

CALIFORNIA COASTAL COMMISSION

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Staff: DL-SD
 Staff Report: May 25, 2000
 Hearing Date: June 13-16, 2000

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-86-396-A4

Applicant: Thomas J. Lochtefeld

Original: Demolition of roller rink building and annexes to Mission Beach Plunge,
 Description: Reconstruction of indoor swimming pool room, and construction of eight (8) new buildings, totaling 70,000 sq.ft. of floor area, and other improvements.

Proposed Amendment: Conversion of a 9,846 sq.ft. vacant tenant space to a television studio and construction of an approximately 4,800 sq.ft. two-story temporary film set, up to 43 feet in height including outdoor decks and a pool, for an MTV television production at Belmont Park from April 28 through August 31, 2000. Nineteen public parking spaces would be used for production trailers and equipment. Construction of the set, use of the parking lot, and the commencement of filming has already occurred in an apparent violation of the Coastal Act.

Site: 3146 Mission Boulevard, Mission Beach, San Diego, San Diego County.
 APN 760-217-0700

Substantive File Documents: Substantive File Documents: Certified Mission Beach Precise Plan and Planned District Ordinance; Certified City of San Diego LCP Implementing Ordinances

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project. The project will take place during the summer months within a beach side amusement park/commercial center. Filming a popular television show at this location is expected to draw increased crowds to an already highly impacted public beach area. Currently, parking at the project site is insufficient even during the non-summer months to accommodate beach crowds. Thus, special conditions prohibit the use of any existing public parking spaces for storage or production trailers associated with the proposed development. However, the proposed project is not an advertised spectator event, like a volleyball tournament, designed for the purpose of attracting large crowds. Therefore, as conditioned to require off-site

employee parking and prohibit any special events beyond the proposed taping schedule, the project is not expected to have any significant adverse impact on public access or recreation.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-86-396-A4 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Final Site/Parking Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final site and parking plan which shall include the following components:

a) All production trailers and equipment shall be located in such a manner that no publicly available parking spaces are usurped, and no public access is substantially impeded.

b) Parking for all employees (including extras, technicians, and staff) shall be located in the unimproved dirt area designed for parking adjacent to Quivera Way.

The permittee shall undertake development in accordance with the approved landscape plan. 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.

2. Future Development. This permit is for construction of a temporary outdoor studio set with 15 multi-camera filming events between May 15, 2000 and June 8, 2000. Any other development proposals for the site including additional filming events or shows advertised and/or designed for the purpose of attracting public spectators, shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this permit.

3. Take-Down Dates. All temporary improvements must be removed from the site, and the site restored to pre-existing conditions, no later than September 1, 2000. The construction and dismantling shall minimize impacts to general public use of Belmont Park to the extent possible.

4. Condition Compliance. WITHIN FIVE (5) DAYS OF COMMISSION ACTION OF THIS COASTAL DEVELOPMENT PERMIT APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The subject project is located at Belmont Park, an amusement park and commercial/retail center on a 6.7-acre oceanfront site owned by the City of San Diego. Belmont Park consists of ten buildings including the Plunge Building (an indoor municipal swimming pool) and amusement rides such as the Giant Dipper roller coaster, a well-known landmark at the northwest corner of the site, bumper cars, tilt-a-whirl, carousel, and various other carnival-type rides. Existing leaseholds in the park also consist of miscellaneous food establishments, retail shops, and Pirate's Cove, a children's indoor play area. Several of the existing buildings are presently vacant. The site is located at the southwest corner of Mission Boulevard and Ventura Place immediately adjacent to and east of the Mission Beach boardwalk (Ocean Front Walk).

Mission Beach Park was originally developed in 1925. Approximately 10 acres of the total 18.7-acre site was once the "Belmont Amusement Park" site. Only two structures remain from that earlier development, the Plunge Building and the roller coaster. Other uses on the site include a lifeguard tower and public restrooms at the northwest corner of the lot. There are also two parking lots on the subject site, the largest of which fronts on Ventura Place and contains 269 parking spaces. A smaller lot fronts on Mission Boulevard and contains 71 spaces. Mission Beach Park also includes a large public parking lot to the south of Belmont Park and an improved grassy picnic area with tables to the south of the parking lot.

There have been three coastal development permits approved for the subject site in the past. The first, approved in January 1983, was for the renovation and construction of an existing park and recreation facility consisting of a large, open space play lawn area, picnic areas, two large parking lots, restroom facility, landscaping and walkways (CDP #6-82-543). The renovation occurred in the area immediately south of the Belmont Park facility.

The second permit, CDP #6-86-396, approved in 1986, involved extensive renovations to Belmont Park itself. These improvements consisted of demolition of the roller rink building and annexes to the Plunge, reconstruction of indoor swimming pool room, construction of eight (8) new buildings, totaling 70,000 sq.ft. of floor area, housing locker rooms, showers, mechanical equipment, athletic facilities, community meeting room, restaurants, food and beverage concessions and retail shops. Also included were renovations of the existing restroom and lifeguard facilities, construction of additional public restrooms and police shore patrol room, and construction of associated parking and landscaping improvements. Offsite improvements included construction of a pedestrian overpass over Mission Boulevard, resealing and re-striping the Bonita Cove parking lots, and upgrading existing bus stops on Mission Boulevard and West Mission Bay Drive.

Since that time, CDP #6-86-396 has been amended three times. The first amendment, approved in June 1988, allowed construction of external stairways and rooftop dining decks on three of the approved commercial buildings (Buildings #4, 5 & 6), replacement of a water feature with a carousel in the interior of the project, the addition of a Ferris wheel adjacent to the roller coaster leasehold on the Mission Boulevard frontage, and the delay of the construction of the pedestrian overpass pursuant to City Council action.

The second amendment, approved in May 1989, revised Special Condition #3 of the original permit eliminating the pedestrian overpass and using the funding for that project to construct various street improvements and landscaping improvements in the Bonita Cove area. The third amendment, approved in September 1999, was for the installation of water theme features within the park consisting of a primary "show wave", a half-pipe walk-through tunnel wave, children's wave with "Swirl Pool", "Point Break" wave and a training wave on each of the roof top decks of Buildings #5 and #6 and other minor water features.

Finally, in April 2000, the Commission approved a permit for installation of a prefabricated show wave and temporary bleachers in the west plaza the Center (#6-00-22).

Amendment Description

The subject amendment is to allow the temporary conversion of an existing 9,846 sq.ft. vacant suite at Belmont Park to a television studio, and construction of a temporary addition to the building consisting of a two-story, 4,800 sq.ft. outdoor set with decks, pools, and a tower structure. Portions of the entire structure would be as high as approximately 43 feet in height. The temporary set will be located in an area which was previously a plaza/outdoor seating area open to the public. Construction on the project began approximately March 28, 2000, with filming beginning on May 15 and lasting through August 21. The applicant has indicated that the set would be removed by September 1, 2000. Construction of the set has been completed and filming is on-going at time.

Because the proposed development takes place for more than two weeks continuously, the development does not qualify for an exemption under the Commission's adopted "Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements."

Although filming would occur both inside the studio and at the outdoor set throughout the event, fifteen special events involving multi-camera filming on the outdoor stage, would occur from May 15 through June 8. With one exception (May 20), all filming days are on weekdays. During these events, the applicant has indicated that 20 private security guests, 2-4 police officers and 2-4 additional lifeguards would be provided for public safety and crowd control. On the remaining film days, the applicant would have 10 private security guards and additional police and lifeguards on an "as-needed" basis.

The applicant is proposing to use 19 of the 71 public parking spaces located in the parking lot east of the main Belmont Park facility. The spaces would be used to house production office trailers for staff and editing equipment, a catering area, contestant holding, and art department tents. The applicant has indicated that these operations must be held within walking distance of the main building, and has submitted a letter from the Belmont Park management company indicating that there are no suites in Belmont Park available or suitable for such purposes.

The applicant is also proposing to use 50 public parking spaces at Quivera Basin for off-site employee parking. Staff and crewmembers would park at this lot and be shuttled by two passenger vans to and from Belmont Park in the mornings and evenings.

The subject site is bisected in such a manner that the approximately western half of the site is located within an area of the Commission's original jurisdiction and the eastern half is located within the City of San Diego's permit jurisdiction, the latter of which is also within the Commission's area of appeal jurisdiction. However, the applicant is

amending a previously-approved permit issued by the Commission prior to certification of the City's LCP and as such, all proposed improvement fall under the Commission's purview regardless of their location on the subject site. Therefore, since the portions of the site are within the Commission's area of original jurisdiction and portions are within the City's permit jurisdiction, the Commission must review the amendment utilizing both the certified LCP and Chapter 3 policies of the Coastal Act as the standard of review.

2. Public Access. The following Coastal Act policies address the issue of public access to the shoreline:

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby...

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities....

Section 30604

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

In addition, upon reliance of these policies, plan goals addressing parking and traffic circulation were incorporated into the certified Mission Beach Precise Plan as follows:

"The provision of increased residential, commercial, and recreational parking in order to reduce the serious deficit that presently exists."

"The provision of increased parking in order to reduce the serious deficit that presently exists."

"The reduction of overall vehicular congestion plaguing Mission Boulevard."

- a. Parking. Mission Beach is one of the most heavily used public beach areas in San Diego County. The subject site is located between the first coastal road and the sea. There is an existing improved public access all along the oceanfront via the boardwalk (Ocean Front Walk) to the west of the site. The proposed improvements will not alter or impede public access. In fact, the proposed improvements incorporate features that will enhance public access by creating openings in a structure that fronts on the boardwalk such that access will be facilitated between the boardwalk and Belmont Park.

Mission Beach is a narrow strip of land extending south as a peninsula to the entrance of Mission Bay. The community is accessed from Pacific Beach, located just north of Mission Beach, and by West Mission Bay Drive, which enters the community from Mission Bay Park to the east. There is only one major north-south road, Mission Boulevard, and one major intersection, Mission Boulevard and West Mission Drive. East of Mission Boulevard, West Mission Bay Drive becomes known as Ventura Place. The subject site (Belmont Park) is located at the southwest corner of that intersection, immediately adjacent to the beach. The parking lots at Belmont Park are not reserved for patrons of Belmont Park, but are available to the public on a first-come first-serve basis, and thus function as a beach parking reserve.

In past years, traffic circulation has been difficult in this area, particularly during the summer, and parking is at a premium. During the summer, the Belmont Park parking lots fill up rapidly, and on holiday and many non-holiday weekends, the lots are completely full by mid-morning. High volumes of traffic on Mission Boulevard occasionally result in police closing Mission Boulevard to traffic. The subject site and the parking area immediately south of Belmont Park is the main parking area for Mission Beach, and even outside the summer season, parking is quite limited.

The proposed project would occupy 19 public parking spaces in Belmont Park and 50 spaces off-site in Quivera Basin for employee ("technicians and talent") parking. When the park was renovated in 1986, the Commission applied the parking standards of the Beach Impact Area (BIA), which 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. The BIA constitutes the area where public recreational areas or viewpoints are within reasonable walking distance, and thus, the area where public beach-goers are most likely to be adversely impacted by increases in traffic and parking demands. Therefore, more stringent parking standards are enforced throughout the BIA Overlay zone. All of the subject site lies within the BIA.

Under CDP#6-86-396, the original Belmont Park permit, the Commission required that on-site parking be maintained at the ratio of 1 parking space for every 200 sq.ft. of gross floor area of restaurant use (including all sit-down eating facilities, regardless of size, plus any outdoor eating decks, courts or patios), and one parking space for every 400 sq.ft. of gross floor area of all other commercial uses. The Plunge Building, Building #8

(the Plunge annex housing the showers, lockers, mechanical equipment and meeting room) and the interior areas exclusively used for utility hookups and metering purposes for the commercial structures were excluded from parking requirements. In addition to the parking required for all new uses, the 135 public beach parking spaces previously approved for this portion of Mission Beach Park through #6-82-543, were permitted to be located in the Bonita Cove parking area across Mission Boulevard. The parking spaces area required to be maintained free of charge and open to both beach visitors and development patrons alike, on a first-come, first-serve basis.

There are a total of 340 parking spaces on the subject site; 269 spaces at the large parking lot fronting on Ventura Place and 71 spaces at the smaller parking lot fronting on Mission Boulevard, east of the roller coaster. As conditioned in the original permit, the individual lease spaces had not yet been designed, so it was unknown at the time of permit approval how much lease area would eventually be devoted to restaurant use. Therefore, changes in leasehold space were permitted as long as the parking ratios cited above could be met on-site for all of the proposed uses.

A recent summary of all existing leasehold spaces and uses within Belmont Park determined that there is a total of approximately 44,321 sq.ft. of retail use, 25,679 sq.ft. of existing indoor restaurant use or presently vacant sites previously used as restaurant space (not including the proposed 9,846 sq.ft. leasehold) and 15,000 sq.ft. of outdoor eating area. Outdoor areas associated with retail uses (such as outdoor rides and the water theme features recently approved) have typically not been counted as floor area in determining parking requirements. As such, the required parking for all existing leaseholds in Belmont Park excluding the subject site is as follows:

| | | |
|---|---|-------------------|
| 44,321 sq.ft. of retail/commercial use @ 1:400 | = | 111 spaces |
| 30,833 sq.ft. of restaurant /dining use @ 1:200 | = | <u>154 spaces</u> |
| TOTAL | = | 265 spaces |

At a ratio of 1:400, the 9,846 sq.ft. suite proposed for use as a television studio would generate a demand for 25 parking spaces. In addition, the applicant is proposing to use 19 parking spaces for production trailers and equipment. Thus, the temporary use would require 44 parking spaces, which is within the available number of parking spaces on-site, and is less than the 49 spaces that the restaurant use previously occupying the site required.

However, the parking ratios developed for commercial uses at Belmont Park were not intended to cover the type of television event proposed here. An indoor television studio, by itself, would most likely create less demand for parking than a restaurant. The proposed event, however, goes well beyond a simple television studio. The proposed project has the potential to draw significant crowds to the area that will be in direct competition with beach users for the limited amount of public parking available, and could contribute significantly to traffic problems on the adjacent streets.

The applicants have suggested that the event will not draw significant crowds for several reasons. The schedule of activity on the set will not be made public nor advertised, and any extras allowed onto the set will be auditioned off-site. Typical daily activity will consist of one on-air talent speaking to one camera, with an engineer on the site. Typical daily set operation will not include sound project or outside visual projection. The multi-camera show taping days, when there will be extras on the site and sound projection, are generally scheduled on weekdays, and will occur before the end of the second week of June, when schools release for the summer.

However, the proposed set structure is fairly prominent in appearance and very visible from the beach across from the site. The walls surrounding both levels of the outdoor set are glass or railings, so activity on the set is visible to passers-by. The taping schedule itself has not been advertised, but the presence of MTV at Belmont Park has been widely discussed in local media outlets, including the occasional advance notice of scheduled appearances by various music and television personalities.

No public access to the stage set is permitted, and given the large numbers of extras surrounding the stage, the ability of the public to observe shows being taped is somewhat limited. Nevertheless, at least one of the event days which has occurred so far (Tuesday, May 23), attracted crowds described in the local newspaper as in the "hundreds", despite cold and misty weather. In addition, MTV has also been taping outside the outdoor set on the public boardwalk and sandy beach, which is highly visible, and offers a possibility for members of the public to get on television (in the background), which clearly has the potential to draw large crowds to the area. The May 23 event also attracted local television station news crews, which are themselves crowd draws.

Unlike other special events the Commission has reviewed in the Mission Beach/Mission Bay, such as the ESPN X-games, the public has not been specifically invited to participate in the subject event, and the project clearly will not draw the thousands of spectators associated with the X-games or the Mission Bay thunderboat races. In general, no public beach area will be occupied, and there are obviously no fees involved. Based on the observation of Commission staff during portions of several of the event that have been held so far, security enforced free flowing access on the boardwalk, and access in and around Belmont Park was maintained.

However, the parking lots at Belmont Park were full during the observed events, even on cloudy weekdays in late May (although there were spaces available in the parking areas east of Belmont Park across Mission Boulevard). It is difficult to assess precisely how much of a demand for parking the proposed project will ultimately generate. However, given the high level of media interest and the weekday crowds drawn to the event up to this point, it is probable that crowds will continue to increase as warmer weather and the peak summer beach season arrives. Although the multi-camera taping events will end June 8, taping will continue throughout the summer, and the presence of television personalities and even a single hand-held camera on the beach is going to attract crowds.

Clearly, the proposed project will provide an entertaining spectator event; however, in doing so, it will likely generate demand for parking which cannot be met on site. As discussed above, the site is the prime parking location for beach access, and there are never "excess" parking spaces at Belmont Park during the summer. Therefore, the proposed use of 19 parking spaces for storage and production facilities would have an unacceptable impact on public access and recreation. Although it might require some rearrangement of the production facilities, tents and trailers could be located in various open paved areas on the Belmont Park property. While these areas are currently open to the public, temporary use of a portion of a courtyard under the roller coaster, for example, would have much less impact on the public than occupying scarce parking spaces. Although there may not be any vacant indoor suites large enough to hold the entire production area, it is likely that some suites could be used for portions of the film operations. Therefore, Special Condition #1 requires the applicant to submit and implement a revised parking/site plan demonstrating that the production trailers will be located in an area which does not substantially impede public access to the beach or parking lot, or involve the use of public parking spaces. Thus, no exclusive use of publicly available parking within Belmont Park is permitted.

In addition, the applicants are also proposing to use an additional 50 spaces in the parking lots at Quivera basin for employee parking. These parking lots, located in Mission Bay, approximately ½ mile east of Belmont Park, are available both to the general public and the commercial meeting facilities, etc. adjacent to the lots. The applicant is proposing to shuttle employees to and from this parking area in the morning and evening. These lots receive less use than many other areas of Mission Bay, because of the limited recreational and commercial facilities in the area. However, the Commission feels it is important to reserve the parking spaces adjacent to the Bay for the public to the greatest degree feasible. In the past, special event parking for such events as the San Diego Summer Pops concerts has been located in an existing dirt area adjacent to Quivera Way. The area is specifically signed and designed for parking, although it is not striped or formalized in any other way. There is adequate space for several hundred cars in this area. Special Condition #1 also requires that the off-site employee parking for the proposed project be located at this area, which will provide sufficient parking for the project while ensuring that the parking adjacent to the Bay remains available for public parking. All employees, including extras brought to the set, must park at this location.

As discussed above, the proposed show tapings are not expected to draw the numbers of people associated with advertised events such as the X-Games or Thunderboat Races. Therefore, a traffic and parking management program involving a public shuttle service, etc., is not required for the proposed project. Special Condition #2 clearly notifies the applicant that only the 15 multi-camera shows proposed between May 15 and June 8 are approved through this permit. Any addition events beyond these could involve additional impacts to public access and recreation, and could require additional mitigation.

In order to ensure that the proposed structure has the least possible impact on public access, Special Condition #3 requires that the temporary structures be removed and the area restored to its previous condition by September 1, 2000, which is the Friday before

Labor Day, the last major holiday of the summer season and a very popular beach holiday.

Because the development has already begun, Special Condition #4 requires that the applicant satisfy all the condition requirements set forth in the permit within 5 days of Commission action or within such time that Executive Director may grant for good cause.

As conditioned, the Commission finds the proposal consistent with the public access and recreation policies of the Coastal Act. While the temporary project most likely will attract additional people to the beach, as long as no existing public parking spaces are removed from public availability, impacts to the public are expected to be minimal. Therefore, the proposed development, as conditioned, can be found consistent with all of the applicable Chapter 3 policies of the Coastal Act and the certified LCP.

3. Visual Resources/Community Character. 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...

Upon reliance of this policy, plan recommendations related to protection of visual resources were developed and incorporated into the certified Mission Beach Precise Plan as follows:

“To enhance the quality of the physical environment of Mission Beach by upgrading the existing community and encouraging attractive development in the future.”

“To eliminate both visual and non-visual nuisances in Mission Beach.”

“Views to and along the shoreline for public area shall be protected from blockage by development and or vegetation.”

The subject site is located in the core of Mission Beach in a visually prominent area. As noted earlier, the site is immediately adjacent to the boardwalk fronting the beach and runs along the entire western boundary of the site. The intersection of West Mission Bay Drive and Mission Boulevard serves as the entrance to Belmont Park. Surrounding development includes residential uses to the south and picnic/play areas and a large public parking lot to the east across Mission Boulevard near Bonita Cove. To the north across Ventura Place is a mix of retail shops and restaurants. The site is a visually prominent structure as seen from the northern portion of Belmont Park, however, due to the existing Belmont Park buildings to the south and the lifeguard station to the north, the structure is only highly visible from the beach immediately west of the site. The structures are not visible from Mission Boulevard or Ventura Place.

Belmont Park is a developed amusement park with a variety of attractions representing an eclectic visual experience, and the proposed temporary structures are not incompatible with the character of the park. Although the height of the outdoor set will exceed the 30-foot high limit for this area, the structures are temporary and will be removed by September 1, 2000. No significant public views from surrounding streets or vista points are impacted by the structures. Therefore, the Commission finds project approval, as conditioned, consistent with Section 30251 of the Act and the certified LCP.

4. No Waiver of Violation. The construction and event has begun without benefit of a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this 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. Resolution of the violation will be handled as a separate enforcement action.

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, as conditioned, such a finding can be made.

The subject site is located within the Mission Beach segment of the City of San Diego's certified LCP. The subject site is bisected in such a manner that the western half of the site is located within an area of the Commission's original jurisdiction and the eastern half is located within the City of San Diego's permit jurisdiction, the latter of which is within the Commission's area of appeal jurisdiction. However, the applicant is amending a previously-approved permit issued by the Commission prior to certification of the City's LCP. Therefore, since the portions of the site are within the Commission's area of original jurisdiction and portions are within the City's permit jurisdiction, the Commission must review the amendment utilizing both the certified LCP and Chapter 3 policies of the Coastal Act as the standard of review.

The site is currently zoned "OS" for Open Space and the plan designation is Public Park in the certified Mission Beach Precise Plan and Planned District Ordinance. According to the Mission Beach Land Use Plan (Precise Plan), where the City finds it appropriate, commercial-recreation uses can be found consistent with a park designation. The proposed temporary structures and television studio not raise any conflicts with these designations and can be found consistent with all applicable policies of the Coastal Act. Therefore, the Commission finds that approval of the amendment, 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 Mission Beach area.

5. 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 visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing parking, 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.

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SITE

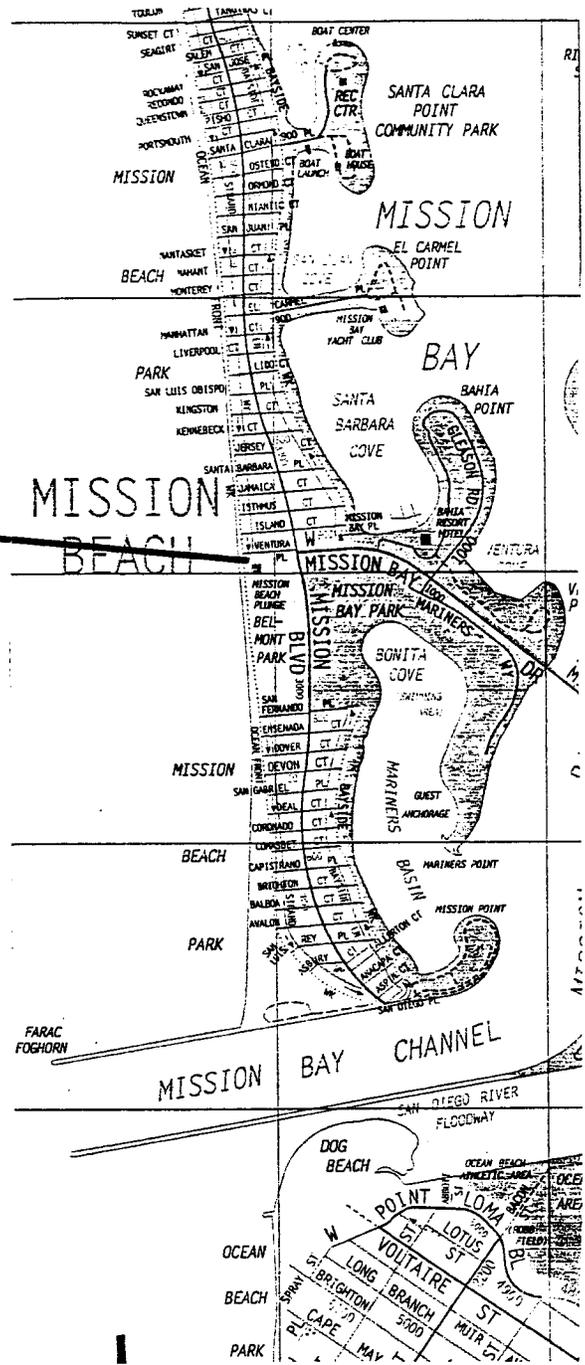
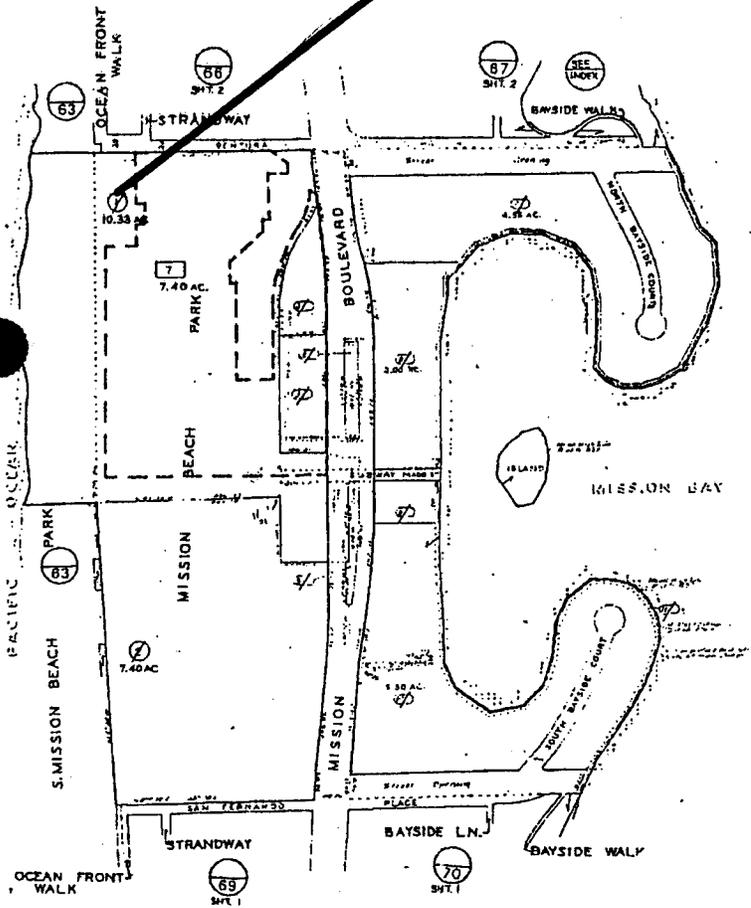


EXHIBIT NO. 1
APPLICATION NO.
6-86-396-A4
Location Map



MISSION BLVD.

VENTURA PLACE

19 PARKING SPACES TO BE OCCUPIED

EAST LOT PARKING

NORTH LOT PARKING

ROLLER COASTER

CAROUSEL

EXIST. BUILDING

EXIST. BUILDING

CONCRETE WALKWAY

EXIST. BUILDING

EXIST. BUILDING#7

EXIST. BUILDING#4

CONCRETE WALKWAY

EXIST. BUILDING#9
ENCLOSED POOL "THE PLUNGE"

CONCRETE WALKWAY

EXIST. BUILDING
LIFEGUARD STATION

PROPOSED
OUTDOOR
SET

PROPOSED
TV STUDIO

EXIST. BUILDING#6

EXIST. BUILDING#5

BOARDWALK

CONCRETE SEA WALL

EXHIBIT NO. 2

APPLICATION NO.

6-86-396-A4

Belmont Park

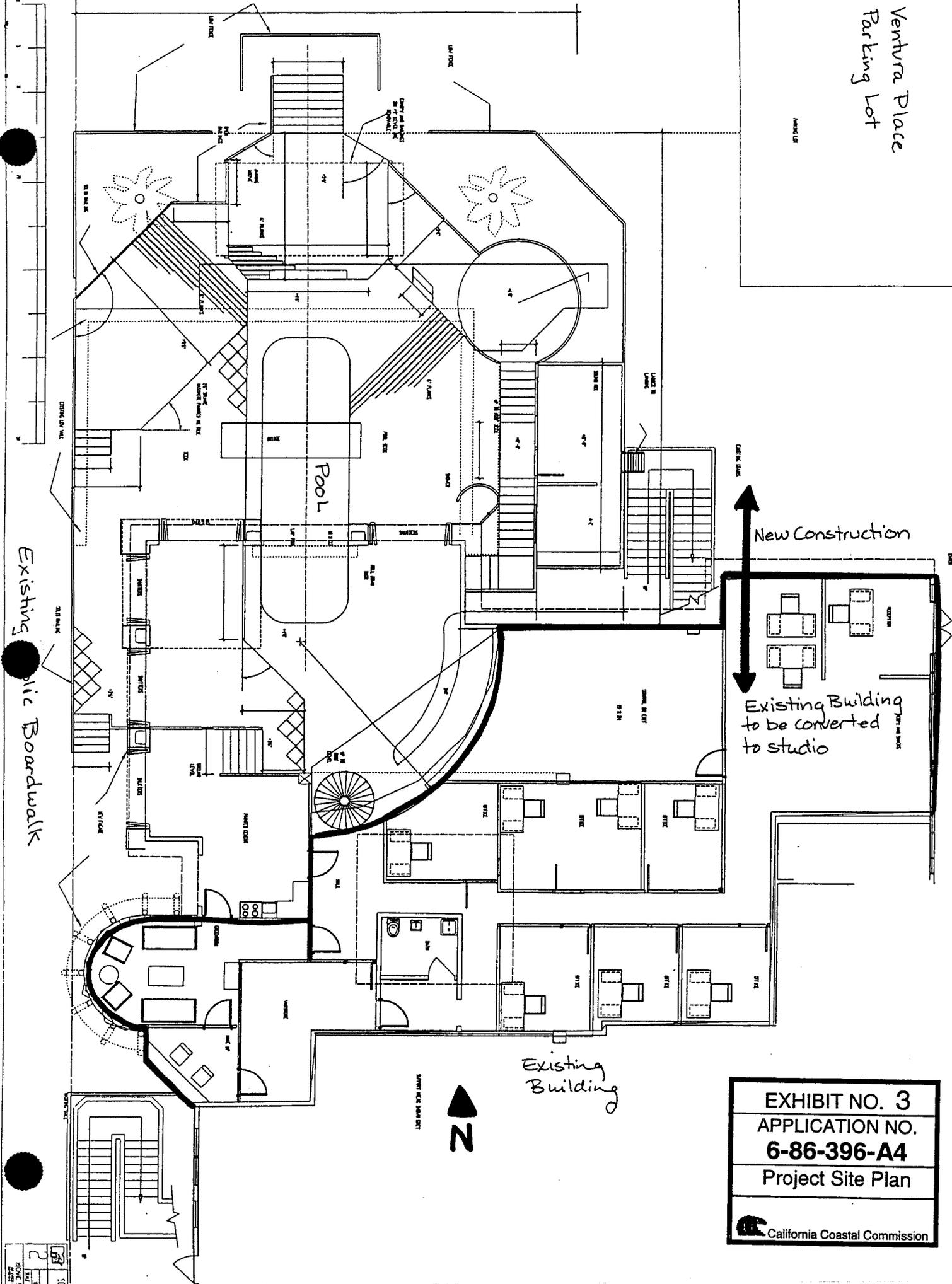
Site Plan

California Coastal Commission



BEACH

Ventura Place
Parking Lot

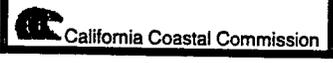


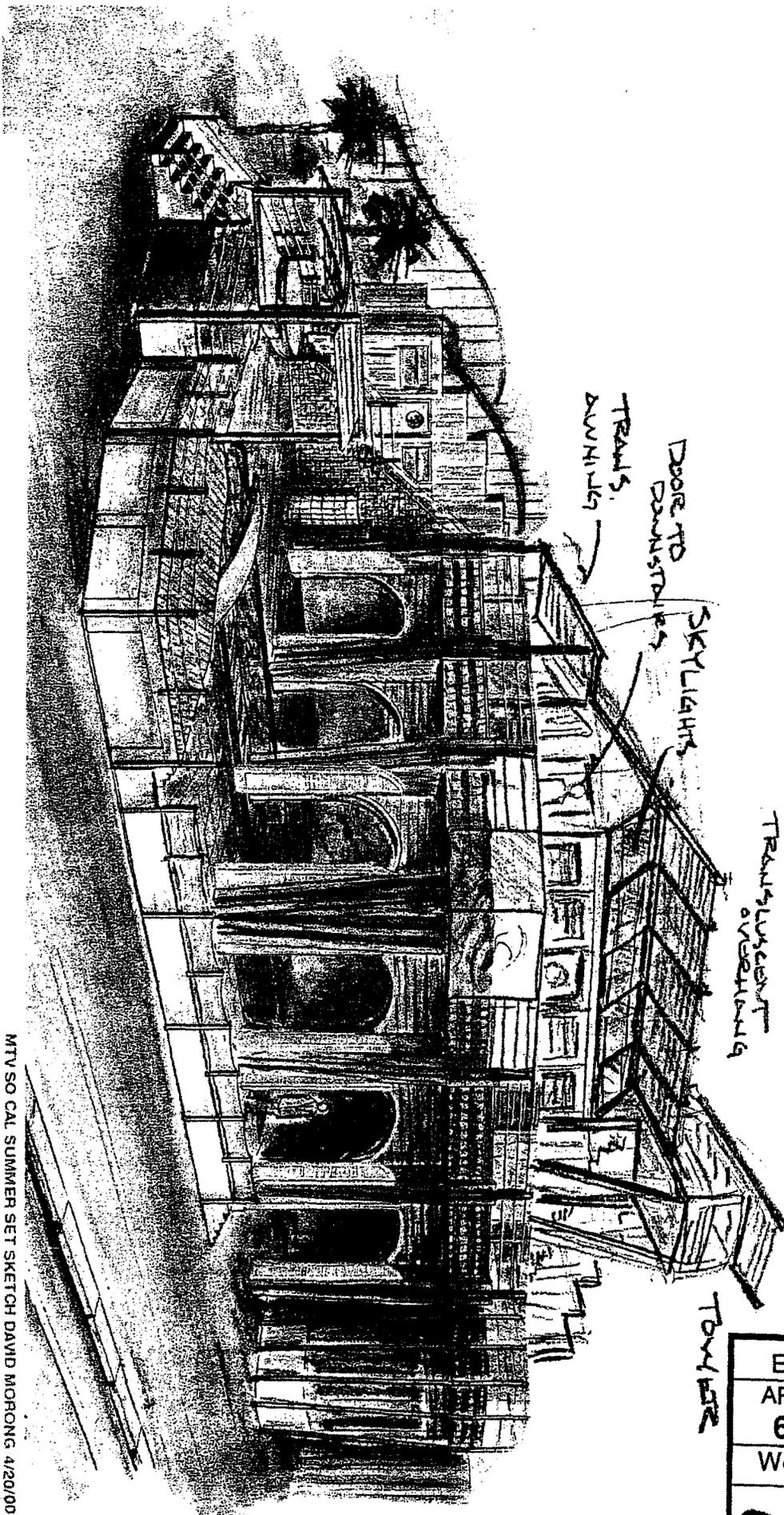
New Construction

Existing Building
to be converted
to studio

Existing
Building

EXHIBIT NO. 3
APPLICATION NO.
6-86-396-A4
Project Site Plan





MTV SO CAL SUMMER SET SKETCH DAVID MORONG 4/20/00

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| EXHIBIT NO. 4 |
| APPLICATION NO. |
| 6-86-396-A4 |
| Western Elevation |
|  California Coastal Commission |

William N. Kammer
816 Dover Court
San Diego, California 92109

RECEIVED

MAY 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 16, 2000

Mayor Susan Golding
202 C Street, 11th Floor
San Diego, CA 92101

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

re: Belmont Park Associates/MTV
Coastal Development Permit 6-86-396

Dear Mayor Golding and Coastal Commissioners:

Although I am the immediate Past President of the Mission Beach Town Council, I write this letter in my individual capacity. Nevertheless I suspect my views concerning the MTV approval process are shared by the great majority of the Town Council's members and the residents and businesses of Mission Beach.

I am concerned by the abrupt manner in which the City has permitted MTV to establish a television studio in the Belmont Park leasehold for a four-month period. To the best of my knowledge, no community planning or membership group was allowed any meaningful input into the process until after the conclusion of the arrangements with MTV. We also believe that no approvals were obtained from the Coastal Commission and no modifications have been made to the Belmont Park lease.

I do not know whether or not the Council or the community would have approved or opposed the MTV project, but at least they should have been informed of these facts:

- a) The facilities erected by MTV appear to violate the City's 30-foot height limit for structures in the coastal communities.
- b) The facilities erected by MTV apparently exceed the extent of the Belmont Park leasehold interest and invade the parkland to the north. These must be violations of the lease. I have spoken to Graham MacHutchin, the original developer of Belmont Park, and he believes that the early construction probably fully occupied the permitted footprint.
- c) MTV's improvements and reserved parking will apparently cause the loss of a significant number of beach parking spaces for the entire summer. This appears to be a specific violation of condition 2 of the Coastal Development

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| EXHIBIT NO. 5 |
| APPLICATION NO. 6-86-396-A4 |
| Comment Letter |
|  California Coastal Commission |

Permit (CDP) which requires prior review and approval by the Commission of any changes to the required parking areas.

- d) The MTV facilities and their use as a television studio may also violate the CDP. Without a copy of the Belmont Park lease, which was essentially incorporated into the CDP, I cannot know this for certain.

It may develop that MTV will be a good neighbor and a boon to our city and community. However our institutional memory is skeptical, colored as it is by the riot which occurred when MTV was last permitted into the coastal zone.

But this letter is not so much about the MTV uses as it is about the process by which they were allowed. The coastal zone is the common property of the people of the State of California. The State and the City are trustees for the people in governing that zone. When something like this occurs, you wonder about the quality of their stewardship.

Please call me if you have any questions. I look forward to your response.

Respectfully yours,

A handwritten signature in black ink that reads "Bill Kammer". The signature is written in a cursive, slightly slanted style.

William N. Kammer

cc:

Councilmember Byron Wear

Councilmember Christine Kehoe

Ms. Diana Lilly, staff, Calif. Coastal Commission