

**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



# F9b

**Date:** March 15, 2022

**To:** COMMISSIONERS AND INTERESTED PERSONS

**From:** KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DIANA LILLY, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
ALEX LLERANDI, COASTAL PLANNER, SAN DIEGO COAST DISTRICT

**Subject:** STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR  
AMENDMENT NO. LCP-6-SAN-21-0033-1 (Complete Communities) for  
Commission Meeting of April 6-8, 2022

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## SYNOPSIS

The subject City of San Diego (City) Local Coastal Program (LCP) Implementation Plan (IP) amendment was submitted and filed as complete on March 17, 2021. A one-year time extension was granted by the Coastal Commission on May 12, 2021. The date by which the Coastal Commission must take action is June 10, 2022.

### SUMMARY OF AMENDMENT REQUEST

The City proposes to amend the Land Development Code (LDC) and Land Development Manual (LDM), which together comprise the certified Implementation Plan (IP), to introduce a new program: Complete Communities. Complete Communities in turn is comprised of two parts: Housing Solutions and Mobility Choices. Housing Solutions is an optional program to increase housing production by removing regulatory barriers and granting development incentives to projects that incorporate affordable housing and neighborhood-serving infrastructure amenities on premises within Transit Priority Areas (TPAs). Mobility Choices is a mandatory requirement for development to provide amenities designed to reduce Vehicle Miles Traveled (VMT) or pay an in-lieu fee, depending on which of four new Mobility Zones the premises is located in.

### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the IP amendment as submitted and certification with suggested modifications.

The subject amendment is the City's latest proposal to address both housing shortages and greenhouse gas emissions through a set of regulations designed to incentivize new housing, support infill development, provide active transportation modes, and reduce Citywide vehicle miles travelled. In addition to promoting new transportation options,

Mobility Choices is also the City's response to Senate Bill 743, which requires the City to adopt a new metric for analyzing transportation impacts to achieve a reduction in vehicular traffic (Vehicle Miles Traveled), rather than accommodating additional traffic (Level of Service). Both programs generally align with the overall goals of the Coastal Act and the certified LCP, which support the provision of housing, alternative transit, and the reduction of greenhouse gases.

The Complete Communities: Housing Solutions portion of the amendment allows increased density based on floor area ratio (FAR) for very low, low, or moderate income household projects that include the provision of neighborhood amenities designed to enhance walkability. The program establishes design requirements of the public amenities such as minimum dimensions, landscape design, public visibility, lighting, recreational amenities, etc. to ensure that development availing itself of Housing Solutions incentives through the incorporation of public amenities like public promenades does so in a manner that will truly be of benefit to both the public and residents of the development.

Although these incentives are in the form of relaxed development standards such as setbacks, heights, lot coverage, and density, adverse impacts to community character, public views or sensitive habitat will be avoided because the amendment limits development in the coastal zone to a maximum FAR of 2.5 and a maximum height of 30 feet, in line with the currently certified coastal height limit overlay zone. Furthermore, an incentive in the coastal zone must be consistent with the resource protection standards of the City's Local Coastal Program or the environmentally sensitive land regulations. Finally, the LCP calls for balanced community composition its coastal communities, so the incentives will not adversely impact intended community character.

The purpose of the mandatory Mobility Choices program is to reduce vehicle miles traveled (VMT) in the City by requiring new development to develop or fund active transportation infrastructure and amenities. In order to ensure that the shift in traffic analysis from Level of Service (LOS) to VMT does not result in projects where impacts to coastal access are not fully analyzed and mitigated, the City and Commission staff worked closely to develop various modifications to the new Appendix T: Transportation Study Manual of the Land Development Manual to include language that will guide applicants as to when additional traffic analysis may be required for near-shore development. As modified, the TSM gives greater specificity as where such additional analysis may be required, including near the shoreline, major coastal access routes, beaches, parks, and Mission Bay, and the hours of likely beach travel, which include peak weekend visitation hours, and qualitative or quantitative analysis of traffic impacts for pedestrians, bicyclists, and vehicles.

Thus, as modified, the Complete Communities: Housing Solutions and Mobility Choices amendment to the City of San Diego's certified LCP IP can be found consistent with the community character and public access policies of the certified LUPs for the City of San Diego. It is staff's understanding the City is in agreement with the suggested modifications.

The appropriate motions and resolutions begin on page 6. The suggested modifications begin on page 7. The findings for denial of the Implementation Plan Amendment as submitted begin on page 14. The findings for approval of the plan, if modified, begin on page 15.

## **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-21-0033-2 may be obtained from Alexander Llerandi, Coastal Planner, at [alexander.llerandi@coastal.ca.gov](mailto:alexander.llerandi@coastal.ca.gov) or (619) 767-2370.

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### EXHIBITS

[Exhibit 1 – Strikeout/Underline Ordinances](#)

[Exhibit 2 – Land Development Manual Appendix A Threshold Language](#)

[Exhibit 3 – New Appendix R: Transportation Impact Manual](#)

[Exhibit 4 – New Appendix T: Mobility Choices Regulations](#)

[Exhibit 5 – Mobility Choices Zone Map](#)

## **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.

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**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum opportunities 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 reject the Implementation Program Amendment No. LCP-6-SAN-21-0033-2 for the City of San Diego certified LCP as submitted.

### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of San Diego certified LCP and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan(s). Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

### 2. MOTION:

I move that the Commission certify the Implementation Program Amendment No. LCP-6-SAN-21-0033-2 for the City of San Diego as modified by staff.

### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications 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 WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego certified LCP as it is modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carry out the certified Land Use Plan(s).

Certification of the Implementation Program Amendment if modified as suggested 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 Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Implementation 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.

1. On the third page of Appendix R: Transportation Study Manual (TSM), the title of Appendix D shall be modified as follows:

Appendix D: Transportation Project ~~Screening Criteria~~ Analysis Supplemental Guidance

2. On Page 1 of Appendix R: Transportation Study Manual (TSM), the first sentence of the Preface shall be modified as follows:

This manual is intended to describe the ~~required~~ transportation analysis requirements for land development, roadway projects, and specific plans in the City of San Diego.

3. On Page 22 of Appendix R: Transportation Study Manual (TSM), the first paragraph shall be modified as follows:

In a roadway project classified as a major or primary arterial is included in a Community Plan that has been updated after the 2008 City of San Diego's comprehensive General Plan Update, it may be presumed to have a less than significant transportation impact with no additional transportation analysis of induced VMT necessary because these roadway projects are required to support citywide planned growth and implementation of the General Plan Goals identified in Table 2, which are consistent with the intent of SB 743. See Appendix D: Transportation Project ~~Screening Criteria~~ Analysis Supplemental Guidance for additional information and evidence that supports this presumption.

4. On Page 33-34 of Appendix R: Transportation Study Manual (TSM), the final paragraph shall be modified as follows:

The screening criteria provided serve as a guide to determine study requirements. City staff may determine additional study requirements apply due to location, project complexity, local transportation system complexity, or other local context. For example, for development located within the Coastal Overlay Zone, additional

analysis may be required to assess project effects on public coastal access. City staff will provide a written response to the PIF and request a meeting with the applicant/consultant if the City has identified the need to perform an LMA despite meeting the screening criteria listed above.

5. On Page 37 of Appendix R: Transportation Study Manual (TSM), the second bullet point of the “Study Periods” section shall be modified as follows:

For areas near beaches or Mission Bay in the Coastal Overlay Zone near the shoreline, major coastal access routes, regional public parks, beaches, or Mission Bay, the peak hours are during summer months (between Memorial Day and Labor Day, when public schools are not in session) and include weekdays and weekends during heaviest coastal visitation hours (typically late morning and early afternoon), unless the project has no potential to affect public access or an alternate/additional study period is identified by City Staff.

6. On Pages 38-39 of Appendix R: Transportation Study Manual (TSM), the fifth bullet point of the “Transportation Data Collection” section shall be modified as follows:

Study period traffic counts: For typical commute hours, intersection turning movement data should be collected on Tuesday, Wednesday, or Thursday between 9:00-9:00 AM and 4:00-6:00 PM during non-holiday periods and not on the week of a holiday under fair weather conditions. Counts should be taken when school is in session. Any intersection counts should include pedestrian and bicycle counts. For areas in the Coastal Overlay Zone near the shoreline, major coastal access routes, regional public parks, beaches, or Mission Bay, counts should be taken during summer months (between Memorial Day and Labor Day when school is not in session) and include both typical commute hours and weekends during heaviest coastal visitation hours, or should be adjusted to reflect typical summer conditions. Any deviation should be discussed with City Staff.

7. On Page Appendix D:1 of Appendix R: Transportation Study Manual (TSM), the title and introductory section shall be modified as follows:

#### Transportation Project Screening Criteria Analysis Supplemental Guidance

This appendix provides supplemental guidance for analyzing transportation projects. ~~a complete list of transportation projects that are presumed to have a less than significant impact, and therefore, would not be required to conduct VMT analysis.~~

#### California Environmental Quality Act (CEQA) Transportation Analysis

##### Screening Criteria

The following is a complete list of transportation projects that are presumed to have a less than significant impact, and therefore, would not be required to conduct VMT analysis.



8. On Page Appendix D:4 of Appendix R: Transportation Study Manual (TSM), the first paragraph shall be modified as follows:

The City's Community Plan Updates, occurring after the City's General Plan Update in 2008, have provided for land uses that bring origins and destinations closer together and focused on providing for enhanced active mobility networks to promote pedestrian, bicycle, and transit travel in order to reduce VMT impacts while still meeting other City goals. Roadways proposed in these Community Plans are based on comprehensive analysis and have been determined necessary to provide multi-modal access to ~~these~~ the planned land uses and access to the wider San Diego active mobility network.

9. On Page Appendix D:4 of Appendix R: Transportation Study Manual (TSM), the final paragraph shall be modified as follows:

Additionally, since these ~~the~~ City's Community Plans were updated after 2008 after the adoption of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, the associated environmental documents were required to analyze Greenhouse Gas (GHG) Emissions. As part of the GHG emissions analysis, VMT analysis was required to determine the expected amount of GHG production from vehicular sources associated with each community plan. As such, all of the City's Community Plans have previously analyzed the VMT associated with the future roadway network and their environmental documents have already disclosed GHG related impacts.

10. On Page Appendix D:4 of Appendix R: Transportation Study Manual (TSM), a new paragraph shall be added after the final paragraph as follows:

Transportation Projects Local Mobility Analysis in the Coastal Overlay Zone

Projects that result in changes to the planned or ultimate roadway classifications of major coastal access roadways in the Coastal Overlay Zone may be required to conduct analysis to assess the project's effects on public coastal access with regards to biking, walking, transit access, and vehicle circulation. Where appropriate, this analysis should include quantitative assessments of levels of service on major coastal access roadways, and/or qualitative assessments of how travel times resulting from the project will affect the ability of the public to access the coast and other public recreational resources such as trails and parks.

#### **IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED**

##### **A. AMENDMENT DESCRIPTION**

The subject amendment is the City's latest proposal to address both housing shortages and greenhouse gas emissions through a set of regulations designed to incentivize new housing, support infill development, promote active transportation modes and transit use,

and reduce Citywide vehicle miles travelled. The subject Complete Communities amendment consists of two separate programs: Housing Solutions and Mobility Choices.

The Complete Communities: Housing Solutions program is a density bonus incentive program aimed at encouraging the building of homes near high-frequency transit. The program will be available for new development located within TPAs (Transit Priority Areas) that provides housing for very low, low, or moderate income households that is not rented out for less than 30 days, and that includes the provision of neighborhood amenities designed to enhance walkability. The incentives offered will be available to any housing development within a TPA on premises zoned for commercial, residential, or mixed-use, and where the premises are either zoned at 20 dwelling units per acre or greater, or which has a land use designation that allows for 20 dwelling units or greater per acre and is within one-quarter mile of a rail station. The program also exempts all covenant-restricted affordable dwelling units and dwelling units of 500 square feet or less from development impacts fees (DIF), with a sliding DIF scale for dwelling units as they increase in size beyond 500 square feet.

Amenities that would make a project qualify for incentives include payment to a “Neighborhood Enhancement Fund” for the design, construction, or maintenance of neighborhood serving infrastructure amenities or, for development on premises at least 25,000 square feet in area with at least 200 linear feet of street frontage, construction of a public promenade with recorded public access easements and maintenance agreements that contains seating areas, landscaping, lighting, and recreational amenities such as playground or fitness equipment. Supplemental development requirements include widening adjacent public sidewalks or providing public amenities such as bike repair station, seating area, wayfinding signs, or drinking fountain.

The available incentives for qualifying development under Housing Solutions include waiver of the existing FAR for a new FAR based in the Tier the property is located in (Tier I – no maximum FAR, Tier II – 8.0 FAR, Tier III – 6.5 FAR, Tier IV 4.0 FAR). Within the City’s coastal zone and the coastal height limit overlay zone, the maximum FAR shall be limited to 2.5 and maximum height of 30 feet. Incentives also include the waiver of maximum permitted residential density of the land use designation in place of density being limited by the allowable FAR, as well as waiver of the following base zone regulations: maximum structure height (outside of coastal height limit overlay zone), maximum lot area, street frontage requirements, minimum lot coverage, and maximum street setbacks if a promenade is being constructed. Incentives that would be inconsistent with the resource protection policies of the LCP or regulations governing environmentally sensitive lands would not be granted.

Development availing itself of Housing Solution incentives must provide a certain percentage of rental units to low income households and specified percentages of area median income. Incentives cannot be applied to development on premises that currently, or within the prior seven years contained rent-controlled rental dwelling units affordable to very low, low, or moderate income households, unless the proposed development replaces the affordable dwelling units and either provides the required overall percentage of affordable dwelling units or makes all dwelling units affordable to very low and low income households. The replacement affordable units must be at least of the same number, size, and affordability as before. All replacement affordable rental dwelling units must be

affordable for at least 55 years, and existing residents will be able to occupy their dwelling units until six months before construction, receive relocation benefits, and receive right of first refusal for comparable affordable housing in the new development.

The purpose of the Complete Communities: Mobility Choices program is to reduce vehicle miles traveled (VMT) in the City by requiring new development to develop or fund active transportation infrastructure and amenities. Whereas the Housing Solutions program is an optional program, the requirements of Mobility Choices will apply to any new development in the City except for residential development with four or fewer dwelling units, commercial or office development with less than 5,000 square feet of gross floor area, development located on property owned, leased, or maintained by the City where the City or its proxy is the applicant, development within one-half mile walk of a passenger rail station, development in the newly established Mobility Zone 1 (Downtown Community Plan Area), industrial uses on prime industrial land, multi-family residential development located in the TPA that provides transportation amenities, or development that does not require a Certificate of Occupancy.

The City has determined that focusing VMT-reducing improvements in the City's most VMT-efficient areas, that is, areas, with the most existing transit opportunities, can result in up to 20 times greater VMT reductions than investing those same improvements in VMT-inefficient areas. Thus, the Mobility Choices program divides the City into four zones: Zone 1 – Downtown Community Plan Area, Zone 2 – premises in the TPA, Zone 3 – community planning area with a VMT efficiency 85% or less of the regional average, and Zone 4 – any area not located in Zones 1-3. All development within Mobility Zones 2 or 3 must provide VMT reduction measures in accordance with the new Land Development Manual Appendix T, "Mobility Choices Regulations: Implementation Guidelines," with Zone 2 providing 5 points of VMT-reducing measures and Zone 3 providing 8 points of VMT-reducing measures. These reduction measures include providing pedestrian accessways, improved crosswalks, protected bicycle lanes, street landscaping, upgraded bus shelters, etc. Each measure listed in Appendix T has a point value assigned to it that will count toward the above-mentioned point requirements. Alternatively, an in-lieu fee may be paid. Development in Zone 4 must pay the in-lieu fee, which will be used to fund active transportation and VMT-reducing infrastructure projects in Zones 1-3, barring some exemptions such as for affordable residential development.

In addition to promoting new transportation options, Mobility Choices is also the City's response to Senate Bill 743 (Steinberg, 2013), which requires the City to adopt a new metric for analyzing transportation impacts to achieve a reduction in vehicular traffic (Vehicle Miles Traveled), rather than accommodating additional traffic (Level of Service). To this end, Mobility Choices also contains several related amendments to the Land Development Manual portion of the IP, in the form of amending the LDM's Appendix A (California Environmental Quality Act City Guidelines) and adding a new Appendix R (Transportation Study Manual) and the new Appendix T (Mobility Choices Regulations: Implementation Guidelines). The change to Appendix A would be to the City's CEQA Significance Determination Thresholds to change from Level of Service (LOS) to VMT as the metric for measuring transportation impacts. Appendix R, the Transportation Study Manual (TSM), replaces the previous Transportation Impact Study Manual, (which had not been incorporated into the LDM). The TSM provides detailed CEQA and non-CEQA transportation analysis guidelines using VMT-based metrics to determine a development's

environmental impacts. The TSM also ensures that best transportation practices are incorporated into a development through a Local Mobility Analysis (LMA) of the effect on mobility, access, circulation, and safety as well as provision of alternate transit measures not currently covered by the existing manual. Appendix T contains the list of VMT-reducing measures and their corresponding point value that development covered by Mobility Choice regulations must choose from and provide when not paying the in-lieu fee.

## **B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN**

The standard of review for LCP IP submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP(s). The certified LUPs have a number of goals and policies relevant to the proposed amendment; the most applicable LUP standards are as follows:

### **La Jolla LCP Land Use Plan**

- Introduce opportunities for the production of more affordable housing within La Jolla to meet the housing needs of all income levels.

### **Balanced Communities**

- a. The City should promote opportunities for the development of affordable housing by allowing a density bonus, provided that this extra density is allowed only for projects certified by the Housing Commission. To qualify, a portion of the additional units would need to be restricted as affordable housing to "low-income," or "very low-income" persons under applicable state statutory standards for the affordable housing density bonus and implementing City regulations.
- b. The City should pursue replacement of demolished affordable housing units within the community in order to maintain affordable housing units that exist in La Jolla, consistent with the locational priorities stated in the Coastal Overlay Zone Affordable Housing Replacement regulations.
- c. The City should encourage the use of affordable housing programs administered by the Housing Commission to promote the development of affordable housing. These programs include both land use and financial incentives.
- d. The City should seek to locate higher density housing principally along transit corridors and in proximity to emerging lower income employment opportunities.

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

- The promotion of a wider variety of dwelling unit sizes including studios, one, two or more bedroom houses and apartments.
- The encouragement of all types of individuals and family sizes to live in Mission Beach.

- The promotion of an economically balanced community through the investigation of individual and community rehabilitation efforts, changes in taxing and assessment procedures, and the use of subsidy funds where applicable.

### **Ocean Beach Community Plan and Local Coastal Program**

- Reduce vehicular traffic demand placed on the street network by encouraging the use of alternative modes of transportation, including public transit, bicycles, and walking.
- Enhance transit patron experience by improving transit stops and increasing transit service frequency.
- Support transitional housing uses in Ocean Beach.
- Provide housing for all economic levels.
- Enforce the Coastal Zone Affordable Housing Replacement Program to facilitate replacement of existing affordable housing units and the retention of existing affordable units. Required replacement housing should be constructed in Ocean Beach.
- 2.1.2 Utilize the Affordable Housing Density Bonus Program to assist the building industry in providing adequate and affordable housing for all economic segments of the community.
- 2.1.3 Ensure that new residential development is constructed within the density ranges identified in this Plan and meets adopted parking standards.
- 2.1.4 Support existing and new transitional housing projects in Ocean Beach.
- 2.1.5 Retain and expand the number of affordable housing units in Ocean Beach.
- 2.2.3 Maintain the inventory of lower cost rental rooms for visitors and expand the inventory should the opportunity arise... Prioritize provision of lower-cost visitor serving recreation and marine-related development.
- 2.4.1 Preserve existing hotel/motel/hostel facilities from removal or conversion to residential units.
- 2.4.2 Encourage the addition of overnight accommodations particularly serving the low/moderate cost range in the community.
- Rehabilitate existing hotel/motel/hostel facilities where feasible.

## 1. FINDINGS FOR DENIAL

The Complete Communities: Housing Solutions and Mobility Choices are two new programs designed to address both housing shortages and greenhouse gas emissions. Both regulatory efforts generally align with the overall goals of the Coastal Act and the certified LCP by promoting affordable housing constructed in proximity to alternate transit and with pedestrian-oriented development features, such as a public promenade, as well as reducing greenhouse gas emissions and vehicle miles travelled.

Housing Solutions incentivizes the construction of higher density residential development that incorporates pedestrian-oriented infrastructure such as public promenades. The amendment establishes the design requirements of such public promenades, such as minimum dimensions, landscape design, public visibility, lighting, recreational amenities, etc. This ensures that development availing itself of Housing Solutions incentives through the incorporation of public amenities does so in a manner that will truly be of benefit to both the public and residents of the development.

Although these incentives are in the form of relaxed development standards such as setbacks, heights, lot coverage, and density, adverse impacts to community character, public views or sensitive habitat will be avoided because the amendment limits development in the coastal zone to a maximum FAR of 2.5 and a maximum height of 30 feet, in line with the currently certified coastal height limit overlay zone. Furthermore, Section 143.0101(i)(3)(A)(iv) states that an incentive may be denied by the City if, within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City's Local Coastal Program or the environmentally sensitive land regulations (with the obvious exception of density). Finally, the LCP calls for balanced community composition its coastal communities, so the incentives will not adversely impact intended community character.

However, the Mobility Choices segment of the amendment as proposed does not contain sufficient provisions ensuring that the shift in focus to VMT analysis does not come at the detriment of coastal visitors who still rely on vehicles to access the coast due to geographic or logistical constraints, specifically with regards to the new appendices being added to the Land Development Manual segment of the certified IP.

While the City continues its efforts to expand its alternate transit system and promote development encouraging its use, the fact remains that due to San Diego's status as the largest jurisdiction in the coastal zone, its coastal topography divided by San Diego Bay and Mission Bay creating several transit bottlenecks, and popularity with over 35 million annual visitors, it is not always reasonable or convenient for visitors, such as a family group transporting recreational equipment, to be able to rely wholly on alternate transit to access the coast. Combined with the fact that very little of the City's coastal zone is serviced by its trolley light rail system, a substantial percentage of visitors to the coastal communities of the City still rely on vehicles to access the coast. As a result, some of the busiest intersections in the City are in its coastal zone, such as the intersection of Mission Bay Drive and Garnet, one of the primary entrances to the community of Pacific Beach.

Mobility Choices will divide the City into four zones, requiring development within those zones to provide transit-oriented amenities selected from a point-based menu in a new

Appendix T: Mobility Choices Regulations to the Land Development Manual, or payment of an in-lieu fee to fund VMT-reducing infrastructure. The new Appendix R: Transportation Study Manual (TSM), also being added to the Land Development Manual, will replace the existing Traffic Impact Study Manual in the LDM that was last updated in 1998. The current Traffic Impact Study Manual is focused on analyzing project impacts to Level of Service (LOS), a quantitative measure of the quality of vehicular traffic measured in traffic volume, traffic speeds, and intersection wait times. The proposed TSM replacing the Traffic Impact Study Manual describes itself in the “Preface” section as designed to implement the shift from LOS to VMT analysis in line with recent state legislation and in the “Introduction” states that it is to “provide guidance to consultants on how to prepare transportation studies in the City of San Diego.”

However, while the shift toward a more VMT-focused analysis does further the goal of reducing greenhouse gas emissions and promoting alternate transit, a wholesale shift away from LOS creates the possibility that development may come forward that, while avoiding substantial increases in VMT, results in vehicle traffic impacts in the coastal zone that increases travel time to or through coastal destinations, increasing the burden on visitors and dissuading them from accessing the coast. While the TSM does have some language recognizing that near-shore areas may require some additional analysis above and beyond the typical analysis of peak weekday commute hours, such as weekends during the summer, it lacks any more specificity as to what weekend hours should be analyzed and for what impacts.

Because development all across the coastal zone can take various forms and the City has several unique coastal communities, it is appropriate for the TSM to take a general approach in guiding applicants through the traffic analysis process so as to better capture future scenarios and give the City flexibility in its permit reviews. However, it is important to advise applicants that under the Coastal Act, there are occasions where level of service may need to be analyzed to ensure a development does not result in traffic congestion or slowing that impedes or discourages people from accessing the shoreline. The stated purpose of the TSM is “to ensure consistency among consultants, predictability in preparation, consistency among reviewers, and conformance with all applicable City and State regulations, including CEQA,” and as such, it is vital that this guidance document adequately notify and direct applicants as to the full range of potential traffic analysis that may be required for development near the coast or major coastal access routes that has the potential to notably alter traffic patterns.

As proposed, the TSM lacks adequate notice and specificity as to the type, location, and manner of analysis that may be required, and thus future development may not undertake adequate traffic analysis to ensure that it is the least impactful design. Because this language is missing, the amendment as proposed is not in conformance with the public access protection policies of the certified LUPs and must be denied as submitted.

## **2. FINDINGS FOR APPROVAL IF MODIFIED**

The City and Commission staff worked closely to develop various modifications to the new Appendix T: Transportation Study Manual (TSM) of the Land Development Manual to include language that will guide applicants as to when additional traffic analysis may be required for near-shore development. As modified, the TSM gives greater specificity as

where such additional analysis may be required – near the shoreline, major coastal access routes, beaches, parks, and Mission Bay– the hours that should be looked at – peak commute hours as well as peak weekend visitation hours – and the form of additional analysis – qualitative or quantitative analysis of traffic impacts for pedestrians, bicyclists, and vehicles. Because the City’s coastal communities receive millions of visitors a year and place heavy burdens on its road and parking infrastructure, this additional analysis requirement will ensure that when development is identified that could substantially increase the commute times of coastal visitors and thus dissuade coastal visits, a full analysis of not just VMT but also traffic travel time is conducted to identify if alternative designs or additional mitigation is required. These modifications were drafted in consultation with City staff and have their support.

Thus, as modified, the Complete Communities: Housing Solutions and Mobility Choices amendment to the City of San Diego’s certified LCP IP can be found consistent with the community character and public access policies of the certified LUPs for the City of San Diego.

## **V. 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.

A Final Environmental Impact Report, Report SCH No. 2006091032, was prepared by the City of San Diego as the Lead Agency and certified along with a related Statement of Overriding Considerations by the City Council on November 17, 2020.

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. In this particular case, as modified to require additional traffic analysis in the coastal zone in certain circumstances, the LCP amendment as modified will not have any significant adverse effect on the environment, and there are no feasible alternatives or feasible mitigation measures available with would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms to CEQA.