

CALIFORNIA COASTAL COMMISSION

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AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-007-A1

Applicant: County of San Diego Agent: Suzanne Evans

Original Description: Construction of a 14-acre public park on the site of the County Administration Center parking lots. The project includes demolition and removal of an existing 1,100 car surface parking lot and an existing administrative office building and replacement with public lawns, green spaces and decorative paving. Construction of two single-level underground parking structures on the north and south sides of the site will provide 381 parking spaces, and a new 650-space off-site parking structure will be constructed outside the coastal zone.

Proposed Amendment: Combine underground parking structures into one 250-space lot on the southern portion of the site; minor revisions to landscape and hardscape park features, reduce off-site parking to 600 spaces, provide a parking management plan prior to providing the 600 off-site spaces; revise landscape plan to allow limited use of Mexican Fan Palms in the landscaping plan, and remove condition requiring submittal of a monitoring plan after 5 years.

Site: 1600 Pacific Highway, San Diego, San Diego County. APN 533-590-01.

Substantive File Documents: Certified City of San Diego Centre City Community Plan and Centre City PDO; Certified San Diego Port District Port Master Plan; Final Environmental Impact Report San Diego County Administration Center Waterfront Park Development and Master Plan, April 2003, by BRG Consulting.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed revisions to the park, with several special conditions addressing parking, invasive plants, and geology. The park will create a new low-cost, visitor-serving, public

recreational facility on San Diego's waterfront. Although construction of the project will temporarily remove prime waterfront parking spaces that are currently available to the public outside of normal business hours, special conditions have been added requiring Parking Management and Monitoring Programs, including implementation of a public shuttle service, to ensure that adequate public parking is available until the construction of new off-site parking is complete, and that no adverse impacts to public access will occur.

It is staff's understanding that the County is in agreement with all special conditions.

Standard of Review. Chapter 3 policies of the Coastal Act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-03-7-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

The following conditions shall replace the existing conditions on the original permit in their entirety:

1. Final Parking Management and Off-Site Shuttle Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and approval a shuttle and parking management program that includes, at a minimum, the following:

- a. Identification of the location(s) of the interim employee/public off-site parking lot(s), including the number of total spaces available, and a demand analysis that demonstrates a minimum of 200 available parking spaces are present during weekdays, evenings, weekends and holidays.
- b. A description of the shuttle operations, including shuttle route, service hours, frequency and schedule for special events. In order to meet anticipated demand during Phase 2 of the project and until the opening of the off-site parking garage, the shuttle shall operate on weekends and holidays from 10 am to 6 pm, with shuttles running every 15 minutes. Signage shall be installed on both the County lot and the off-site lot(s) informing the public of the availability of these lots during the weekends and holidays.
- c. Evidence that the applicant is in compliance with the approved program promoting carpooling and public transit usage, the provision of bicycle racks, and telecommuting;
- d. Termination of the public shuttle program may not occur until the applicant has demonstrated that the off-site public/employee parking lot is open for public use (or has a final, confirmed opening date) through an amendment to this permit.

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

2. Off-site Parking/Shuttle Monitoring Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall provide, for review and written approval of the Executive Director, an off-site parking and shuttle monitoring program which will apply during operation of the proposed interim public shuttle program and which, at a minimum, shall include the following:

- a. A requirement that an evaluation of the adequacy of the Parking Management and Off-Site Shuttle Program be performed and submitted to the Executive Director of the Coastal Commission approximately 3 months after the start of shuttle operation that documents the public use of the shuttle and off-site parking lot(s), including usage during any holidays and special events during that time. Information on the utilization of the off-site parking (i.e., whether or not the parking lot was completely filled or whether there was excess parking, etc.).

- b. A requirement that additional monitoring reports shall be performed and submitted to the Executive Director of the Coastal Commission one year after start of the program and then once a year thereafter until the Cedar/Kettner parking lot is open to the public.
- c. Said report(s) shall also contain recommendations, if any, for necessary changes or modifications to the project if there are any identified shortfalls or problems in parking or user accommodation. If any parking shortages or other conflicts are identified in the annual evaluation, the applicant shall propose necessary operational changes to address/mitigate the identified parking demand shortfalls or operational problems to the Executive Director. No changes to the shuttle/parking program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- d. An agreement that the applicant shall apply for a amendment to the coastal development permit within 90 days of submission of the required reports for any necessary changes or modifications to the program recommended by the report that the Executive Director determines requires an amendment.

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

3. Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for review and written approval of the Executive Director final plans for the proposed development that substantially conform with the “Bridging Documents” plans by Hargreaves Associates, dated October 10, 2011.

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

4. Final Revised Landscape Plans/Runoff. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and written approval, a detailed final landscape plan for the proposed development. Said plan shall be in substantial conformance with the draft landscape plan submitted with this application by Hargreaves Associates, dated October 10, 2011, but shall be revised to include the following:

- a. A plan showing the type, size, extent and location of all proposed vegetation and any necessary irrigation;
- b. Drought tolerant native species shall be emphasized; non-invasive plant materials must be utilized throughout the project site. If any of the 12 Mexican Fan Palms proposed to be relocated cannot be successfully transplanted, they must be replaced with non-invasive tree species.
- c. Low-flow efficient irrigation systems shall be utilized;
- d. Opportunities for directing runoff from the hardscape features to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, maintain post-development peak runoff rate and average volume at levels that are no greater than pre-development levels.
- e. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements. In addition, the trees alongside the proposed walkway at the extensions of Beech and Date Street shall be pruned and trimmed such that a 50-foot canopy-to-canopy view corridor is maintained at all times;
- f. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species, maintenance of 50 ft. width between tree canopies and plant coverage.

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

The applicant shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission

approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Excavation Fault Monitoring Report. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit a monitoring plan, prepared by a licensed Professional Geologist, or civil or geotechnical engineer for the review and written approval of the Executive Director. The plan shall be sufficient to assess all excavations during construction and prior to their being covered by forms, molds, fill, or structural members, and shall include at a minimum:

- a. The means by which all open vertical and horizontal cut faces can be examined by a licensed Professional Geologist and evaluated for the presence of active faulting and a requirement that the applicant shall complete such examination/evaluation and submit the results the Commission's Executive Director for review and approval. The plan shall be integrated with construction staging to assure adequate time to allow for the thorough examination of all surfaces prior to their being obscured by forms, molds, fill, or structural members.
- b. A mechanism by which features possibly representing faults can be evaluated fully to determine whether they meet the criteria of "active" faults as defined by the State of California (movement within the Holocene, or approximately the past 11,500 years) and a requirement that the applicant shall complete such evaluation and submit the results to the Commission's Executive Director for review and approval.
- c. Should active faulting be identified, all construction activity shall immediately cease and the following reports issued:
 1. A fault investigation report conforming to the recommendations of the California Geological Survey identifying the areas of likely faulting and suggesting mitigation measures.
 2. A geotechnical engineering report prepared by a licensed Civil or Geotechnical Engineer describing how the suggested mitigation measures will be integrated into building design.
 3. Construction may resume only upon review and acceptance of these reports by the Executive Director.

If any of the reports required in this condition contains recommendations for revisions to the approved plans, the applicant shall contact the Coastal Commission's San Diego District Office to determine whether such work requires a coastal development permit or an amendment to this permit.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. On June 12, 2003, the Commission approved creation of a park surrounding the existing County Administration Center. The County Administration Center (CAC) consists of the CAC building itself, which houses a variety of governmental offices and is a historic structure, the south parking lot (483 spaces), the north parking lot (617 spaces), the Askew Building, which is an administrative office building, and various walkways, sidewalks, and a grassy lawn area. The 16.62-acre parcel is located between Grape Street and Ash Street, fronting Harbor Drive in downtown San Diego. Harbor Drive is the first public roadway along San Diego Bay, and is a major coastal access route.

The original project involved removing the existing 1,100-space surface parking lots and demolishing the Askew Building in order to create a 14 acre civic green space consisting of various "Garden Rooms," including five diverse botanical areas, a Children's Play Garden, a Sculpture Garden, a promenade, fountain, lawns, and terraces. The original permit has been issued, and the Askew Building has demolished. No parking spaces have been removed.

In order to partially replace the existing parking lots, and to meet the demand for parking for CAC building employees, park users and waterfront public access parking, the project originally proposed the construction of two underground parking structures. The north parking structure (approximately 152 parking spaces) would have been accessed from Pacific Highway and Grape Street, and a south structure (approximately 98 parking spaces) with access from Ash Street. In addition to these 250 spaces, use of tandem parking on an as-needed basis would have provided an additional 64 spaces in the underground garages, for a total of 314 parking spaces provided on-site. Of these 314 spaces, 16 were to be reserved for public officials/VIPs and 10 for carpools. Soil from the excavation will be either distributed on-site or taken outside the coastal zone.

In addition, as originally approved, approximately 650 parking spaces would be provided with the development of an off-site parking structure located approximately one block from the CAC on the southwest corner of Kettner Avenue and Cedar Street, a site currently owned by the County and located outside of the Coastal Zone (see Exhibit #2). As approved, the 650-stall requirement could have been met entirely on the Cedar/Kettner site, or in combination with other locations deemed suitable by the developer. Finally, an additional 66 employee parking spaces would have been provided at the existing Trolley Towers parking garage, several miles away, outside the Coastal Zone, at 1255 Imperial Avenue. No changes to the existing on-street parking, nor revisions to bus parking or layover areas were proposed. In total, approximately 1,030 on and off-site parking spaces would have been made available through the proposed project.

The revised project involves several changes to the project design and offsite parking. Rather than two subterranean parking lots on the north and south side of the site, with access from both Grape and Ash, on-site parking will be consolidated into a single, approximately 250-stall below-grade garage accessed from Ash Street. As previously proposed, the use of tandem parking on an as-needed basis will create an additional 64 spaces in the underground garage, for a total of 314 parking spaces provided on-site. The County is proposing to assign the designations for CAC visitors, car pools, public officials, etc. as needed during working hours; however, after hours and on weekends and holidays, all spaces will be available for public parking.

Various minor revisions have been made to the landscape and hardscape features. The “Civic Fountain” has been redesigned with a wider basin and less flowing water to reduce energy consumption and meet current safety codes; the lawn proposed adjacent to the Historic Courtyard will be replaced with decomposed granite paths and drought tolerant plants, and the park support buildings have been modified to add additional bathrooms, a changing area, and a concessions stand.

In addition, the County is proposing revisions to the off-site parking. As amended, 600 parking spaces, 50 fewer than approved, would be located in the Cedar/Kettner parking structure. The additional 66 spaces within the Trolley Towers would be available for overflow during peak parking demand. As originally approved, the County proposed that no on-site parking spaces would be removed until the off-site parking was completed. The County is now proposing to manage parking using a public and employee shuttle service during the construction period on the CAC lots, until the off-site structure is complete, currently estimated to be available for use at the end of 2014.

The original permit required that only non-invasive plant materials be utilized throughout the project site, and also required that five years from the date of issuance of the coastal development permit, the applicant submit a landscape monitoring report certifying that the on-site landscaping was in conformance with the approved landscape plan. The applicant is proposing to remove the requirement for the 5-year monitoring plan, and allow limited use of Mexican Fan palms, which are included on the California Invasive Plant Council (Cal-IPC) list of potentially invasive species. As proposed, the project includes relocating 12 existing Mexican Fan palms in the historic core of the County Administration Center, to frame the north, west, and south entrances of the building, similar to the existing planting at the west entrance. In the event any of the 12 existing Mexican Fan palms to be relocated cannot be viably relocated, the County is proposing to replace the existing palm with a new Mexican Fan palm.

The County Administration Center is located in the City of San Diego’s Centre City Community Planning Area, but was excluded from the City's Local Coastal Program at the time it was certified, and remains within the coastal permit jurisdiction of the Commission. Thus, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Parking/Public Access. Numerous policies of the Coastal Act require that new development protect or enhance public access to and along the shoreline. These policies include:

Section 30210

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

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

A parking study done for the original project estimated the future demand for parking, including employee parking demand, population growth, and park parking demand. The study determined that employee parking demand would be 671 spaces, and the public parking demand would be 270 spaces.

The original permit would have provided a total of 1,030 parking spaces. On-site, 250 spaces in the underground garage, plus the use of tandem parking for an additional 64 tandem spaces would have provided 314 parking spaces. Of those 314 spaces, 16 would have been reserved for public officials/VIPs and 10 for carpools. So there would have been 288 spaces available for the public, CAC visitors, and park and waterfront users during working hours, and 314 outside of work hours. Off-site, 650 spaces would have been provided in the Cedar/Kettner lot or other off-site lots, and 66 County employee spaces would have been designated in the Trolley Towers parking lot, south of Petco Park, at 1255 Imperial Avenue.

The Commission found that this was enough parking to accommodate the existing CAC and the proposed park use, but that it would result in less of an overall “parking reservoir” for use by the public during evenings and weekends, compared to the existing situation. Currently, the 504 parking spaces in the existing south parking lot are restricted to CAC visitors, employees, and other official uses, but are made available to the public on nights and weekends. As originally approved, on-site parking available for nights and weekends would have been a approximately of 392 parking spaces (314 plus the existing 78 on-street spaces on Harbor Drive, Grape Street and Pacific Highway).

Therefore, the Commission required that the County make the 650 off-site employee parking spaces available to the public outside of business hours. As a result, there would have been 1,042 public parking spaces available after hours, not located immediately adjacent to waterfront, but considerably more than the 504 spaces available now.

As proposed in this amendment, there would be a maximum of 980 parking spaces provided. That includes 250 on-site subterranean spaces, with the ability to accommodate another 64, as originally approved. During working hours, spaces would be designated for CAC visitors, car pool, public officials, etc. as needed; however, after hours and on weekends and holidays, all spaces would be available for public parking. Off-site parking in the proposed Cedar/Kettner parking structure would be reduced by 50 spaces to 600 spaces. The County would designate 66 spaces within the Trolley Towers for overflow during peak parking demand.

The amount of employee parking to be provided in the off-site lot has been reduced because of changes in the nature of operations and functions at the CAC. The 2002 Parking Demand Study prepared by Linscott Law & Greenspan Engineers calculated the required amount of employee parking based on the existing employee count and the CAC office configuration of 961 employees in 2002. The study determined that the parking demand was 671 for the 961 employees. Since 2002, the County relocated many county services to the Kearny Mesa County Operation Center and has remodeled the CAC, reducing the employee count to 600 employees. Thus, both the number of employees, and the number of visitors to the CAC is significantly less than in 2002. In addition, the County has indicated that future plans call for additional remodeling to further reduce office and employee capacity. Because specific services have been relocated from the CAC, no future increases in employee population at this site are anticipated.

Therefore, as amended, the proposed project will provide sufficient parking for employees. The number of on-site parking spaces available for coastal visitors outside of working hours will not change. Off-site, 50 fewer spaces in the Cedar/Kettner will be available after hours. However, the total number of visitor spaces, 980, is still considerably more than the 590 spaces currently available. Thus, the revisions in the total amount of parking provided will not adversely impact public access or recreation.

However, the amendment also includes a revision to how parking will be managed during construction. As originally approved, no on-site parking spaces would have been removed until the off-site parking was completed and available. However, the County is

now ready to begin construction of the parks, while the Cedar/Kettner parking structure is currently under architectural design and an EIR amendment for the structure is in progress. A draft construction schedule indicates that the garage will be available for use at the end of 2014. Therefore, the County is now proposing a managed parking plan for employee and public parking during the construction period on the CAC lots until the off-site parking is complete.

The following table indicates the amount of public parking that would be available at the County Administration building during construction as proposed.

Waterfront Park Construction	On-Site Public Parking		On-Site Valet (Special Events)	Existing Street Parking	Total Off Hours Public Parking
	Business Hours	Off Hours			
Phase I	178	450	64	84	598
Phase II	178	254	64	84	398
Completed Park	178	254	64	84	398

During Phase I construction, 178 parking spaces will be available for CAC visitors, which is approximately the same number of daytime visitor spaces currently allocated on site. The remaining 272 spaces will be available to CAC employees. During the day, visitor spaces will be maintained for visitors in the same way they are now, by limiting parking to 2 hours, and monitoring the spaces by security staff that enforce the parking regulations with parking tickets. Outside of business hours, all 450 on-site spaces will be available for public parking. Phase I is expected to last approximately 10 months.

During Phase II, which is also expected to take approximately 10 months, and after construction is completed, 178 on-site spaces will continue to be allocated to visitors, with 76 employee spaces. Outside of business hours, 254 spaces will be available to the general public.

Until the parking structure is completed, the County is proposing to accommodate employee parking demands through a managed parking program. Employee parking would be accommodated at an off-site employee parking lot within a 5-7 minute ride to the CAC. The County is currently advertising for a managed parking service firm to provide both shuttle service and an off-site location. A particular location has not yet been identified; however, the County has discussed parking availability with several existing parking lot operators to informally determine that there are a variety of potential parking lots that would meet the County's qualifications, but in order to not prejudice the bidding process, specific qualifying lots have not been identified.

The program would operate in a manner similar to the managed parking program the county implemented during the construction of the Kearny Mesa Operations Center construction. The County has indicated they believe the proposed CAC off-site employee parking program will be similarly successful, and note that employees are unlikely to use either the two-hour limited visitor spaces or the surrounding metered

spaces, due to the expense and inconvenience associated with moving vehicles and paying the meters throughout the day. Special Condition #1 requires submittal of a parking management/shuttle program that requires the County identify, prior to issuance of the permit, the location of chosen off-site lot(s), documentation that the chosen location has a minimum of 200 parking spaces not currently occupied, and the employee shuttle route, service hours, and frequency.

To summarize the potential impact on the general public, as amended, during Phase I, there would be approximately 50 fewer parking spaces (450 rather than 504) available to the general public during weekends, evenings, and holidays than there is currently. From the start of Phase II to completion of the parking structure, there would be 254 on-site spaces, plus 64 more available during special events. Thus, approximately 200 fewer public parking spaces will be available to the public outside of building hours until the parking garage is built.

However, the County has been managing parking at the on-site southern lot since 1992, and not all 504 spaces have always been available to the public, because there has not typically been a demand for that many spaces. The EIR certified for the project in 2003 determined that demand for parking on a summer Saturday in July was 270 spaces. Currently, after hours and on Sundays, only 200 of the total 504 parking spaces are available on the lot through an unmanned parking machine. On Saturdays and during special events, the site is manned by Ace Parking and the full 504 spaces are made available. However, County staff reports that the parking operator for the lot stated that the current average parking demand during the weekends is between 75 and 200 cars, and “the only time the parking comes close to reaching the 500 mark is during special events.”

Thus, it is likely that except during special events, the 254 spaces provided on-site after hours will meet most of the weekend demand for on-site public parking. Therefore, in addition to the employee off-site parking program, during the Phase II construction period until the parking structure is completed, to address the demand for parking during several specified events on the Embarcadero, the County has proposed a preliminary interim public shuttle program that would provide shuttle service for the general public to the off-site parking lot(s) with drop-off at the CAC. Specifically, to accommodate any public demand that may not be met by the 254 on-site spaces, the County has proposed to offer the shuttle service to the general public on weekends. As proposed, the public shuttle service will run during high demand hours anticipated to be from 10 am to 6 pm, with shuttles running every 15 minutes. Special Condition #1 requires a detailed description of the shuttle operations prior to issuance of the coastal development permit.

The County has developed a preliminary monitoring program to assess public use of the shuttle, including submission of a parking/shuttle demand report to the Executive Director after 3 months of operation. The report will evaluate use of the shuttle and the off-site parking lot during non-business hours. The report will include an evaluation of shuttle service hours, frequency and schedule to determine if any changes in service are necessary to accommodate demand. However, as proposed, the public shuttle service to

the off-site parking lot will remain in operation on weekends, holidays, and special events until the Cedar/Kettner garage is constructed and available for public use. Special Condition #2 requires submittal of a monitoring report approximately 3 months after the start of shuttle operation that documents the public use of the shuttle and off-site parking lot. Additional monitoring reports must be performed and submitted to the Executive Director of the Coastal Commission one year after start of the program and then once a year thereafter until the Cedar/Kettner parking lot is open. The report(s) must contain recommendations, if any, for necessary changes or modifications to the project if there are any identified shortfalls or problems in parking or user accommodation. If any problems are identified in the annual evaluation, the applicant must propose necessary changes to address/mitigate the identified problems to the Executive Director. Minor changes can be implemented if the Executive Director determines that no amendment is legally required. If the changes require an amendment to the permit, the applicant must apply for the amendment within 90 days.

The off-site parking structure at Cedar/Kettner has not yet received all required discretionary permits, and construction delays, cost overruns, etc., could extend the projected time period for completion of the parking structure indefinitely. Therefore, Special Condition #1 requires the shuttle program to continue operating until it can be demonstrated that the off-site parking structure is complete and open for public use. To ensure no impacts to public access occur from premature termination of the shuttle program, the condition requires that the County demonstrate that the parking structure is open (or has a final, confirmed opening date) with 600 parking spaces, through an amendment to this permit. At that point, the shuttle program may cease operations. Thus, as conditioned, the proposed project will not have a significant short or long-term impact on the ability of the public to access the waterfront.

As noted, the proposed amendment includes relocating the proposed underground parking garages from both sides of the site, to only the southern side of the site. Under the original plan, the northern lot would have been accessible via a driveway on Grape Street located between Pacific Highway and Harbor Drive. The southern lot would have been accessible via a driveway on Ash Street between Pacific Highway and Harbor Drive. As amended, access to the single garage would be via the Ash Street entrance. A traffic assessment performed for the amended project determined that as revised, consolidation of the proposed parking lots would not create or result in any new or additional significant traffic related impacts. Any additional queuing associated with the traffic diverted from the north lot will be minor and will not impact the adjacent Ash Street intersections. Thus, no impacts to coastal access are expected to result from the revised parking garages.

3. **Sensitive Biological Resources/Visual Resources**. Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to

minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30240 of the Coastal Act states, in part:

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

The subject site is entirely developed and there are no sensitive biological resources located on the site. The site is adjacent to San Diego Bay, and the Commission has typically required that invasive plant species be avoided adjacent to waterbodies.

As proposed, 12 existing Mexican Fan (*Washingtonia Robusta*) palms in the historic core of the County Administration Center are being relocated to frame the north, west, and south entrances of the building, similar to the existing planting at the west entrance. Each entrance will receive four Mexican Fan Palms, with two planted on each side. Although no additional Mexican Fan palm trees are being proposed, the proposed landscaping plan would allow the relocated palms to be replaced with new Mexican Fans, if they cannot be viably relocated.

The California Invasive Plant Council (Cal-IPC) lists the Mexican Fan palm as potentially invasive. The Commission, based on advice from its staff ecologist, recently required the Port of San Diego to revise the proposed plant palette for the North Embarcadero Visionary Plan Phase I, a project adjacent to the subject project, because it included the addition of new Mexican Fan Palms. (The Port District chose to substitute Medjool Date Palms for the Mexican Fan Palms). Although the subject project only includes replacement (if necessary) of existing Mexican Fan palms, some of these existing trees may be reaching the end of their life span, and should be allowed to be gradually replaced with non-invasive palms or other trees. There are many other species of attractive palms that grow in San Diego, which can be substituted for the proposed invasive species.

Therefore, Special Condition #4 prohibits the use of any new invasive species, and requires that should any of the 12 Mexican fan palms proposed to be relocated need replacement, the replacement species must be non-invasive. The condition also requires that five years from the date of issuance of the coastal development permit, the applicant must submit a landscape monitoring report that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition.

In its approval of the original project, the Commission required specific landscaping features and maintenance in order to ensure that views were protected and maintained. The park design includes a pedestrian walkway extending down from the street end at both Beech and Date Streets, creating and preserving an open view down the street

corridor. The project will also open an additional view corridor along Fir Street by the proposed removal of the Askew Building that currently blocks views from Fir Street. Potential view impacts might have resulted from the fact that the proposed walkways along the designated view corridors will be lined with trees, which will result in some narrowing of the view corridor, in return for the aesthetic benefit of having a tree-framed view.

Therefore, the Commission required that the trees be spaced such that a 52-56 foot trunk-to-trunk view corridor is provided. The proposed amendment would not change this. In addition, to assure that the trees are maintained such that they do not encroach further into the view corridor, the original permit included a requirement that a maintenance plan for trimming the trees be provided, and that after 5 years, a monitoring report be submitted documenting the landscape requirements have been met.

The 5-year reporting requirement is intended to ensure both that the applicant keeps up on the required maintenance, that no invasive species were inadvertently planted, and that the Commission is made aware of any problems or deficiencies in the view corridor. It places the responsibility for monitoring and documenting compliance on the applicant, who is in the best position to evaluate the site conditions. Thus, as with the original permit, the monitoring requirement has been added to the proposed amendment, to ensure visual quality and biological resources are protected.

Therefore, as conditioned, the project can be found consistent with the natural resource and visual protection policies of the Coastal Act cited above.

4. **Geotechnical Hazards/Public Safety**. Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity . . .

As described above, the proposed project involves a variety of public access and recreational improvements, including landscaping and hardscaping, small structures such as restrooms, and an underground parking garage. The Commission's geologist has reviewed the project and the environmental and technical reports associated with the development, and determined that the geotechnical analyses performed for the project are adequate, given the information available to the Commission at this time. These studies found that there does not appear to be active faulting on the property, and that while a fault has been encountered during recent construction operations to the southeast that is in general alignment with the mapped potentially active fault, the existing studies support a conclusion that a structural setback is not required for this existing potentially active fault.

However, additional geological studies that would more definitively determine if an active fault lies under this site can only be performed once excavation is done. The proposed project involves a substantial amount of excavation for the underground garage, which provides the applicant with an opportunity to complete the studies necessary to confirm the geology underlying this site and therefore the proposed development is consistent with the hazards avoidance policies of the Coastal Act. Therefore, in order to ensure that the site is fully reviewed for potential faulting, Special Condition #5 requires that all excavations be continuously monitored during construction for the presence of active faulting that may become apparent during construction. The special condition further makes provisions for fault investigation and geotechnical engineering reports if evidence of active faulting is found that propose, for the review and approval of the Executive Director, possible mitigation measures to avoid active faults. Therefore, as conditioned, the project can be found consistent with the hazards and public safety policies of the Coastal Act.

5. **Unpermitted Development.** Development has occurred on the subject site without required coastal development permits, including, but not limited to, demolition of the J.B. Askew Building. However, although the demolition occurred prior to issuance of the original permit, the work done was covered by and consistent with the original permit, which has now been issued.

Although development occurred prior to the submission of this permit amendment application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

6. **Local Coastal Planning.** Section 30604(a) also requires that a coastal development permit amendment shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The County Administration Center is located in the City of San Diego, which has a certified Local Coastal Program. However, when the Commission certified the Centre City/Pacific Highway Corridor segment of the City's Land Use Plan in January 1988, the Commission deferred certification of the County Administration Center area, finding that the zoning proposed for the area at the time (Central Business District), was not consistent with the certified Land Use Plan. The Commission also noted that there are jurisdictional questions raised about the City and County planning and regulatory roles on this site that is within the City but operated by the County, that supported deferred action and further study.

Thus, the area was excluded from the certified LCP, and remains in the Commission's jurisdiction. The standard of review for coastal development permits issued for development are the Chapter 3 policies of the Coastal Act. As discussed above, the proposed development, as conditioned, can be found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the project, as conditioned, is not expected to have any adverse impacts on coastal resources and will not prejudice the ability of the City of San Diego or the County of San Diego to administer and/or prepare a certifiable Local Coastal Program for the area.

7. Consistency with the California Environmental Quality Act (CEQA).

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

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

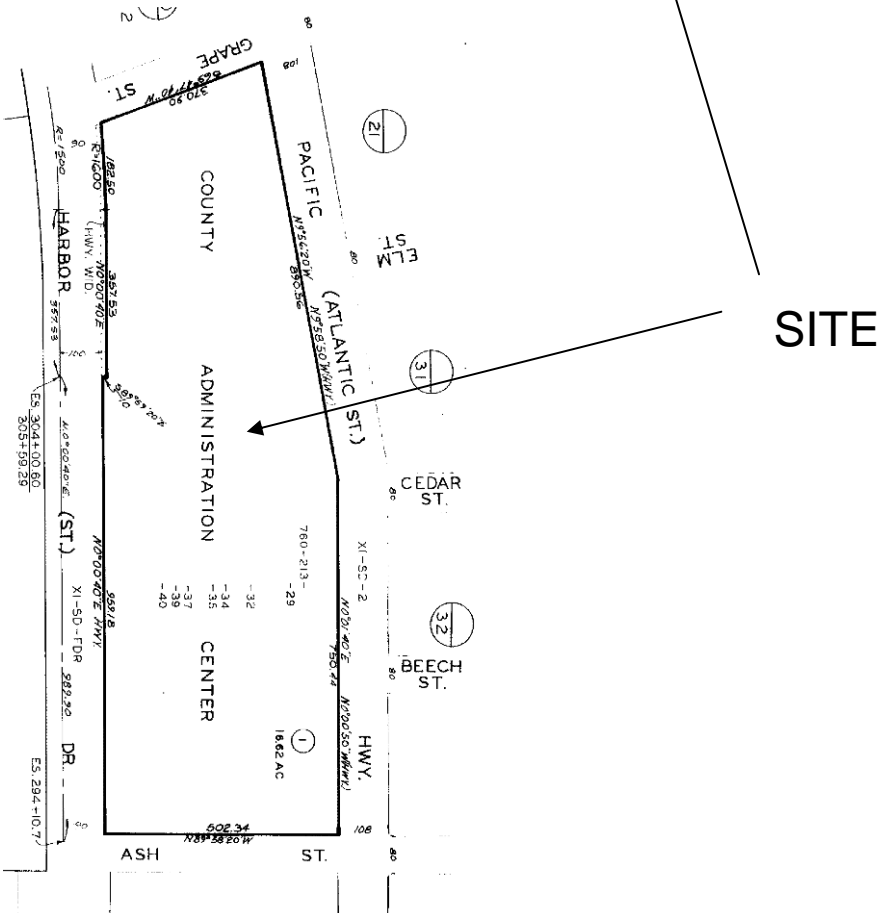
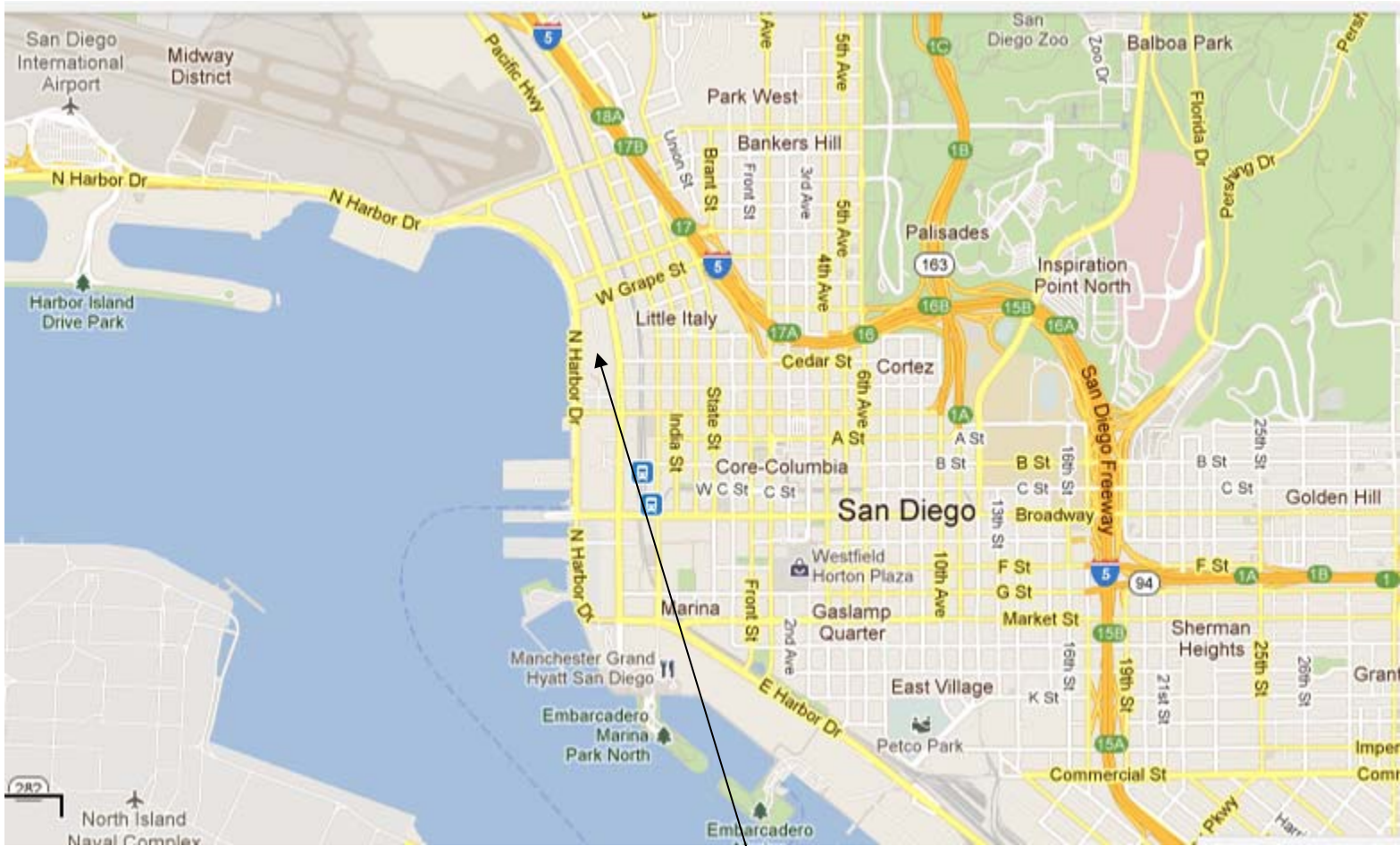
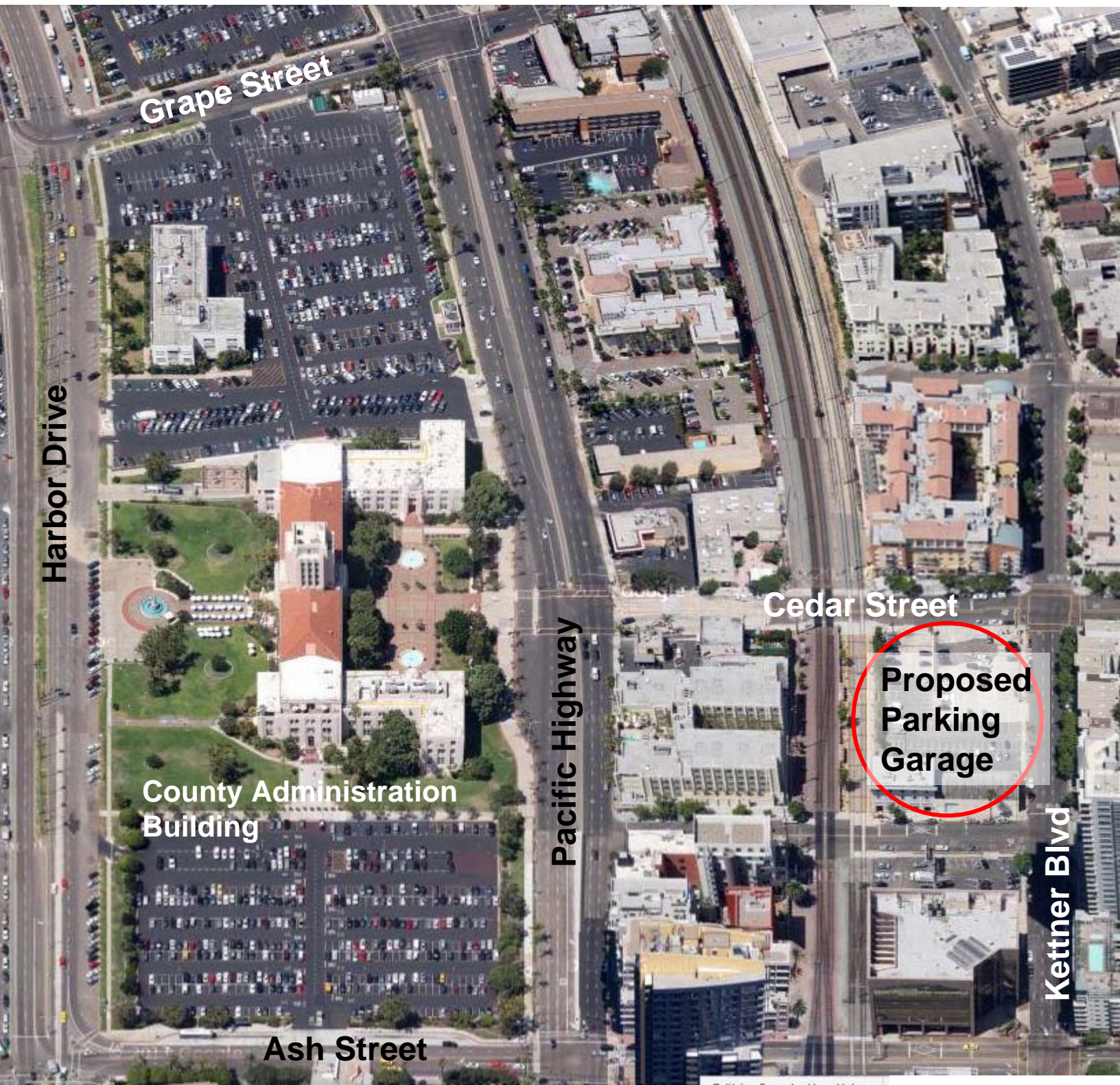


EXHIBIT NO. 1
APPLICATION NO. 6-03-007-A1
Location Map
California Coastal Commission



Existing Conditions

EXHIBIT NO. 2
APPLICATION NO. 6-03-007-A1
Existing Conditions
 California Coastal Commission

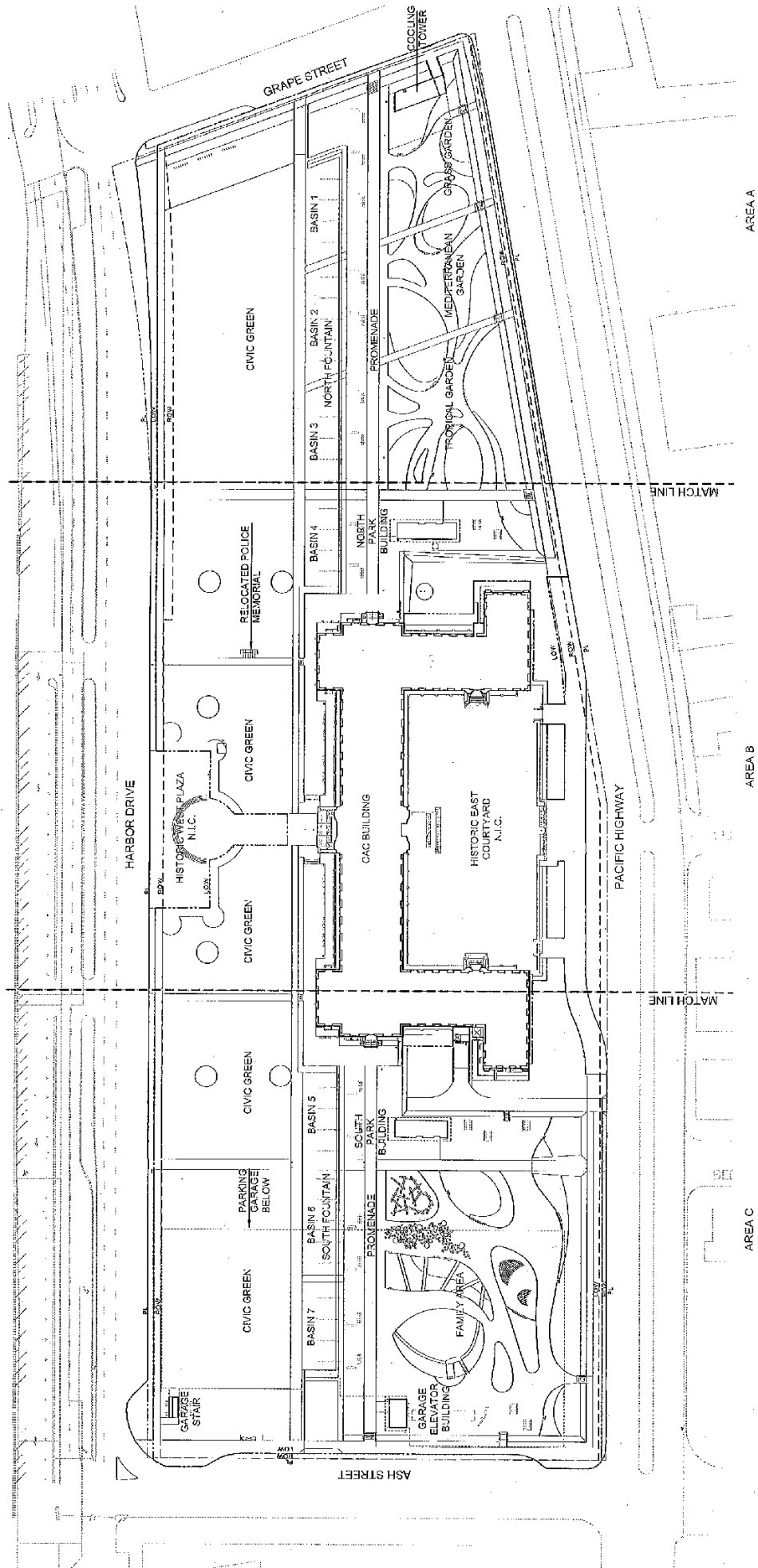


EXHIBIT NO. 3
APPLICATION NO.
6-03-007-A1
Proposed Site Plan
 California Coastal Commission



W15a

RON ROBERTS

CHAIRMAN
SUPERVISOR, FOURTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

February 28, 2012

Mary K. Shallenberger, Chair
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

SUBJECT: COASTAL COMMISSION AGENDA OF MARCH 7, 2012

Dear Chairwoman Shallenberger:

The Coastal Commission agenda of March 7 includes an item (15a) concerning a permit amendment for San Diego County's Waterfront Park project. County and Coastal Commission staff have been working closely on the issue and it is my understanding the matter will likely be placed on the consent calendar, which I would support.

However, should this item not be placed on the consent calendar but instead be set for hearing, I respectfully request the matter be held over to the Coastal Commission's Thursday (March 8) or Friday (March 9) agenda. I will be in Washington, D.C., March 7 on County business, returning late that night, and would appreciate the opportunity to personally address this issue, should it not be placed on the consent agenda.

Thank you for your consideration of this request.

Sincerely,

Signature on File 

RON ROBERTS
Chairman
San Diego County Board of Supervisors

cc: Sherilyn Sarb, Deputy Director
Diana Lilly, Coastal Planner

APPLICANT Letter of Support

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