

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
(619) 767-2370 FAX (619) 767-2384  
WWW.COASTAL.CA.GOV



# W15

## San Diego Coast District Deputy Director's Report for August 2022

**Prepared August 03, 2022 (for the August 10, 2022 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and local government acceptance of modifications for LCP certification for the San Diego Coast District Office are being reported to the Commission on August 10, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on August 10th.

With respect to the August 10th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

### Items being reported on August 10, 2022 (see attached)

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#### Waivers

- 6-22-0461-W, City of San Diego Sunset Point Comfort Station (San Diego)
- 6-22-0477-W, Watson Residence (Solana Beach)
- 6-22-0492-W, Martin ADU (Solana Beach)
- 6-22-0576-W, UCSD Mt. Soledad Research Pad (San Diego)

#### Immaterial Amendments

- 6-18-0977-A2, UCSD Scripps Remote Sensing Equipment (San Diego)

#### LCP Certification Review

- LCP-6-SAN-20-0045-2, Inclusionary Housing (San Diego)
- LCP-6-SAN-21-0046-2, Short Term Rentals (San Diego)

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July 28, 2022

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid, and any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0461-W

**Applicant:** City of San Diego attn: Farhad Hossan

**Location:** 1400 Dana Landing Rd, Mission Bay Park, San Diego (San Diego County)  
**APN(s):** N/A

**Proposed Development:** Demolition of existing one-story approx. 768 sq. ft. comfort station and installation of a new one-story, 13-ft. tall, approx. 725 sq. ft. pre-fabricated comfort station in the same location, in-kind reconstruction of 1,927 sq. ft. of adjacent sidewalk and curb cuts, and construction of new 973 sq. ft. sidewalk extension to a public firepit.

**Rationale:** The proposed development will replace an existing comfort station in a popular public park with a new modular facility with improved amenities. The new comfort station will be of similar size and location, and not occupy any additional park area. The public parking lot will remain open during construction and temporary restrooms will be provided in the interim. The sidewalk improvements and extension will improve American with Disabilities Act (ADA) access to the comfort station and one of the nearby public firepits along the water. The increase in impervious sidewalk area is the minimum necessary to provide ADA access and surrounded by grass area to capture runoff. No changes to the public parking lot are proposed. Staging will occur on paved parking areas and not on grassy park area. BMPs will be used to limit runoff and debris will be hauled to legal sites off-site. The proposed construction timeline will occur during the non-summer months and observe a summer moratorium.

**Coastal Development Permit De Minimis Waiver**  
6-22-0461-W

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its August 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

A handwritten signature in black ink, appearing to read "Alex Llerandi", with a large, loopy flourish at the end.

Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

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July 25, 2022

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0477-W

**Applicant:** Bryan Watson

**Location:** 721 East Solana Circle, Solana Beach (San Diego County) (APN: 298-340-26-00)

**Proposed Development:** Demolition of an existing 1,282 one-story single-family residence with a 319 sq. ft. carport, and construction of a new 2,640 sq. ft. one-story single-family residence, including an attached 398 sq. ft. garage and 360 sq. ft. junior accessory dwelling unit, on a 6,424 sq. ft. lot.

**Rationale:** The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The development will not block any public views and adequate parking will be provided. Additionally, the project is not subject to any relevant special overlays in the City of Solana Beach's certified Land Use Plan, and is consistent with the zoning and plan designations for the City. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its August 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

**Coastal Development Permit De Minimis Waiver**  
6-22-0477-W

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Stephanie Leach  
Coastal Program Analyst

cc: Commissioners/File

## CALIFORNIA COASTAL COMMISSION

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July 26, 2022

# Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0492-W

**Applicant:** Jill and Jeremy Martin

**Location:** 222 North Helix Ave, Solana Beach (San Diego County) (APN: 263-321-20-00)

**Proposed Development:** Demolition of a detached 320 sq. ft., one-car garage and construction of a 15 ft. tall, one-story, 320 sq. ft. detached accessory dwelling unit in the same footprint; construction of a 75 sq. ft. deck attached to the main one-story, 1,342 sq. ft. single-family residence on a 3,935 sq. ft. lot.

**Rationale:** The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for medium density residential uses. The development will not block any public views and is located within a ½ mile of a transit stop so no parking for the accessory dwelling unit is required. While the existing garage that provides parking for the primary residence will be demolished, two uncovered parking spaces will remain onsite. Thus, adequate parking will be provided. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

**Coastal Development Permit De Minimis Waiver**  
6-22-0492-W

This waiver will not become effective until reported to the Commission at its August 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

DocuSigned by:

*Melody Lasiter*

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Melody Lasiter

Coastal Program Analyst

cc: Commissioners/File

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July 27, 2022

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-22-0576-W

**Applicant:** University of California, San Diego (c/o Robert Clossin)

**Location:** 7071 Via Capri, La Jolla, San Diego (San Diego County) (APN: 352-310-18-00)

**Proposed Development:** Demolition of an existing 3,601 sq. ft. laboratory building, placement of four shipping containers with antenna on the existing concrete slab foundation and one shipping container on the adjacent existing asphalt, and placement of six field instruments on the ground north of the concrete slab, on a 8,825 sq. ft. project site within a 9.41-acre lot.

**Rationale:** The project area is currently developed with a vacant laboratory on a concrete foundation, an electrical box and underground utilities, and a paved asphalt area. While the existing laboratory building is in disrepair and will be demolished, the existing concrete foundation and electrical box are proposed to be used as a platform, or "research pad" for deployment of field research instruments for approximately one year starting in February 2023. Equipment placement would begin in November 2022 and removal would occur in February 2024, after which the research pad would remain available for temporary, on-going research activities. Sensitive vegetation exists directly adjacent to the project site. However, all work will occur outside of any sensitive vegetation and within the existing, developed area. Best management practices have been included to ensure no demolition activities will impact sensitive resources. A temporary fence will be used during placement of research equipment to ensure no impacts to sensitive vegetation occur, and the six small field instruments will not be placed in an area with sensitive vegetation. No brush management or vegetation clearing is proposed or required for the research containers or equipment. Proposed



**Coastal Development Permit De Minimis Waiver**  
6-22-0576-W

containers will be painted a neutral color to blend in with the surrounding environment. Construction parking would be contained to the project site, on university property only, and materials will be disposed of outside the Coastal Zone. Therefore, as proposed, the project will not adversely impact sensitive habitat, visual resources, public access, or public recreation opportunities, and is consistent with the Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its August 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Stephanie Leach  
Coastal Program Analyst

cc: Commissioners/File

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July 25, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT  
AMENDMENT**Coastal Development Permit Amendment No. **6-18-0977-A2****To:** All Interested Parties**From:** John Ainsworth, Executive Director**Subject:** Permit No. **6-18-0977-A2** granted to **University of California San Diego** for: Refurbish existing approx. 27,000 sq. ft. 3-story over basement structure for classroom and office use and construct a new approx. 15,000 sq. ft. 2-story over existing basement for café and classrooms; and new public viewpoint on a 3.22-acre bluff top lot.**Project Site:** 8890 Biological Grade, Scripps Institution of Oceanography, UC San Diego, La Jolla, San Diego, San Diego County (APN: 344-090-07)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Placement of containerized research equipment and a research van on the southwestern most parking space located in the southern lower lot of the Marine Conservation and Technology Facility building; addition of one new parking space in lot P014.

**FINDINGS**

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive

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<sup>1</sup> The Commission's regulations are codified in Title 14 of the California Code of Regulations.

## **Notice of Proposed Immaterial Permit Amendment**

6-18-0977-A2

director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The research equipment will be placed on the one parking space for the duration of the research period as required, and will not require any grading or foundation work. A replacement parking space will be added to Parking Lot P014 across the street from the subject site. The parking space proposed to be used for research equipment is not a public parking space and is used by university faculty, staff, and students with the proper permit. Therefore, no adverse impacts to coastal resources, including public access, are anticipated as a result of the equipment's occupation of the parking space.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Stephanie Leach at the phone number provided above.

cc: Commissioners/File

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FAX (619) 767-2384



# W15

**Prepared July 20, 2022 (for August 10, 2022 Hearing)**

**To:** Commissioners and Interested Persons

**From:** John Ainsworth, Executive Director  
Diana Lilly, San Diego Coast District Manager  
Alexander Llerandi, Coastal Planner

**Subject: Certification Review for City of San Diego LCP Amendment Number LCP-6-SAN-20-0045-2 (Inclusionary Housing)**

On August 13, 2021, the California Coastal Commission considered a proposed City of San Diego LCP amendment (LCP-6-SAN-20-0045-2) designed to amend the certified Implementation Plan to change the inclusionary housing regulations to apply to both for-rent as well as for-sale residential development, as well as update the affordable housing requirement, in-lieu fee, and alternative methods of compliance. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of San Diego considered the Commission's conditional certification on January 24, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's January 24, 2022, action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on August 10, 2022, as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9:00 AM on August 10, 2022, and the District Director's Report is item number 15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the

Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or [SanDiegoCoast@coastal.ca.gov](mailto:SanDiegoCoast@coastal.ca.gov).**

ORDINANCE NUMBER O- 21432 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 23 2022

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 142.1302, 142.1305, AND 142.1307, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S INCLUSIONARY AFFORDABLE HOUSING REGULATIONS.

WHEREAS, on January 14, 2020, the Council of the City of San Diego (Council) adopted amendments to the Land Development Code to update the City's Inclusionary Affordable Housing Regulations pursuant to Ordinance O-21167 (Inclusionary Ordinance); and

WHEREAS, the Inclusionary Ordinance contained changes to the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the Inclusionary Ordinance must be certified by the California Coastal Commission (Commission) as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on August 13, 2021, the Commission considered certification of the Inclusionary Ordinance; and

WHEREAS, the Commission, concerned with promoting balanced communities within the City's Coastal Overlay Zone and protecting lower cost visitor-serving accommodations, approved the Inclusionary Ordinance with modifications relating to the threshold for applying the regulations in the Coastal Overlay Zone, addressing the criteria for siting the required affordable dwelling units off-site from the primary market-rate development, and prohibiting the conversion of guest rooms to dwelling units in the Coastal Overlay Zone; and

WHEREAS, the City desires to accept the Commission's modifications; NOW,  
THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code is amended by amending sections 142.1302, 142.1305, and 142.1307 to read as follows:

**§142.1302 When Inclusionary Affordable Housing Regulations Apply**

This Division applies to all residential *development* of 10 or more *dwelling units* outside of the Coastal Overlay Zone, five or more *dwelling units* within the Coastal Overlay Zone, and to all *condominium conversion development* of two or more *dwelling units*, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those *dwelling units* are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction, or the level of affordability, the more restrictive shall apply.

**§142.1305 Methods of Compliance**

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

- (1) through (2) [No change in text.]
- (3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a *transit priority area* and in an

area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

(4) [No change in text.]

(5) By rehabilitation of existing *dwelling units* or *SRO hotel rooms*, or by the conversion of *guest rooms* in a *motel* or *hotel* located outside the Coastal Overlay Zone to inclusionary *dwelling units* in accordance with Section 142.1307; or

(6) [No change in text.]

(b) through (c) [No change in text.]

**§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms**

(a) through (c) [No change in text.]

(d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) through (5) [No change in text.]

(e) through (g) [No change in text.]



Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall not take effect until the date the Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

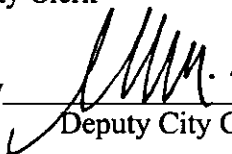
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert  
Heather M. Ferbert  
Chief Deputy City Attorney

HMF:sc  
12/16/2021  
Or.Dept:Planning  
Doc. No.: 2840850

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of February 8, 2022.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2/23/22  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 142.1302, 142.1305, AND 142.1307, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S INCLUSIONARY AFFORDABLE HOUSING REGULATIONS.

**§142.1302 When Inclusionary Affordable Housing Regulations Apply**

This Division applies to all residential *development* of 10 or more *dwelling units* outside of the Coastal Overlay Zone, five or more *dwelling units* within the Coastal Overlay Zone, and to all *condominium conversion development* of two or more *dwelling units*, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those *dwelling units* are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction, or the level of affordability, the more restrictive shall apply.

**§142.1305 Methods of Compliance**

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

(1) through (2) [No change in text.]

(3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the ~~*applicant*~~ provides ~~five percent more inclusionary *dwelling units*~~ than required for the *development* pursuant to Section 142.1304(a) or Section 142.1304(b) receiver site is within a *transit priority area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

(4) [No change in text.]

(5) By rehabilitation of existing *dwelling units* or *SRO hotel rooms*, or by the conversion of *guest rooms* in a *motel* or *hotel* located outside the *Coastal Overlay Zone* to inclusionary *dwelling units* in accordance with Section 142.1307; or

(6) [No change in text.]

(b) through (c) [No change in text.]

**§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms**

(a) through (c) [No change in text.]

(d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) through (5) [No change in text.]

(e) through (g) [No change in text.]

HMF:sc  
12/16/2021  
Or.Dept: Planning  
Doc. No.: 2840857

Passed by the Council of The City of San Diego on FEB 08 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 23 2022

AUTHENTICATED BY: TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JAN 24 2022, and on FEB 23 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 21432

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 142.1302, 142.1305, AND 142.1307, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S INCLUSIONARY AFFORDABLE HOUSING REGULATIONS.

**§142.1302 When Inclusionary Affordable Housing Regulations Apply**

This Division applies to all residential *development* of 10 or more *dwelling units* outside of the Coastal Overlay Zone, five or more *dwelling units* within the Coastal Overlay Zone, and to all *condominium conversion development* of two or more *dwelling units*, except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those *dwelling units* are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the amount of the fee, length of the restriction, or the level of affordability, the more restrictive shall apply.

**§142.1305 Methods of Compliance**

(a) The requirement to provide inclusionary *dwelling units* may be met in any of the following ways:

(1) through (2) [No change in text.]

(3) On different *premises* from the *development* that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the ~~*applicant*~~ provides five percent more inclusionary *dwelling units* than required for ~~*the development*~~ pursuant to Section 142.1304(a) or Section 142.1304(b) receiver site is within a *transit priority area* and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing *dwelling units* as covenant-restricted *very low income, low income, or moderate income dwelling units*;

(4) [No change in text.]

(5) By rehabilitation of existing *dwelling units* or *SRO hotel rooms*, or by the conversion of *guest rooms* in a *motel* or *hotel* located outside the Coastal Overlay Zone to inclusionary *dwelling units* in accordance with Section 142.1307; or

(6) [No change in text.]

(b) through (c) [No change in text.]

**§142.1307 Rehabilitation of Existing Dwelling Units, SRO Hotel Rooms, or Conversion of Guest Rooms**

(a) through (c) [No change in text.]

(d) The requirements of this Division may be satisfied by the conversion of existing *guest rooms* in a *motel* or *hotel* located outside of the Coastal Overlay Zone to inclusionary *dwelling units* affordable to *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of *median income*, if the City Manager determines all of the following:

(1) through (5) [No change in text.]

(e) through (g) [No change in text.]

HMF:sc  
12/16/2021  
Or.Dept: Planning  
Doc. No.: 2840857



**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



# W15

**Prepared July 20, 2022 (for August 10, 2022 Hearing)**

**To:** Commissioners and Interested Persons

**From:** John Ainsworth, Executive Director  
Diana Lilly, San Diego Coast District Manager  
Alexander Llerandi, Coastal Planner

**Subject: Certification Review for City of San Diego LCP Amendment Number LCP-6-SAN-21-0046-2 (Short Term Rentals)**

On March 9, 2022, the California Coastal Commission considered a proposed City of San Diego LCP amendment (LCP-6-SAN-21-0046-2) designed to amend the certified Implementation Plan to introduce a regulatory program for the permitting, operation, and enforcement of short term rentals. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of San Diego considered the Commission's conditional certification on May 17, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's May 17, 2022, action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's Month meeting on August 10, 2022, as part of the San Diego Coast District Director's Report. The Commission meeting starts at 9:00 AM on August 10, 2022, and the District Director's Report is item number 15 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be

certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the San Diego Coast office at (619) 767-2370 or [SanDiegoCoast@coastal.ca.gov](mailto:SanDiegoCoast@coastal.ca.gov).**

#55  
06/14/2022

(O-2022-103)

ORDINANCE NUMBER O- 21464 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2022

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 10, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 510.0102 AND 510.0104, AND ADDING NEW SECTION 510.0112, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S SHORT-TERM RESIDENTIAL OCCUPANCY REGULATIONS.

WHEREAS, on April 14, 2021, by Ordinance O-21305 (STRO Ordinance), the Council of the City of San Diego (Council) adopted amendments to the San Diego Municipal Code (Municipal Code) to regulate short-term residential occupancy (STRO) use of dwelling units in the City of San Diego; and

WHEREAS, the STRO Ordinance contained changes to the Land Development Code, which serves as the Implementation Plan to the City's certified Local Coastal Program (LCP) and contained changes to Chapter 1 and Chapter 5 of the Municipal Code, which are not in the LCP; and

WHEREAS, the California Coastal Commission (Commission) found aspects of the STRO licensing process, proposed as business regulations in Chapter 5 of the Municipal Code, also function as land use regulations of a high priority to the Commission under the Coastal Act relating to overnight accommodations; and

WHEREAS, the Commission proposed to include specific definitions in Municipal Code section 510.0102 and licensing provisions in Municipal Code section 510.0104 through amendment of the certified Implementation Plan to the City's certified LCP; and

WHEREAS, as an amendment to the City's certified LCP, the STRO Ordinance must be certified by the Commission as consistent with Coastal Act policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on March 9, 2022, the Commission considered certification of the STRO Ordinance; and

WHEREAS, the Commission, concerned with the potential for a substantial adverse impact on the public's ability to visit the coast and the difficulty in predicting the ramifications of the STRO Ordinance on the market for such accommodations, approved the STRO Ordinance with modifications to place a sunset clause of January 1, 2030 on the application of the STRO Ordinance licensing requirement in the Coastal Overlay Zone and to ensure that when Tier III licenses are distributed by lottery, it shall be by a methodology that distributes licenses proportionately to community planning area demand for licenses; and

WHEREAS, the City desires to accept the Commission's modifications; NOW,  
THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 10, Division 1 of the San Diego Municipal Code is amended by amending sections 510.0102 and 510.0104, and by adding new section 510.0112, as follows:

**§510.0102 Definitions**

For the purpose of this Article, the following definitions shall apply and appear in the text in italicized letters:

*Booking service through Whole home* [No change in text.]

**[Editor's Note:** The defined terms “dwelling unit,” “guest,” “home share,” “host,” “license,” “primary residence,” “short term residential occupancy,” and “whole home” are part of the certified Local Coastal Program for the City of San Diego. An amendment by the City of San Diego to any of these definitions will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies the changes as an amendment to the Local Coastal Program and the amendment becomes effective.]

**§510.0104 Short-Term Residential Occupancy Regulated**

(a) through (c) [No change in text.]

(d) Tier Three License: *Whole Home Short-Term Residential Occupancy*

Outside of Mission Beach Community Planning Area.

(1) Through (4) [No change in text.]

(5) Tier Three Licenses issued on a lottery basis shall be issued to each Community Planning Area in proportion to the Community Planning Area's percentage of the overall Tier Three License applicant pool.

(e) [No change in text.]

**[Editor's Note:** Section 510.0104(b) - (e), inclusive, are part of the certified Local Coastal Program for the City of San Diego. An amendment to any section will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies the change as an amendment to the Local Coastal Program and the amendment becomes effective.]

**§510.0112 Sunset Clause**

The provisions of Sections 510.0102 and 510.0104 that are part of the City of San Diego's certified Local Coastal Program shall be in effect in the Coastal Overlay Zone until January 1, 2030. This section may be amended prior to the expiration date, however, if not amended by January 1, 2030, then the licensing requirement for *short-term residential occupancy* will no longer be in effect in the

Coastal Overlay Zone. The January 1, 2030, deadline may be extended for good cause by the Executive Director of the Coastal Commission.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall not take effect until the date the Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert  
Heather M. Ferbert  
Deputy City Attorney

HMF:sc  
04/28/2022  
Or.Dept: Council District 2  
Doc. No.: 2967200

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 14 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 6/27/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 10, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 510.0102 AND 510.0104, AND ADDING NEW SECTION 510.0112, RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS REQUIRED FOR CERTIFICATION OF THE CITY'S SHORT-TERM RESIDENTIAL OCCUPANCY REGULATIONS.

**§510.0102 Definitions**

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*Booking service through Whole home* [No change in text.]

[Editor's Note: The defined terms "dwelling unit," "guest," "home share," "host," "license," "primary residence," "short term residential occupancy," and "whole home" are part of the certified Local Coastal Program for the City of San Diego. An amendment by the City of San Diego to any of these definitions will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies the changes as an amendment to the Local Coastal Program and the amendment becomes effective.]

**§510.0104 Short-Term Residential Occupancy Regulated**

(a) through (c) [No change in text.]

(d) Tier Three License: *Whole Home Short-Term Residential Occupancy*  
Outside of Mission Beach Community Planning Area.

(1) Through (4) [No change in text.]

(5) Tier Three Licenses issued on a lottery basis shall be issued to each Community Planning Area in proportion to the Community Planning Area's percentage of the overall Tier Three License applicant pool.

(e) [No change in text.]

**Editor's Note:** Section 510.0104(b) - (e), inclusive, are part of the certified Local Coastal Program for the City of San Diego. An amendment to any section will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies the change as an amendment to the Local Coastal Program and the amendment becomes effective.

**§510.0112 Sunset Clause**

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HMF:sc  
04/28/2022  
Or.Dept: Council District 2  
Doc. No.: 2967193



Passed by the Council of The City of San Diego on JUN 14 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 27 2022.

AUTHENTICATED BY:

(Seal)

TODD GLORIA  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 17 2022, and on JUN 27 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21464