

CALIFORNIA COASTAL COMMISSION

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W14b

Date: February 17, 2022

To: COMMISSIONERS AND INTERESTED PERSONS

From: JOHN AINSWORTH, EXECUTIVE DIRECTOR

Subject: CITY OF OCEANSIDE DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT
LCP-6-OCN-21-0094-2 (Emergency Shelters) FOR COMMISSION REVIEW AT ITS
MEETING OF MARCH 9, 2022

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 (March 21, 2022).

Staff Note: LCP Amendment Action Deadline. The 60-working-day action deadline for the proposed IP amendment is March 24, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until March 24, 2022 to take a final action on this LCP amendment. Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion at the top of the following page. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission extend the time limit to act on City of Oceanside Local Coastal Program Amendment Number LCP-6-OCN-21-0094-2 for one year.

PROPOSED AMENDMENT

The City Oceanside's LCP amendment request was filed on December 27, 2021. As such, the last date for Commission action on this item is the March 2022 meeting, absent a time extension.

The regulations for emergency shelters were first certified by the Commission in 2015 (LCP-6-OCN-15-0043-5). As certified, emergency shelters are not permitted in the Coastal Zone. As proposed, the amendment will increase the maximum permitted length of stay from 120 days to 6 months, increase associated service options, and update development standards to comply with state law.; however, emergency shelters will remain prohibited in the Coastal Zone. Nevertheless, an LCP Amendment is required as the amendment includes revisions to Articles 4 (Use Classifications) and Article 30 (Site Regulations), both of which are a part of the City's IP; and therefore, require certification by the Commission.

DISCUSSION

As proposed, no emergency shelters are permitted within the Coastal Zone. Instead, the amendment will increase the maximum length of stay, increase associated service options and update development standards to comply with state law for projects located outside the Coastal Zone only. Therefore, there are no potential LUP consistency concerns. Additionally, should the City ever wish to permit emergency shelters in the Coastal Zone, the City would need to amend the LCP, and any potential impacts to coastal resources would be reviewed by the Commission at that time. Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act.

DETERMINATION

The Executive Director determines that the City of Oceanside 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 governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has

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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. The City found that implementation of this LCPA would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified per CEQA Guidelines Section 15162. The City also determined that the changes would not be subject to CEQA as they would not result in any physical changes to the environment.

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.