

CALIFORNIA COASTAL COMMISSION

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Th16b

Staff: A. Llerandi-SD
Staff Report: 1/16/14
Hearing Date: 2/12-13/14

REVISED CONDITIONS AND FINDINGS

Application No.: 6-12-061

Applicant: Grand & Strand, LLC

Agent: Architect Mark D. Lyon, Inc.

Location: 4315 Ocean Boulevard, Pacific Beach, San Diego,
San Diego County (APN No. 423-111-1600)

Project Description: Construct a 1,895 square foot second-floor outdoor dining patio with glass siding and removal of an unpermitted automated payment machine and signage at an existing mixed-use building.

Staff Recommendation: Approval with Conditions

STAFF NOTES

Staff recommends the Commission adopt the following revised findings in support of the Commission's action on July 11, 2013. In its action, the Commission approved the permit with the addition of Special Condition No. 4, which requires a Transportation Demand Management program that includes implementation of an on-site valet parking program and installation of additional bicycle racks. The amended motion begins on Page 4. The addition of Special Condition No. 4 begins on Page 5. Findings to support this modification can be found starting on Page 10.

Commissioners on Prevailing Side: Bochco, Brennan, Garcia, Kinsey, McClure, Mitchell, Vargas, and Zimmer, and Chair Shallenberger

SUMMARY OF COMMISSION ACTION
SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions. The proposed project is to construct a 1,895 square foot second-floor outdoor dining patio with glass siding and removal of an unpermitted automated payment machine and signage from the adjacent parking lot. The project site is the PB Shore Club bar and restaurant, an existing restaurant in a two-story mixed-use building (with first floor visitor commercial retail), located at the corner of Ocean Boulevard and Grand Avenue, adjacent to the Pacific Beach boardwalk and beach.

The proposed project raises issues of intensity of use and parking, visual impacts, biological resource impacts, and community character. Intensity of use and parking issues arise due to potential for increased dining space to affect traffic and parking in the surrounding area. Visual resource issues arise due to project site's proximity to the beach and the fact that the proposed dining patio will obstruct some ocean views from a public alleyway. Biological resource issues arise due to the risk of bird-strike from the placement of glass paneling in a previously unobstructed visual area. Community character issues arise from the expansion of late-night dining in a popular and developed tourist area.

~~Recommended~~ Special conditions include requiring the applicant to adhere to final construction plans so as limit impacts to views and birds, and timely adherence to permit conditions so as to remove the unpermitted development and mitigate impacts to public access, and implementation of a Transportation Demand Management program to maximize utilization of the on-site parking lot through use of an on-site valet parking program during peak use periods and installation of additional bicycle racks. The Commission added the condition requiring the furnishing of on-site valet parking in recognition of the location of the subject property adjacent to a popular beach and boardwalk area and the fact that maximizing on-site parking efficiency would help address potential parking impacts to the surrounding area.

~~Commission staff recommends approval of coastal development permit amendment 6-12-061, as conditioned.~~

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission adopt the revised findings in support of the Commission's action on July 11, 2013, concerning approval of Coastal Development Permit No. 6-13-061.

Staff recommends a YES vote. Passage of this motion will result in adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members of the prevailing side present at the revised findings hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The Commissioners eligible to vote are:

Commissioners Bochco, Brennan, Garcia, Kinsey, McClure, Mitchell, Vargas, Zimmer, and Chair Shallenberger

Resolution:

The Commission hereby adopts the revised findings set forth below for Coastal Development Permit No. 6-12-061 on the ground that the findings support the Commission's decision made on July 11, 2013, and accurately reflect the reasons for it.

Motion:

*~~I move that the Commission **approve** Coastal Development Permit No. 6-12-061 pursuant to staff recommendation.~~*

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

Resolution:

~~*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*~~

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall be in substantial conformance with the plans drafted by Architect Mark D. Lyon, Inc. and submitted by Justine Nielson on May 17, 2013.

The permittee shall undertake the development in accordance with the approved 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.

2. **Condition Compliance.** WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions of the subject permit that the applicant is required to satisfy prior to issuance of this permit.

3. **Automated Payment Machine Condition Compliance.** WITHIN 30 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence that all unpermitted existing pay machine(s) and related signage have been removed. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

4. **Transportation Demand Management (TDM) Program.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Transportation Demand Management Program to the Executive Director for review and written approval. Said program shall include, at a minimum, the following provisions:
 - a. Provision of on-site valet service that will facilitate maximum parking efficiency while not deterring use of on-site parking by patrons, subject to a plan that has been reviewed and approved by the City of San Diego;

 - b. Provision of on-site bike racks available to the general public.

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

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is to construct a 1,895 square foot second-floor outdoor dining patio with glass siding and removal of an unpermitted automated payment machine and signage from the on-site parking lot. The project site is the PB Shore Club bar and restaurant, an existing 4,456 square foot restaurant in a two-story, 23'1" high mixed-use building, with the restaurant situated on the second floor and a 3,283 square foot visitor retail business on the first floor. Adjacent to the mixed-use building on the same lot is a small, one story, 391 square foot visitor commercial beach equipment rental business. The proposed second-floor dining patio would be located outside of and connected to the restaurant on the south while being supported by ground-floor columns. The subject lot is located at the southeast corner of Ocean Boulevard and Grand Avenue, adjacent to the Pacific Beach boardwalk and beach.

The PB Shore Club is located in Pacific Beach, a popular beach community within the City of San Diego, just a few blocks west of Mission Boulevard, the main north-south coastal access route through this area. Adjacent to the PB Shore Club is the Pacific Beach boardwalk and the sandy beach. These areas are popular destinations with both locals and tourists, and during the summer tourist season the volume of usage of the area is very high, with bikers and pedestrians passing through the area in addition to drivers parking nearby or unloading passengers. The San Diego Lifeguard Services have a regional station building located across the boardwalk from PB Shore Club from which they organize their patrols, monitor the beach, and provide medical services. Due to its location, the PB Shore Club is a high priority visitor serving use on an oceanfronting site adjacent to the beach and a popular tourist destination, and consistently sees high public usage throughout the year.

The project site is located in an area of original jurisdiction of the Coastal Commission, as such, the standard of review for the proposed development is Chapter 3 of the Coastal Act, with the City of San Diego's certified LCP used as guidance.

B. PUBLIC ACCESS/PARKING.

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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 30212 of the Coastal Act states, in part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

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

[...]

Section 30604 of the Coastal Act states, in part:

[...]

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

The PB Shore Club is located at the corner of Grand Avenue and Ocean Boulevard, where Grand Avenue ends at the Pacific Beach boardwalk and life guard station. The area is used heavily by the public, both local and tourist, for beach access and viewing.

High volumes of pedestrians, bikers, skate boarders, and vehicles come to the area to either pass through, visit the beach, or to drop off/pick up passengers. Public space and public parking are at a premium, with demand usually outstripping supply.

Additionally, the Pacific Beach area in general has long experienced issues related to providing sufficient parking to both public and private uses. Many businesses in the Pacific Beach area are previously conforming regarding parking ratios, and some rent spaces from nearby businesses that have excess parking, though the opportunities for that are rare. The surrounding residential streets experience high levels of visitor parking as people either cannot find parking by the beach or wish to avoid paid parking, and thus park in front of the homes and walk to the beach area.

The Pacific Beach Community Plan, the certified LUP for the area, general identifies the area within three blocks of the water, which includes the project site, as being within the “Beach Impact Area” (BIA) of the City of San Diego’s certified LCP. The City’s LCP in turn defines the BIA as being part of the Parking Impact Overlay Zone, which is designed to provide supplemental parking regulations for specified coastal, beach, and campus areas that have parking impacts. The project site is also located within the certified LCP’s Transit Overlay Zone, the purpose of which is to provide supplemental parking regulations for areas receiving high levels of transit service.

The Pacific Beach Community Plan has several provisions allowing alternative parking ratios for development located within transit oriented areas. The Community Plan states that for development in the coastal zone, development shall provide parking in accordance with Appendix I of this plan, unless developed as a transit-oriented development through a discretionary process. The Community Plan goes on to delineate some of the standards that signify a transit-oriented development, including, but not limited to: minimizing building setbacks, bringing buildings close to sidewalks; located parking to the rear of lots, off of the alleys; articulate building facades to provide variety and interest through arcades, porches, bays, and particularly balconies, which minimize a walled effect and promote activity on the street; promote activity on balconies through such means as outdoor seating for restaurants, orient primary commercial building entrances to the pedestrian-oriented street, as opposed to parking lots, provide bicycle racks, etc. The existing and proposed development contains a majority of these features and thus promotes a pedestrian and transit-oriented character.

Currently, the project site has 29 off-street parking spaces located in an on-site parking lot for use by the patrons of the mixed use building and neighboring commercial beach rental business located in the adjacent parking lot. These 29 parking spaces currently meet and exceed the certified LCP’s parking requirements and thus are not non-conforming. Due to the placement of support structures for the second floor outdoor patio and bringing the parking lot up to compliance with the Americans with Disabilities Act, the total number of parking spaces will drop from 29 to 26 upon completion of the project. These spaces serve the mixed-use building containing the PB Shore Club and first-floor retail as well as a separate beach equipment rental store also located on the lot.

Currently the mixed-use building has 4,456 square feet of restaurant use (the PB Shore Club) and 3,283 square feet of retail. The separate beach equipment rental store is 391 square feet. The City's Land Development Code, the certified IP for its LCP, lists the parking ratios required of non-residential uses in Section 142.0530. Table 142-05D of that section establishes the required ratios for retail sales, commercial service, and mixed-use developments in a single structure that include an allowed use from at least two of the following categories: retail sales, commercial services, and offices. The project site is zoned as CV-1-2 (Commercial Visitor), which, in the Transit Overlay Zone, has a required parking ratio of 2.1 parking spaces for every 1,000 square feet of floor area in a mixed-used building. Applying the regulatory ratio to the existing square footage, the existing development is required to provide 17 parking spaces, while the proposed square footage of the outdoor dining patio will require an additional 4 parking spaces, for a total of 21 parking spaces. This number is below the 26 spaces the applicant will offer once the proposed development is completed. Thus, adequate on-site parking will be provided for the proposed development.

While the subject property has an on-site parking lot with sufficient parking to support the proposed development under the certified LCP, the popularity of the Pacific Beach community with beachgoers and other visitors highlights the need to ensure that parking impacts to the surrounding area are minimized and alternative transportation options are encouraged. Valet parking is an effective method for maximizing on-site parking due to the greater parking density and efficiency that can be achieved for a given space under such programs. For example, the valet parking attendants can use the space behind each parking space, which is usually left vacant to permit drivers to back out of the parking space, to park additional cars. Thus, the implementation of such a program, especially for a site located directly adjacent to the beach and boardwalk, during the busiest periods of the weekends, holidays, and summer, would allow the applicant to park more vehicles on site than the proposed 26 parking spaces. In requiring such an on-site valet program, the Commission's intent is to make achieving such parking efficiency a common occurrence and to ensure the valet parking program is structured in such a way, in regards to cost and timing, as to not deter patrons from making use of it. For example, while the Commission believes the use of valet parking can maximize parking supply, fees for valet parking can also deter patrons from utilizing the on-site parking and thus lead to off-site parking impacts.

Additionally, because the community of Pacific Beach is relatively flat and the subject property is located adjacent to the boardwalk and close to local transit, biking is already a popular method of travel for visitors and residents alike. Currently, public bike racks exist in the local surrounding area and are heavily used by visitors, sometimes beyond capacity. The provision of additional bike racks on the subject property would further encourage alternative transportation to the subject property and surrounding area.

In addition to meeting applicable parking ratios, the applicant is proposing removal of an unpermitted automated payment machine and related signage from the on-site parking lot. The automated payment machine and signage advertised public beach parking for an hourly rate, regardless of whether the person was patronizing the commercial establishments. In addition to being unpermitted, the applicant was told that such usage

of the on-site parking lot was counter to the intent and requirements of applicable parking ratios. Parking ratios are provided for in land use regulations because various types of development can be anticipated to need various amounts of parking spaces in order to service employees, patrons, and deliveries. Municipalities encourage sufficient off-street parking so as to mitigate traffic and parking impacts to surrounding businesses and residences. When a development sells its parking for purposes other than those related to the permitted business, there is no longer an assurance that the parking needs of the business will be met by the supply of on-site parking. This in turn can lead patrons, employees, and deliveries to then park in public spaces, adding to traffic congestion and displacing members of the public who wish to access the coast and park in free public parking. By removing the unpermitted payment machine and signage, as proposed with this application, these adverse impacts to public access are avoided.

To ensure that the applicant conducts development in a manner consistent with these findings, **Special Condition No. 1** requires the applicant to adhere to final plans that are in substantial conformance with the plans approved by the Commission as part of this application submittal. **Special Condition No. 4** requires the applicant to implement a Traffic Demand Management program that utilizes on-site valet parking and bike racks in a manner that encourages their use by patrons so as to minimize parking impacts to the surrounding community by maximizing on-site placement of vehicles and encouraging alternative methods of transportation.

In summary, the Commission finds the proposed outdoor dining patio and removal of the unpermitted automated payment machine will not result in adverse impacts to coastal access. Parking will remain adequate for approved uses. Therefore, the Commission finds that all access and resource concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. VISUAL RESOURCES/COMMUNITY CHARACTER

Section 30251 of the Act addresses scenic and visual qualities, and 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 public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

The PB Shore Club is a second-floor restaurant located in a two-story mixed-use building at the southeast corner of Grand Avenue and Ocean Boulevard. Adjacent to and west of the building is the Pacific Beach boardwalk and the beach beyond. The restaurant itself faces to the west and north, giving patrons inside close and direct views to and along the boardwalk and beach. The purpose of the proposed project is to create a second-floor outdoor dining patio to further expand ocean view dining capacity.

The outdoor patio is proposed to be built in the open space to the south of the mixed use building between the PB Shore Club and the neighboring two-story building (currently a Joe's Crab Shack restaurant), supported by columns over existing ground floor parking spaces. Currently, this area is part of the open air, at-grade parking lot for patrons of the mixed-use building, and provides a 36 foot, seven inch wide view corridor to the beach from the public alleyway to the east of the property. This alleyway is used by the public to walk, bike, or drive through the area while looking for parking or to access some of the restaurants and hotels in the area.

In order to gain local approval for the proposed dining patio, the applicant had to obtain an Alcohol Beverage Control (ABC) license, Condition No. 8 of which prohibits any internal sound system used by the restaurant from being audible 50 feet outside the premises in all directions. As such, the applicant originally proposed installing glass paneling only in the front of the dining patio, to give patrons ocean views, while installing a solid wall in the rear of the patio so as to help meet the ABC license's noise condition. While the Commission may consider noise impacts if noise from the proposed development will have an impact on coastal resources, the Commission's purview of noise impacts does not extend to noise impacts on the human population. In this case, the noise wall is not proposed as mitigation for impacts on coastal resources but rather mitigation for noise impacts on the human population. Thus, the Commission's main concern with the proposed noise wall involves mitigating the wall's impacts on visual resources, not mitigation of noise impacts. Because of the impacts to public views of the ocean, Commission staff held discussions with the applicant to consider alternative designs. Thus, the applicant is now proposing installation of 6-foot high glass panels on a 2-foot high wooden base along the rear of the dining patio, in addition to the glass paneling being installed in the front of the patio. This will mitigate impacts to public visual views by preserving more of the "open sky" view presently available across the premises and lessen the walling off effect on the boardwalk area. Furthermore, the applicant also revised the structural design of the ground floor support columns to utilize stronger, denser (and thus thinner) material so as to allow more see-through across the ground floor parking lot.

In relation to the surrounding community character, this stretch of the Pacific Beach boardwalk, as is almost the entirety of the boardwalk, is fully developed with visitor serving retail, commercial, and lodging of comparative size and scope. In addition to neighboring bars and restaurants, the boardwalk is home to multiple beach cottage rentals, motels, beach equipment rental facilities, retail establishments. The expanded size and make-up of the PB Shore Club after construction of the outdoor dining patio will be similar to other nearby establishments that offer outdoor dining with ocean views.

Special Condition No. 1 ensures the implementation of these mitigating measures by requiring the applicant to submit final plans in substantial conformance with those approved by the Commission in the submitted application. In summary, the Commission finds that the construction of the second-floor outdoor dining patio as proposed will not result in substantial adverse impacts to public views across the site. The use of alternative materials such as glass paneling and denser, thinner support beams will maximize the amount of light and views through the site that can occur. Therefore, the

Commission finds the proposed development, as conditioned, consisted with Chapter 3 of the Coastal Act.

D. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states:

[...]

(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 PB Shore Club is a second-floor restaurant located in a two-story mixed-use building at the southeast corner of Grand Avenue and Ocean Boulevard. Adjacent to and west of the building is the Pacific Beach boardwalk and the beach beyond. The restaurant itself faces to the west and north, giving patrons close and direct views to and along the boardwalk and beach. The purpose of the proposed project is to create a second-floor outdoor dining patio to further expand ocean view dining capacity.

While the beach by the PB Shore Club is not designated as sensitive habitat for any particular bird species, the area does contain a significant number of birds of various types due to the presence of ocean, sand, and food – man-made or otherwise – in such close proximity. The proposed glass walls and railings at this oceanfront location raise concerns related to the risk of bird strikes to the walls and railings. Glass walls are known to have adverse impacts upon a variety of bird species; birds can strike glass walls, causing their death or stunning them, exposing them to further hazards. Birds strike the glass because they either do not see the glass or there is some type of reflection on the glass that attracts the birds (such as the reflections of trees, bushes, or water). Some type of treatment that reduces the potential for bird strikes is typically required when glass walls are allowed on oceanfront locations.

After discussion with Commission staff, the applicant is now proposing the installation of UV glass along the front and rear of the outdoor dining patio. Because birds are able to see light in the ultraviolet wavelength while humans cannot, the UV glass being proposed has a patterned, UV reflective coating which is visible to birds while invisible to the human eye. This is a superior alternative to other bird strike measures, such as stickers, because it has come to the Commission's attention that stickers have a tendency to fall off from glass walls over time due to exposure to the elements. Furthermore, the use of stickers is difficult for Commission staff to enforce on a consistent basis.

To ensure that the applicant constructs the proposed development in conformance with approved methods, **Special Condition No. 1** requires the applicant to submit and adhere to revised final construction and site plans that are in substantial conformance with Commission-approved plans. Thus, as proposed and conditioned, impacts to water

quality are avoided or mitigated and the proposed project can be found in conformance with the policies of Chapter 3 of the Coastal Act.

E. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without required coastal development permits, including, but not limited to, installation of an automated payment machine and related signage in the on-site parking lot. After discussion with Commission staff, the applicant is now proposing with this application to remove the unpermitted development. To ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition No. 2** requires that the applicant satisfy all conditions of its permit that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause. **Special Condition No. 3** requires that the applicant remove all unpermitted pay machines and related signage within 30 days of Commission action so as to ameliorate the unpermitted parking situation in a timely manner.

Although development occurred prior to the submission of the permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications 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.

F. LOCAL COASTAL PLANNING

Section 30604(a) requires that a coastal development permit 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 City of San Diego has a certified LCP and issues permits for development in its area of jurisdiction. However, the subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act as well as with the certified LCP which the Commission uses as guidance in this area. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Pacific Beach community.

G. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San Diego is the lead agency for purposes of CEQA review for this project, and the Coastal Commission is a responsible agency. Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any

applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access and visual quality, 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.

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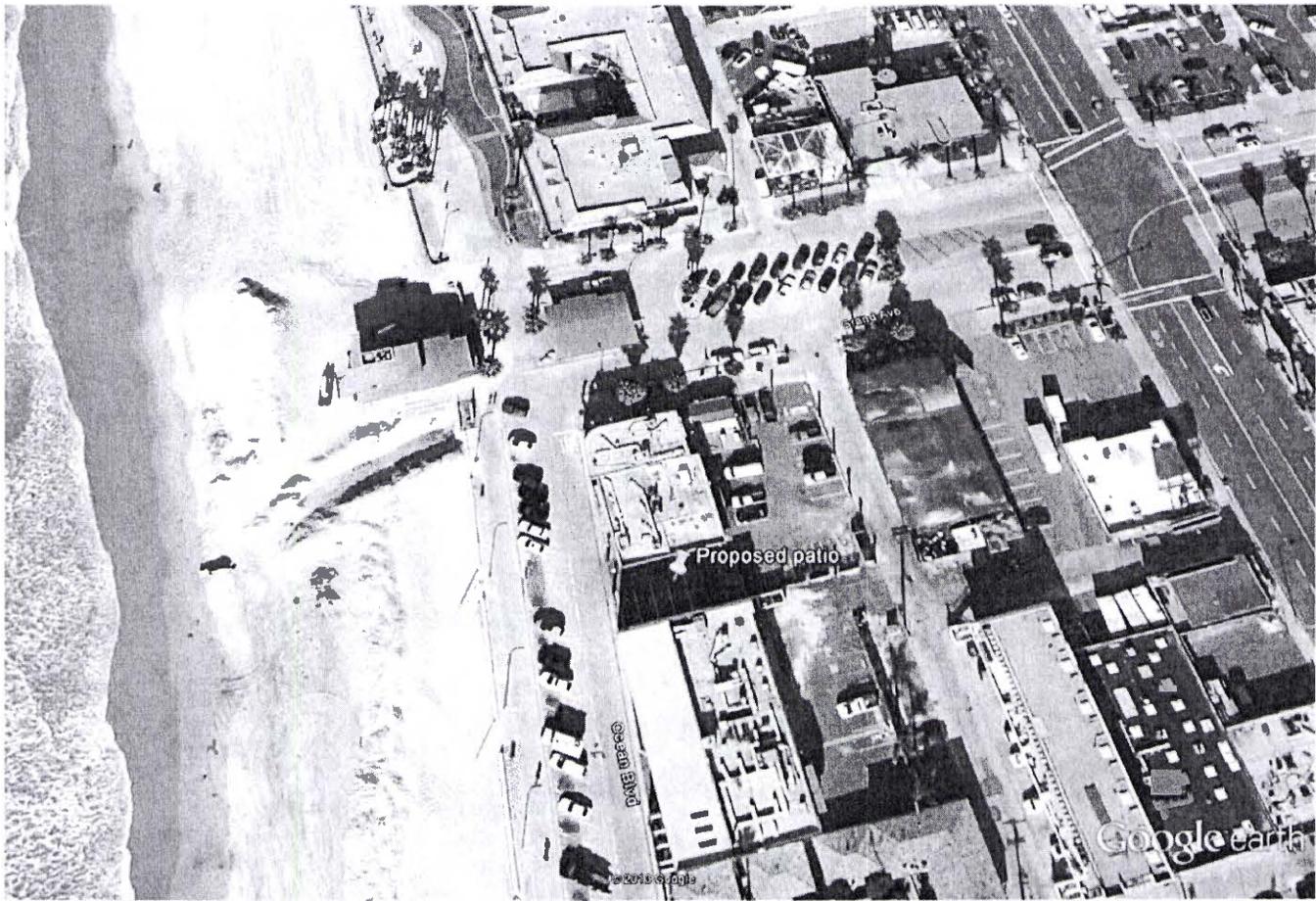
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SEE 1248 MAP

EXHIBIT NO. 1
APPLICATION NO.
6-12-061
Location Map
California Coastal Commission



Google earth



EXHIBIT NO. 2
APPLICATION NO. 6-12-061
Aerial View
 California Coastal Commission

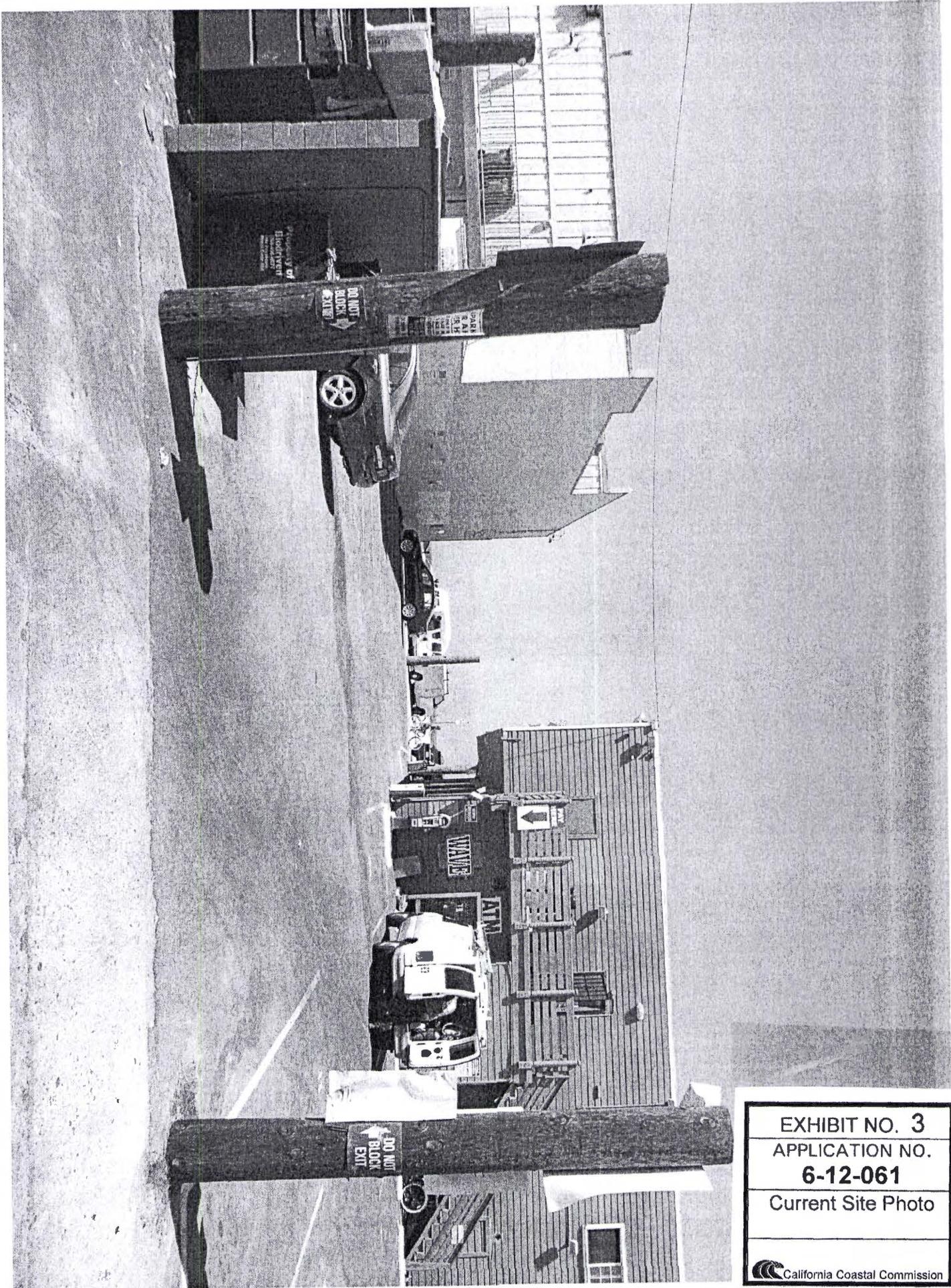


EXHIBIT NO. 3
APPLICATION NO. 6-12-061
Current Site Photo
 California Coastal Commission

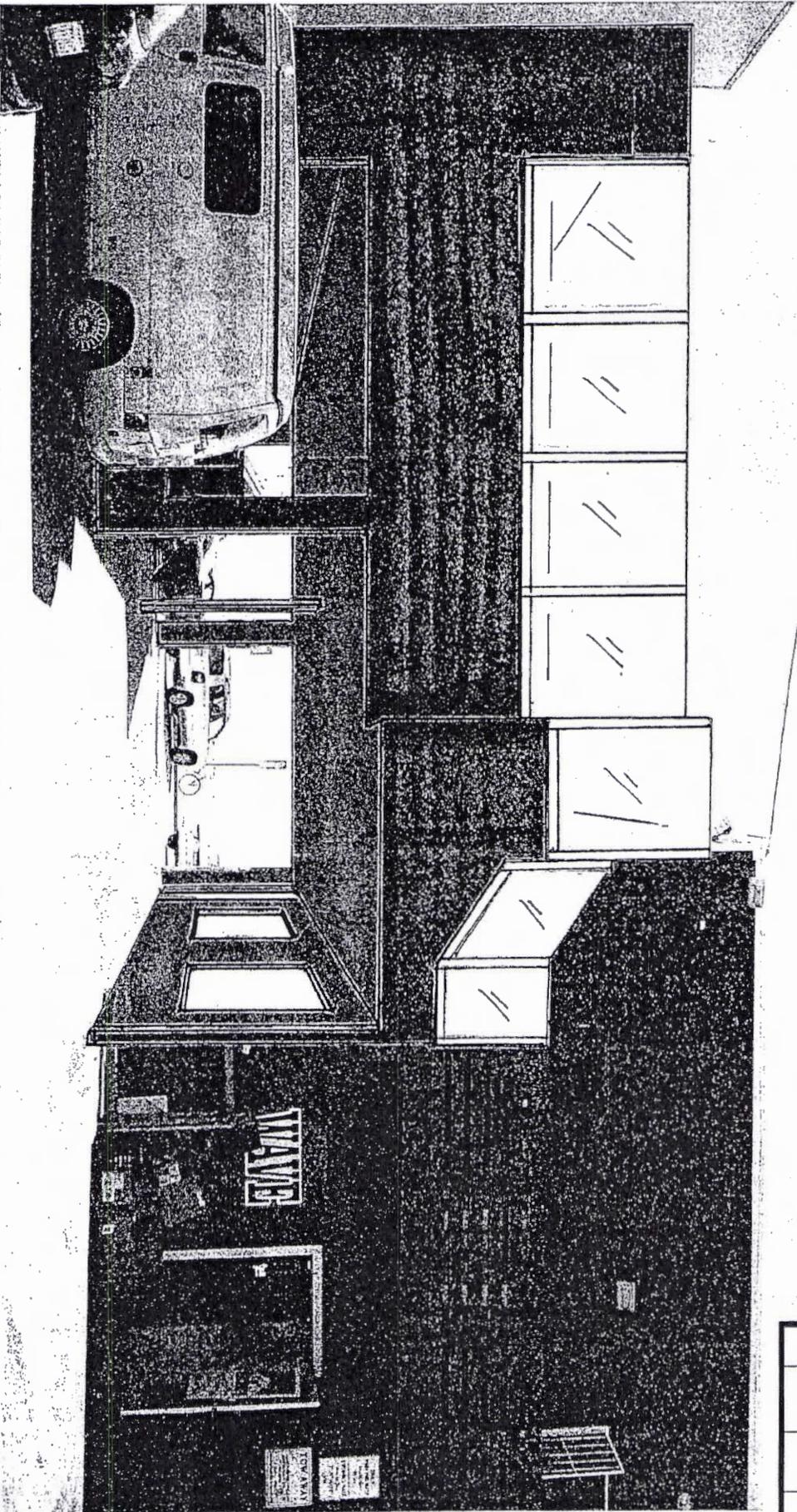
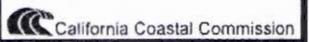


EXHIBIT NO. 4
APPLICATION NO.
6-12-061
Rendering of *Rear*
Patio



PROPOSED ALLEY VIEW (REAR) REVISED 5/16/2013

N.T.S.

PACIFIC BEACH SHORE CLUB ARCHITECT MARK D. LYON, INC
4315 Ocean Boulevard 410 Rinal Road, Avonite Tolucahama, (858) 450-1171

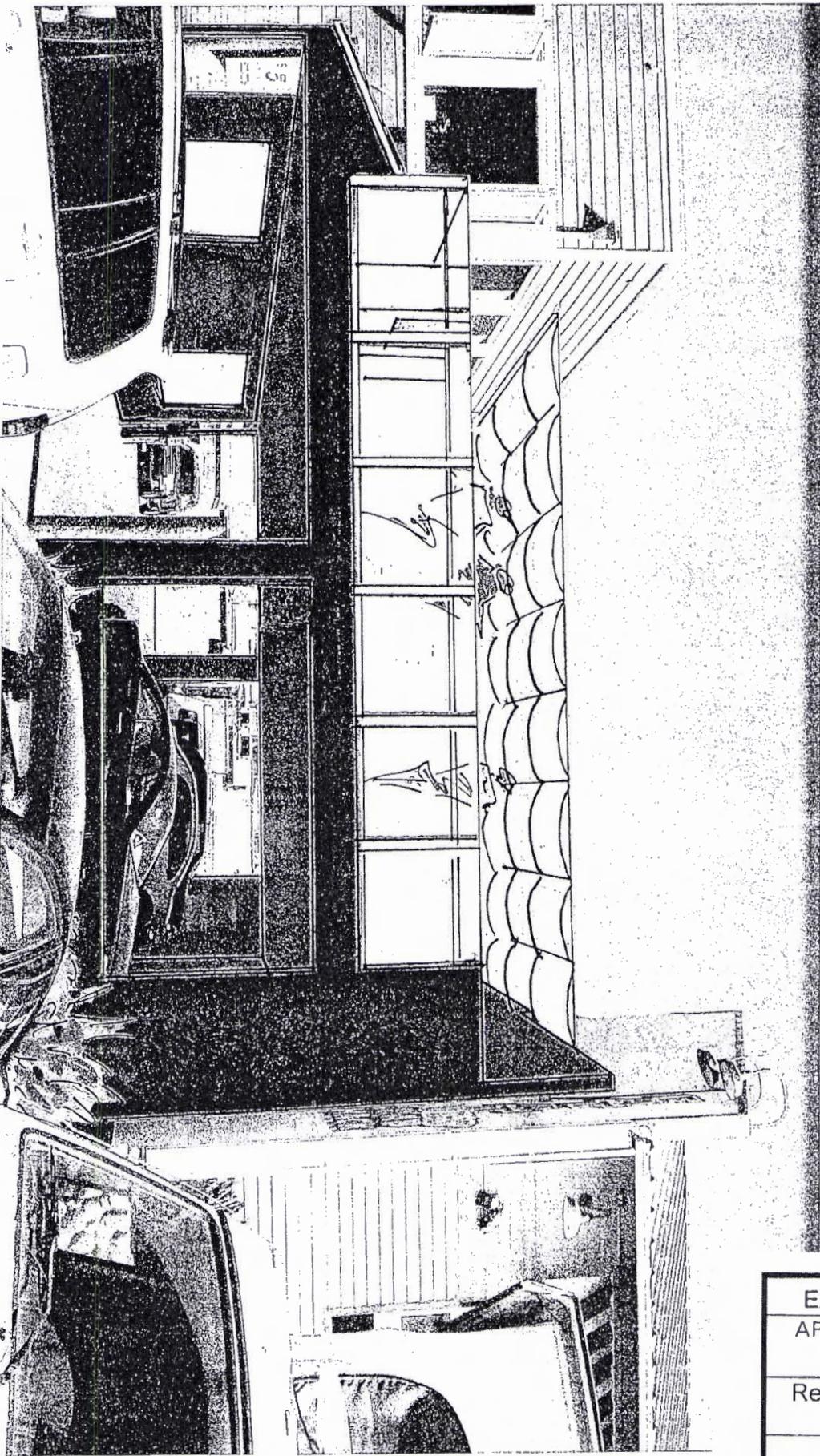
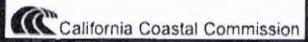


EXHIBIT NO. 5
APPLICATION NO.
6-12-061
Rendering of *Front*
Patio



PROPOSED BOARDWALK VIEW (FRONT) REVISED 5/16/2013

N.T.S.

PACIFIC BEACH SHORE CLUB

ARCHITECT MARK D. LYON, INC

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