

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-1725
621-8036



WK4d

Filed: June 9, 1998
49th Day: July 28, 1998
180th Day: December 6, 1998
Staff: EL-SD
Staff Report: July 22, 1998
Hearing Date: August 11-14, 1998

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-72

Applicant: Wesco Sales Corp, dba
Dana Landing

Agent: Sterling Santley
Frank W. Butler
Margaret L. Rehart
Dale Bergerson

Description: Redevelopment of the land portions of an existing commercial leasehold developed with marina support facilities (retail sales of boats and boat parts, food and beverage concessions, bait and tackle supplies, etc), including the remodeling/expansion of one existing, single-story building, demolition of the remaining buildings, and construction of four new single-story buildings for a total of 20,668 sq.ft. of marina facilities, including all current uses and a dockmaster's office; the project includes the rebuilding and extension of an existing pedestrian waterfront access path and associated landscaping.

Lot Area	3.24 acres
Parking Spaces	152
Zoning	Unzoned
Plan Designation	Commercial Leasehold
Ht abv fin grade	29 feet

Site: 2590 Ingraham Street, Mission Bay Park, San Diego, San Diego County.
APN 760-029-01

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed renovation of landside facilities supporting an existing marina, with special conditions addressing final plans for a phased development, a BMP program to address water quality, and staging areas for construction activities. Issues raised by the proposal include potential impacts on public access and recreation,

visual resources, and water quality. These are addressed and resolved by project design and the special conditions, which staff believes are acceptable to the applicant.

Substantive File Documents: Certified Mission Bay Park Master Plan
Coastal Commission File #6-93-75

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. Phased Development/Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and written approval, final plans, including a site plan, floor plans, elevations and landscaping/walkway plans, for Phase III of the proposed development, which shall be in substantial conformance with the preliminary plans titled "Dana Landing Redevelopment" and dated March 5, 1997. PRIOR TO THE START OF CONSTRUCTION OF EACH SUBSEQUENT PHASE, the applicant shall submit final plans, including a site plan, floor plans, elevations and landscaping/walkway plans, for that phase to the Executive Director, for review and written approval, which shall be in substantial conformance with the preliminary plans titled "Dana Landing Redevelopment" and dated March 5, 1997.

The applicant shall undertake each phase of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-

approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Water Quality/Best Management Practices Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall prepare and submit to the Executive Director for review and written approval, a detailed Water Quality/Best Management Practices (BMPs) Program. The program shall be divided into sections titled *Solid Waste Management*, *Liquid Waste Management* and *Maintenance of Sewage Facilities*. The program shall include a listing of all BMPs, current and proposed, to be employed at the Dana Landing Marina. At a minimum, the required BMPs shall include the following:

a. Under the heading *Solid Waste Management*, the following BMPs shall be included:

- A weekly sweeping program of all paved parking lot areas to remove surface debris and vehicular residues will be implemented.
- Trash receptacles will be provided at the entrances to all buildings.
- Containers for recyclables will be provided and sited so that they are convenient for boaters (i.e., close to the dock).
- All trash and separate containers for recyclables, oil wastes, etc. will be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters (i.e., close to the dock).

b. Under the heading *Liquid Waste Management*, the following BMPs shall be included:

- The marina will provide a secure location to store hazardous wastes, including old gasoline or gasoline with water, absorbent materials, and oily rags. Boaters will be able to give marina employees hazardous wastes for disposal.
- Anti-freeze, lead-acid batteries, used oil and used oil filters will be collected separately for recycling.
- Signage will be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers will notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes.
- The marina will maintain an adequate supply of absorbent pads for use by marina tenants and lessees for the cleaning of minor spills.

c. Under the heading *Maintenance of Sewage Facilities*, the following BMPs shall be included:

- Dye tabkets will be available at the dockmaster's office.
- Dye tablets will be placed in the holding tanks, toilets and porta potties of all boats with overnight capabilities berthed at the marina.

In addition to these specific components, the BMP program shall also include enforcement provisions, including eviction from the marina and notice of possible civil or criminal fines and/or penalties, to assure compliance with this program by all marina tenants. The marina shall provide information about all of the measures in this BMP Program through a combination of signage, tenant bill inserts and distribution of the BMP Program to new tenants and each year to repeat tenants. The program shall be posted at the dockmaster's office and at all dock entrances, and be included and attached to all slip lease agreements. Any proposed changes to the approved plan shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

3. Construction Access/Staging Areas. All construction staging and storage of construction materials and equipment shall occur within the boundaries of the subject leasehold.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant is proposing phased redevelopment of the land portions of an existing marina in Mission Bay Park. One existing structure (Building 5 on the site plan), currently used for marina sales, will be remodeled; all other existing structures will be demolished and replaced with new facilities. In addition, a separate dockmaster's office is proposed, which will include restroom and shower facilities for the marina tenants. At present, the dockmaster just has the use of a small area within one of the existing buildings. The current site tenants and site uses will remain the same, and will be temporarily relocated within the site during the various stages of the redevelopment process. The proposed site redevelopment is a requirement of the applicant's lease with the City to conduct a commercial operation on granted tidelands within an existing public park.

For the most part, the redevelopment is not anticipated to result in significant adverse effects on coastal resources, since the site is maintaining the same types of uses in similar-sized structures. The existing buildings consist of approximately 19,000 sq.ft. of marina sales and services, bait shop, concessions, etc.; the redevelopment proposal calls for a total of 20,668 sq.ft. to house the same retail tenants and the dockmaster's facility with

restrooms and showers available for the boat slip tenants. An existing partial pedestrian walkway along the top of the riprapped shoreline will be completed across the site and landscaping improvements will be installed in the same general locations as at present, although the number of trees and quality of plantings will be increased substantially. The area of the site now paved for parking will retain a similar footprint. However, it will be reconfigured (restriped) to accommodate nearly twice as many vehicles as are currently accommodated - 152 parking spaces, up from 82.

The overall redevelopment project includes seven phases at present, with the potential of an eighth phase if a lease expansion is approved in the future. The first two phases involved rebuilding the marina docks; those phases were approved in Coastal Development Permit (CDP) #6-93-75, and both phases of construction were completed by 1996. The subject permit includes Phases III through VII, and construction is expected to occur over the next five years (roughly one phase per year).

All existing structures are one-story in height, as will be all proposed new structures. The new structures will include the 50-foot setback from the riprapped shoreline required in the certified Mission Bay Park Master Plan (Master Plan); the existing structures are set back a lesser distance, some only a few feet inland from the riprap. A pedestrian walkway extends partway across the site from the north and south, but is discontinuous across the center of the leasehold shoreline, where existing development is too close to accommodate a walkway. A continuous shoreline public pathway will be provided in the redevelopment plan.

The applicant has submitted preliminary plans of all five phases of proposed development. The preliminary plans include building footprints, building elevations, parking improvements, walkway and conceptual landscaping improvements, but floor plans are not included for all the buildings and landscaping proposals don't include typical details like the specific size, number and species of plants. Since the total project is proposed to be built over several years, the applicant is not preparing final plans for all five phases at this time. Special Condition #1 is designed to accommodate the phased preparation of final plans, yet allow approval of the entire development at this time, based on submittal of final plans which are in substantial conformance with the preliminary plans now on file.

2. Water Quality/Best Management Practices. The following Chapter 3 policies of the Coastal Act address water quality and marine resources, and state, in part:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

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.

The subject proposal for redevelopment of the existing marina support facilities is not anticipated to result in increased adverse effects on nearby marine resources, since the site is generally maintaining the same types of uses in similar-sized structures. The main difference between current and proposed facilities is that the existing area of the site now paved for parking will be reconfigured (restriped) to accommodate nearly twice as many vehicles as are currently accommodated - 152 parking spaces, up from 82.

The increase in vehicles will result in some level of increase in petroleum and other residues on the parking lot areas, which drain into the City storm drain system. However, in this general area the City storm drains empty directly into Mission Bay, so surface runoff from the subject parking lot will not be treated prior to discharge. The applicant does not appear to have a formal Best Management Practices (BMP) program at present to address this issue, although the boat slip leases address the types of minor maintenance activities which can be conducted, and prohibit overboard discharges from boats. The applicant has also indicated that absorbent materials are kept on site to address spills. Special Condition #2 is attached to formalize and expand current practices, and assure that all marina tenants are aware of the marina rules. It requires the applicant to prepare a formal BMP program, and provides minimum standards to be included therein. These include weekly sweeping of the parking lots, provision of trash and recyclable containers and provision of absorbent pads or materials to assist with any spills. The condition also requires public posting of the rules and inclusion of the written program in any new or renewed leases.

The Commission recently reviewed a permit for the Princess Resort (Coastal Development Permit #6-97-64), which was adding a small (54-slip) marina to its hotel facilities, and it required a detailed BMP program to address water quality issues. Similarly, there is a project on the current agenda for redevelopment of the 179-slip marina at the Islandia Hotel (CDP #6-98-83); the recommendation includes a requirement for an even more comprehensive BMP program, since the Islandia marina is nearly triple the size of the one approved for the Princess Resort. Both of these applications involve construction of the actual marina facility (docks and boat slips), whereas the subject permit application is for the land support facilities only. When the Commission reviewed the rebuilding of the water facilities at the subject site in 1993, water quality was not addressed as thoroughly

as at present. Because the Commission is only reviewing the upland support facilities at this time, it is appropriate that the required BMP Program be limited to those features accommodated within the marina sales and service component of the overall leasehold. Thus, the subject required BMP Program is more akin to the Commission's action on CDP #6-97-121, a permit for a new attraction at Sea World, where the BMP Program was intended primarily to address parking lot runoff.

In summary, the Commission has become proactive in attempting to identify and address non-point sources of pollution, such as surface runoff from parking lots, lawns, etc., to a much greater degree than in 1993 when it approved the renovation of the docks at the subject site (Phases I and II of the overall seven-phase site redevelopment plan). That portion of the development has been completed for two years, and the applicant is now proposing to renovate the upland support facilities, which consist of marine sales and services and a new dockmaster's office. In order to find the proposed development consistent with the water quality protection policies of the Coastal Act, the Commission finds it necessary to require a BMP program to address runoff from the upland development, particularly the parking areas. The program should also incorporate the marina's existing rules of operation for its boat slip tenants and see that said rules are posted in a public location within the facilities approved herein, distributed regularly to all tenants and uniformly implemented. Special Condition #2 will assure that an adequate BMP program is developed and enforced at the subject site. Therefore, as conditioned, the Commission finds the proposal consistent with Sections 30230 and 30231 of the Act.

3. Public Access and Recreation. Many policies of the Coastal Act address public access and recreation concerns; those most applicable to the subject proposal include the following, 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 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 subject site is between the sea and first coastal roadway, being located along the Mission Bay shoreline. The proposed redevelopment of the site, once completed, will enhance public access through the provision of a paved pedestrian walkway along the shoreline (top of riprap bank), connecting with existing walkways to the north and south of the subject leasehold on adjacent public parklands. A walkway exists at the site currently, but it is discontinuous and thus does not provide full shoreline access.

There is existing public parkland both north and south of the subject commercial leasehold. To the north, there is an area approximately one acre in size which is identified as a possible lease expansion area in the Mission Bay Park Master Plan. If added to the leasehold in the future, the proposed use of the site would be for a restaurant and guest dock. A public walkway exists along that shoreline at present and continues eastward under the Ingraham Street Bridge; the walkway terminates shortly thereafter, just east of the bridge, where the Sea World leasehold begins. At present the area north of the subject site is comprised of lawn, a few trees and some benches. South/southwest of the leasehold there is another area of grassy upland, and, beyond that, the existing Dana Inn. The entire shoreline of Dana Landing, a circular cove, is riprapped.

The subject site development represents a high priority use under the Coastal Act, being a recreational boating marina and support facility. This is an open leasehold, encouraging public use of its retail marina sales and service establishments and accommodating a free flow of pedestrian traffic through and across the site. All sub-lessees will remain, being temporarily relocated on-site during the consecutive construction of each phase of the proposed renovations. Thus, the same goods and services will be available in the future as at present and the upland facilities will continue to support the existing marina. A total of 152 parking spaces will be provided on-site, where the Negative Declaration stated that the City would only require 116; under the certified Mission Bay Park Master Plan, it appears even less are required (68 if all 20,668 sq.ft. of new construction were considered retail and only 48 if it were all considered boat sales, with 31 of that total required for the boat slips in either case). In any case, parking within commercial leaseholds, even if it exceeds the minimum amount required in the Mission Bay Park Master Plan, is not considered public parking; that is, it is not included in the Master Plan's inventory of parking resources for general parkland uses. However, nothing precludes the public from

parking at the subject site, whether or not they are conducting business with any of the site's lessees.

As with many development proposals within or adjacent to public parklands, construction activities can pose a greater potential impact to public access than the development itself. As detailed above, the proposed development will actually result in improvements to public access upon completion. Construction could have adverse impacts on public access to, and enjoyment of, adjacent recreational lands if public parking areas or uplands were usurped for the staging or storage of materials, particularly if development continued throughout the summer months when Mission Bay Park receives its highest level of use. According to the conceptual schedule in the redevelopment plan, construction activities are expected to be ongoing during the summer months in some years. Special Condition #3 requires that all construction staging activities and the storage of construction materials and equipment be accommodated within the leasehold. In that way, there will be no "spillover" effects of project construction onto nearby public recreational areas.

In summary, the Commission finds that the proposed development will not have adverse impacts on public access or recreational pursuits in Mission Bay Park. The development includes the completion of a shoreline pedestrian walkway in an area where the trail is now discontinuous. The marina facilities support recreational boating, a high priority use under the Coastal Act. Adequate parking is provided on-site to address the variety of site uses, including boat sales, general retail sales and boat slip rentals. As conditioned, all construction activities, including staging and storage of materials and equipment, must be contained on-site. Therefore, the Commission finds that the proposed development, as conditioned, is fully consistent with the cited Coastal Act policies, and with all other public access and recreation policies as well.

4. 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. The existing buildings are all one-story, as will be the proposed replacement structures. Building heights range somewhat, but one existing structure (which accommodates sailboat sales) has roof elevations reaching 25 feet. Likewise, portions of some proposed rooflines are in this range, with one architectural element reaching 29 feet. All buildings will meet the City's coastal standard of 30 feet maximum height. Building style and design is somewhat different than the present structures. However, the structures will not be visually incompatible as construction progresses, and a unified visual theme will be presented in the final product.

Currently, there are intermittent bay views between and over the various on-site structures from both Ingraham Street and West Mission Bay Drive. Although the proposed buildings will be located in slightly different locations than at present, such views will be maintained overall. Moreover, the buildings will observe a greater setback along the waterfront, with a public pedestrian walkway and landscaping at the top of the riprap embankment. Thus, the public will have access on foot to uninterrupted views of the bay, surrounding open parkland, the nearby Dana Inn and marina boat docks. The Commission

finds that the proposal, as conditioned to address other concerns, is consistent with Section 30251 of the Act.

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 within a designated commercial leasehold in the Mission Bay Park Master Plan. The site redevelopment will continue the existing site uses, which provide support facilities for a recreational boating marina. 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 a number of concerns under Chapter 3 policies; these have been resolved through special conditions and 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.

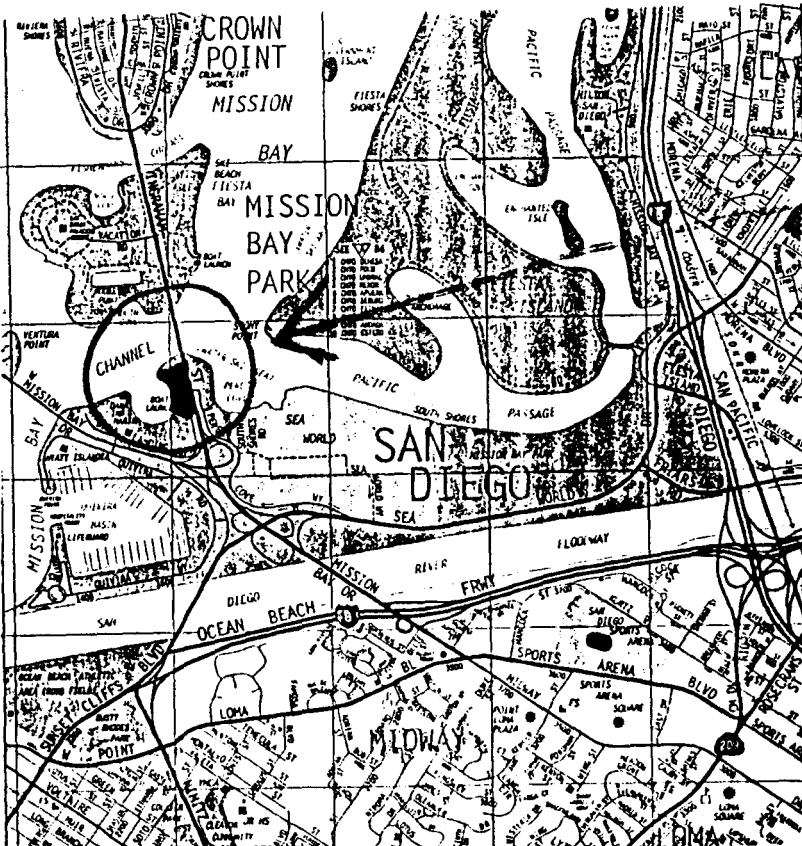
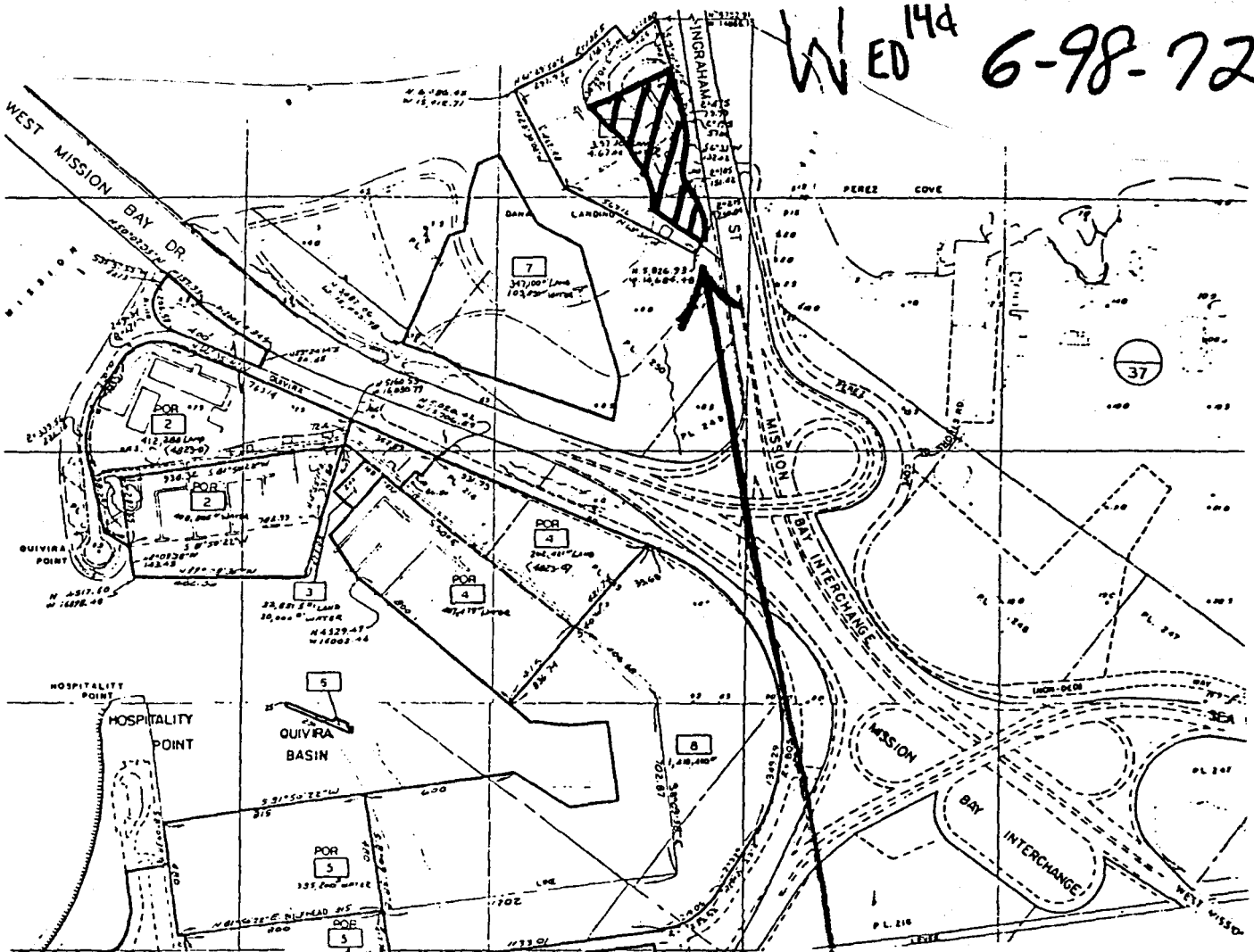
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable 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 conditioned in order to be found consistent with the water quality and public access and recreation policies of the Coastal Act. The applicant must develop and enforce a BMP program for the marina and must identify on-site staging and storage areas for the construction phases. 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.

WED¹⁴⁴ 6-98-72



Site

EXHIBIT NO. 1
APPLICATION NO.
6-98-72
Location Maps
California Coastal Commission

WED 14d

6-98-72

- 1 FUEL DOCK
- 2 BOAT SLIPS
- 3 PEDESTRIAN WALK
- 4 MARINA SALES ——— 3,600 SQ FT
- 5 MARINA SALES ——— 5,500 SQ FT
- 6 MARINA SALES ——— 5,440 SQ FT
- 7 MARINA SALES ——— 4,832 SQ FT
- 8 MARINA FACILITIES ——— 1,296 SQ FT

TOTAL BUILDING AREA 20,668 SQ FT

TOTAL PARKING SPACES 152 SPACES

TOTAL BOAT SLIPS 80 SLIPS

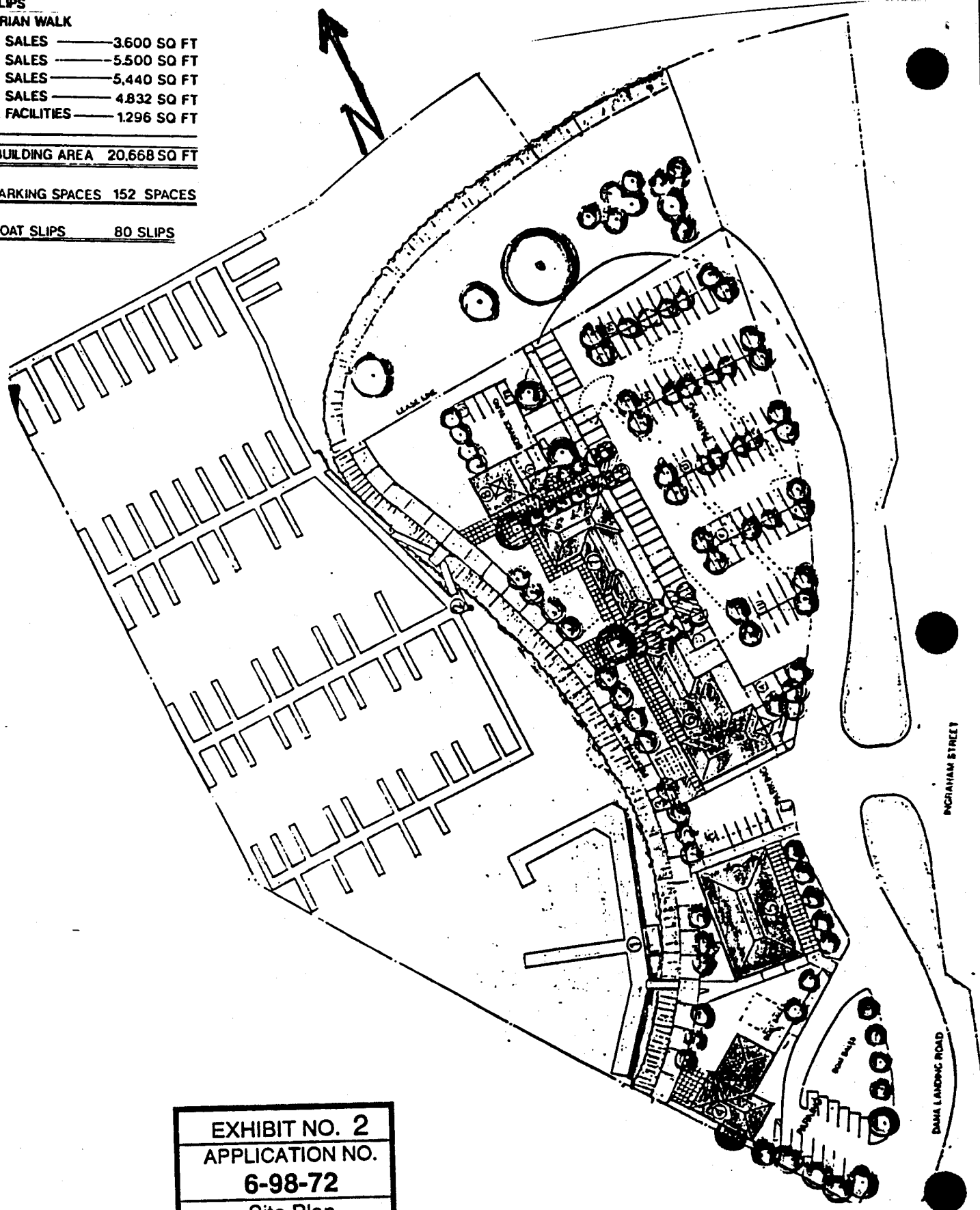


EXHIBIT NO. 2
APPLICATION NO.
6-98-72
Site Plan