

**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



# TH19a

Date: July 24, 2023

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-22-0023-1 (2020 Land Development Code  
Update) for Commission Meeting of August 9-11, 2023.**

---

## SYNOPSIS

On June 28, 2022, the City of San Diego Local Coastal Program (LCP) Amendment No. LCP-6-SAN-22-0023-1 (2020 Land Development Code Update) was filed in the San Diego District office as part of the City's first LCP submittal for 2022. The 2020 Land Development Code Update received a one-year time extension from the Commission at the August 2022 hearing, and the latest this can be heard is the August 2023 hearing.

### SUMMARY OF AMENDMENT REQUEST

The amendment involves the City's 2020 annual update to the Land Development Code (LDC), which serves as the certified Implementation Plan (IP) of its LCP, containing 46 items consisting of streamlining permit requirements and hearing procedures, changing landscape requirements, modifying housing incentives, and general corrections and updates, among other changes.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission deny the LCP amendment as submitted and approve it as modified by staff.

The majority of the 46 items contained in the 2020 Land Development Code Update do not raise issues with regards to conformance with the certified Land Use Plan (LUP). However, two of the ordinance changes do have the potential to adversely impact public access to the coast: Allowing outdoor dining associated with Placemaking development to occur in off-street parking areas and allowing replacement of all required off-street vehicle parking with bicycle parking.

“Placemaking,” is generally defined as temporary, small-scale projects or use of public right-of-way and private property to activate streetscapes to enhance the pedestrian experience and provide spaces with temporary small-scale development to support the temporary use, such as plazas, shade structures, benches, decorative art and lighting, etc. Placemaking aligns with many policies of both the Commission and the City encouraging alternate transportation by enhancing non-vehicular rights-of-way. With the onset of the COVID-19 pandemic and resulting increase in outdoor dining spaces, the City decided to amend the regulations addressing Placemaking on private property to expand the scope of what could be considered Placemaking to allow existing restaurants to convert private parking lots into outdoor dining.

However, after the City adopted the 2020 Code Update’s Placemaking change, the City adopted, and the Commission certified, the Spaces as Places LCP amendment No. LCP-6-SAN-21-0091-3. Spaces as Places is a comprehensive program addressing and allowing for the conversion of off-street parking to outdoor dining on private property to serve a primary commercial use. Spaces as Places allows the outdoor dining area as a permanent use in mixed use zones, commercial zones, and certain industrial zones upon obtaining the necessary building and coastal development permits. Thus, the previously approved Spaces as Places essentially encompasses the Placemaking aspect of the subject amendment. Both ordinances allow the expansion of outdoor dining with the approval of building and coastal development permits, but the subject provisions also require a temporary use permit and apply only in commercial zones. In its approval of the Spaces as Places LCPA, the Commission made several revisions to where and how private off-street parking spaces converted to dining area outside of the City’s Beach Impact Area must be replaced. Because the subject amendment was adopted prior to the Commission’s approval of the Spaces as Places LCPA, the limitations on the conversion of outdoor parking incorporated into the Spaces as Places LCPA were not included in the proposed Placemaking ordinance. Thus, as proposed, the subject amendment would create an internal inconsistency in the LCP, where the same development—conversion of parking to outdoor dining—would have different requirements in different sections of the LCP.

Al fresco dining is an attractive, visitor-serving use of San Diego’s outdoor spaces and reducing the amount of land area devoted to vehicles is a goal generally supported by the City’s LCP and the Coastal Act. However, for several decades, the Commission and the City’s certified LCP have recognized the Beach Impact Area, an overlay zone covering the approximately three blocks of oceanfront land, as a special area warranting additional protections given its high level of visitation and recreation by the public (Exhibit #\*). The BIA covers a small fraction of the City’s coastal zone and a tiny percentage of the 375 square miles of the total area of San Diego. In this small but intensely utilized area, developments that do not adequately balance their parking needs with the surrounding community have an outsized impact on public beach access. This is because the conversion of off-street parking serving an existing commercial use simultaneously increases the intensity of use on the property while decreasing the capacity of the property to contain the parking demand on-site, leading to greater likelihood that patron parking will occupy public street parking used by non-patrons to visit the coast.

The amendment would also allow any or all required vehicle parking spaces for restaurant uses in the neighborhood commercial, office commercial, and visitor commercial zones to

be converted to bicycle parking at a ratio of one parking space to two bicycle spaces. The Coastal Act and the LCP fully support of efforts to promote alternative means of transit and to emphasize pedestrian scale development. However, when analyzing proposals to eliminate vehicle parking spaces, it is important to acknowledge that while many of the coastal communities of San Diego are walkable, and biking is a popular means of transportation there, for the purposes of getting to the shoreline it is a means that best serves those that already live within those coastal communities. The City of San Diego is 375 square miles, and it takes approximately 1.5 hours to travel from the eastern parts of the city to the coast by bus or trolley, and travelling from inland areas to the coast via bicycle is not feasible for most people. Given this three-hour round trip by alternate transit, in the areas of the City where parking is already at a premium (i.e., the Beach Impact Area) it is the likely that usurpation of public parking by commercial uses (e.g., expanded restaurant seating) conversion of off-street parking to bicycle parking without replacement of those vehicle spaces or an increase in the provision of mass transit would have the effect of discouraging coastal recreation by those members of the public not in close proximity to the coast. Because of the high cost of housing located within walking distance of the shoreline, measures that limit coastal access for people who are not within walking or bicycle distance disproportionately impacts lower income communities, which raises environmental justice concerns.

The City is working on developing alternatives to private vehicles for beach access, such as the new Pacific Beach shuttle pilot program, which is on demand service using an electric, low-speed shuttle that can take up to five passengers at a time around the Pacific Beach community as well as the Balboa Avenue Transit Station, helping people move around the region without relying on a car. These and other efforts, when widespread and expanded to serve more people and populations (such as people with surfboards) are expected to help provide beach access opportunities for visitors and residents who do not live within walking or biking distance of the shoreline, particularly as public street parking for single-occupancy vehicles are increasingly unavailable. In addition, in many cases, additional bicycle parking can be provided without removing vehicle parking, given the small footprint of bicycles. It may also be appropriate to convert some vehicle spaces to bicycle parking, particularly if secured bicycle storage were provided and/or electric bicycle charging stations were provided.

The City should monitor and evaluate the impact that the removal of parking requirements throughout the City has to determine if limiting or removing parking does reduce vehicle miles travelled and lead to the creation of adequate alternative forms of access and circulation. It is worth noting that beach parking in the City has been inadequate to meet demand for many years but it has not yet resulted in the development of efficient mass transit access to the shoreline. Until that time, preserving some amount of street parking in the most impacted areas of beach communities is still an important means of ensuring that residents and visitors can access the beach.

Therefore, Suggested Modification No. 1 adds the identical language to the Placemaking regulations as approved in the Spaces and Places LCPA. Suggested Modification No. 2 prohibits the conversion of required off-street vehicle parking spaces to bicycle parking spaces in the BIA only. This modification will not unduly interfere with the ability of the City to promote bicycle transit, as the LCP currently has as part of its parking ordinances requirements, which will continue to be in effect.

Thus, as modified in this report, the 2020 Land Development Code Update can be found in conformance with the public access and resource protection policies of the City of San Diego's certified LCP.

The appropriate motions and resolutions begin on page 7. The suggested modifications begin on page 8. The findings for denial of the Implementation Plan Amendment as submitted begin on page 12. The findings for approval of the plan, if modified, begin on page 14.

## **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 Land Development Code, which primarily contains 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.

## **ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP amendment No. LCP-6-SAN-22-0023-1 may be obtained from Alexander Llerandi, Coastal Planner, at (619) 767-2370 or [SanDiegoCoast@coastal.ca.gov](mailto:SanDiegoCoast@coastal.ca.gov).

---

## TABLE OF CONTENTS

<b>I. OVERVIEW .....</b>	<b>6</b>
A. LCP HISTORY .....	6
B. STANDARD OF REVIEW.....	6
C. PUBLIC PARTICIPATION.....	6
<b>II. MOTIONS AND RESOLUTIONS.....</b>	<b>7</b>
<b>III. SUGGESTED MODIFICATIONS.....</b>	<b>8</b>
<b>IV. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED .....</b>	<b>10</b>
A. AMENDMENT DESCRIPTION.....	10
B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN .....	10
<b>V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....</b>	<b>16</b>

### EXHIBITS

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

[Exhibit 2 – Map of Beach Impact Area \(BIA\) of Parking Impact Overlay Zone](#)

## **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 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 city-wide 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 opportunity 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-22-0023-1 for the City of San Diego 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 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 Plans, and the 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-22-0023-1 for the City of San Diego if it is modified pursuant to the staff recommendation.

### **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 if 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 Plans. 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. Section 141.0421 shall be modified as follows:

#### **141.0421 Placemaking on Private Property**

Placemaking on private property is permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

[...]

- (f) A placemaking project shall only occur on premises that are vacant at the time the Temporary Use Permit application is submitted or within parking lots on premises within transit priority areas, except in existing disabled accessible parking spaces serving the premises.
  - 1) Within a transit priority area and outside of the Beach Impact Area of the Parking Impact Overlay Zone, parking required by the City’s Parking Regulations (Chapter 14, Article 2, Division 5) that is removed for outdoor dining on private property must be replaced with an equivalent number of off-street parking spaces provided at no cost to the public, either on the same premises or through a shared parking agreement.
  - 2) Within a transit priority area that is also within the Beach Impact Area of the Parking Impact Overlay Zone, all parking that is removed for outdoor dining on private property must be replaced with an equivalent number of off-street parking spaces provided at no cost to the public, either on the same premises or through a shared parking agreement.



2. Section 142.0530 shall be modified as follows:

**Section 142.0530 Nonresidential Uses – Parking Ratios**

Footnotes for Table 142.05F

1. Eating and Drinking Establishments. The minimum parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. With Transit Priority Areas, minimum required parking can be replaced by a placemaking project if a Temporary Use Permit is obtained in accordance with Section 123.0402. Within the CN, CO and CV Zones, minimum parking required can also be replaced with bicycle parking at a ratio of 2 bicycle parking spaces provided for every required vehicle parking space, unless the property is located within the Beach Impact Area of the Parking Impact Overlay Zone. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the eating and drinking establishment's gross floor area and are included in calculating parking requirements.

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

### **A. AMENDMENT DESCRIPTION**

The Land Development Code provides the City of San Diego's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading, and other related land use activities. The City has a code monitoring and updating process to address new issues and unforeseen challenges associated with implementation of the Land Development Code, to modify and streamline permitting processes as needed. The City submits the proposed revisions annually as a code update to the LCP.

The 2020 Land Development Code Update includes 46 items, separated into four categories: corrections, regulatory reform, new regulations, and compliance with state law. Approximately twenty-seven items consist of grammatical, spelling, and redundancy corrections. The seventeen items addressing regulatory reform modify various development requirements in the code, such as requiring evergreen trees rather than palm trees in parking lot landscaping, allowing greater flexibility in commercial setbacks, removing the requirement to reserve a certain percentage of Floor Area Ratio (FAR) for parking, removing the six-month vacancy period for commercial spaces to house interim residential, extending the period of commercial inactivity that can still keep previously conforming parking from two to five years, and clarifying how certain development measurements, such as height and gross floor area, are made with regards to light wells and carports, respectively. As discussed in greater detail below, the City is proposing two amendments that would change parking requirements: the first would allow the expansion of outdoor dining for existing restaurants in the City's Transit Priority Area into off-street parking lots, and the second would allow restaurants to replace vehicle parking spaces with bicycle parking spaces.

The one 2020 Code Update item addressing new regulations will create a new, separately regulated land use subcategory for Adult Day Care Facility, which will be defined as a facility that operates on a less-than-24 hours basis providing people 18 years and older with medical and personal care services to address physical or mental impairments. Such facilities would be allowed as a limited use in certain open space park, agricultural residential, and residential zones.

The one item addressing state law will add organic material to refuse and recycling regulations, as well as streamline regulations addressing the siting of collection areas for recyclables, refuse, and organic material to allow them required yard setback areas.

### **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:

In the case of the City of San Diego, the City's LUPs are comprised of community planning areas based on its established neighborhoods and future urbanizing areas. Predicated on those community planning areas, the City utilized the geographic segmentation provisions of the LCP regulations and developed its land use plan component covering twelve different communities (i.e., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Otay Mesa-Nestor, Downtown, Barrio Logan, and others). Each community plan or LCP Land Use Plan contains policies that protect public views, scenic resources, public access, recreational opportunities and sensitive coastal resources including, but not limited to, beaches, bluffs, slopes, hillsides, and environmentally sensitive lands in that community. The Commission's review of the proposed amendment to the Land Development Code must ensure that development is approved only when consistent with the certified LUPs.

Listed Below are representative policy excerpts contained in several of the certified LUP segments in the Coastal Overlay Zone for the City of San Diego.

### **Pacific Beach Community Plan**

- Create safe, pleasant, and useful pedestrian and bicycle pathways to connect the residential neighborhoods of Pacific Beach, such as Crown Point and Braemar, with commercial areas and community facilities, such as schools, parks, and the library. Remove barriers which impede pedestrian, bicycle, and disabled access.

### **Ocean Beach Community Plan**

- Efficiently manage on-street parking to better serve the beach and commercial areas.
- Protect and improve visual access at street ends in conjunction with coastal physical access projects. Such public improvements should consider inclusion of benches, landscaping, improved walkways, bicycles racks, and stairwells from street ends to the beaches below.

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

- Enhance existing public access to the ocean, beach, and park areas such as Ellen B. Scripps Park and Kellogg Park along the shoreline in order to be of greatest benefit to neighborhood residents and visitors to the community.
- Public views to and from the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private properties at yards and setbacks.

### **Mission Beach Precise Plan**

- The provision of increased residential, commercial, and recreational parking in order to reduce the serious deficit that presently exists.

## **Peninsula Community Plan**

- Curb cuts or street vacation requests which reduce available on-street parking should not be allowed unless comparable replacement parking is provided in the immediate vicinity.

### **1. FINDINGS FOR DENIAL**

The majority of the 46 items contained in the 2020 Land Development Code Update do not raise issues with regards to conformance with the certified Land Use Plan (LUP). However, two of the ordinance changes do have the potential to adversely impact public access to the coast: Allowing outdoor dining associated with Placemaking development to occur in off-street parking areas and allowing replacement of required off-street vehicle parking with bicycle parking.

At the February 2020 hearing, the Commission certified LCP Amendment No. LCP-6-SAN-18-0064-2, introducing a new use into the certified LCP, “Placemaking,” which is generally defined as temporary, small-scale projects or use of public right-of-way and private property to activate streetscapes to enhance the pedestrian experience and provide spaces with temporary small-scale development to support the temporary use, such as plazas, shade structures, benches, decorative art and lighting, etc. The intent is to allow residents to reimagine and creatively reinvent unused or underutilized spaces in their neighborhoods to cultivate a sense of community, create gathering spaces, showcase public art, illuminate landscape, beautify forgotten parcels or illustrate the area’s cultural vibe. Placemaking can be an adaptable, fairly low-cost method for a local government or members of the public to enhance a public space or introduce new community amenities. Placemaking aligns with many policies of both the Commission and the City encouraging alternate transportation by enhancing non-vehicular rights-of-way. Examples of such placemaking include the erection of “parklets,” shaded seating areas located within public parking spaces on the side of the street, or shipping containers and crates on a vacant private parcel to create an event venue.

With regards to Placemaking on private property, the original amendment certified in February 2020 envisioned that any commercial activity associated with the Placemaking development or activity would be operated in support of the Placemaking amenity, not as a standalone commercial facility. For example, a food or merchandise stand erected during an event, rather than an autonomous retails or food service facility. However, with the onset of the COVID-19 pandemic and resulting increase in outdoor dining spaces, the City decided to amend the regulations addressing Placemaking on private property to expand the scope of what could be considered Placemaking. The subject amendment would allow, under the auspices of the Placemaking ordinance, the conversion of off-street parking areas to outdoor dining areas associated with a primary commercial use, such as a restaurant, in the City’s Transit Priority Area, defined as that area within a half mile of a major transit stop.

However, after the City adopted the 2020 Code Update’s Placemaking change, the City adopted, and the Commission certified, the Spaces as Places LCP amendment No. LCP-

6-SAN-21-0091-3. Spaces as Places is a comprehensive program addressing and allowing for the conversion of off-street parking to outdoor dining on private property to serve a primary commercial use. Spaces as Places allows the outdoor dining area as a permanent use in mixed use zones, commercial zones, and certain industrial zones upon obtaining the necessary building and coastal development permits. Thus, Spaces as Places essentially encompasses the Placemaking aspect of the subject amendment, which, like development under the Spaces and Places regulations, requires building and coastal development permits, but also requires a temporary use permit of a maximum five-year duration and only allows outdoor dining in commercial zones.

In its approval of the Spaces as Places LCPA, the Commission determined that required off-street parking spaces converted to dining area outside of the City's Beach Impact Area must be replaced with an equivalent number of off-street parking spaces provided at no cost to the public, either on the same premises or through a shared parking agreement. Excess parking spaces do not need to be replaced. Within the Beach Impact Area, *all* parking that is removed for outdoor dining on private property must be replaced with an equivalent number of off-street parking spaces provided at no cost to the public, either on the same premises or through a shared parking agreement. This is because the conversion of off-street parking serving an existing commercial use simultaneously increases the intensity of use on the property while decreasing the capacity of the property to contain the parking demand on-site, leading to greater likelihood that patron parking will occupy public street parking used by non-patrons to visit the coast.

Because the subject amendment was adopted prior to the Commission's approval of the Spaces as Places LCPA, the limitations on the conversion of outdoor parking incorporated into the Spaces as Places LCPA are not included in the proposed Placemaking ordinance. While the temporary use permits for outdoor dining required by the Placemaking amendment would have a limited duration, they would be renewable, meaning they will function in the same manner as projects approved via Spaces as Places. In order to ensure internal consistency in the LCP as well as protecting public access to the shoreline, the conversion of parking spaces for outdoor dining under the subject Placemaking regulations should operate under the same parameters as the previously adopted Spaces as Places regulations.

The second concern regarding potential adverse impacts to public access arises from the 2020 Land Development Code Update's changes to Footnote 1 of Table 142-05F. The Land Development Code generally breaks down the parking requirements for various land uses by category, with tables listing the parking requirements for those categories. Table 142-05F contains the parking requirements for eating and drinking establishments, a common land use in visitor serving areas along the coast.

The 2020 Land Development Code Update would amend Footnote 1 of Table 142-05F to insert language stating that within the Transit Priority Area, off-street parking area serving an eating and drinking establishment could be converted to outdoor dining area in accordance with Placemaking permitting regulations. The amendment then goes further to state that within the neighborhood commercial, office commercial, and visitor commercial zones, any or all of the required off-street parking spaces could also be converted to bicycle parking at a ratio of one parking space to two bicycle spaces.

The Commission is in full support of efforts to promote alternative means of transit. However, before eliminating vehicle parking spaces, it is important to acknowledge that while many of the coastal communities of San Diego are walkable, and biking is a popular means of transportation there, for the purposes of getting to the shoreline it is a means that best serves those that already live within those coastal communities. For several decades, the City's certified LCP has recognized the Beach Impact Area, an overlay zone covering the approximately three blocks closest to the coast, as a special area warranting additional protections given its high level of visitation and recreation by the public. In such a small, intensely utilized area, developments that do not adequately balance their parking needs with the surrounding community are likely to have an outsized impact compared to inland portions of the City due to the unique nature of the area. As the Commission noted when reviewing the aforementioned Spaces as Places amendment and its allowance to convert off-street parking, while it may be that those already residing in proximity to the coast and commercial uses therein may be more inclined to walk or bike, the City of San Diego is 375 square miles, and it takes approximately 1.5 hours to travel from the eastern parts of the city to the coast by bus or trolley, and travelling from inland areas to the coast via bicycle is not feasible for most people. Given this three-hour round trip by alternate transit, in the areas of the City where parking is already at a premium (i.e., the Beach Impact Area) it is the likely that usurpation of public parking by commercial uses (e.g., expanded restaurant seating) conversion of off-street parking to bicycle parking without replacement of those vehicle spaces or an increase in the provision of mass transit will have the effect of discouraging coastal recreation by those members of the public not in close proximity to the coast. Because of the high cost of housing located within walking distance of the shoreline, measures that limit coastal access for people who are not within walking or bicycle distance disproportionately impacts lower income communities, which raises environmental justice concerns.

The City is working on developing alternatives to private vehicles for beach access, such as the new Pacific Beach shuttle pilot program, which is on demand service using an electric, low-speed shuttle that can take up to five passengers at a time around the Pacific Beach community as well as the Balboa Avenue Transit Station, helping people move around the region without relying on a car. These and other efforts, when widespread and expanded to serve more people and populations (such as people with surfboards) are expected to help provide beach access opportunities for visitors and residents who do not live within walking or biking distance of the shoreline, particularly as public street parking for single-occupancy vehicles are increasingly unavailable. In addition, many commercial sites have the capacity to provide new or additional bicycle parking without removing existing vehicle parking spaces, as bicycle racks do not occupy a large amount of space. There could be circumstances where it would be appropriate to reduce some number of vehicle spaces if it were to provide secure bicycle storage or electrical bicycle charging and storage spaces, as the lack of these facilities probably does limit people's willingness to use bicycle transportation. However, as the amendment currently proposes, allowing the replacement of all vehicle parking spaces in the Beach Impact Area would result in impacts to public access, inconsistent with the certified LCP.

Thus, as proposed, the amendment's changes regarding outdoor dining on private property and conversion of vehicle parking to bicycle parking does not protect the public access needs of the general public. Additionally, given the concentration of many outdoor eateries in the coastal communities that experience the heaviest visitation and the most

acute parking constraints, the failure to require replacement or other mitigation for the loss of parking would further increase the public's challenge in visiting the coast and dissuade such visitation. The lack of such protection is not in conformance with the public access policies of the certified LUPs and the amendment must be denied as submitted.

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

In order to maintain internal consistency in the LCP and avoid impacts to public access associated with the conversion of vehicle parking to outdoor restaurant seating, suggested modification to place the same requirements for Placemaking parking conversion as the Spaces as Places regulations have been added. The City should monitor and evaluate the impact that the removal of various parking requirements throughout the City has and will have to determine if limiting or removing parking does reduce vehicle miles travelled and lead to the creation of adequate alternative forms of access and circulation. It is worth noting that beach parking in the City has been insufficient to meet demand for years but it has not yet resulted in the development of efficient mass transit access to the shoreline.

Suggested Modification No. 1 requires development under Placemaking that converts off-street parking to outdoor dining to replace occupied parking spaces at no cost to the public either on site or through the LCP's shared parking regulations, so as to ensure that the existing levels of access are maintained. For areas outside of the Beach Impact area, only required parking spaces must be replaced. Within the BIA, all converted parking must be replaced.

In line with the heightened sensitivity to parking demand and public access in the BIA, Suggested Modification No. 2 prohibits the conversion of required off-street vehicle parking spaces to bicycle parking spaces in the BIA, so as to maintain the ability of coastal visitors who live too far away to reasonably reach the coast by bike or transit to still be able to be accommodated on the commercial property they are patronizing rather than occupying public street parking. The Beach Impact Area of the Parking Overlay Zone generally consists of the three blocks closest to the coast and has been identified by the City as the area where public beach parking is already extremely impacted and thus where any further reduction would have a significant impact on parking availability. The BIA covers a small fraction of the City's coastal zone and a smaller percentage of the 375 square miles of the total area of San Diego. Prohibiting the conversion of all restaurant vehicle parking to bicycle parking in just the BIA strikes a balance between the benefits of provide additional bicycle parking with the potential public access impacts resulting from the removal of vehicle spaces. Furthermore, this modification will not unduly interfere with the ability of the City to promote bicycle transit, as the LCP currently has as part of its parking ordinances requirements for the provision of bicycle parking in addition to vehicle parking, which will continue to be in effect.

With regards to the remaining forty-four items in the 2020 Land Development Code Update, they do not represent items that would adversely impact coastal resources. Over half of the remaining items are simply clarifications or grammatical, spelling, or numbering corrections to make the code easier to read by the public. Of the more substantive changes, the change to the landscaping regulations for vehicle areas to require canopy trees and prohibit the currently allowed palm trees will have a positive impact on reducing

heat islands caused by paved areas and improving community character. The amendments allowing greater development flexibility by not requiring that a certain percentage of Floor Area Ratio (FAR) be reserved for parking or that commercial setbacks can be between the maximum and minimum values, rather than just one or the other, are not expected to adversely impact public access or public views because the ordinances requiring a specific number of parking spaces or provision of view corridors along waterfront properties are not being modified. The removal of the current six-month vacancy requirement before interim residential use can be put in commercial space will not impact coastal recreation because the LCP currently prohibits such interim residential use in the coastal zone so as to protect visitor serving uses. The addition of Adult Day Use Facilities as a new use in the code is not expected to adversely impact coastal resources because it would be allowed in zones where some level of support facility is already allowed by the LCP. Should such a facility be proposed in the coastal zone, it would need to acquire a coastal development permit and adhere to all habitat, public access, and public view protection policies of the certified LCP.

The remaining amendments generally add greater flexibility for development to achieve a higher residential density as part of the City's efforts to address the current housing shortage. The city-wide measures allow for greater lot coverage or exempt smaller developments of fifty units or less from having to achieve certain thresholds to qualify for bonuses, while the measures specific to downtown, which is almost entirely outside of the coastal zone, would reduce parking requirements for hotels and residential projects. In contrast to the issues raised about parking reductions for outdoor dining, the downtown area is very densely developed and served by several forms of alternate transit. Thus, parking reductions in this area are less likely to adversely impact coastal visitors due to the ability of both residents and visitors to more easily travel by alternate means compared to the rest of the city.

Thus, with the above suggested modifications addressing coastal permit review and public parking replacement, the amendment can be found consistent with the certified LUPs for the City of San Diego and approved, as modified.

## **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.

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. The City determined that this action would not result in new significant, indirect, or cumulative impacts over and above those disclosed in the aforementioned documents.



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, 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.