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Date: March 26, 2025

To: COMMISSIONERS AND INTERESTED PERSONS

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Subject: STAFF RECOMMENDATION ON CITY OF DEL MAR MAJOR AMENDMENT NO. LCP-6-DMR-23-0032-1 (SB 9 Housing Provisions) for Commission Meeting of April 9-11, 2025)

SYNOPSIS

The subject LCP implementation plan amendment was submitted on August 10, 2023 and filed as complete on February 26, 2024. A one-year time extension was granted on May 8, 2024. As such, the last date for Commission action on this item is the May 2025 Commission hearing.

SUMMARY OF AMENDMENT REQUEST

The City of Del Mar proposes changes to the City's certified Implementation Program to establish procedures and objective development standards for projects subject to Senate Bill 9 (SB 9, Atkins, 2021) allowing the development of two-unit residential development or an urban lot split on single dwelling zoned lots. Specifically, the amendment would add several new chapters, including Chapter 30.93 (Regulations for Development of Two Unit Residential Development on Single Residential Zoned lots or Urban Lot Splits for Single Residential Zoned Lots) Chapter 24.66 (Urban Lot Split), and Chapter 23.07 (Objective Design Standards for Residential Development). The amendment would also amend several existing chapters, including Chapter 30.75 (Coastal Development Permits), Chapter 30.10 (Very Low Density Residential (R1-40)), Chapter 30.11 (Modified Low Density Residential (R1-14)), Chapter 30.12 (Low Density Residential (R1-10)), Chapter 30.13 (Low Density Residential-Beach (R1-10B)), Chapter 30.14 (Medium Density Single-Family Residential (R1-5)), and Chapter 30.15 (Medium Density Single-Family Residential – Beach (R1-5B)). SB 9 seeks to intensify the amount of allowed residential development within urbanized areas zoned for single-family residential use in California as a means of helping to address the state's housing – particularly affordable housing – crisis, a crisis that is particularly acute in the coastal zone.

The City's proposed SB 9-related provisions largely track the requirements specified in the State law, including prohibiting SB 9 development within historic properties and high fire zones; protections for existing affordable housing units; and prohibiting use of SB 9-related units as short-term vacation rentals. The City's amendment also prohibits SB 9 projects in several different areas of the City, including any land considered prime farmland, lots that contains wetlands or their buffers (or other environmentally sensitive habitat area), lots in its Coastal Bluff Overlay Zone, Bluff, Slope, and Canyon Overlay Zone, Floodplain Overlay Zone, and Lagoon Overlay Zone, and any lots located in its North Beach neighborhood.

The City has also made clear that its intent in allowing development pursuant to SB 9 is to also expand the availability of affordable housing. With this amendment, it will be required that at least one unit will contain an affordability covenant for a lower income unit. The affordable unit in this case could either be a primary unit or an ADU or JrADU that is developed as a result of SB 9 implementation.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission reject the proposed City of Del Mar Land Use Plan and Implementation Plan as submitted, and then certify the amendment subject to the suggested modifications listed below.

Because the City's submitted amendment does not allow for SB 9-related development in a number of areas, including lots with wetlands or wetland buffers, in the 100-year floodplain, or within sensitive coastal resource overlay zones, the potential for impacts to coastal resources is expected to be low. Thus, the suggested modifications are generally revisions to clarify the City's intent, correct references, and clarify Chapter 3 and LCP requirements. Other suggested modifications add the Coastal Commission's definition of wetlands to ensure that all relevant resources are identified on potentially eligible lots, and require the identification of any buffers for adjacent environmentally sensitive habitat on tentative maps proposed for urban lot splits. Several other suggested modifications have been requested by the City in order to incorporate recent changes made to the City's inclusionary housing requirements, which are not part of the certified LCP, as well as to make clear that the City has determined that two of the City's single dwelling unit zones are not in fact eligible for SB 9 development because they are located entirely within the Floodplain Overlay Zone. City staff requested this correction in order for the amendment to be internally consistent.

Finally, Suggested Modification #14 clarifies that replacement parking is required in the event a two-unit development replacing the existing required parking only if the City determines that loss of the off-street parking supply has a significant effect on public access to the shoreline. The same suggested modification also makes clear that no off-street parking requirements apply to any development proposed within one-half mile of a major transit stop, in compliance with AB 2097.

Only with the incorporation of these suggested modifications can the amendment be found consistent with the stated goals and policies of the certified LCP and the Coastal Act. The City is in agreement with all suggested modifications.

The appropriate motions and resolutions begin on page 5. The suggested modifications begin on page 6. The findings for denial of the Implementation Plan Amendment as submitted begin on page 19. The findings for approval of the plan, if modified, begin on page 22.

ADDITIONAL INFORMATION

Further information on the City of Del Mar LCP amendment LCP-6-DMR-23-0032-1 may be obtained from Stephanie Leach, Coastal Planner, at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

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I. OVERVIEW

A. LCP HISTORY

In May 1991, the City of Del Mar submitted its Land Use Plan (LUP) for Commission action. The Commission denied the LUP as submitted, but approved it with suggested modifications in September 1991. The City did not accept the suggested modifications within six months; so, the City resubmitted the same documents and the Commission again approved the LUP with suggested modifications in June 1992. The City Council adopted the modifications within the prescribed time and the Commission effectively certified the LUP in March 1993. The Implementation Plan (IP) was approved with suggested modifications on March 13, 2001. On September 11, 2001, the Commission concurred with the Executive Director's determination to effectively certify the City of Del Mar Local Coastal Program (LCP). The Commission has certified many amendments to the City's LCP since the LUP and IP certifications.

B. STANDARD OF REVIEW

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

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

II. 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 for the City of Del Mar 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 City of Del Mar and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. 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 for the City of Del Mar 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 Del Mar 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 Plan. 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. Revise the first sentence of Section 30.93.010 as follows:

The purpose of this Chapter is to implement California Government Code Sections 65852.21 and ~~CA~~ Gov. Code ~~Section 2.~~ 66411.7~~.~~ (commonly referred to as: SB 9) without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Pub. Resources Code, § 30000 et seq.) and the City's Local Coastal Program; and to establish objective design standards for the development of residential structures on single residential zoned lots conforming to State law.

2. Revise the last paragraph of Section 30.93.010 as follows:

This Chapter prescribes objective standards for the approval of such units and Urban Lot Splits and the circumstances in which a development may be prohibited. For example, the proposed development may be denied if it conflicts with the certified LCP, or if applicable, the public access provisions of the Coastal Act, ~~because it may conflict with the California Coastal Act of 1976~~ or where the proposed development is located within a Severe Wildfire Hazard Area ~~or Flood Zone~~, unless the zone allows residential development and the applicant demonstrates that all applicable safety precautions will be taken for construction of the development. ~~Finally, should this Chapter conflict with State law then State law will have precedence over the regulations contained in this Chapter.~~

3. Revise the definition of "Unit" in Section 30.93.020 as follows:

Unit means any dwelling unit, including, but not limited to, a unit or units created pursuant to Government Code Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.21, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

4. Revise Section 30.93.030(A) as follows:

This Chapter applies to proposed development on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, ~~R1-10B,~~ R1-5, ~~R1-5B~~), except as prohibited per Section (B). In accordance with Section (B), proposed development shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

Section 30.90.030(B) governs the subsections modified by Suggested Modifications #5, 6, 7, 8, 9:

To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

5. Revise Section 30.93.030(B)(2) as follows:

Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit. 14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other deed restrictions.

6. Revise Section 30.93.030(B)(3) as follows:

   Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

   [No changes to subsection (a) through (f)]

7. Revise Section 30.93.030(B)(4) as follows:

   Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the ~~2019~~ most recent FEMA Flood Insurance Rate Map ~~or as revised~~ ("FIRM").

8. Revise Section 30.93.030(B)(9) as follows:

   Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

9. Revise Section 30.93.030(B)(11) as follows:

   Projects proposing an Urban Lot Split shall not be eligible to construct Accessory Dwelling Units or Junior Accessory Dwelling Units consistent with Government Code Section 65852.21 and Section 65852.2 as amended. Each resulting lot shall not contain more than two dwelling units. For Urban Lot Splits with an existing Accessory Dwelling Unit or a Junior Accessory Dwelling Unit onsite, those units shall be considered dwelling units for the purposes of this Chapter.

10. Revise Section 30.93.040(A) as follows:

    An applicant seeking to utilize the provisions of this Chapter shall ~~may~~ propose development in accordance with the primary dwelling unit regulations in Section 30.93.050, Section 30.93.060, Chapter 23.07, and Chapter 24.66.

11. Revise the second paragraph of Section 30.93.040(B) as follows:

    As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety where also consistent with the LCP:

    1. Inconsistency with the zoning ordinance or general plan land use designation.

    2. The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

12. Revise the second sentence of Section 30.93.050 as follows:

    The issuance of an Administrative Coastal Development Permit will not require any public hearings.

13. Revise Section 30.93.050(A)(6)(b) as follows:

    New primary dwelling unit structures that comply with the setbacks of the base zone and ~~the~~ minimum six-foot building separation ~~per DMMC Section 30.86.200 (I).~~ shall be allowed 801-1,000 square feet of building area. A primary dwelling unit with a maximum gross floor area of 800 square feet shall not be permitted closer than four feet from interior side and rear property lines.

14. Revise Section 30.93.050(A)(8)(b) as follows:

    ~~In order to ensure continued and to ensure that all coastal access remains unimpeded to all members of the public, i~~ If a two-unit residential development replaces an existing garage or other required parking, replacement parking spaces shall be provided on-site in accordance with the requirements of DMMC Chapter 30.80 and the certified LCP ~~California Coastal Act~~ only if the loss of the off-street parking supply has a significant effect on public access to the shoreline. The new parking space(s) may be covered or uncovered. No off-street parking requirements apply to any development proposed within one-half mile of a major transit stop, as defined in Public Resources Code Section 21064.3.

15. Revise Section 30.93.050(B) as follows:

    Accessory dwelling units consistent with Government Code Section 65852.21 and Section 65852.2, as amended, proposed in conjunction with dwelling units subject to this Section and are not subdivided through an Urban Lot Split shall be detached from primary dwelling units and shall maintain a minimum six feet separation from other

structures onsite. Junior Accessory Dwelling Units shall be contained within the existing or proposed floor area of a primary dwelling unit.

16. Revise Section 30.93.050(C)(3) as follows:

~~Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at~~ At least one of the ~~primary~~ dwelling units in a project (Two Unit Residential Development or Urban Lot Split) subject to this Chapter shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of land inclusive of the affordable units shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the unit~~s~~ consistent with this Chapter and Chapter 24.21 (Inclusionary Housing)~~and shall remain in place for not less than 55 years~~.

17. Revise Section 30.93.060(G)(3) as follows:

A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21 and~~,~~ 66411.7~~, and 65852.2~~.

18. Revise Section 30.93.060(G)(5) as follows:

~~Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at~~ At least one of the ~~approved~~ dwelling units ~~on each~~ (including all units on the lot or subdivided lot~~s~~ ~~shall be~~ subject to this Chapter) ~~and~~ shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of subdivided land and inclusive of any affordable unit shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the unit~~s~~ consistent with this Chapter and Chapter 24.21 (Inclusionary Housing)~~shall remain in place for not less than 55 years~~.

19. Revise Section 24.66.020(E)(13) as follows:

Location of all major vegetation showing size and type, including buffers for any adjacent environmentally sensitive habitat.

20. Revise Section 24.66.050(E) as follows:

Urban Lot Splits shall comply with the inclusionary housing requirement stated in Section 30.93.060 and Chapter 24.21—(Inclusionary Housing) for dedication of one unit for lower income households. An additional in lieu fee payment shall not be required for the lot split. ~~Dedication: Affordable Housing Mitigation~~.

21. Revise Section 24. 66.050(I)(3) as follows:

A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21 and, 66411.7, and 65852.2.

22. Revise Section 24.66.050(J) as follows:

This Chapter applies to proposed Urban Lot Split subdivisions on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-10B, R1-5,R1-5B), except as prohibited per Section (I). In accordance with Section (I), proposed urban lot split subdivisions shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

Section 24.66.050(K) governs the subsections modified by Suggested Modifications #23, 24, 25, 26, 27:

To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

23. Revise Section 24.66.050(K)(2) as follows:

Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit. 14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other deed restrictions.

24. Revise Section 24.66.050(K)(4) as follows:

Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the 2019 most recent FEMA Flood Insurance Rate Map or as revised ("FIRM").

25. Revise Section 24.66.050(K)(9) as follows:

Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

26. Revise Section 24.66.050(K)(11) as follows:

    Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant shall ~~must~~ choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2, as amended, but shall not use both. In either case, each resulting lot shall not contain more than two units and each proposed primary unit shall ~~must~~ be no more than 800 square feet in floor area.

27. Revise Section 24.66.050(K)(13) as follows:

    Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, or~~and~~ impediments to public recreation.

28. Revise Section 23.07.020(B) as follows:

    Chapter 23.07 shall apply to proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone (Chapter 30.92) and any proposed residential development where the City is precluded by State Housing law from applying discretionary design review and permit approval processes that are identified in Chapter 23.08.

29. Revise the last sentence of Section 23.07.020(C) as follows:

    Where there are conflicting requirements between the Objective Design Standards below and other requirements within the Del Mar Municipal Code (DMMC) or the certified LCP, the stricter ~~objective~~ standard shall apply.

30. Revise Section 23.07.030(A) as follows:

    If it is not feasible to comply with all applicable Objective Design Standards listed in Table "A" below when constructing up to two~~,~~ 800-square-foot dwelling units on a property, the applicant shall provide all necessary information requested by the City to reasonably demonstrate that it is infeasible to construct two~~,~~ 800-square-foot dwelling units if compelled to comply with the City's Objective Design Standards. Upon review of the applicant's completed feasibility study, the Director of Planning and Community Development shall determine which of, if any, Objective Design Standards will apply or what standards may be waived to allow for up to two dwelling units that are no more than 800 square feet. The City will also evaluate the application compliance with the certified Local Coastal Program ~~California Coastal Act of 1976~~ and determine if other feasible siting locations reduce impacts to environmentally sensitive coastal areas or impacts to public scenic views. Additionally, the project may be denied if it will endanger public health or safety or

create an ~~unmitigable~~ adverse impacts to the physical environment that cannot be avoided or mitigated. On denial,~~At which time~~ the City will produce written findings to the applicant based on the preponderance of evidence that the project with have unavoidable or unmitigable impacts to the public's health and safety, coastal resources, or the physical environment.

31. Delete the proposed addition of language to Section 30.13.070 (Development Standards) for the R1-10B Zone:

~~5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.~~

32. Delete the proposed addition of language to Section 30.15.030 (Allowable Uses) for the R1-5B Zone:

~~D. Two Unit Residential Development pursuant to Chapter 30.93.~~

33. Delete the proposed addition of language to Section 30.15.070 (Development Standards) for the R1-5B Zone:

~~5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.~~

IV. FINDINGS FOR REJECTION OF THE CITY OF DEL MAR IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

A. DESCRIPTION OF SENATE BILL 9

The State of California is experiencing a critical shortage of affordable housing. In recognition of this critical shortage, the state Legislature passed numerous laws in recent years aimed at increasing construction of additional housing units, and preferably affordable units. State Senate Bill (SB) 9, which took effect January 1, 2022,[1] established a series of new regulations to allow for ministerial approval (i.e., without discretionary review or hearing) of two residential units on one parcel and/or urban lot splits[2] on parcels located in single-family residential zones. Broadly speaking, SB 9 seeks to intensify the amount of allowed residential development within urbanized areas zoned for single-family residential use in California as a means of helping to address the state's housing – particularly affordable housing – crisis, a crisis that is particularly acute in the coastal zone.

[1] Atkins, 2021; codified to add Gov. Code Sections 65852.21 and 66411.7 and amend Gov. Code Section 66452.6.

[2] The lot split is for the creation of no more than two new parcels of approximately equal area provided that one parcel shall not be smaller than 40% of the original parcel proposed for subdivision and provided that both newly created parcels are not smaller than 1,200 square feet. A local agency may adopt a smaller minimum lot size by regulation.

Specifically, SB 9 allow that lots that previously allowed only one single-family residence may now be subdivided into two lots and each subsequent lot can be built with up to two single-family residences, thereby potentially increasing the amount of development on a particular lot from its current limit of one residence to up to four, if applicable criteria are met. The intent is to facilitate additional housing opportunities in areas previously zoned solely for one residential unit. In many coastal jurisdictions, such single-family zoning comprises the bulk of its coastal zone area, and thus these areas represent places of opportunity for residential densification to help meet affordable and market rate housing goals.

SB 9 includes specific objective criteria and provides that local governments may impose their own additional objective standards so long as the standards do not have the effect of precluding the construction of up to two units or that would preclude either of the two units from being at least 800 square feet. The specific criteria in SB 9 include, but are not limited to:

- No off-street parking is required if the units are located within one-half mile of a high-quality transit corridor or within one block of a car share vehicle.

- Prohibitions on SB 9 development within high fire and flood hazard zones, designated historic properties, and affordable housing units.

- SB 9 units cannot be used as short-term rentals (i.e., rentals must be for a term longer than 30 days).

- Local governments may prohibit accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) on parcels where a second unit or lot split occurs.

- A local government may deny a two-unit project or lot split if it finds that it would have an adverse impact on public health and safety or the physical environment and for which there is no feasible mitigation.

- Specific to lot splits, SB 9 requires that such development must also comply with the Subdivision Map Act, except as otherwise expressly provided in SB 9, and applicants must occupy one of the housing units as their principal residence for a minimum of three years.

- A local government may impose objective zoning, subdivision, and design standards on such projects if those standards do not physically preclude the construction of two, 800 sq. ft. units on a new or existing lot.

Importantly, and notably for coastal resource purposes, SB 9 includes a Coastal Act savings clause that states that SB 9 shall not be construed to supersede or lessen the effect of the Coastal Act, except that local governments are not required to hold public hearings for coastal development permits. This means that, aside from public hearing requirements, projects utilizing SB 9's provisions must still be found in compliance with the Coastal Act or Local Coastal Program (LCP) policies implementing the Coastal Act.

B. AMENDMENT DESCRIPTION

The proposed LCP amendment is intended to establish procedures and objective development standards for projects subject to SB 9 that allow the development of two-unit residential development or an urban lot split on single dwelling zoned lots. These development standards may only include objective zoning, tentative map, and design standards that are subject to a ministerial approval. All development under SB 9 will be subject to an Administrative Coastal Development Permit.

To achieve these goals, the City of Del Mar proposes to modify Chapters 30.10, 30.11, 30.12, 30.13, 30.14, 30.15, and 30.75, as well as adopt three new chapters (Chapters 30.93, 24.66, and 23.07) to encapsulate the review process and procedures necessary for SB 9 as well as expand the allowed uses and development standards for its single family zones to incorporate SB 9 development.

Specifically, the proposed amendment would:

- Add new definitions to the certified LCP, including for SB 9, two unit residential development, urban lot split, and unit, among others.

- Adds urban lot splits and two unit residential development as an allowable use in the R1-40 Zone, R1-14 Zone, R1-10 Zone, R1-10B Zone, R1-5 Zone, and the R1-5B Zone.

- Prohibit two unit residential development and urban lot splits in a number of areas, including the coastal resource overlays of the LCP, lots with wetlands or wetland buffers, the North Beach District, the Special Flood Hazard Area of the most recent FEMA FIRM, and the Carmel Valley Precise Plan.

- Prohibit two unit residential development and urban lot splits in certain circumstances, such as when lots require demolition or alteration of an existing dwelling unit subject to a recorded covenant or ordinance that restricts rent to affordable levels, or where an owner of a parcel being subdivided has previously subdivided an adjacent lot through SB 9.

- Specifies development standards for two unit residential development, such as lot size, square footage, height limitations, landscaping, exterior lighting requirements, and setbacks, as well as urban lot split maps, such as lot area and dimensions.

- Specifies that any SB 9 development resulting in two unit residential development will be required to provide one on-site parking space per unit; furthermore, If an SB 9 project proposes to convert an existing garage or required parking, replacement parking must be provided.

- Specifies that consistent with Del Mar Municipal Code Title 24, at least one of the primary dwelling units in a Two Unit residential development shall be rented or sold to very low or lower income households. Any transfers of land inclusive of the affordable units shall be subject to a deed restriction ensuring continue affordability of the units for not less than 55 years.

- Specifies that urban lot splits can accommodate up to two dwelling units only, and that ADUs or JrADUs on these lots will be considered a dwelling unit. Acceptable configurations include: two 800 sq. ft. SB 9 units; or, one SB 9 unit and an existing single-family dwelling; or one SB 9 unit and one ADU.

- Specifies that all urban lot split applications must comply with Del Mar Municipal Code Chapter 24.21, which requires the subdivider to pay one in-lieu housing mitigation fee for the new lot to be created through the lot split.

- Modify Chapter 30.75 (Coastal Development Permits) to add that the Director of Planning and Community Development will be the issuing authority for the administrative coastal development permit required for an urban lot split or construction of a two unit residential development.

Of the approximately, 2,024 residentially zoned lots in the City, it is estimated that 785 lots (or approximately 38%) are eligible for SB 9 development. The City adopted Ordinance No. 996 on June 19, 2023 to amend the LCP consistent with the requirements of SB 9 (Exhibit 1). Exhibit 2 shows the proposed amendment in strikeout/underline.

C. 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:

II.B. Land Use Development Goals and Policies – General

> **Policy II-2:** Insure that future development, whether commercial or residential, retains the aesthetic quality of the community by protecting and preserving public views to the ocean and other significant natural resources; and by minimizing the disturbance of natural topography and vegetation.

III.A.3 Flooding

> Portions of the San Dieguito River Valley and Floodplain are located within the northern portion of the City. These areas are located along the coastline and extend several miles inland. The area is highly susceptible to damage by storm wave impacts and flooding, flooding from upland areas and, on rare occasions, to tsunamis.

III.B. Shoreline Hazards – Goals and Policies

> **Goal III-A:** Establish a comprehensive program to protect shoreline areas susceptible to storm/flooding hazards

Policy III-2: Conserve the natural character of land, water, vegetative and wildlife resources within the community by ensuring that future development minimizes the disturbance of existing or natural terrain and vegetation, and does not create soil erosion, silting of lower slopes, slide damage, flooding problems and/or cutting or scarring, through application of the following policies:…

III.C. Coastal Bluffs

Goal III-B: Preserve Del Mar's fragile coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion.

III.E. Flood Hazards

Goal III-D: Minimize risks to life and property associated with flooding and flood waters

IV.B. Coastal Access

Goal IV-A: Provide physical and visual access to coastal recreation areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, degrading the City's natural resources, or causing substantial adverse impacts to adjacent private properties.

Goal IV-C: Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property.

Goal IV-D: Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces.

VI.B. Steep Slope Preservation – Goals and Policies

Policy VI-1 (Bluff, Slope and Canyon Overlay Zone Regulations) (E. Development Review): Within the BSC Overlay Zone, no building improvement, structure, or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be excavated or graded for any purpose, including not limited to in-ground structures such as swimming pools or spas, or cleared of vegetation, unless in accordance with this Land Use Plan and the following:

[…]

3.Construction, grading or other encroachments of any kind on substantial slopes exceeding twenty-five percent grade, or within twenty feet of the top and ten feet of the bottom of substantial slopes exceeding twenty-five percent grade or the construction of structures which overhang such slopes or slope setbacks, shall be prohibited, except when specific encroachments are allowed in according with the following policies. For purposes of this section, "substantial slopes" shall mean: Any areas of slopes with a gradient of 25% or greater on a site where the total elevation differential within such slope areas themselves is 20 feet or more, or where such slopes on site adjoin contiguous slopes of 25% or greater on adjoining property and

together involve an elevation differential of 20 feet or more. “Substantial slopes” shall include smaller, isolated pockets of area with less than 25% grade when surrounded by contiguous “substantial slopes” located either entirely or partially on site.

VI.D. Wetlands Preservation – Goals and Policies

Policy VI-3: Ensure the protection of the wetlands of the Los Peñasquitos Lagoon and San Dieguito Lagoon and their sensitive upland habitat by requiring that all development activities taking place in lagoon and uplands areas, designated on the Lagoon Overlay Zone Map (Figure VI-B), conform to the wetland preservation regulations of this chapter. In addition, the City shall implement the Bluff, Slope, and Canyon Overlay Zone regulations of this Land Use Plan to protect sensitive wetland habitat from the impacts of upland development which lies outside of the Lagoon Overlay Zone but within the watershed of San Dieguito and Los Peñasquitos Lagoon.

Wetland Preservation Regulations

[…]

1. Permitted Uses in Wetlands. Permitted uses in wetland areas shall be limited to the following uses and activities, provided that the implementation of such uses or activities does not involve grading, filling, construction or placement of structures within the boundaries of wetland areas as determined pursuant to the policies of this chapter.
    a. Aquaculture, provided that it is carried out in such a manner so as to avoid any adverse impacts to the water quality or the biological productivity of the wetlands.
    b. Scientific research, educational or recreational uses, provided that they do not involve adverse impacts to the natural ecosystem.
    c. Wetland restoration projects where the primary function is restoration of wetland habitat.
2. Permitted Uses in Wetland Buffer Areas. Permitted uses in wetland buffer areas shall be limited to:
    a. Passive recreational access paths and viewpoints within the upland half of the buffer, only when designed to assure no adverse impacts to adjacent wetland areas. An exception to allow access paths or viewpoints within the lower half of the buffer may be permitted where there is an elevation difference between the buffer and wetland resources of at least ten feet, or where an existing accessway/viewpoint present will be formalized. Any such permitted new access trail or viewpoint shall be setback at least ten feet from the edge of the bluff/slope. No armoring or reinforcing to either construct or maintain such a trail or viewpoint shall be permitted.
    b. The placement of improvements necessary to provide protection, preservation or enhancement of adjacent wetland areas. Such improvements shall be located within the upland half of the buffer only, and may include, but are not limited to fencing, creation of landscape

berms and placement of signage related to scientific, educational or recreational uses.

c. All uses permitted in wetland areas.

[…]

1. FINDINGS FOR DENIAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

Generally speaking, SB 9 represents a fairly significant shift in traditional planning as it relates to single-family zoning, which historically stands for one residential unit per lot. Such a shift is not inconsistent with recent planning trends (including the recent encouragement by the State for accessory dwelling units in single-family residential areas) that aim to respond to growing housing shortages in certain areas of the country, California in particular. In California's coastal areas, the housing shortages and inequities are particularly acute given the high cost of land and favorable living conditions. And, of course, housing, like most forms of development, can run up against important and protected coastal resources, including public recreational access, sensitive habitats, and coastal visitor-serving uses. This potential tension in the coastal zone between housing development and protection of coastal resources makes it especially critical to ensure that the implementation of State laws such as SB 9 is harmonized with Coastal Act and LCP requirements.

With respect to the proposed amendment, in general the expected outcome of such a program is residential densification and intensification of use in such single-family residential areas. Such an approach aligns with the Coastal Act's (and by extension local government LCP) direction to concentrate new development into existing developed areas (see e.g. Public Resources Code, Section 30250).

Generally, existing developed areas are less likely to raise significant coastal resource concerns. And Senate Bill 9 also attempts to make better use of the coastal zone's single-family residential areas, recognizing that conventional single-family residential land use practices and development, especially as it relates to large lot single-family development, limits the amount of housing stock that can be developed. Thus, SB 9 goals are generally in harmony with Coastal Act and LCP goals that foster infill development, and in particular SB 9 attempts to do so by providing tools that can help to change long-standing practices associated with single-family residential development, and to make better use of such residential areas in a way that can possibly accommodate more housing. Given the state's current housing crisis, providing more housing opportunities in already developed communities is key, because in the coastal zone not doing so may put more pressure to build housing in outlying or peripheral areas that could lead to concerns regarding more sensitive rural, agricultural, and natural lands.

That said, the Coastal Act doesn't allow for unanalyzed approval for all urban infill development; there are rules to protect important coastal resources such as bluffs and beaches (e.g., by being set back appropriately so as not to need coastal armoring), wetlands and sensitive habitats (e.g., prohibiting residential development within these

areas), public views and public access (e.g., ensuring that both are protected in development proposals), and resources affected by public service limitations (e.g., limiting development in areas where water or sewer inadequacies are having adverse coastal resources impacts). The Coastal Act and corresponding LCP policies protect these resources, and thus all development, including SB 9 development, must be consistent with them.

While in most cases existing LCP requirements (such as the LUP provisions cited above) should be able to address these coastal resource issues for SB 9 development in the same manner that LCPs protect such resources when any development is proposed, in some cases it may be necessary to include specific prescriptions for SB 9 development (e.g., requiring off-street parking in areas where residential parking competes with coastal access, or even prohibitions on SB 9 development, including in areas with known public service capacity constraints or on eroding blufftop parcels fronting the ocean, etc.). And in all LCP amendments, implementation requires an evaluation of the particular single-family residential context and issues to thoroughly analyze CDP applications.

In the City of Del Mar, the proposed amendment is largely consistent with the above described framework by ensuring that all SB 9 development is otherwise consistent with existing LCP provisions, as well as specifying additional requirements to address particular resource needs. The City is predominantly urban in nature and built out, and thus the vast majority of new residential development that would be fostered by the proposed amendment would be considered “infill” development in areas that generally do not raise coastal resource issues. The City’s proposed SB 9-related provisions largely track the requirements specified in the State law, including prohibiting SB 9 development within historic properties and high fire and flood hazard zones; protections for existing affordable housing units; prohibiting use of SB 9-related units as short-term vacation rentals; and prohibiting ADUs on lots already densified by SB 9-related development. And finally, the amendment makes clear that, within the coastal zone, such development must comply with the Coastal Act and applicable LCP policies, including in terms of CDP requirements. Thus, at a broad level, providing for additional infill development within the City’s single-family neighborhoods does not raise significant coastal resource issues, and any emerging issues will be appropriately addressed by LCP requirements at the permit level.

SB 9 also prohibits a local government from requiring parking if the new units are located within one-half mile of high-quality transit corridor or a major transit stop, or within one block of a car share vehicle. Neither currently exists within the City; therefore, all new units will require on-site parking.

The City has also made clear that its intent in allowing development pursuant to SB 9 is to also expand the availability of affordable housing. With this amendment, it will be required that at least one unit will contain an affordability covenant for a lower income unit. The affordable unit in this case could either be a primary unit or an ADU or JrADU that is developed as a result of SB 9 implementation.

Because the City’s submitted amendment does not allow for development pursuant to SB 9 in a number of areas, including lots with wetlands or wetland buffers, in the 100-year floodplain, or within the Coastal Bluff Overlay Zone, Bluff, Slope, and Canyon Overlay

Zone, and Lagoon Overlay Zone, the potential for impacts to coastal resources are expected to be low. Nevertheless, several topics discussed below require suggested modifications in order to be found in compliance with the certified LCP.

Wetland/Environmentally Sensitive Habitat (ESHA)

As submitted, the City's amendment prohibits SB 9 projects on lots containing wetlands or their buffers, or other environmentally sensitive habitat areas. However, the definition of wetlands only refers to that found in the United States Fish and Wildlife Service (USFWS) Manual. The three parameter approach used for identification of wetlands under the USFWS differs from that used by the Coastal Commission, which relies on a one parameter determination. Because of that, the City's amendment as submitted must be revised to include the Commission's definition of wetlands.

Additionally, in the section detailing the requirements for the preparation of an urban lot split map, the amendment requires that the tentative map depict the location of all major vegetation, including size and type. While this is an important component of map preparation, the buffers for any off-site environmentally sensitive habitat should also be depicted on the tentative map to ensure impacts to ESHA and buffers are avoided.

Public Access/Parking

The City's submitted LCP amendment includes a requirement that where two unit residential development replaces an existing garage or other required on-site parking, replacement parking spaces should be provided consistent with the certified LCP. The provision states that replacement parking is necessary to ensure coastal access remains unimpeded to all members of the public; however, this statement may not always be the case given the location of lots eligible for SB 9 in the City (Exhibit 3). In many areas of Del Mar, street parking is indeed used for public shoreline access, but other areas of the City are far enough away from the shoreline that street parking is unlikely to serve as a reservoir for people accessing the beach. Requiring replacement parking on all eligible lots is not inconsistent with the certified LUP, but the determination of the public access impacts should be a site-specific determination.

Government Code

In the time since the City has submitted the ADU amendment, several sections of the Government Code governing SB 9 development have been reorganized per SB 477. Accordingly, several citations to the Code within the amendment are out of date and should be changed to reflect the accurate citation and avoid the need for further amendments.

City Requested

As discussed above, the City's amendment requires that at least one of the dwelling units in an SB 9 project (i.e. the two unit residential development and/or the urban lot split) is required to be rented or sold to very low or lower income households and subject to a deed restriction to ensure continued affordability. In the time since submittal of the amendment, the City has renamed and made revisions to its inclusionary housing chapter (which is not part of the certified LCP). Of important note is that applicability of the new citywide

inclusionary housing regulations in Chapter 24.21 of the Del Mar Municipal Code would also yield one unit per SB 9 project based on the requirement to dedicate at least one unit for lower income households, at a rate of 15% inclusionary housing for projects with less than 30 units. In the case of an urban lot split, projects would not be subject to an additional in lieu fee payment. Because of that, the City has requested that the Commission incorporate several suggested modifications to ensure that the amendment is accurate and reflects the City's current housing requirements.

The City has also requested several changes to make the amendment internally consistent, as the City's amendment states that all of its single dwelling unit zones are eligible for SB 9 development, when in fact it was the City's intent to exclude two of them. Due to the prohibition of SB 9 development on lots located within the City's Floodplain Overlay Zone, as noted in the amendment, Zones R1-10B and R1-5B are ineligible because they are located entirely within the City's Floodplain Overlay Zone. Because of that, several revisions are needed to make clear that R1-10B and R1-5B Zones are located outside of the area where SB 9 development is permitted, including the removal of language in the amendment that states two unit development and urban lot splits are allowable uses in these zones.

Finally, the City has also requested the incorporation of language that would make its amendment consistent with the requirements of SB 450, which clarifies eligibility of proposed development in fire hazard areas.

Clarifying

A number of clarifying edits are required for the City's submittal for several reasons. Examples of several statements to be modified include those implying State Housing Law as prevailing over the Coastal Act, those where the City's certified LCP is the more appropriate reference other than the Coastal Act, and various other provisions where clarifying language conveys the intention of the City's submittal.

2. FINDINGS FOR APPROVAL IF MODIFIED

Wetland/Environmentally Sensitive Habitat (ESHA)

As described above, the City's amendment only includes the definition of wetlands according to the USFWS, and so revisions are required to incorporate the Commission's definition of wetlands. Accordingly, **Suggested Modifications #5 and 23** will add a reference to the Coastal Commission regulation section that defines wetlands. The City's amendment also does not make clear that the tentative map required for urban lot splits should include any buffers of off-site environmentally sensitive habitat, and therefore **Suggested Modification #19** has added this requirement.

Public Access/Parking

As described above, while the requirement replacement parking in the even a two-unit residential development replaces an existing garage or other required parking is not inconsistent with the certified LCP, the determination of impacts to public access should be evaluated at each site. Accordingly, **Suggested Modification #14** removes the proposed

language from the provision that states replacement parking is needed to ensure continued coastal access for the public, and adds language that states replacement parking is only needed where the loss of off-street parking has a significant effect on public access to the shoreline. Finally, **Suggested Modification #14** also includes a clarification that no off-street parking requirements apply to any development proposed within one-half mile of a major transit stop. While the City of Del Mar does not currently have any major transit stops, the addition of this provision ensures consistency with AB 2097.

Government Code

As stated above, the ADU amendment references several sections of the Government Code that are now out of date. **Suggested Modifications #1, 3, 9, 15, 17, 21, 26** correct these Government Code sections to reflect the accurate sections of the updated code.

City Requested

In the time since submittal of the amendment, the City has renamed and made revisions to its inclusionary housing chapter (which is not part of the certified LCP). Because of that, the City has requested that the Commission incorporate several suggested modifications to ensure that the amendment is accurate and reflects the City's current housing requirements. Accordingly, **Suggested Modifications #16, 18, and 20** will incorporate the reference to Chapter 24.21 of the Del Mar Municipal Code and include clarifying language to ensure the affordability requirements of the City's SB 9 regulations match its inclusionary housing requirements.

The City has also requested several changes to make it clear that two of the City's single dwelling unit zones are not eligible for SB 9 development because they are located entirely in the Floodplain Overlay Zone, where the City's amendment prohibits SB 9 development. Therefore, **Suggested Modifications #4 and 22** delete Zones R1-10B and R1-5B as zones eligible for SB 9 development and adds clarifying language that two unit development and urban lot splits are not permitted in these zones because they are located entirely within the floodplain, consistent with the list of prohibited areas found within the amendment. **Suggested Modifications #31-33** also delete language proposed as part of this amendment that would add two unit residential development and urban lot splits as allowable uses with development standards from Chapters 30.13 and 30.15 for the R1-10B and R1-5B Zones, respectively.

Finally, **Suggested Modification #2** will clarify that, consistent with the requirements of SB 450, SB 9 development is prohibited in a Severe Wildlife Hazard Area unless the zone allows residential redevelopment and the applicant demonstrates that all applicable safety precautions will be taken for construction of the development.

Clarifying

A number of clarifying edits are required in order to make clear references to the Coastal Act, the City's LCP, as well as adjust the proposed language for edification.

Suggested Modifications #1 and 2 clarifies that State housing law does not take precedence over the Coastal Act, while **Suggested Modifications #2,11,14, and 29,** revise the submitted language to reference the Coastal Act and LCP where appropriate.

Other modifications, including **Suggested Modifications #6-8, 10, 12-13, 24-25, 27-28 and 30,** add a clarifying word or phrase, or correct small typos, to make the intent of the provision clearer to the reader.

One potential concern with the proposed amendment is that it cites several sections of their Municipal Code that are not part of the certified LCP. Additionally, the City has cited several sections of their Municipal Code that are not part of the certified LCP. These include Chapter 9.20 (Noise Regulations), Chapter 23.08 (Design Review Permit), Chapter 23.33 (Land Conservation Permit), Chapter 23.60 (Water Efficiency Landscape Ordinance), and Chapter 30.86 (Supplemental Regulations). While the Commission typically considers citations made to code sections within an LCP to incorporate those sections into the LCP by reference, in this case the City has explicitly stated that they do not intend for these sections to become part of the LCP but still consider them important citations for purposes of implementation and enforcement. Because of this, the Commission recognizes that the City's references to these sections outside the certified LCP will continue to be outside of the certified LCP.

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.

The City evaluated the proposed action and determined it was exempt from review under CEQA as allowed by Government Code Sections 65852.21(k) and 66411.7(n). Those provisions state the adoption of an ordinance to implement SB 9 is not considered a project under CEQA.

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. The LCP amendment as modified will not have any significant adverse effect on coastal resources or public access to the coast, as each site will be reviewed for regulatory consistency with the relevant standards at the time development is proposed. This review will ensure that no feasible alternatives or feasible mitigation measures are available that would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms to CEQA provisions.