

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Th 13a

Addendum

June 9, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 13a**, Coastal Commission Permit Application
#6-06-154 (Youth Tennis San Diego), for the Commission Meeting of
June 12, 2008

After a conversation with the State Lands Commission, staff recommends the following changes be made to the special conditions and findings of the above-referenced staff report:

1. On Page 4 of the staff report, add Special Condition #3, as follows:
 3. State Lands Commission Review. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall obtain a written determination from the State Lands Commission that:
 - a) No state lands are involved in the development; or
 - b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
 - c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.
2. On Page 4, the fourth complete paragraph of Finding #1 shall be modified as follows:

The subject site is comprised of historical state tidelands, and is still under the control of the State Lands Commission (SLC). The City and SLC were in negotiations for a land swap of this property with another having a direct water connection. Since Interstate 8 was constructed several decades ago, the subject site is no longer connected to the San Diego River Channel complex, and no longer functions as

tidelands. The original tennis center was allowed to build on the site with the understanding that, although that use is not compatible with tidelands, the land swap would resolve the legal concerns. However, the negotiations for the land swap were never completed, so the proposed addition to the tennis center is also a non-compatible use for the site. At this time, the City and SLC have resumed negotiations over the land swap, which will hopefully take place in the near future. Special Condition #3 addresses the SLC's continuing interest in the property. ~~was granted to the City of San Diego in 1945. This grant specified allowable uses for the site that included public recreation, so the subject use was found compatible with the grant in 1992.~~ Since the site is made up of historic tidelands, however, coastal development permit jurisdiction remains with the Coastal Commission in perpetuity, and Chapter 3 of the Coastal Act is the legal standard of review.

CALIFORNIA COASTAL COMMISSION

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Th 13a

Filed: January 29, 2008
49th Day: March 18, 2008
180th Day: July 27, 2008
Staff: Ellen Lirley-SD
Staff Report: May 19, 2008
Hearing Date: June 11-13, 2008

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-154

Applicant: Youth Tennis San Diego

Agent: Bill Magnuson

Description: Construction of a 4,400 sq.ft., single-story education building as an addition to the existing clubhouse complex associated with an existing youth tennis facility. Project includes relocation of nine parking spaces and installation of two new paddle tennis courts and an outdoor play area on a 13-acre site.

Lot Area	13.00 acres
Building Coverage	0.49 acres (3.77 %)
Pavement Coverage	7.25 acres (55.77 %)
Landscape Coverage	5.26 acres (40.46 %)
Parking Spaces	210
Zoning	AR-1-1
Plan Designation	Park and Public Ownership
Ht abv fin grade	19 feet

Site: 4490 West Point Loma Boulevard, Ocean Beach, San Diego, San Diego County. APN 449-860-830

Substantive File Documents: Certified Ocean Beach Precise Plan and City of San Diego LCP Implementing Ordinances; Conditional Use Permit No. 392576; 1992 Lease between Applicant and City of San Diego; CCC File #6-91-306

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval, with conditions, of the proposed addition to the existing tennis center to expand the area available for its existing after-school program. A special condition requiring revised landscape plans is recommended, as some of the proposed species are invasives, and there is a requirement for final construction plans, including BMP plans.

Chapter 3 of the Coastal Act is the legal standard of review.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-06-154 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Landscaping Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan for the review and written approval of the Executive Director. Said plan shall be in substantial conformance with the draft landscape plan submitted by KTU&A, dated 9/20/06, but shall be revised to include the following:

- a. A plan showing the type, size, extent and location of all new trees/shrubs on the site, along with any changes to the irrigation system and other new landscape features;

- b. All landscaping shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. No Eucalyptus trees, new Mexican Fan Palms, or new Chinese Elms shall be utilized.
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- d. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, which certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final construction plans for the permitted development. Said plans shall first be approved by the City of San Diego and shall be in substantial conformance with the plans created by Architects MDWF, dated October 2, 2006, with

the addition of both construction phase and operational BMP's for the proposed site modifications.

The permittee shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. In 1992, the Coastal Commission approved construction of a public tennis facility, with an emphasis on programs for youth, in the Ocean Beach community just south of Interstate 8, east of Nimitz Boulevard, and north of West Point Loma Boulevard. That facility consisted of 24 lighted tennis courts; a two-story clubhouse; a jogging trail; parking, drainage and landscaping improvements; and off-site traffic improvements. This facility was constructed and has been in operation for more than a decade, pursuant to Coastal Development Permit #6-91-306.

The current proposal is to construct a separate education building, immediately adjacent to the existing clubhouse, as an addition to the clubhouse complex. The proposed 4,400 sq.ft., single-story facility would include three classrooms, a homework assistance area, storage area, small lounge and restrooms. Also proposed are two new paddle tennis courts, relocation of nine parking spaces and addition of three parking spaces, for a total of 210 spaces on-site. The facility will continue to offer after-school programs to interested youth, and the proposed facilities are needed to better serve the participating children. Tennis lessons are divided into younger and older grade school children, who typically arrive after school and then have to wait for their lesson, or, having completed their lesson, must wait for family pick-up. Thus, although the classrooms can be used for tennis instruction, they are also available for children to do homework, and a certified teacher is provided to assist them with this. Currently, the existing clubhouse simply does not have adequate space for this program component.

The subject site is comprised of historical state tidelands, and was granted to the City of San Diego in 1945. This grant specified allowable uses for the site that included public recreation, so the subject use was found compatible with the grant in 1992. Since the site is made up of historic tidelands, coastal development permit jurisdiction remains with the Coastal Commission in perpetuity, and Chapter 3 of the Coastal Act is the legal standard of review.

2. Public Access/Parking. The following Coastal Act policies are most applicable to the proposed development, and state:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The proposed site is located nearly a mile from the closest beach, although the riprapped embankment of the San Diego River is much closer. It is not anticipated that people would park near the tennis center to go to the beach or river. The Robb Field sports park is located to the west, across Nimitz Boulevard, and provides adequate parking for its uses. Thus, although it is difficult to determine parking needs for this type of development, any potential spillover to street parking in this area would not adversely impact public beach access.

Some of the tennis center parking facilities will be reconfigured to accommodate the proposed education center. The 1992 permit included 204 parking spaces, although ultimately, 207 spaces were provided; the proposed reconfiguration will result in 210 parking spaces. The current proposal is to expand the facilities for the education component of the after-school program, not so much to attract additional children as to provide the same services to the same children in a more comfortable setting. Due to the

children's ages, if additional children do attend the after-school program, it would likely result in additional drop-off and pick-up traffic at the facility. This is unlikely to result in significant traffic concerns, as the drop-off, pick-up times do not correspond directly with rush hour peaks.

In summary, construction of the proposed project, including reconfiguration of the existing parking facilities, will result in a net addition of three new parking spaces, resulting in a total of 210 parking spaces on-site. Since the proposed development is not intended to increase use of the facility, there is no reason to anticipate that the parking will not be adequate. More importantly, the site is so far away from the closest beach (Dog Beach) that the area is highly unlikely to be used by beachgoers. Therefore, the Commission finds that the proposed development will not result in adverse impacts on public beach access, and is thus consistent with the cited access policies of the Coastal Act.

3. Biological and Visual Resources/Landscaping. The following Coastal Act policies address biological and scenic resources, and state, in part:

Section 30240

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The existing tennis center is located approximately ¼-mile south of portions of Mission Bay Park, separated only by Interstate 8 and the San Diego River Channel, which contains significant wetlands resources and expansive open space. As stated previously, Robb Field, a municipal park, lies west of the subject site across Nimitz Boulevard. Although Robb Field is technically part of Mission Bay Park, it is used more like a community park than a regional one. It contains dedicated athletic fields and a skateboard facility, and has no direct connection to Mission Bay. To the immediate east and south of the project site are residential developments. However, about ½-mile east/southeast is Famosa Slough, which contains wetland resources, treatment ponds, and public trails. The slough was once connected to the San Diego River, but was separated from it with the construction of Interstate 8, with its only connection for tidal exchange being a culvert with flap gates under the northern edge of the freeway.

The proposed development will have no direct adverse impacts on those resources. However, the proposed landscaping plan includes two species listed on the California Invasive Plant Inventory, Mexican Fan Palms and Chinese Elms. The Commission generally discourages the use of any invasive plants, regardless of specific site location. However, in this particular location it is an even greater concern, as seeds from these invasive species could be transported by wind, birds or insects to either the San Diego River Channel or Famosa Slough, where significant damage could occur. Therefore, Special Condition #1 is imposed, requiring submittal of revised final landscaping plans eliminating those particular species from the plant list.

With respect to visual resources, in addition to adjacent and nearby park and open space resources, the surrounding/nearby streets (West Point Loma, Nimitz, and Sunset Cliffs Boulevards) are all major coastal access routes. Furthermore, views of the site are available to eastbound traffic along Interstate 8. Since the proposed education building is a one-story structure of 16-17 feet in height, it should not be visually prominent next to the existing two-story clubhouse that attains 30 feet in height. The clubhouse complex, including the proposed new education building, are centrally located on the site, and thus any potential visual impacts are reduced by distance. In addition, it is designed to match the existing structure in texture and color. Finally, there are currently no ocean or river views available across this site, so no additional public view impact will occur.

In summary, the applicant proposes adequate landscaping improvements, both in the area of the new structure and in the reconfigured parking area. In this case, there does not appear to be a visual impact requiring more or different landscaping. The concern is with biological resources and the potential use of invasive species; this concern is addressed and resolved in Special Condition #1. As conditioned, the Commission finds the proposed development consistent with the cited Coastal Act policies.

4. Water Quality. The following Coastal act policy addresses water quality concerns, and states:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

This site is within an urbanized area of the City of San Diego, and is connected to both the municipal sewer and storm drain systems offsite. Portions of the existing on-site

sewer and storm drain improvements will be modified to accommodate the new building, but no significant changes to the existing system will occur.

A portion of the areas where the proposed education building and reconfigured parking will be located are currently landscaped, so impervious surfaces will increase by 0.10-acre for building coverage, and 0.25-acre for paved area. While this increase in impervious surfaces is relatively minor, the submitted plans did not call out the types and locations of temporary and permanent BMP's; final plans including those details are required in Special Condition #2. Overall, the site is bound by the same NPDES requirements as the rest of the City, and the Commission finds the proposed development, as conditioned, consistent with the Water Quality protections of the Coastal Act.

5. Local Coastal Planning. The subject site is zoned AR-1-1 and is designated for Park and Public Ownership use. The proposed additions to an existing development will not affect the overall project's continued consistency with that zone and designation. The City of San Diego is the underlying property owner, with the tennis center as a lessee. The City has determined that no lease amendment is required for the proposed development, but has issued a Conditional Use Permit for the additional facilities. Although the tennis center is primarily used by local children in its day to day activities, a minimum of six courts are continually available to the general public, including visitors. Therefore, the Commission finds that project approval, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Ocean Beach area.

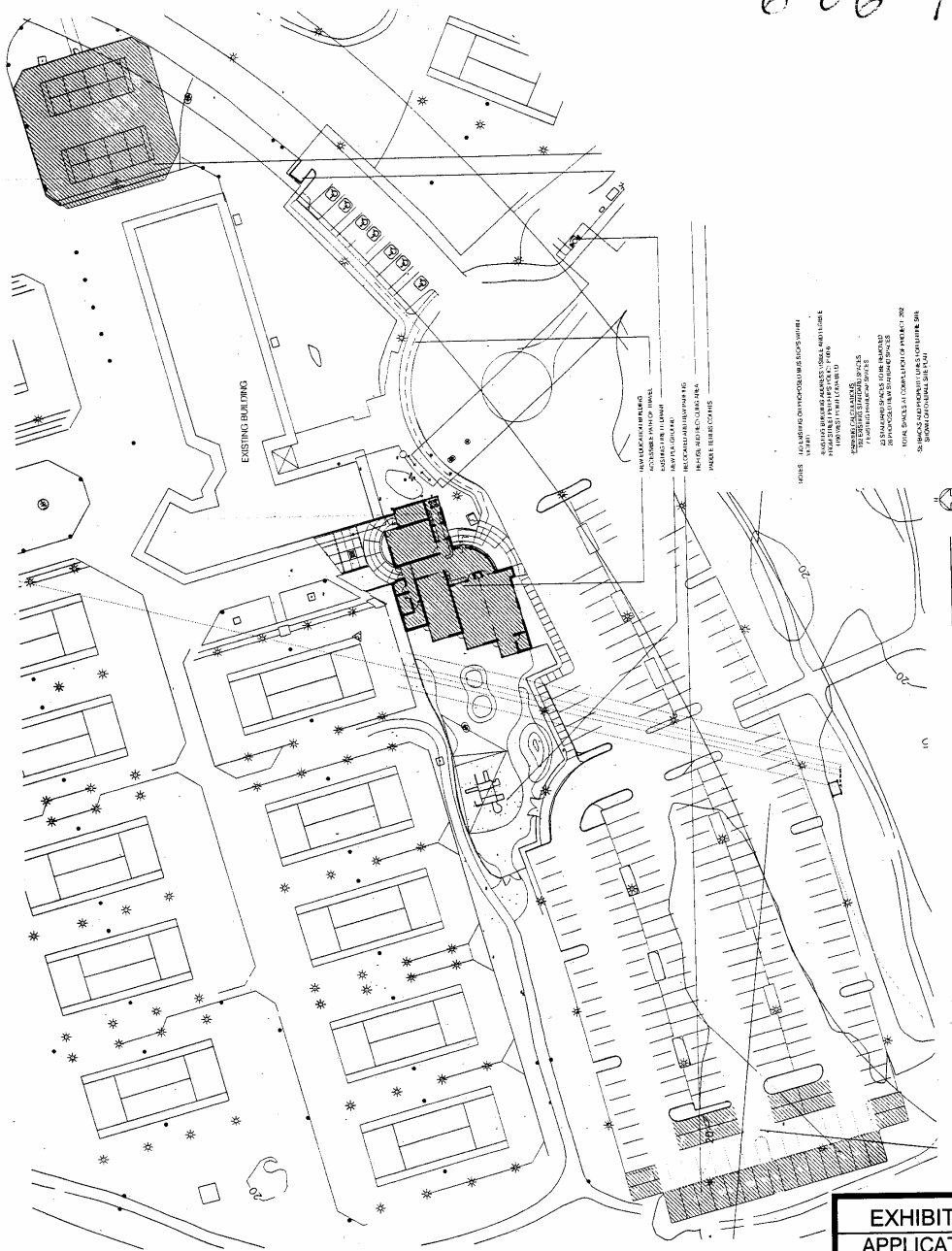
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and BMPs will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-06-154




NOTES: 1. ALL AREAS OUTSIDE THE BOUNDARY LINES ARE NOT TO BE CONSIDERED PART OF THIS PROJECT. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

EXHIBIT NO. 1
APPLICATION NO.
6-06-154
Location Map
California Coastal Commission

6-06-154



EXHIBIT NO. 2
APPLICATION NO.
6-06-154
Partial Site Plan
showing proposal
 California Coastal Commission