The accommodation of commercial facilities necessary to serve the needs of tourists attracted to the community by the beaches.
- Views to and along the shoreline from public areas shall be protected from blockage by development and or vegetation. This proposal is consistent with the

Plan's intent to preserve and improve the physical appearance and character of the Mission Beach community.

Ocean Beach Community Plan and Local Coastal Program

- Reduce vehicular traffic demand placed on the street network by encouraging the use of alternative modes of transportation, including public transit, bicycles, and walking.
- Provide housing for all economic levels.
- Enforce the Coastal Zone Affordable Housing Replacement Program to facilitate replacement of existing affordable housing units and the retention of existing affordable units. Required replacement housing should be constructed in Ocean Beach.
- 2.1.4 Support existing and new transitional housing projects in Ocean Beach.
- 2.1.5 Retain and expand the number of affordable housing units in Ocean Beach.
- 2.2.4 Develop commercially designated properties in accordance with the land use designations of the plan. The commercially designated properties fronting Newport Avenue and Niagara Avenue are prime locations for high-priority commercial recreation and visitor serving uses to meet the demands of goods and services required by the tourist and local populations. Priority uses include overnight accommodations, dining, retail, and recreational facilities, as well as mixed-use development with ground-floor commercial uses, and such uses will be encouraged over general commercial uses in these areas.

Currently, the City of San Diego lists among its separately regulated uses “Transitional Housing Facilities,” which are facilities designed to provide temporary housing to homeless individuals and connect them with on-site or off-site support services to transition them to more permanent housing. In recognition of the chronic shortage of affordable housing in the state, the related increase of the homeless population in major urban centers, and the wide variety of people and family groups that experience homelessness, the state recently passed AB 2162 (Chiu, 2018)¹ in recognition of the difficulty in getting these facilities approved and constructed in many communities due to permitting requirements and development limitations.

AB 2162 seeks to address the shortage of support facilities by specifying that transitional housing facilities and permanent supportive housing are a residential use of property, subject only to those restrictions that apply to other residential dwellings of the same type, namely multi-family, in the same zone. In response, the City is proposing to introduce a new separately regulated use – permanent supportive housing – which like

¹ AB 2162 is codified at Gov. Code, §§ 65583 and 65650 et. seq.

transitional housing facilities, connect disabled or homeless individuals and families with on- and off-site supportive services, though without a cap on the duration of stay. Both transitional housing facilities and permanent supportive housing will be changed from a conditional use to a limited use in residential and commercial zones that already allow multi-family housing. Furthermore, in line with the City's recently approved Transit Priority Area LCP Amendment No. LCP-6-SAN-19-0063-1, these facilities, like other multi-family housing, will have no minimum parking requirement if located in a Transit Priority Area, defined as the area within one-half mile of a major transit stop.

The reduction or elimination of parking requirements in the coastal zone creates the potential for adverse impacts to public access resulting from the inadequate supply of off-street parking enabling the spillover of parking into the public streets, and in turn reducing the ability of the visiting public to park and reach the coast. However, in its recent action on the Transit Priority Area LCP Amendment, the Commission found that the City's LCP amendment balanced the objective to enhance affordable housing opportunities and encourage alternate transit improvements, while ensuring coastal access was maintained.

Likewise, the permanent supportive housing and transitional housing facilities are multi-family structures that are targeted to lower-income, homeless individuals, and the proposed elimination of the parking requirement would only apply within a one-half mile of a major transit stop. Given the low number of these facilities in the coastal zone and the likelihood that residents of such facilities would not have a vehicle, there is a low likelihood that the City's proposed amendment regarding these facilities will cause adverse impacts to public access. Finally, while the City is streamlining the procedural review regarding local discretionary permits, these facilities will still be subject to coastal development permit requirements, so the opportunity to review such facilities for conformity with the requirements of the certified LCP will be maintained. Most importantly, this means that transitional housing facilities and permanent supportive housing will be regulated in the same manner as multi-family residences, and that should any such facilities be proposed for commercially zoned properties, such as commercial visitor properties, it will be expected that these facilities, which are residential and not commercial in nature, would be part of a mixed-use development, with the first floor square footage reserved for the required commercial uses and the transitional and permanent support facilities located on the upper floors.

Regarding wireless communications facilities, the 12th Update/Phase 1 amends existing wireless regulations to conform to recent state and federal laws, including the Spectrum Act, which impose mandated review and approval time frames for wireless communication facilities. The amendment includes standard conditions, design requirements for small cell facilities, and allows the facilities as a limited use in certain zones and properties while requiring local discretionary permits under other circumstances. The proposed amendment promotes the practice of co-locating and condensing wireless communication facilities and siting them outside of the public right-of-way. The design requirements in the amendment place limits on the diameter of the wireless facilities, the number of antennae on any one facility, and the distance and size of related ground-mounted equipment. Regarding coastal resources, the amendment

explicitly states in Section 141.0420(d)(2) that wireless communication facilities in the coastal zone are subject to the coastal permitting requirements of Chapter 12, Article 6, Division 7 of the LDC, which states in Section 126.0707(b) that applications for coastal development permits in the appealable area of the coastal zone shall be processed under Process Three, which involves a public hearing before a hearing officer, and may be appealed to the Planning Commission. This preserves the opportunity for the public to be noticed and participate in a hearing to discuss their concerns and any impacts to coastal resources arising from such development. While Section 141.0420(d)(2) of the proposed amendment requires public notices to contain language stating the wireless communication facility may be approved without a hearing at least 60 days from transmittal of the notice, that would only occur if the facility already qualified for one of the listed exemptions from a coastal development permit contained in Section 126.0704 of the certified LCP, which are not being changed with this amendment.

Under the certified LCP, much of the community of La Jolla is regulated by a Planned District Ordinance (PDO), a community specific set of development regulations applied in addition to the city-wide regulations contained in the remainder of the LDC. La Jolla's PDO divides the core La Jolla Village area of the community into six zones, each permitting various types and amounts of development. Section 159.0211 of the PDO currently places caps on new hotel room, motel room, and time share development. In the proposed LCP amendment, the City will eliminate these caps so as to increase the opportunity for the development of overnight visitor accommodation and allow it to be regulated by market demand rather than artificial caps. As La Jolla is one of the most visited coastal destinations in the City of San Diego, this will likely lead to greater opportunities for overnight visitor accommodations and related increase in coastal visitation and public access.

Thus, upon review of the fifty-six amendments of the 12th Update/Phase 1 to the Land Development Code, the City's proposed LCP amendment can be found in conformance with the certified LUPs, and the Commission finds the amendment 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. The Commission's LCP review and approval program has been found 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.

For the City's action, an environmental impact report (EIR No. 96-0333) was completed for the original adoption of the Land Development Code, and a Program EIR (No. 104495) was prepared and certified for the General Plan Update. The City has previously utilized these documents for CEQA compliance in association with other code

amendments and has similarly found that no further CEQA analysis is needed for this amendment.

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. In this particular case, the LCP amendment will not have any significant adverse effect on coastal resources, and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. The fifty-six amendments in the 12th Update/Phase 1 will not lessen protections for coastal resources, or remove procedural requirements for public participation, or lessen coastal permitting review for future development. In summary, no adverse impacts to coastal resources are anticipated and approval of the proposed amendment is consistent with CEQA.