

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

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**W 8d**

RECORD PACKET COPY

Staff: BP-SD
Staff Report: 3/23/99
Hearing Date: 4/13-16/99

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-138-A1

Applicant: City of San Diego

Agent: Terri Williams

Original Description: Construction of a 64 space parking lot, sports field, one-acre skateboard park including seating area, restroom, picnic tables, and landscaping within an undeveloped portion of an existing city park facility

Proposed Amendment: Adoption of program to charge a user fee to operate a skateboard park within an existing public park.

Site: 2525 Bacon Street (Robb Field, Mission Bay Park), Ocean Beach, San Diego, San Diego County. APN 448-142-15.

Substantive File Documents: Certified Mission Bay Park Master Plan, Certified Ocean Beach LCP Land Use Plan

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed fee program provided that the skateboard park be open and available at all times to the general public and no reservation of time or preferred hours for specified users is allowed. Additionally, fees for public use of the facility shall be comparable to the rates charged at other skateboard facilities in the County of San Diego.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval With Conditions.

The Commission hereby grants a permit amendment for the proposed development on the grounds that the development, as amended, 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. Operation of Skateboard Park. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a revised fee schedule and membership program for the skateboard park which shall include the following:

- A) All programs will be open and available to the general public on a first-come, first-serve basis;
- b) No reservation of time or preferred hours for specified users is allowed;
- c) Established fees shall be comparable to the rates charged at other skateboard facilities in the County of San Diego; any future increases to the fee shall require a coastal development permit amendment.

The permittee shall undertake the development in accordance with the approved fee 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.

2. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-98-138 not specifically modified herein, shall remain in full force and effect.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The City of San Diego is proposing to charge a user's fee to the public to use the proposed skateboard park at Robb Field. The proposed fee structure is explained in more detail below in the next section of this report. Robb Field is an existing public park located at the western terminus of Interstate 8,

adjacent to the San Diego River Channel. It currently contains 8 baseball fields, 12 tennis courts and picnic tables and parking areas for the uses. At its January, 1999 hearing, the Commission approved the construction of a 64-space parking lot, sports field and a one-acre skateboard park within an undeveloped portion of Robb Field (Ref. CDP #6-98-138). The City did not propose to charge a fee for use of the skateboard park at that time. The Commission based its approval, in part, on its finding that the skateboard park would be a lower-cost visitor serving use and therefore would be consistent with Chapter 3 policies that encourage development of such uses. Because imposition of a public fee could potentially affect the skateboard park as a lower cost visitor-serving recreational facility, the Commission conditioned the permit to require that charging of a fee to use the skateboard park in the future would require its approval as a permit amendment.

The project site is owned by the City of San Diego and is dedicated for park use. In addition, the property is comprised of historical state tidelands. The tidelands designation makes the site an area of Coastal Commission original permit jurisdiction. Under the certified Mission Bay Park Master Plan the site is to be left in public ownership for something of benefit to the community. The standard of review is Chapter 3 policies of the Coastal Act.

2. Public Access and Recreation. Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states in part:

- (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....

Section 30213 of the Act is also applicable and states:

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

In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and the first coastal roadway.

Section 30213 of the Coastal Act provides that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided and that developments providing public recreational opportunities are preferred. The size and location of Robb Field make it a good visitor-serving destination. Robb Field is a 6-acre City-owned park, located within Mission Bay Park, and while not located directly on the ocean it is only just east of Ocean Beach, connected by a public walkway along the San Diego River. Because of its proximity to the coast and the fact that it is public parklands, it is an excellent visitor-serving destination. The approved one-acre skateboard site is located at the eastern end of Robb Field, away from other existing park improvements. The skateboard park will be providing a permanent recreational use for the public's enjoyment. The Commission notes there is an increasing demand for this type of facility. Because of safety problems, and other concerns, there are not many areas where recreational skateboarders can enjoy their sport. Current skateboard parks exist in San Diego County in Escondido, Encinitas and others are proposed in the City of Oceanside and other areas in San Diego County as well.

Although the skateboard facility is designed for younger people, it will be available to all age groups. A fee program is proposed that includes the provision of a discount card ("Pass-Sport Card") that may be purchased. In addition, a Scholarship Program which is designed to meet the needs of low-income skateboard park users is also proposed whereby users can use the skateboard park at no cost if they "help out" at the park. Exhibit #3 attached includes more details on proposed fee program.

The City states that user fees are necessary only to fund site supervision at the skateboard park. In order to allow a greater segment of the population to use the park, the City needs to provide site supervision. Without site supervision, kids under the age of 14 would not be able to use the facilities. As such, the City needs to charge a user fee to fund site supervision to ensure that users under the age of 14 have a parental waiver and that all users wear protective equipment. In addition, the proposed fees are based on the fees charged at similar facilities in Escondido and Encinitas; the fee schedules for these two parks are nearly identical.

The Commission finds that the fee in this particular case is acceptable for several reasons. First, the proposed skateboard park is located at the far east end of Robb Field and there is ample area and parking to accommodate both it and existing park uses (baseball fields, tennis courts, soccer field) located west of the proposed skateboard park. In other words, charging a fee for use of the skateboard park will have minimal impact, if any, on continued use of Robb Field as a lower-cost visitor-serving facility by the general public. In addition, Robb Field is not directly located on a beach or shorefront location where the provision of lower-cost visitor-serving recreational facilities is more critical. Second, the fee is comparable to fees that are currently charged at other skateboard facilities in the area. These fees are not excessive and can be found consistent with Section 30213 of the Coastal Act which requires that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. More importantly, this is not proposed as a

moneymaking operation. The proposed fees are needed to fund site supervision so the skateboard park can serve a wider range of age groups.

Although the Commission is in general support of the proposed fee, it has concerns about the open availability of the facility to all groups. Special Condition #1 requires that a final fee program be implemented which provides that all programs will be open and available to the general public on a first-come, first-serve basis. Additionally, the condition requires that no reservation of time or preferred hours for certain users is allowed and that established fees be comparable to the rates charged at other skateboard facilities in the County of San Diego. Also, any proposed changes to the approved fee program will require an amendment to this permit.

In summary, the City is proposing to charge a fee to fund site supervision for a proposed skateboard park in an existing public park. As conditioned, the Commission is assured that while a fee is required, it will have no adverse impact on the use of Robb Field as a lower-cost, visitor-serving facility and the skateboard park will be available for use by the public on a first-come, first-serve basis. Therefore, the Commission finds that the proposal, as conditioned, is consistent with all applicable public access and recreation policies of the Coastal Act.

(6-98-138-a1 STFRPT)

Location

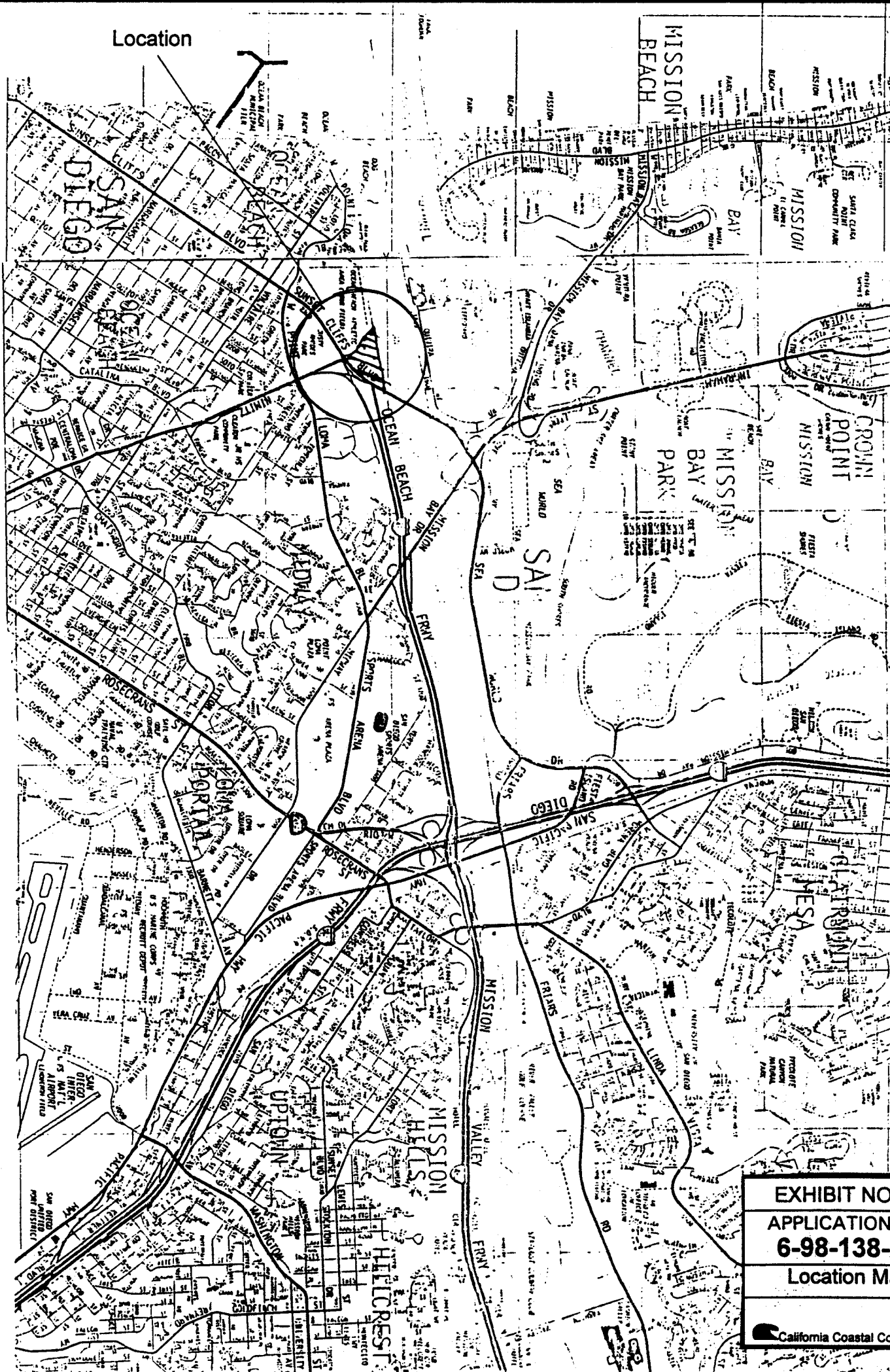


EXHIBIT NO. 1

APPLICATION NO.

6-98-138-A1

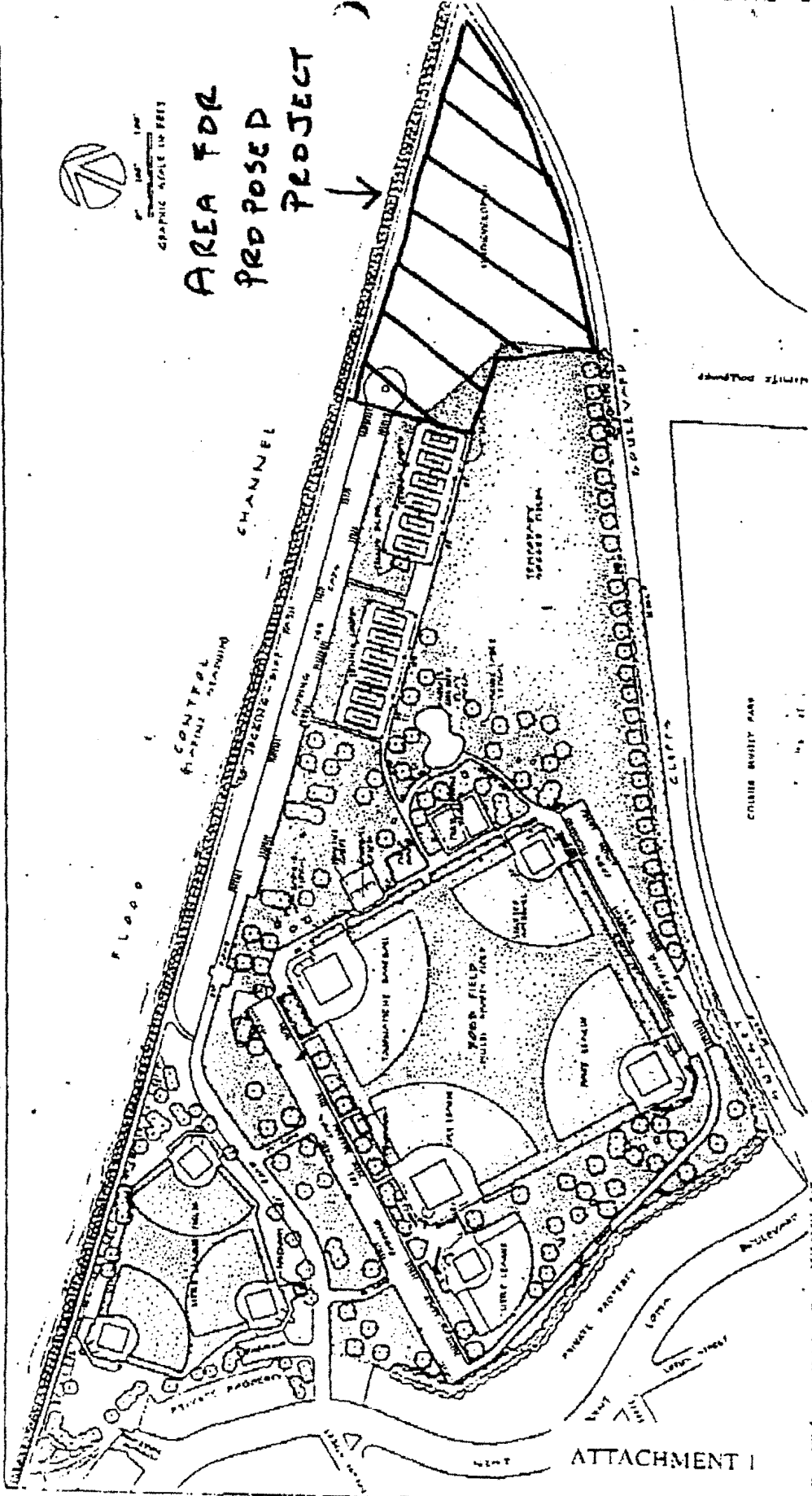
Location Map

California Coastal Commission



GRAPHIC SCALE IN FEET

AREA FOR
PROPOSED
PROJECT



CITY OF SAN DIEGO PARK AND RECREATION DEPARTMENT
THE GENERAL DEVELOPMENT PLAN
OCEAN BEACH ATHLETIC AREA
ROBB FIELD
MISSION BAY PARK
STANDARD: 10,000, 10,000, 10,000, 10,000

NO.	DATE	DESCRIPTION	BY	CHKD
1	12/16/98	Initial Design	J. Smith	M. Jones
2	12/16/98	Revised Design	J. Smith	M. Jones
3	12/16/98	Final Design	J. Smith	M. Jones
4	12/16/98	Construction	J. Smith	M. Jones
5	12/16/98	Completion	J. Smith	M. Jones

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5	12/16/98	Completion	J. Smith	M. Jones

EXHIBIT NO. 2
APPLICATION NO.
6-98-138-A1
Site Plan
California Coastal Commission



THE CITY OF SAN DIEGO

January 14, 1999

Bill Ponder
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

Dear Mr. Ponder

Subject: Request for Amendment to Permit No. 6-98-138, Skateboard Park at Robb Field

Schedule: We would like to target the February, 1999 Commission agenda for this permit amendment, since that meeting is in San Diego.

Your staff report for subject permit sets a Special Condition that user fees for the skateboard park are subject to review and approval by the Coastal Commission through a permit amendment. User fees are necessary in order to fund site supervision at the skateboard park. State law exempts governments from liability for skateboard parks to the extent that participation is limited to children ages 14 and older and all participants wear protective equipment. The City wants the skateboard park to accommodate the demand represented by children under age 14 as well. To this end, the skateboard park must be supervised in order to obtain parental liability waivers from children under the age of 14 and to enforce the use of protective equipment. User fees will fund that site supervision.

The proposed fees are based on the skateboard park fees in Escondido and Encinitas; the fee schedules for these two parks are nearly identical. The proposed fees are identical to Escondido's, with the exception that we will also offer a \$1 discount on Mondays to users wearing the park tee-shirt, which is an idea we borrowed from the skateboard park in Encinitas. We believe these fees are fair and reasonable. We further believe that the Scholarship Program described below, which is currently in use at Recreation Centers throughout the City of San Diego, will meet the needs of low-income skateboard park users.

Most users will purchase a one-year \$15 Pass-Sport card which includes an photo I.D. card, park tee-shirt and eligibility to participate in all skateboard park programs. Children under 14 years of age will provide a liability waiver signed by a parent or guardian to obtain the Pass-Sport card.

Skateboard "sessions" will be 2 ½ hours on weekdays and 3 ½ hours on weekends. With a Pass-Sport card, session fees will be \$4 on weekdays and \$6 on weekends. On Mondays, Pass-Sport



Coastal Parks Division

Park and Recreation • Community and Neighborhood Services • 2581 Quivira Court • San Diego, CA 92109 • 3298
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EXHIBIT NO. 3

APPLICATION NO

6-98-138-A1

Fee Provisions

California Coastal Commission

card holders wearing the park tee-shirt will receive a \$1 discount on session fees.

Participants who do not wish to purchase an annual Pass-Sport card may purchase a single-session pass at \$10 per session, including the parental waiver for children under 14 years of age.

Multiple session passes will be offered at a discount: 10 weekday sessions for \$35 (\$5 savings) and 10 weekend sessions for \$55 (\$5 savings).

Additionally, we will offer a Scholarship Program whereby youth can provide assistance with maintenance or monitoring at the skateboard park in exchange for free use of the skateboard park.

The skateboard park will loan safety equipment (helmets and pads), at no charge, to those who do not have them, on a first-come, first-served basis. Skateboard park users must wear a helmet, knee pads and elbow pads.

Attached is a flyer from Escondido about its fees, and a synopsis of Encinitas' fees.

If you have any questions, or if you need additional justification to support our request for Commission approval of this Permit Amendment/Fee Schedule at its February, 1999 meeting in San Diego, please let me know. I can be reached at (phone) 221-8910, (fax) 221-8910.

Sincerely,



TERRI WILLIAMS

Deputy Director, Coastal Parks Division

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Attachments: Escondido Fee Schedule
Encinitas Fee Schedule

cc: Darren Greenhalgh, Supervising Project Manager
Sally Gollehon, Coastal Community Parks District Manager