

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Filed: April 24, 1998
49th Day: June 12, 1998
180th Day: October 21, 1998
Staff: EL-SD
Staff Report: May 15, 1998
Hearing Date: June 8-11, 1998



AMENDMENT REQUEST STAFF REPORT AND PRELIMINARY RECOMMENDATION

Tu 19a

Application No.: 6-91-146-A2

Applicant: City of San Diego Agent: Terri Williams
Park and Recreation Dept.

Original Proposal: Install five gates and close vehicular public access to four public parking lots within Mission Bay Park between 10:00 p.m. and 6:30 a.m.

Parking Spaces	1,077
Zoning	Unzoned
Plan Designation	Parkland/Open Beach

Previous Amendment: Modify Special Condition #3 of original permit, to allow retention of the gates and the approved 10:00 p.m. - 4:00 a.m. closure at four Mission Bay Park parking lots for five additional years.

Proposed Amendment: Modify Special Condition #2 of previous amendment, to allow retention of the gates and the approved 10:00 p.m. - 4:00 a.m. closure at four Mission Bay Park parking lots for five additional years.

Site: Ventura Cove and Bahia Point at 1200 W. Mission Bay Drive, and Bonita Cove at 899 W. Mission Bay Drive, Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: Mission Bay Park Master Plan
CCC Files #6-88-545;A-6-LJS-90-161

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the City's amendment request to retain the gates and restricted hours of operation until July, 2003, based on submitted reports and provisions of the original action and previous amendment. Special conditions are attached setting a new termination date, preserving the status of nearby, ungated parking lots, and reminding the applicant that all conditions of the original permit not modified herein remain in effect.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants an amendment 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 amendment is subject to the following conditions:

1. Conditions of Original Permit. All terms and conditions of the original permit not specifically deleted or modified herein remain in full force and effect.

2. Removal of Gates and Restricted Hours/Future Closures. The approved development may be retained for a period of five years from the previous removal date (July 16, 1998). Retention of the permitted gates and limited hours of operation at the subject sites beyond July 16, 2003 will require further action by the Coastal Commission, either as an amendment to this permit or as a separate coastal development permit. The hours of operation (closure only between 2:00 - 4:00 a.m.) of the Belmont Park lots, both north and south, and the Bonita Cove lot accessed from Mission Boulevard shall not be reduced or otherwise modified during this time period. This condition replaces Special Condition #2 of the previous amendment in its entirety.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History. On July 16, 1991, the Coastal Commission approved a proposal by the City of San Diego to restrict the hours of operation of four public parking lots within the western portion of Mission Bay Park, adjacent to the Mission Beach community. The lots are located along, or nearby, West Mission Bay Drive and they all serve Mission Bay beaches (Bahia Point, Ventura Cove and Bonita Cove). Also approved was the installation of five gates at the entrances to the four parking lots. The gates had been installed and hours of operation restricted since the early part of June, 1991, without a coastal development permit, at the direction of the Police Department in

response to a significant increase in crime, and specifically as a result of two gang-related deaths in one of the lots. Prior to that time, vehicular access to these parking lots was subject only to the 2:00 a.m. - 4:00 a.m. closure common to all City parks, as a means to discourage informal overnight "camping" in the parks.

The Commission's action in September, 1991, approved the proposal, but imposed three special conditions. The first of those established the hours of closure as 10:00 p.m. - 4:00 a.m., rather than 10:00 p.m. - 6:30 a.m., as originally proposed by the City. The second condition addressed the type of gating and signage required in the parking lots, and the third limited the permit to a period of two years only. The condition allowed the City to request an amendment or new coastal development permit to retain the gates and restricted hours beyond July 16, 1993, and mandated that the hours of the remaining parking lots in the area (two at Belmont Park and the southernmost lot at Bonita Cove) could not be modified during the two year period. In 1993, the Commission approved an amendment to the original permit, allowing retention of the gates and restricted hours for five additional years, until July 16, 1998, and reiterated that the other conditions of approval remained effective.

2. Proposed Amendment. The City has now requested an amendment that would allow an additional five-year retention of the parking lot gates and restricted hours of operation at the four referenced sites. To document the continued need for the gates and restricted hours, the City has submitted updated crime statistics to substantiate the continuing success of the restrictions in curbing crime in the area. Criminal activities have decreased significantly since the original installation of the gates and restricted hours of use. Attached letters from the Police Department and Mission Bay Lessees Association indicate local support for the retention of the gates.

3. Public Access and Recreation/Public Parking. Many Coastal Act policies address the issues of public access, recreation and parking. They are listed in the Staff Report and Preliminary Recommendation for the original permit, along with descriptions of the activities available at the subject sites and other City parking lots affected by similar restrictions (see the files referenced as substantial file documents). The four parking lots in question serve several segments of Mission Bay Park, which is used by local and regional residents, as well as visiting tourists, year round. During the winter season, the parks have light to moderate use, but in summer they are heavily used and the parking lots are filled by mid-morning most weekends and holidays. The Bahia Point parking lot accommodates 250 vehicles, Ventura Cove accommodates 371 vehicles, and the two affected parking lots at Bonita Cove have 201 and 404 parking spaces, for a total of 1,226 parking spaces in the four lots combined.

The two gates at Bahia Point and Ventura Cove are equipped to allow cars remaining in the lots after the closure to exit at will. The gates at the two Bonita Cove lots are not so designed, and any vehicles remaining in the lots after the closure are locked in till morning. At the time the Commission approved this permit, these lots were unlit (unlike the Ventura Cove and Bahia Point lots) and statistics quoted by the City representative indicated a far

more violent situation existed in those two lots than elsewhere. Parking lot lighting has now been installed in the Bonita Cove lots as well, and the crime rate in all gated parking lots and the surrounding areas has been greatly reduced.

The third special condition of the original permit was attached to address the Commission's continued concern over the domino effect of the parking lot closures, where each approved closure soon led to a new request for more of the same. Between 1988 - 1991 the Commission approved five permits, affecting a total of nine parking lots (eight in the Mission Beach/Mission Bay area and one in La Jolla). To address this concern, the Commission made the original permit valid for only two years without further Commission action in the form of an amendment or new permit.

During the two years of the original permit, it was suggested that, if the City planned to request retention of the gates and restricted hours after the two-year period, the City should document the results of the closures, both on the crime situation and on the condition of the three area lots remaining open past 10:00 p.m. - a third parking lot at Bonita Cove (accessed from Mission Boulevard) and the Belmont Park parking lots, which serve a commercial shopping center, the Plunge swimming pool and the roller coaster, as well as the public beach. At the original Coastal Commission hearing, the City gave assurances that the hours of operation of the Belmont Park (north and south) lots and the Bonita Cove lot accessed from Mission Boulevard, which had only the City-wide 2:00 - 4:00 a.m. closure, would not be modified in the future. Special Condition #3, in addition to limiting the duration of the approved gating and hours, also formalized the City's assurances by providing that these three lots must retain the existing hours of operation for the full two-year period.

During the past seven years, City Parks and Recreation staff have received no complaints from the public regarding the access restrictions imposed by the gates and reduced hours. Furthermore, they have observed more families using the area in the early-to-late evening hours. The owner of the Bahia Resort, adjacent to two of the affected parking lots, reports that fewer customer complaints are received, his leasehold appears safer, and he has also observed increased public recreational activity of a peaceful nature at the beaches served by these parking lots.

The Commission also, through its San Diego office, has not received complaints from the general public over the years that access is being unduly restricted. Because two of the gated lots include an exit-only feature, and three other area lots have no gating at all, there remain adequate venues in the immediate vicinity for late-night beach strolls, bonfires and similar activities. Moreover, the public can always park at one of the ungated lots and walk to the Bonita Cove beaches and upland facilities; they are a quarter-mile distant at most. One phone call was recently received expressing opposition to any form of public access restriction, but acknowledging that the City had good reasons for installing the gates in the first place, and that the public did not seem troubled by the restrictions. The caller did express dislike for the railroad-style gates at Ventura Cove and Bahia Point,

since they seem to give a more "private" appearance to those two lots. However, it is that design that provides the "exit-only" feature and allows the public to retain their cars in those lots past 10:00 p.m.

In summary, the City has documented that the restricted hours of operation and installation of gates has greatly reduced the incidence of crime in the four subject Mission Bay parking lots and surrounding area, without having significant adverse impacts on public access to Mission Bay. Therefore, the Commission approves the amendment request allowing retention of the restrictions until July 16, 2003. Special Condition #2 replaces the same condition of the previous amendment; it establishes the new removal date and continues to protect the existing status of other area parking lots. Under the condition, the three ungated lots in the general project vicinity remain open from 4:00 a.m. until 2:00 a.m. daily, with only the brief, two-hour closure common to all City parking lots to prevent informal overnight camping.

However, the Commission still finds, as it has in the past, that the types of socially unacceptable behavior which the City maintains justify the restrictions are illegal, in and of themselves. Laws governing these behaviors already exist and should be enforced. The Commission does not find it acceptable to permanently deny use of public facilities to the vast majority of law-abiding citizens as a means of restraining the few who break those same laws, and looks forward to a day when public safety concerns no longer require such restrictions. At such a time, the Commission expects the City to propose removal of the gates and expansion of the hours of operation. The permit, as herein amended, requires removal of the gates and restricted hours at the end of five years, and any requests to retain the restrictions beyond that time must be approved by the Coastal Commission. This requirement provides for periodic review of current conditions to determine if changes are appropriate. As conditioned, the amendment can be found consistent with all public access and recreation policies of the Coastal Act.

3. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit, or permit amendment, shall be issued only if the Commission finds that the permitted/amended 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. Such a finding can be made for the subject amendment, as conditioned.

All four locations are within the Mission Bay Park planning area, and under the guidelines of the Mission Bay Park Master Plan, which was certified with suggested modifications by the Coastal Commission in November, 1996. Since the Master Plan is a land use plan only, Mission Bay Park remains an area of deferred certification within the City's otherwise effectively-certified LCP. In addition, all affected sites are within areas where the Coastal Commission retains original permit jurisdiction, since the parking lots are all located within the State's original tidelands grant to the City.

The parking lots are accessory uses to the public parks they serve, and are consistent with the Master Plan's land use designations. Continued availability of the parking lots for public use is therefore consistent with

the Parkland and Open Beach designations, and restrictions on such access should be minimized to the extent possible. Therefore, the Commission finds that approval of the permit amendment, as conditioned, will not prejudice the ability of the City of San Diego to prepare an implementation program for its certified LUP for Mission Bay Park, or to continue implementation of its certified LCP in other coastal areas of the City.

(2180A)

Site Map

6-9-1467

Legend:
 Ventura Cove
 "A" & "B" - Bahia Pt.
 "C", "D" & "E" -
 Bonita Cove gates

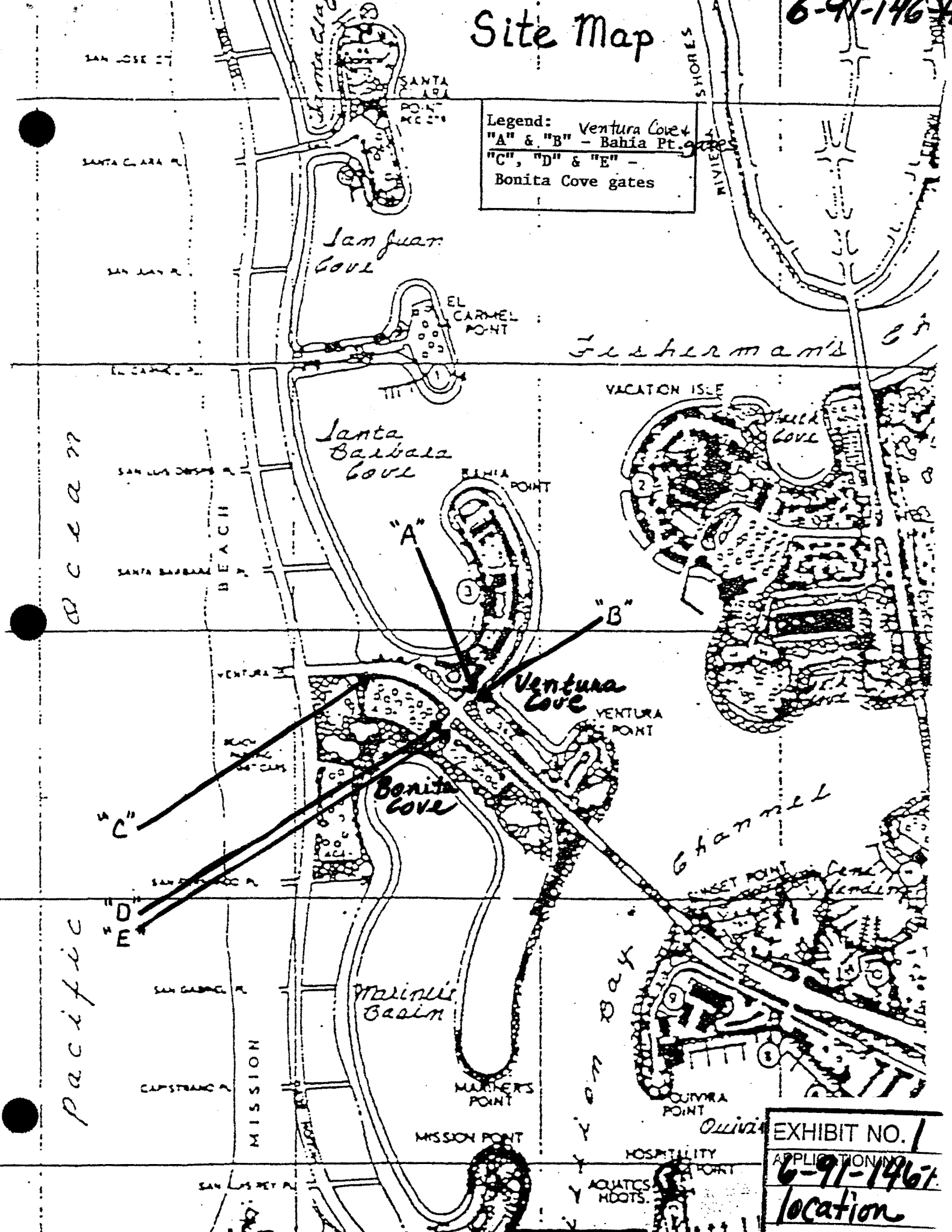


EXHIBIT NO. 1
 APPLICATION NO.
 6-9-1467
 location

Attachment 7



THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE
OUR REF. NO.

February 19, 1998

RECEIVED

FEB 27 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Ms. Lirely,

It is my understanding that the Coastal Commission permit for the gates at the Bahia Ventura location are being considered for renewal at this time. I would like to express my concern that the permit for these gates be extended. These gates have been very effective in reducing the amount of illicit activity taking place in vehicles after dark. Since the installation of these gates, we have seen a reduction in the number of calls for police service to this location.

I have included statistics comparing crime cases and arrests before and after the installation of the gates. The survey periods were broken down between the summer and winter months. These numbers show a 28% decrease in the number of reported crimes and a 59% decrease in arrests over the seven years following the installation of the gates.

Sincerely,

LOU SCANLON
Lieutenant, San Diego Police Department
Northern Division

tgn

Enclosure

File No: 4010



6-91-146-A
Letter of
Support

MISSION BAY LESSEES ASSOCIATION

1945 Quivira Way, Suite D5
San Diego, California 92109
(619) 276-2800

RECEIVED

FEB 27 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 23, 1998

Ms. Ellen Lirely
California Coastal Commission
3111 Camino Del Rio N., Suite 200
San Diego, CA 92108-1725

Dear Ms. Lirely:

It is our understanding the Coastal Commission will be reviewing the permit for the gates at Ventura and Bonita Coves.

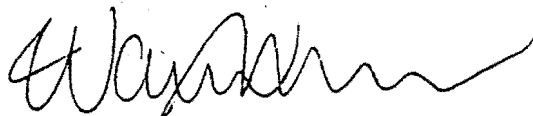
We want to express our strong support for keeping these gates in Mission Bay Park.

The gates have proven a strong deterrent to criminal activity in these areas. Since the installation of the gates, visitors, residents and their families have been able to enjoy these popular locations in a safe environment.

We sincerely hope the Commission will approve the continued use of the gates that have proven so effective in reducing crime in Mission Bay Park.

Sincerely,

MISSION BAY LESSEES ASSOCIATION



Wayne Blum
President

6-91-146-A2
Letter of
Support