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AGENDA ITEM F10a
Appeal No. A-6-NOC-22-0008
Supporters Alliance for Environmental Responsibility
In SUPPORT of Substantial Issue Determination

VIA EMAIL

April 1, 2022

California Coastal Commission
455 Market Street,
Suite 300
San Francisco, CA 94105

Toni Ross, Coastal Program Analyst
California Coastal Commission
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Re: Comment in Support of Substantial Issue Determination;
Appeal Number: A-6-NOC-22-0008
COASTAL COMMISSION AGENDA ITEM F10a (Fri., April 8, 2022)

Dear Honorable California Coastal Commissioners and Ms. Ross:

I am writing on behalf of **Supporters Alliance for Environmental Responsibility** (“SAFER”) and its members living or working in and around the City of San Diego in support of Staff’s recommendation regarding the substantial issue determination for the Costa Azul Mixed-Use Project located at 3501 Valley Centre Drive, San Diego, CA (APN 307-240-04) (“Project”) to be heard as Agenda Item F10a at the Coastal Commission’s April 8, 2022 meeting (Appeal No. A-6-NOC-22-0008). SAFER is a California nonprofit public benefit corporation whose purposes include contributing to the preservation and enhancement of the environment and advocating for programs, policies, and development projects that promote not only good jobs but also a healthy natural environment and working environment.

The Project proposes the development of a 77,652-square-foot, 7-story hotel and 96,040-square-foot, 5-story office building with restaurant on an undeveloped 3.306-acre site located at 3501 Valley Centre Drive in San Diego. The Project site is subject to the 2008 Citywide General Plan, the 1975 Carmel Valley (North City West) Community Plan (“1975 Community Plan”), and the 1981 North City West Employment Center Precise Plan (“1981 Precise Plan”), which are the adopted land use plans for the site. The subject site is conceptually identified as Visitor Commercial by the 1975 Community Plan and the 1981 Precise Plan (as amended in 1983).

The 1975 Community Plan, which serves as the certified land use plan (“LUP”) for the



Project site, provides a general framework for future planning and development of the commercial visitor area. It states the need for the visitor commercial uses to serve the office and industrial development in Carmel Valley as well as to the south of the community. In 1983, the San Diego City Council approved and adopted an amendment to the 1981 Precise Plan (“1983 Precise Plan Amendment”). The 1983 Precise Plan Amendment added 47.9 acres, including the Project site, into the Precise Plan for Neighborhood 2. At that time, the project site was rezoned from A-1 -1 to VC (Visitor Commercial) through a Planned District Ordinance amendment and designated for Visitor Commercial, consistent with the Community Plan.

As explained in the Staff Report, the Project’s proposed office uses are not compatible with the site’s Visitor Commercial designation. (Staff Report, p. 8.) According to the 1975 Community Plan, “The basic proposals for this [visitor commercial] area are motel, restaurant, and related services to provide for both the adjacent industrial-office park in North City West and industrial complex in Sorrento Valley. (1975 Community Plan, p. 86.) Similarly, the San Diego Municipal Code defines the Visitor Commercial zone as “areas for *establishments catering to the lodging, dining, and recreational needs* of both tourists and the local population.” (SDMC Ch. 13, Art. 1, Div. 5, § 131.0505(a) [emphasis added].) Although Visitor Commercial uses zones are intended to be “*near* employment centers,” there is no indication that the Municipal Code allows for employment centers (e.g. office uses) *within* the zone. (*Id.*) Rather, the zoning only allows for “a mix of large-scale, visitor serving uses and residential uses”—not office uses. (*Id.* at § 131.0505(b).)

The incompatibility of the Project’s proposed office uses with the Visitor Commercial designation raises a substantial issue that the Commission should subject to full de novo review. As explained in the Staff Report, the City approved the Project’s office uses through a Planned Development Permit (“PDP”). However, the City’s PDP regulations only allow uses that are permitted in the base zone or the applicable land use plan, unless there is a concurrent application for a Neighborhood Use Permit or Conditional Use Permit, neither of which applies here. (SDMC §143.0403(a)(1).) As explained above, office uses are not permitted in a Visitor Commercial area under both the 1975 Community Plan and the City’s zoning. Therefore, the Project’s Planned Development Permit cannot be used to allow a use that is not allowed by the land use designation or the base zone.

Due to the incompatibility of the Project’s proposed office uses with the site’s land use designation and zoning, SAFER respectfully requests that the Commission find that Appeal No. A-6-NOC-22-0008 presents a substantial issue and proceed with de novo review of the City’s issuance of the Project’s Coastal Development Permit.

Sincerely,



Brian B. Flynn
Lozeau Drury LLP