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Date: April 1, 2021

To: **COMMISSIONERS AND INTERESTED PERSONS**

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Subject: **STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT NO. LCP-6-SAN-19-0165-3 (Balboa Avenue Station Specific
Plan) for Commission Meeting of April 14-16, 2021**

SYNOPSIS

The subject Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) amendment was submitted and filed as complete on December 24, 2019. A one-year time-extension was granted by the Commission on March 12, 2020. The date by which the Commission must act is June 23, 2021.

SUMMARY OF AMENDMENT REQUEST

The subject submittal amending both the City of San Diego's certified LUP and IP consists of the Balboa Avenue Station Area Specific Plan ("Balboa Station Specific Plan"), which encompasses approximately 210 acres (0.33 square miles) and is located in the communities of Pacific Beach and Clairemont Mesa. Approximately three-quarters of the specific plan area and all of the rezoning is located in Pacific Beach, with most of that area in turn located within the coastal zone. The specific plan area in Pacific Beach is bordered by Rose Creek on the west and north and Mission Bay Park to the south. Interstate-5 and the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor, which serve as the boundary between Pacific Beach and Clairemont Mesa as well as the coastal zone boundary, bisect the specific plan area. The specific plan area is predominantly urbanized and developed with commercial, industrial, and residential uses, as well as open space and regional transportation facilities.

In anticipation of the late 2021 opening of the Mid-Coast Trolley Blue Line extension and its trolley station on the south side of Balboa Avenue east of the I-5/LOSSAN corridor, which was approved by the Commission on July 13, 2016 in Coastal Development Permit (CDP) No. 6-16-0108, the City of San Diego proposes to amend the certified Pacific Beach Community Plan to revise figures and text to be consistent with the proposed Balboa Station Specific Plan and incorporate it by reference, as well as amending the Land

Development Code (LDC), the City's certified IP, to reflect the specific plan's zoning changes. The proposed LUP amendment for Pacific Beach would redesignate and rezone lands within the specific plan area to increase residential density, promote mixed-use pedestrian and transit-oriented development, and implement recommendations for the public rights-of-way that would emphasize access to the Balboa Avenue trolley station and alternate transit use. The Clairemont Mesa Community Plan would also be amended to revise figures and text to be consistent with the specific plan, but the portion of Clairemont Mesa within the specific plan is not in the coastal zone, and no rezoning is proposed in that community.

The Balboa Station Specific Plan proposes two new land use designations: Residential (15-54 dwelling units per acre) and Community Village (0-73 and 0-109 dwelling units per acre), as well as rezoning to Light Industrial and Flood Control/Open Space – two zones that are consistent with the certified Pacific Beach Community Plan. Much of the specific plan area would be redesignated the new Community Village land use, while the balance would be Residential and Light Industrial, with minor Flood Control/Open Space in Rose Creek. The proposed specific plan would include a corresponding rezone of the properties within the specific plan area for consistency with the revised land use designations. The Community Village land use designation, which allows for high-density housing (up to 73 dwelling units per acre) in a mixed-use setting, would primarily be applied to lands that front Mission Bay Drive and Garnet Avenue, the primary roads traversing the specific plan area. Higher intensity, infill mixed-use development (up to 109 dwelling units per acre) under the Community Village designation would be focused between Bunker Hill Street and Rosewood Street. The area designated Residential is generally bounded by Rose Creek on the west, Figueroa Boulevard on the east and north, and Grand Avenue on the south.

The proposed specific plan would allow up to 4,729 residential units in the Residential areas and up to 3,832 residential units within the Community Village areas. Compared to the hypothetical development buildout under the currently certified LUP and zoning, the specific plan would allow an additional approximately 3,508 residential units. In addition, up to 614,313 square feet of commercial retail uses and 423,444 square feet of industrial uses could be developed within the specific plan area. An active commercial frontage is proposed along the main roadways, Mission Bay Drive and Garnet Avenue, in the specific plan area.

In addition to increasing the development density within the specific plan area, the Balboa Station Specific Plan contains policies to prioritize that the new development be developed in a pedestrian-oriented manner that incorporates alternate-transit promoting features. The emphasis of mixed-use development with bicycle lanes and pedestrian amenities such as lockers, plazas, and connections to the trolley station are aimed to transform the specific plan area from one heavily focused on vehicular use to one with a more balanced transportation network.

SUMMARY OF STAFF RECOMMENDATION

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

The overall goals and policies of the Balboa Station Specific Plan, to increase the density of residential and mixed-use pedestrian-oriented development in proximity to alternate transit, align closely to the goals and policies of the Coastal Act. The specific plan contains six chapters: Land Use, Mobility, Urban Design, Recreation, Infrastructure and Public Utilities, and Conservation, as well as an additional Implementation chapter. Each of these chapters identifies policies intended to guide future development within the specific plan area. While the majority of the specific plan's policies conform to the Coastal Act and LCP, since submittal of the specific plan, City and Commission staff have worked to review the specific plan's policy language and identify ways to strengthen the proposed policy language to make it more clear to all parties that the policies' requirements would be implemented in any subsequent development permit.

The suggested modifications are intended to present a comprehensive set of policies that address proposals for new development in the specific plan area, while ensuring that said development will incorporate pedestrian-oriented features and promote alternate transit use to the greatest extent feasible while still being protective of public access and coastal resources. In summary, it is critical that the amendment contain clear language and direction for future development in order to carry out these policies.

More importantly, the City and Commission staff discussed ways in which to address the specific plan's two largest shortcomings: a lack of policy language regarding the preservation and promotion of visitor serving commercial uses, especially existing lower cost overnight accommodations in the specific plan area, and the lack of policies mitigating the substantial adverse impacts that buildout under the specific plan would have on traffic in the area. Because both the visitor serving commercial and traffic issues could adversely impact public access, much discussion was focused on these two areas.

Regarding visitor serving commercial uses, the suggested modifications strengthen the policy language to prioritize such first-floor uses along the main thoroughfares of Garnet Avenue and Mission Bay Drive and place minimum space and street frontage requirements modeled on other parts of the certified LCP, such as the La Jolla Planned District Ordinance. Regarding affordable overnight accommodations, the suggested modifications add policy language modeled on the Ocean Beach Community Plan Update that was certified in 2015 with language calling for the preservation of existing lower cost overnight accommodation inventory and prioritizing its rehabilitation and redevelopment over replacement with non-accommodation uses.

Regarding traffic impacts, the City is supportive of adding policy language calling for inter-agency coordination of a future community shuttle service operating in part out of the Balboa Avenue trolley station. However, the road segments of Garnet Avenue and Mission Bay Drive in the specific plan area, which serve as the primary entrance to Pacific Beach from the east, are already strained and operate at a Level of Service of E or F, which would be exacerbated by buildout under the plan even taking into account the higher alternate transit use. The proposed land use designations under the specific plan are anticipated to generate more average daily trips (ADT) than uses currently allowed under the certified LUP: approximately 55,635 ADT compared to 31,032 ADT. Due to the anticipated adverse impacts to area traffic circulation from buildout and in recognition of the City's concerns about timing and funding of a shuttle, the suggested modifications add a policy to incorporate a development impact fee into future development permit review so

that as the specific plan area is developed, each development can be assessed for its specific traffic impact and a corresponding, reasonable development impact fee can be assessed to defray the cost of appropriate traffic mitigation measures, such as a shuttle.

Section 30108.5 of the Coastal Act defines “Land Use Plan” as those portions of a local government’s general plan “which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.” With the suggested modifications proposed by staff, the proposed amendment meets this intent and can be found in conformance with the requirements of the Coastal Act.

Accompanying the Balboa Station Specific Plan and its update to the LUP, the City is proposing a related change to the certified IP in order to incorporate the necessary zoning changes, mainly comprising of expanding the community commercial zoning and upzoning the residential zoning so as to increase allowable residential uses in all the zones. Staff is recommending approval of the IP amendment, as submitted, because the modified zoning will increase and concentrate residential density adjacent to alternate transit and still allow visitor serving commercial uses to be developed in the specific plan area.

The appropriate motions and resolutions begin on Page 7. The suggested modifications begin on Page 9. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 15. The findings for approval of the plan, if modified, begin on Page 24. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 26.

BACKGROUND

The City of San Diego’s first LCP was certified in 1988, and the City then assumed permit authority. The City as a whole is organized such that each separate community within its boundaries is covered by its own distinct community plan. Thus, the City’s LCP consists of the certified LUPs for its community segments located within the coastal zone and the certified IP. The IP consists 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 Land Development Code (LDC), which primarily consists of Chapters 11 through 15 of the municipal code. It replaced the first certified IP and took effect in the coastal zone on January 1, 2000.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-19-0165 may be obtained from Alexander Llerandi, Coastal Planner, at Alexander.Llerandi@coastal.ca.gov.

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EXHIBITS

EXHIBIT 1: Balboa Avenue Station Area Specific Plan

EXHIBIT 2: Pacific Beach Community Plan Amendment

EXHIBIT 3: Proposed Rezone Map

EXHIBIT 4: Currently Certified Land Uses

EXHIBIT 5: Existing Land Uses

EXHIBIT 6: Modified Figure 2-1

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 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.

The Pacific Beach community is one of the City of San Diego's twelve LCP segments. Approximately half of the community is located within the coastal zone, bordered by the communities of La Jolla to the north, Clairemont Mesa to the east, Mission Beach and Mission Bay Park to the south, and the Pacific Ocean to the west. The current LUP for Pacific Beach, the "Pacific Beach Community Plan and Local Coastal Program Land Use Plan," was last certified by the Commission on May 11, 1995.

Since the 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

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 13543(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 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. MOTIONS AND 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.

1. MOTION:

I move that the Commission certify the Land Use Plan Amendment No. LCP-6-SAN-19-0165-3 for the Pacific Beach segment of 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 to certify as submitted passes only upon an affirmative vote of a 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 No. LCP-6-SAN-19-0165-3 for the Pacific Beach segment of 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 to the policies of Chapter 3 of the California Coastal Act. Certification of the 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 impact which the Land Use Plan Amendment may have on the environment.

2. MOTION:

I move that the Commission certify the Land Use Plan Amendment No. LCP-6-SAN-19-0165-3 for Pacific Beach segment of the City of San Diego certified LCP if modified in accordance with the suggested changes set forth in the staff report.

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a **YES** vote on the motion. Passage of the 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 a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT WITH MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment No. LCP-6-SAN-19-0165-3 for the Pacific Beach segment of the City of San Diego certified LCP and finds for the 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 chapter 3 of the California Coastal Act. Certification of the plan if 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.

3. MOTION:

I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-19-0165-3 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 THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment No. LCP-6-SAN-19-0165-3 for the City of San Diego certified LCP 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 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.

III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Land Use Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which 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 Amendment.

Chapter 1: Introduction

1. On Page 1-1, Section 1.2: Guiding Principles, the first policy shall be modified as follows:
 - Identify multi-modal improvements to increase bicycle, pedestrian, and transit access ~~to~~ between the station and surrounding community and coastal amenities.
2. On Page 1-1, Section 1.2: Guiding Principles, the second policy shall be modified as follows:
 - Establish goals and policies to guide future public and private development to establish transit-oriented development adjacent to the station that reduces vehicle miles travelled and vehicular traffic to the greatest extent feasible.

Chapter 2: Land Use

3. On Page 2-1, Section 2.1: Land Use Designations, the first policy shall be modified as follows:

- 2.1.1 ~~Support~~ Prioritize pedestrian and transit-oriented development to create a vibrant community village and coastal visitor destination in the Balboa Station Area.
4. On Page 2-1, Section 2.1: Land Use Designations, the second policy shall be modified as follows:
- 2.1.2 ~~Encourage~~ Incorporate ground floor active commercial frontages along Mission Bay Drive and Garnet Avenue in mixed use developments. Active Commercial Frontages, as shown in Figure 2-1, include retail, eating and drinking establishments, and other visitor-oriented uses that foster pedestrian activity, with non-visitor-oriented uses prohibited on the designated parcels in Figure 2-1 where existing visitor serving zoning has historically been provided.
5. On Page 2-1, Section 2.1: Land Use Designations, the fourth policy shall be modified as follows:
- 2.1.4 ~~Encourage~~ Prioritize uses that promote physical activity and a vibrant, healthy, and sustainable community resulting in lower greenhouse gas emissions.
6. On Page 2-1, Section 2.1: Land Use Designations, a new thirteenth policy shall be added as follows:
- 2.1.13 Preserve existing hotel, motel, and hostel facilities from removal or conversion to residential units.
7. On Page 2-1, Section 2.1: Land Use Designations, a new fourteenth policy shall be added as follows:
- 2.1.14 Encourage the addition of overnight accommodations, in particular lower-cost accommodations.
8. On Page 2-1, Section 2.1: Land Use Designations, a new fifteenth policy shall be added as follows:
- 2.1.15 Rehabilitate existing hotel, motel, and hostel facilities where feasible.
9. On Page 2-2, the following new Coastal Hazards section and related policies shall be added as follows:
- 2.5 Coastal Hazards

Much of the Balboa Avenue Station Specific Plan Area is located adjacent to Mission Bay Park and Rose Creek at the eastern end of Pacific Beach, a coastal community with substantial coastline. Due to the proximity of coastal

waters, the Specific Plan area could be vulnerable to flood hazards from sea level rise, especially through rising water levels of Rose Creek. Due to the substantial and long-term nature of development envisioned by the Specific Plan, it is important to limit the impact of development on natural coastal processes and ensure that development is designed in a manner that protects public health and safety to the greatest extent feasible without reliance on any armoring or protective devices of Rose Creek.

2.5.1 Consider the effects of sea level rise, based on the best available science and the most recent flood maps, to identify design and siting that would reduce coastal and flood hazard risk and increase adaptive capacity of development within areas susceptible to flooding.

2.5.2 Design and site development in proximity to Rose Creek to withstand periodic flood events within areas susceptible to flooding.

10. On Page 2-3, Figure 2-1: Land Use Designations, shall be replaced with the modified Figure 2-1 contained in Exhibit 6 of this staff report.

Chapter 3: Mobility

11. On Page 3-5, Section 3.1: Transit, a new tenth policy shall be added as follows:

- 3.1.10 Coordinate efforts with SANDAG and MTS to operate a shuttle from the Balboa Station to the Pacific Beach community. This can include access to beach, commercial, and employment destinations as well as recreational destinations.

12. On Page 3-5, Section 3.1: Transit, a new eleventh policy shall be added as follows:

- 3.1.11 Coordinate efforts with SANDAG and MTS to program shuttle service in the Regional Transportation Plan (RTP) and prioritize its implementation.

13. On Page 3-5, Section 3.1: Transit, a new twelfth policy shall be added as follows:

- 3.1.12 Pursue local, state, and federal grant funding available to implement shuttle services between the Balboa Avenue Station and the Pacific Beach community.

14. On Page 3-5, Section 3.1: Transit, a new thirteenth policy shall be added as follows:

- 3.1.13 Explore public/private partnerships to implement shuttle service within the Balboa Avenue Station Mobility Hub.

15. On Page 3-5, Section 3.1 Transit, a new fourteenth policy shall be added as follows:

- 3.1.14 Identify and analyze the adverse impacts future development may have on traffic circulation and public access in order to assess an appropriate development impact fee to fund a shuttle from Balboa Station to the Pacific Beach community and other measures to mitigate public access impacts.

16. On Page 3-7, Section 3.3 Bicycle Network, the fourth policy shall be modified as follows:

- 3.3.4 Improve connectivity, capacity, accessibility, and safety of the Rose Creek Trail for all users through the implementation of bicycle rails, slip ramps, downward facing and shielded pedestrian-scale lighting, and other trail access improvements at the following locations:

[...]

17. On Page 3-7, Section 3.3 Bicycle Network, the fifth policy shall be modified as follows:

- 3.3.5 ~~Encourage the design of~~ Design commercial, residential, and mixed-use developments to include secure, accessible bicycle parking and bike share near building entrances and/or easily identifiable locations that may include, but may not be limited to, bicycle corrals, racks, lockers, or other type of protected facility, in sufficient quantity to adequately serve residents and visitors.

18. On Page 3-11, Section 3.4: Streets, the first policy shall be modified as follows:

- 3.4.1 Support and promote the implementation of multi-modal improvements to enhance transit, bicycle, and pedestrian facilities design to increase safety at the intersection of Garnet Avenue and Mission Bay Drive and Grand Avenue at Mission Bay Drive.

19. On Page 3-11, Section 3.4: Streets, the fourth policy shall be modified as follows:

- 3.4.4 ~~Support~~ Provide infrastructure for electric vehicles which includes the ability to install vehicle charging stations for multi-family residential, commercial, and industrial uses based on future demand and changes in technology.

20. On Page 3-11, Section 3.4: Streets, the sixth policy shall be modified as follows:

- 3.4.6 Support and promote parking management strategies to maximize the efficiency of parking utilization, including, but not limited to, communal parking facilities, discounted or complimentary transit passes for employees of commercial uses within the Specific Plan area, special offers or discounts for patrons utilizing alternate transit, or shared parking agreements between daytime and nighttime uses.

Chapter 4: Urban Design

21. On Page 4.2, Section 4.1 Building Design, the tenth policy shall be modified as follows:

- 4.1.10 Encourage low intensity, downward-facing shielded pedestrian lighting along building frontages.

22. On Page 4-3, Section 4.1 Building Design, the nineteenth policy shall be modified as follows:

- 4.1.19 Design the location of surface parking and structured parking entryways that minimize disruption to the pedestrian and bicycle right-of-way.

[...]

~~Encourage~~ Incorporate infrastructure for electric vehicles which includes the ability to install vehicle charging stations for multifamily residential, commercial, and industrial uses based on future demand and changes in technology.

23. On Page 4-5, Section 4.2: Relationship to Rose Creek, the second policy shall be modified as follows:

- 4.2.2 Site outdoor dining and public spaces development to take advantage of Rose Creek, and design them such that lighting and noise intrusion from those uses into Rose Creek are minimized and shielded to the greatest extent feasible.

24. On Page 4-5, Section 4.2: Relationship to Rose Creek, the third policy shall be modified as follows:

- 4.2.3 Discourage parking or blank walls fronting Rose Creek and encourage screening with native vegetation or similar measures to preserve the visual quality of Rose Creek.

25. On Page 4-5, Section 4.2: Relationship to Rose Creek, the fourth policy shall be modified as follows:

- ~~4.2.4 Support enhancing~~ Provide enhanced pedestrian and bicycle accessibility to the Rose Creek Bike Trail.
- 26.** On Page 4-7, Section 4.4: Public Realm, the seventh policy shall be modified as follows:
- ~~4.4.7 Consider incorporating~~ Incorporate stormwater filtration features in street design.
- 27.** On Page 4-7, Section 4.4: Public Realm, the eighth policy shall be modified as follows:
- ~~4.4.8 Consider~~ Promote using medians on Grand Avenue for stormwater retention.
- 28.** On Page 4-7, Section 4.4: Public Realm, the ninth policy shall be modified as follows:
- ~~4.4.9 Consider providing~~ Provide bioswales, pervious strips, flow-through planters, and pervious pavement to help infiltrate stormwater runoff before it enters the storm drain system to the greatest extent feasible.
- 29.** On Page 4-7, Section 4.4: Public Realm, the fourteenth policy shall be modified as follows:
- ~~4.4.13~~ ~~4.4.13b Encourage~~ Incorporate the use of low-intensity, downward-facing shielded pedestrian-scale lighting in shared pedestrian/bicycle facilities, paseos, plazas, and parking lots to delineate pedestrian areas, and low-height, shielded, low-intensity lighting in the vicinity of Rose Creek.

Chapter 5: Recreation

- 30.** On Page 5-1, Section 5.1: Overview, the first policy shall be modified as follows:
- 5.1.1 Provide sufficient community park and low-cost recreational facilities to meet the population need of the future resident population and visitors through implementation of development regulations for park dedications and improvements.
- 31.** On Page 5-1, Section 5.1: Overview, the second policy shall be modified as follows:
- 5.1.2 Encourage development to incorporate parks such as public plazas, mini parks, pocket parks, special activity parks or park equivalences with their building footprint or on site (either privately or publicly owned) that will be open and free to public use.

Chapter 7: Conservation

32. On Page 7-3, Section 7.1 Sustainable Development, the second policy shall be modified as follows:

- 7.1.2 ~~Encourage~~ Promote mobility measures, including Transportation Demand Management strategies, that reduce dependence on single-occupant vehicle use, increase fuel efficiency and promote the use of alternative, more sustainable energy sources.

33. On Page 7-2, Section 7.1: Sustainable Development, the fourth policy shall be modified as follows:

- 7.1.4 ~~Encourage~~ Work with community organizations and businesses to educate residents, employees, and visitors about the accessibility of transit, community destination, and regional recreational resources via walking and bicycling. Incorporate programs to educate residents, employees, and visitors about alternate transit to and from development in the specific plan area.

34. On Page 7-5, Section 7.2: Urban Runoff Management, the first policy shall be modified as follows:

- 7.2.1 ~~Encourage the incorporation of~~ Incorporate LID practices into building design and site plans that work with the natural hydrology of a site to reduce urban runoff, including the design or retrofit of existing landscaped or impervious areas to better capture storm water runoff.

35. On Page 7-5, Section 7.2: Urban Runoff Management, the second policy shall be modified as follows:

- 7.2.2 ~~Encourage the incorporation of and~~ Incorporate maintenance of storm water best management practices in public infrastructure and private development projects, including streetscape improvements to limit water pollution, erosion, and sedimentation.

36. On Page 7-5, Section 7.2: Urban Runoff Management, the third policy shall be modified as follows:

- 7.2.3 ~~Encourage the prioritization of~~ Prioritize LID practices that encourage water infiltration to minimize reliance on storm drains that could be impaired by sea level rise.

37. On Page 7-5, Section 7.3: Coastal Resources, the first sentence of the first paragraph of the preamble shall be modified as follows:

The Specific Plan Area contains land within the Coastal Zone and within the City of San Diego's jurisdiction, including areas west of ~~I-5~~ and inclusive of the LOSSAN rail corridor and south of and inclusive of Garnet Avenue.

38. On Page 7-5, Section 7.3: Coastal Resources, the second policy shall be modified as follows:

- ~~7.3.1~~ 7.3.2 Implement the MSCP Adjacency Guidelines and Environmentally Sensitive Land regulations through the project review process for properties in proximity to Rose Creek.

Appendix A

39. In Appendix A.1: Supplemental Development Regulations, the first supplemental regulation shall be modified as follows:

- SDR-1 Where Active Commercial Frontage is identified in Figure 2-1, development shall provide ground floor commercial uses in at least the front 30 feet of the lot and no less than 75 percent of the street frontage along Garnet Avenue and Mission Bay Drive. In all other locations in the community, residential uses are allowed on the ground floor.

40. In Appendix A.1: Supplemental Development Regulations, a new supplemental regulation shall be added as follows:

- SDR-1a The following non-visitor serving commercial uses and other uses found to be similar in operation shall be prohibited on the parcels denoted "Non-visitor serving uses prohibited" in Figure 2-1: Pets & Pet Supplies, Plant Nurseries, Retail Farms, Business Support, Financial Institutions, Funerary & Mortuary Services, Maintenance Repair, Radio & Television Studios, Veterinary Clinics & Animal Hospitals, Business & Professional, Government, Regional & Corporate Headquarters, Artisan Food and Beverage Producer, and Newspaper Publishing Plants.

IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The subject submittal consists of the Balboa Avenue Station Area Specific Plan and related changes to the Pacific Beach Community Plan to amend certain figures to make them consistent with the specific plan and incorporate it by reference. The specific plan proposes two new land use designations: Residential (15-54 dwelling units per acre) and Community Village (0-73 or 0-109 dwelling units per acre), as well as rezoning to Light Industrial and Flood Control/Open Space – two zones that are consistent with the certified Pacific Beach Community Plan. Currently, the majority of the specific plan area’s commercial land is designated as “Regional Commercial,” with a smaller amount of “Community Commercial” along Garnet Avenue west of Mission Bay Drive and “Visitor Commercial” along the southern end of Mission Bay Drive. The area on the west side along Rose Creek is designated as “Residential (29 dwelling units/acre),” while the majority of the specific plan area north of Garnet Avenue outside of the coastal zone is designated as “Industrial Park.”

Much of the specific plan area would be designated Community Village, while the balance would be Residential and Light Industrial, with minor Flood Control/Open Space in Rose Creek. The specific plan proposes to redesignate approximately 13 acres of property designated for commercial use to Community Village (109 du/acre) and rezone to RM-4-10; approximately 7 acres of property designated for commercial use would be redesignated to Community Village (109 du/acre) and rezoned to CC-3-9; approximately 70 acres of property designated for commercial use would be redesignated to Community Village (73 du/acre) and rezoned to CC-3-8; and approximately 28 acres of property designated for multifamily residential would be redesignated to allow up to 54 du/acre and rezoned to RM-3-8.

The proposed specific plan would include a corresponding rezone of the properties within the specific plan area for consistency with the revised land use designations. The Community Village land use designation, which allows for high-density housing (up to 73 dwelling units per acre) in a mixed-use setting, would primarily be applied to lands that front Mission Bay Drive and Garnet Avenue, the primary roads traversing the specific plan area. Higher intensity, infill mixed-use development (up to 109 dwelling units per acre) under the Community Village designation would be focused between Bunker Hill Street and Rosewood Street. The area designated Residential is generally bounded by Rose Creek on the west, Figueroa Boulevard on the east and north, and Grand Avenue on the south. The proposed specific plan would allow up to 4,729 residential units in the Residential areas and up to 3,832 residential units within the Community Village areas for a total of up to 8,561 residential units. In addition, up to 614,313 square feet of commercial retail uses and 423,444 square feet of industrial uses (the latter being outside the coastal zone) could be developed within the specific plan area. Compared to hypothetical development buildout under the currently certified LUP and zoning, the specific plan would allow an additional approximately 3,508 residential units.

In addition to the increased density of mixed-use and residential development in the specific plan area, the specific plan includes policies incorporating pedestrian, bicycle, and alternate transit amenities as part of future private development, with public improvements to gradually redevelop the specific plan area into a pedestrian village area with amenities such as bicycle lanes and storage facilities, and pedestrian connections to Balboa Avenue trolley station and Rose Creek.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act. Section 30001.5 states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regard to visitor serving commercial uses, public access, water quality, biological resources, and coastal hazards development regulations.

C. NONCONFORMITY OF THE CITY OF SAN DIEGO LAND USE PLAN WITH CHAPTER 3

1. VISITOR SERVING COMMERCIAL

Plan Summary

Provisions for commercial areas and visitor serving uses are primarily contained in Chapter 2: Land Use. The proposed specific plan contains a land use map that shows the majority of the specific plan area designated as a new use: “Community Village,” with “Residential” located on the west end along Rose Creek and “Light Industrial” located in the north outside of the coastal zone. The specific plan does not identify what specific uses are intended for those parcels. Rather, the Community Village designation encourages a broad range of pedestrian-oriented development and allows for a higher residential density (either 109 du/ac or 73 du/ac) than currently certified land uses (regional commercial, community commercial, and visitor commercial).

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.

Non-conformity with Chapter 3 Policies

Visitor Serving Commercial

The Pacific Beach community is a popular year-round destination situated along both the Pacific Ocean and Mission Bay Park, with numerous commercial and open space amenities along its boundaries. While the majority of visitor serving commercial uses and recreational opportunities are clustered along the western end of Garnet Avenue and along Mission Boulevard as it parallels the ocean, the southern boundary of Pacific Beach has strong connectivity to Mission Bay Park and its recreational opportunities, both open space and commercial, as well.

However, despite being adjacent to Mission Bay Park and much more easily accessible than the western end of Pacific Beach due to proximity to major roads and highways, the specific plan area at the eastern end of Pacific Beach was predominantly developed with regional commercial uses, such as car dealerships, light industrial, and office, with residential along the side streets. What visitor commercial exists is either in the form of hotels or restaurants, both sit down and drive-through.

In order to phase out existing regional commercial uses such as the car dealerships and replace them with mixed-use development, the specific plan proposes to replace all the commercially designated land uses (regional commercial, community commercial, and visitor commercial) with a new land use: Community Village. While the specific plan does not specify which exact commercial uses will be allowed, the accompanying rezone of the specific plan area will convert and expand the community commercial zone to be the sole

commercial zone type in the specific area. This change will include replacing the 7.5 acres of land in the specific plan area currently designated for visitor commercial with community commercial, which includes a broader range of commercial uses than the visitor commercial zone.

In reviewing the uses allowed in the visitor commercial land use and zoning area with the allowed community commercial uses, the visitor commercial uses would still be permitted in the community use areas. However, because the community use areas would allow a greater breadth of uses more aimed at local residents than visitors, there is the increased risk of visitor serving uses being crowded out or replaced by more general commercial uses. Additionally, while the specific plan does identify the main two streets, Garnet Avenue and Mission Bay Drive, as “active commercial frontage” where first floor uses should encourage commercial uses rather than residential, there is no language in the specific plan prioritizing or establishing a minimum requirement of visitor commercial uses.

The Coastal Act requires that land suitable for visitor serving commercial recreational facilities shall be prioritized for such uses over private residential, general industrial, or general commercial development. However, as proposed, while the Commission finds that adequate land is designated for commercial use, the policies of the specific plan do not adequately protect visitor serving commercial uses, as community commercial does not adequately prioritize visitor serving commercial uses as required by the Coastal Act.

Preserving Existing Visitor Serving Overnight Accommodations

The specific plan area contains six overnight accommodations, all within the Pacific Beach community: Trade Winds Motel, Holiday Inn Express, SureStay Hotel, Motel San Diego, La Quinta Inn, and a sixth hotel that was demolished and is being replaced with a new hotel pursuant to a local permit. All but the Motel San Diego and La Quinta are located in the coastal zone portion of the specific plan area, along Mission Bay Drive. These hotels are generally two-star hotels that, coupled with their location by Interstate-5 and at the eastern end of Pacific Beach while the majority of visitor attractions are located at the western end of Pacific Beach 2.5 miles away, tend to offer lower rates compared to pricier overnight accommodations closer to the beach or with more amenities.

The Coastal Act requires protection, encouragement, and provision of lower cost visitor and recreational facilities, including overnight accommodations. As the cost of land in California’s coastal zone is chronically high, hotel accommodations are often priced in order to be profitable and lower-priced accommodations are becoming increasingly rare. However, it is the Commission’s responsibility to ensure the broadest range of the public is able to access and recreate at California’s coast.

However, despite the presence of several overnight accommodations within the specific plan area, the proposed specific plan is silent on the preservation of existing accommodation inventory or the provision of future inventory. Given the strong focus the specific plan has on substantially increasing residential density and community commercial designations, the existing overnight accommodations could be vulnerable to replacement with residences. Due to the popularity of Pacific Beach as a visitor destination and the high demand for overnight accommodations, especially during the busy summer months, it is

essential that the existing inventory of overnight accommodations, especially those that provide lower cost options, are preserved and protected. Thus, the absence of policy language in the specific plan addressing this use is not consistent with the requirements of the Coastal Act.

2. Public Access

Plan Summary

Provisions regarding public access and circulation are primarily contained within the “Mobility” chapter of the specific plan. The Mobility element primarily addresses the transportation infrastructure of the specific plan area and alternate means of travel, such as transit, walking, and biking. The Mobility element calls for prioritizing alternate transit by constructing connections between the specific plan area and the trolley station, as well as incorporating amenities that serve pedestrian and cyclists, such as plazas and day lockers, into private development.

Applicable Coastal Act Policies

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Non-Conformity with Chapter 3 Policies

The Coastal Act has numerous policies related to the provision and protection of public access. As such, many categories of development are affected by and must ensure that public access is not adversely impacted. In a popular coastal community such as Pacific Beach, protection and enhancement of public access is particularly crucial. There are substantial adverse impacts to public access associated with substantial increases in development intensity and residential density.

Pacific Beach is a densely developed community bordered along its west by the Pacific Ocean, the south by Mission Bay Park, the north by La Jolla and Mount Soledad, and the east by Interstate-5. Due to the proximity to both the ocean and bay as well as containing a well-known visitor commercial district along Mission Boulevard and western Garnet Avenue, Pacific Beach experiences high visitor levels year-round, especially during the summer. However, due to the presence of the ocean, the bay, and Mount Soledad, access to Pacific Beach is fairly constrained. Due to Pacific Beach bordering Interstate-5 on the east end, the intersection of Garnet Avenue and Mission Boulevard at the heart of the specific plan area serves as the primary entryway for a substantial portion of visitors and residents in Pacific Beach, and it has consistently been at or beyond its design capacity for several years.

As part of preparation of the specific plan, the City commissioned a Program Environmental Impact Report (PEIR) and related traffic impact study, which found that the roadway segments along Garnet Avenue and Mission Bay Drive are already congested and operate at Levels of Service (LOS) of E or F under existing conditions. The intersections along Garnet Avenue also operate at LOS of E or F during either A.M. or P.M. peak hours (or both in some cases). Relatedly, the traffic backup in the specific plan area affects the southbound Interstate-5 offramp for this area, with delays over 15 minutes and backup on the freeway itself.

Using projected buildout under the specific plan and projected traffic volumes under the San Diego Association of Governments (SANDAG) year 2035 modeling, the traffic impact study determined that, even with assumptions of enhanced connectivity to the forthcoming trolley line and greater alternate transit use, the specific plan would have significant adverse impacts to traffic on Garnet Avenue and Mission Bay Drive with regard to vehicle volume and the primary intersection of Garnet Avenue and Mission Bay Drive during PM peak hours with regard to wait time. Relatedly, the wait times and queuing at the adjacent Interstate-5 on and off ramps on Mission Bay Drive would be adversely impacted.

As mitigation for the anticipated significant adverse impacts, the PEIR recommended reconfiguring the lane striping at the impacted intersections and widening Garnet Avenue and Mission Bay Drive. The City proposal incorporates the intersection lane reconfigurations but does not incorporate the road widening due to lack of space and funding and because the City states that it would contravene the intent of the specific plan to encourage alternate transportation. While the difficulty of widening these roads in such constrained circumstances is understandable, no other mitigation measures were proposed by the City, and thus the identified significant adverse impacts to vehicular traffic

and circulation at the busiest entrance to Pacific Beach, a popular coastal community and visitor destination, are proposed to go unmitigated by the City.

Pacific Beach already experiences high traffic volumes from residents and visitors, and such burdens for accessing the coast have a detrimental effect on coastal visitation, inducing potential visitors to head elsewhere or forego visiting the coast entirely. High traffic loads can also have a detrimental effect on efforts to utilize alternate transit, as bus routes use the same roads as all other traffic, and high traffic volumes decrease efficiency and make alternate transit a less attractive option. Thus, by identifying substantial adverse impacts to traffic and public access but not implementing sufficient mitigation measures, the proposed specific plan does not conform to the public access policies of the Coastal Act.

3. Water Quality, Biological Resources, and Coastal Hazards

Plan Summary

The Balboa Station Specific Plan contains several policies related to water quality protection and habitat protection, much of related to Rose Creek. While the policies of the specific plan align with the goals of the Coastal Act, the language as proposed does not sufficiently ensure that appropriate protective measures will be prioritized and implemented in future development within the specific plan area. Furthermore, despite the proximity of Mission Bay and Rose Creek and the anticipated flooding effects of sea level rise over the life of anticipated development, the specific plan lacks policy language regarding the design and siting of future development to avoid or withstand flood risk without the need to channelize or armor Rose Creek.

Applicable Coastal Act Policies

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 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 significant adverse effects, either individually or cumulatively, on coastal resources. [...]

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...

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.

Section 30236

Channelization, 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.

Non-Conformity with Chapter 3 Policies

Water Quality

As an urbanized community that borders both the Pacific Ocean and Mission Bay Park, it is crucial for Pacific Beach Community Plan to contain sufficient water quality protection policies consistent with the Coastal Act. Regarding the specific plan area, it is bordered along its western side by Rose Creek, a tributary into Mission Bay, a vital regional recreational and habitat resource. As proposed, the specific plan does cover most of the Coastal Act requirements for the protection of water quality with policies regarding the incorporation of Low Impact Development (LID) practices into development design, use of Best Management Practices (BMPs) to reduce impacts from construction, and upgrading storm water infrastructure. The specific plan also contains policies regarding biological resources, mainly along Rose Creek, and implementation of the LCP's habitat protection regulations.

However, as proposed, these policies do not contain language to sufficiently ensure that these measures are prioritized and implemented in future development. More importantly, the specific plan does not take potential impacts from sea level rise into consideration. While the specific plan area is separated from Mission Bay by the Mission Bay Municipal Golf Course and some park space, it is hydrologically connected to the bay through the adjacent Rose Creek. Projected sea level rise from the United States Geological Survey's Coastal Storm Modeling System (CoSMoS) over the 75-year economic life of typical development shows that under high sea level rise scenarios, the southwestern segment of the specific plan area adjacent to Rose Creek could experience periodic flooding. LUP policies to protect the community from such potential impacts over time should be included in the specific plan. Without provisions to prepare for such impacts, there is the potential for impacts to coastal water quality, and thus, as proposed, the specific plan does not conform to the requirements of the Coastal Act.

Biological Resources

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. As proposed, the specific plan only refers to ensuring implementation of the MHPA's Adjacency Guidelines when developing the parcels in proximity to Rose Creek. Because those guidelines are not certified and the LCP's primary vehicle for implementing habitat protection are the ESL regulations, its omission from the specific plan is not in conformity with the habitat protection policies of the Coastal Act.

Coastal Hazards

Projected sea level rise over the 75-year economic life of the anticipated development within the specific plan area shows that under the medium-high-risk sea level rise scenario, the southwestern segment of the specific plan area adjacent to Rose Creek could experience periodic flooding. LUP policies must be included that protect the community from such potential impacts over time. Without provisions to prepare for such impacts, there is the potential for impacts to coastal water quality and public safety. While the specific plan refers to the City's Climate Action Plan, the specific plan itself lacks specific policies for hazard avoidance and adaptation, which increases the possibility of inadequately designed or sited development experiencing future flood threat from Rose Creek. A stated goal of the specific plan is to promote pedestrian and alternate modes of transportation as a means of furthering the City's Climate Action Plan goal of reducing regional greenhouse gas emissions. Such actions may help counter the rate of sea level rise, but a land use planning document must still plan for the eventuality of higher sea levels and their related hazards. Thus, the lack of such policy language in the specific plan means it is not in conformance with the requirements of the Coastal Act.

V. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS MODIFIED

A. SPECIFIC FINDINGS FOR APPROVAL

Visitor Serving Commercial

While the location of the specific plan area and its focus on mixed-use, pedestrian oriented development makes it likely that visitor serving commercial uses will be established in the area, due to the specific plan's location in a popular coastal community in proximity to Mission Bay Park, stronger language is needed to better ensure such establishment of visitor uses. To address the lack of prioritization of visitor commercial uses in the plan as proposed, **Suggested Modification No. 4** modifies Policy 2.1.2 to identify Garnet Avenue and Mission Bay Drive, the main arteries of the specific plan area, as prime locations for high-priority visitor serving commercial and recreation, and identifies that priority uses in the area must include overnight accommodations, dining and retail, and recreational facilities, either alone or in mixed-use development.

In addition to general policy language, the specific plan contains supplemental development regulations in its Appendix A governing certain design and use requirements for future development under the plan. These supplemental development regulations are viewed and applied by the City as equivalent to the development regulations in the certified IP, the Land Development Code. The first supplementary development regulation requires that "Active Commercial Frontage" areas, identified as the street frontages along Garnet Avenue and Mission Bay Drive in Figure 2-1 of the specific plan, provide at least the front thirty feet of those parcels for ground floor commercial uses. However, while minimum space requirements are important for the successful implementation of commercial uses, street frontage and its corresponding visibility to the passing public is just as important. Thus, **Suggested Modification No. 39** modifies SDR-1 to clarify that the thirty-foot space requirement is a minimum standard, and that in addition, at least seventy-five percent of the street frontage along Garnet Avenue and Mission Bay Drive be used for active commercial space. Furthermore, certain parcels along the southern end of Mission Bay Drive are currently zoned for visitor commercial use, which will be changed to community commercial use under the specific plan. Because of the broader range of uses allowed under the community commercial zoning and risk of loss of visitor serving uses, **Suggested Modification No. 40** adds new supplementary development regulation SDR-1a prohibiting non-visitor-serving commercial uses allowed under the broader "Commercial-Community" zoning from being allowed on those parcels. Through this modification, visitor serving uses shall be required over the other general, resident-focused commercial uses that are allowed by the proposed land use designation, such as civic and service uses.

Given the high demand for overnight accommodations along the coast, especially during the busy summer season, and the specific plan's goal of increasing residential development within the specific plan area in order to create a pedestrian "village" atmosphere, the likelihood grows that the expansion of the community commercial land use at the expense of visitor commercial use will lead to the replacement of the existing stock of overnight accommodation, generally lower in cost compared to accommodations

closer to the coast, with other uses, reducing the overall supply of overnight accommodations. This would put greater financial burden on lower income segments of the population who wish to visit the coast. To ensure the preservation and continued operation of a stable stock of affordable overnight accommodations, **Suggested Modification Nos. 6, 7, and 8** add new policy language to Section 2.1 to prioritize the preservation and rehabilitation of the existing inventory of overnight accommodations over their replacement with non-accommodation development. **Suggested Modification No. 7** also encourages the addition of accommodations, particularly those that are lower cost. This language is carried over from the language the Commission certified in the City of San Diego's Ocean Beach Community Plan Update in 2015. Just as with the Ocean Beach action, the Commission recognizes that lower-cost overnight accommodations in close proximity to coastal waters are becoming rarer and are worthy of preservation in order to engender more equitable access to the coast.

Public Access

The Balboa Station Specific Plan is focused on the gradual redevelopment of the specific plan area from the vehicle-oriented pattern of development it currently contains into a pedestrian and transit-oriented village community within the greater Pacific Beach community. To that end, the specific plan contains several policies that align with the Coastal Act's requirements of promoting alternate transit use, consolidating development in already developed areas adjacent to existing development, and incorporating pedestrian and bicycle amenities to promote greater activation of the area than is currently experienced by the majority of traffic simply passing through to elsewhere in Pacific Beach.

In order to address the absence of adequate mitigation of the specific plan's identified direct and cumulative significant adverse impacts to traffic, the City and Commission staff discussed potential measures that could be added to the plan in order to further the mutual goal of better linking the forthcoming trolley station to the broader Pacific Beach community and coastal attractions. While the City has held a separate meeting with Commission staff about a potential shuttle to serve the public within Pacific Beach, connecting the shore to various destinations and the trolley station, the City has made clear that they would not take such action without an identified funding source, which the City is pursuing separately from the specific plan. The City has also argued that the intersection of Garnet Avenue and Mission Bay Drive has long been under capacity and heavily impacted by sources both within and outside of Pacific Beach, and that it is not the specific plan's role to address historic traffic impacts, but to encourage alternate modes of transit to try and alleviate those impacts. Finally, the City argues that traffic mitigation measures are better identified and implemented on a project-by-project basis once development proposals come forward following certification of the specific plan.

While it is true that Garnet Avenue and Mission Bay Drive have long been impacted due to heavy use and geographical constraints, the City is not being asked to ameliorate decades worth of past impacts, but rather to mitigate the forthcoming impacts that have been clearly identified as arising from the development of the specific plan area. The land use designations under the specific plan are anticipated to generate more average daily trips (ADT) than uses currently allowed under the certified LUP: approximately 55,635 ADT compared to 31,032 ADT. While the City's goal of promoting alternate transit and linking

the trolley station into the specific plan area aligns with the Coastal Act, Pacific Beach is 2.5 miles wide east-to-west, and if heavily impacted traffic patterns are further exacerbated, then it will impact regional public access to this segment of the coast, likely resulting in dissuading the public from attempting to visit this portion of the coast.

Regarding the City's position regarding timing of the mitigation and implementation of a shuttle absent identified funding, the Commission recognizes that these are legitimate obstacles to address. Thus, understanding that the City is currently proposing just the specific plan, that no change in traffic impact will occur until development of the specific area commences, and that all subsequent development will in turn need to obtain a coastal development permit, the Commission is adding **Suggested Modification No. 11** to Section 3.1, adding policies that call on the City to coordinate with the Metropolitan Transit System (MTS) and San Diego Association of Governments (SANDAG) to establish a shuttle system to tie the trolley station to the specific plan area and Pacific Beach community at large. The implementation of a shuttle would encourage residents, employees, and visitors of the specific plan area to use the trolley and connect to local destinations via the shuttle, rather than drive, thereby helping to reduce vehicle trips and traffic associated with those vehicle trips. Because future development in the specific plan area will have the potential to adversely impact the already congested traffic of the area, **Suggested Modification No. 15** adds a policy requiring that all new development undertake a traffic impact survey as part of its review and, if it is found to have an adverse impact, then a corresponding development impact fee should be collected to defray the cost of a shuttle and other measures to mitigate traffic and public access impacts. Due to the importance of the specific plan area as a primary entrance to the Pacific Beach community and the coastal destinations therein, the shuttle or other measures to be funded should maximize the potential for transporting people (e.g. can accommodate at least 15 people, both visitors and residents alike, in a manner conducive to coastal recreation, such as transporting a visitor's beach equipment, and commuters.

Water Quality, Biological Resources, and Coastal Hazards

While the City's certified IP already contains regulations regarding the implementation of Low-Impact Design and Best Management Practices in development projects, the standard of review for the IP is the LUP, so it is important that the applicable LUP policy language contains clear direction as to the expectations and requirements that the IP, and by extension future development, should contain. Thus, many of the suggested modifications strengthen the proposed specific plan policy language regarding protection of water quality and biological resources to not just "encourage" or "support" such protective measures such as infiltration, BMPs, shielded lighting, and buffers, but to "prioritize," "design," and "incorporate" these measures into future development, making it clear that, as certified with these suggested modifications, that these policies will be requirements to be met by future permit review and developments.

Regarding coastal hazards, because anticipated sea level rise could cause the flood plain to expand within the specific plan area, the resulting risk to property and public safety may lead to greater pressure to channelize Rose Creek. As the Coastal Act and currently certified LCP require that all development be designed and sited so as to avoid both existing and future risk from coastal hazards and floods, the suggested modifications add a new "Section 2.5: Coastal Hazards" with its own policies clearly stating that development

within the specific plan area should not rely on coastal armoring or protection and instead be designed to avoid or withstand any identified flood risk.

Miscellaneous Provisions

The specific plan contains six chapters: Land Use, Mobility, Urban Design, Recreation, Infrastructure and Public Utilities, and Conservation, as well as an additional Implementation chapter. Each of these chapters identifies policies intended to guide future development within the specific plan area. As stated previously, the specific plan and its policies align closely to the goals and policies of the Coastal Act. However, as proposed many of the policies utilize language that may not give clear enough direction or strong enough assurances that its measures will be implemented in subsequent development. Thus, the majority of the suggested modifications are in the form of strengthening the policy language, replacing terms such as “encourage” and “support” with clearer mandates such as “design,” “site,” and “incorporate,” as well as adding language with applicable examples of desired development, in order to make the specific plan clearer that its policy provisions will be expected to be incorporated in all future development within the specific plan area.

Thus, with all the suggested modifications as described above, the Balboa Station Specific Plan will be a stronger, clearer, more comprehensive document that will guide the transformation of the specific plan area into a pedestrian-oriented, transit promoting destination for both residents and visitors alike, and can be found in conformance with the requirements of the Coastal Act.

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

A. AMENDMENT DESCRIPTION

In addition to the Balboa Station Specific Plan and related Pacific Beach Community Plan amendment, the subject submittal proposes to rezone approximately 121 acres in the Pacific Beach community, the vast majority of the rezoned parcels being in the coastal zone.

Approximately 83 acres of the specific plan area is zoned for “Commercial-Community,” and the majority of the commercial rezone consists of changing the parcels zoned “Commercial-Community 4-2,” which allows heavy commercial strip development with residential density of one dwelling unit for each 1,500 square feet of lot area, to “Commercial-Community 3-8” and “Commercial-Community 3-9,” which allow high intensity pedestrian-oriented development with residential density of one dwelling unit for each 600 square feet of lot area and 400 square feet of lot area, respectively, with approximately 13 acres of “Commercial-Community 4-2” changing to “Residential-Multiple Unit 4-10.”

The specific plan area currently contains approximately 7.5 acres of “Commercial-Visitor 1-2,” located along both sides of Mission Boulevard at the southern end of the specific plan area. These parcels would also be converted to “Commercial Community 3-8” and

“Community Commercial 3-9” in line with the majority of the specific plan commercial rezoning.

The City also proposes to rezone approximately 28 acres of the specific plan area on the west side along Rose Creek from “Residential-Multiple Unit 2-5,” which allows a maximum density of one dwelling unit for each 1,500 square feet of lot area, to “Residential-Multiple Unit 3-8,” which allows a maximum density of one dwelling unit for each 800 square feet of lot area.

B. FINDINGS FOR APPROVAL

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

a) Purpose and Intent of the Ordinance

The purpose and intent of the proposed rezoning is to bring the parcels' zoning in line with the specific plan's goals of increasing the density of pedestrian-oriented mixed use and residential development in proximity to the forthcoming trolley line and station on Balboa Avenue. The current land use designations for the subject parcels are regional commercial, community commercial, and visitor commercial, in descending order of prevalence, with residential (up to 29 dwelling units per acre) on the west end along Rose Creek. While many of the commercial uses the City envisions in the specific plan are already feasible under the existing community commercial and visitor commercial zoning, the current community commercial zone allows a greater number of vehicle-oriented uses than the proposed rezoning does, and none of the current zones allow residential densities high enough to achieve the goals of the specific plan. By rezoning the commercial areas to community commercial and the residential areas to a higher density, the City is hoping to achieve its goal of the eventual redevelopment of the entire specific plan area into pedestrian-oriented mixed use development along the primary roads and high density multi-family housing along the interior streets.

b) Major Provisions of the Ordinance

The “Commercial-Community” and “Residential-Multiple Unit” zones carry a number of provisions regulating permitted uses, minimum lot dimensions and lot coverage, and development standards such as setbacks, floor area ratio, landscaping, and density.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments

Due to the longstanding nature of the specific plan area dating from before passage of the Coastal Act, the land use designations in the certified LUP do not closely match the zoning of the area, which in turn does not closely match the existing development uses of the area. The certified LUP designates the majority of the specific plan area in the coastal zone as “Regional Commercial,” with smaller pockets of “Community Commercial” and “Visitor Commercial,” along the western end of Garnet Avenue and the southern end of

Mission Bay Drive, respectively. A large area of “Residential (29du/ac)” is located on the west end of the specific area along Rose Creek.

The majority of the specific plan area within the coastal zone is currently zoned as “Commercial-Community,” which Section 137.0507(a) of the Land Development Code describes as intended to accommodate community-serving commercial uses, retail uses, and limited industrial uses of moderate intensity and of small to medium scale ranging from pedestrian-friendly commercial streets to auto-oriented commercial strips, with secondary residential uses. The second-largest zoned use is “Residential-Multiple Unit,” which Section 131.0406(a) of the Land Development Code describes as intended to accommodate multiple density units of varying densities. The third zoned use, much smaller than the first two, is “Commercial-Visitor,” which Section 131.0505 of the Land Development Code describes as intended to accommodate establishments catering to the lodging, dining, and recreational needs of both tourists and the local population. There is no zoning for regional commercial anywhere in the specific plan area, though the community commercial along the west end of Garnet Avenue and the visitor commercial along Mission Bay Drive does conform to the LUP.

The existing uses within the specific plan area are a mix of regional commercial, community commercial, visitor commercial, office, industrial, and residential, with their location often not corresponding to the underlying zoning or land use. For example, there is residential development along Del Rey Street at the southern end of the specific plan area, which is zoned for community commercial but designated for regional commercial land use. Office and industrial uses exist in the central part of the specific plan area south of Garnet Avenue despite the area being zoned for community commercial and designated for regional commercial.

The proposed ordinance amendment does not modify the zoning classifications, but instead is aimed to bring the zoning of the specific plan area into alignment with the proposed LUP, as amended, so as to remove the long-existing inconsistencies between land use designation, zoning, and, as the area is redeveloped, existing uses. The zoning change is proposed in order to better encourage pedestrian-oriented uses with higher residential densities than what is currently allowed by both the designated land uses in the LUP and the zoning designations in the IP. A mix of commercial and residential use is already allowed under existing zoning and would still be allowed under the new zoning.

The biggest change with potential for adverse impacts to public access is the change of the 7.5 acres of parcels zoned “Commercial-Visitor” to “Commercial-Community.” Currently, the visitor commercial zoned parcels contain three hotels (one being under construction), an apartment complex, a car dealership, and a restaurant. The visitor commercial parcels are one of the parts of the specific plan area that generally does align with the designated land use, zoning, and existing use, the car dealership and apartment complex notwithstanding.

Commercial visitor zones are important because they provide amenities for visitors to the coast to obtain food, lodging, and commercial goods, encouraging visitation to the coast. Their loss and replacement with other uses, even if commercial in nature but better suited to local residents, can discourage visitation through a lack of amenities or greater burden

in conducting a prolonged stay at the coast. However, the community commercial zoning does allow the uses that are allowed under the visitor commercial zoning, such as retail, dining, and lodging, though along with a greater range of potential commercial uses, such as tailors, barbers, and banks. While the greater range of commercial uses allowed under the community commercial zoning does increase the risk of visitor-oriented uses being crowded out as the specific plan area is developed with a higher density of residential, the pedestrian-oriented focus of the specific plan makes it likely that many visitor oriented commercial uses will continue to be present in the specific plan area. Furthermore, as proposed to be modified in the LUP, the proposed Specific Plan will contain language protecting and prioritizing the existing overnight accommodations – currently comprising six hotels and motels in the specific plan area – in future development.

Thus, because the proposed IP amendment will bring the zoning of the specific plan area into alignment with the land use designations and associated development policies in the proposed LUP, as modified, as well as encourage development that will make the specific plan area as a whole more pedestrian-oriented and more attractive to both visitors and residents, the Commission finds that the proposed rezoning as submitted is consistent with, and adequate to carry out, the proposed Pacific Beach LUP.

VII. 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. 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.

The City prepared and adopted a Program Environmental Impact Report (PEIR) for the proposed amendment (SCH No. 2017071007 – Project No. 586601). The PEIR identified that the Balboa Station Specific Plan would have adverse direct and cumulative impacts to vehicular traffic and circulation as a result of the proposed rezoning and increased residential density, even considering greater alternate transit use. The PEIR identified two mitigation measures to lessen such impacts: restriping major intersections and expanding the public rights-of-way of Garnet Avenue and Mission Bay Drive, and two project alternatives: a “no project” alternative and a “medium” (i.e. reduced) residential density alternative. While the City will implement the restriped intersections, it deemed expanding the Garnet Avenue and Mission Bay Drive rights-of-way as infeasible due to lack of space and funding, as well as the fact that it would encourage further vehicle use in contravention of the goals of the specific plan. The “no project” and “medium density” alternatives, while each having decreased impacts compared to the proposed specific plan, were determined by that City to not meet the objectives of the Balboa Station Specific Plan, such as establishing a transit-oriented mixed-use village with a high density of residential and employment adjacent to alternate transit resources. Therefore, the City determined that the

benefits of the project outweigh its significant environmental impacts and are therefore acceptable.

As described above, the Commission has reviewed and evaluated the proposed amendment, and finds that potential coastal resource impacts were not adequately mitigated by the proposed specific plan and required further mitigation measures. With the implementation of policies requiring visitor serving commercial uses in the southern end of the specific plan area where they have historically been designated, future coordination with regional entities for implementation of a shuttle and imposition of a development impact fee on future development projects to help fund traffic mitigation measures, including but not limited to the shuttle, the potential resource impacts have been mitigated, and the amendment does not have the potential to result in significant individual or cumulative impacts to coastal resources. 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 the individual development projects would be assessed through the environmental review process, and an individual project's compliance with CEQA would be assured. The Commission therefore finds the amendments as modified are consistent with the California Environmental Quality Act.