

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W20a

Date: June 17, 2021

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **JOHN AINSWORTH, EXECUTIVE DIRECTOR**

Subject: **CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT NO. LCP-6-SAN-20-0053-1 (MORENA CORRIDOR SPECIFIC PLAN) FOR COMMISSION REVIEW AT ITS MEETING OF July 7-9, 2021**

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

If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (July 7, 2021).

PROPOSED AMENDMENT

The City of San Diego’s LCP amendment request was filed on August 18, 2020. The City recently adopted revisions to the Clairemont Mesa and Linda Vista Community Plans to implement the Morena Corridor Specific Plan, which identifies new land use designations and mobility infrastructure improvements within portions of the Clairemont Mesa and Linda Vista communities that are located outside of the coastal zone. The amendment request was submitted as an individual de minimis LCP amendment and involves one item for Commission review that is associated with community plan updates and rezoning. The Morena Corridor Specific Plan policies would replace the existing Linda Vista Community Plan Implementation Overlay Zone (CPIOZ), a portion of which is located within the

coastal zone. The proposed Implementation Plan amendment would remove all references and exhibits relating to CPIOZ from the City's Land Development Code (LDC), which serves as the City's certified Implementation Plan. The proposed amendment is presented in the attached Ordinance Number O-21121. The proposed amendment only affects the certified Implementation Plan and was properly noticed.

If you have any questions or need additional information regarding this proposed amendment, please contact [Diana Lilly](mailto:Diana.Lilly@coastal.ca.gov) at Diana.Lilly@coastal.ca.gov. Any objections to the "minor" amendment determination must be received within ten working days of the date of this notice.

DISCUSSION

The approved Ordinance Number O-21121 amends the Clairemont Mesa and Linda Vista Community Plans to add the Morena Corridor Specific Plan area, including rezonings to implement the Specific Plan. However, only a very small segment of the Clairemont Mesa and Linda Vista Community Plans are located within the coastal zone (the area between Interstate-5 and Morena Boulevard), and neither community plan area is a certified LUP segment for the City of San Diego. The entirety of the land area subject to the Morena Corridor Specific Plan is located outside of the coastal zone, so the City's community plan updates and rezoning efforts are not subject to Commission review.

The one element of the City's action that does require Commission review and concurrence is the proposed removal of the existing Linda Vista CPIOZ from the LDC. The CPIOZ covers the westernmost portion of Linda Vista near Interstate-5 and consists of various development standards for the mostly commercial and industrial uses in that area (Exhibit #2). The portion of the Morena Corridor Specific Plan located within the Linda Vista Community Plan Area partially overlaps with the existing Linda Vista CPIOZ (although unlike the CPIOZ, no land subject to the Morena Corridor plan is within the coastal zone). The Morena Corridor Specific Plan contains its own set of supplemental development regulations that will replace those of the existing CPIOZ. Thus, the subject amendment deletes all references and provisions regarding the Linda Vista CPIOZ in the LDC.

The LDC contains several references and descriptions of the CPIOZ. The Linda Vista Community Plan is listed as a community plan with property in a CPIOZ in Table 132-14A and includes a reference to Map Number C-750, showing the boundaries of the Linda Vista CPIOZ, as well as Diagram 132-14C, a reproduction of Map Number C-750 provided for illustrative purposes. Table 132-14A and Diagram 132-14C are contained within the LDC (Map Number C-750 is not). The amendment would remove the references to Linda Vista, Diagram 132-14C, and Map Number C-750 from Table 132-14A. The amendment would also remove Diagram 132-14C. No other revisions to the LDC would occur. Even though the Linda Vista Community Plan is not part of the LCP, and the Morena Specific Plan will be located outside of the coastal zone, the proposed amendment is required to reflect these administrative changes and maintain the accuracy of the certified IP.

Deleting the CPIOZ from the LDC (certified IP) will not change any coastal zone property/land uses or have any potential to impact, either individually or cumulatively,

coastal resources. The only land within the coastal zone subject to the existing CPIOZ is largely undevelopable right-of-way associated with Interstate-5 and the railroad. No coastal resource protection policies that could potentially apply to this area are contained within the CPIOZ.

Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act.

DETERMINATION

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

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

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