

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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521-8036

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Staff: EL-SD  
Staff Report: July 20, 1998  
Hearing Date: Aug 11-14, 1998

STAFF REPORT AND RECOMMENDATION ON APPEAL

Local Government: City of San Diego

Decision: Approved with Conditions

Appeal No.: A-6-NOC-98-84

Applicant: The Lodge at Torrey Pines Partnership

Description: Expansion of an existing 74-room lodge, including demolition and reconstruction of all 74 existing guest rooms and construction of 101 additional guest rooms (175 rooms total) in four, three- and four-level connected wings surrounding a courtyard; the main building, which includes the lobby, two restaurants/lounges, and existing meeting and banquet rooms, will remain and be expanded by the construction of 4,500 sq. ft. of additional meeting/banquet area; the proposal also includes the conversion of a public, 94-space, surface parking lot to a private parking garage, through construction of a three-level, semi-subterranean parking garage on the existing surface parking lot site.

Lot Area	265,716 sq. ft. (approx. 6.0 acres)
Building Coverage	69,214 sq. ft. (26%)
Pavement Coverage	78,285 sq. ft. (29%)
Landscape Coverage	118,217 sq. ft. (45%)
Parking Spaces	294
Zoning	R1-5000
Plan Designation	Commercial Visitor
Ht abv fin grade	30 feet maximum

Site: 11489 N. Torrey Pines Road, North City, San Diego, San Diego County.  
APN 760-103-67

Appellants: California Coastal Commissioners Sara Wan and Pedro Nava

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Summary of Staff's Preliminary Recommendation:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed. Staff also recommends that the Commission approve the de novo permit with special conditions which require submittal of final parking and signage plans identifying the location of public parking for golf course use within the subject site, which is intended to replace a formerly public parking lot that has been incorporated into the private leasehold. This will guarantee the availability of public parking for the adjacent golf course when the golf course's public lot is full, as is typical during tournaments. To assure compliance with the local approvals, a second condition acknowledges the City's continuing jurisdiction over all conditions of approval imposed by the City's action on the associated Planned Commercial Development and Conditional Use Permits, which address engineering, environmental and landscaping issues, as well as a number of more local concerns. A third condition requires documentation that City of San Diego LCPA #2-98A, which modifies land use plan policies and zoning for the subject site, has been effectively certified. This is necessary since the LCPA did not receive a Commission action prior to the City's approval of the project. A fourth condition requires submittal of final building plans for the entire development, which are in substantial with the preliminary plans on file, to assure that the final built product is consistent with the Commission's action on this permit.

#### STAFF NOTES:

The public hearing for the subject appeal was opened at the July 7-10, 1998 Commission meeting and continued to the August 11-14, 1998 Commission meeting.

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Substantive File Documents: Certified City of San Diego LCP; Certified University Community Plan; City of San Diego LCPA #2-98A; Appeal Applications; Local Approvals No. 96-7358 (CDP, CUP, and PCD); Environmental Impact Report No. 96-7358

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I. Appellants' Contentions. The appellants contend that the City's decision is inconsistent with provisions of the City's LCP related to the allowed density of sites in the University Community Plan area and with the public access and recreation, traffic circulation and visual resource provisions of the Coastal Act.

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II. Local Government Action. On May 12, 1998, the City of San Diego City Council voted to approve the project, and the Notice of Final Action was received on June 9, 1998. The project was appealed by the Coastal Commission (Commissioners Wan and Nava) on June 23, 1998.

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III. Appeal Procedures.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county. (Coastal Act Sec. 30603(a))

For development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or public access policies set forth in this division.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue", and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified local coastal program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the substantial issue portion of the appeal hearing are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from

other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

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#### IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-6-NOC-98-84 raises no substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

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#### V. FINDINGS ON SUBSTANTIAL ISSUE.

1. Project Description. The applicant leases a 6.0-acre plot of land from the City of San Diego, located on Torrey Pines Mesa within the North City LCP segment (University Community Plan subarea). The site is developed with a 74-room hotel, two restaurants and lounges, banquet and meeting rooms, a swimming pool and landscaped grounds. The subject local approval is for redevelopment of the site, including demolition of all 74 guest rooms in two existing structures, and construction of new facilities. Completion of the proposed project will result in the addition of 101 guest rooms, for a total of 175 rooms, and an additional 4,500 sq.ft. of banquet/meeting space. The new guest rooms will be constructed in four, three- and four-level connected wings surrounding a central courtyard. The structures will be stepped into the existing topography such that the City's 30-foot coastal height limit is not exceeded. The project also includes the conversion of an existing 94-space, public, surface parking lot to private use through construction of a three-level, semi-subterranean parking garage, which will be located in the same portion of the site. In all, 294 parking spaces will be provided on-site to accommodate both the hotel facilities and public overflow parking associated with the adjacent public golf course.

The site is located on the west side of N. Torrey Pines Road and consists of public land leased for private commercial purposes. Torrey Pines Mesa includes many high-tech scientific research facilities, medical facilities and corporate headquarters. Another hotel, the Del Mar Sheraton, is located immediately south of the subject site and a municipal golf course is located north and west of the site. The project also involves conversion of a pre-existing public parking lot to private use; it is sited where the proposed parking garage will be constructed. The applicant recently negotiated a lease expansion with the City, adding an approximately 1-1/2 acre area between the previously-existing 4.3-acre leasehold and N. Torrey Pines Road. This area contains the 94-space paved parking lot,

which now serves as an overflow lot for the hotel and for the adjacent Torrey Pines Golf Course during tournaments, when the golf course's existing 187-space parking lot is filled to capacity. The applicant's lease with the City requires that 40 spaces for use by golfers be available daily within the hotel site, and that 94 spaces be available during tournaments. This conversion of public parking to private use has already occurred without benefit of a coastal development permit.

2. University Community Plan Density Allocations/Public Access. The subject site is located within the University Community Plan area, which is one of several subareas of the North City LCP Land Use Plan (LUP) segment. Less than half the University Community Plan area is within the coastal zone, with the more dense "urban" business center (the Golden Triangle) outside the Commission's jurisdiction. The planning area is divided into many subareas, and then divided again to address individual sites in many instances, establishing specific density criteria for individual properties, based primarily on the capacity of the surrounding street system. The density allocations in the land use plan identify the size of individual properties and establish the allowable development intensities. In the version of the University Community Plan last certified by the Commission, the subject site was identified for a 74-room hotel on a 4.3 acre leasehold.

To accommodate the higher density proposed in the subject permit, and modify the size of the leasehold consistent with the renegotiated lease, the City approved an amendment to the LUP. The amendment would increase the density allocation for The Lodge at Torrey Pines from 74 rooms to 175 rooms and increase the leasehold size from 4.3 acres to 6.0 acres. After approval by the City, which was done in conjunction with approval of the subject permit request, the LCP amendment was forwarded to the Coastal Commission for review and potential certification. The amendment is scheduled on the same Coastal Commission agenda as this permit, and will have received an action prior to the Commission's consideration of this appeal.

However, the existing certified LCP is the legal standard of review for local actions on coastal development permits. It is not appropriate for the City to assume Commission concurrence with a future LCP amendment request and approve coastal development permits dependent on that action occurring. Although the City of San Diego has conditioned the subject permit to indicate the approval is not valid until the Commission has approved the LCP amendment, the more appropriate course of action would be to process the LCP amendment to completion (i.e., Commission action) and then start processing any coastal development permits accommodated by the certified LCP. However, because of the length of time taken to process coastal development permits at the local level, many applicants are unwilling to accept splitting the process and adding on a significant amount of additional time; they prefer to risk an unfavorable Coastal Commission action at the end of the process. Therefore, the City typically processes everything concurrently, including LCP and General Plan amendments, coastal development permits, other local discretionary permits, environmental documents, etc.

In any event, the project approved by the City of San Diego was inconsistent with the certified LUP, a component of the LCP, at the time of City action. This alone is grounds for appeal, and the procedural error is one reason the appeal was filed. Another issue is the conversion of a previously public 94-space parking lot, which supports public recreational facilities, to private use. At the time the appeal was filed, there was also concern over the appropriate setback for the parking garage and possible traffic circulation problems affecting public beach access. These latter concerns have been resolved and will be discussed in later findings. However, the first two issues (inconsistency with the density allocation in the certified LUP and conversion of public parking to private use) remain and result in the finding of substantial issue for the proposed development.

**PRELIMINARY 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. Golf Course Parking. As required in the applicant's lease with the City of San Diego, the applicant shall reserve a minimum of forty (40) parking spaces within the hotel leasehold for use by golfers each day of regular play. The applicant shall further reserve ninety-four (94) spaces within the hotel leasehold during tournament play at the adjacent municipal golf course. As also required in the lease, said parking shall be free of charge unless and until the City implements pay parking on its remaining 187-space public parking lot at the golf course; should that occur, the applicant may charge a parking fee not exceeding that charged by the City, subject to an amendment to this permit.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final plan delineating the location of the reserved public golf parking. Said plan shall include text

and locations for signage clearly announcing the availability of free parking to the public, the times of availability, and directing the public to the location of the parking.

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

2. Special Conditions of CDP/PCD/CUP Permits No. 96-7358. All special conditions of the City of San Diego's PCD/CUP Permits No. 96-7358, approved by the City of San Diego on May 12, 1998, shall remain subject to the City's jurisdiction as part of the City's Planned Commercial Development/Conditional Use Permit.

3. LCP Effective Certification. Approval of the coastal development permit is conditioned upon effective certification of Local Coastal Program Amendment #2-98A. Accordingly, prior to issuance of the coastal development permit, the applicant shall obtain a written statement of the Executive Director of the Coastal Commission confirming that the Coastal Commission has effectively certified City of San Diego LCPA #2-98A in accordance with California Code of Regulations title 14, section 13544.

4. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, final building plans, approved by the City of San Diego, for the entire development, including site plans, floor plans, elevations and landscaping plans. The plans shall be in substantial conformance with the preliminary plans submitted to the San Diego Commission office on July 2, 1998, as part of the City's coastal development permit file on appeal and titled "The Lodge at Torrey Pines."

The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved plans shall not 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. The applicant leases a 6.0-acre plot of land from the City of San Diego, located on Torrey Pines Mesa within the North City LCP segment (University Community Plan subarea). The site is developed with a 74-room hotel, two restaurants and lounges, banquet and meeting rooms, a swimming pool and landscaped grounds. The subject local approval is for redevelopment of the site, including demolition of some of the existing structures and construction of new facilities. Completion of the proposed project will result in the addition of 101 guest rooms, for a total of 175 rooms,

and an additional 4,500 sq. ft. of banquet/meeting space. The remainder of the project description is discussed in full detail in the findings on Substantial Issue section of this report (reference pages 4-5) and is hereby incorporated by reference. Special Condition #4 requires submittal of final building plans, which shall be in substantial conformance with the preliminary plans approved by the City of San Diego, and submitted to the San Diego office with the local file at the time of the appeal.

2. Public Access/Golf Course Parking. Many Coastal Act policies address the issue of public access to and along the shoreline. The following are most applicable to the proposed development and state, in part:

**Section 30210.**

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 30212.**

(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. ...

**Section 30212.5.**

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**Section 30213.**

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

**Section 30222.**



The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

**Section 30223.**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Additionally, pursuant to Section 30604(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 such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The associated LUP amendment request proposed modification of two numbers in existing Table 3 of the University Community Plan. The request identified the leasehold size as 6.0 acres (an increase from 4.3 acres) and the allowed density as 175 hotel rooms (an increase from 74 rooms). Although the Coastal Commission was not contacted when the lease was expanded in 1996, it typically is not involved in lease negotiations or other changes in property ownership. However, this particular lease expansion resulted in the conversion of a 94-space public parking lot to private use; such changes in intensity of use generally require a coastal development permit. The City has not identified the increase in leasehold size, or addressed potential impacts of the conversion of public parking to private use, in the subject coastal development permit or the associated local discretionary approvals for the hotel redevelopment. It only acknowledges that the lease expansion occurred, since the project site is identified as 6.0 acres.

The area which was added to the hotel leasehold is approximately 1-1/2 acres in size and consists almost entirely of a paved parking lot. The subject redevelopment plan for the site proposes a three-level, semi-subterranean parking structure in roughly the same footprint as the existing surface parking. The approximately 1-1/2 acre area is public pueblo lands, but was never dedicated parkland. The existing 94-space parking lot has historically been used for overflow parking for either the municipal golf course, which has a 187-space on-site public parking lot, or the existing hotel, and, based on conversations with the applicant, is also sometimes used by employees of the Del Mar Sheraton, adjacent to the south. The conversion of this parking lot solely to private hotel use could impair public access to the municipal golf course, particularly during tournaments when the golf course's own parking lot is likely to be filled. Moreover, the Torrey Pines State Reserve is located just beyond (north and northwest of) the golf course; some members of the public park in the golf course parking lot to access the public trails in the Reserve. Although the 94-space parking lot which has been made part of the hotel leasehold is further away from the Reserve, it is possible that persons could park there as well and

walk to the Reserve. The conversion of the 94-space parking lot has thus reduced the public parking reservoir on Torrey Pines Mesa.

The previously-cited public access and recreation policies of the Coastal Act collectively require the provision, preservation and enhancement of public access opportunities and public recreational resources. The golf course is public, and thus represents a lower-cost visitor recreational amenity when compared to private golf courses in surrounding communities. In addition, there is currently no charge for parking at the golf course's remaining 187-space lot; this is probably why some people park there and hike into the Reserve, since a fee is charged to use the Reserve parking areas. Under the terms of the City's lease with the hotel operator, the spaces required to be reserved for golf course use must remain free as well, unless and until the public lot starts charging a fee. The institution of fees at the public lot in the future could represent a change in the intensity of use of the site, and would thus require public review through the coastal development permit process. Unlike the hotel site, the golf course property is an area of deferred certification, where the Commission retains coastal development permit authority. The entire Torrey Pines City Park, which includes the golf course and beaches at the toe of the bluff, is currently deferred certification, since no formal plan has been adopted for the park. Special Condition #1 will assure that the terms of the City/applicant lease regarding parking for golfers cannot be modified without concurrence by the Coastal Commission. It reiterates the terms of the lease and requires a Commission-approved amendment to this permit prior to any changes being effective, unless the Executive Director determines that no amendment is necessary. With the special conditions, the subject development is consistent with the City's LCP, as modified.

Other potential access and recreation concerns raised by the proposed redevelopment and expansion of the hotel site include possible adverse impacts on traffic circulation and access to the beaches and bluffs. With respect to traffic circulation, N. Torrey Pines Road between Genesee Avenue and Carmel Valley Road is not currently experiencing heavy congestion even during commuter peaks. The nearby intersections operate at Level of Service "C," which represents fairly free-flowing traffic, with intersections clearing at each traffic signal change. The proposed increase in hotel rooms will not change that operating capacity. Most of the increase in traffic associated with the hotel expansion will occur outside the main commuter peaks (i.e., morning and evening weekday rush hour). The greatest increase will be the potential for up to 80 additional trips in the afternoon commuter peak, which may also coincide with traffic homebound from recreational sites on summer weekdays. Hotel traffic is more or less constant all day, rather than exhibiting identifiable peaks at certain hours. Moreover, the siting of the hotels in Subarea 7 supports a fair amount of business and medical clientele from the surrounding development, rather than exclusive reliance on the recreational tourist trade as is common with most resorts. In general, more recreational traffic occurs on weekends than weekdays, when rush hours do not occur and the area businesses are not in operation. Thus, if there is an incremental increase in weekend traffic caused by the increase in hotel rooms, it is offset by the decrease that naturally occurs because of the closure of offices in the area.

For these reasons, the Commission has, in the past, approved other density increases in the University Community Plan area. Such other increases in density have been associated with scientific research and medical facilities, and have included Traffic Demand Management programs, which promote carpooling and alternative forms of transportation like bicycling, bussing, etc. This type of program does not apply well to recreational facilities like hotels, where people come and go individually at all hours and generally have luggage and sports equipment not easily carried on public transit. However, even if all sites in the University Community Plan area were to expand to their maximum allowed densities, the portion of N. Torrey Pines Road between Genesee Avenue and Carmel Valley Road would still operate at LOS "C."

With respect to beach/bluff access, this stretch of N. Torrey Pines Road (between Genesee Avenue and Carmel Valley Road) is a major beach access route, although not the only route available to persons coming to the shore from inland communities. Persons accessing the coast from inland sites could exit Interstate 5 at Genesee Avenue to head south towards La Jolla Shores or exit at Carmel Valley Road which directly accesses the Torrey Pines State Beach northern parking lot and also provides access to the beaches in Del Mar. These two areas (La Jolla Shores and Torrey Pines State Beach) provide the closest vehicular beach access points, although public beach does exist at the foot of the bluffs west of the golf course. There is no pedestrian access down the bluffs in this location for two reasons: first, no public access across the golf course to the bluffs is provided due to safety concerns, and second, the bluffs are nearly vertical -- in addition to safety issues of the public climbing down the bluffs in this area, the bluffs themselves could be significantly damaged by such use. Therefore, there are no beach or blufftop access trails available or proposed, and persons using the beach along this stretch walk in from the north or south when the tides permit.

Thus, some of the recreational traffic likely to use this portion of N. Torrey Pines Road would be residents of either La Jolla or Del Mar traveling to beaches, or other recreational destinations/events, in the opposite community or possibly at UCSD. However, N. Torrey Pines Road is also a designated scenic drive, and is regularly used even when it is not the most direct route to a destination simply because it provides a more pleasant visual experience than driving the I-5 corridor. Moreover, Genesee Avenue is often used by those traveling to northern beaches as well as southern ones, because Carmel Valley Road is a narrow two-lane roadway with frequent stops. Finally, persons heading to Torrey Pines Reserve would be more likely to take Genesee from I-5 then N. Torrey Pines Road to avoid the traffic lights and beach crowds along, and near, Carmel Valley Road.

In summary, the Commission finds that the conversion of 94 existing public parking spaces to private hotel use could adversely impact public access by reducing the public parking reservoir on Torrey Pines Mesa. However, the applicant's lease with the City requires that 40 parking spaces be retained for public use daily, with the full 94 spaces required to be retained for public use during tournaments at the golf course. Special Condition #1 incorporates these particular lease provisions as part of the subject permit, and further

requires the applicant prepare a parking plan and signage program to assure that the public is aware of the existence of the parking spaces. Previously identified concerns over traffic circulation and direct beach/bluff access have been analyzed and found not to be significant. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited access and recreation policies of the Coastal Act.

2. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. Overall architectural styles on Torrey Pines Mesa vary widely from site to site, but the proposed hotel additions will mirror the craftsman architectural style of the existing structures and will thus be compatible with immediately surrounding development.

At the time of the appeal, there was concern regarding the siting of the proposed three-level parking structure. As proposed, the structure will have a footprint nearly identical to that of the existing 94-space surface parking lot, which is located as close as eleven feet to the edge of the N. Torrey Pines Road right-of-way (the paved roadway itself is at a greater distance). Although there are no ocean views available across the hotel site, due to the width of the adjacent golf course, existing mature vegetation and existing structures, the road itself is a scenic street. Further analysis has resolved the earlier concern. Although the structure will include three parking levels, it will only extend thirteen feet above adjacent grade, since one level is subterranean and the upper level is an open deck. An existing row of mature trees in the public right-of-way will remain and will partially screen the new parking structure. In addition, a detailed and comprehensive landscaping plan is included in the proposal, which includes the retention and relocation of several existing mature trees on-site and additional trees and shrubbery adjacent to the parking structure.

The City had considered the visual impacts of site redevelopment carefully, and had considered requiring a greater setback for the parking structure. The tradeoff would have been the loss of several hotel units, and the applicant would have recovered costs by building a three-level, 30-foot-high, rectangular, above-grade structure, which is allowed by zoning. Such a structure, although slightly more distant (a 25-foot setback would be required), would be more visually imposing than the proposed semi-subterranean structure, and, with a more institutional appearance, less visually appealing. The Commission therefore finds the proposed siting and design for the parking structure consistent with Section 30251 of the Act. The applicant should be aware that any structures taller than what is proposed for the parking garage in the subject coastal development permit should observe a greater setback (at least 25 feet) to assure conformity with LUP and Coastal Act policies designed to protect existing views of, and across, the site.

4. Local Conditions of Approval. The City-issued coastal development permit which has been appealed herein, is also the Planned Commercial Development Permit and Conditional Use Permit Amendment for the subject site. The City approval included 39 special conditions, which addressed a wide range of planning, environmental, engineering,

transportation, fire safety and landscaping concerns. Through Special Condition #2, these conditions are incorporated into the subject coastal development permit by reference, and thus continue to apply to the proposed development. Any future changes to these conditions will require either an amendment from the Coastal Commission or a determination by the Executive Director that no amendment is required.

5. 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, as conditioned.

The proposed improvements are located on existing public land which has been leased to the applicant (and predecessors) for hotel development. The site is designated in the certified University Community Plan for visitor-serving commercial uses; the proposed development is fully consistent with that designation. Since before the LUP was certified by the Commission, the site had been zoned R1-5000, a single-family residential zone. As part of the associated LCP amendment, the City requested a rezoning of the site to CV (Commercial Visitor), to make the zoning consistent with the certified land use plan designation. The subject findings assume the Commission has certified the rezone.

As an appeal, the standard of review for the Commission's decision is consistency of the proposal with the certified LCP. Since this site is located between the first coastal road and the sea, the public access and recreation policies of the Coastal Act are also a standard of review. The previous findings have determined that the proposed development, as conditioned, is fully consistent with the public access and recreation policies of the Coastal Act. Moreover, the proposal, as conditioned, is consistent with the updated, certified LCP, provided the Commission has adopted the staff recommendation in that previous action. A proposed LCP amendment to accommodate this specific proposal through modification of site density and leasehold size, and to rezone the site to the CV (Commercial Visitor) Zone, is to be reviewed by the Commission at the same hearing as this project. As the LCP is the standard of review for this development, Special Condition #3 has been proposed to notify the applicant that approval of this development is conditioned upon effective certification of the University Community Plan and zoning amendment proposed in City of San Diego LCPA #2-98A. Therefore, approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its fully-certified 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 has been conditioned in order to be found consistent with the public access and recreation policies of the Coastal Act and to retain all special conditions of approval imposed by the City of San Diego. The applicant must submit a parking/signage plan to assure public awareness of golf course parking available at the hotel site. 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, as conditioned to mitigate the identified impacts, 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.

(8084R)

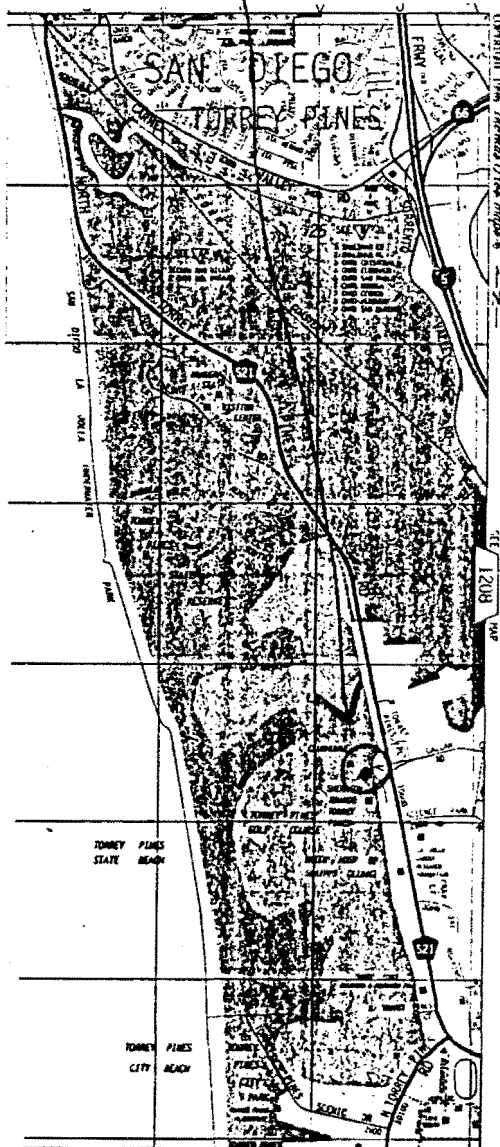
WED 13a

A-6-NOC-98-84

Site

PROJECT SITE  
LOCATION

PACIFIC OCEAN



\*Numbers indicate development intensity subareas



EXHIBIT NO. 1  
APPLICATION NO.  
A-6-NOC-98-84  
Vicinity Maps

California Coastal Commission



A-6-NAC-98-84.



California Coastal Commission

Wed 13a

## CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

RECEIVED  
JUN 23 1998

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Commissioner Pedro Nava

Bauer, Harris, McEvoy & Clinkenbeard

925 De La Vina Street

Santa Barbara, CA 93101

805

965-0043

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego

2. Brief description of development being appealed: Expansion of existing lodge, including addition of 101 guest rooms, addition of 4,500 sq.ft. of meeting/banquet area and construction of 3-story parking structure.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

11480 North Torrey Pines Road, North City, San Diego

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: XXX

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-NOC-98-84

DATE FILED: 6/23/98

DISTRICT: San Diego

D/86

Page 1

A-6-NOC-98-84

Appeal Form

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☒ City Council/Board of Supervisors      d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: May 12, 1998

7. Local government's file number (if any): 96-7358

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties.  
(Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

The Lodge at Torrey Pines Partnership  
11480 North Torrey Pines Road  
San Diego, California 92037

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) ComCabWest  
Attn: Code A0  
MCAS El Toro  
P. O. Box 95001  
Santa Ana, California 92709-5001

(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal ct. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The project represents a change in intensity of use inconsistent with  
the certified land use plan, resulting in potential inconsistencies with  
Coastal Act public access policies with respect to traffic circulation as  
it relates to beach access. Additional concerns are conversion of a public  
parking lot to private use; and the proximity of the parking structure to  
North Torrey Pines Road.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed \_\_\_\_\_  
Appellant or Agent

Date \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed \_\_\_\_\_  
Appellant

Date \_\_\_\_\_

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

*see attached*

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Signed  \_\_\_\_\_  
Appellant or Agent

Date \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed \_\_\_\_\_  
Appellant

Date \_\_\_\_\_

0016F

Wed 13a

## CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Commissioner Sara J. Wan

22350 Carbon Mesa Road

Malibu, CA

90265

Zip

310

Area Code

456-6605

Phone No.

RECEIVED  
JUN 23 1998  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

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TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-NOC-98-84

DATE FILED: 6/23/98

DISTRICT: San Diego

D/86

Page 1

A-6-NOC-98-84  
Appeal Form

5. Decision being appealed was made by (check one):

- a.    Planning Director/Zoning Administrator      c.    Planning Commission
- b.   X   City Council/Board of Supervisors      d.    Other \_\_\_\_\_

6. Date of local government's decision: May 12, 1998

7. Local government's file number (if any): 96-7358

### SECTION III. Identification of Other Interested Persons

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b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) ComCabWest  
Attn: Code A0  
MCAS El Toro  
P. O. Box 95001  
Santa Ana, California 92709-5001

(2) \_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_

#### SECTION IV. Reasons Supporting This Appeal

**Note:** Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The project represents a change in intensity of use inconsistent with the certified land use plan, resulting in potential inconsistencies with Coastal Act public access policies with respect to traffic circulation as it relates to beach access. Additional concerns are conversion of a public parking lot to private use; and the proximity of the parking structure to North Torrey Pines Road.

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Signed \_\_\_\_\_  
Appellant or Agent

Date \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed \_\_\_\_\_  
Appellant

Date \_\_\_\_\_



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

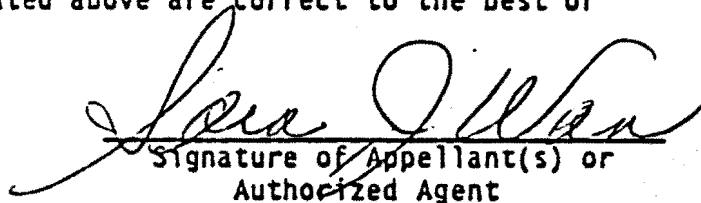
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*see attached*

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
Signature of Appellant(s) or  
Authorized Agent

Date \_\_\_\_\_

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

RECEIVED

JUL 06 1998

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

5151 Frink Avenue  
San Diego 92117  
July 2 1998

California Coastal Commission  
San Diego Coast Area

Gentlemen and Madames:

Recently the San Diego City Council approved the rebuilding and enlargement of Torrey Pines Inn which is in the flight path of Miramar jets and helicopters. Our planning committee along with other community groups questioned the developers closely during the 1980s when considering the development of Torrey Pines Inn. they promised there would be no enlargement of the building over and over again.

Because Miramar is the southernmost installation of the military complex of the country, we cannot take a chance on our military preparedness. The corridor from Miramar to the ocean is an APZ (Accident Potential Zone). This area has always had building prohibited. Let us keep it so.

*Mary R Chipps*  
Mary R. Chipps

A-6-NOC-98-84  
Letter of Opposition

