

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 (619) 767-2370



# Th 6a

Filed: February 23, 2009  
 49th Day: April 13, 2009  
 180th Day: August 22, 2009  
 Staff: Ellen Lirley-SD  
 Staff Report: May 11, 2009  
 Hearing Date: June 10-12, 2009

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-08-113

**Applicant:** Hyatt Regency Mission Bay Spa and Marina,  
 Attn: Eron Hodges

**Description:** Installation of a floating dock system for rental of personal water craft to hotel guests and the general public.

**Site:** 1441 Quivira Road, Mission Bay Park, San Diego, San Diego County.  
 APN 760-029-0200

**Substantive File Documents:** Certified Mission Bay Park Master Plan/LCP Land Use Plan; Marine Environment Assessment, dated September 11, 2008

### **I. STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

### **STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **II. Standard Conditions.**

See attached page.

### **III. Special Conditions.**

The permit is subject to the following conditions:

**1. Future Development.** This permit is only for the development described in coastal development permit #6-08-113. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106 shall require an amendment to Permit #6-08-113 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

### **IV. Findings and Declarations.**

The Commission finds and declares as follows:

**A. Detailed Project Description/History.** The applicant proposes to construct a floating dock system to accommodate personal water craft (mainly kayaks and paddle boats) to be available for rent by hotel guests or the general public. The personal water craft rental use already exists at the hotel, but the kayaks and paddle boats occupy portions of the private marina facility that were intended to serve larger private vessels. The new floating sections will be attached to existing docks, and will not require any new pilings. The sections vary in size, including one 4' x 20' section, two connected 6' x 30' sections, and one 12' x 30' section. A third 6' x 30' section enlarges in the middle to 18' x 10' to accommodate an octagonal deck with a counter where the personal water craft can be rented.

There will be no impact to the sandy bottom substrate and its inhabitants, since no new pilings are required, and, based on the Marine Environment Assessment referenced above, there are no eelgrass beds within the project area. For the most part, Quivira Basin, where the Hyatt Regency is located, is too deep (15 to 20 feet) to support this species. The new dock is situated between the hotel's existing commercial marina and its sportfishing dock, which is to remain and continue its existing function. Therefore, the dock and its personal water craft rental operation will not be visible to any significant degree from anywhere outside the subject leasehold.

The proposed floating dock facility has already been constructed without benefit of a coastal development permit. Special Condition No. 1 has been attached, which requires that a separate coastal development permit or amendment be approved for any future improvements to the dock facility or any other development as defined by the Coastal Act on the subject site. Requiring an amendment or new permit for all future development allows the Commission to insure that such development will not lead to impacts to public access or adverse visual impacts. Thus, the applicant is advised to always check first with the San Diego office of the Coastal Commission before proceeding with any new projects.

**B. Biological Resources.** Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. Section 30233 limits development in open coastal waters, wetlands, estuaries, and lakes to specific permitted uses where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed development is a support docking facility to serve recreational boating, and is permitted under Section 30233. The project will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

**C. Community Character /Visual Quality.** The development is located within an existing developed area (resort and spa facility) and will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

**D. Public Access/Parking.** The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. Rather, it will have a positive impact on public access because the proposed facilities will be available to the general public as well as hotel guests. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**E. Unpermitted Development.** Unpermitted development occurred on the subject site including construction of the proposed floating dock system. This application seeks after-the-fact approval for this system. Although development has taken place prior to submittal of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

**F. Local Coastal Program.** The Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

**G. California Environmental Quality Act.** There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant

adverse effect 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.

6-08-113

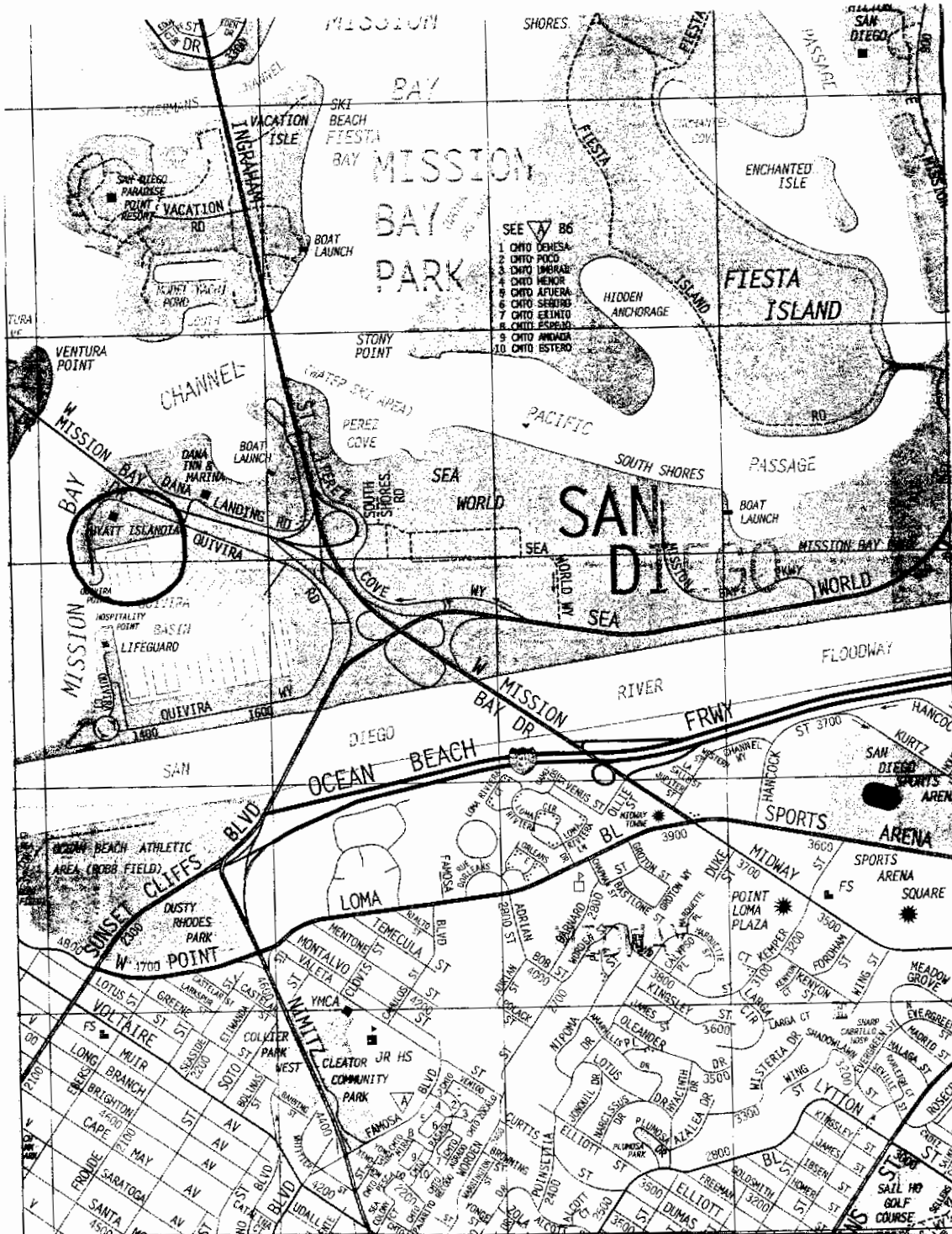
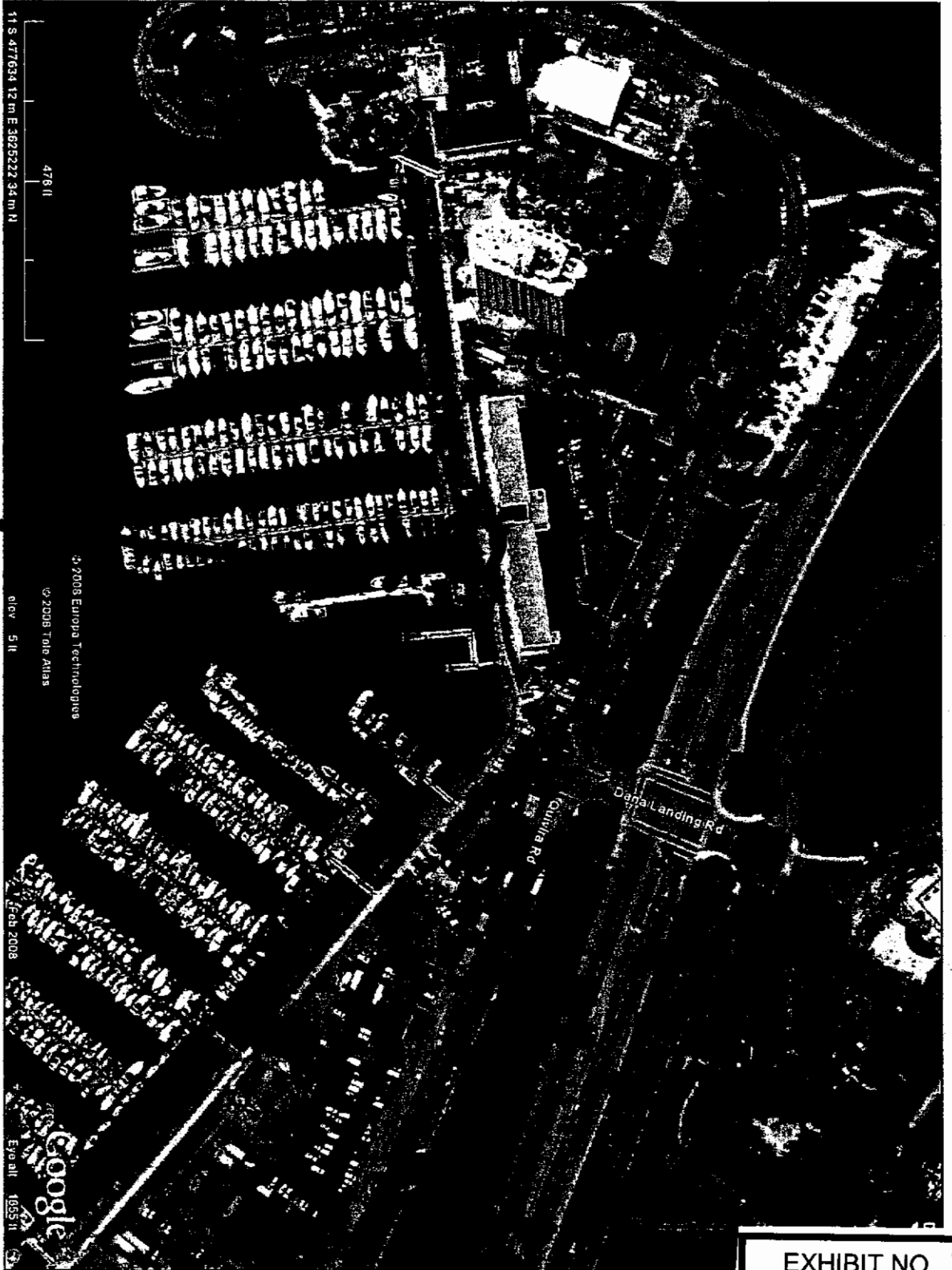


EXHIBIT NO. 1  
APPLICATION NO.  
**6-08-113**  
Location Map

California Coastal Commission

6-08-113

PSBS #W/088



PROJECT INFORMATION

PROJECT LOCATION: ○  
HYATT REGENCY, SAN DIEGO, CALIFORNIA

Site

09/09/08

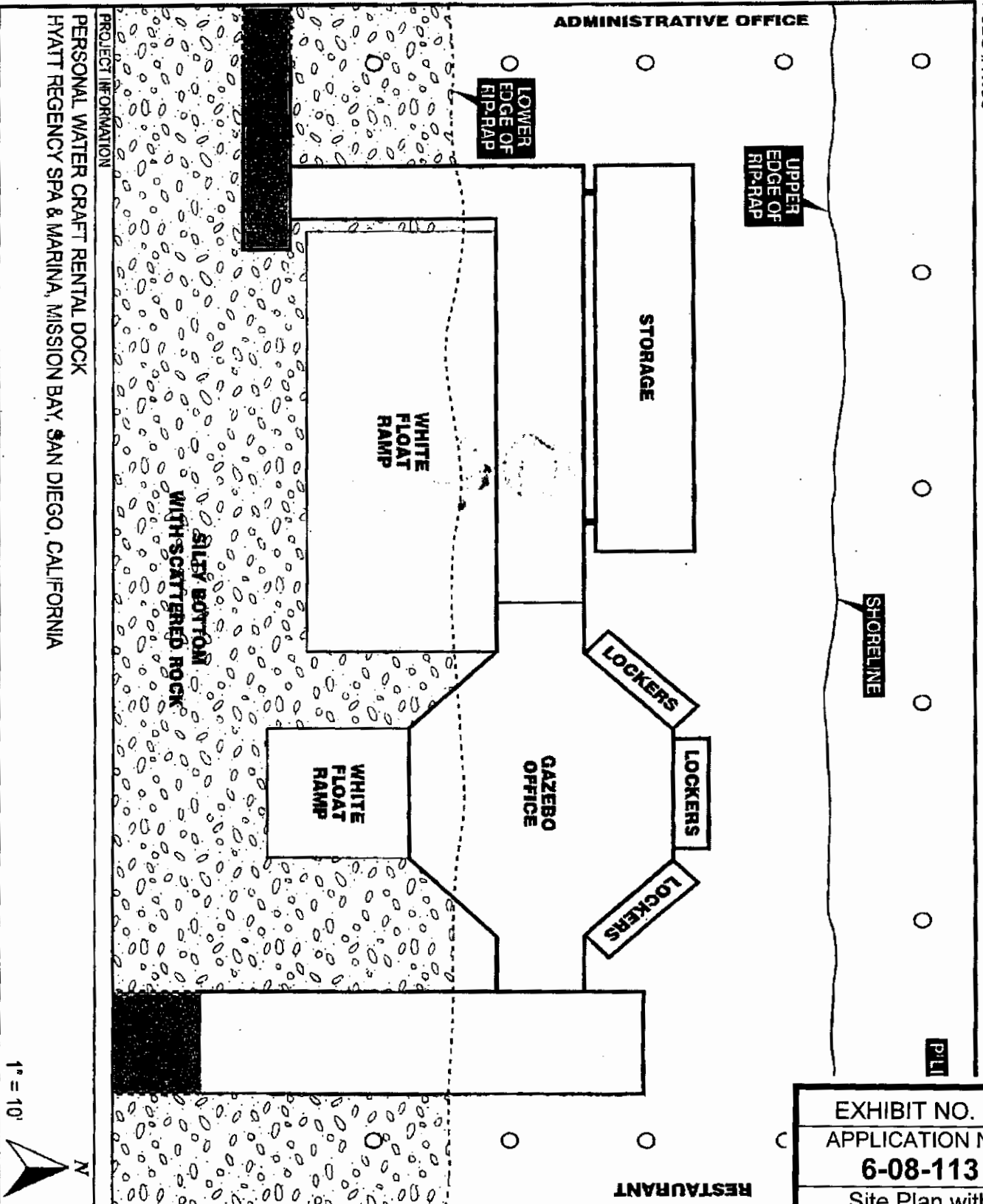
Pacific Southwest Biological Services, Inc.



EXHIBIT NO. 2
APPLICATION NO.
<b>6-08-113</b>
Site Map
California Coastal Commission

6-08-113

PSBS #AM088



PROJECT INFORMATION

PERSONAL WATER CRAFT RENTAL DOCK  
HYATT REGENCY SPA & MARINA, MISSION BAY, SAN DIEGO, CALIFORNIA

09/10/03

Pacific Southwest Biological Services, Inc.

EXHIBIT NO. 3
APPLICATION NO.
<b>6-08-113</b>
Site Plan with Proposed Additions
California Coastal Commission

6-08-113

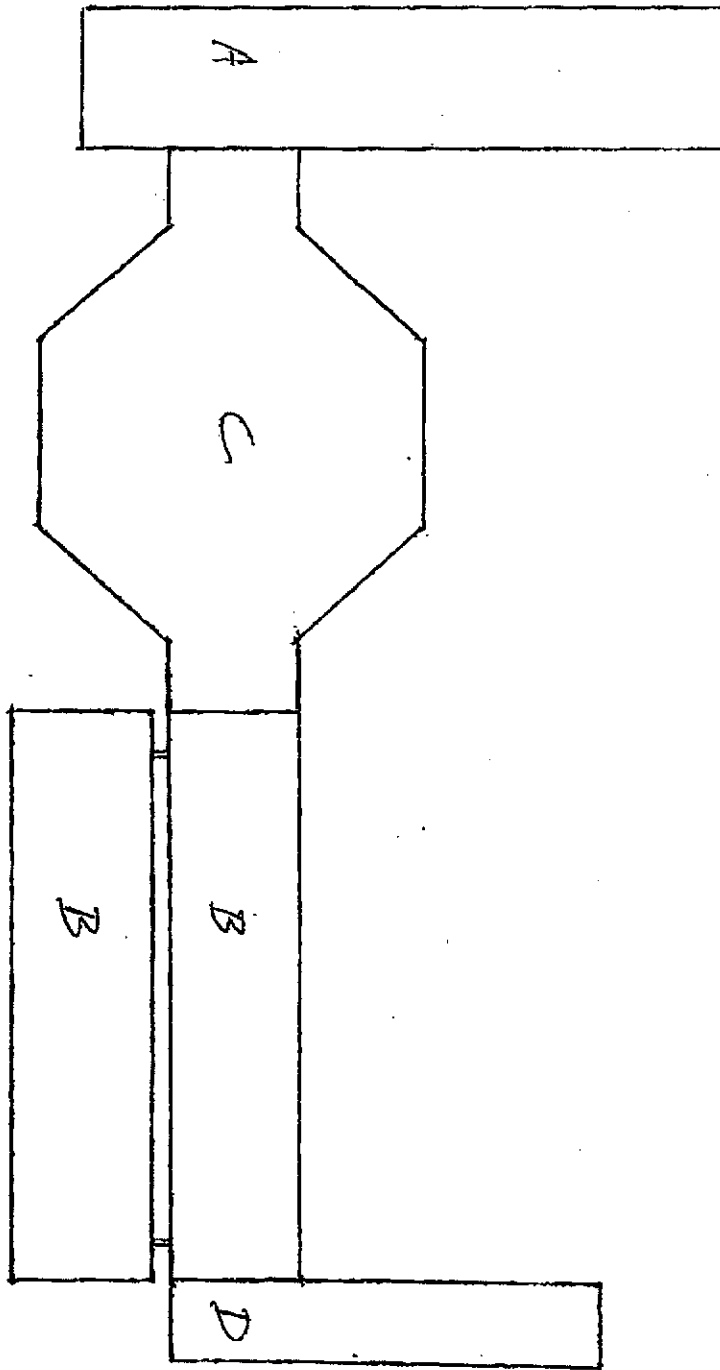


EXHIBIT NO. 4
APPLICATION NO.
<b>6-08-113</b>
Additions Alone
California Coastal Commission

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FROM-Pacific Southwest Biological Svcs