

TH 3a-d

San Diego Coast District

CONSENT CALENDAR

Thursday, October 15, 1998

Table of Contents

6-98-73

6-98-99

6-98-105

6-98-112

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
521-8036



Filed: June 10, 1998
49th Day: July 29, 1998
180th Day: December 7, 1998
Staff: EL-SD
Staff Report: September 8, 1998
Hearing Date: October 13-16, 1998

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-98-73

Applicant: Hilton Hotels Corporation Agent: Gerald Brewer

Description: Removal or demolition of existing metal structures used for hotel laundry services and portions of the existing perimeter chain-link fence, and construction of a permanent, one-story, 3,740 sq.ft. laundry building; the project includes installation of associated landscaping and construction of a perimeter masonry wall.

Lot Area	769,313 sq. ft. (entire leasehold)
Zoning	Unzoned
Plan Designation	Commercial Lease
Ht abv fin grade	21 feet (proposed structure only)

Site: 1775 East Mission Bay Drive, Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: Certified Mission Bay Park Master Plan

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse

impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Visual Resources. The applicant is proposing redevelopment of the southeastern corner of the existing hotel leasehold. This area of the developed site includes several small buildings and equipment that comprise the hotel's laundry facilities and the hotel's landscaping maintenance yard. It is surrounded by a chain-link fence and a row of trees and shrubbery both inside and outside the fence. The proposal would remove or demolish the existing structures and construct a one-story, 3,740 sq.ft. building to house the laundry functions. In addition, the applicant proposes to remove a portion of the existing perimeter chain-link fence to accommodate the development and replace it with a masonry wall enclosing both the laundry and landscape maintenance areas.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The subject site is located along the eastern shore of Mission Bay, between the Tecolote Shores and East Shores areas consisting of public recreational beaches and grassy uplands. There are existing paved walkways both east and west of the site, adjacent to East Mission Bay Drive and along the shoreline of the bay. The existing chain-link fence and mature trees and shrubbery prevent views into or across this portion of the hotel grounds. The proposed development will replace portions of the chain-link fence with a masonry wall; otherwise there will be no change in visual resources from the public's perspective. Therefore, the Commission finds the development fully consistent with Section 30251 of the Act.

2. Public Access/Parking. Many policies of the Coastal Act address the provision, protection and enhancement of public access and public recreational opportunities, particularly for sites located between the first public road and the sea, as is the case in the subject proposal. The proposed development will occur within the existing hotel leasehold, in an area of the site not frequented by the public. The renovation of the laundry facilities will not diminish existing public access to or through the site, which currently provides the public the opportunity to walk about the hotel grounds, accessing the on-site restaurants and lounges or simply moving between the adjacent public walkways outside the leasehold. Moreover, because this is redevelopment of a housekeeping portion of the overall hotel facility, it does not change the intensity of use

at the site or in any way require additional parking over what is required for the hotel complex as a whole. Therefore, the Commission finds the proposed redevelopment of the hotel's laundry facilities consistent with all public access and recreation policies of the Coastal Act.

3. 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 for the proposed development.

The proposed improvements are located within a designated commercial leasehold in the Mission Bay Park Master Plan. The site redevelopment will continue the existing site uses, which provide visitor accommodations and support facilities at a beachfront resort. Thus, the proposed improvements can be found consistent with the Master Plan designations. Although the Commission has certified a land use plan (the Mission Bay Park Master Plan) for the Mission Bay segment of the City's LCP, there are no implementing ordinances in place as yet for this area. Thus, the entire park remains an area of deferred certification, and Chapter 3 of the Coastal Act remains the standard of review. Even after an implementation package is certified, much of the park will remain under direct Commission permit jurisdiction, since many areas of the park were built on filled tidelands. The proposed development raised no concerns under Chapter 3 policies, as has been addressed in previous findings. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of San Diego to complete an implementation program for Mission Bay Park or to continue implementation of its fully-certified Local Coastal Program for the remainder of the City's coastal zone.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, 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 found consistent as proposed with all applicable policies of the Coastal Act. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-98-73

Site

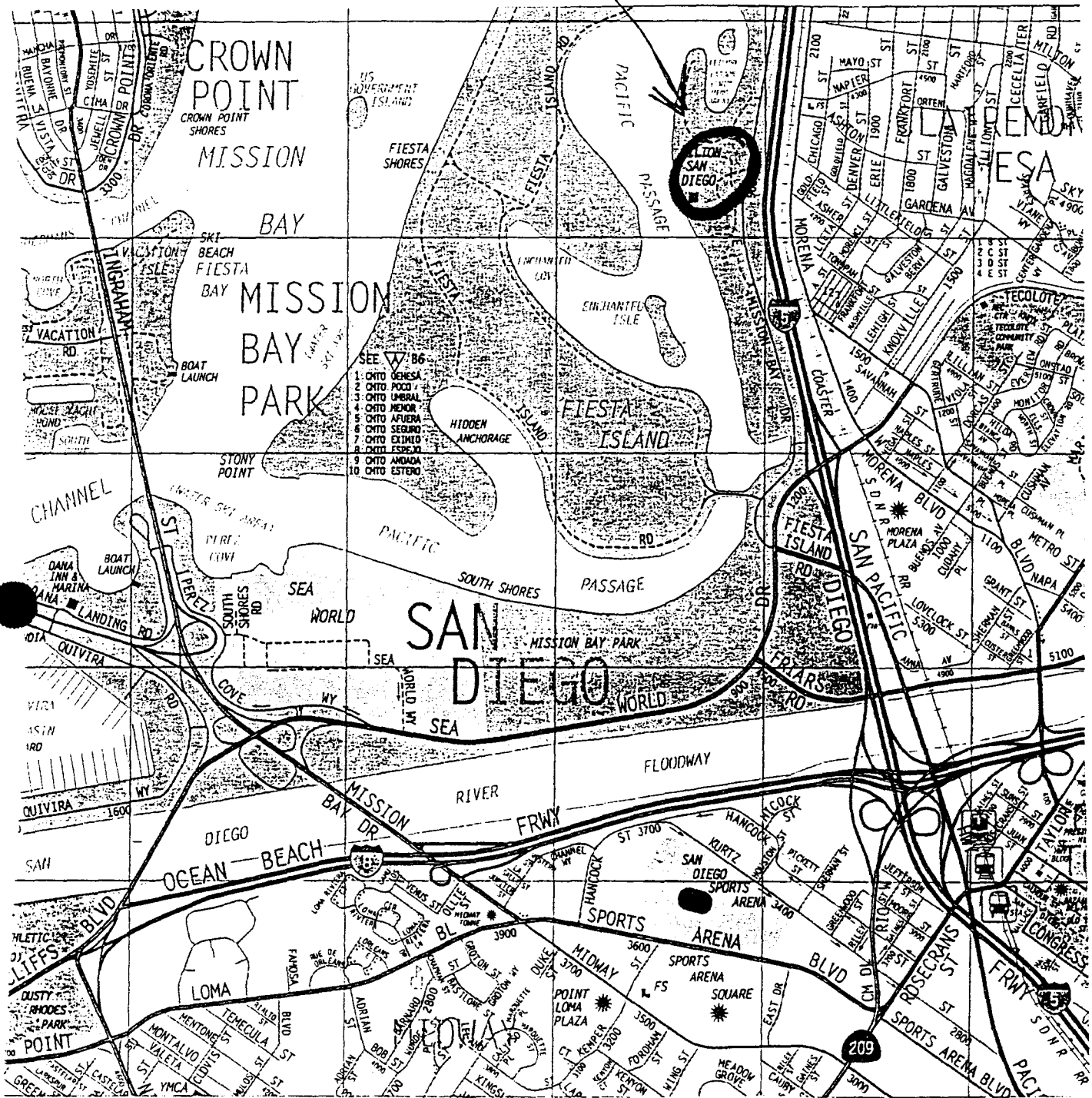


EXHIBIT NO. 1
APPLICATION NO. 6-98-73
Vicinity Map
California Coastal Commission

6-98-73

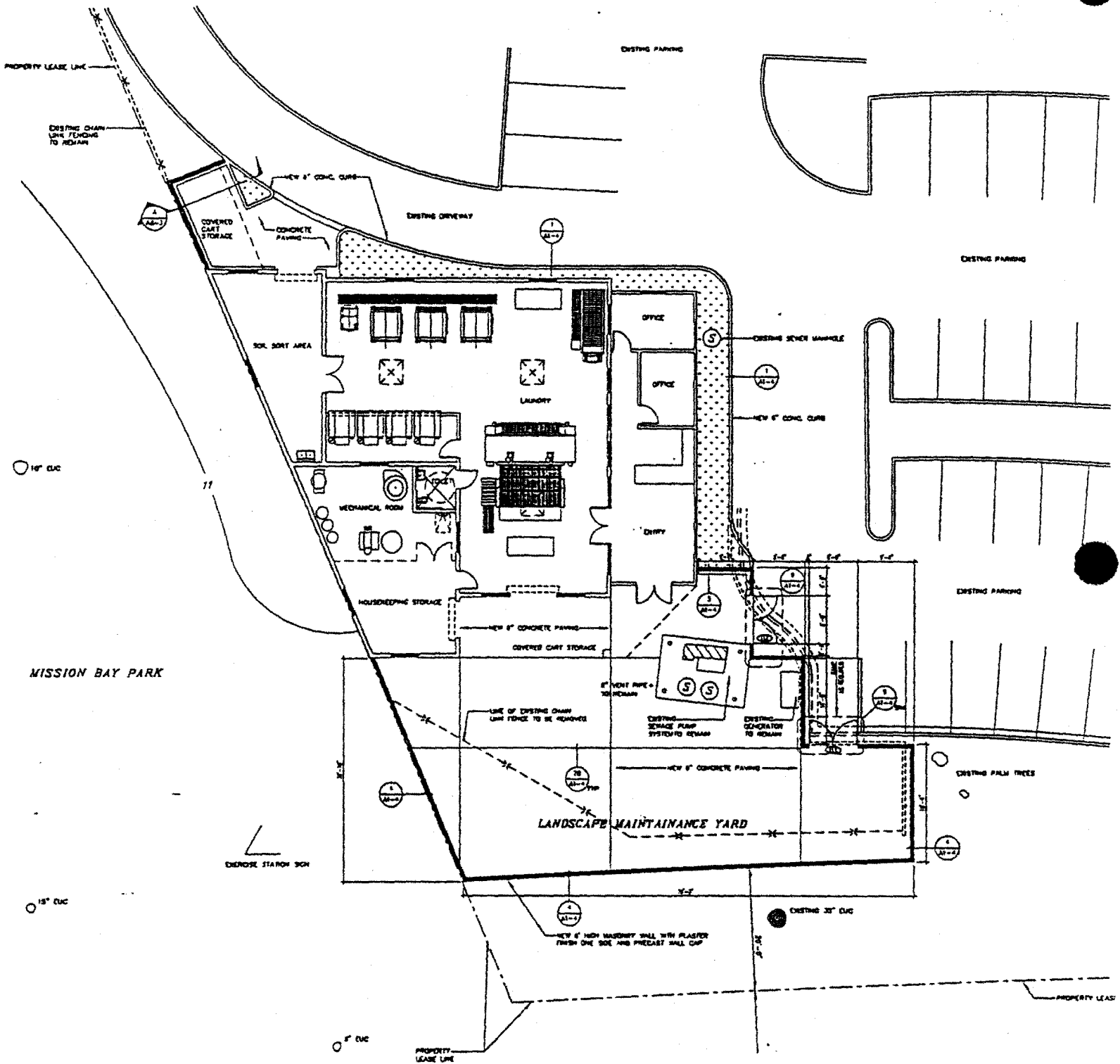


EXHIBIT NO. 3
APPLICATION NO. 6-98-73
Specific Site Plan
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

21-8036



Filed: July 30, 1998
49th Day: September 17, 1998
180th Day: January 26, 1999
Staff: GC-SD
Staff Report: September 17, 1998
Hearing Date: October 13-16, 1998

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-98-99

Applicant: Chevron Products Company

Agent: Joe Nguyen

Description: Demolish an existing 2,031 sq.ft. gas station (cashier store and service bay), remove existing tanks, piping and dispensers and construct a new, 2,167 sq.ft., approximately 22 foot-high gas station/food mart with new tanks, piping, dispensers and canopy on 27,748 sq. ft. lot.

Lot Area	27,748 sq. ft.
Building Coverage	2,167 sq. ft. (8%)
Pavement Coverage	22,754 sq. ft. (82%)
Landscape Coverage	2,827 sq. ft. (10%)
Parking Spaces	9
Zoning	Neighborhood Commercial (C-1)
Plan Designation	Travel-Recreation
Ht abv fin grade	21 ft. 7 in.

Site: 970 Tamarack Avenue, Carlsbad, San Diego County
APN 205-270-37

Substantive File Documents: Mello II Segment of the Carlsbad Local Coastal Program (LCP); CUP 98-03; Negative Declaration 6/8/98

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall be first be obtained from the California Coastal Commission or its successors in interest.
2. Sign Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a comprehensive sign program for all proposed signage documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No new free-standing pole or roof signs shall be allowed. (An existing approximately 30 ft. high pole sign will remain in the southwest corner of the lot). Said plans shall be subject to the review and written approval of the Executive Director. The permittee shall undertake development in accordance with the approved sign program. 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 required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing 2,031 sq. ft. gas station (cashier store and service bay) and the installation of a new 2,167 sq. ft., approximately 22 foot-high gas station/convenience store. The demolition will involve the removal of the existing tanks, piping, dispensers and canopy. New tanks, piping, dispensers and canopy will be installed and the entire site will be repaved with a total of 9 parking spaces and new landscaping. The height of the proposed development, including the canopy, will not exceed 21 ft., 7 inches. To accommodate the new development, grading consisting of approximately 288 cu. yds. of cut is proposed. Since the applicant has not indicated where the excess graded material will be exported to, Special Condition #1 has been attached. This condition requires the applicant to identify the disposal site and obtain a coastal development permit if the site is within the Coastal Zone.

The project is located at the northeast intersection of Pio Pico and Tamarack Avenue, just east of Interstate 5 in the City of Carlsbad. While the City of Carlsbad has a certified Local Coastal Program, the proposed development is located within an area of deferred certification. The policies of the LCP will be used as guidance; however, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Public Access/Parking. Section 30252 of the Act states, in part:

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. . . .

The proposed development is located directly east of Interstate 5, a major north/south coastal access route. In addition, Tamarack Avenue serves as a major east/west corridor for coastal access. The proposed gas station/convenience store will provide commercial service to many coastal visitors and residents. However, the proposed development and surrounding area are over two miles east of the shoreline and will not be utilized by the public for beach parking. Under the City of Carlsbad's parking ordinance, one parking space per 300 sq. ft. of commercial space is required. The minimal parking required for this development would, therefore, be 7 spaces; the applicant is proposing 9 spaces. Therefore, no impacts to public access are anticipated with this proposal, and the Commission finds the proposed development, as conditioned, consistent with Section 30252 of the Coastal Act.

3. Visual Impacts. Section 30251 of the 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. . . .

As stated previously, the project is located adjacent to and east of Interstate 5, which is a major north/south coastal access route and scenic corridor. Past Commission precedent and the scenic and visual policies of the Mello II LCP require that only monument signs not exceeding 8 ft. in height are permitted and tall free-standing pole signs are prohibited. The applicant has proposed a sign program consistent with these policies. The proposed development, while adjacent to Interstate 5, is set at a lower elevation than Interstate 5 and, therefore, is not fully visible from the freeway. However, an existing approximately 30 foot-high freeway-oriented pole sign on the site is visible. The proposed development does not include any alteration to the pole sign's height, although the existing words "Auto Service" are proposed to be replaced on the sign by the words "Food Mart". Since no new pole signs are proposed and the existing sign's height is not proposed to be altered, the proposed development can be found consistent with the City's sign

requirements. However, to assure that all proposed signage is consistent with the City's LCP and Commission precedent, Special Condition #2 has been attached. This condition requires the applicant to submit a sign program which documents that only monuments signs not to exceed 8 ft. in height or façade signs are proposed. Any future proposals for alternative signage must be reviewed by the Commission for consistency with the approved sign program or as an amendment to this permit. In addition, the applicants have proposed to improve and increase the existing landscaped area of the property by approximately 30 percent. As conditioned, potential impacts to visual resources in the area will be reduced to the maximum extent feasible. Therefore, the Commission finds the proposed project, as conditioned, consistent with Section 30251 of the Coastal Act.

3. Local Coastal Planning. The proposed development will be located within an area of deferred certification within the certified Mello II segment of the City of Carlsbad Local Coastal Program (LCP). Section 30519.1 (c) of the Coastal Act requires that a coastal development permit within the Mello II segment planning area of the City of Carlsbad shall be approved only if the Commission finds that it is consistent with the certified local coastal program for the area. In this case, such a finding can be made for the proposed development.

The Mello II segment of the City of Carlsbad LCP carries the same designation for this site as the City's General Plan and zoning. The site is zoned Neighborhood Commercial (C-1) and designed for Travel-Recreation. Gas station/food mart's are permitted in the C-1 zone upon approval of a conditional use permit if the project is developed as part of a freeway service facility. A conditional use permit has been approved for the development (CUP 98-03). The scenic and visual policies of the Mello II segment of the Carlsbad LCP prohibit the installation of tall free-standing pole signs. However, in this particular case, the proposal does not increase the height of the existing free-standing sign or propose any new free-standing signs and, is therefore, consistent with Mello II policies.

While the policies stated within the Mello II segment of the City of Carlsbad LCP are used for guidance, the standard of review is Chapter 3 policies of the Coastal Act. The project, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts on coastal resources is anticipated. Therefore, the development, as conditioned, should not prejudice the ability of the City of Carlsbad to implement its LCP.

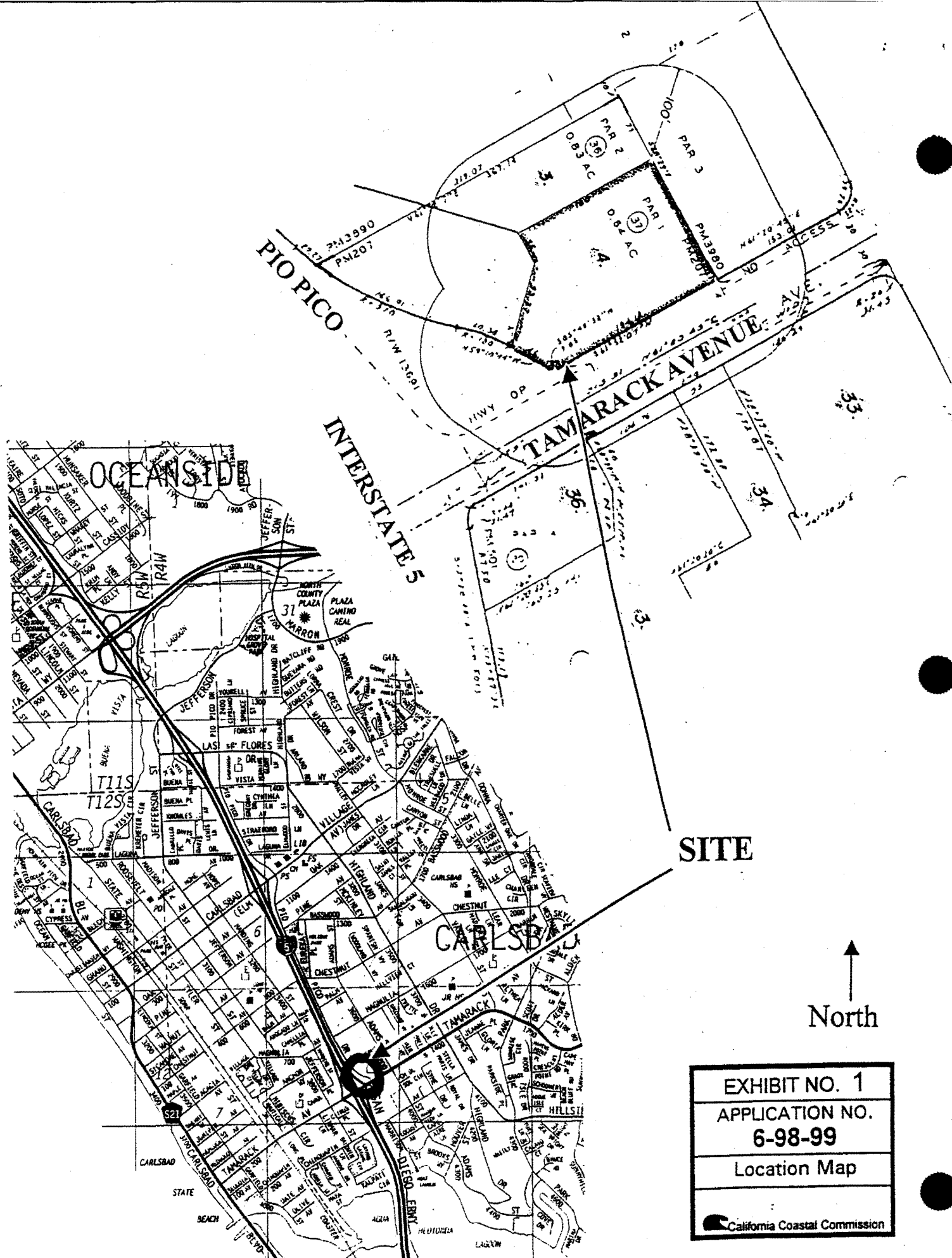
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable 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, as conditioned, has been found consistent with all applicable policies of the Coastal Act. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(8099R)



North

EXHIBIT NO. 1
APPLICATION NO.
6-98-99
Location Map
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Filed: 8/19/98
49th Day: 10/7/98
180th Day: 2/15/98
Staff: LRO-SD
Staff Report: 9/21/98
Hearing Date: 10/13-16/98

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-98-105

Applicant: Sharad Khandwala

Agent: Schmidt Scanlon Architects

Description: Demolition of an existing one-story, 24-ft. high, 17-room motel and the construction of a new three-story, 34 ½ ft. high, 80-room motel with 85 on-site parking spaces on a 34,909 sq.ft. site.

Lot Area	34,909 sq. ft.
Building Coverage	23,000 sq. ft. (66 %)
Pavement Coverage	9,109 sq. ft. (26%)
Landscape Coverage	2,800 sq. ft. (8 %)
Parking Spaces	85
Zoning	Commercial
Plan Designation	Commercial
Ht abv fin grade	34 ½ feet

Site: 621 South Highway 101, Solana Beach, San Diego County.
APN Nos. 298-211-56 & 57

Substantive File Documents: Certified County of San Diego Local Coastal Program; City of Solana Beach General Plan and Zoning Code; City Resolution of Approval (#98-85) – approved 9/1/98

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or façade signs are proposed. No tall, free-standing pole or roof signs shall be allowed. Said plans shall first be approved by the City of Solana Beach and shall be subject to the review and written approval of the Executive Director. The permittee shall undertake development in accordance with the approved sign program. 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 required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is the demolition of an existing one-story, 24-ft. high, 17-room motel and the construction of a new three-story, 34 ½ ft. high, 80-room hotel with 85 on-site parking spaces on a 34,909 sq.ft. site. The proposed hotel facility will also include a swimming pool, jacuzzi and fitness center (exercise room). The proposed parking will be at ground level with the hotel suites located above at the second and third levels of the proposed structure. The subject site is located on the west side of Highway 101, north of Via de la Valle in the City of Solana Beach. The subject site comprises two lots; one of which is currently vacant (the westernmost lot). The vacant lot is not currently used for any other use (i.e., off-site parking) or for parking for public access. The newly proposed hotel (Holiday Express) will replace an existing small motel which is situated on the easternmost lot and will extend over both lots

2. Community Character/Visual Resources. Section 30251 of the Act requires that new development be designed to protect views to and along the ocean and that it be visually compatible with the character of the surrounding area. The subject site is located along Highway 101 which is a major north/south coastal access route and a designated scenic corridor in the certified County of San Diego LCP (which the Commission uses for guidance in review of development in Solana Beach). As such, the proposed development has the potential to impact the visual quality of the scenic corridor.

The proposed hotel will be visually compatible with the surrounding development. Commercial and civic uses (City Hall), which are of similar size and scale to the proposed development, exist along Highway 101, both north and south of the project site. To the west, across South Sierra Avenue, are multi-family residential uses (condominiums). East of the project site, across Highway 101, is an existing railroad right-of-way and commercial uses further to the east.

Although the site fronts on Highway 101, it is replacing an existing motel and landscaping is proposed to visually buffer the new development. Specifically, according to the detailed landscape plan submitted, three large specimen-sized trees and a 10-foot wide landscape strip of shrubs will be planted along the Highway 101 frontage. The proposed landscaping will help to maintain the visual quality of the area. Four specimen-sized trees will also be planted at the western elevation of the site adjacent to South Sierra Avenue. Numerous shrubs throughout the site are also proposed. Furthermore, architectural features have been incorporated into the design such as planter boxes at each of the upper levels to add to the visual amenity of the proposed development.

With respect to signage, the proposed hotel will have identification signage consisting of wall signs as well as a monument sign along the Highway 101 frontage. The applicant has indicated the monument sign will be approximately 4 to 5 feet tall. However, since a signage plan was not submitted with the permit application, Special Condition No. 1 has been attached. This condition requires submittal of final plans for the proposed signage documenting that the monument sign shall not exceed a height of 8 feet. Therefore, as conditioned, the Commission finds that the proposed development will be compatible with the character of the surrounding area and potential visual impacts have been reduced to the maximum extent feasible, consistent with Section 30251 and all other applicable Chapter 3 policies of the Coastal Act.

3. Local Coastal Planning. Section 30604(a) also 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, as conditioned, such a finding can be made.

The site is currently zoned and designated for commercial uses in the previously certified County of San Diego LCP and in the City of Solana Beach General Plan and Zoning Ordinance. As conditioned, the project will be consistent with all applicable Chapter 3 policies of the Coastal Act. No adverse impacts to any coastal resources are anticipated as a result of the proposed development. Therefore, as conditioned, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of

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

The proposed project has been conditioned in order to be found consistent with the new development policies of the Coastal Act. A mitigation measure includes a special condition addressing signage on the site and 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

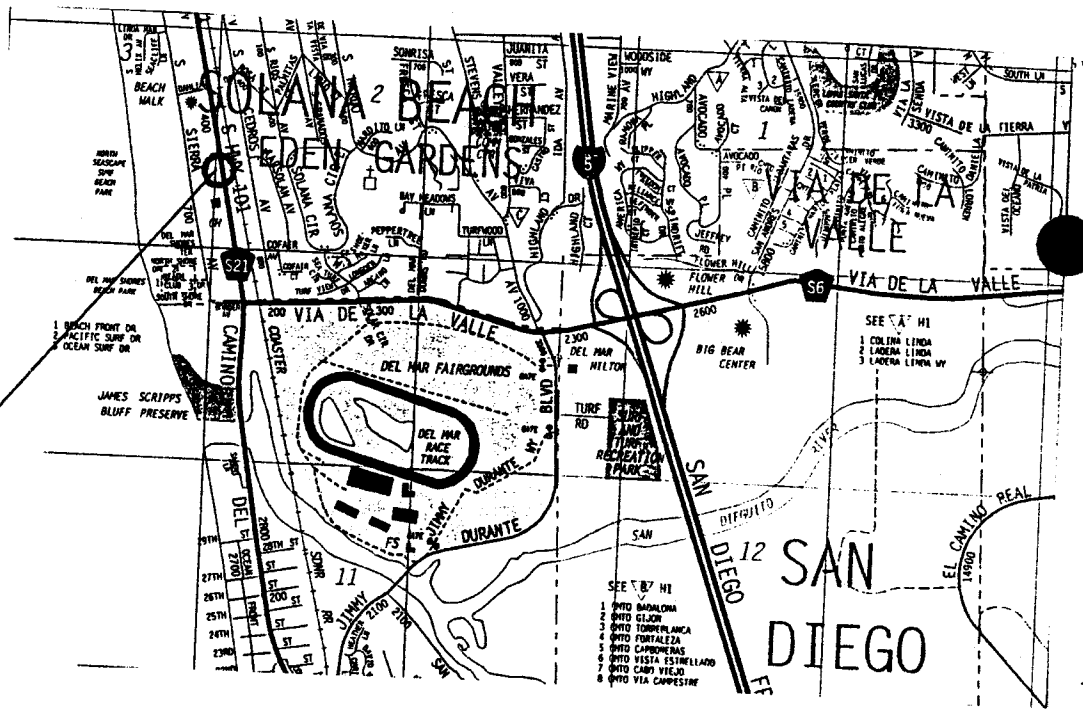
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(6-98-105-R)

Site



PACIFIC

OCEAN

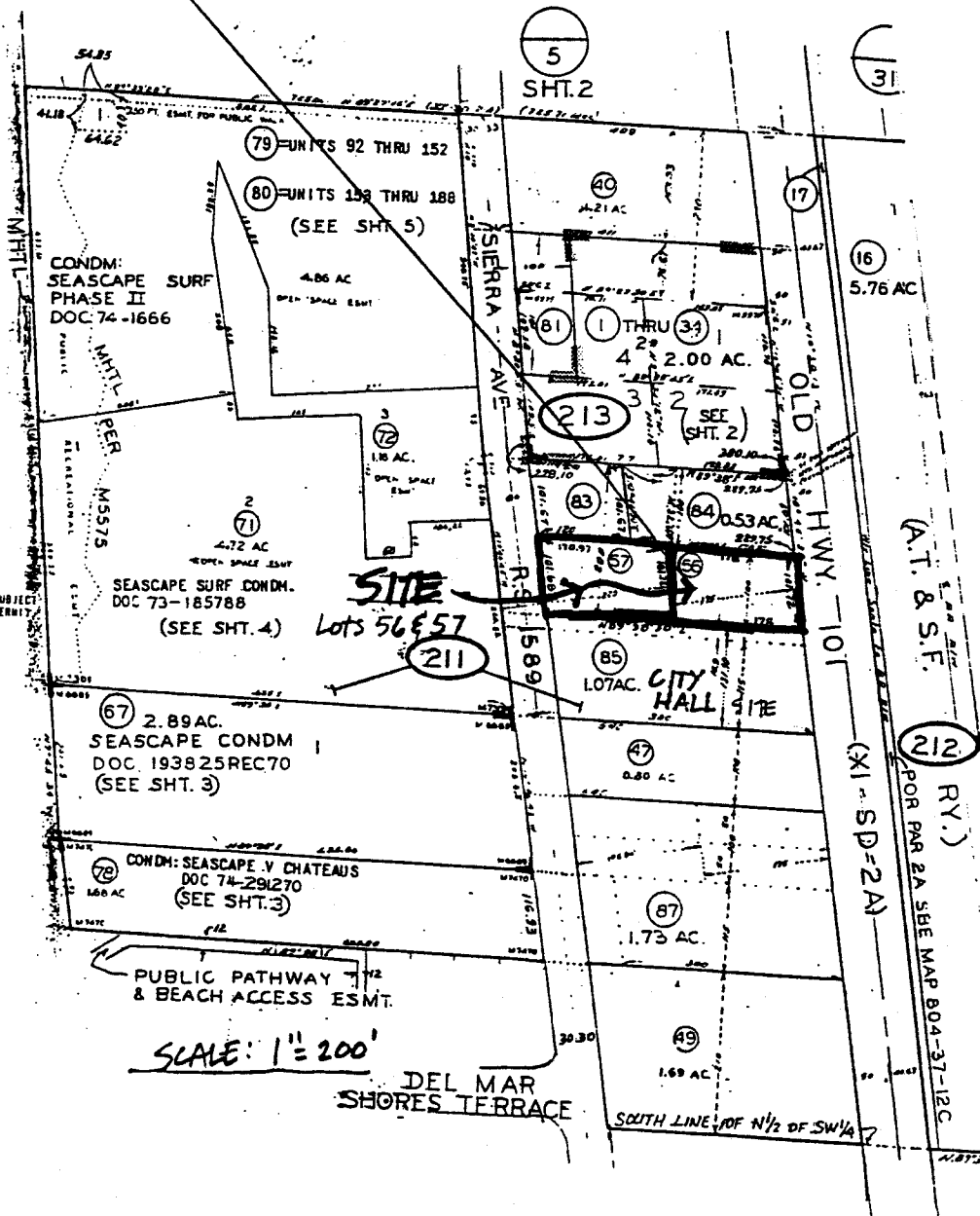
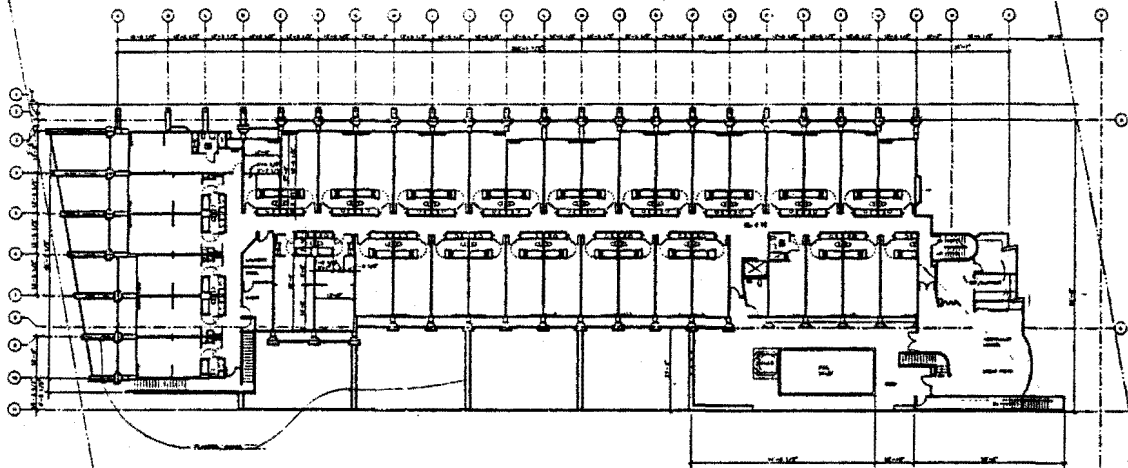
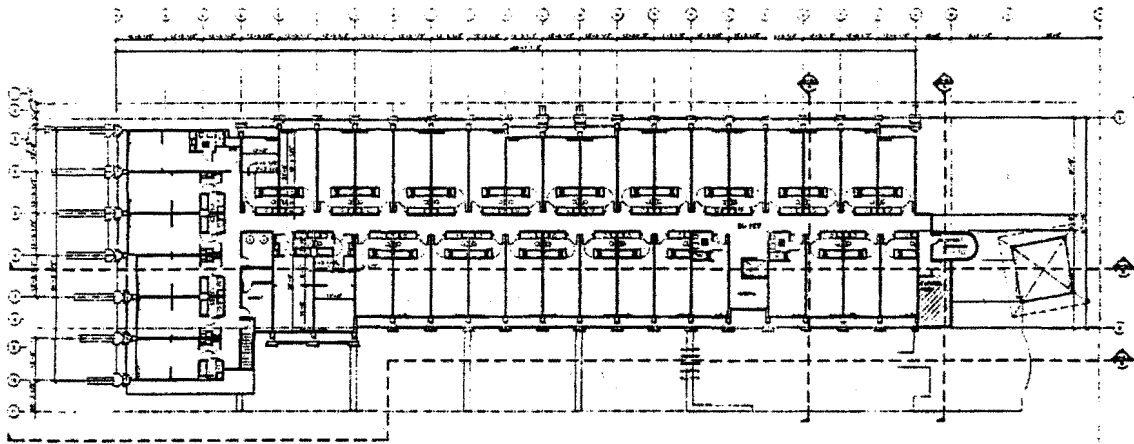


EXHIBIT NO. 1
APPLICATION NO
6-98-105
Location Maps


California Coastal Commission



2-11
 SECOND FLOOR PLAN



3-11
 THIRD FLOOR PLAN

EXHIBIT NO. 3
APPLICATION NO.
6-98-105
Upper Floor Plans
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 21-8036



Filed: September 14, 1998
49th Day: November 2, 1998
180th Day: March 13, 1999
Staff: GDC-SD
Staff Report: September 24, 1998
Hearing Date: October 13-16, 1998

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-98-112

Applicant: California Department of
Transportation

Agent: Laurie Berman

Description: Construction of two portions (totalling approximately 4,300 linear feet) of a 2.2 mile-long, 12 foot-wide, asphalt bikepath adjacent to Sweetwater National Wildlife Refuge and Paradise Marsh to include 6 to 8 foot-high screened-fencing, approximately 4 foot-high protective fencing and the construction of a 68 foot-long single span bridge over Paradise Creek.

Site: One portion commences at the end of the E Street offramp of southbound Interstate 5 and westbound Highway 54 in Chula Vista and continues approximately 2100 feet north along the western edge of the E Street offramp adjacent to Sweetwater Marsh. The other portion begins immediately west of Interstate 5 at the north levee of the Sweetwater River Channel and continues west for approximately 2,200 feet along the levee to an upland area west of Paradise Marsh ending at the eastern terminus of 32nd Street in National City. (Areas within Caltrans right-of-way and APN Nos.: 562-210-5, 14, 15, 16 and 17.)

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Substantive File Documents: Chula Vista and National City Certified Local Coastal Programs; Final Negative Declaration/Finding of No Significant Impact for BayShore Bikeway; CDP 6-96-54; U.S. Fish & Wildlife Biological Opinions #1-6-95-F-24 and #1-6-95-F-24-R1; and Dept. of Transportation Contract #11-SD-005-9.3/9.5 (PM).

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Seasonal Construction Restrictions. The applicant is prohibited from engaging in construction related activities during the period of September 15th to March 15th in any calendar year. This condition shall not apply to any portion of the project located further than 175 feet from the edge of Paradise Marsh.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to construct an approximately 2.2 mile-long, 12 foot-wide, asphalt bikepath which will extend from the west end of E Street in Chula Vista to the east end of 32nd Street (west of I-5) in National City. A previous coastal development permit for the subject bikepath was approved by the Commission on July 12, 1996 (Ref. CDP#6-96-54). However, this permit expired on July 12, 1998 and the work was never completed. The proposed development is identical in alignment, design and scope to the previously approved permit.

The alignment of the proposed bikepath will lie immediately adjacent to the Sweetwater National Wildlife Refuge and Paradise Marsh in the Cities of Chula Vista and National City. The alignment will require the construction of a 68 foot-long single-span bridge across Paradise Creek. An 8 foot-high screened-fence will be installed adjacent to Paradise Marsh at Paradise Creek and a 6 foot-high screened-fence will be installed on the west side of the bikepath adjacent to Sweetwater Marsh. The proposed fencing consists of chain link with unremovable woven slats. The chain-link will be vinyl colored to blend with the surroundings. In addition, the east side of the proposed screened-fence, adjacent to Sweetwater Marsh, will be vegetated with vines to inhibit graffiti. The purpose of the screened-fencing is to minimize disturbances to wildlife from bicyclists and pedestrians using the new path. A 4 foot-high chain link safety fence is proposed on top of the existing concrete wall on the west side of the E Street offramp. In

addition, an approximately 40 inch-high chain link fence will be placed on each side of the bikepath west of Paradise Marsh to ensure that users stay on the path.

The 2.2 mile-long bikeway is a small segment of the Bayshore Bike Way, a 26 mile long regional facility planned to traverse the perimeter of San Diego Bay. As such, the Bayshore Bike Way traverses multiple jurisdictions including the cities of San Diego, Coronado, Imperial Beach, Chula Vista, National City and the Port of San Diego. The proposed project consist of two non-contiguous sections of the proposed 2.2 mile-long addition and will traverse through the cities of Chula Vista and National City. While both Cities have certified Local Coastal Programs, the two portions of the 2.2 mile-long bikeway segment are within either an area of Commission original jurisdiction or within an area in which coastal permitting authority has yet to be transferred to the City. Therefore, the standard of review is Chapter 3 policies of the Coastal Act, with the Local Coastal Programs used as guidance.

The first portion of the bikepath is located within the Commission's original jurisdiction and commences in the City of Chula Vista north of E Street at Sweetwater Marsh and continues north along the west side of the E Street offramp of southbound Interstate 5 and westbound Highway 54. The bikepath traverses north from this point for approximately 2100 feet immediately adjacent to the Sweetwater National Wildlife Refuge on the west and the E Street offramp on the east, ending at the underpass of Interstate 5. The second portion of the bikepath involves both original jurisdiction and retained permit authority areas. The original jurisdiction area is within the City of National City and lies at the west side of Interstate 5 at the north levee of the Sweetwater Channel and continues west along the levee adjacent to Paradise Marsh on the north. Included within this section is a 68 foot-long single-span bridge across Paradise Creek. This portion of the bikeway is approximately 650 feet in length and ends at the southwest corner of Paradise Marsh. The remaining approximately 1,550 foot-long section of the bikeway, lies 175 feet west of and upland of Paradise Marsh in an area in which permit authority has not yet been transferred to the City of National City.

Environmentally Sensitive Habitats. Section 30231 of the Coastal Act provides for the protection of coastal waters, and states:

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

In addition, Section 30240 of the Coastal Act provides for the protection of sensitive habitats and parklands, and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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.

Sweetwater National Wildlife Refuge and Paradise Marsh are areas administered by the U.S. Fish and Wildlife Service (FWS). A Biological Opinion, dated May 30, 1995, was submitted by the FWS in response to the Draft Negative Declaration/Finding of No Significant Impact for the proposed bikeway. In addition, an update and modification to that Opinion (September 5, 1996) was submitted. These opinions document the existence of several federally-listed and state-listed endangered species which inhabit the Sweetwater-Paradise Marsh Complex including light-footed clapper rail, California least tern, Belding's Savannah sparrow, and (the plant species) salt marsh bird's beak. The FWS expressed specific concerns related to construction impacts from the proposed development which may occur during wildlife breeding seasons, the impacts of possible cyclist or pedestrian intrusion into the marsh areas and the indirect impacts to wildlife or sensitive species precipitated by the proximity or movement of cyclists or pedestrians. The FWS has also indicated that the relatively slow moving cyclists and pedestrians cause more flushing and disturbance to the endangered wildlife than does automobile traffic. In response to the FWS's concerns, the proposed development has been designed to incorporate all recommendations by the FWS. These recommendations include the installation of a 6 foot-high, screened-fence on the west side of the bikepath along Sweetwater Marsh, an anti-perching device along the top of the fence, sediment control devices, and the prohibition of any construction during the breeding periods for the least tern, clapper rail, and savannah sparrow (March 15 to September 15). Consistent with the proposed requirements of the FWS, the path along the north levee of the Sweetwater Channel, south of Paradise Marsh, was designed to be placed at a recessed elevation in order to utilize the wall of the levee as a 6-foot high visual barrier to inhibit views of cyclists and pedestrians while not affecting migratory flights between the marshes. An 8 foot-high screened fence will also be installed on the marsh side of the proposed 68 foot-long single-span bridge across Paradise Creek to minimize disturbance to wildlife.

The Commission and the U.S. Fish and Wildlife Service have typically found that new development be setback at least 100 feet from the edge of any marsh or wetland area in order to protect the biological values of the habitat. However, in some cases, nature trails/bikepaths have been permitted within the 100 foot buffer area without disrupting habitat values. The alignment of the bikepath adjacent to Sweetwater Marsh will vary from 13.8 feet to 26.6 feet from the edge of the marsh. However, all construction will occur within the existing disturbed slope for the E Street offramp of Interstate 5 and Highway 54 and no direct impacts to wetland or other sensitive habitat is proposed. In

addition, both the applicant and the FWS have indicated that human intrusion by pedestrians and bicyclists currently exists within Sweetwater Marsh. A site inspection by Commission staff has confirmed the existence of a dirt trail with many bike tire marks within Sweetwater Marsh. It is the applicant's contention that the proposed bikepath will eliminate that intrusion by directing the activity to the proposed bikepath. Along the Sweetwater Channel north levee portions of the bikepath, all development will occur within the existing levee and no direct impacts will occur to the adjacent Paradise Marsh. In addition, the proposed 68 foot-long single-span bridge will not require any footings to be placed within Paradise Creek and all work will occur within the existing footprint of the levee. In the previously described Biological Opinion, FWS accepted these proposed alignments with a requirement for a 6 foot-high screen fence to preclude views of bicyclists or pedestrians from the marsh. The Commission finds that given the existing freeway and the associated fill slopes, locating the bikepath closer than 100 feet from the marsh will not disrupt habitat values of the marsh if the path is fenced as recommended by FWS and proposed herein by the applicant.

Consistent with the conditions imposed by the FWS, Special Condition #1 has been attached to prohibit construction activity during the identified breeding periods of March 15th to September 15th of any calendar year. However, this condition will not apply to those portions of the project which lie in excess of 175 feet from the edge of Paradise Marsh. Therefore, since no encroachment into the sensitive habitat areas is proposed, construction is limited to non-breeding periods and a visual barrier is proposed to protect the environmentally sensitive habitat and endangered wildlife, the Commission finds the proposal, as conditioned, consistent with Sections 30231 and 30240 of the Act.

3. Public Access/Recreation. 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.

In addition, Section 30212 of the Coastal Act states:

(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.

In addition, Section 30213 of the Coastal Act states:

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

These policies address the public's right of access to the coast and public recreational sites, and require that access considerations be given high priority in reviewing any development proposals. In addition, lower cost recreational facilities should be encouraged and provided. The proposed development is one of the last remaining segments of the 26 mile-long Bayshore Bikeway. The completed bikeway will enable tourists and residents the recreational opportunity to traverse the perimeter of San Diego Bay. Bicyclists will be able to ride through Coronado, Imperial Beach, Chula Vista, National City, San Diego and return across San Diego Bay to Coronado via the San Diego Ferry. The bikepath will also afford expanded opportunity for low cost coastal recreational activity including access and views to San Diego Bay.

Currently bicyclists must utilize approximately 3.8 miles of major arterials and minor streets through the Cities of Chula Vista and National City to complete this path. The public streets are located in heavily used industrial and commercial areas and the cyclists must share the road with moving and parked vehicles and travel through approximately 31 separate street crossings.

Proposed alternative alignments to the subject bikepath were identified to be on the east of Interstate 5 traversing north adjacent to the San Diego Trolley. These alignments, identified as Alternative 3 and 5 in the Final Negative Declaration, shared the same path up to the north levee of Sweetwater Channel. At that point Alternative 3 turned west along the levee and Alternative 5 proceeded further north adjacent to the route of the San Diego Trolley. These alternatives were found to not be feasible primarily because of serious safety concerns. The bikepaths would parallel the trolley line and would place cyclists in close proximity to rail equipment operating at high speed. In addition, these alignments would require hazardous intersection crossings involving entry and exit traffic of Interstate 5, the San Diego Trolley and regular street traffic. Furthermore, right-of-way access through Metropolitan Transit District Board Trolley (MTDB) properties has not been attainable.

The proposed bikepath, while screened-off from the surrounding marshes, will allow cyclists and pedestrians closer proximity to the existing Bayshore Bikeway eliminating approximately 1.5 miles of out of direction travel and will create a greater degree of public safety. The alignment of the path contiguous with the proposed Sweetwater Channel Bridge and the north levee of the Sweetwater Channel will also provide a greater degree of a recreational experience than would the alternative alignments which were proposed between the east side of Interstate 5 and the San Diego Trolley. The proposed alignment also brings cyclists in closer proximity to the Chula Vista Nature Center, located at the western end of E Street in Chula Vista. In addition, bicyclists and

pedestrians will be afforded views to the Sweetwater Channel and Sweetwater Marsh from both the proposed Sweetwater Channel Bridge and along the north levee of the Sweetwater Channel. Furthermore, since the proposed bikepath will provide an alternative path to current human intrusion into the marsh, the proposed access will serve to protect the fragile coastal resources of the area. In summary, the proposed development will significantly increase public recreational opportunities along San Diego Bay by providing a safe and accessible bikepath while protecting environmentally sensitive habitat. Therefore, the Commission finds the proposal consistent with all applicable public access and recreation policies of the Coastal Act.

4. 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...

The proposed 6 foot-high screened-fence required by FWS adjacent to Sweetwater Marsh will eliminate existing public views of Sweetwater Marsh for motorists along the E Street offramp of southbound Interstate 5 and westbound Highway 54 for approximately 1500 feet of this approximately 2100 foot span of the bikepath. However, the bikepath has been designed to traverse down the E Street offramp fill slope such that approximately 600 feet of existing views will remain. Bicyclists and pedestrians along this 2100 foot-long portion of the bikepath, however, will not be afforded any views of Sweetwater Marsh. In addition, the screened-fence is proposed to be vegetated with vines to inhibit graffiti.

On the portion of the bikepath which lies adjacent to Paradise Marsh, cyclists and pedestrians will have their views of Paradise Marsh blocked by the north wall of the Sweetwater Channel levee due to the recessed alignment of the path. In addition, views north along the proposed Paradise Creek Bridge will be blocked by a proposed 8 foot-high screened-fence. Along this portion of the bikepath, however, cyclists and pedestrians will be afforded views to the south of both Sweetwater Channel, Sweetwater Marsh and the nearby Chula Vista Nature Center.

The Commission is concerned with the lack of view opportunities afforded to bikepath users adjacent to the Sweetwater-Paradise Marsh Complex and with the partial elimination of views to motorists along the E Street offramp. However, as previously stated, the Commission finds the bikepath consistent with coastal recreation and access policies and that the fence is necessary under Sections 30231 and 30240 of the Coastal Act to protect the habitat values of the marshes. In recognition of the Commission's need to balance the policies that require protection of environmentally sensitive habitat areas and wildlife with the policies to protect existing public views to and along the ocean and

scenic coastal areas, the Commission finds that the proposed bikepath, while eliminating some existing views, has been designed to prevent impacts to environmentally sensitive habitat while affording increased coastal recreational opportunities. Thus, the Commission finds, on balance, the proposed development consistent with Section 30251 of the Act.

5. Local Coastal Planning. Section 30604 (a) also 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. As conditioned, such a finding can be made for the proposed project.

The approximately 1,550 foot-long section of the bikeway west of and upland of Paradise Marsh is in an area in which coastal development permit authority has not been transferred to the City of National City. The certified National City Local Coastal Program requires that a Specific Plan for the subject property be adopted by the City and certified by the Commission before coastal permitting authority can be transferred. This area is zoned Commercial Tourist in the certified National City LCP. The approximately 650 foot-long path adjacent to Paradise Marsh, along the Sweetwater Channel, is within an area of the Commission's retained original jurisdiction. The property is zoned Open Space in the certified National City Local Coastal Program.

The approximately 2100 foot-long path adjacent to Sweetwater Marsh and the E Street offramp is also within public trust lands and, therefore, within the Commission's retained area of original jurisdiction. This property is zoned Open Space within the certified Chula Vista Local Coastal Program.

As conditioned, the development has been found consistent with all applicable Chapter 3 policies of the Coastal Act, which is the standard of review. In addition, the proposal is consistent with both the City of Chula Vista and National City certified Land Use Plans which specifically support the installation of bikepaths adjacent to the Sweetwater-Paradise Marsh Complex. The Commission, therefore, finds that approval of the proposed development, as conditioned, will not prejudice the ability of the Cities of Chula Vista or National City to implement their certified Local Coastal Programs.

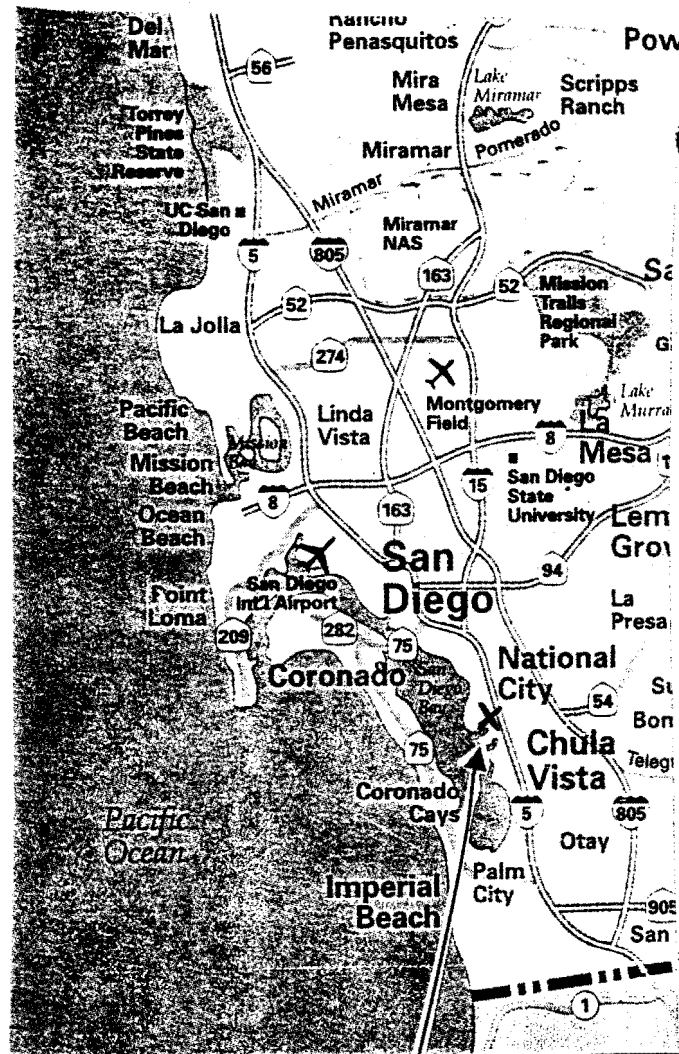
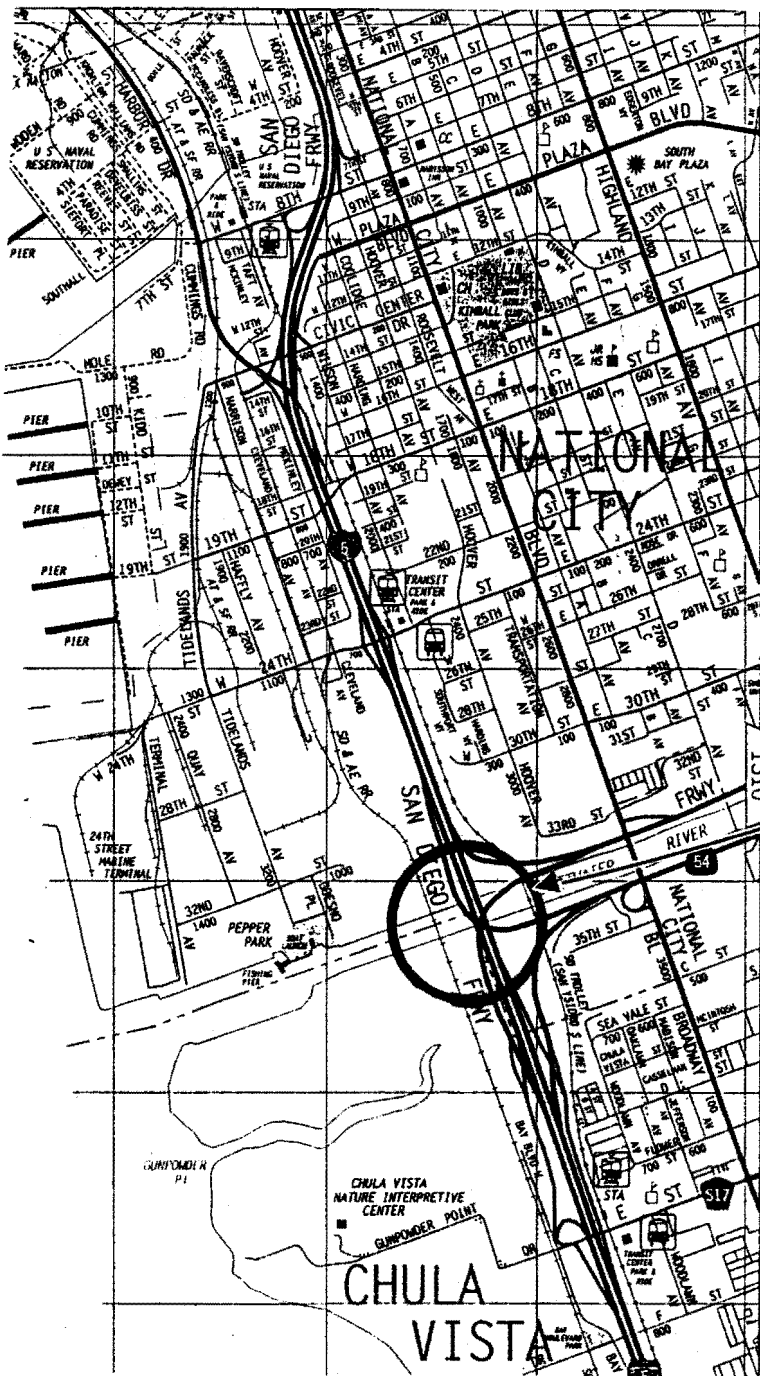
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable 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, as conditioned, has been found consistent with all applicable policies of the Coastal Act. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(8112R)



Site

EXHIBIT NO. 1
APPLICATION NO.
6-98-112
Location Maps

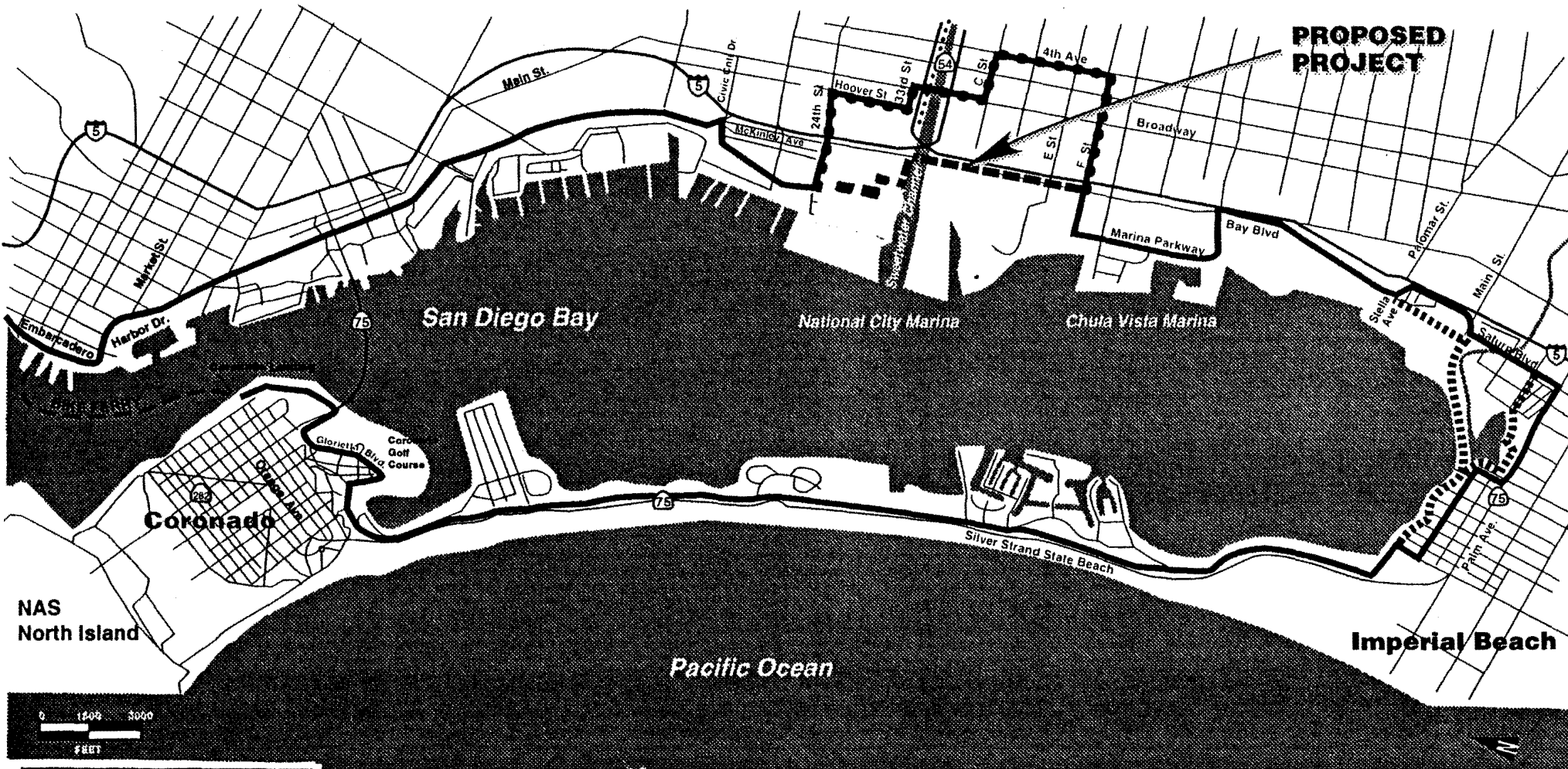
California Coastal Commission

San Diego

National City

Chula Vista

**PROPOSED
PROJECT**



SOURCE: SANDAG'S SAN DIEGO BAY SHORE BIKE WAY


- PROPOSED BAY SHORE BIKE WAY PROJECT
- INTERIM BAY SHORE BIKE WAY ROUTE
- EXISTING BAY SHORE BIKE WAY ROUTE
- FUTURE ALTERNATIVE ALIGNMENTS (BY OTHERS)
- OTHER BIKE ROUTES

SAN DIEGO BAY SHORE BIKE WAY

11-SD-5

P.M. 8.6-10.0

FIGURE 2



California Coastal Commission

EXHIBIT NO. 2

APPLICATION NO.

6-98-112

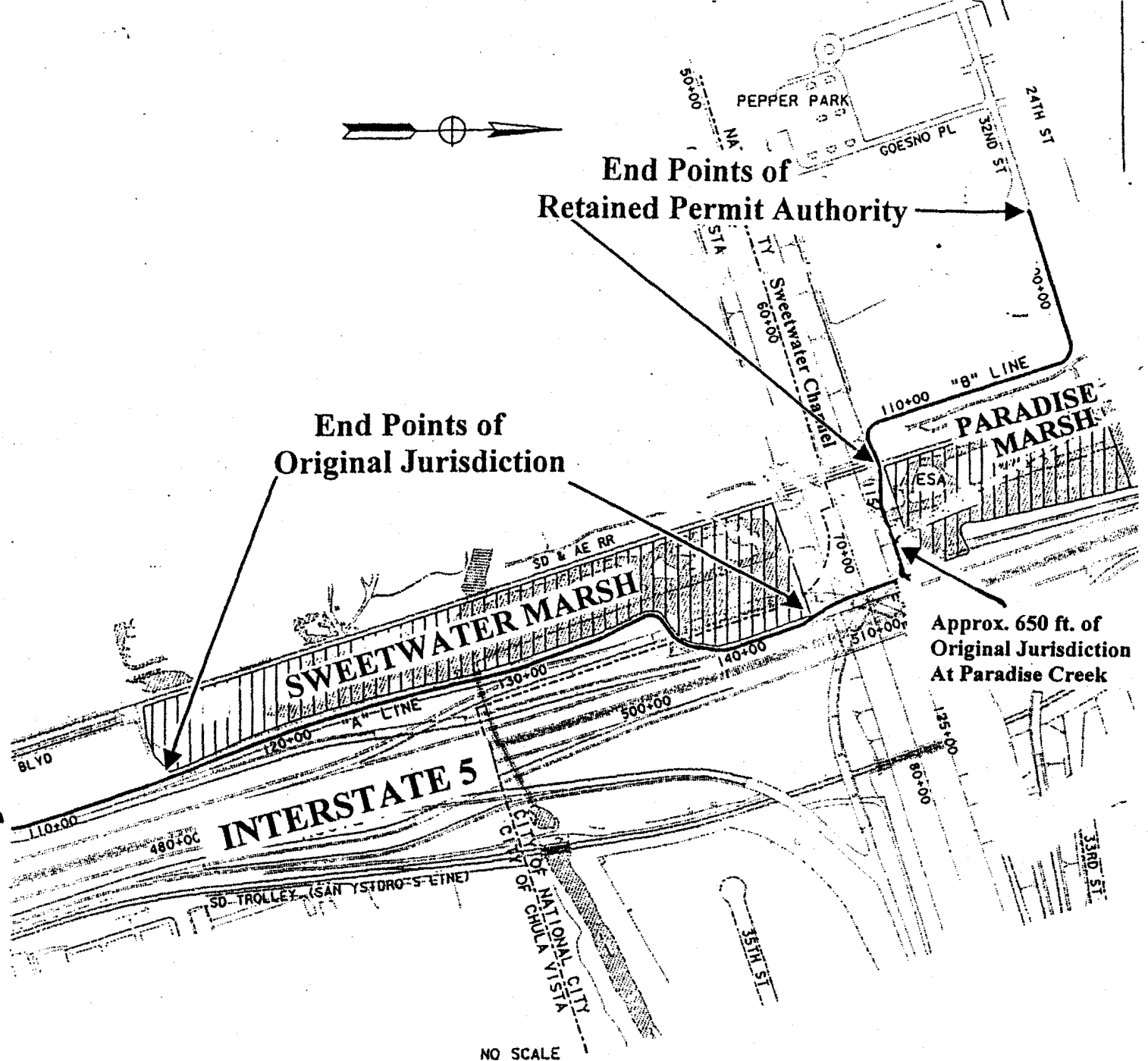
**Existing Bayshore
Bikepath &
Proposed Project**

Bikepath

End Points of
Retained Permit Authority

End Points of
Original Jurisdiction

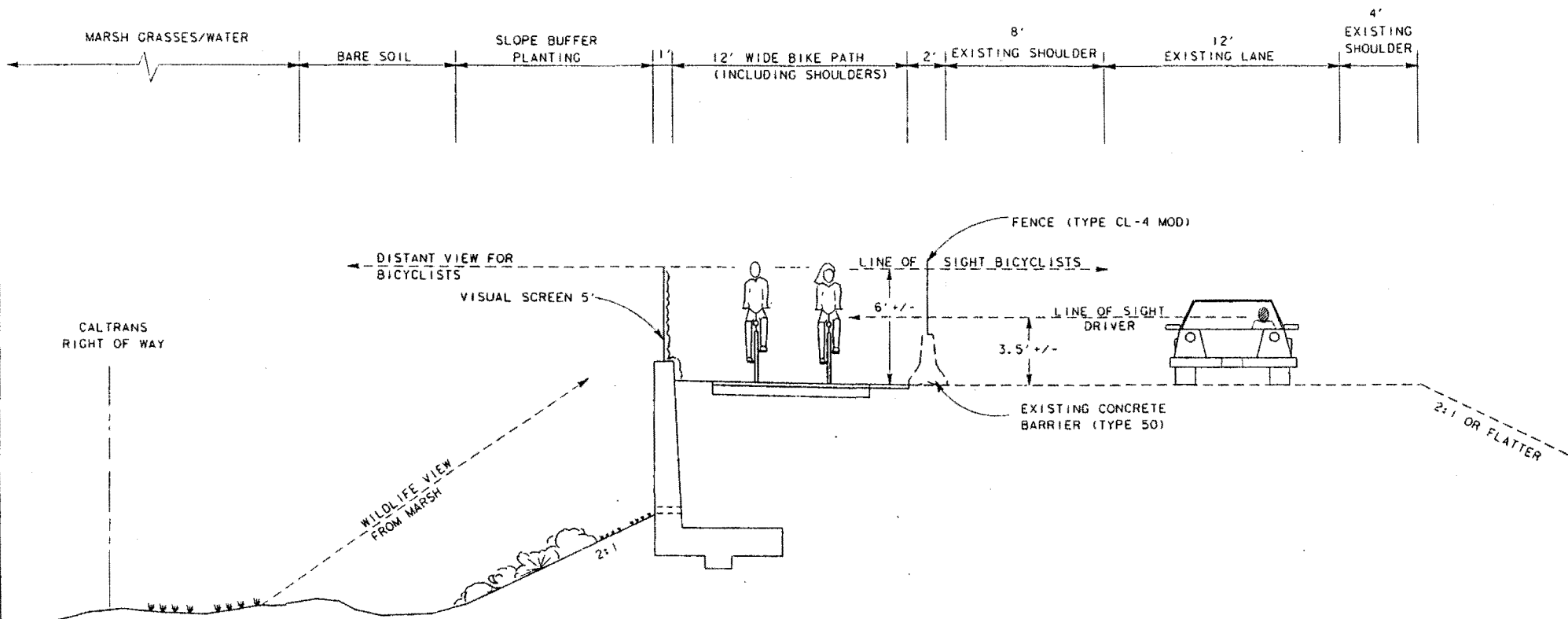
Approx. 650 ft. of
Original Jurisdiction
At Paradise Creek



NO SCALE

EXHIBIT NO. 3
APPLICATION NO.
6-98-112
Proposed
Alignment and
Jurisdiction Map

California Coastal Commission



BIKE PATH "A"

STA 114+35 TO 129+40
LOOKING NORTH


NO SCALE

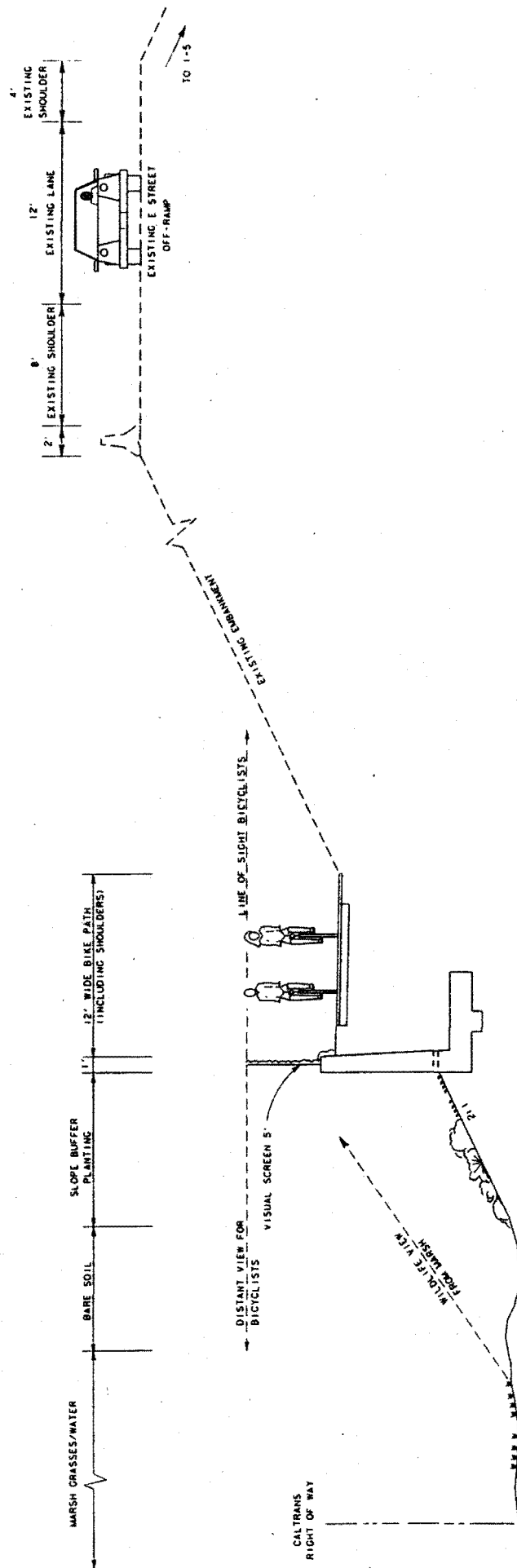
RECEIVED

MAY 10 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ATTACHMENT C

 California Coastal Commission	<p>EXHIBIT NO. 4</p> <p>APPLICATION NO. 6-98-112</p> <p>Proposed Views at E St. Offramp & Bikepath at Same Elevation</p>
--	---



BIKE PATH "A"

STA 135+00
LOOKING NORTH
NO SCALE

RECEIVED
JUN 21 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ATTACHMENT D

EXHIBIT NO. 5
APPLICATION NO.
6-98-112
Proposed Views at
E St. Offramp &
Bikepath at Lower
Elevation

California Coastal Commission

PROPOSED PARADISE MARSH BRIDGE LOOKING NORTH

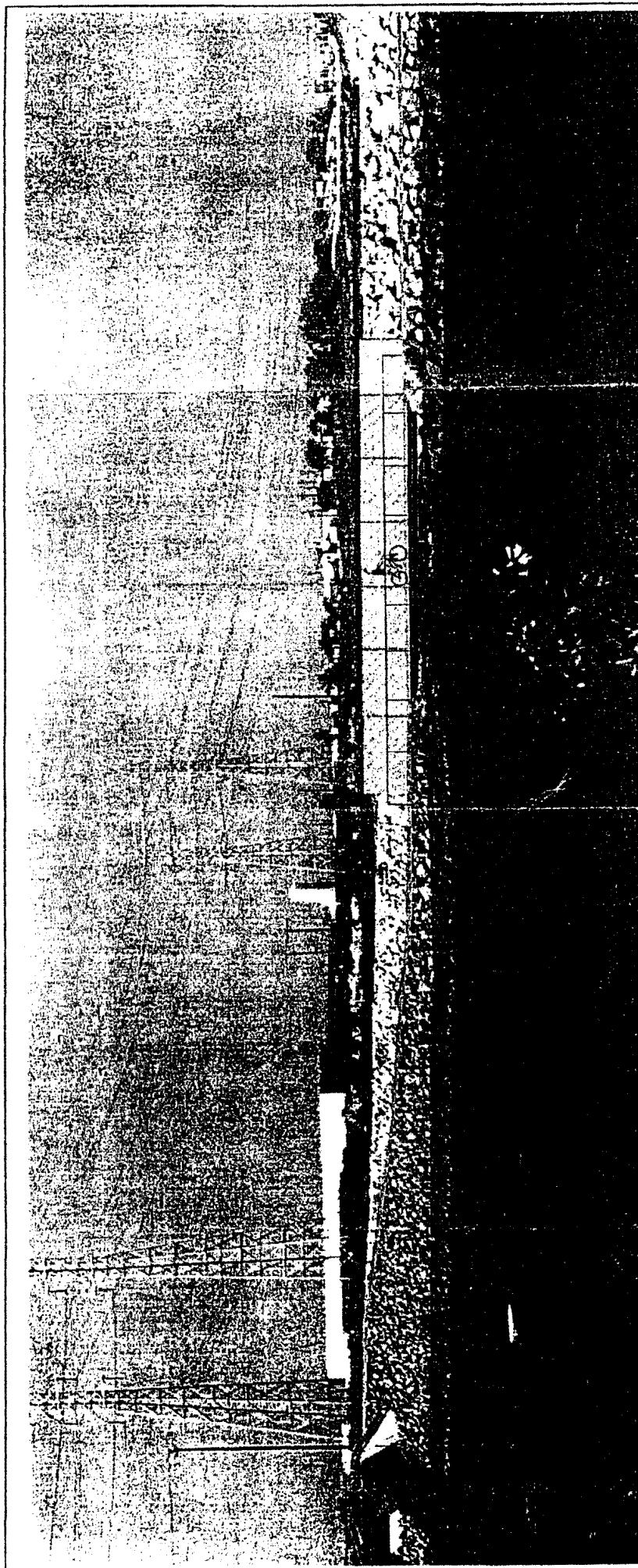


FIGURE 8

PROPOSED BAY SHORE BIKE WAY
PHOTO SIMULATION

11-SD-5 PM 8.6-10.0
NO SCALE

EXHIBIT NO. 6

APPLICATION NO.

6-98-112

Photo Simulation of
Bikepath at
Paradise Marsh

 California Coastal Commission