

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



TH19c

Date: July 20, 2023

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **DR. KATE HUCKELBRIDGE, EXECUTIVE DIRECTOR**

Subject: **CITY OF SAN DIEGO DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT LCP-6-SAN-22-0064-3 (Community Planning Group Reform) FOR COMMISSION REVIEW AT ITS MEETING OF August 10, 2023.**

The Coastal Act was amended January 1, 1995, to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a “de minimis” amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission.

If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (July 13, 2023).

PROPOSED AMENDMENT

The proposed amendment would amend the City of San Diego’s Land Development Code, which serves as part of the certified Implementation Plan, to revise several ordinances addressing Community Planning Group review of certain development projects and their participation in the review and appeal of land use decisions.

DISCUSSION

Community Planning Groups (CPGs) were formed and recognized by the San Diego City Council to make recommendations to the Council, Planning Commission, City staff, and other governmental agencies on land use matters within the CPG’s planning area

boundaries. City Council recognition of CPGs as independent advisory bodies is established through City Council Policies – which are Citywide policy statements adopted by resolution of the City Council. Council Policy 600-24, Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups, is the established Council Policy that defines the CPG’s responsibilities and minimum operating procedures. Council Policies are not part of the certified LCP, but requested input from CPGs has been formally referenced and assigned through the San Diego Municipal Code, including those portions of the Code which constitute the certified Land Development Code.

On September 13, 2022, the City Council approved amendments to Council Policy 600-24 to clarify that CPGs are not Charter created bodies, but independent organizations separate from the City. To reflect this, and ensure that CPGs operate under the same rules and standards as any other member of the public, the City amended six ordinances, four of which are part of the Land Development Code:

- Section 112.0503 Process Two - removing the extended period of time allowed for an appeal for Process Two projects to allow for CPG review and recommendation.
- Section 112.0602 Process CIP/Public Project – Two - removing the extended period of time allowed for an appeal of a Process Two CIP/Public Project to allow for CPG review and recommendation.
- Section 157.0203 Gaslamp Quarter Development Permit Procedures - removing the requirements of a CPG recommendation for Process Five development projects with certain deviations in Gaslamp Quarter.
- Section 112.0203 Waiver of Fees or Deposits – removing the ability for CPGs to waive appeal fees.

The first two items would remove the allowance for Community Planning Groups to request that the 11-day minimum timeframe for a ministerial permit approval be extended by up to 20 days to allow additional time for review. The third removes the requirement that a recommendation be obtained by the local Community Planning Group for certain large buildings in the southern half of downtown, which is outside of the coastal zone. The fourth removes the existing exemption from payment of appeal fees for Community Planning Groups, including fees for local appeals of coastal development permits.

The proposed revisions to the LDC do not remove or alter any existing requirements regarding the ability and role of the CPGs to advise the City and provide community input on issues related to land use matters. Developers are currently encouraged but not required to bring projects before CPGs, and nothing in the subject amendment changes that. While the amendment does remove the existing exemption for local appeal fees, consistent with the Coastal Act, *Section §126.0710 Appeals to the Coastal Commission* of the certified LCP already allows decisions on coastal development permits to be brought directly to the Commission if an appeal fee is required for the filing or processing of appeals. Thus, the amendment will not affect the feasibility of CPGs (or any other group or individual) to appeal coastal development permits.

Therefore, the proposed amendment is consistent with the certified Land Use Plans and Chapter 3 of the Coastal Act

DETERMINATION

The Executive Director determines that the City of San Diego LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.