

**CALIFORNIA COASTAL COMMISSION**

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# Th16e

**Date:** February 19, 2020

**To:** COMMISSIONERS AND INTERESTED PERSONS

**From:** KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
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**Subject:** STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP  
AMENDMENT NO. LCP-6-SAN-19-0163-3 (Mixed-Use Zones) for  
Commission Meeting of March 11-13, 2020

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## SYNOPSIS

On December 24, 2019, the City of San Diego (City) submitted its third major Local Coastal Program (LCP) amendment package for the 2019 calendar year to the San Diego District office. The third submittal was a batch submittal consisting of three unrelated items: LCP-6-SAN-19-0163-3 (Mixed-Use Zones), LCP-6-SAN-19-0161-3 (Mission Valley Rezone), and LCP-6-SAN-19-0165-3 (Balboa Avenue Station Specific Plan). Currently, the batched submittal is filed, and the Mixed-Use Zones amendment is before the Commission.

In addition, there are three other pending LCP amendments from the City of San Diego. LCP-6-SAN-19-0142-2 (Fiesta Island), an amendment to the Mission Bay Master Plan (LUP) to revise permitted uses on Fiesta Island, along with LCP-6-SAN-19-0163-3 (Mission Valley Rezone) and LCP-6-SAN-19-0165-3 (Balboa Avenue Station Specific Plan) are going before the Commission at the March hearing to receive one-year time extensions. LCP-6-SAN-19-0141-2 (Civic San Diego Dissolution) is going before the Commission at the March hearing for final action. LCP-6-SAN-19-0061-1 (Tierra Alta), which received a one-year time extension from the Commission at the November 2019 hearing, is expected to go before the Commission in Spring 2020.

## SUMMARY OF AMENDMENT REQUEST

This is an amendment to the San Diego Land Development Code (LDC), which serves in large part as the certified Implementation Plan (IP) of the City's LCP, to add six new mixed-use base zones within two categories: Residential Mixed-Use (RMX) and Employment Mixed-Use (EMX), with each category having three zones: RMX-1, 2, and 3, and EMX-1, 2, and 3, respectively. Each category is set up for primary and secondary uses with increasing intensities. The RMX zones allow for residential development as the primary use, while the secondary use may be either residential or non-residential, though

the second residential use must be different from the primary residential use. The EMX zones allow for non-residential development as the primary use, while the secondary use may be either residential or non-residential, though the second non-residential use must be different from the primary non-residential use. No properties are proposed to be rezoned with this amendment.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Coastal Commission approve the proposed IP amendment as submitted.

Currently, the LDC has five base zones: Open Space, Agricultural, Residential, Commercial, and Industrial. The new mixed-use zones would be added as an additional base zone within a new division within Chapter 13 of the LDC. The new zones are organized in the same way as the existing base zones, starting with the purpose and intent, the use tables, and development regulations.

The RMX zones support residential employment through the inclusion of shopkeeper units, small-scale artisan or production spaces, live/work units, and amenities for home employment and small businesses.

With the increasing focus on addressing housing needs while encouraging alternate transit and reducing development sprawl and vehicle miles traveled, there is greater public and private interest in mixed-use developments that site both residential and non-residential uses on the same property. However, because many development regulations were drafted to focus on singular-use developments and did not anticipate the types of mixed-use structures becoming more common today, mixed-use developments undergo lengthy discretionary review processes because the disparate uses do not always conform directly to the LDC's requirements, at times requiring additional regulatory deviations or variances in order to make the mixed-use project approvable.

Compared to current base zones, the proposed RMX and EMX zones would increase the allowable uses by 20 and 30 percent, respectively, allowing previously prohibited uses such as research and development, testing labs, and business services. For both new zones, the minimum lot area is 20,000 square feet, with no minimum lot dimensions or setbacks. The densities would be based on floor area ratio that range from factors of 3 to 7. Maximum heights range from 120 feet to unlimited, though the City has a thirty-foot coastal height limit overlay zone over almost the entirety of its coastal zone, and no deviations from the overlay would be allowed in the coastal zone for these new zones.

In the RMX zone, if a completely-residential development is proposed, the residential types must be varied and may include shopkeeper, apartment, townhomes, duplexes, or live/work. The development would also need to provide 10 percent of the floor area ratio to home-based employment, which can include home occupation amenity spaces, such as co-work, shared conference rooms, or a business center.

The new zones do not dictate street-level uses, but do have design requirements along public frontages, such as entrances and walkways, to activate those frontages for pedestrian use. Surface parking is not allowed within front and street yards, unless they

are screened with landscaping or structures. Development of premises larger than five acres requires providing a minimum of one pedestrian and bicycle access way into the development for every two acres, as well as two pedestrian circulation spaces, such as plazas, widened sidewalks, arcades and food service.

The City of San Diego's coastal zone is comprised of several certified Land Use Plans (LUP), which contain various policies to concentrate infill development to reduce environmental impacts and vehicle miles travelled while promoting alternate transit through various measures, such as co-locating development. The City's coastal zone is a highly visited destination year-round due to the favorable weather and myriad visitor serving and recreational opportunities. This popularity has led to severe parking and traffic impacts adversely affecting the ability of the public to visit the coast, and the desirability of living in the area. Like most coastal communities, the City suffers from a deficit in housing supply, affecting affordability and the cost of living along the coast.

The proposed amendment makes no further changes to permitted uses, and neither modifies the requirements of the certified Environmentally Sensitive Land regulations or allows deviations from them. Future properties rezoned to the new mixed-use zones will still be required to conform to the resource protection policies of the applicable certified LUPs. The relatively low parking requirements for the new zones are supported by the condensed, mixed-use nature and largely urban nature of development in these zones. However, because there is the potential of limited parking to create adverse impacts by taking up street parking spaces, clogging traffic, or other impacts, future rezones that prove problematic may require more off-street parking to ensure sufficient access.

Upon review at this current stage, the City's proposed amendment adequately balances the need for greater infill development and increased densities to reduce vehicle use and promote alternate transit with minimizing the potential adverse impacts that such development can have on public access and views, and can thus be approved as submitted.

The appropriate resolutions and motions begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 7.

## **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, which primarily includes Chapters 11 through 15 of the municipal code. The LDC 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-19-0163-3 (Mixed-Use Zones) may be obtained from Alexander Llerandi, Coastal Planner, at (619) 767-2370.

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## **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.

## **II. MOTION AND RESOLUTION**

### **MOTION:**

I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-19-0163-3 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 AMENDMENT 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 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.

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

### **A. AMENDMENT DESCRIPTION**

This is an amendment to the San Diego Land Development Code (LDC), which serves as the certified Implementation Plan (IP) of the City's LCP, to add six new mixed-use base zones within two categories: Residential Mixed-Use (RMX) and Employment Mixed-Use (EMX), with each category having three zones: RMX-1, 2, and 3, and EMX-1, 2, and 3, respectively. Each category is set up for primary and secondary uses with increasing intensities. The RMX zones allow for residential development as the primary use, while the secondary use may be either residential or non-residential. The EMX zones allow for non-residential development as the primary use, while the secondary use may be either residential or non-residential, though the non-residential use must be different from the primary non-residential use.

## **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 LUPs.

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

The purpose and intent of the ordinance is to further the City's efforts to address the housing shortage affecting the region and reduce vehicle miles traveled by making it easier for multiple uses to be combined and developed in a single project, promoting greater densities and infill development.

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

The major provisions create size new mixed-use base zones of increasing density in two categories: Residential Mixed-Use and Employment Mixed-Use.

- Buildings abutting pedestrian access ways shall have active building frontages and public access signage.
- Mixed-use developments that incorporate public amenities and infrastructure will be built concurrently with the private development and completed prior to occupancy of the structure.
- Architectural design shall utilize varied facades and architectural features to create offsets and distribute bulk and scale.
- Reduce parking requirements for uses within mixed-use zones.

### **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, as noted earlier, increased density raises potential issues with the protection of critical coastal resources. Allowing greater density than currently allowed could adversely affect coastal resources through more intensive development, such as high rise buildings, that could encroach on public views or contribute to increased traffic that would deter coastal access. In addition, reducing required development standards to encourage affordable housing opportunities could also lead to coastal resource impacts, such as direct impacts to sensitive habitats or reductions in required buffers. Critical coastal resources are mandated for protection by the Coastal Act's Chapter 3 policies and then additionally 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, the City has developed community planning areas based on its established neighborhoods and future urbanizing areas. 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 ensure 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.
- Provide an adequate circulation system to serve the La Jolla community that promotes the use of bicycles and public transit and shuttle service as alternative forms of transportation for residents and visitors to La Jolla.

### **Mission Beach Precise Plan and Local Coastal Program Addendum**

- The encouragement of all types of individuals and family sizes to live in Mission Beach.
- 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.
- The provision of increased parking in order to reduce the serious deficit that presently exists.

### **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.

- Efficiently manage on-street parking to better serve the beach and commercial areas.
- Support transitional housing uses in Ocean Beach.
- 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.

### **Pacific Beach Community Plan**

- Sufficient parking is not available in some areas of Pacific Beach, particularly in the summer and on weekend evenings. Because Pacific Beach also lacks sufficient garage space and off-street parking, streets are also impacted by the on-street parking of recreation vehicles and boats. Recent development has, however, provided adequate parking.
- Enhance existing public access to the beach, bay, and park areas along the shoreline to benefit community residents and visitors.
- Incorporate parking facilities jointly with Mission Bay Park, and reduce the impact of visitor parking in areas closest to the beach and bay through a program of incentives, such as peripheral parking centers and improved transit.
- The City shall consider changes to the Municipal Code that will permit a reduction in parking requirements for mixed use projects which utilize transit-oriented development standards (identified in the commercial element of this plan) and incorporate transportation demand management programs. These changes to the Code will not be pursued where there would be adverse effect on surrounding neighborhoods or within the beach impact area.

- Enhance existing public access to the beach, bay, and park areas along the shoreline to benefit community residents and visitors.
- Affordable housing opportunities (e.g. studios, one bedroom) have been reduced (both in absolute numbers and as a percentage of housing stock) because of soaring land costs and a decrease in allowable residential densities.
- New development shall be designed to promote transit, bicycle, and pedestrian use.

### **Downtown Community Plan**

- 5.1-G-2 Protect Public views of the San Diego Bay by establishing view corridors which accentuate key public rights-of-way with appropriate setbacks, step backs, and design standards, and capture new public views where possible as waterfront sites are redeveloped.

Currently, the LDC has five base zones: Open Space, Agricultural, Residential, Commercial, and Industrial. The new mixed-use zones would be added as an additional base zone within a new division within Chapter 13 of the LDC. The new zones are organized in the same way as the existing base zones, starting with the purpose and intent, the use tables, and development regulations.

The RMX zones support residential employment through the inclusion of shopkeeper units, small-scale artisan or production spaces, live/work units, or amenities for home employment and small businesses.

With the increasing focus on addressing housing needs while encouraging alternate transit and reducing development sprawl and vehicle miles traveled, there is greater public and private interest in mixed-use developments that site both residential and non-residential uses on the same property. However, because many development regulations were drafted to focus on singular-use developments and did not anticipate the types of mixed-use structures becoming more common today, mixed-use developments undergo lengthy discretionary review processes. The disparate uses do not always conform directly to the LDC's existing requirements, at times requiring additional regulatory deviations or variances in order to make the mixed-use project approvable.

Compared to current base zones, the proposed RMX and EMX zones would increase the allowable uses by 20 and 30 percent, respectively, allowing previously prohibited uses such as research and development, testing labs, and business services. For both new zones, the minimum lot area is 20,000 square feet, with no minimum lot dimensions or setbacks. The densities would be based on floor area ratios that range from factors of 3 to 7. Maximum heights range from 120 feet to unlimited, though the City has a thirty-foot coastal height limit overlay zone over almost the entirety of its coastal zone, and no deviations from the overlay would be allowed for these new zones.

In the RMX zone, if a completely-residential development is proposed, the residential types would need to be varied and can include shopkeeper, apartment, townhomes, duplexes, or live/work. The development would also need to provide 10 percent of the floor area ratio to

home-based employment, which can include home occupation amenity spaces, such as co-work, shared conference rooms, or a business center.

The proposed amendment furthers the goals of the certified LUPs and the Coastal Act in promoting the development of mixed-use structures that co-locate varied residential and non-residential uses in the same property. Through such development, it is more feasible to promote infill development, as greater uses needed by the community can be achieved in a smaller area, reducing sprawl, promoting alternate means of transit within a community, reducing vehicle miles traveled, and activating public spaces. However, while the promotion of mixed-use development has many benefits for the growth and use of coastal communities, there are certain aspects of the City's proposal that could cause potential adverse impacts.

Relying on the reduction in vehicle use that mixed-use developments promote, the proposed amendment includes very low parking requirements for the new zones: 1.5 spaces per 1,000 square feet for commercial, retail, office, and restaurant uses when outside the Transit Overlay Zone (TOZ) (mapped as being within a certain distance of alternate transit routes) and 1 space per 1,000 square feet within the TOZ. These are reductions from the more common requirements of 2.5 to 5 spaces outside the TOZ to 2.1-4.3 within the TOZ, for those uses. The certified parking requirements for the residential uses are not being modified with this amendment.

The provision of adequate off-street parking to serve a development is a key factor in ensuring that private parking requirements will not spill out into the public street parking inventory that the public heavily relies on when visiting the coastal zone. Inadequate parking can discourage members of the public from frequenting an area due to the congestion resulting from the number of vehicles, resident and visitor, circling in an area looking for parking. However, the reduction in vehicle use, and thereby vehicle parking, arising from mixed-use development has been noted by local governments and the Commission. Nevertheless, when and if the City does come forward to rezone a property to one of these new mixed-use zones, the project-specific future parking need and its surrounding impacts will need to be carefully analyzed to avoid impacting public access.

Regarding priority uses, the City has stated that they wish to activate street frontages through design requirements, as opposed to mandating the specific types of uses at street level. Thus, unlike certain planned district ordinances – a subset of community-specific regulations – and other development regulations in the general LDC, while the proposed amendment does have percentage requirements for overall uses, it does not contain regulations dictating where certain uses must be sited. This is a potential concern, as the Commission has highlighted the importance of placing visitor serving uses along active street frontage to encourage pedestrian traffic and conform to the priority use mandates of the Coastal Act. Because no properties are proposed to be rezoned in this current amendment, there will be no changes to certified land uses as a result of approving this amendment. Depending on what properties are rezoned in the future, it may be necessary that, in the event that a property currently zoned as visitor commercial or neighborhood commercial is rezoned to mixed-use, that the rezoning action or subsequent development permits contain conditions that priority uses shall be sited along public street frontages and occupy a particular minimum percentage of first floor area and street frontage, in order to

comply with certified LUP policies that protect priority uses, activate pedestrian uses, and promote visitor serving opportunities.

While the proposed new zones do not dictate street-level uses, they do have design requirements along public frontages, such as entrances and walkways, to activate those frontages for pedestrian use. Surface parking is not allowed within front and street yards, unless the yards are screened with landscaping or structures. Development of premises larger than five acres requires providing a minimum of one pedestrian and bicycle access way into the development for every two acres, as well as two pedestrian circulation spaces, such as plazas, widened sidewalks, arcades and food service. These design requirements will balance the increased scale and use inherent in mixed-use developments with the ability of the public, whether they patronize the mixed-use development or not – to traverse around and through the development.

The new development regulations for the mixed-use zones preserve existing certified protections for visual resources by clearly prohibiting deviations from the thirty-foot Coastal Height Limit Overlay Zone that currently exists over the City's coastal zone (save for the portions in the downtown community area), as well as prohibits deviations in the City's coastal zone from the requirements of the certified Environmentally Sensitive Land (ESL) regulations of the LCP.

Because the proposed amendment introduces new mixed-use zones but does not propose to rezone any specific properties at this time, analysis of the potential benefits and impacts is somewhat general. Therefore, as rezones are proposed in the future, further analysis will be required, and depending on the merits of a particular proposal, its location, and the coastal resources impacted, a rezone may or may not be supported. It will be incumbent on the proponent of any future rezone to demonstrate that the mixed-use zone and accompanying development will concentrate development, promote priority uses, protect sensitive resources, and preserve public access opportunities. At this time, in analyzing the proposed new zones and their development requirements, they can be found consistent with the applicable LUP policies regarding concentration of development, promotion of alternate transit, and enhancement of coastal access. Thus, the LCP amendment can be found in conformance with the certified LUPs for the City of San Diego and approved as submitted.

#### **IV. 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 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. For this amendment, the City determined that it does not constitute a project under CEQA Guidelines Section 15378, as the amendment does not involve the application of the new zones to any land and therefore could not result in any development and subsequent environmental impacts. Because application of the new zones to City properties in the future would require a separate rezoning action, pursuant to CEQA Guidelines Section 15004, additional environmental review would be conducted during any future rezoning action.

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. In summary, no adverse impacts to coastal resources are anticipated and approval of the proposed amendment is consistent with CEQA.