

CALIFORNIA COASTAL COMMISSION

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Date: June 23, 2022

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
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MELODY LASITER, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

Subject: **STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR
AMENDMENT NO. LCP-6-SAN-21-0092-3 (Airport Amendments) for
Commission Meeting of July 13-15, 2022**

SYNOPSIS

On December 27, 2021, the City of San Diego submitted its third major LCP amendment package for the 2021 calendar year to the San Diego District office. The third submittal was a batch submittal consisting of three unrelated items: the subject item LCP-6-SAN-21-0092-3 (Airport Amendments), LCP-6-SAN-21-0091-3 (Spaces as Places), and LCP-6-SAN-21-0090-3 (Moderate Income Housing). All three amendments were granted a one-year time extension on February 10, 2022.

SUMMARY OF AMENDMENT REQUEST

This is an amendment request by the City of San Diego to amend the existing Airport Overlay Zone section of the City's Land Development Code (LDC), which serves as the City's Implementation Plan (IP). The subject amendment would add San Diego International Airport (SDIA), Naval Outlying Landing Field (NOLF) Imperial Beach, and Naval Air Station (NAS) North Island to the Airport Land Use Compatibility Overlay Zone (ALUCOZ) in order to implement the recently approved Airport Land Use Community Plan (ALUCP) for each airport, and repeal the supplemental regulations (Airport Approach and Airport Environs Overlay Zones) that previously addressed SDIA before the SDIA ALUCP was adopted. In the coastal zone, this amendment would apply to portions of the Ocean Beach, Peninsula, Mission Beach, Downtown, Midway-Pacific Highway, Barrio Logan, and Tijuana River Valley community planning areas.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the subject amendment as submitted. The purpose of the proposed amendment is to comply with state law governing land use policies and standards near airports. In the ALUCOZ, two review areas compose each airport's designated airport influence area ([Exhibit 1](#)): Review Area 1, located directly adjacent to an

airport, establishes additional compatibility criteria that potentially limits the types of use and density of new development allowed by the existing base zone and overlay zones; requires sound attenuation for compatibility with associated aircraft noise; and limits structure height as necessary to maintain airspace protection surfaces in accordance with federal law. Within Review Area 2, the overlay zone primarily establishes noticing requirements. No changes to the provisions related to coastal resource protection would occur as a result of this amendment and any proposed development project in the overlay zone must still comply with all relevant coastal resource protection policies applicable to the project in addition to any restrictions from the overlay zone. There are also no changes to certified land uses or land use plan policies.

The overlay zone could limit the uses and density allowed by the base zone within the established noise and safety zones, which could impact coastal resources if the overlay prohibited high-priority uses such as coastal dependent or visitor-serving uses. Substantial restrictions on the location of housing or the density of housing could also impact efforts to provide affordable housing. In this case, the overlay would limit certain uses based on relative aircraft accident risk exposure, including some visitor-serving uses, such as large privately-operated outdoor recreation facilities, sports arenas, exhibit halls and convention facilities, and outdoor theaters. However, these limitations would have limited impact since they would only apply to a small area of the coastal zone located adjacent to SDIA ([Exhibit 3](#)). In addition, existing uses in the ALUCOZ would be allowed to continue and even redevelop for as long as the use continues to operate and the existing density is not exceeded. For mixed use development, the amendment allows a portion of the development's residential units up to the maximum permissible number of units allowed by the State and City's density bonuses. As such, the proposed limits on use and density would have minimal impacts.

All future development will still require coastal development permits that will assure adequate resource protections, consistent with the LCP and Coastal Act. Thus, the proposed amendment will not adversely affect coastal resources and is consistent with the City of San Diego LCP and Chapter 3 of the Coastal Act.

The appropriate motions and resolutions begin on page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on page 6.

BACKGROUND

The City's first IP was certified in 1988, and the City then assumed permit authority. The IP consisted 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 LDC, which primarily includes Chapters 11 through 15 of the Municipal Code. The LDC replaced the first IP and took effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

LCPA 6-SAN-21-0092-3

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-21-0092-3 may be obtained from Melody Lasiter, Coastal Planner, at SanDiegoCoast@coastal.ca.gov.

TABLE OF CONTENTS

I. OVERVIEW	5
A. LCP HISTORY	5
B. STANDARD OF REVIEW.....	5
C. PUBLIC PARTICIPATION.....	5
II. MOTION AND RESOLUTION	5
III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED	6
A. AMENDMENT DESCRIPTION.....	6
B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN	8
C. FINDINGS FOR APPROVAL	10
IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	11

EXHIBITS

[Exhibit 1 – Airport Influence Area Maps](#)

[Exhibit 2 – Noise Contour Maps](#)

[Exhibit 3 – Map of Coastal Zone in SDIA Safety Zone](#)

[Exhibit 4 – City of San Diego Ordinance No. 21380](#)

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 Land Use Plan (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 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

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. MOTION AND RESOLUTION

MOTION:

I move that the Commission reject the Implementation Program Amendment for the City of San Diego 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 IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego 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, 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. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**A. AMENDMENT DESCRIPTION**

This is an amendment request by the City of San Diego to amend the existing Airport Overlay Zone section of the City's Land Development Code, which serves as the City's Implementation Plan (IP). The amendment would add San Diego International Airport (SDIA), Naval Outlying Landing Field (NOLF) Imperial Beach, and Naval Air Station (NAS) North Island to the Airport Land Use Compatibility Overlay Zone (ALUCOZ) in order to implement the recently approved Airport Land Use Compatibility Plans (ALUCP) for each airport, and repeal the supplemental regulations (Airport Approach and Airport Environs Overlay Zones) that previously addressed SDIA before the SDIA ALUCP was adopted. Portions of the following communities would be rezoned from Airport Environs Overlay Zone to ALUCOZ within the coastal zone: Ocean Beach, Peninsula, Mission Beach, Downtown, Midway-Pacific Highway, Barrio Logan, and Tijuana River Valley.

The purpose of the proposed amendment is to comply with state law governing land use policies and standards near airports. The San Diego County Regional Airport Authority acts as the Airport Land Use Commission for San Diego County and is required by the State Aeronautics Act to adopt an ALUCP for each public use and military airport. (See Pub. Util. Code, § 21670 et seq.) ALUCPs provide policy guidance on appropriate land uses surrounding airports to protect the health and safety of people and property within the vicinity of an airport based upon four specific airport-related factors: 1) exposure to aircraft

noise; 2) land use factors that affect safety both for people on the ground and the occupants of aircraft; 3) protection of airport airspace; and 4) annoyance and other general concerns related to aircraft overflights. Once an ALUCP has been adopted by the Airport Land Use Commission, the local government is required to implement the ALUCP.

The ALUCOZ was approved by the Commission in 2013 (LCPA No. SAN-MAJ-5-11-A) to implement the ALUCPs within Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, and MCAS Miramar designated airport influence areas. The proposed amendment would make minor revisions to the existing ALUCOZ provisions and text, apply the ALUCOZ to SDIA, NAS North Island, and NOLF Imperial Beach airport influence areas, and implement the ALUCPs approved by the Airport Land Use Commission for SDIA in 2014, NOLF Imperial Beach in 2015, and NAS North Island in 2020.

Properties within the ALUCOZ are designated as either Review Area 1 or Review Area 2 for an individual airport's influence area ([Exhibit 1](#)). Within both review areas, properties must comply with overflight notification requirements as well as with airspace protection compatibility provisions that require developments to maintain the height limits set by the Federal Airport Administration (FAA) and provide notification to the FAA of any development that may be a hazard to aircraft, including sources of glare, dust, smoke, electromagnetic interference, thermal plumes, incompatible lighting, and land uses that attract birds.

The ALUCOZ sets additional noise and safety compatibility requirements for properties within Review Area 1, located directly adjacent to an airport, in addition to maintaining consistency with the regulations of the underlying base zone. In the Coastal Zone, the subject amendment would designate portions of the Ocean Beach, Peninsula, Downtown, Mission Beach, and Midway-Pacific Highway community planning areas as Review Area 1 for SDIA. A small area of the Tijuana River Valley community planning area, located in the Tijuana National Estuary Reserve and designated as multi-species conservation open space in the LUP, is located in Review Area 1 for NOLF Imperial Beach; natural resource preservation would continue to be an allowable use in this area. Review Area 1 for NAS North Island is located in the City of Coronado and does not extend into the City of San Diego.

Regarding noise, development is required to maintain consistency with the permitted applicable noise exposure range for a specific location ([Exhibit 2](#)). Noise attenuation may be required to achieve required indoor noise levels. Uses that are incompatible with exterior noise exposure levels would be prohibited. In the SDIA airport influence area, prohibited uses would include continuing care retirement communities, K-12 schools, hospitals, and childcare centers in the three highest exposure levels (65dB CNEL+) and colleges, exhibit halls and convention facilities, fairgrounds, and stadiums in the highest exposure levels (75dB CNEL+).

The amendment also identifies nine safety zones in the SDIA airport influence area, eight of which are partially located in the coastal zone ([Exhibit 3](#)). The safety zones are defined by relative aircraft accident risk exposure and must comply with identified use, density, and intensity limits with exceptions for previously conforming developments and mixed use

developments requesting a density bonus. Specifically, the amendment would prohibit the following uses that are currently allowed in the base zones:

- Peninsula (4W safety zone):
 - All: correctional facilities, K-12 schools, hospitals, childcare centers, large privately-owned recreational facilities, and stadiums.
 - Residential density would be limited in the RM 3-7 zone from 43 to 31 dwelling units per acre.
- Naval Training Center (2W, 3NW, 3 SW safety zones):
 - 2W and 2E: outdoor or large theaters.
- Midway Pacific Highway (5N and 2E safety zones):
 - All: correctional facilities, K-12 schools, colleges, vocational trade schools, exhibit halls and convention facilities, energy generation and distribution facilities, hospitals, homeless facilities, adult theaters, childcare centers, large privately owned recreational facilities, and hazardous waste facilities.
 - 2E: major transmission facilities, agricultural equipment repair.
 - 5N: assembly and entertainment, private clubs, instructional studios, agriculture.
- Downtown (2E and 3SE safety zones):
 - All: childcare, hospitals, K-12 schools, correctional facilities, rooming houses.
 - 2E: student dorms, fraternities, and sororities, live/work quarters, residential care facilities, colleges, vocational trade schools, exhibit halls and convention facilities, energy generation and distribution facilities, bed and breakfasts serving more than six guests.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

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

Peninsula Community Plan

- Reduce traffic congestion and airport noise pollution.
- Encourage mixed use development that incorporates housing with commercial and office uses within the Roseville and Voltaire commercial districts.
- Provide housing opportunities for persons of all income levels, including both rental and ownership units, through new construction and rehabilitation of deteriorating structures.
- Provide a balance of residential types, densities and prices, emphasizing new development and redevelopment at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole.

- Provide community and visitor serving commercial facilities for persons of all income levels.

Naval Training Center Precise Plan

- Goal 6. Locate uses in response to development constraints. Tidelands Trust restrictions on use, the Lindbergh Field runway protection zone, high levels of airport noise, and limitations on remodeling within the Historic District all limit potential reuse at NTC. Land use at NTC must be located in consideration of these site constraints.
- Priority Uses within the Mixed Use Area are virtually any office, commercial, educational, recreational, or light-industrial use that can tolerate high aircraft noise levels and function in a structure which, due to its age and historic designation, may be improved following the Naval Training Center Guidelines for the Treatment of Historic Properties. Desirable uses are office and administration, commercial, for-profit and non-profit institutional, low/no environmental impact research and development, museum, arts and cultural activities, live/work units, restaurants, marine-related uses, and public use areas.

Midway-Pacific Highway Community Plan

- LU-4.76 Encourage office and visitor commercial uses adjacent to the Middletown Trolley Station.
- LU-4.78 Ensure that future uses, building intensity, and structure heights are compatible with the safety zones, noise contours, and airspace protection surfaces identified in the Airport Land Use Compatibility Plan for San Diego International Airport.
- LU-5.1 Ensure that planning efforts address airport land use compatibility issues consistent with land use compatibility policies and regulations in the Airport Land Use Compatibility Plan for San Diego International Airport and the Municipal Code.
- NE-1.4 Ensure that new development is compatible with the noise policies of the Airport Land Use Compatibility Plan for San Diego International Airport.

Downtown Community Plan

- The overarching goals of the LCP (mandated by the Coastal Commission) are to protect public shoreline access, coastal resources, and views, and ensure sufficient visitor-serving and recreational uses.
- 3.2-P-5 Restrict building intensities underneath the approach path to Lindbergh Field consistent with the Airport Land Use Compatibility Plan (ALUCP).
- 5.3-P-1 Restrict building heights as follows (Figure 5-2): [...] Throughout downtown, consistent with policies and regulations for airport operations established by the Federal Aviation Administration (FAA), the Airport Land Use Compatibility Plan (ALUCP), and the Airport Approach Overlay Zone.
- 6.7-G-3 Use airport-related development constraints as opportunities for unique land use and development patterns.

- 13.3-G-1 Minimize the risk of injury, life loss, and property damage; and mitigate noise impacts that are associated with aircraft activity at Lindbergh Field.
- 13.3-P-1 Regulate development within the various areas affected by Lindbergh Field as follows:
 - Building Heights. Consistent with the SDIA ALUCP, Centre City Planned District Ordinance, and City of San Diego Municipal Code.
 - Use and Intensity Limitations. As established by the SDIA ALUCP (and incorporated by reference in the Centre City Planned District Ordinance).
 - Noise-Sensitive Uses. Use the SDIA ALUCP noise contour boundaries and use regulations as provided in the Centre City Planned District Ordinance.

C. FINDINGS FOR APPROVAL

There are no changes to the provisions related to coastal resource protection and any proposed development project in the overlay zone must still comply with all relevant coastal resource protection policies applicable to the project, in addition to any restrictions from the overlay zone. There are also no changes to certified land uses or land use plan policies.

The overlay zone would limit the uses and density within established noise and safety zones ([Exhibits 2 and 3](#)). Specifically, several uses that are currently allowed would be prohibited following certification of the proposed amendment. These uses differ by safety zone and include some visitor-serving uses such as large privately operated outdoor recreation facilities, sports arenas, exhibit halls and convention facilities, and outdoor theaters. To ensure existing uses are allowed to continue, the IP contains language that allows for previously conforming maintain the existing use even if redeveloping. As such, any uses prohibited by the amendment would be allowed in the future if the use continues to operate. Notwithstanding, these use prohibitions would have limited impact since they would only apply to a small area of the coastal zone located ([Exhibit 3](#)).

The overlay would also limit residential density in a small area of the coastal zone located in the Peninsula community planning area (safety zone 4W). In this area, base zone RM-7 allows multi-family residential with limited commercial and a maximum density of 44 dwelling units per acre which is below the allowed density of 36 per acre permitted within the safety zone. While the ALUCP approved by the Airport Land Use Commission limited the residential component of a mixed-use development to no more than 50 percent of its permissible total occupancy, the City used an overrule process to eliminate the 50 percent cap within certain safety zones, potentially allowing a much greater portion of a mixed-use development to be residential units, up to the maximum permissible number of units allowed by the State and City's density bonuses. In addition, the IP contains language that would allow existing multi-family uses to be reconstructed, altered, or expanded as long as the development would not increase the density over existing. As such, impacts to housing density would be minimal.

Finally, City staff have indicated that the City's Land Use Plan will be revised as part of future updates or focused amendments to update the terminology- and airport-related

references. All future development will still require coastal development permits that will assure adequate resource protections, consistent with the LCP and Coastal Act. Thus, the proposed amendment will not adversely affect coastal resources and is consistent with the City of San Diego LCP and Chapter 3 of the Coastal Act.

IV. 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. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. 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.

For the City's action, an environmental impact report (EIR No. 96-0333) was completed for the original adoption of the Land Development Code, and a Program EIR (No. 104495) was prepared and certified for the General Plan Update. The City has previously utilized these documents for CEQA compliance in association with other code amendments. For this amendment, the City determined that project's actions would not result in new significant direct, indirect, or cumulative impacts over what was previously disclosed.

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 to CEQA provisions. In this particular case, the LCP amendment will not have any significant adverse effect on coastal resources, and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. In summary, no adverse impacts to coastal resources are anticipated and approval of the proposed amendment is consistent with CEQA.