

CALIFORNIA COASTAL COMMISSION

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



June 20, 2019

W30c**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-19-0060-1 (Morena Apartment Homes Overlay
Zone) FOR COMMISSION REVIEW AT ITS MEETING OF July 10, 2019**

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 May 22, 2019, the City of San Diego’s LCP amendment request was filed in the San Diego Coast District office. The amendment 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 rezoning. The proposed amendment involves removing the Mobilehome Park Overlay Zone designation from a site as depicted in the City’s Land Development Code (LDC), which serves as the City’s certified implementation plan. The proposed amendment is presented in the attached Ordinance Number O-21040. The proposed amendment only affects the certified implementation plan and was properly noticed.

DISCUSSION

The City of San Diego approved Ordinance Number O-21040 which in part required an amendment to the Clairemont Mesa Community Plan (CMCP), rezonings to implement the community plan amendment, and a LDC amendment. The CMCP area (inland of Interstate 5) is located outside of the coastal zone; so, the City’s community plan update and rezoning efforts do not require Commission review and action.

The one element of the City's action that does require Commission concurrence is the adoption of an LDC (certified IP) amendment that removes 1579-1645 Morena Boulevard, located in the CMCP area, from the Mobilehome Park Overlay Zone (MPOZ). The MPOZ is depicted in Diagram 132-07A of the LDC certified implementation plan and shows the location of several mobilehome parks within the City of San Diego. The amendment would consist of replacing Diagram 132-07A with a new exhibit that omits the symbol identifying 1579-1645 Morena Boulevard as a mobilehome park. The amendment will also result in a text modification removing both references to "Map No. B-3552" under Section 132.0702(a) and Diagram 132-07A, both part of the LDC. No other mobilehome park locations identified on Diagram 132-07A will be modified through this LDC amendment. Thus, although the affected site is located outside 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/land uses or have any potential to impact, either individually or cumulatively, coastal resources. Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act.

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 by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

DETERMINATION

The Executive Director determines that the City of San Diego LCP Amendment No. LCP-6-SAN-19-0060-1 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.