

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



# W 19a

## Addendum

November 15, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item 19a**, City of San Diego LCP Amendment No. 2-10 (Pt. Loma Townhomes Resubmittal), for the Commission Meeting of November 17, 2010

Since distribution of the original staff report, dated November 2, 2010, staff has met with the project proponents to discuss the original report, staff recommendation and the related mixed use project, received correspondence from the City of San Diego and received correspondence from other interested parties. Based on those discussions and the revised proposal submitted by the project proponent, staff has revised the suggested modifications and recommends the Commission ADOPT the following changes to the above-referenced staff report; proposed language to be added is underlined and language proposed to be deleted is shown in ~~strike-out~~ and additions modified further in this addendum are in **bold and italicized**:

1. On Page 1 of the staff report, the last two sentences in the SUMMARY OF AMENDMENT REQUEST, should be revised as follows:

Since the previous hearings, the proponents for this project driven LCP amendment have applied for revisions to the companion project and they are now proposing further revisions to expand the commercial component of the proposal. As currently proposed, the mixed use project would consist of 40 36 residential townhomes (condominium units), four (4) live/work quarters and six commercial condominium units (totaling approx. 7,100 sf.) to be situated all along the Scott Street frontage and one separate commercial leasehold at the northeast corner of the site along Dickens/adjacent tidelands. In addition, along the tidelands parcel, the remainder of the frontage will be comprised of the new live/work quarters. (see Exhibit Nos. 6 and 7).

2. On Page 2 of the staff report, the second paragraph should be revised as follows:

At the previous hearings, there was a lot of discussion about the blighted conditions of the parcel and the City and project proponents argued that there was little development potential for the property given the current Industrial land use designation. The Commission disagrees and believes there is an array of marine-related commercial and

light industry uses that could be currently allowed under the present land use and zoning classifications; such uses would support commercial fishing interests, marine uses and ~~visitor needs~~ recreational boaters in this ~~waterfront~~ nearshore location. However, the current owner wants to develop the site as a mixed use development and wants to include a residential component; it is clear that the proposed change in the land use designation is ~~necessary solely~~ primarily needed to enable the residential component of the proposed mixed use project. Although this is a project driven LCP amendment, the only question before the Commission at this time is the land use redesignation; the companion project has been conditionally approved by the City and will be the subject of an appealable coastal development permit at a later date.

3. On Page 2 of the staff report, last paragraph, the third sentence and continuing to the end of the paragraph onto Page 3 should be revised as follows:

[..] Specifically, a suggested modification is recommended that would change the land use designation from Industrial (Commercial Fishing/Marine Related) to Commercial/Recreational. This land use category already exists within the certified land use plan and the recommended land use would be consistent with the surrounding properties. Figure 9 of the certified land use plan illustrates Commercial Recreation uses on the adjacent properties and Mixed Commercial uses on the adjacent inland properties towards Rosecrans. The Commercial/Recreational land use category would still emphasize the Coastal Act priorities for marine-related and visitor uses. Permitted uses have been defined in the suggested modifications which reflect those priority uses and by adding the specification of permitted uses to the land use plan, guidance would be provided for future redevelopment. The permitted uses would still allow light industrial uses such as dry boat storage or marine services. The suggested modifications would also continue to allow some residential development on the site but only above the ground/street level. This provision is also consistent with development standards in both the currently certified land use plan and zoning code. In this manner, priority uses will be required along the street and tidelands frontages, as well as any required offstreet parking, but non-priority uses, such as the residential component, would need to be located above the street level. With these modifications, the site may be redeveloped in conformance with Coastal Act land use priorities.

4. On Page 6, Suggested Modification No. 1 should be revised as follows:

Figure 5, the Land Use Plan map of the Peninsula Community Plan, shall be revised as follows:

The 1.65 acre property bounded by Carleton, Dickens and Scott Streets and the port tidelands shall be designated Commercial/Recreational.\*\*

\*\*In addition, all references in the report should be modified accordingly to read "Commercial/Recreational".

5. On Page 6, Suggested Modification No. 2 should be revised as follows:

On Page 34 of the Community Plan, under the Commercial Plan Element, the first Objective shall be modified to read:

Encourage continued development and sensitive redevelopment of a wide variety of community, visitor and marine related community commercial uses in the Roseville commercial district, including, but not limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, specialty/handcraft shops, beachwear, chart/map sales and other similar activities that support uses on the waterfront. Residential uses may be permitted but only on the upper floors; only commercial leaseholds, *live/work quarters* and required off-street parking may be located on the ground/street-level.

6. On Page 6 of the staff report, Suggested Modification No. 3 should be revised to read as follows:

On Page 36, under Recommendations for Specific Commercial Areas, Roseville, the following recommendation and listing of permitted uses shall be added:

For properties adjacent to the tidelands, permitted uses shall include, but not be limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, diving schools, sail makers, marine salvage operations, specialty/handcraft shops, beachwear, books, chart/map sales and other similar activities that support uses on the waterfront. Residential uses may be permitted but only on the upper floors; only commercial leaseholds, *live/work quarters* and required off-street parking may be located on the ground/street-level.

7. On Page 7 of the staff report, under the Amendment Description, first full paragraph, the third sentence should be revised to read as follows:

The proposed land use re-designation is to accommodate a proposed 36 40-unit townhome development with six commercial leaseholds (totaling around 7,100 sf) and four live-work quarters to be added along the tidelands parcel which has been approved and/or is being reviewed by the City of San Diego through a companion coastal development permit, the decision on which is appealable to the Commission.

8. On Page 7 of the staff report, the last paragraph, under Previous Commission Action/Background, should be revised to read as follows:

At the February 2010 hearing, the City and proponents repeatedly stated that the proposed land use plan amendment would make the land use designation consistent with current zoning. Under Coastal Act planning efforts, the first step is to identify the most appropriate land use and designate properties accordingly; the zoning classification should then be established to carry out and implement the defined land use. The proponents further asserted that there was an inconsistency between the current Industrial land use designation and commercial zoning (currently CC-4-2) that precluded any viable redevelopment of the property. The Commission disagrees. At the time the land use plan was originally certified and in subsequent zoning updates, the subject site was still commonly owned with the tidelands parcel directly east and the combined property

supported an active boatyard. The certified land use plan recognized the use and appropriately reserved the site as “Industrial (Commercial Fishing/Marine Related)”. The current zoning of CC-4-2 was specifically revised to allow “Marine Related Uses Within the Coastal Overlay Zone” under the Industrial land use category through a conditional use permit. The Commission thus ~~and~~ believes there are a broad array of appropriate marine-related ~~and visitor~~ uses that could be developed on the site. However, it became clear at the hearing that the property owners’ material issue is that the residential component they desire would not be allowed under the Industrial land use category.

9. On Page 14, under Summary Findings, the first incomplete paragraph at the top of the page, the second full sentence should be revised to read as follows:

[...] A key development standard would also specify and reinforce that residential uses may be permitted but only on the upper floors; only commercial leaseholds, live/work quarters as defined and regulated pursuant to Section 141.0311 of the Land Development Code and required off-street parking may be located on the ground/street-level.

10. On Page 14, under the Specific Findings for Approval, Marine-Related Use/Priority Uses, first paragraph, the first sentence should be revised to read as follows:

As noted in the findings for denial, the key issue with the Peninsula Land Use Plan amendment is that it proposes to redesignate the entire 1.65 acre property from Industrial (Commercial Fishing/Marine Related) to Commercial to accommodate a proposed mixed use project consisting of ~~40~~ 36 residential townhomes (condominium units) and six street-level commercial condominium units totaling about 7,100 sq.ft., along with four live/work quarters, consistent with Section 141.0311 of the Land Development Code, that will be situated along the frontage adjacent to the tidelands parcel. Live/work quarters are allowable under the present zoning.

11. On Page 14, under the Specific Findings for Approval/Marine-Related Use/Priority Uses, the second full paragraph, beginning with the seventh sentence and continuing to the top of Page 16, should be revised to read as follows:

Specifically, Suggested Modification #1 requires that the City of San Diego amend Figure 5 of the land use plan to reflect a redesignation of the site from “Industrial” to “Commercial/Recreational”. Suggested Modification #2 would add a listing of permitted uses and clarify the development standards for redevelopment of this site and other properties along the waterfront as a plan Objective; it would read as follows:

Encourage continued development and sensitive redevelopment of a wide variety of community, visitor and marine related community commercial uses in the Roseville commercial district, including, but not be limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, specialty/handcraft shops, beachwear, chart/map sales and other similar activities that support uses on the waterfront. Residential uses may be permitted but only on the

upper floors; only commercial leaseholds, *live/work quarters* and required off-street parking may be located on the ground/street-level.

Finally, a third suggested modification would revise the plan recommendations for the Roseville area by again incorporating the specification of permitted uses and the development standards for allowable residential development. In this manner, the emphasis for marine-related and visitor uses will be maintained and the allowance for secondary residential components will be clarified.

Since the previous hearings, staff has met with the City and project proponents to clarify the permitted uses and standards to redevelop the site. The City concurs that the land use redesignation is necessary to accommodate any residential development but the City also maintains that the options for redevelopment of the site are more limited under the Industrial land use category. Under the Industrial Use Category for the CC-4-2 zoning, "Research and Development" uses are permitted by right and, as described previously, "Marine Related Uses Within the Coastal Overlay Zone" are allowed through a conditional use permit. The Land Development Code (LDC) defines the Industrial Use Category as "uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced." In addition, it defines Marine Industry as uses that "produce, distribute, and store commercial marine vessels and equipment." The site was historically connected to the water and supported an active boatyard. Even though it is now bisected from the bay, it has continued to serve marine-related uses such as dry boat storage. The Commission continues to find that the site could continue or be redeveloped with viable marine industry uses. However, since the site no longer has direct access to water, there is documentation of available acreage reserved for industrial and commercial uses in the Peninsula area and the residential development standards have been reinforced, the Commission can endorse the land use redesignation from Industrial to Commercial/Recreational.

The City has submitted a letter, dated November 10, 2010, which is attached as Exhibit No. 8. The City's letter states it is the City's practice to "cure inconsistencies between land use plans and zoning during discretionary permit project processing or through periodic updates." Again, the Commission does not find there is an inconsistency present with the subject property but rather finds the City has taken a very narrow interpretation of the certified LCP. In this case, the pairing of the land use determination along with the entitlement permit process was questionable given that the land use change was subject to debate and involved concerns about priority uses under the Coastal Act. The City proceeds to state that it is more practical to have the property owner pay for the LCP amendment through the discretionary permit process than to use general fund monies in a periodic update. The City ends again stating that the property would remain undevelopable in the interim. As noted above, the Commission does not concur with the City's findings and the site continues to be developed with a dry boat storage, marine-related and other miscellaneous uses.

Another concern is that technically, the proposal for residential development on the subject site appears to be inconsistent with both the certified land use plan and zoning requirements in the Land Development Code. Specifically, on Page 36, under the

Recommendations for Specific Commercial Areas, the plan states for the Roseville area the following:

The Roseville commercial district should remain as the primary commercial focus within Peninsula. A majority of the area should be designated for a mix of community commercial, commercial recreation and marine related commercial and industrial uses. [...] Residential development should be allowed at densities not exceeding 29 du/acre on upper floors of the commercial development with densities up to 36 du/acre permitted only in conjunction with low and moderate income housing. (emphasis added)

Relative to zoning, Section 131.0507 of the Land Development Code (LDC) addressing the CC (Community Commercial) Zones (the site is zoned CC-4-2) contains a footnote for permitted residential uses in the zone which refers the user to Section 131.0540 of the LDC which applies to all residential development within commercial zones. Section 131.0540, subsections (c) and (f) state the following:

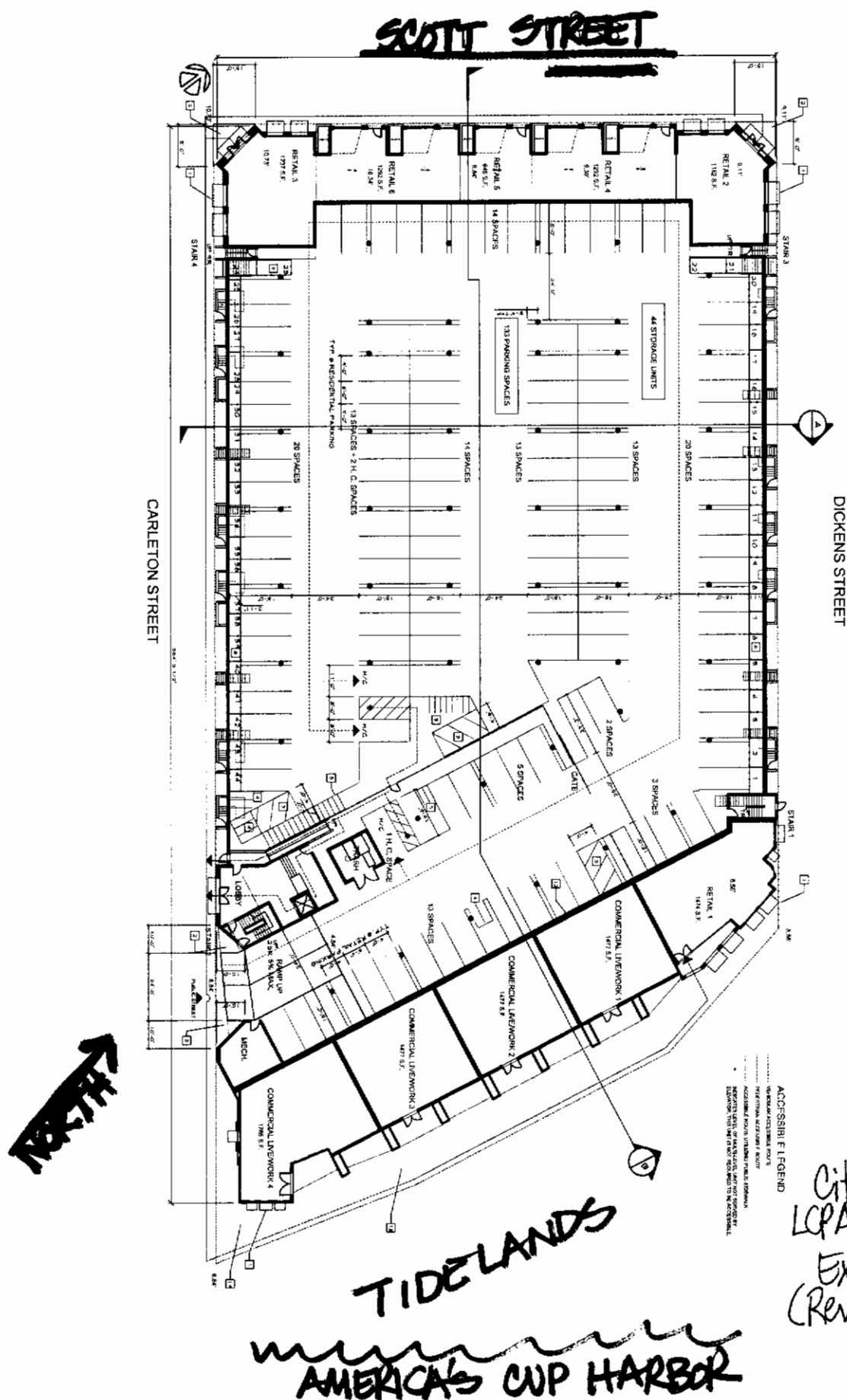
[...] (c) Ground Floor Restriction. Residential use and residential parking are prohibited on the ground floor in the front half of the lot....

[...] (f) Within the Coastal Overlay Zone, residential uses are not permitted on the ground floor.

~~states the following: Residential use and residential parking are permitted only as part of a mixed use (commercial/residential) project. Non-owner occupants must reside on the premises for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor.~~ (emphasis added) Although some residential development is consistent with the zone, the City, in its conditional approval of the companion project, permitted the residential use on the street level because the project incorporated a semi-subterranean parking garage which they accepted as being the “ground floor” and the residential use was is then technically deemed to be on the “upper floor”. The Commission believes that if residential use is permitted—it should be a secondary use and only on the upper floors to meet the requirements of the LCP as certified. The project approved by the City is, instead, predominately residential on the street or primary floor. However, as now modified by the project proponent and subject to further review by the City, the mixed use project now has only commercial leaseholds, live/work units and parking on the ground level. The commercial leaseholds and four live/work quarters occupy all of both the Scott Street and tidelands frontages on the site. The modified proposed will remain subject to Coastal Commission review through an appealable coastal development permit decision given the property’s location between the bay and the first public road.

12. Please add the revised site plan for the companion mixed use project as Exhibit No. 6, LDC Section 141.0311 which defines Live/Work Quarters as Exhibit No. 7 and the City of San Diego’s letter as Exhibit No. 8 to the staff report.

W19a



City of San Diego  
LCPA #2-10  
Exhibit No.6  
(Revised Site Plan)

7

W19a

**San Diego Municipal Code**  
(1-2010)**Chapter 14: General Regulations****§141.0311 Live/Work Quarters**

Live/work quarters are studio spaces in buildings that were originally designed for industrial or commercial occupancy that have been converted to integrate living space into the work space. Live/work quarters are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The minimum floor area of a live/work quarters shall be 750 square feet.
- (b) A maximum of 33 percent of the floor area of each live/work quarters may be used or arranged for residential purposes such as sleeping, *kitchen*, bathroom, and closet area.
- (c) Each live/work quarters shall be separated by walls from other live/work quarters or other uses in the building.
- (d) Access to the live/work quarters shall be provided only from common access areas, halls, or corridors and shall not be from other live/work quarters or other uses in the building.
- (e) Access to each live/work quarters shall be clearly identified in order to provide for emergency services.
- (f) For proper security, all exterior doors that provide access to the live/work quarters shall remain locked at all times.
- (g) The live/work quarters may be occupied and used only by an artist, artisan or a similarly situated individual, or a *family* in which at least one member is an artist, artisan, or similarly situated individual.
- (h) Persons other than residents of the live/work quarters are not permitted to work in the live/work quarters.
- (i) Live/work quarters shall not be used for mercantile, classroom instructional use, storage of flammable liquids or hazardous materials, welding or any open-flame work, or offices or establishments with employees.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§141.0312 Residential Care Facilities**

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing for senior citizens, nursing homes, convalescent homes, work furlough and probationary residential facilities, and emergency shelters are not residential care facilities.

| Ch | Art | Div |
|----|-----|-----|
| 14 | 1   | 3   |

8

City of San Diego  
LCPA # 2-10  
Exhibit No. 7  
(Live/Work Quarters)





## THE CITY OF SAN DIEGO

November 10, 2010

Ms. Deborah Lee  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Dear Ms. Lee:

Subject: City of San Diego Land Use Plan and Zoning Consistency  
LCPA No. 2-10

It is the City of San Diego's practice to cure inconsistencies between land use plans and zoning during discretionary permit project processing or through periodic updates to our Local coastal Program.

Findings for development permit approvals cannot be made where conflict between land use designation and the zoning meant to implement that land use exists.

As indicated by the City's approval of the land use plan change that is the subject of the above amendment, the City believes the original zoning, approved by both the City and the Coastal Commission is the appropriate land use for the subject site given the surrounding land uses and zoning. The land use plan change approved by the City reconciles this conflict that we believe was created in error as part of the originally approved land use plan. The City's action reconciles this long standing conflict in a responsible manner consistent with the City's normal process.

If this was not done as part of a development project, the City would be left to request the land use plan change at a later date using general fund money to process it as part of a community plan update. It would also render a property undevelopable for any use in the interim.

Sincerely,

*Signature on file*

Kelly Broughton  
Development Services Director

KGB/mtf

Development Services

2pm 11/10/10  
NOV 28 2010  
B  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES

City of San Diego  
LCPA # 2-10  
Exhibit No. 8  
(Letter from City)

9



W19a

November 12, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Suite 103  
San Diego CA 92108-4402

Re: Amendment No. 2-10  
Point Loma Townhomes

Dear Ms. Sarb and Ms. Lee:

Is there any possibility that this hearing, scheduled to be held in Santa Monica next Wednesday November 17, can be postponed until the Commission meets in Oceanside?

This is an important and controversial issue for the marine industry in the Shelter Island/Roseville area, and could lead to the destruction of marine-related jobs and businesses. Many people are against the removal of the marine industrial designation. It symbolizes the City's encroachment in favor of developer and real estate interests.

Many of the marine businesses are sole proprietorships, and therefore cannot take one or two days away from their businesses, to travel to Santa Monica. This potential change in land use, needs to be thoroughly vetted by those potentially affected by the long range ramifications of a change to commercial use.

Thank you for your understanding. Please forward this request to the other Commissioners.

With respect,

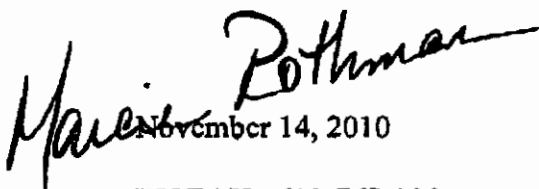
*Signature on file*



Christy Schisler  
2803 Carleton Street  
San Diego 92106  
619.694.6139 cell  
619.226.2422 fax  
christy.schisler@gmail.com

NOV 15 2010  
City of San Diego  
HCPA # 2-10  
Letters of Concern/  
Opposition  
//

W19a



November 14, 2010

BY FAX: 619-767-2384

Sherilyn Sarb, Deputy Director  
Ms. Deborah Lee, District Manager  
California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Re: City of San Diego LCP Amendment No. 2-10 (Pt. Loma Townhomes Resubmittal). Public hearing and action on request by City of San Diego to amend its LCP and the certified Peninsula Community Plan LUP to re-designate 1.65 ac. site bounded by Carleton, Scott and Dickens Streets from Industrial (fishing/marine-related) to Commercial use. (DNL-SD)

Dear Ms. Sarb and Ms. Lee:

Please include this letter as part of the Addendum to your Staff Report for the above referenced project that the Commission will hear on Wednesday.

The Staff Report is quite right in rejecting the resubmittal as it stands. The Staff clearly understands the importance of the marine industry to the immediate area and thus the recommendations made at the end of the report should be clearly understood and I urge the Commission to vote as the Staff recommends.

To allow anything beyond a two-story building with residences on top and marine commercial on the bottom along with the other recommendations vis-à-vis parking, etc. would set an ominous precedent for further loss of views, access to the bay and maritime industry. I live in the area and the impact on traffic, density, infrastructure (such as water usage) is further reason to reject the City and owner's request.

If necessary, postpone the vote until the next meeting as was originally asked for in the extension, so that the public input can be obtained and the meeting site is accessible to all those concerned parties (Oceanside).

Thank you,

*Signature on file*

Marcie Rothman  
La Playa, San Diego

200 W 101

NOV 15 2010

California Coastal Commission  
San Diego District Office

12

W19a

## ? The Death of the Kettenburg Yard ?

The developer who wants to build 47 townhomes on the old Kettenburg property is going before the Coastal Commission this Wednesday November 17, in Santa Monica, for final approval.

**Why Santa Monica?** The developer hopes that we will stay away, not travel that far, nor enforce our assertion, that this property should remain designated as "Marine Industrial". If he wins, the city will re-zone it as "Commercial", which allows residences.

Remember, this is the builder who said that "marine businesses will do better in east county". The city is in collusion with developers, to take over every bit of land that they can get away with, and the Point Loma/Shelter Island neighborhoods are in their sights. These condos will be close to 40 feet high, and cover the entire block. The scale of this project is huge! If this passes, it will have a domino effect, and push other marine businesses to South Bay.

**What can we do?** Fax and call the local Coastal office, asking that the hearing be postponed until the next meeting in Oceanside. Holding the meeting in Santa Monica, prohibits the Point Loma residents & marine businesses from voicing their objection to this change in land use.

**Here is the local office info:**

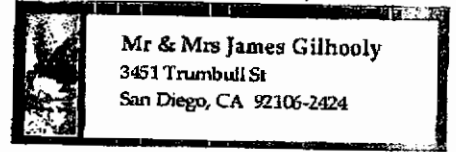
San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Ste 103  
San Diego 92108-4402  
619.767.2370 phone  
619.767.2384 fax

NOV 11 2010

**Please send your fax today.** They need to know that we will not let them slip this past us.

13

**Note:** This is not a Driscoll or Port project. This will be a private, gated community, benefitting only the developer and the 47 homeowners.



November 10, 2010

W19a

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

The Coastal Commissions action in setting a hearing time and location for November 17th 2010 in Santa Monica on Amendment No. 2-10 (Point Loma Town Homes Re-submittal) is regressive in time and location to interested members of the Point Loma public.

In fairness to the Point Loma Community I request that this hearing be postponed and rescheduled for February 2011 in Oceanside in order that interested members of the Point Loma Community may attend to address their concerns.

Please forward enclosed FAX to all Commissioners.

*Signature on file*

*Jim & Val Gilhooly*  
Residents of Point Loma

2010-11-10  
NOV 10 7 11 PM  
California Coastal Commission  
San Diego Coast District

14

WPa

**FONTENEAU****YACHT REPAIR, INC.****1229 Shafter Street****San Diego, CA 92106-2746****619-222-1632 Fax 619-222-0491**

November 10, 2010

San Diego Coast District Office  
7575 Metropolitan Drive Ste 103  
San Diego, CA 92108-4402

**RE: Kettenberg & Coastal Commission/Final Hearing****To Whom it May Concern:**

I am writing in regard to the Final Hearing of the Kettenburg/ Point Loma Townhomes, scheduled for November 17, 2010 in Santa Monica.

Why is the meeting being held in Santa Monica with only a 10 day notice? This concerns me.

I ask that you postpone this specific meeting until the February 2011 meeting in Oceanside.

Kind regards,

*Signature on file*

Wendy Fonteneau  
Fonteneau Yacht Repair, Inc.

Received  
NOV 10  
California  
San Diego  
Coastal Commission  
District Office

Received  
NOV 10 2010  
California  
San Diego  
Coastal Commission  
District Office

15

W19a

November 10, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

The Coastal Commission's action in setting a hearing time and location for November 17th 2010 in Santa Monica on Amendment No. 2-10 (Point Loma Town Homes Re-submittal) is making it very difficult for many of us to be able to attend this meeting. The date is coming up very quickly and the distance to travel to this meeting, added to this quick timeframe, will result in a lesser number of people who will be able to actively participate in the meeting that will affect so many of us.

In fairness to the Point Loma Community and the many residents and businesses that will be affected by this project, I request this hearing be postponed and rescheduled for February 2011 in Oceanside in order that interested members of the Point Loma Community may attend to address their concerns.

Thank you for your consideration in the matter.

*Signature on file*

Debbie Pedersen

Pt. Loma resident

NOV 11 2010

16



# EXPLORER

## MARINE SERVICES

W19a

November 11, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborag Lee, District Manager  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

To Whom It May Concern:

I would formerly like to request that the hearing be postponed until the next meeting in Oceanside. As a business owner and resident in Point Loma, I would like to be present at said hearing.

Thank you,

Peter Falonk  
Service Manager

NOV 11 2010

W19a

November 11, 2010

San Diego Coast District Office  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Dear Deborah Lee:

The Coastal Commission's action in setting a hearing time and location for November 17, 2010 in Santa Monica on Amendment No. 2-10 (Point Loma Town Homes Re-submittal) proves most difficult in time and location to interested WORKING members of the Point Loma public.

In fairness to the Point Loma Community, please consider postponing/rescheduling this hearing to be in Oceanside in order that interested members of the Point Loma Community may attend.

I would appreciate your apprising all Commissioners of this request.

Sincerely,

Cheri Pedersen  
Interested citizen

NOV 11 2010

18

W19a

## Fax Message

Date: 11/11/10 No. of Pages: 1  
To: San Diego Coast District Office From: Kirstin Hecht  
Company: \_\_\_\_\_  
Fax Number: (619) 767-2384 fax: 619) 225-9414  
Phone Number: \_\_\_\_\_ phone: 714) 926-6112

RE: Coastal Commission Meeting in Santa Monica

## Message:

I am faxing to ask that the hearing regarding the old Kettenburg property in Point Loma/Shelter Island be postponed until the next meeting in Oceanside to allow the residents and businesses that would be effected to attend.

Thank you!

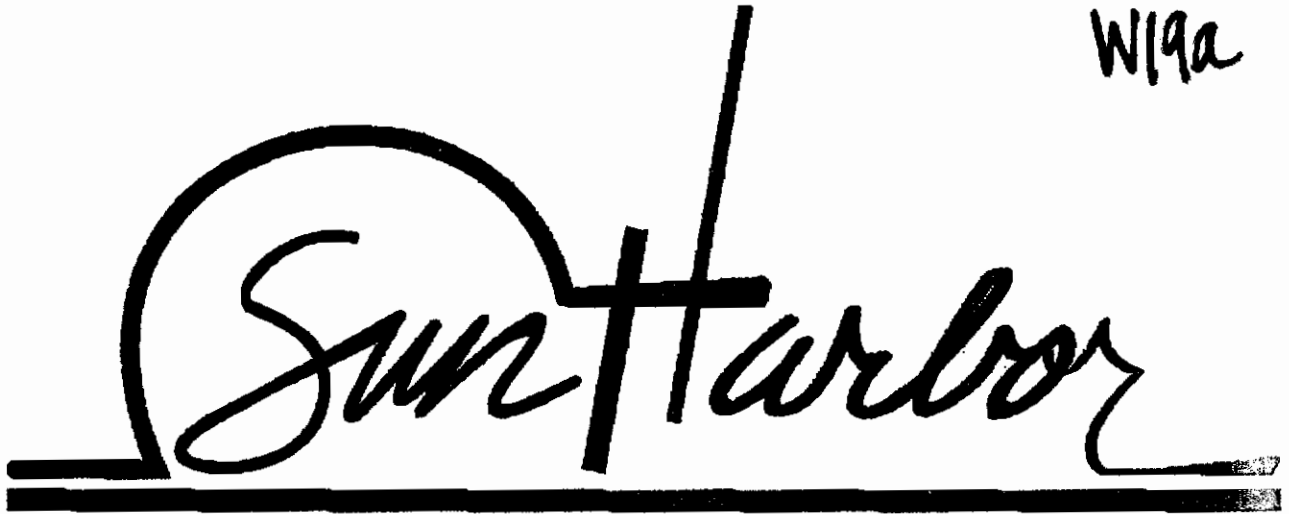
Kirstin Hecht

- Employed in Point Loma
- Ocean Beach resident

NOV 11 2010

19

W19a



5000 No. Harbor Drive, Suite 200 • San Diego, CA 92106  
619/222-1167 fax 619/222-9387

DATE: Nov 11, 2010

TO: San Diego Coast District Office, Sherilyn Sarb and Deborah Lee

FAX#: (619) 767-2384

FROM: (619) 222-9387

Reference: Re-development of the Kettenburg Property

NUMBER OF PAGES INCLUDING COVER: 1

NOV 11 2010

MESSAGE:

Sherilyn and Deborah,

It has been brought to my attention that the hearing for the redevelopment of the old Kettenburg Yard will be held Nov 17 in Santa Monica.

Please accept this notice as a formal request that the hearing be postponed and rescheduled for the next hearing in Oceanside. This will allow Point Loma residents and businesses to attend the hearing and voice our concerns about the potential re-zoning from Marine Industrial to Commercial.

Best regards,

*Signature on file*

Kathy O'Brien

619-222-1167

20

W19a

November 11, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Dr. #103  
San Diego, CA 92108

RE: Hearing for old Kettenburg yard in San Diego

We are asking for you to postpone the hearing this coming Wed. November 17 in Santa Monica, until the next meeting in Oceanside. Holding the meeting in Santa Monica prohibits the Point Loma residents and marine businesses from voicing their objection to this change in land use.

Thank you.

*Signature on file*



Ed Hanscom  
2330 Shelter Is. Dr. #101  
San Diego, CA 92106

NOV 11 2010

21

W19a

November 11, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manger  
7575 Metropolitan Dr. #103  
San Diego, CA 92108

RE: Hearing for old Kettenburg yard in San Diego

We are asking for you to postpone the hearing this coming Wed. November 17 in Santa Monica, until the next meeting in Oceanside. Holding the meeting in Santa Monica prohibits the Point Loma residents and marine businesses from voicing their objection to this change in land use.

Thank you.

*Signature on file*

Shawn Sullivan  
2818 Canon St.  
San Diego, CA 92106

NOV 11 2010

2

FAX TRANSMITTAL FROM:

W19a

Lorraine and Lee Neher

1150 Anchorage Lane, #112  
San Diego, Calif. 92106  
Tel: 619-246-0452

To: S.D. Coast District Office

Attn: S. Sarb, Deputy Director  
D. Lee, District Manager

Fax#: (619) 767-2384

# of Pages: 2

Re: Kettenburg Yard

Date: 11-11-10

As local residents we feel that this issue, being decided outside of San Diego County, is a burden to the community to attend during the midweek! We request a postponement and a change of the meeting location, to better serve the people effected with this purposed project.

We believe this area needs to remain as a marine business zone.

*Signature on file*

*Signature on file*

NOV 11 2010

B



Fabrication and Repair of Marine Canvas Products  
Yacht Interiors

Michael Gavin  
2826 Canon Street  
San Diego, CA 92106

W19a

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

November 10, 2010

Please postpone the hearing concerning the old Kettenburg property scheduled for this Wednesday November 17, 2010 in Santa Monica. This hearing concerns the residents and businesses in San Diego. It should be heard in this county so that the concerns of the locals can be heard. Even the next meeting in Oceanside is preferable to having us all schlep up to Santa Monica to voice our opposition to this take over of public property for private development.

I have owned and operated a business, Canvas Services at 2826 Canon Street, San Diego, CA 92106 since 1978. I also own my home at 1016 Moana Drive, San Diego, CA 92107. I am very concerned about the adverse effect this condo development on Shelter Island will have on the community.

Holding the meeting in Santa Monica prohibits the Point Loma residents and marine businesses from voicing their objection to this change in land use.

Sincerely,

*Signature on file*

Michael Gavin, Canvas Services  
619-225-0374

NOV 11 2010

2A



W19a

**Seabreeze Books and Charts**

1254 Scott Street, San Diego CA 92106  
619 - 223 - 8989 / 888 - 449 - 7011  
[www.seabreezebooks.com](http://www.seabreezebooks.com)

**FAX TRANSMITTAL**  
**Our Fax: (619) 223-9099**

TO: San Diego District Office Date: 11 November 2010  
OF California Coastal Commission Pages (including this page): 1  
FAX TELE: 619-767-2384 Re: Kettenburg Property Development Proposal  
Hearing Scheduled in Santa Monica 11/17/10

Attn: Sherilyn Sarb, Deborah Lee

As the owner of a business located directly across Scott Street from the proposed high-density condominium project, and as a concerned member of San Diego's professional maritime community, I am disappointed to learn that this project is now going to be reviewed in Santa Monica, rather than in the local area. Those of us who will be directly affected will not be able to attend this Santa Monica hearing to express our continuing concerns.

Mr. Wilson appears to have no regard for his neighbors, and seems to be determined to destroy the existing maritime business community. High-density condominium development will have significant negative impacts on the local businesses in Point Loma. Additional retail space will create more demand for parking, more traffic, and given the current economic climate, more "For Rent" signs on existing commercial buildings.

Point Loma has always been a center for marine services of all types - please don't destroy the synergies that allow businesses like mine to continue to succeed and serve the broader maritime communities. Please allow the people most affected to have the opportunity to speak to the Coastal Commission about their concerns.

Ann Kinner  
Vice President / General Manager

*Signature on file*

NOV 11 2010

25

W19a

Attention: Sherilyn Sarb and Deborah Lee

Dear Madame's,

I wish to request the meeting scheduled in Santa Monica to discuss the townhomes being built on the old Kettenburg property to moved and postponed until the next Oceanside meeting. This is a county project and local voices have a right to be heard.

*Signature on file*

Tom O'Neill

NOV 11 2010

26

W19a

**SPIRIT OF ADVENTURE**

1646 Willow Street  
San Diego, CA 92106  
Ph./Fax: 619-226-1729  
e-mail: spiritofadventure@earthlink.net

San Diego Coastal District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Dr., Ste 103  
San Diego, CA 92108-4402

November 12, 2010

We just received notice that the meeting on Amendment No. 2-10, Point Loma Town Homes Re-submittal, is set next week, November 17, 2010, in Santa Monica.

Why is the hearing planned in Santa Monica? Shouldn't it take place near the site in question? It will be impossible for most people to attend the hearing that far away and on such short notice.

In fairness to the Point Loma residents and surrounding businesses, I request that the hearing is postponed and scheduled in a more convenient location so interested members of the Point Loma Community can attend and address their concerns.

Your consideration in this matter is appreciated.

Sincerely *Signature on file* —

Michael Keating  
SPIRIT OF ADVENTURE CHARTERS

NOV 11 2010

27

W19a

November 12, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

Attn: Ms Sarb and Ms. Lee

It has just been brought to my attention that the Coastal Commissions is setting a hearing time and location for November 17th 2010 in Santa Monica on Amendment No. 2-10 (Point Loma Town Homes Re-submittal) is regressive in time and location to interested members of the Point Loma public.

As a former six year member of the Peninsula Community planning Board and immediate past president of a 263 unit Point Loma HOA, in fairness to the Point Loma Community I request that this hearing be continued and rescheduled. I recommend the February 2011 in Oceanside in order that interested members of the Point Loma Community may more reasonably attend to address their concerns in support of preservation of the existing coastal land use designations.

Please forward this request to all the Commissioners.

*Signature on file*

R. Jarvis Ross  
4352 Loma Riviera Court  
San Diego, CA 92110

(619) 224-9704

NOV 11 2010

28

**Deborah Lee**

---

**From:** Steve Dexter [sfdex@juno.com]  
**Sent:** Friday, November 12, 2010 3:29 PM  
**To:** Deborah Lee  
**Subject:** Former Kettenberg yard

W19a

While I do not favor a change in zoning for this parcel, I am more than open to hearing more details regarding the possible development. Having the meeting in Santa Monica versus here in San Diego County does however create a hardship for me as well as many other people in both the Point Loma area as well as the boating community who will be directly affected by this. Therefore, I request that this item be postponed until the next meeting, which I understand will be held in Oceanside.

Steve Dexter  
1854 Capistrano Street  
San Diego, CA 92106

29

11/12/2010

W19a

November 12, 2010

San Diego Coast District Office  
Sherilyn Sarb, Deputy Director  
Deborah Lee, District Manager  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

The Coastal Commission's action in setting a hearing time and location for November 17th 2010 in Santa Monica on Amendment No. 2-10 (Point Loma Town Homes Re-submittal) is making it very difficult for many of us to be able to attend this meeting. The date is coming up very quickly and the distance to travel to this meeting, added to this quick timeframe, will result in a lesser number of people who will be able to actively participate in the meeting that will affect so many of us.

It is disingenuous, and bordering on illegal to have a hearing so far from the affected neighborhood. It leaves the door open for possible future lawsuits.

In fairness to the Point Loma Community and the many residents and businesses that will be affected by this project, I request this hearing be postponed and rescheduled for February 2011 in Oceanside in order that interested members of the Point Loma Community may attend to address their concerns.

Thank you for your consideration in the matter.

David L. Wood *Signature on file*

Point Loma resident

NOV 15 2010  
California  
San

50

W19a

**FAX TRANSMITTAL SHEET****Date:** November 14, 2010**To:** Sherilyn Sarb, Deputy Director; Deborah Lee, District Manager**Company:** San Diego Coast District Office**Fax No.:** (619) 767-2384**From:** Geoff Page**Subject:** Amendment No. 2-10 (Point Loma Town Homes Re-submittal)**Pages to Follow:** 0/EA


Dear Ms Sarb and Ms. Lee:

I am sending this message to request that the Coastal Commission reschedule its November 17, 2010, hearing on the above referenced project. Scheduling a hearing in Santa Monica, with such short notice, for a project that has generated a great deal of public debate does not serve our community well. I believe a hearing of this project at the February 2011 Commission meeting in Oceanside, CA would provide interested members of the Point Loma Community a fairer opportunity to express their concerns and their support for preserving the existing coastal land use designation of the subject property.

I was the Chair of the Peninsula Community Planning Board when this project was heard by that Board and the community. The amount of community interest was higher for this project than any other I witnessed. Most of those people would find it quite difficult to make a trip to Santa Monica to express their opinions but many could attend a meeting in Oceanside.

Thank you for your consideration.

Sincerely yours,

*Signature on file* 

Geoff Page  
2239 Bolinas St.  
San Diego CA 92107  
619-694-7993

NOV 15 2010  
San Diego  
California

31





**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



November 2, 2010

# W #19a

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP  
AMENDMENT NO. 2-10 (Pt. Loma Townhomes Resubmittal) for Commission  
Meeting of November 17-19, 2010**

---

## **SYNOPSIS**

The subject LCP land use plan amendment was submitted on July 19, 2010. The amendment was deemed complete and filed the same date. A one-year time extension was granted on October 14, 2010. As such, the last date for Commission action on this item will be the October 2011 hearing. This request is a resubmittal for the same land use change which was previously reviewed by the Commission as City of San Diego LCP Amendment #3-08B. The previous item was originally heard in October 2009 and continued, then the item was ultimately withdrawn at the February hearing earlier this year.

## **SUMMARY OF AMENDMENT REQUEST**

The proposed resubmittal consists of an amendment to the Peninsula Community Land Use Plan to redesignate a 1.65 acre property from Industrial (Commercial Fishing/Marine Related) to Commercial to accommodate a proposed mixed use project. The subject property is bounded by Carleton, Scott and Dickens Streets and Port District tidelands directly east. Since the previous hearings, the proponents for this project driven LCP amendment have applied for revisions to the companion project. As currently proposed, the mixed use project would consist of 40 residential townhomes (condominium units) and six commercial condominium units (totaling approx. 7,100 sf.) to be situated all along the Scott Street frontage and one separate commercial leasehold at the northeast corner of the site along Dickens/adjacent tidelands.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that, following a public hearing, the Commission deny the land use plan amendment, as submitted, and then approve the land use plan, subject to suggested modifications. The primary Coastal Act issue is the prospective loss of the entire 1.65 acres from the Industrial (Commercial Fishing/Marine Related) land use category. As

proposed, the land use redesignation to Commercial would represent a significant loss of acreage on the subject property for coastal-related or marine support uses on a site that historically had direct water access, in conjunction with the adjoining tidelands parcel, and supported a boatyard. In addition to Coastal Act policies which promote coastal-related development to support nearby coastal-dependent uses, there are other provisions in the Act which mandate the protection of facilities serving the commercial fishing and recreational boating industries, as well as prioritize the use of private lands for visitor-serving commercial over all other uses with the exception of agriculture or coastal-dependent industry. Because the site is located directly adjacent to the tidelands and America's Cup Harbor, as well as one block from the Shelter Island entrance corridor, it is a property where the need to reserve land to serve both marine and visitor interests is clear. In addition, although now separated by ownership from its historic tidelands leasehold, the subject parcel remains situated next to a waterfront parcel that is intended to be redeveloped with a boatyard and other marine-related uses which are high priority uses under the Coastal Act.

At the previous hearings, there was a lot of discussion about the blighted conditions of the parcel and the City and project proponents argued that there was little development potential for the property given the current Industrial land use designation. The Commission disagrees and believes there is an array of marine-related commercial uses that could be currently allowed under the present land use and zoning classifications; such uses would support commercial fishing interests, marine uses and visitor needs in this waterfront location. However, the current owner wants to develop the site as a mixed use development and wants to include a residential component; it is clear that the proposed change in the land use designation is necessary solely to enable the residential component of the proposed mixed use project. Although this is a project driven LCP amendment, the only question before the Commission at this time is the land use redesignation; the companion project has been conditionally approved by the City and will be the subject of an appealable coastal development permit at a later date.

Although the ownership of subject parcel and the adjoining tidelands parcel has now been separated, thus removing direct water access from the subject property, it remains critical to reserve more of the site for priority uses than would be protected through the proposed amendment. Given the historic use of the property, its proximity to both America's Cup Harbor and Shelter Island and the Coastal Act mandates for protection of commercial fishing and recreational boating industries and the reservation of land for priority land uses, such as coastal-related, marine and visitor uses, suggested modifications are being proposed to modify the proposed land use plan amendment. Specifically, a suggested modification is recommended that would change the land use designation from Industrial (Commercial Fishing/Marine Related) to Commercial Recreation. This land use category already exists within the certified land use plan and the recommended land use would be consistent with the surrounding properties. Figure 9 of the certified land use plan illustrates Commercial Recreation on the adjacent properties and Mixed Commercial on the adjacent inland properties towards Rosecrans. The Commercial Recreation land use category would still emphasize the Coastal Act priorities for marine-related and visitor uses. Permitted uses have been defined in the suggested modification which reflect those priority uses and by adding the specification

of permitted uses to the land use plan, guidance would be provided for future redevelopment. The suggested modifications would continue to allow some residential development on the site but only above the ground/street level. This provision is also consistent with development standards in both the currently certified land use plan and zoning code. In this manner, priority uses will be required along the street and tidelands frontages, as well as any required offstreet parking, but non-priority uses, such as the residential component, would need to be located above the street level. With these modifications, the site may be redeveloped in conformance with Coastal Act land use priorities.

The appropriate resolutions and motions begin on Page 5. The suggested modifications may be found on Page 6. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 7. The findings for approval of the Land Use Plan Amendment if modified begin on Page 13.

## **BACKGROUND**

The Peninsula Community Plan/Land Use Plan is part of the City of San Diego's certified LCP which contains 12 segments. The Commission approved, with suggested modifications, the Peninsula Community segment of the City of San Diego's Local Coastal Program on May 22, 1981 focusing on the protection of the Famosa Slough. On August 21, 1981, and again on May 23, 1984, the Commission certified this segment with suggested modifications. A second resubmitted LUP was certified by the Commission on August 27, 1985, and addressed the adequacy of parking requirements in the nearshore areas. A third resubmittal was certified as submitted on July 13, 1988. There have only been two prior LCP amendments to the Peninsula Land Use Plan. The first (No. 2-98B) was for the North Bay Redevelopment Plan which encompassed several City of San Diego planning communities and included a small portion of the Peninsula Community Plan area. The second amendment (No. 1-04A) was to redesignate a .39 acre property from Marine Related Industrial to Medium Density Multi-Family Residential and rezone the site from CO-1-2 to RM-2-5 to accommodate a proposed seven-unit condominium project. The LCPA was approved, as submitted, by the Commission on November 17, 2004 and became effective that same date.

## **ADDITIONAL INFORMATION**

Further information on the City of San Diego LCP Amendment No 2-10 may be obtained from Deborah Lee, District Manager, at (619) 767-2370.

---

**PART I. OVERVIEW****A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. The City's first LCP Implementation Plan (IP) was certified in 1988, and the City assumed permitting authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code and a few PDOs; this replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The City's IP includes Chapters 11 through 14 of the LDC. Some areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

**B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

**Section 30512**

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

**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.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - 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.

- I. MOTION I:** *I move that the Commission certify the Land Use Plan Amendment for the Peninsula segment of the City of San Diego certified LCP, as submitted.*

**STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:**

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Peninsula Land Use Plan amendment as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- II. MOTION:** *I move that the Commission certify the Land Use Plan Amendment for the Peninsula segment of the City of San Diego certified LCP if modified in accordance with the suggested changes set forth in the staff report.*

**STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:**

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED:**

Subject to the following modifications, the Commission hereby certifies the City of San Diego LCP amendment and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed Land Use Plan be adopted. Proposed language to be added is shown in underline.

1. Figure 5, the Land Use Plan map of the Peninsula Community Plan, shall be revised as follows:

The 1.65 acre property bounded by Carleton, Dickens and Scott Streets and the port tidelands shall be designated Commercial Recreation.

2. On Page 34 of the Community Plan, under the Commercial Plan Element, the first Objective shall be modified to read:

Encourage continued development and sensitive redevelopment of a wide variety of community, visitor and marine related community commercial uses in the Roseville commercial district, including, but not limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, specialty/handcraft shops, beachwear, chart/map sales and other similar activities that support uses on the waterfront. Residential uses may be permitted but only on the upper floors; only commercial leaseholds and required off-street parking may be located on the ground/street-level.

3. On Page 36, under Recommendations for Specific Commercial Areas, Roseville, the following recommendation and listing of permitted uses shall be added:

For properties adjacent to the tidelands, permitted uses shall include, but not be limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, diving schools, sail makers, marine salvage operations, specialty/handcraft shops, beachwear, books, chart/map sales and other similar

activities that support uses on the waterfront. Residential uses may be permitted but only on the upper floors; only commercial leaseholds and required off-street parking may be located on the ground/street-level.

### **PART III. FINDINGS FOR DENIAL OF THE PENINSULA LAND USE PLAN AMENDMENT, AS SUBMITTED**

#### **A. AMENDMENT DESCRIPTION**

The proposed submittal consists of an amendment to the Peninsula Land Use Plan segment of the City of San Diego LCP to redesignate a 1.65 acre property bounded by Carleton, Scott and Dickens Streets and the America's Cup Harbor from Industrial (Commercial Fishing/Marine Related) to Commercial use. The subject site is surrounded by a variety of uses which include commercial uses to the north and west, and marine-related commercial and industrial uses to the south and east. The proposed land use re-designation is to accommodate a proposed 40-unit townhome development with six commercial leaseholds (totaling around 7,100 sf) which has been approved by the City of San Diego through a companion coastal development permit, the decision on which is appealable to the Commission.

The subject site is located one parcel from the San Diego Bay (America's Cup Harbor) and is located in an area commonly referred to as the Roseville District of the Peninsula Community Plan area. Port tidelands are located immediately southeast of the site which are currently undergoing redevelopment as the "Kettenburg Landing" which includes, in part, a reconfigured and smaller boatyard located closer to Shelter Island Drive; two commercial/retail buildings with two parking lots, the construction of a walk-up food plaza and the establishment of a public access promenade connecting public accessways from beyond Point Loma Seafoods and the sportfishing operations along America's Cup Harbor north of the site through the tidelands parcel and connecting to Shelter Island Drive south of the site.

#### **B. PREVIOUS COMMISSION ACTION/BACKGROUND**

As cited above, the subject land use plan amendment is a resubmittal of an identical amendment previously reviewed by the Commission as City of San Diego LCP Amendment No. 3-08B. The item was heard by the Commission at both its 10/09 and 2/10 hearings and the request was ultimately withdrawn by the City.

At the February 2010 hearing, the City and proponents repeatedly stated that the proposed land use plan amendment would make the land use designation consistent with current zoning. Under Coastal Act planning efforts, the first step is to identify the most appropriate land use and designate properties accordingly; the zoning classification should then be established to carry out and implement the defined land use. The proponents further asserted that there was an inconsistency between the current Industrial land use designation and commercial zoning (currently CC-4-2) that precluded any viable redevelopment of the property. The Commission disagrees and believes there are a broad

array of appropriate marine-related and visitor uses that could be developed on the site. However, it became clear at the hearing that the property owners' material issue is that the residential component they desire would not be allowed under the Industrial land use category.

At the hearing, staff cited provisions of the certified land use plan which indicated a broad array of uses suitable for the site, including boat berthing/dry boat storage, boat repair and sales, fishing supply shops, public parking, restaurants and lodging. In addition, the certified plan contains two specific provisions about the site. First, it notes that there are marine sales and services located on the parcel; and second, a specific policy objective "to maintain and encourage continued development of the commercial fishing and marine-related commercial uses within Peninsula" also applies to the site.

Relative to the current CC-4-2 zoning certified for the site, as stated in the municipal code, the purpose of the Commercial-Community zone is "to accommodate community-serving commercial services, retail uses and limited industrial uses of moderate intensity and small to medium scale." Uses permitted by right in the zone are multi-residential units but not on the ground floor; all retail sales uses; all commercial services; visitor accommodations; bed & breakfast establishments; parking facilities; vehicle sales & services; warehouses; and research/development uses. Under the Industrial land use classification, "marine-related uses within the coastal zone" are clearly allowed under the zoning code with a conditional use permit as are numerous other uses allowed through either conditional use or neighborhood use permits. In response, the proponents then suggested that the need to obtain a conditional use permit would be overly burdensome. Commission staff disagreed and presented the provisions for allowing industrial uses and the required findings to support a conditional use permit. Staff concluded that there are viable light industrial/marine-related uses or visitor uses that could be developed and supported on the site and the discretionary review process would not render the site undevelopable. However, the current land use designation of Industrial would preclude any residential development on the site and it became clear that the requested land use change was predicated on the desire to have a residential component in the future redevelopment of the property. At the hearing, there were concerns expressed about the loss of any commercial fishing/marine-related industrial lands, the possible amount and location of alternative commercial space on the property (i.e. bayside versus Scott Street frontage) and land use priorities for the property in general. Ultimately, the matter was withdrawn.

### **C. NONCONFORMITY OF THE PENINSULA LAND USE PLAN REVISIONS WITH CHAPTER 3**

**1. Marine-Related Uses/Priority Uses.** The proposed amendment would result in a decrease in the amount of land area designated for Marine-Related Industrial uses in the Peninsula Community plan area from 4.92 acres to 3.27 acres. The following Coastal Act sections are applicable and state:



**Section 30255** Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. [emphasis added]

**Section 30234** Commercial fishing and recreational boating facilities

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. [...]

**Section 30234.5** Economic, commercial, and recreational importance of fishing

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

The Coastal Act defines coastal-dependent development or use as “any development or use which requires a site on, or adjacent to, the sea to be able to function at all.” Pub. Res. Code § 30101. A “coastal-related development” is defined as “any use that is dependent on a coastal-dependent development or use.” Pub. Res. Code § 30101.3. In this particular case, the subject site is currently designated for marine-related industrial use and use of the site consistent with that designation would be coastal-related. Marine-related industrial uses are often located immediately adjacent to the shoreline; however, they can be, and frequently are, located at inland sites. Some marine-related uses would be coastal-dependent if they require waterfront land to function.

The subject property is not a waterfront site and currently contains three commercial fishing/marine-related businesses (Aquarius Yacht Services, Randall Berg Yacht Brokerage, Dinghy Doctor); one or two other non-marine related commercial uses (including three residential apartments); parking and a large marine boat storage area. The subject site was formerly a portion of the Kettenburg Boat Works site. The boat works site gained notoriety with its design of a Pacific Class (“PC”) sailboat to rival the East Coast “S” class boats. Originally, the Kettenburg boat yard facility included the subject site (upland parcel) as well as the bayfront/waterfront parcel which is located in port district tidelands and now separately owned. In 1968, the Whittaker Corporation purchased Kettenburg Marine. It continued to produce sailboats and yachts, provide boat repair services, and produce vessels under Navy contracts. In 1974, a new dry dock facility was built at the foot of Dickens Street. In 1979, due to management changes, no new boats were designed or built on the premises, which was used primarily for storage, repair and retail sales until the business closed in 1994. At some point after this time, the tidelands and uplands parcels were sold into separate ownership with Dean Wilson holding title to the upland parcel; he operated it as a boat yard with mostly marine-related uses on the premises up until recently.

The Peninsula Community Plan identifies this area as a “transitional area”, where gradual commercial development and redevelopment is currently underway. As stated in the

Peninsula Community Plan, “the Commercial Fishing and Marine-Related Industry are located in the Roseville/Shelter Island area and provide the following facilities: boat berthing (private and commercial), boat repair and sales, fuel docks, fishing supply shops, public parking, restaurants and lodging accommodations”. Such uses as commercial fishing are coastal-dependent whereas marine-related industrial uses can be either coastal-dependent *or* coastal-related depending on the specific use. Furthermore, the Plan states on Page 44, “[i]n addition to the Port controlled commercial fishing industry uses, marine related sales and service operations are located within the Roseville area, east of Scott Street (along Canon and between Carlton and Dickens). These uses provide a transition into the Roseville commercial district.” The Plan further states as one of its Objectives to “maintain and encourage continued development of the commercial fishing and marine related commercial land uses within Peninsula.”

Coastal-related uses are clearly high priority uses under the Coastal Act, as well as facilities serving the commercial fishing and recreational boating industries. Therefore, the City and project proponents attempted to address the land supply and demand for marine-related uses in the area in support for the requested land use change. There were three studies presented on this issue. First, there was a usage study of the America’s Cup Harbor completed in conjunction with prior Port/Commission action on Port Master Plan Amendment #33 (approved by the Commission in June, 2003). Specifically, the findings of the study (America’s Cup Harbor Usage Study presented to Port of San Diego by M.J. Barney Associates, dated 11/30/99) revealed that the former Kettenburg Boat Yard was one of the two largest boat yards in San Diego at the time. With regard to other businesses researched, the findings of the report stated that marinas were doing well in Shelter Island and Harbor Island and those businesses acknowledged a relatively strong and growing boat market. In addition, the report also found that the Kettenburg Boat Yard was at approximately 90% capacity when it was still operating.

Given that the number of boat yards had declined at the time, the report recommended that the successor to Kettenburg Marine be allowed to continue its operation and be encouraged to upgrade the facility to meet future market demand. The report also stated that if the Kettenburg facility were to cease operation, although some of the work could be routed to alternate boat yards in other locations throughout greater San Diego, it was believed that the overall, cumulative demand throughout San Diego would not be met within 12 to 18 months of Kettenburg’s closure. The conclusions of the study recommended that Kettenburg’s main functions and attributes should not be drastically altered. The usage study essentially touted the marine industry of the area but it preceded the current economic downturn and both the broader tourism and recreational use markets have been adversely impacted. Nonetheless, the study underscored the value of the tidelands parcel as a boatyard with a historic commitment of the subject upland parcel as a marine-related land use property; and, in fact, the upland parcel still continued to provide upland support for the boatyard operations.

As a second assessment, the City conducted a study entitled, “Analyses of the Business Activity in the Point Loma Study Area by the North American Industrial Classification System” (dated July 2009) to determine the amount of marine-related uses in the community plan area. One of the study’s specific questions was whether or not marine-

related industrial businesses were relocating outside of the study area to other city and county locations. In addition, the study references a separate report entitled “Demand for Marine Related Industrial Land in the Peninsula Community”. Two sections of that report are referenced in the City’s 2009 analysis and they read as follows:

“There are over 40 marine-related industries identified under the North American Industrial Classification System (NAICS), plus marine-related trades within the broader industry classifications, and marine-related commercial, recreation, financial and services. On a practical level, only a few of these are potential marine-related industries that would fulfill the Peninsula community Plan’s marine-industrial designation on the subject property.

[and]

Some marine-related commercial activities, such as seafood restaurants, fish markets, sports fishing supplies, boat brokers and professional services are not listed...since they would be allowed anywhere under commercial zoning...in the Port’s jurisdiction, the Peninsula Community Plan and elsewhere in the North Harbor/Sports Arena market area.”

The City’s study found “[t]he presentation of the NAICS code data does not illustrate a large percentage of businesses engaged in marine-related industrial operations.” In general, the study also found that study area businesses have remained fairly constant over time. In its conclusion, the study states that recent data collection “does not illustrate that there was great demand for marine-related operations within the study area...” For example, as stated in the study, of the 450 businesses in operation during the year 2008, 94% of these were engaged in providing commercial or retail services. The study did not find those businesses qualified as water dependent or water based activities and further found that the identified commercial services and retail businesses could locate anywhere in the city, with appropriate commercial or retail zoning. There were eight (8) study area businesses that were specifically identified as engaged in manufacturing or industrial land uses that would be associated with marine-related business operations. However, the City’s study again found these businesses are not water dependent and are land based manufacturing operations that do not have to be located next to the water.

The City’s analysis and action to approve the land use redesignation is thus based on two points. First, there is a small percentage of actual marine-related *industrial* uses in the community. Second, the City asserts that the bulk of the marine-related businesses are not water dependent and could be located anywhere in the community with appropriate commercial or industrial zoning.

A third study was subsequently also submitted for Commission consideration. Specifically, a report by Economics Research Associates dated 2/15/06 was reviewed and it included a survey of the Peninsula planning area which includes both Port of San Diego and City of San Diego areas to determine the future demand for land based marine related industrial uses within those boundaries. The study concluded that there is more

than adequate land in the Peninsula Community Plan area to accommodate future marine-related uses and that marine-related use opportunities will not be constrained by the redesignation of the subject site.

Specifically, the study analyzes the estimated growth in marine-related industries and employment density per acre factors through 2030. It is estimated that growth in these industries from 2005 to 2030 would generate demand for approx. 0.70 to 1.20 acres of land area. This information was based on employment projections (number of employees, what amount of land is typically related to those number of employees in a business, etc.). In addition, according to SANDAG, the Peninsula Community Planning Area has about 5.5 to 6.6 acres of land zoned for industrial uses today and 75-100 acres of land zoned for commercial uses -- some of which might accommodate some of the candidate land-based, marine-related industries. The study therefore concludes that supply exceeds estimated demand by a significant margin. In addition, the proponents have noted that over four acres of additional land has been reserved for industrial uses at the former Naval Training Center.

Although the City and project proponents have provided good information regarding demand for marine-related uses, economic conditions can change and the Coastal Act clearly mandates marine-related uses for priority protection and support for the commercial fishing and recreational boating industries. The proposed land use change would redesignate the site from Industrial (Commercial fishing/Marine-related) to Commercial. While the proposed land use would be Commercial and it would thus appear to still reserve the site for marine-related land uses, which would be a priority under the Coastal Act, the commercial land use designation would also allow residential uses. As described elsewhere, the specific development accommodated by the land use change is primarily a residential condominium project.

In addition, research was completed on the Port action for the adjoining tideland parcel to be redeveloped as the "Kettenburg Landing". Specifically, the coastal development permit (cdp) describes the development, in part, as follows:

The proposed redevelopment of the existing boatyard consists of the demolition of the existing margin wharf, floating docks, shoreline embankment, pavement areas and building structures, all in a deteriorated state, unsightly and inefficient. The proposed construction includes a two-story boatyard administration building, roughly 4500 sq.ft. in size; a high bay metal boat shed of approx. 6,500 sq.ft., two 65 ft. long x 3 ft. wide cast-in-place concrete finger piers supported by sixteen pre-cast concrete friction piles for use by a new 35-ton travel lift, roughly 41,000 sq.ft. of concrete paving, and up to 52 boat slips. The redevelopment plans also include waterside improvements including the reconstruction of approximately 368 linear feet of shoreline with new granite stone revetment; dredging to create the new shoreline condition and minimum depths required for boatyard use; [...]; construction of approximately 6,100 sq.ft. of marine sales and service buildings, a food service building of approximately 1,263 sq.ft., a 680 linear foot long shoreline pedestrian walkway with a ten-foot minimum width, an approximately 28,973 sq.ft. public plaza including landscape planting and circular hardscape

gathering area, a new dinghy dock for water taxis and transient moorings and a minimum of 51 parking spaces.

Therefore, it became clear that through the proposed redevelopment of the Kettenburg boat yard site, as described above, several new improvements are proposed on the port tidelands parcel which also include a new boat yard, although a much smaller one than previously existed. Given the port master plan amendment/cdp included several marine-dependent uses on its property, the subject proposal to develop a project site with mostly residential development is inconsistent with Coastal Act policies to foster coastal-related development. In other words, given that the port site will be developed with marine-dependent uses, the subject site should be reserved, in larger part, for coastal-related uses which support the aforementioned coastal-dependent uses. Absent reservation of more land devoted to coastal-related uses on the subject site, the proposed amendment is therefore inconsistent with Coastal Act policies.

Although the City determined that the loss of 1.65 acres of marine-related industrial use would not be detrimental to the overall supply of marine-related uses in the nearby community, including the nearshore area, the Commission does not concur. Marine-related land uses remain a priority use under the Coastal Act; and, given that the proposed Commercial land use designation would also allow some restricted residential use, this acreage would no longer be protected for either marine-related industrial, marine-related commercial or even visitor commercial land uses. Section 30222 of the Coastal Act also states that “[t]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.” (emphasis added) Therefore, more commercial uses should be provided on-site which will encourage coastal recreation, support the commercial fishing and recreational boating industries, along with the adjacent coastal dependent uses in this nearshore area. In summary, a proposal to redesignate a property reserved for Industrial (Commercial fishing/Marine related) uses to a broad and poorly defined Commercial land use category which would allow residential use with a minimal commercial component is not supportable. The subject site lies adjacent to a waterfront parcel which will be redeveloped with a boatyard and other coastal dependent and marine-related uses, which are a high priority uses mandated under the Coastal Act. The Commission thus finds that the subject site needs to be reserved for priority uses under the Coastal Act and the land use plan amendment must be denied as submitted.

#### **PART IV. FINDINGS FOR APPROVAL OF THE PENINSULA LAND USE PLAN, IF MODIFIED**

##### **A. SUMMARY FINDING/CONFORMANCE WITH CHAPTER 3 OF THE COASTAL ACT.**

The Commission finds the proposed LUP amendment for the City of San Diego Peninsula Community Plan segment is approvable, if modified, to include language that

revises the proposed amendment and redesignates the property from Industrial (Commercial Fishing Marine-Related) to Commercial Recreation with the added specification of permitted uses and development standards that de-emphasize the residential element. Specifically, a suggested modification would add specification of the permitted uses for redevelopment; it would provide the delineation of uses to include, but not be limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, diving schools, sail makers, marine salvage operations, specialty/handcraft shops, beachwear, books, chart/map sales and other similar activities that support uses on the waterfront. A key development standard would also specify and reinforce that residential uses may be permitted but only on the upper floors; only commercial leaseholds and required off-street parking may be located on the ground/street-level. The proposed suggested modifications adequately address the proposal's inconsistencies with the Coastal Act, as described in the preceding section. With these revisions, the Commission can find the amended plan consistent with Chapter 3 policies.

## **B. SPECIFIC FINDINGS FOR APPROVAL**

**1. Marine-Related Use/Priority Uses.** As noted in the findings for denial, the key issue with the Peninsula Land Use Plan amendment is that it proposes to redesignate the entire 1.65 acre property from Industrial (Commercial Fishing/Marine Related) to Commercial to accommodate a proposed mixed use project consisting of 40 residential townhomes (condominium units) and six street-level commercial condominium units totaling about 7,100 sq.ft. However, given the Coastal Act priorities for marine-related development, facilities supporting the commercial fishing and recreational boating industries and visitor commercial uses and the proximity of both the tidelands and Shelter Island, a significant loss of acreage on the subject property for coastal-related or marine support uses, as well as potential tourist development, is problematic.

Under the Coastal Act, in addition, there are clear mandates to prioritize the use of private lands that are suitable for visitor-serving commercial recreational facilities that will enhance public opportunities for coastal recreation over private residential, general industrial or general commercial development (Section 30222). This is especially true for a site that is next to America's Cup Harbor and has historically been committed to marine uses. The Coastal Act also provides that, when appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support (Section 30255). Although the applicant has provided fairly good information regarding projected demand for marine-related/industrial uses, these economic conditions can change. Marine-related/industrial uses are a priority use for this area. The Commission finds that a reasonable compromise is to remove the Industrial land use designation and allow a land use redesignation to broader commercial development but one which still emphasizes marine-related, commercial fishing support and/or visitor uses. Specifically, Suggested Modification #1 requires that the City of San Diego amend Figure 5 of the land use plan to reflect a redesignation of the site from "Industrial" to "Commercial Recreation". Suggested Modification #2 would add a listing

of permitted uses and clarify the development standards for redevelopment of this site and other properties along the waterfront as a plan Objective; it would read as follows:

Encourage continued development and sensitive redevelopment of a wide variety of community, visitor and marine related community commercial uses in the Roseville commercial district, including, but not be limited to, marine sales and services supporting the commercial fishing and recreational boating industries, hotels, restaurants, marine navigation and fish finding equipment, yacht brokers, specialty/handcraft shops, beachwear, chart/map sales and other similar activities that support uses on the waterfront. Residential uses may be permitted but only on the upper floors; only commercial leaseholds and required off-street parking may be located on the ground/street-level.

Finally, a third suggested modification would revise the plan recommendations for the Roseville area by again incorporating the specification of permitted uses and the development standards for allowable residential development. In this manner, the emphasis for marine-related and visitor uses will be maintained and the allowance for secondary residential components will be clarified.

Another concern is that technically, the proposal for residential development on the subject site appears to be inconsistent with both the certified land use plan and zoning requirements in the Land Development Code. Specifically, on Page 36, under the Recommendations for Specific Commercial Areas, the plan states for the Roseville area the following:

The Roseville commercial district should remain as the primary commercial focus within Peninsula. A majority of the area should be designated for a mix of community commercial, commercial recreation and marine related commercial and industrial uses. [...] Residential development should be allowed at densities not exceeding 29 du/acre on upper floors of the commercial development with densities up to 36 du/acre permitted only in conjunction with low and moderate income housing. (emphasis added)

Relative to zoning, Section 131.0507 of the Land Development Code addressing the CC (Community Commercial) Zones (the site is zoned CC-4-2) contains a footnote for permitted residential uses in the zone which states the following: Residential use and residential parking are permitted only as part of a mixed-use (commercial/residential) project. Non-owner occupants must reside on the premises for a minimum of 7 consecutive calendar days. Within the Coastal Overlay Zone, residential uses and instructional studios are not permitted on the ground floor. (emphasis added) Although some residential development is consistent with the zone, the City, in its conditional approval of the companion project, permitted the residential use on the street level because the project incorporated a semi-subterranean parking garage which they accepted as being the “ground floor” and the residential use is then technically on the “upper floor”. The Commission believes that if residential use is permitted—it should be a secondary use and only on the upper floors to meet the requirements of the LCP as

certified. The project approved by the City is, instead, predominately residential on the street or primary floor.

In support of the request, the applicant's representatives have also indicated that the subject LCP amendment is very similar to LCPA #1-04 (The Anchorage) which the Commission approved in November, 2004. The LCPA was for the redesignation of a .39 acre property from Marine Related Industrial to Medium Density Multi-Family Residential and a rezone from CO-1-2 to RM-2-5 to accommodate a proposed seven-unit condominium project on a parcel that was separated from the bay by other parcels on port district land. However, that Land Use Plan amendment was for a much smaller property (.39 acres) compared to the subject site which is for 1.65 acres of land. In addition, the Anchorage property was not as close to the bay as is the subject site. Therefore, the Commission continues to believe that a larger component of the subject site's possible redevelopment must be dedicated to priority uses, rather than residential development.

With regard to traffic, although the applicant has indicated that there would be less traffic with residential uses on the site than there would be with commercial uses, any potential demand for parking and traffic generation could be reduced due to potential trip-sharing by boat owners or marine entities that are already coming to the area. For example, if someone were already coming to their boat or waterfront, they would most likely stop at any one of the marine-related or commercial leaseholds in the area while they are already in the area rather than make a separate trip or single-purpose trip to visit those leaseholds/uses.

Furthermore, establishment of a commercial corridor along the bayside frontage and locating the residential development exclusively on upper floors will serve as a buffer between the more active boatyard/marine uses and any residential development, thus minimizing potential land use conflicts. That is, there is the potential for residents living in the proposed townhomes to object to the boatyard or marine-related uses occurring on the adjacent port property (i.e., noise, traffic, visual concerns, etc.). Siting commercial development and/or required parking along the ground/street level will function as a buffer between the subject site and adjacent tidelands activities. Therefore, only with the above-described suggested modifications, can the Commission find the proposed LUP amendment consistent with the applicable policies addressing priority uses under the Coastal Act.

**2. Public Access/Recreation.** A number of policies in the Coastal Act address the protection and improvement of public access and recreation opportunities within the coastal zone, including:

**Section 30211.**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Section 30252.**



The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation ....

The proposed land use change is for redesignation of a 1.65 acre site from Industrial (Commercial Fishing/Marine-Related Industry) to Commercial. This change would accommodate a proposed 40 townhome project with six commercial leaseholds which would require a coastal development permit from the City. Although the amendment, even as suggested to be revised pursuant to the suggested modification, could result in a much more intensely developed site than presently exists, when the City processes the CDP for any proposed project on this site, it will have to ensure that adequate on-site parking will be provided for all uses. Thus, the proposed change in land use will not have any adverse impacts on public access to and along the shoreline in the area. As such, the proposed amendment is consistent with the public access policies of Chapter 3 of the Coastal Act.

**3. Visual Resources.** Section 30251 of the Act provides in part, that the visual qualities of coastal areas shall be protected, and that permitted development should be sited to protect views in scenic coastal areas, that alteration of natural land forms shall be minimized and that the visual quality shall be improved in visually degraded areas.

Public views to the bay are visible from the eastern side of the project site and also along the two frontages (Dickens and Carleton Streets), although views across the site itself from Scott Street (west side of site) are not visible due to the presence of existing buildings on the property. There are no LUP designated public view corridors along any portion of the site or its surrounding street frontage to the bay. However, the LUP does state, “[i]n addition to physical access to the ocean and bay environments, visual access is an important consideration in terms of maximizing enjoyment of the Peninsula’s unique resources. A number of view corridors exist throughout the Peninsula planning area, providing views of the Bay, ocean, Downtown, Coronado, Mission Bay and Pacific Beach....” However, the development enabled by this LUP amendment will not obstruct public views to the Bay or significantly impact views from any public vantage points. Furthermore, any approved development will not exceed the 30 ft. height limit for this area pursuant to the certified LCP.

Access to the bay would be provided through an adjacent promenade/pedestrian path along the waterfront which is proposed by the Port District on the adjacent parcel of bayfront land between the subject site and bay (Port Master Plan Amendment #33/America’s Cup Harbor). In addition, the Port action on the “Kettenburg Landing” project formalized and preserves the public view corridors extending down the Carleton and Dickens streetends through the tidelands parcel to the bay. The subsequent redevelopment of the subject upland site would not result in any adverse impacts on any

designated public view corridors or physical accessways in the area and the Commission finds the proposed community plan land use designation changes consistent with Chapter 3 policies of the Coastal Act, as submitted.

**4. Historical Resources.** Section 30251 of the Coastal Act also provides, in part, that permitted development shall be visually compatible with the character of the surrounding areas. This Coastal Act policy is intended to preserve the community character of the area, which generally includes retention and preservation of its historical resources. Retention of historical structures preserves the community character and its heritage as valuable resources for the community to enjoy, which are often mirrored in goals and policies of local community plans.

As noted earlier, the subject site was part of the property formerly known as Kettenburg Boat Works. The City's Historical Resources Board has designated the subject site as a historical resource. The basis of the designation is under Criterion A as a special element of San Diego's maritime history and under Criterion B, for its association with the Kettenburg family who played a significant role in San Diego's maritime industry. The designation encompasses all of Lots 1-11 of Block 29, which represent the subject site.

Specifically, the Kettenburg Boat Works played a significant role in San Diego's maritime history. From 1926-79, they designed and manufactured world-class racing sailboats which continue to be well regarded and highly sought-after to this day. They played a significant role in the success of San Diego's tuna fishing fleet during World War II, designing and building the fishing boats needed to keep fishermen working and San Diegans fed during wartime rationing. They also provided the Navy, a cornerstone of San Diego's economic vitality, with new vessels and maintenance of existing ones.

As was identified in the City's staff report, in 1990, the galvanized metal structure built in 1926 on Lots 9-11, which housed the original design and manufacturing operations for Kettenburg Boat Works, was demolished. Had this structure not been demolished, it would have had the strongest and longest lasting association with the Kettenburg operation. The City voted to designate the site as a local historical landmark (#855). Only the site was designated and that designation excluded all structures on the property. The historical significance of the site will remain with the proposed project. As approved by the City, the proposed project will include a plaque on the site and an interpretive story board commemorating the Kettenburg family's contribution to the nautical history of Shelter Island. In summary, the partial re-designation of the subject property from Industrial to Commercial use, which is proposed to accommodate the future redevelopment of the property (including demolition of non-historic structures on site) can be found consistent with Section 30251 of the Coastal Act.

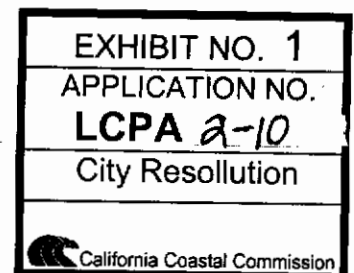
## **PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LUP amendment submittal, to find that the proposed LUP, as amended, does conform with CEQA provisions. The Commission finds that approval of the proposed land use plan amendment, as submitted, would result in significant impacts under the meaning of the California Environmental Quality Act. However, with the inclusion of the suggested modification, implementation of the revised land use plan would not result in significant impacts to the environment within the meaning of the California Environmental Quality Act. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

WHEREAS, on OCT 07 2008, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the General Plan and the Peninsula Community Plan and Local Coastal Program; and

WHEREAS, Dean Wilson, Trustee of the Dean Wilson Living Trust and Axiom Shelter Island LLC, requested an amendment to the General Plan and the Peninsula Community Plan and Local Coastal Program to demolish an existing three (3) two-story structures and associated accessory structures, and construct a new four (4) two-story and one (1) three-story buildings consisting of 47 residential condominium units, three commercial condominium units and one level of subsurface parking located 1275 Scott Street in the CC-4-2 Zone of the Peninsula Community Plan and Local Coastal Program Land Use Plan Area. The site is legally described as Parcel A: Lot 1, Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in the office of the County Recorder of San Diego County. Excepting therefrom that portion, if any, heretofore or now lying below the mean high tide line of the Bay of San Diego; and Parcel B: That portion of Lot 1 in Block 28 and Lots 2 to 11 inclusive in Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in the office of the County Recorder of San Diego County lying above the mean high tide line of the Bay of San Diego, as said mean high tide line was established by that certain Superior Court action numbered 35473, and on file in the office of the County Recorder of San Diego County as Miscellaneous Map No. 42; and Together with that portion of Shafter Street as closed to public use lying between said Blocks 28



and 29 and lying above said mean high tide line; and Parcel C: Lot 12, Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in the office of the County Recorder of Said San Diego County; Excepting therefrom any portion thereof now or heretofore lying below the mean high tide line of the Bay of San Diego, City of San Diego, County of San Diego, State of California; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts the amendments to the Peninsula Community Plan and Local Coastal Program, a copy of which is on file in the office of the City Clerk as Document No. RR- 304223 - \

BE IT FURTHER RESOLVED, that the Council adopts and amendment General Plan for the City of San Diego to incorporate the above amended plan.

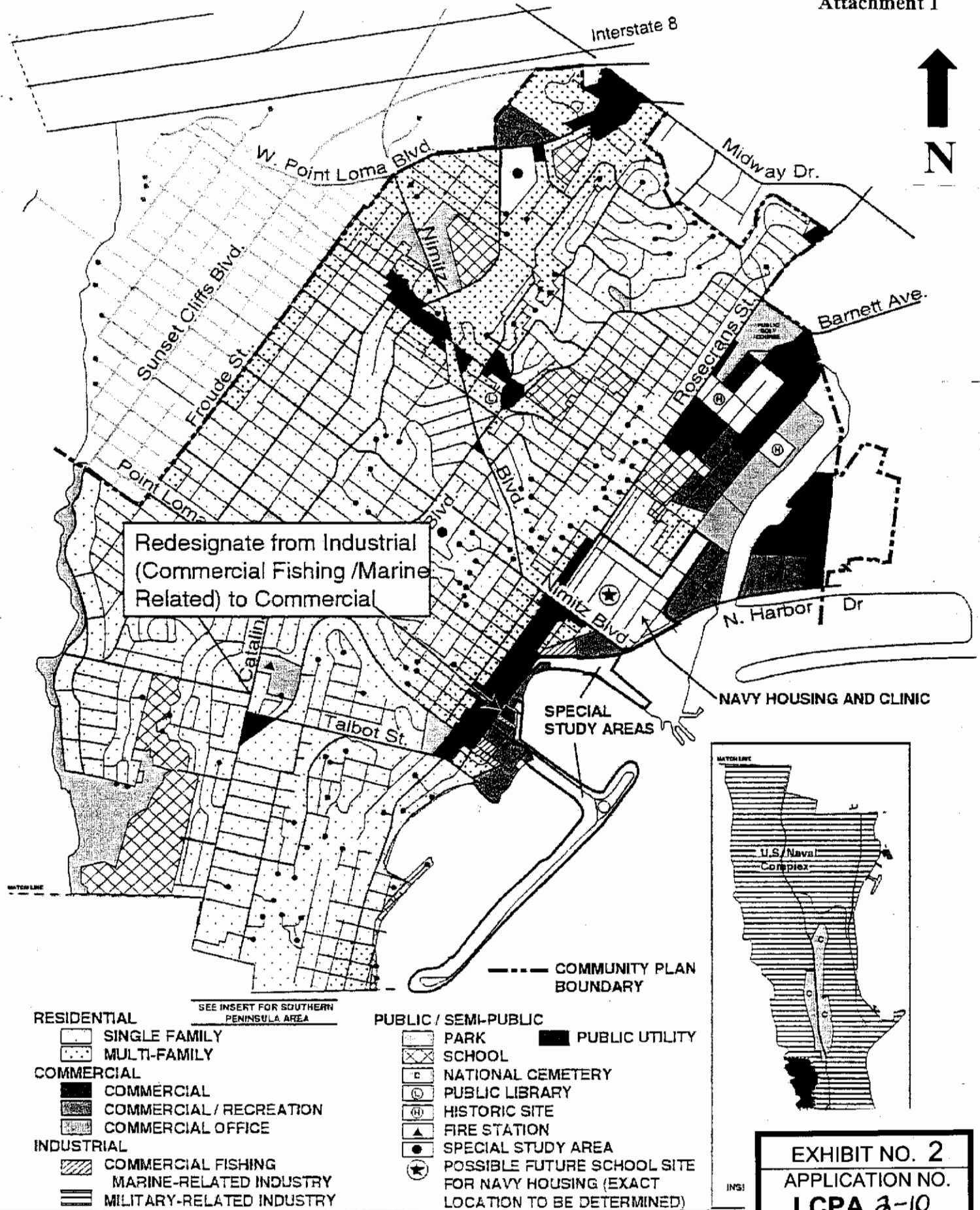
BE IT FURTHER RESOLVED, that this project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result,

these amendments will not become effective in the Coastal Zone until the Coastal Commission unconditionally certifies the Local Coastal Program amendment.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By *Signature on file*  
\_\_\_\_\_  
Marianne Greene  
Deputy City Attorney

MR:als  
08/25/08  
Or.Dept:DSD  
R-2009-196  
MMS#6683



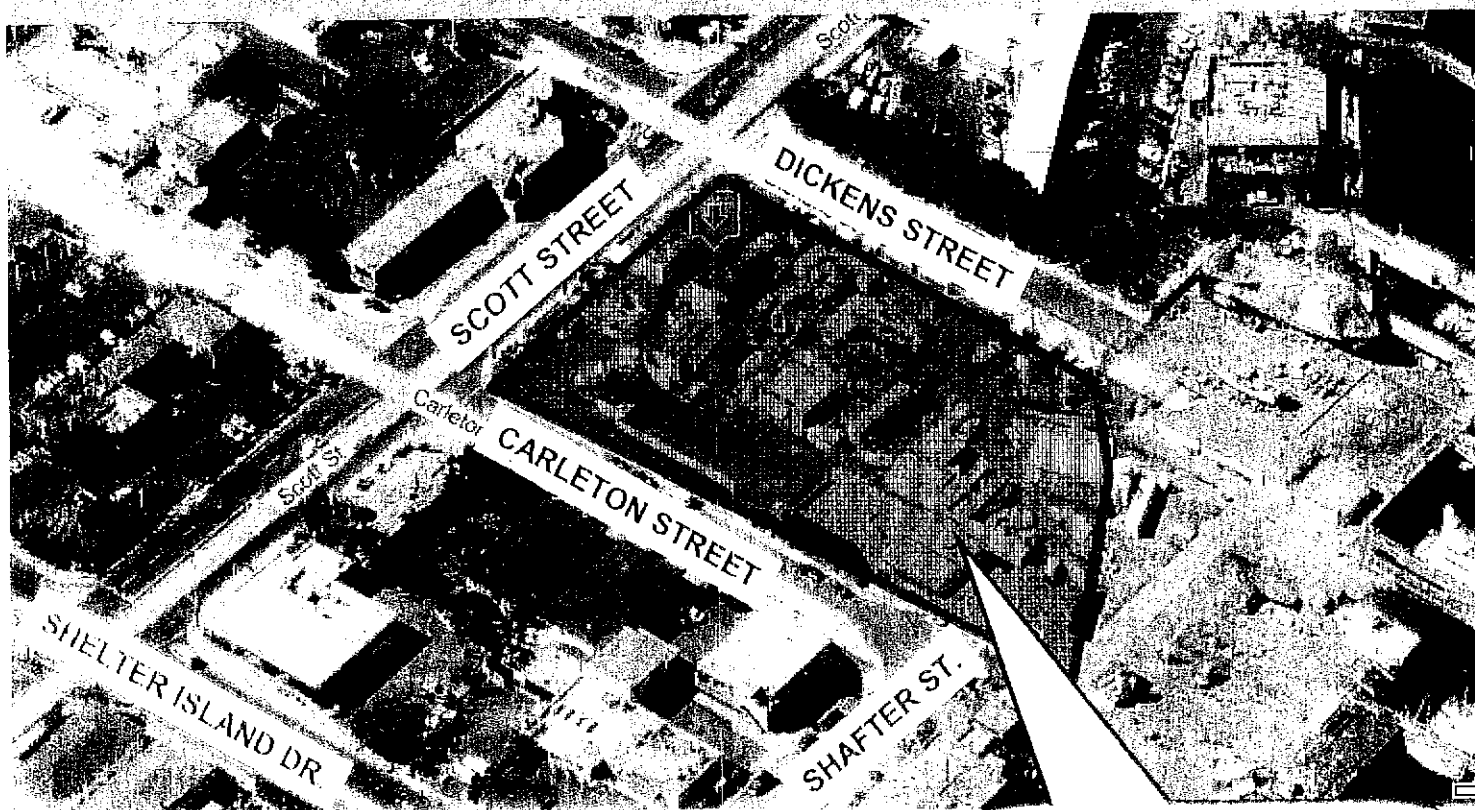
## Land Use

### Peninsula Community Plan

CITY OF SAN DIEGO • PLANNING DEPARTMENT

Development Services Department  
Project Management

## Location



1275 Scott Street



EXHIBIT NO. 4

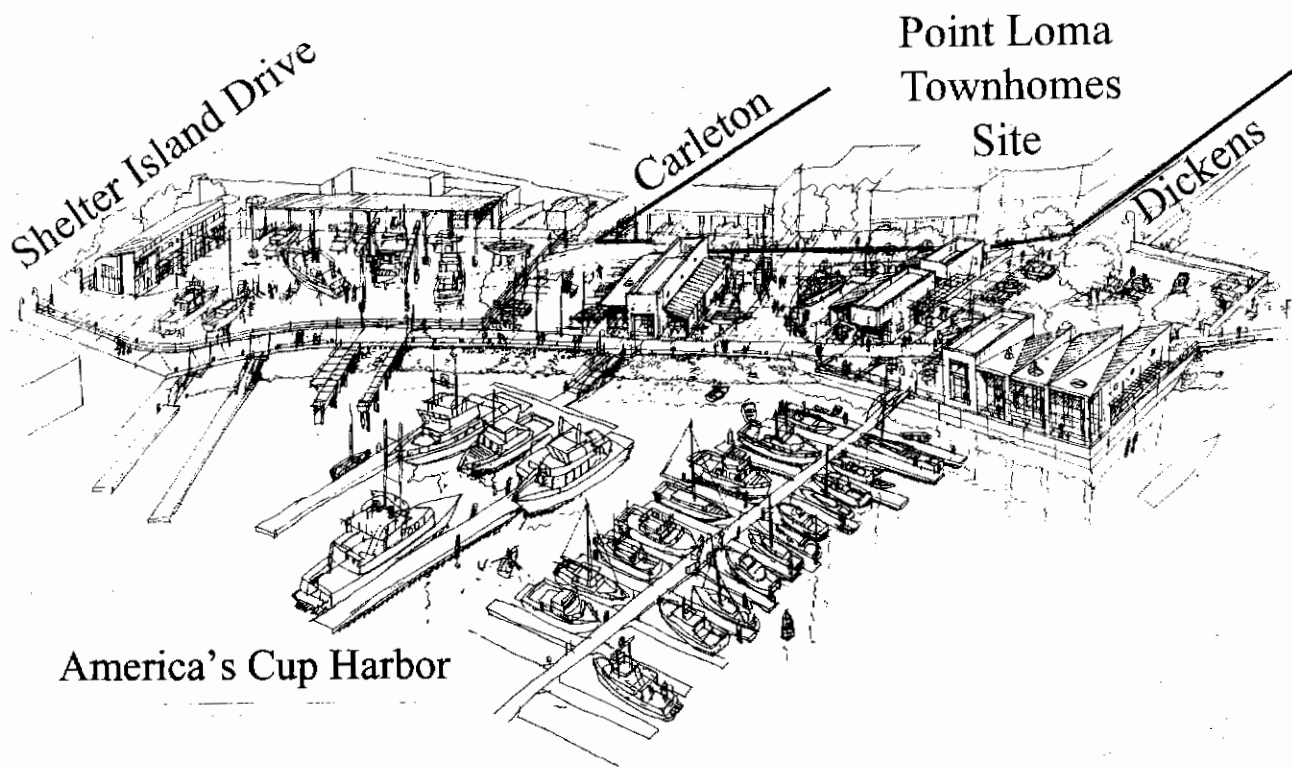
APPLICATION NO.

**LCPA 2-10**

Aerial Photo of Site

California Coastal Commission





Shelter Island Drive

Carleton

Point Loma  
Townhomes  
Site

Dickens

America's Cup Harbor

Kettenburg Landing

PLTH LCPA Attachment 18

EXHIBIT NO. 84

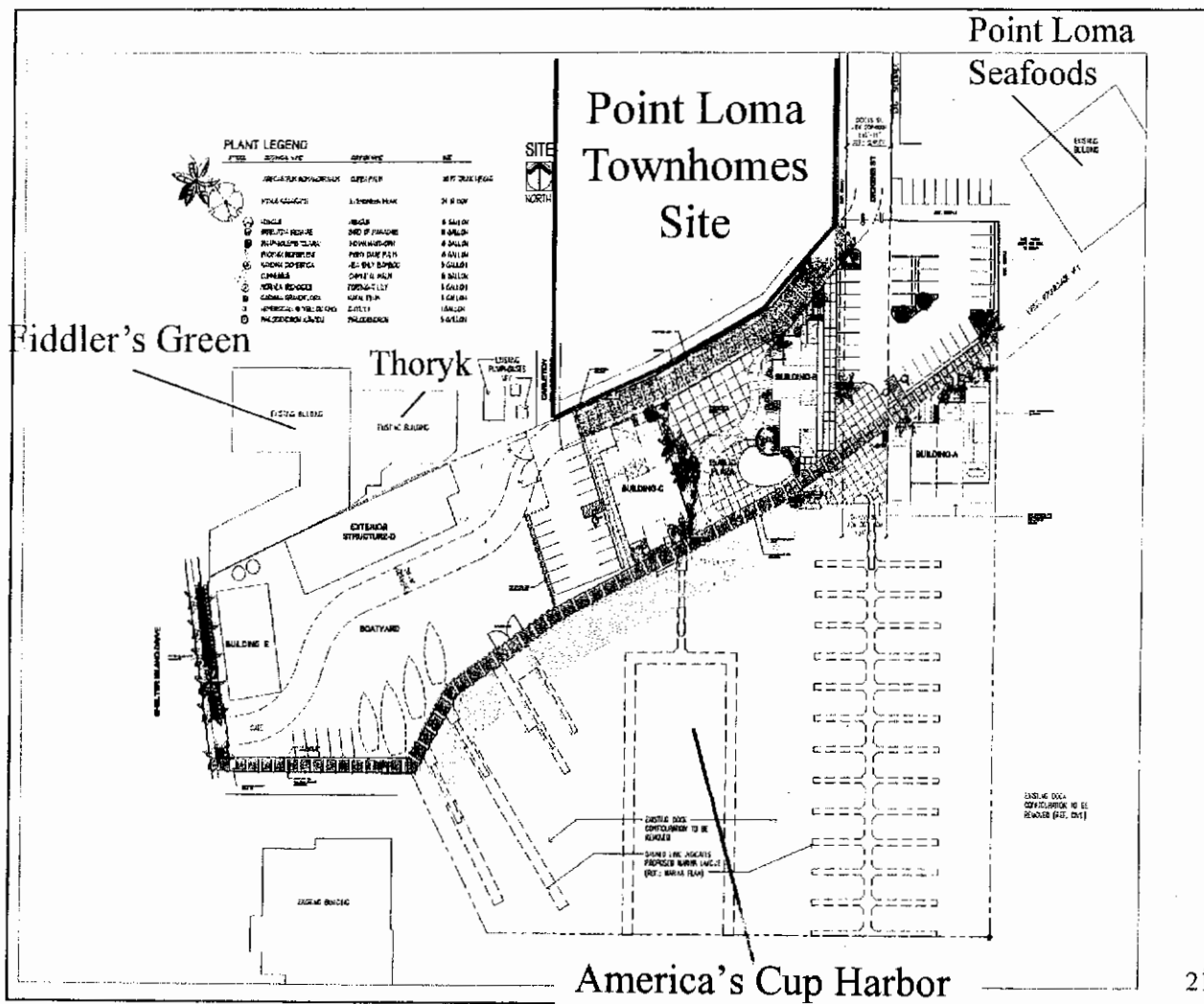
APPLICATION NO.

LCPA 2-10

Isometric Plan View

(looking west)

California Coastal Commission



The Midwest Ad Partnership is a  
 September, 1994 Page 10

PHOTOGRAPHY  
 71 Colburn  
 10th Fl.  
 Seattle, WA 98101  
 Phone 206.399.6000  
 Fax 206.399.6000  
 Connect Group Co.

ARCHES  
LANDSCAPE  
ARCHITECTURE INC.  
PO Box 7503  
Rancho Santa Fe, California 92084  
818/754-8943

**Kettenburg Marine**  
AMERICA'S CUP HARBOR  
SAN DIEGO, CA  
PORT OF SAN DIEGO  
WORKING BOATING CLUB

[illegible]

S-1

4

PLTH LCPA Attachment 17

EXHIBIT NO. 65

APPLICATION NO.

LCPA 2-10

Proximity of site to  
Kettenburg Landing,  
American's Cup  
Harbor & other  
commercial  
leaseholds in area



California Coastal Commission