

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



F9a

Date: March 18, 2022

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **JOHN AINSWORTH, EXECUTIVE DIRECTOR**

Subject: **CITY OF OCEANSIE DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT LCP-6-OCN-20-0088-3 (Climate Action Plan) FOR COMMISSION REVIEW AT ITS MEETING OF APRIL 8, 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 (April 18, 2022).

PROPOSED AMENDMENT

The City Oceanside’s LCP amendment request was filed on March 11, 2021. A one-year time extension was granted by the Commission on May 12, 2021. Therefore, the last date for Commission action on this item is the Commission’s May 2022 meeting.

In May 2019, the City of Oceanside finalized its Climate Action Plan (CAP) which includes provisions that align with state efforts to reduce greenhouse gas (GHG¹) emissions. The CAP outlines measures the City will implement to make progress towards meeting California's 2050 GHG reduction goal by using energy more efficiently; harnessing renewable energy; reducing, reusing, recycling, and composting waste; conserving water; and enhancing access to sustainable modes of transportation. To help meet this goal, the City is proposing the inclusion of four new sections into Article 30 (Site Regulations) of the certified Implementation Plan, including Section 3047 (Renewable Energy Facilities), Section 3048 (Electric Vehicle Parking and Charging Facilities), Section 3049 (Urban Forestry), and 3050 (Transportation Demand Management (TDM)). Each section is also included, as a reference, into Articles 10C (Residential "Coastal Zone"), 11C (Commercial "Coastal Zone"), and 13C (Industrial "Coastal Zone"). All sections include a provision that in the event state standards exceed those outlined in the section, state standards shall apply.

Section 3047 (Renewable Energy Facilities) requires certain types of new development to install and maintain renewable energy facilities (e.g., solar photovoltaic systems). New development, including residential projects of 25 or more units, industrial projects larger than 25,000 square feet, commercial and institutional projects larger than 12,500 square feet, and mixed-use development (consisting of residential and commercial uses) larger than 12,500 square feet will be required to install and maintain renewable energy facilities that supply at least 50 percent of forecasted electricity demand. This section also requires that additions to existing developments greater than 1,500 sq. ft. shall be rendered "solar ready" per current California Energy Code and California Green Building Standards Code.

Section 3048 (Electrical Vehicle Parking and Charging Facilities) requires multi-family residential and non-residential development of a certain scale to provide preferential parking and charging facilities for electric vehicles. The standards for preferential parking and electric vehicle charging facilities are included as [Exhibit No. 3](#) of the staff report; and, as proposed exceed those established by current state law.

Section 3049 (Urban Forestry) requires that new development adhere to certain landscaping requirements including providing a minimum tree canopy area of between 7-12% and a minimum permeable surface area of between 10-22% for the total site, depending on lot size. Projects must also provide a Landscape and Tree Canopy Management Plan (LTCMP). The LTCMP will include information regarding regular, seasonal, and emergency maintenance, trash abatement, irrigation, tree/plant care, tree replacement, insect and disease infestation prevention, integrated pest management, appropriate response process, etc. The amendment further provides that projects that do not maintain landscape in a manner consistent with the approved LTCMP shall be subject to code enforcement action.

¹ Greenhouse gases are any gas, both natural and anthropogenic, that absorbs infrared radiation in the atmosphere and include water vapor, carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). These greenhouse gases lead to the trapping and buildup of heat in the atmosphere near the earth's surface. Carbon dioxide is the major anthropogenic greenhouse gas. All greenhouse gases are quantified collectively by the carbon dioxide equivalent ("CO₂e"), or the amount of CO₂ that would have the same global warming potential, when measured over a specific time period.

Section 3050 (Transportation Demand Management (TDM)) requires new non-residential development and additions to existing non-residential developments that generate more than 50 daily employee trips to prepare and implement a transportation demand management (TDM) plan that results in a minimum 20% alternative employee commute share. The alternative employee commute share shall be comprised of ridesharing, public transit, active transportation, telecommuting, and zero-emission vehicles. The specifics of the plan are provided in [Exhibit No. 3](#) and generally include:

- Designation of a Transportation Coordinator responsible for ensuring compliance with TDM plan requirements
- Site-specific analysis of opportunities for, and constraints upon, alternative commute modes (e.g., active transportation, transit, ridesharing)
- Marketing and outreach strategies that educate employees about sustainable travel choices
- Customized travel plans for employees (upon request)
- Description and justification of selected TDM measures
- Calculation of the estimated commute mode shift associated with selected TDM measures
- A monitoring and reporting program

DISCUSSION

Constructing and operating major urban development, water, energy, telecommunication, and transportation projects can use a significant amount of energy, thereby significantly increasing emissions of greenhouse gases (GHGs). These emissions exacerbate climate change caused by global warming, which, in turn can cause significant adverse impacts to coastal resources. The City's Land Use Plan (LUP) contains a number of provisions that protect coastal resources and aim to minimize energy consumption, including a policy mirroring Coastal Act Section 30253, which specifically requires new development minimize energy consumption and reduce vehicle miles travelled. Overall, the proposed amendment will reduce energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using alternative sustainable sources of energy. In addition, the proposed amendment will reduce vehicle miles traveled by requiring the implementation of Transportation Demand Management plans. Finally, should, in the future, state standards exceed those outlined in these sections, the provisions clarify that state standards shall apply. Therefore, the proposed amendment will increase energy efficiency and lower GHG emissions, consistent with the requirements of the City's certified LUP and 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 adverse 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 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 evaluated the proposed LCP amendment in accordance with CEQA through a Program Environmental Impact Report certified by the City Council on May 9, 2019.

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.