

CALIFORNIA COASTAL COMMISSION

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



Filed: 8/10/99
 49th Day: 9/28/99
 180th Day: 2/6/00
 Staff: LRO-SD
 Staff Report: 9/23/99
 Hearing Date: 10/12-15/99

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-107

Applicant: Mike Marinkovich

Agent: Erik Edgmon

Description: Demolition of four single family cottages/studio units and one duplex and construction of a new three-story, 14,563 sq.ft., eight-unit condominium development over a 14 space subterranean parking garage, with seven surface parking spaces on a 12,500 sq.ft. lot.

Lot Area	12,500 sq. ft.
Building Coverage	5,258 sq. ft. (42%)
Pavement Coverage	5,889 sq. ft. (47%)
Landscape Coverage	1,353 sq. ft. (11%)
Parking Spaces	21
Zoning	RV (29 dua)
Plan Designation	Residential/Visitor Serving
Project Density	27.8 dua
Ht abv fin grade	30 feet

Site: 632-642 Missouri Street, Pacific Beach, San Diego, San Diego County.
 APN 415-521-17, 18

Substantive File Documents: Certified Pacific Beach Land Use Plan and City of San Diego LCP Implementing Ordinances

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the

ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of four single family cottages/studio units and one duplex and construction of an eight-unit condominium complex which will be housed in two separate 30-foot high, three-story buildings totaling 14,563 sq.ft. in size on a 12,500 sq.ft. lot. A total of 14 parking spaces will be provided in the subterranean parking garages with the provision of seven surface parking spaces for residents, guests and the handicapped. The subject site is located on the north side of Missouri Street, west of Mission Boulevard about a half a block from the ocean in the Pacific Beach community of the City of San Diego. There is an existing alley to the north of the site.

In addition, grading is also proposed which will consist of 1,962 cy. of cut and 98 cy. of fill with 1,864 cy. to be exported off site. As the deposition site for the material to be exported has not been identified, Special Condition #1 requires the applicant to identify the deposition site and, if located within the coastal zone, that a coastal permit must first be obtained.

While the City has a certified LCP for the Pacific Beach Area, the subject site is located within an area of the Commission's original jurisdiction. As such, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Parking. Sections 30211 and 30212 of the Act all provide for the protection and provision of public access opportunities in new development projects. In addition,

Section 30252 of the Act states, in part: "The location and amount of new development should maintain and enhance public access to the coast by...providing adequate parking..." In coastal communities, and particularly in their nearshore or key visitor destination spots and along major coastal access routes, the Commission is concerned about assuring the adequacy of off-street parking to support proposed development. This concern arises out of the fact that should sufficient off-street parking not be provided, displacement of available public parking or street parking may result which could have adverse impacts on access to the coastline. In Pacific Beach, like most other areas of the City of San Diego, there is very little available public parking facilities. Most beach visitors must rely on street parking in the nearshore area for public access.

As noted above, the subject site is located just half a block from the ocean within the LCP identified Beach Impact Area (BIA) Overlay. The BIA generally includes the 3-4 blocks immediately adjacent to sandy beach or coastal bluffs for most nearshore communities within the City boundaries bordering both Mission Bay and the Pacific Ocean. These areas are most impacted by beach visitor traffic, as public recreational areas or viewpoints would be within reasonable walking distance. Therefore, more stringent parking standards are enforced throughout the BIA Overlay zone. The parking standards for residential uses in the BIA are 1.6 spaces per each one bedroom unit and 2.0 spaces per each two-bedroom unit.

Proposed are eight three-bedroom residential units which will be located in two separate buildings. The building fronting on Missouri Street will contain six units and the building fronting on the alley to the south north will contain two units. Seven of the units will each have a subterranean two-car garage. One unit in the building fronting on the alley will have surface parking. The subject proposal will have a total of 21 parking spaces including guest and handicapped parking, which is adequate to serve the proposed development. In addition, it should also be noted that the BIA requires that existing curb cuts must be removed when a property with alternative access (alley access) is redeveloped. In this particular case, there are no existing curb cuts on the property and through the redevelopment of the site, access to all of the parking will be obtained from the alley, consistent with the BIA requirements. Therefore, the proposed parking spaces are more than sufficient to serve the existing development and the subject proposal will not result in adverse impacts to public access in this location. The proposed project, can thus be found consistent with the BIA standards and Sections 30211, 30212 and 30252 of the Act.

3. Visual Resources/Community Character. Section 30251 of the Act calls for the protection of visual resources and that new development be visually compatible with the character of the surrounding area. The subject proposal involves the demolition of several existing residential units and the construction of an 8-unit condominium development. The area surrounding the subject site is comprised of various multi-family structures of various sizes, heights (including 3-stories), style and architecture. As such, the proposed eight-unit condominium development in two three-level structures will be compatible with the character of the surrounding community. Given the siting of the

structure and that there is other development immediately to the west of the site, the subject development will not block any public views toward the ocean. Also, the applicant proposes to install ample landscaping on the site which will preserve the visual amenities of this nearshore area. Thus, the proposal, as conditioned, can be found consistent with Section 30251 of the Coastal Act pertaining to visual resources.

4. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, as conditioned, such a finding can be made.

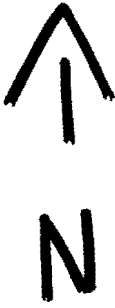
The City of San Diego has a certified LCP. However, the subject site is located in the Commission's area of original jurisdiction and as such, the standard of review is Chapter 3 policies of the Coastal Act, with the LCP used as guidance. The site is currently zoned "RV" and is designated for residential/visitor-serving development under the implementing zone in the certified Pacific Beach Land Use Plan and City of San Diego LCP Implementing Ordinances. The zone permits residential development at 29 dwelling units per acre. The proposed project represents 27.8 du. The proposed multi-family development is consistent with LUP designations and with all applicable policies of the Coastal Act as well. Therefore, the Commission finds project approval, as conditioned, should not result in any adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the Pacific Beach area.

5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the policies of the Coastal Act. Mitigation measures, including a condition addressing disposal of graded spoils, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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



Project Site

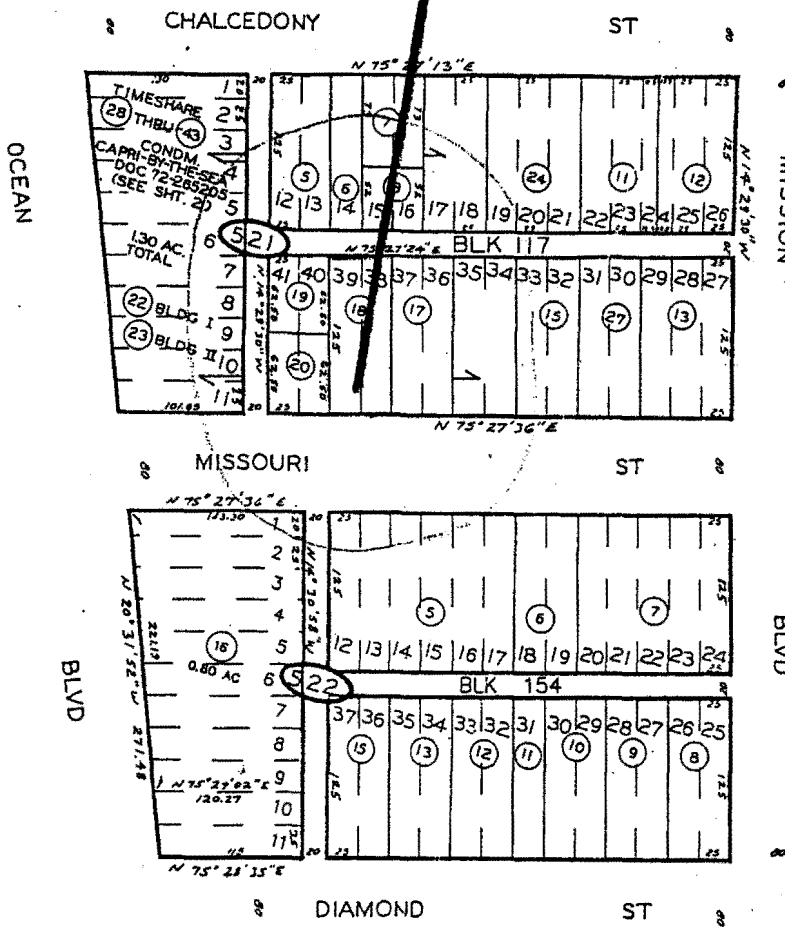


EXHIBIT NO. 1
APPLICATION NO.
6-99-107
Location Maps

California Coastal Commission

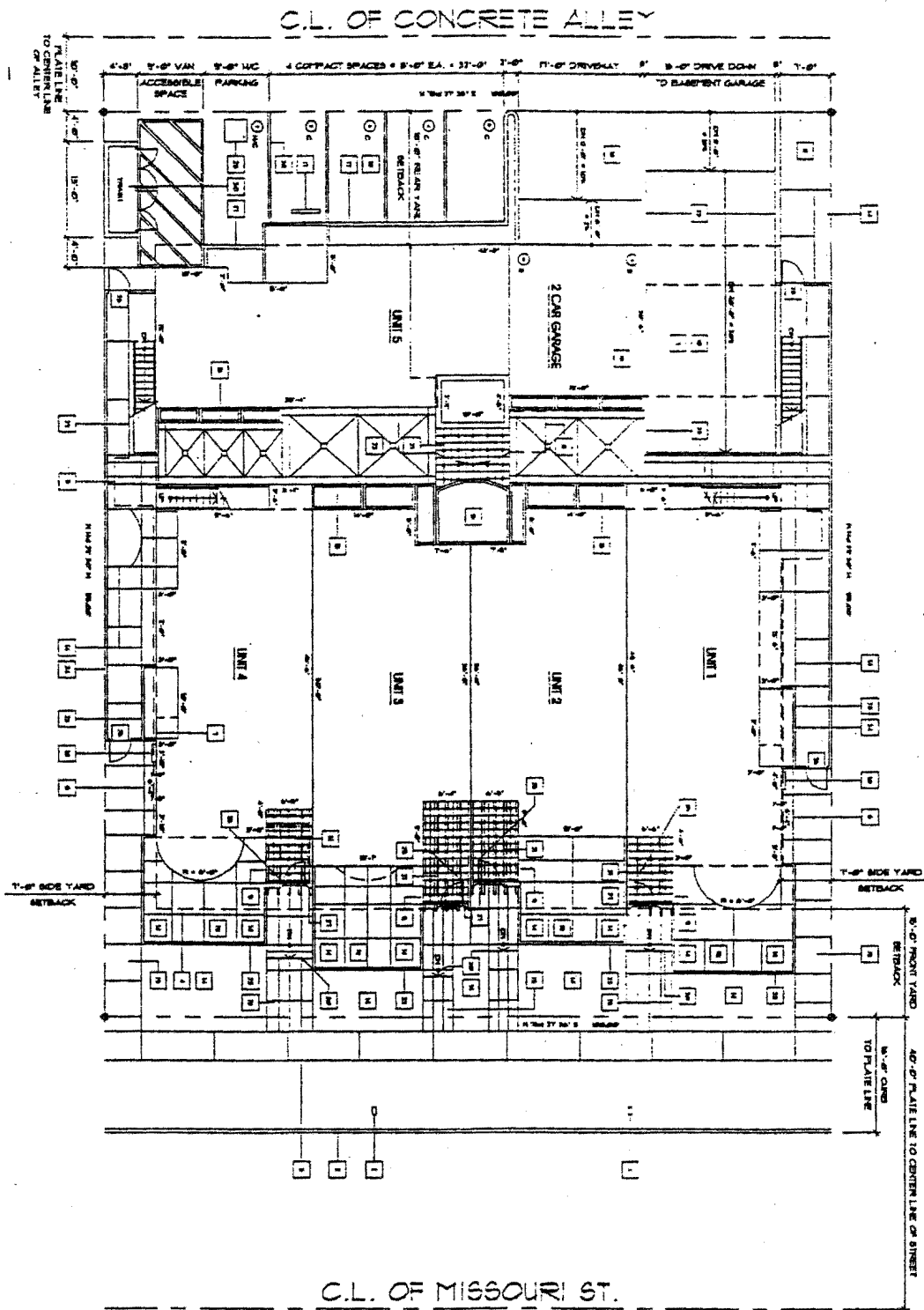


EXHIBIT NO. 2
APPLICATION NO.
6-99-107
Site Plan
California Coastal Commission

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-110

Applicant: Larry D. Richards

Description: After-the-fact approval of demolition and reconstruction of portions of an existing one-story 4,850 sq.ft. office building on a 15,394 sq.ft. site containing an existing attached one-story, 403 sq.ft. office/garage and a one-story 3,626 sq.ft. single family residence.

Lot Area	15,394 sq. ft.
Building Coverage	4,272 sq. ft. (28%)
Pavement Coverage	4,845 sq. ft. (31%)
Landscape Coverage	6,277 sq. ft. (41%)
Parking Spaces	10
Zoning	Residential High (R-2)
Plan Designation	Residential High
Ht abv fin grade	15 feet (approximately)

Site: 1650 Camino del Mar, Del Mar, San Diego County. APN 299-220-12

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan; City of Del Mar Design Review Board Staff Report dated 7/28/99; CDP #6-81-107.

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. Future Development. This permit is for demolition and reconstruction of an existing one-story, 4,850 sq.ft. commercial building. Any future development proposals for the site including additions to the existing buildings or construction of new development shall require review and approval by the Coastal Commission or its successor in interest, as a new coastal development permit or an amendment to this permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the after-the-fact approval for the demolition and reconstruction of portions of an existing one-story, 4,272 sq.ft. office structure on a 15,394 sq.ft. site containing an existing detached one-story sq.ft. storage shed and a one-story, 3,626 sq.ft. single family residence. The site is located in the City of Del Mar and is bounded by Camino del Mar to the east and Grand Avenue to the west. The single family residence is located on the Grand Avenue frontage and the office structure and detached storage shed are located on the Camino del Mar frontage.

The subject site has a long history. According to the City staff report, the site contains three separate structures used for different purposes. A two-story single family residence is situated along the Grand Avenue (west) side of the property which was approved by the Commission in 1981 through CDP #6-81-107. Two other structures are located on the eastern property line along the Camino del Mar frontage. These latter two structures were built prior to the City's incorporation (1959). For several years these two structures were used for a commercial operation consisting of a printing company. The northerly structure was used for the operation of the commercial business and the southerly structure was an accessory structure used for garage/storage purposes. Because the structures are old, they are presently nonconforming with regard to the front yard setback, location of off-street parking, permitted use for the subject residential zone and floor area ratio. The present property owners purchased the property from the former owners who operated the print shop. The structures were in need of repair so the present owner proceeded to perform several upgrades to the structure with the purpose of continuing its use as commercial office. The applicant applied for building permits from the County of San Diego. Originally, only repairs were proposed to correct termite damage; however,

as the repairs continued, much more extensive work was done to the structure which essentially resulted in a near-demolition of the existing structure and the need to rebuild it. The work consisted of replacement of the previous pier and joint foundation and floor support with a new concrete slab; installation of a new block retaining wall along the easterly side of the structure; replacement of doors and windows, and construction of new support framing; installation of new ceiling rafter and roofing and installation of new wiring and plumbing .

The City discovered the work in progress and issued a stop work order. As noted above, the "demolition" work has already occurred. The rebuilt structure has been framed and outer sheathing of plywood and roofing is in place completed. As noted by the City, the rebuilt structure matches the previous structure with regard to its configuration and retains the same building footprint without an increase to the height, shape or square footage other than a slight decrease in the size of the building envelope reducing its contact with existing mature trees on the property.

In the City's review of the project it was noted that generally when more than 50% of a non-conforming structure is removed it loses its status as a legal non-conforming structure and any replacement structures must conform to current building codes and zoning requirements. However, the City recognized that the owner proceeded with the repairs based on direction from the County of San Diego Building Department and would have obtained the proper permits if he had been properly advised of correct permit procedures. As such, the City approved the structure subject to a recorded covenant that requires the nonconformity will be abated over time or that the owner will obtain the permit necessary to allow its continuation. In this case, the applicant seeks the latter.

Special Condition #1 advises the applicant that any future proposals for the site including additions to the existing buildings or construction of new development will require review and approval by the Commission as either a new coastal development permit or an amendment to the subject permit.

The City of Del Mar has a certified Land Use Plan, but not an implementation plan. As such, the Commission retains permit jurisdiction for this area until such time that the City's implementation plan is submitted to the Commission for review and approved. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Visual Resources/Community Character. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. As noted earlier, the site is located on the west side of Camino del Mar north of 15th Street which is in close proximity to the "village" area of Del Mar. Camino del Mar is a major coastal access route. Due to the sloping nature of the site from east to west, the commercial structure is located at a lower elevation than the existing adjacent roadbed of Camino del Mar but it is still visible to motorists passing by. However, given that the proposed development consists of rebuilding a previous building in its same location without any increases to height or number of stories, etc., the proposed development will not result in any adverse visual impacts to coastal resources.

With regard to public views, presently, while standing on Camino del Mar looking west, there are ocean horizon views across the rooflines of the storage shed and existing commercial structure. The proposed improvements to the structure will not alter or impede these views. There is also existing vegetation on the site consisting of several trees which will be retained and which will help to reduce the visual impact associated with the proposed development. In addition, since the structure being rebuilt will replace an older structure, the overall visual character of the site will be improved. As such, the proposed development, as conditioned, will not result in any adverse impacts to public views and will be compatible with the scale and character of the surrounding area, consistent with Section 30251 of the Act.

3. Public Access/Parking. Sections 30220, 30221, and 30222 of the Act call for the protection and/or provision of public access opportunities. In addition, Section 30252 requires "that the location and amount of new development should maintain and enhance public access to the coast by...providing adequate parking facilities..." The commercial structure being reconstructed on the subject property requires six parking spaces. Two spaces were required for the single family residence approved pursuant to CDP #6-81-107. Altogether, the site contains ten parking spaces consisting of three spaces at the rear of the site associated with the single family residence and seven parking spaces in front of the site adjacent to the subject commercial building. Access for parking associated with the commercial building is gained from Camino del Mar through a horse-shoe driveway with ingress from southbound Camino del Mar from the north and egress to the south. As such, adequate parking is provided for the development with a surplus of two parking spaces. Therefore, the Commission finds that the proposed project, as conditioned, should not result in any adverse impacts to coastal access, consistent with the public access policies of the Coastal Act.

4. No Waiver of Violation. As part of the subject proposal, the applicant is proposing after-the fact approval to demolish and reconstruct portions of an existing one-story, 4,850 sq.ft. commercial building. All of the described work is unpermitted development which is therefore a violation of the Coastal Act. The Commission notes that although development has taken place prior to the submission of this permit request, consideration of the request by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Commission action upon the permit does not constitute a waiver of any legal action with regard to the alleged violation of the coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is zoned R-2 and designated for High Density Residential development in the Del Mar Community Plan and LCP Land Use Plan. As noted earlier, the subject

commercial building proposed to be rebuilt is a non-conforming commercial structure in a residential zone. However, as noted by the City, the residential designation was applied to the property after the structure was built. Through the City's code compliance, a recorded covenant was required such that the structure would either be abated over time or that required permits would be obtained to allow the continuation of the non-conforming structure. Therefore, the proposed project should not prejudice the ability of the City of Del Mar to prepare and implement a fully certifiable Local Coastal Program.

6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the applicable policies of the Coastal Act. Mitigation measures, including a condition addressing future development on the site, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

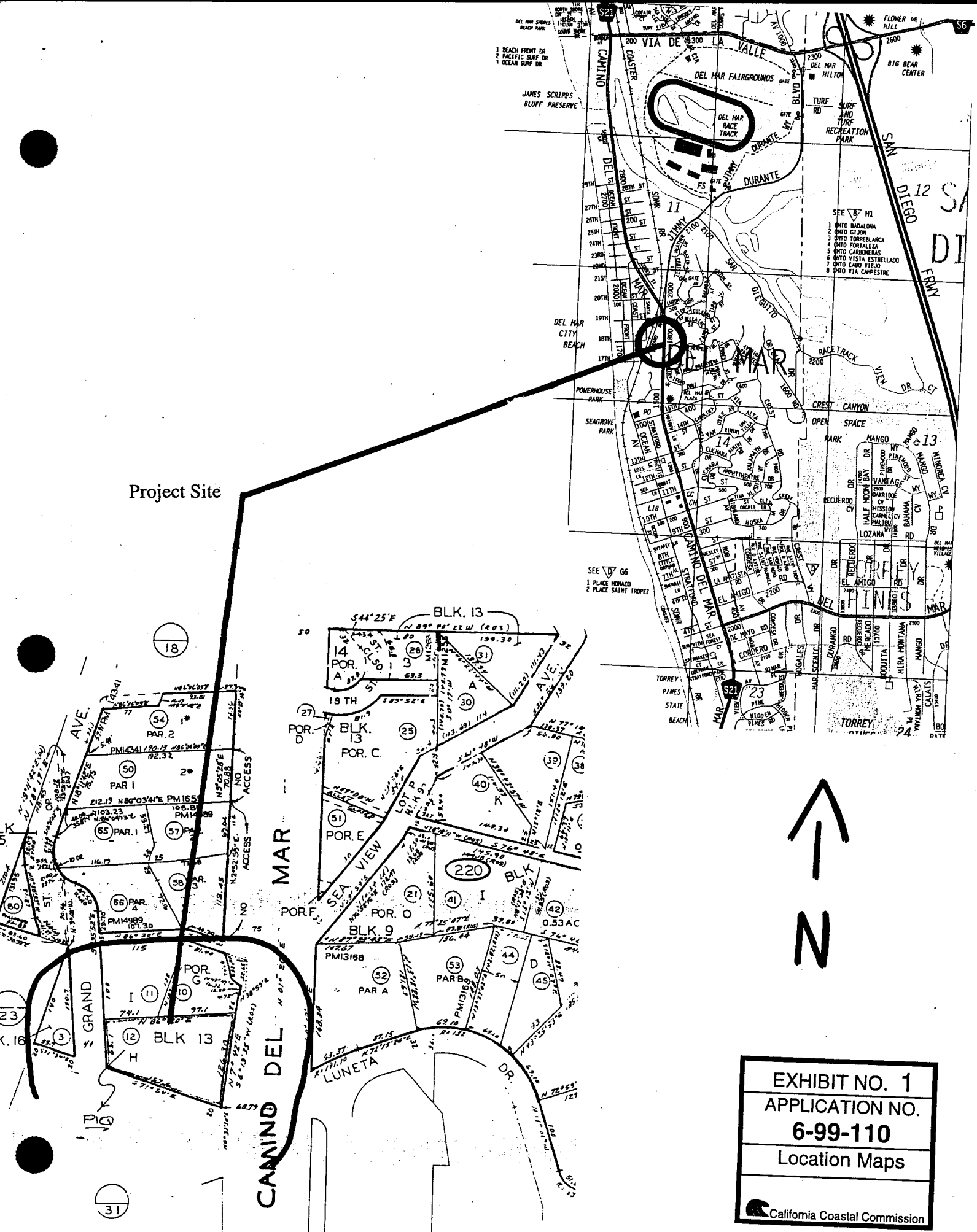
STANDARD CONDITIONS:

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

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(G:\San Diego\Reports\1999\6-99-110 Richards stfrpt.doc)

Project Site



- SEE V H1
- 1 QUITO BADALONA
- 2 QUITO GLOJON
- 3 QUITO TORREBLANCA
- 4 QUITO FORTALEZA
- 5 QUITO CARBONERAS
- 6 QUITO VISTA ESTRELLADO
- 7 QUITO CARO VIEJO
- 8 QUITO VIA CAMPESTRE

- SEE V G6
- 1 PLACE MONACO
- 2 PLACE SAINT TROPEZ

EXHIBIT NO. 1
APPLICATION NO.
6-99-110
Location Maps

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-111

Applicant: City of Del Mar

Agent: Monica Tuhscher

Description: Improvements and upgrading of existing water and sewer lines at various locations within the existing street right-of-ways and utility easements (reference Exhibit No. 6).

Site: Existing public streets and utility easements throughout the City of Del Mar (Torrey Pines Terrace, Coast Boulevard at Ocean Front Street, 9th Street, Santa Fe Avenue, Camino del Mar, Balboa Street, Orchid Lane, Cuchara Drive, Zapo Street, Pine Needles Drive, Hidden Pines Lane, Hidden Pines road, Hidden Pines Road at Torrey Pines Terrace, Avenida Primavera, Crest Road, Balboa Avenue, Gatun Street, San Dieguito Drive, Oribia Road at Crest Road, Serpentine Drive at Forest Way and San Dieguito Drive at Oribia Road) Del Mar, San Diego County.

Substantive File Documents: City of Del Mar Certified LCP Land Use Plan; CDPs #6-99-4; 6-98-125; Southern Maritime Chaparral Mitigation and Monitoring Plan prepared by KEA Environmental, Inc. dated August 1999

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. Timing of Construction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule and construction documents shall specify that no construction will take place for the project components located on: Santa Fe Avenue, Coast Boulevard, Ocean Front Street and Camino del Mar at 15th Street (reference Exhibit No. 2), between Memorial Day weekend and Labor Day of any year. Notes on the schedule and documents shall state that access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (No street closures or use of public parking as staging areas).

2. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans for all construction activities within and adjacent to San Dieguito Lagoon. The approved plans shall be implemented, and specifically incorporate the following requirements:

a) Temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss from the construction site.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Southern Maritime Chaparral Monitoring Program. PRIOR TO THE ISSUANCE OF THE PERMIT, the permittee shall document in writing their intent to implement the Southern Maritime Chaparral Mitigation and Monitoring Plan prepared by KEA Environmental, Inc. dated August 1999, for all work within an unnamed canyon off of Crest Canyon between Crest Road and Oribia Road. In addition, the permittee shall submit copies of the plan's required annual monitoring reports to the Executive Director for review and written approval.

The permittee shall undertake monitoring in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to

this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of Del Mar is proposing a number of improvements to the City's water and sewer system to upgrade existing sub-standard and/or deteriorated systems either through the replacement of existing water and pipelines or installation of new pipelines. The majority of the work will occur within existing public right-of-ways (ROW). A second component of the project is to increase the capacity and flow rates of the City's water supply system in the urban/wildfire boundaries of the City under the City's "Wildfire Protection Program". These areas include Crest Canyon, Torrey Pines State Reserve and the Balboa/Gatun area. The majority of the work will occur within the public right-of-ways throughout the City as well as within existing utility easements on private property.

More specifically, nine locations will receive new or additional water and sewer lines as well as lining existing sewer pipelines with newer pipelines of a different size located in existing public rights-of-way (reference pages 1 and 2 of Exhibit No. 6 for specific project description and location). In one case, the project involves relocating several water meters and service lines from private property to public property (ROW). Also proposed is the addition of ten fire hydrants to the City's existing water supply system. However, this latter improvement is exempt from coastal development permit requirements.

The proposed improvements associated with the City's Wildfire Protection Program generally consisting of new and replacement 8-inch, 10-inch and 12-inch lines water pipelines to replace existing 4" or 6" pipelines or the installation of new water pipelines in existing public right-of-ways where they presently do not exist (reference pages 3-5 of Exhibit No. 6 for specific project description and location). These areas include 12 locations. There are also a few areas where replacement of an existing portion of water pipeline is proposed with the same size pipeline. Also, improvements are proposed to the vault system, which includes the replacement of existing metering and piping within an enclosed vault. However, these latter improvements do not require a coastal development permit because they do not represent an increase in the intensity of use.

All of the proposed water and sewer system improvements will take place within a closed system and will not be discharged into sensitive areas. That is, sewage routed through the new lines will be directed to a collector sewage treatment plant in nearby Sorrento Valley and then transferred to the Point Loma Sewage Treatment Plant for final disposal. No street closures or use of public parking as staging areas are proposed. As referenced above, Exhibit No. 6 identifies each of the proposed water and sewer system improvements and locations. The other projects listed on Exhibit No. 6 do not require a coastal development permit as they constitute routine repair and maintenance of existing public works or do not represent an increase in the intensity of use pursuant to the adopted "Interpretive Guidelines on Exclusions From Permit Requirements".

Also, no installation of service to vacant parcels or installation of capacity beyond that needed to serve developments permitted or exempted under the Coastal Act is proposed.

The City of Del Mar has a certified Land Use Plan, but not an implementation plan. As such, the Commission retains permit jurisdiction for this area until such time that the City's implementation plan is submitted to the Commission for review and approved. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Public Access and Recreation. Sections 30210, 30213 and 30220 of the Coastal Act provide for the protection, provision and enhancement of public access and recreational opportunities in coastal areas. These policies address the public's right of access to the sea and public recreational sites, and require that access considerations be given high priority in reviewing development proposals.

Although the majority of the proposed improvements will take place east of Camino del Mar (which is Old Highway 101 in Del Mar), there are a few project sites which will occur west of Camino del Mar. Thus, the projects west of Camino del Mar raise potential concerns with coastal access. Specifically, the three locations are along Coast Boulevard, Ocean Front Street, Santa Fe Avenue and Camino del Mar at 15th Street. All of these project sites are located from one to two blocks from the ocean; therefore, construction activities on these streets during the peak beach-use season could have a significant adverse impact on public access. Therefore, Special Condition #1 has been attached, which requires the City to submit a construction schedule indicating that no work will take place on these projects during the summer months (Memorial Day to Labor Day). In addition, Special Condition #1 requires notes on construction bid documents notifying the contractor that access corridors and staging areas shall be located in a manner that has the least impact on public access and public parking spaces (no use of public parking, no closure of streets). Therefore, as conditioned, the Commission finds the project consistent with the cited sections of the Coastal Act, and with all other public access and recreation policies of the Act.

3. Sensitive Biological Resources. Section 30240 of the Act is applicable and states:

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

With regard to potential impacts to sensitive plant communities, portions of the project are within a natural habitat area consisting of an unnamed canyon off of Crest Canyon between Crest Road and Oribia Road. The portion of the proposed water line that traverses through the canyon extends for approximately 350 feet within a 10-foot wide right-of-way. At this location, an existing 6" water line will be replaced with a new 10" water line so that fire department personnel will be able to better control potential wildfires in this area. The installation of the proposed larger water line will occur within the same location as the existing line and will result in temporary impacts to no more than 0.08 acres of southern maritime chaparral vegetation. The

applicant has indicated to avoid or reduce impacts to this habitat, that wherever possible, the installation of the new pipeline will be buried. In order to minimize all temporary impacts where the pipe must be buried, a shallow trench will be dug by hand through native habitat. All pre-construction grades will be restored after pipeline installation and appropriate erosion control materials will be installed. As noted in the "Del Mar Wildfire Protection Project Revegetation Plan for Temporary Impacts to Southern Maritime Chaparral" report submitted with the permit application, the City has proposed to mitigate for the temporary impacts to southern maritime chaparral through the revegetation of the area in-place and in-kind with southern maritime chaparral species. The proposed revegetation will be accomplished through a combination of container plants and seed. A three year maintenance and monitoring program is recommended to ensure the revegetation is successful. In addition, Special Condition #3 requires submittal of monitoring plan for all work within the canyon off of Crest Canyon where temporary impacts to southern maritime chaparral will occur. The condition also requires submittal of the plan's required annual monitoring reports to the Executive Director for review and written approval.

With regard to potential impacts to sensitive wildlife species no threatened or endangered wildlife species were observed in the project vicinity primarily due to the lack of coastal sage scrub habitat in this area. While the majority of the development occurs within existing public streets, a portion of the development occurs adjacent to San Dieugito Lagoon. As such, impacts during this phase of construction from runoff and sedimentation could occur. To assure such impacts are minimized, Special Condition #2 is proposed. This condition requires the applicant to submit final grading and erosion control plans for the development that include the use of temporary erosion control measures such as sandbagging and silt traps to minimize soil loss from the construction site. As conditioned, the temporary impacts to maritime coastal scrub will not significantly affect habitat values and all impacts will be appropriately mitigated. In summary, the majority of the proposed development will occur within existing public streets. In one area, southern maritime scrub habitat will be impacted in order to repair and upgrade an existing water line. However, the impacts are unavoidable and temporary and have been minimized to the extent feasible and will be mitigated for. Therefore, as conditioned, the project can be found consistent with Section 30240 of the Coastal Act.

4. Growth Inducement. Section 30250 (a) of the Coastal Act is applicable and states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Given that the proposed development involves the installation of new water pipelines in addition to the replacement of existing water lines with larger-sized water lines, the question arises as to whether the project will be growth inducing. In other words, it must be determined whether or not the upgrades and expansions to the existing water and

sewer projects are being proposed to serve existing development or whether they are they being proposed to accommodate new development. In this particular case, the proposed improvements are proposed to replace existing deteriorated facilities and also to improve the water supply system so that fire department personnel will be able to better control potential wildfires in this area. Therefore, the proposed improvements to the water and sewer system should not have a significant overall inducement to growth. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30250 (a) of the Coastal 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, as conditioned, such a finding can be made.

The areas proposed for improvements are all in City right-of-ways or existing utility easements and are proposed to replace deteriorated pipes and increase the capacity and flow rates of the City's water up to correct standards. The areas where the improvements will take place are largely built out, and the project is not considered to be growth-inducing in nature. The project is in conformance with all applicable Chapter 3 policies, and therefore approval of the project should not prejudice the City's ability to prepare a certifiable LCP.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(a) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access and sensitive resources policies of the Coastal Act. Mitigation measures, including conditions addressing public access, erosion control and submittal of a monitoring program for mitigation proposed to coastal maritime scrub habitat will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized

agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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

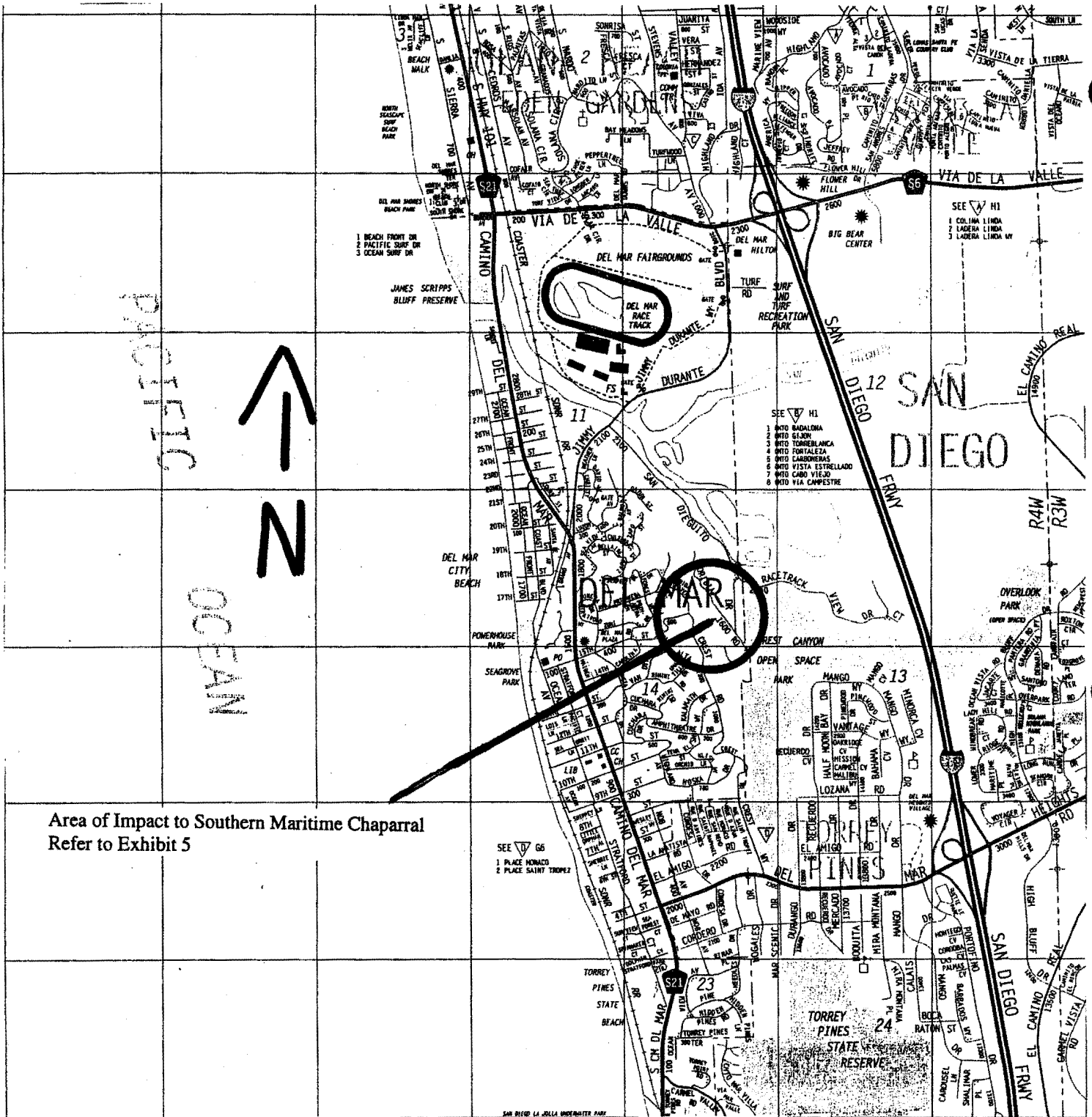
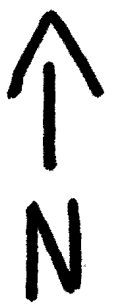


EXHIBIT NO. 1
 APPLICATION NO.
 6-99-111
 Map of
 City of Del Mar

California Coastal Commission



BALBOA ST.
LINE 650 LF OF
EXISTING 6" VCP
SEWER MAIN

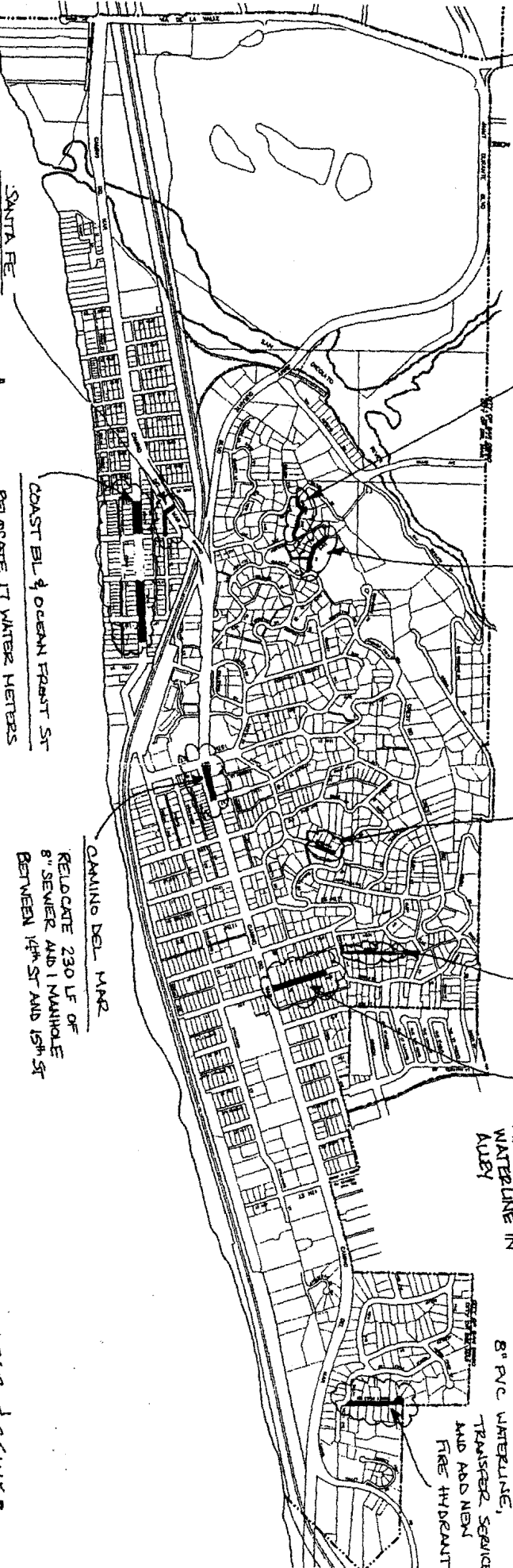
ZARD ST.
LINE 750 LF OF
EXISTING 6" VCP
SEWER MAIN

CUCHARA DRIVE
LINE 550 LF OF
EXISTING 6" VCP
SEWER MAIN

ORCHID LANE
LINE 840 LF OF
EXISTING 6" VCP
SEWER MAIN

9th ST.
CONSTRUCT 500 LF OF
NEW 8" PVC WATERLINE,
RELOCATE WATER
SERVICES FOR 5
PROPERTIES ON
SOUTH 9th ST.
ABANDON EXIST'G
WATERLINE IN
ALLEY

TORREY PINES TERRACE
CONSTRUCT 600 LF OF NEW
8" PVC WATERLINE,
TRANSFER SERVICES,
AND ADD NEW
FIRE HYDRANT



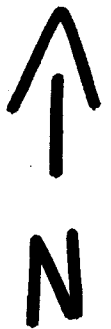
SANTA FE
LINE 120 LF OF EXIST'G 12"
SEWER THAT CROSSES
CAMINO DEL MAR WITH
8" DIA. PIPE. REPLACE
200 LF OF EXIST'G 12"
SEWER WITH 8" PVC AND
SMITH FE BETWEEN 20th ST

COAST BL & OCEAN FRONT ST
RELOCATE 17 WATER METERS
AND SERVICE LINES FROM PRIVATE
PROPERTY ON 17th ST, 1800 & 2000
BLOCKS FROM OCEAN FRONT ST.
TO COAST BL.

CAMINO DEL MAR
RELOCATE 230 LF OF
8" SEWER AND 1 MAINHOLE
BETWEEN 14th ST AND 15th ST

2000 WATER & SEWER

EXHIBIT NO. 2
APPLICATION NO.
6-99-111
Individual Project Location
California Coastal Commission



CREST CANYON

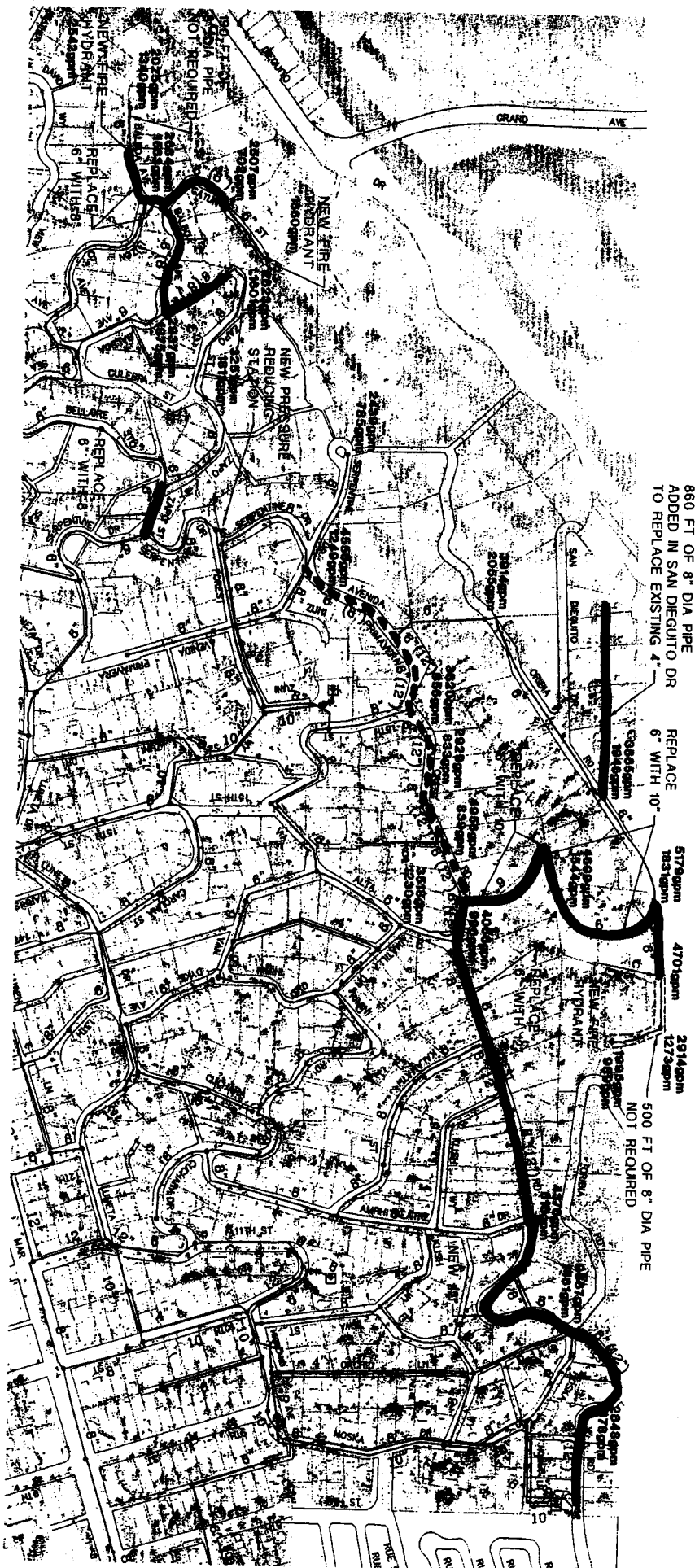
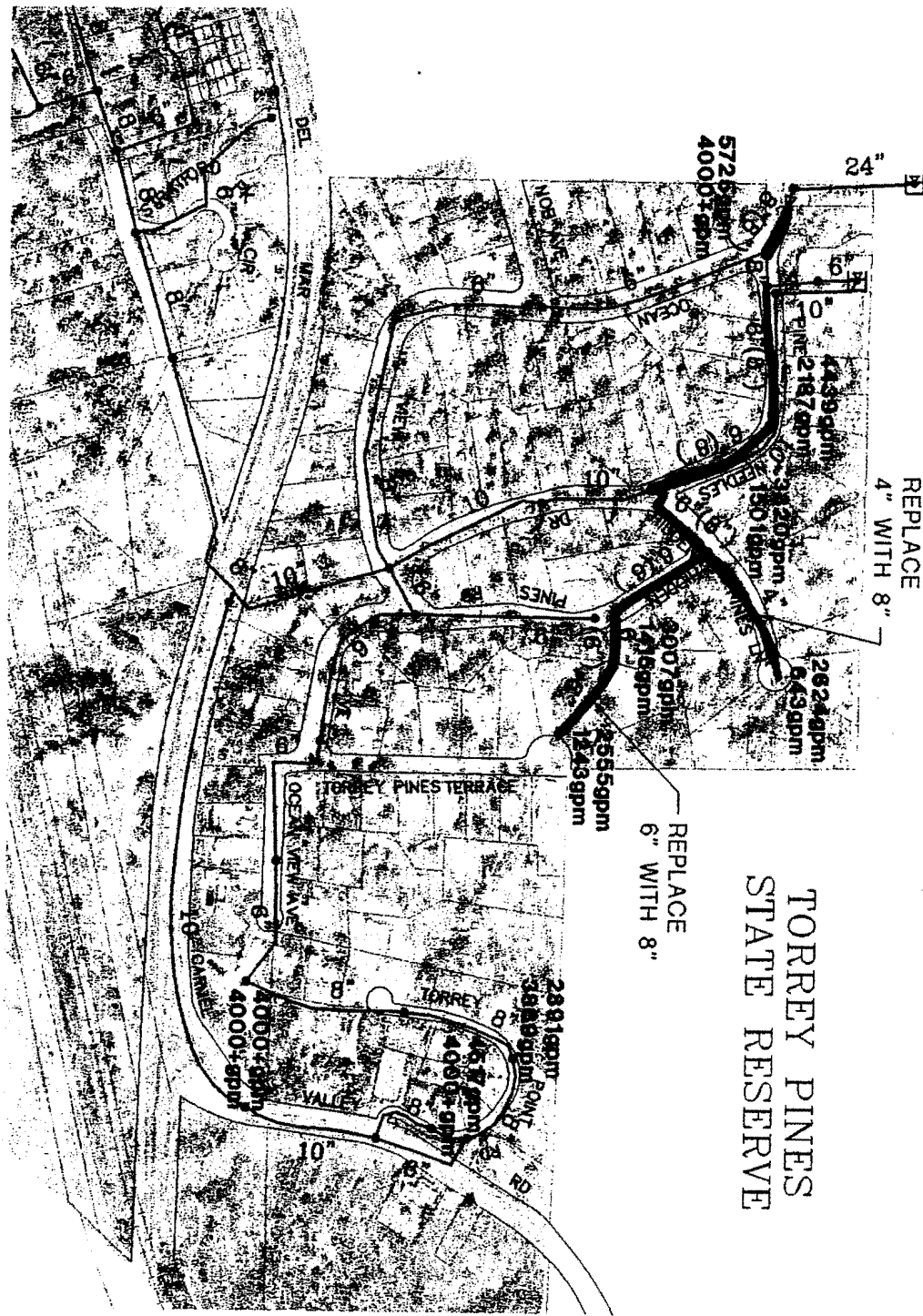



EXHIBIT NO. 3
APPLICATION NO.
6-99-111
Individual Project
Location
California Coastal Commission

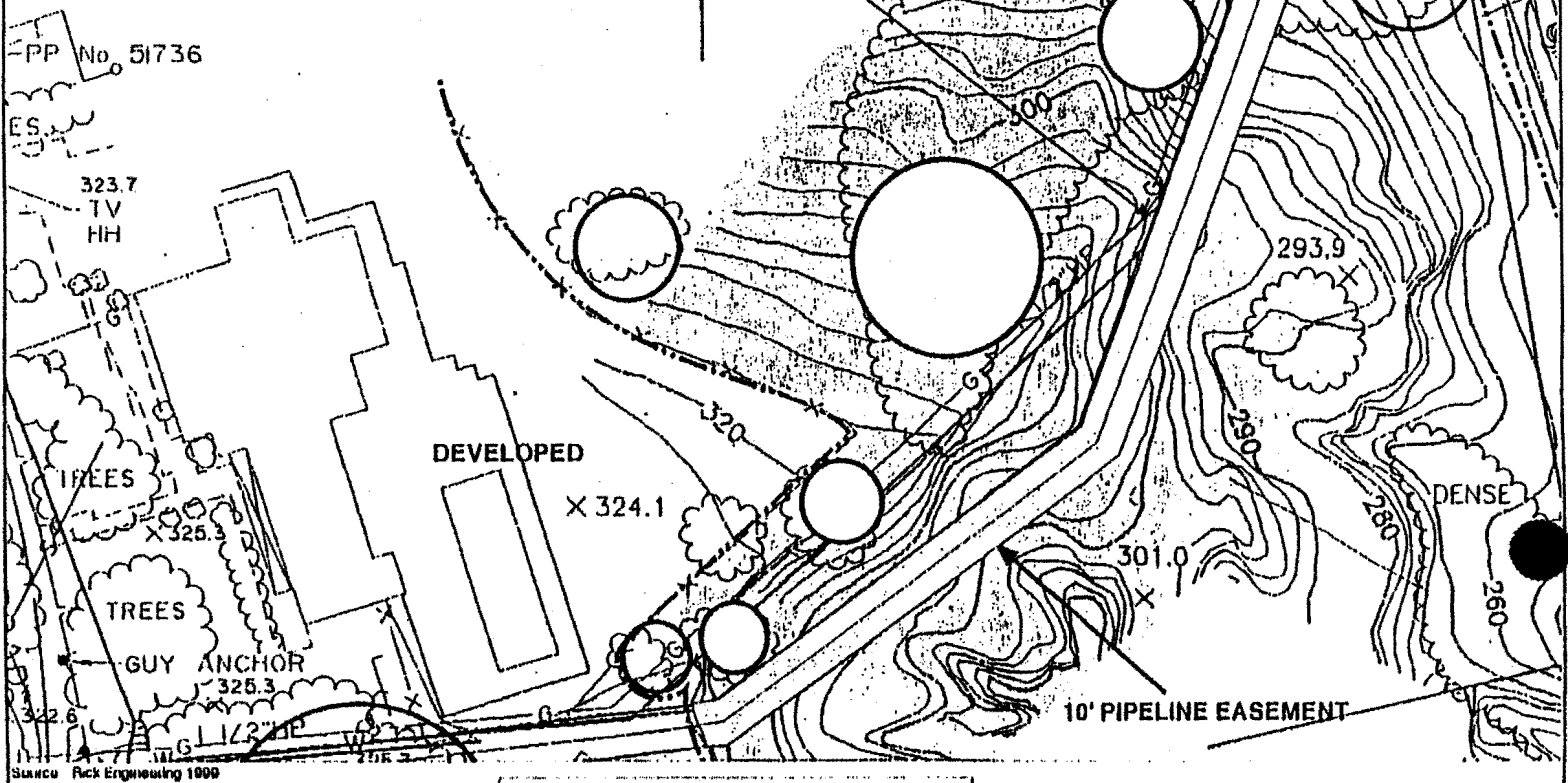


TORREY PINES
STATE RESERVE

EXHIBIT NO. 4
APPLICATION NO.
6-99-111
Individual Project Location
 California Coastal Commission

IM = 317.64'
STEM = 315.6'

**SOUTHERN MARITIME
CHAPARRAL TEMPORARY
IMPACT REVEGETATION
AREA**



Stanley Rock Engineering 1999



○ TORREY PINE WOODLAND (PINUS TORREYANA)
 ● SOUTHERN MARITIME CHAPARRAL

Figure 2
Southern Maritime Chaparral
Temporary Impact Revegetation Area

EXHIBIT NO. 5
APPLICATION NO.
6-99-111
 Southern Maritime
 Chaparral Temporary
 Impact Revegetation
 Area

CITY OF DEL MAR
2000 Water and Sewer Improvement Projects

Pipeline Descriptions

KEY STREET	PIPE LENGTH / DIAMETER	DESCRIPTION	EASEMENT or RIGHT-OF-WAY
TORREY PINES TERRACE	600 feet of 8" PVC	Upsize existing 4" watermain to 8". Convert to High Zone. Transfer services and add fire hydrant	Right-of-way
COAST BLVD / OCEAN FRONT ST	N/A	Relocate approximately 17 water meters and service lines from private property on 1700, 1800 and 2000 block of Ocean Front St. to Coast Bl.	Right-of-way
9th STREET	500 feet of 8" PVC	Construct new 8" watermain. Relocate water services for 5 properties on south 9th St. Abandon inaccessible 4" pipeline in unimproved alley.	Right-of-way
SANTA FE	120 feet of 8" PVC	Line existing 12" sewer pipeline that crosses Camino Del Mar with an 8" diameter pipe.	Right-of-way
	220 feet of 8" PVC	Replace existing 12" sewer pipeline from 20th Street to Camino Del Mar with new 8" sewer pipeline.	Right-of-way
CAMINO DEL MAR	230 feet of 8" PVC	Relocate existing 8" sewer pipeline and 1 manhole.	Right-of-way
BALBOA STREET	No new pipe	Line 650 feet of existing 6" VCP sewer	Right-of-way

EXHIBIT NO. 6
APPLICATION NO.
6-99-111
List of Proposed and Exempted Projects
 California Coastal Commission

CITY OF DEL MAR
2000 Water and Sewer Improvement Projects

Pipeline Descriptions

KEY STREET	PIPE LENGTH / DIAMETER	DESCRIPTION	EASEMENT or RIGHT-OF-WAY
ORCHID LANE	No new pipe	Line 840 feet of existing 6" VCP sewer	Right-of-way
CUCHARA DRIVE	No new pipe	Line 550 feet of existing 6" VCP sewer west of Rimini Road	Right-of-way
ZAPO STREET	No new pipe	Line 750 feet of existing 6" VCP sewer from Culebra to Balboa	Right-of-way

CITY OF DEL MAR
Wildfire Protection Project

Pipeline Descriptions

KEY STREET	PIPE LENGTH / DIAMETER	DESCRIPTION	EASEMENT or RIGHT-OF-WAY
PINE NEEDLES DRIVE	450 feet of 8" PVC (San Diego), 827 feet of 8" PVC (Del Mar)	Install new water pipeline from Cordero Road (San Diego) to Hidden Pines Lane.	Right-of-way
HIDDEN PINES LANE	500 feet of 8" PVC	Install new water pipeline from Pine Needles Drive to end of cul-de-sac to replace existing 4" water pipeline.	Right-of-way
HIDDEN PINES ROAD	310 feet of 8" PVC	Install new water pipeline from Hidden Pines Lane to easement between 365 and 339 Hidden Pines Road.	Right-of-way
HIDDEN PINES ROAD / TORREY PINES TERRACE	300 feet of 8" PVC	Install new water pipeline from Hidden Pines Road to Torrey Pines Terrace adjacent to 339 HP Road and 294 TP Terrace to replace existing 6" water pipeline.	Easement
AVENIDA PRIMAVERA	140 feet of 6" PVC	Replace portion of existing 6" AC with PVC water pipeline in front of 655 Crest.	Right-of-way
	515 feet of 8" PVC	Install new 8" water pipeline from Serpentine Drive to 655 Avenida Primavera.	
	245 feet of 12" PVC	Install new 12" water pipeline from 655 Avenida Primavera to 15th Street.	
CREST ROAD	180 feet of 6" PVC	Replace portion of existing 6" AC with 6" PVC between 1346 to 1316 Crest.	Right-of-way
	1040 feet of 12" PVC	Install new 12" water pipeline from 15th Street to Via Alta.	

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CITY OF DEL MAR
Wildfire Protection Project

Pipeline Descriptions

KEY STREET	PIPE LENGTH / DIAMETER	DESCRIPTION	EASEMENT or RIGHT-OF-WAY
	410 feet of 12" PVC	Replace portion of existing 6" AC with 12" PVC from Via Alta to Kalamath Drive.	
CREST ROAD	2500 feet of 12" PVC	Install new 12" water pipeline from Kalamath Drive to Crest Reservoir.	
ZAPO STREET	640 feet of 8" PVC	Install new water pipeline from Bellaire Street to Serpentine Drive to replace existing 6" AC pipeline. From Balboa Avenue to 1993 Zapo, install new water pipeline.	Right-of-way
BALBOA AVENUE	740 feet of 8" PVC	Install new water pipeline from 2115 Balboa to Zapo Street to replace existing 6" AC pipeline.	Right-of-way
GATUN STREET	360 feet of 8" PVC	Install new water pipeline from Balboa Avenue to fire hydrant at 1902 Gatun.	Right-of-way
SAN DIEGUITO DRIVE	880 feet of 8" PVC	Install new water pipeline from 1567 San Dieguito to Oribia Road to replace existing 4" pipeline.	Easement
ORIBIA ROAD / CREST ROAD	1400 feet of 10" PVC/ductile iron	Install new water pipeline from Crest Road through canyon to Oribia Road down to 1174 Oribia to replace existing 6" pipeline.	Easement

CITY OF DEL MAR
Wildfire Protection Project

Vault Descriptions

Vault Location	Description	EASEMENT or RIGHT-OF-WAY
PINE NEEDLES DRIVE	Replace existing meter and piping, existing vault to remain in	Right-of-way
PINE NEEDLES DRIVE	Install new Pressure Reducing valve and piping, existing vault to remain in place	Right-of-way
SERPENTINE DR / FOREST WAY	New Emergency Pressure Reducing Valve, piping and vault	Right-of-way
SAN DIEGUITO DRIVE / ORIBIA ROAD	New Emergency Pressure Reducing Valve and piping, existing vault to remain in place	Easement

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



Filed: 8/26/99
 49th Day: 10/14/99
 180th Day: 2/22/00
 Staff: LRO-SD
 Staff Report: 9/20/99
 Hearing Date: 10/12-15/99

STAFF REPORT: CONSENT CALENDAR

Th 4d

Application No.: 6-99-117

Applicant: LHO Mission Bay Hotel L.P.

Agent: Steve Rossi

Description: Renovations to existing resort/hotel facility consisting of conversion of café to lobby space, renovation and expansion of fitness center, conversion of lobby space for expansion of gift shop and addition of an indoor/outdoor delicatessen, renovation and expansion of existing presidential suites to restaurant space, interior renovation of six existing guest suites to four presidential suites, the addition of five bungalow guest suites in a detached building, and parking and landscape improvements on a 51.70 acre bayfront site.

Lot Area	2,252,237 sq. ft. (51.70 acres)
Building Coverage	402,222 sq. ft. (18%)
Pavement Coverage	403,263 sq. ft. (18%)
Landscape Coverage	1,446,752 sq. ft. (64%)
Parking Spaces	1,277
Ht abv fin grade	24 feet

Site: 1404 Vacation Road, Mission Bay Park, San Diego, San Diego County.
 APN 760-038-03

Substantive File Documents: Certified Mission Bay Park Master Plan; CDP# 6-90-135;
 6-90-135-A1; CDP #6-97-64

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. Water Quality/Best Management Practices Program. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval in consultation with the Regional Water Quality Control Board, a Water Quality/Best Management Practices (BMPs) program. The program shall identify the BMPs used to address maintenance and surface runoff from the parking areas. At a minimum, the required BMPs shall include the following:

- 1) A spill cleanup program which includes daily patrolling of the parking lots by security. The program shall identify the typical response time of the cleanup team, which shall be the minimum time feasible to respond and shall relate to the size and nature of the spill;
- 2) A dry sweeping program which includes, at a minimum, daily sweeping;
- 3) Provision of trash receptacles at the exits of all buildings and within the parking lot.
- 4) Temporary and interim erosion control measures designed to reduce runoff from the construction site and to avoid sedimentation toward the bay.

The water quality/BMP program shall be implemented in accordance with the approved plan. 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.

2. Final Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final landscape plan in conformance with the submitted landscape plan by Rossi Architecture dated 8/26/99. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

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

3. Sign Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed are several improvements/renovations to an existing hotel/resort facility located on an approximately 52 acre bayfront site on Vacation Isle in Mission Bay Park. The facility, previously known as Princess Resorts, will be changed to Paradise Point Resort, and consists of guest suites in detached bungalows and other accessory improvements including a swimming pool, fitness center, banquet facilities and restaurant use. The proposed improvements consist of the following: 1) conversion of existing 9,984 sq.ft. "Village Café" to interior hotel lobby with no increase in square footage; 2) renovation of existing one-story, 2,658 sq.ft. fitness building including construction of a 4,303 sq.ft. addition for a total of 6,963 sq.ft. 3) conversion of existing lobby to a delicatessen and the addition of 844 sq.ft. to a 3,143 sq.ft. existing gift shop; 4) conversion of existing 5,779 sq.ft. dockside restaurant and lounge to meeting space; 5) conversion of five presidential suites totaling 4,457 sq.ft. to restaurant use and the addition of 1,491 sq.ft.; 6) conversion of six guest suites totaling 3,260 sq.ft. to four presidential suites; 7) the addition of five new bungalow guest suites in a 3,510 sq.ft. detached building; and 8) repavement and reconfiguration of driveway and surface parking areas. Overall, the total number of guest suites will remain unchanged at 462 units. Also proposed are landscaping improvements.

Of the above-described improvements, #4 does not require a coastal development permit because it involves the conversion of existing restaurant/lounge space to meeting space which does not represent a change in intensity of use as both uses require the same parking ratio at 1:200. It has been included in the project description for reference only.

The proposed project is located within a 50.70 acre site which is leased to the applicant by the San Diego. Existing facilities on the site include a hotel convention center, conference rooms, banquet rooms; a 61 slip small boat craft rental dock, a 53-slip recreational boat marina and other resort facilities. Past Commission permit action on the site includes CDP# 6-90-135, approved in August 1990, and 6-90-135-A1 approved in March 1991 for construction of new guestrooms, additional service areas and meetings rooms for the convention center on the upland portion of the leasehold. In August 1999, CDP #6-97-64 was approved for construction of a 53 slip recreational boat marina and construction of support facilities including a new sanitation pump-out station, and construction of a two-story, 2,500 sq.ft. building with 500 sq.ft. of decks dock master's office, tenant services (restrooms, showers, and laundry) and meeting rooms.

As noted above, the subject site is located on Vacation Isle within Mission Bay Park. Mission Bay Park in this location is an area of original jurisdiction, where the Commission retains coastal development permit authority. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. Parking/Public Access/Recreation. Sections 30220, 30221, and 30222 of the Act call for the protection and/or provision of public access opportunities. In addition, Section 30252 requires "that the location and amount of new development should maintain and enhance public access to the coast by...providing adequate parking facilities...." Further, Section 30213 also provides, "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Development providing public recreational opportunities are preferred..." In the subject development, while the number of guest suites will remain the same, the proposed renovations/additions will result in a slight increase in gross floor area of the overall hotel facility from 396,374 sq.ft. to 406,527 sq.ft.

The proposed improvements to the parking areas will consist of repavement and reconfiguration of the parking lots with no change to the number of spaces provided. Based on the parking requirements of the certified Mission Bay Park Master Plan, the amount of parking required for all proposed uses after remodeling will total to 993 spaces. The Mission Bay Park Master Plan requires parking at the following ratios for hotel/resort facilities and their associated accessory uses:

- 1:300 sq.ft. - hotel operations
- 1:300 sq.ft. - office use
- 1:200 sq.ft. - meeting or conference facilities
- 1:200 sq.ft. - banquet facilities
- 1:200 sq.ft. - restaurant use
- 1:500 sq.ft. - retail use
- 1:3 - boat slips (i.e., one space per boat slip)

The applicant has submitted a detailed breakdown of all existing and proposed uses for the subject facility and a detailed parking matrix based on the above-required parking ratios. In sum, the total parking required for the site is 993 spaces. Since there are 1,277 existing spaces on the site, there will be a surplus of 284 spaces on the site after project implementation.

There is no apparent parking problem at the subject hotel facility and the relatively small improvements to the overall hotel/resort facility including its accessory uses is not anticipated to result in any parking shortages for the hotel facility nor result in adverse impacts on coastal access in the area. At least with respect to the restaurant facilities, it should be noted that patrons are largely hotel guests and the small improvements to the restaurant areas is not expected to generate additional vehicular trips from outside visitors. As has been documented in other similar hotel projects along Mission Bay Park, it is often difficult to estimate parking demand for hotel facilities, as both hotel guests and members of the public utilizing the hotel's facilities may use automobiles and/or alternative modes of transportation. In any case, even with the proposed improvements, a surplus of 284 parking spaces is proposed on-site to accommodate the resort development.

In addition, the existing resort facilities occupy a large portion of the western half of Vacation Isle, but the site is not fenced and most of the sandy beach is outside of the private lease area. The public can freely use the swimming beaches around the perimeter of the hotel site, and can walk along the shoreline areas within the leasehold. Access to and around the shoreline, including an existing public parking lot on the island, will still be available after construction of the project. In addition, an existing marina is available to resort guests and the general public (for a fee). Ten percent of the total marina slip spaces are allocated for transient boaters (boaters staying less than 72 hours).

With regard to Section 30213, referenced above, the existing Princess Resorts hotel/resort facility is not a lower cost visitor serving recreational facility. The proposed improvements to renovate the facility and rename it to "Paradise Point Resort" will result in the project being slightly more up-scale in nature but it will not displace any existing lower-cost visitor serving recreational facilities and, as such, does not raise any conflicts with this section of the Coastal Act.

Further, in accordance with Section 30604(c) of the Act, the project is found to be in conformance with all public access and recreation policies of the Act. The existing visitor-serving commercial and recreation facilities are a high-priority use under the Coastal Act. In addition, adequate on-site parking is proposed to support the development. Therefore, the proposed project can be found consistent with all of the applicable public access and recreation policies of the Coastal Act.

3. Visual Resources. Section 30251 of the Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

The subject site is located on Vacation Isle in Mission Bay Park which is a scenic area entirely surrounded by water. The subject facility itself, is located at the northwest corner of the island. The island is bisected by a major coastal access road, Ingraham Street. Public parkland and picnic facilities exist to the east of this road. Other public recreational facilities including picnic areas and a model yacht pond exist to the south of the hotel/resort facility west of Ingraham Street. The subject hotel/resort is highly visible from Riviera Shores to the north across Fisherman's Channel and from other portions of Mission Bay Park by both recreational boaters in the bay as well as people using the recreational facilities along Ventura Point to the southwest and Bahia Point to the west. The proposal mainly consists of improvements to an existing hotel/resort facility and some small additions and is compatible in scale and design with the existing development and surrounding area.

As part of the subject proposal, landscaping improvements are also proposed throughout the hotel/resort facility. Conceptual landscape plans have been submitted but they do not contain the quantities, size or number of new plant and tree elements that will be installed. As such, Special Condition #2 requires submittal of a final detailed landscape plan. Presumably only wall signage and/or new monument signage reflecting the new name of the leasehold will be installed on the site; however a sign plan was not submitted with the permit application. As such, Special Condition #3 requires submittal of a sign plan consistent with the City's requirements for signage. With the proposed conditions, protection of visual resources associated with the proposed development will be minimized to the maximum extent feasible. Therefore, as conditioned, the proposed project can be found consistent with Section 30251 of the Act.

4. Water Quality Section 30230 of the Coastal Act supports the enhancement and protection of marine resources, and requires use of the marine environment to be carried out in a manner that will sustain the biological productivity of coastal waters. Section 30231 of the Coastal Act requires the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health be maintained and, where feasible, restored.

The proposed project involves improvements on a site surrounded by water and includes resurfacing of the existing parking lots on the site and as such, could potentially result in significant adverse water quality impacts to the bay. Of particular concern is the surface runoff from the parking lots. Under Special Condition #1, the applicant is required to identify and implement best management practices (BMPs) to reduce or eliminate

polluted runoff from the site. At a minimum, these BMPs are to include regular sweeping of the parking lots to remove debris and a plan for immediate response to any oil or fuel spills in the parking lots, which would be identified by maintenance personnel. An adequate number of trash receptacles must also be on-site to discourage littering by patrons or employees. In these ways, potential problems are treated at the source such that most pollutants never enter the storm water system. The water quality/BMP program will be reviewed in consultation with the Regional Water Resources Control Board to assure that all requirements of both agencies are met in the program. With implementation of BMPs, the potential water quality impacts to the bay resulting from the proposed development will be reduced to the maximum extent feasible. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited policies of the Coastal 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, as conditioned, such a finding can be made.

The project site is a designated lease area in the Mission Bay Park Master Plan. The Commission recently certified a land use plan (the Mission Bay Park Master Plan) for Mission Bay. There are no implementing ordinances in place as yet. Thus, the entire park remains an area of deferred certification, and Chapter 3 of the Coastal Act is the standard of review. Even after an implementation plan is certified, much of the park will remain under direct Commission permit jurisdiction, since many areas of the park were built on filled tidelands. As discussed above, as conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed project, as conditioned, will not prejudice the ability of the City of San Diego obtain a certified LCP for the Mission Bay Park segment.

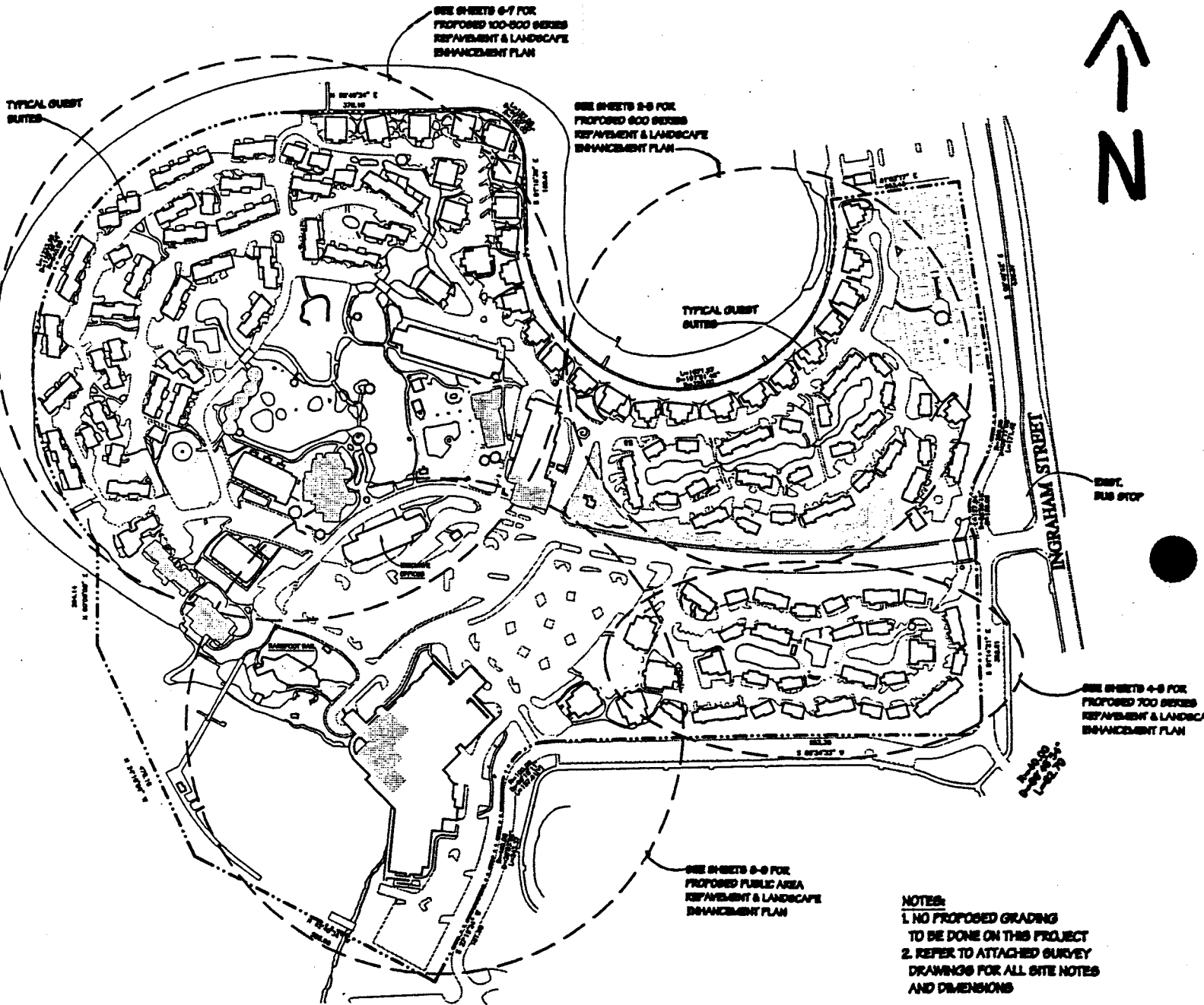
6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the water quality and public access and recreation policies of the Coastal Act. Mitigation measures, including implementation of a water quality Best Management Practices program will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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



SEE SHEETS 6-7 FOR
PROPOSED 100-800 SERIES
REPAVEMENT & LANDSCAPE
ENHANCEMENT PLAN

SEE SHEETS 8-9 FOR
PROPOSED 800 SERIES
REPAVEMENT & LANDSCAPE
ENHANCEMENT PLAN

SEE SHEETS 4-5 FOR
PROPOSED 700 SERIES
REPAVEMENT & LANDSCAPE
ENHANCEMENT PLAN

SEE SHEETS 8-9 FOR
PROPOSED PUBLIC AREA
REPAVEMENT & LANDSCAPE
ENHANCEMENT PLAN

NOTES:
1. NO PROPOSED GRADING
TO BE DONE ON THIS PROJECT
2. REFER TO ATTACHED SURVEY
DRAWINGS FOR ALL SITE NOTES
AND DIMENSIONS

EXHIBIT NO. 2
APPLICATION NO.
6-99-117
Site Plan